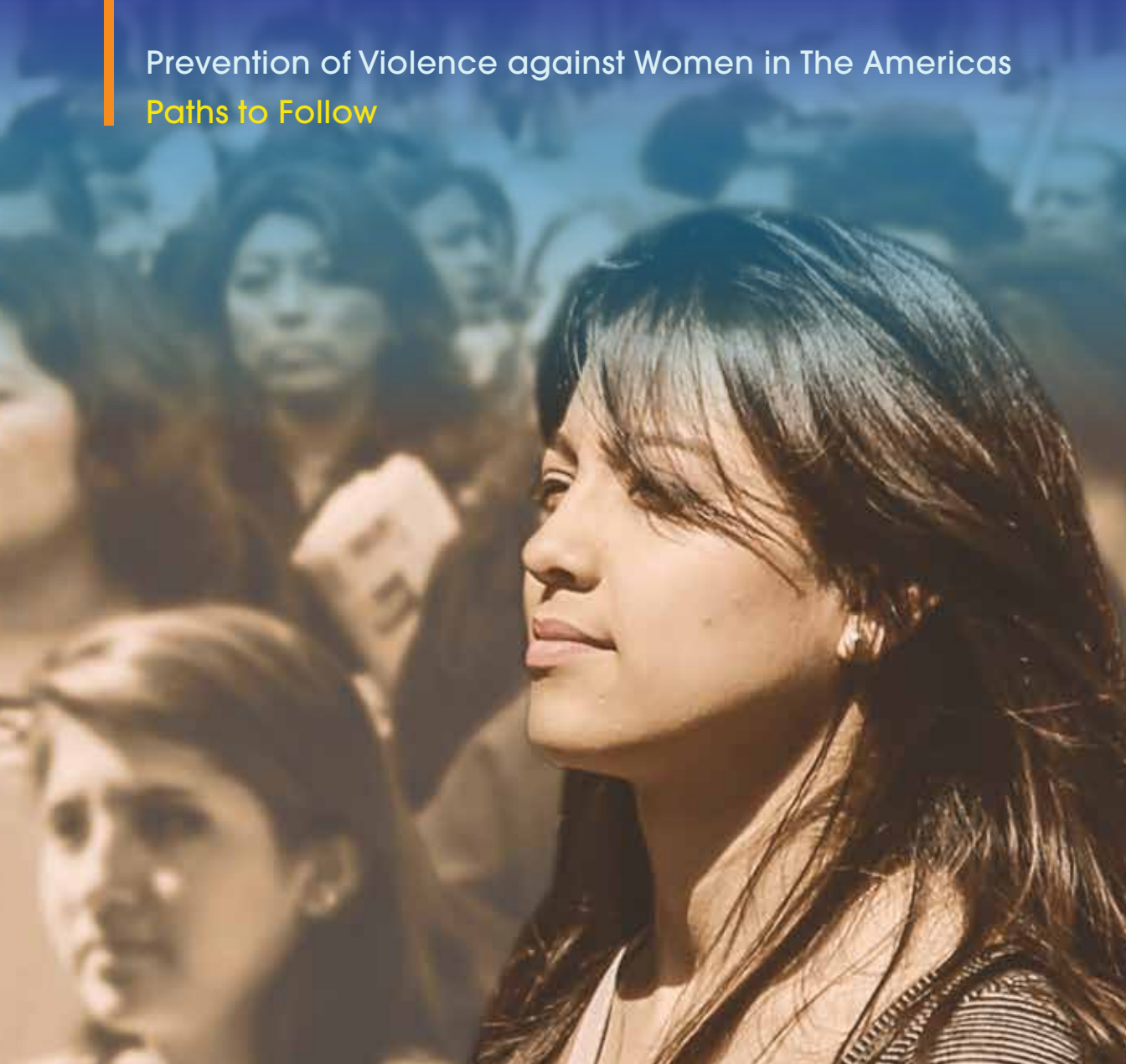


# Third Hemispheric Report on the Implementation of the Belém do Pará Convention

Prevention of Violence against Women in The Americas  
Paths to Follow



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**PANAMÁ**



# Third Hemispheric Report on the Implementation of the Belém do Pará Convention

Prevention of Violence against Women in The Americas  
Paths to Follow

The **Organization of American States** (OAS) brings together the nations of the Western hemisphere to promote democracy, strengthen human rights, foster peace, security and cooperation and advance common interests. The origins of the Organization date back to 1890 when nations of the region formed the Pan American Union to forge closer hemispheric relations. This union later evolved into the OAS and in 1948, 21 nations signed its governing charter. Since then, the OAS has expanded to include the nations of the English-speaking Caribbean and Canada, and today all of the independent nations of North, Central and South America and the Caribbean make up its 35 member states.

The **Follow-up Mechanism to the Belém do Pará Convention** (MESECVI) is an independent, consensus-based peer evaluation system that looks at the progress made by States Party to the Convention in fulfilling its objectives. MESECVI is financed by voluntary contributions from the States Party to the Convention and other donors, and the Inter-American Commission of Women (CIM) of the OAS acts as its Secretariat.

*Third Hemispheric Report on the Implementation of the Belém do Pará.  
Prevention of violence against women in the Americas: Paths to follow*

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## Third Hemispheric Report

*“(...) States must adopt comprehensive measures to comply with due diligence in cases of violence against women. In particular, they must have an adequate legal framework for protection, with effective application and with prevention policies and practices that allow states to act effectively in the face of complaints. The prevention strategy must be comprehensive, that is, it must prevent risk factors and at the same time strengthen institutions so that they can provide an effective response to cases of violence against women. Likewise, States must adopt preventative measures in specific cases in which it is evident that certain women and girls may be victims of violence...”<sup>1</sup>”*

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1 ORGANIZATION OF AMERICAN STATES (OAS), INTER-AMERICAN COURT OF HUMAN RIGHTS (Inter-American Court of Human Rights), González and others Case (“Cotton Field”) vs. Mexico: Judgment of December 16, 2009 (Preliminary objection, merits, reparations and costs), paragraph 258. At: [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_205\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_205_ing.pdf)



## PROLOGUE

*The Hemispheric Report of the Third Round of Multilateral Evaluation of the Implementation of the Convention to Prevent, Punish and Eradicate Violence against Women (Convention of Belem do Para) presents the progress of 24 countries in the region in effective compliance with the obligations assumed upon ratification.*

*It is the fruit of the effort of multiple actors. First of all the States, that had to respond to a significant number of indicators (145) of the CEVI progress monitoring system, regarding structural aspects, processes and results in the reception of the Convention's internal regulations, budget commitments, and state capacities for the prevention, sanction and eradication of violence against women in their country, as well as for comprehensive attention and reparation to victims.*

*Likewise, there was the invaluable contribution of 26 civil society organizations<sup>2</sup> that submitted 24 national and 2 regional shadow reports.*

*With this information, the Committee of Experts and the Technical Secretariat conducted an in-depth study of each response in light of the standards established in the Convention of Belem do Para in relation to the following thematic areas: (a) Legislation, (b) National Plans, (c) Access to Justice, (d) National Budget and (e) Information and Statistics, offering recommendations to the States for better implementation from a perspective of the prevention obligations of the Convention.*

*This emphasis on the States' obligation of prevention is realized with the understanding that this dimension allows us to face the roots of the problem,*

---

2 Civil Association Communication for Equality; Committee of Latin America and the Caribbean for the Defense of Women's Rights (CLADEM); Heartland Alliance for Human Needs and Human Rights in collaboration with: Association for a Better Life of People Infected / Affected by HIV-AIDS in Honduras (APUVIMEH), the Observatory on Gender Violence of the Ombudsman of the Province of Buenos Aires, Abosex (Advocates for Sexual Rights), AMMAR, Network of Sex Workers of Latin America and the Caribbean (REDTRASEX), Akahatá - Sexuality and Gender Working Team, REDLACTRANS - Trans-Latin American and Caribbean Network of Trans People - Costa Rican organization and United in Hope (UNES); Fundación Instituto de la Mujer, together with Structural Litigation for South America (Leasur, works with women deprived of liberty), Lésbica Breaking the Silence Association, Support Margin Foundation and Promotion of Women (sex workers), Observatory against Street Harassment (OCAC), Collective against Obstetric-Gynecological Violence, Raíces NGO (trafficking in persons and child sexual exploitation), Network against Violence against Women, Human Corporation (women's human rights), MILES Chile Corporation (sexual and reproductive rights), House of Memory José Domingo Cañas (commission of observers of DDHH); Colombia Diversa - Member of the Coalition of LGBTTTI Organizations; Women's Link Worldwide; Society Against Sexual Orientation Discrimination; Center for the Promotion and Defense of Sexual and Reproductive Rights - PROMSEX

*enabling the change of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination of the women as expressed in the preamble of the Convention itself, that recognized the concern of the States Party in stating that “violence against women is an offense against human dignity and a manifestation of historically unequal power relations between women and men”<sup>3</sup> .*

*Therefore, the objective of this arduous work is that the countries of the region share their experience and achievements in the unrelenting task of creating a violence-free life for women, as well as review their own laws, institutional structures, procedures and - in general - the content and direction of their public policies in the realm of women’s human rights.*

*The Committee, adopting the mandate of the Convention regarding the obligation of prevention recognized and established by the Inter-American Court of Human Rights, presents this report with the hope that it will be a contribution in the permanent and necessary follow-up of public policies that have as their main objective the eradication of violence against women and the elimination of stereotyped patterns of social and cultural behavior and practices based on concepts of inferiority or subordination<sup>4</sup>.*

*Diana González-Perrett*

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3 Preamble of the Convention of Belém do Pará.

4 Article 6 Convention de Belém do Pará.



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# CHAPTER 1



## MESECVI: Establishment and Operation of the Follow up Mechanism to the Belém do Pará Convention

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## MESECVI: Establishment and Operation of the Follow up Mechanism to the Belém do Pará Convention

1. The twenty-fourth regular session of the General Assembly of the Organization of American States (OAS), on a motion by the Inter-American Commission of Women, adopted by acclamation the “Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women,” known as the Belém do Pará Convention. This instrument entered into force on March 5, 1995 and has thus far been ratified by 32 States<sup>5</sup>.
2. The Belém do Pará Convention was a pioneer in placing violence against women on the international agenda and in recognizing it as a violation of human rights in the political, judicial, social, economic, and cultural spheres. The Convention establishes proactive obligations for States to prevent, sanction, and eradicate violence against women, and has served as an inspiration and reference for the modernization of the legislative framework in the region.
3. In order to accelerate fulfillment of the objectives of the Convention, the General Assembly of the OAS decided, five years after it came into effect, to develop a Project for the Follow-up Mechanism to the Implementation of the Belém do Pará Convention<sup>6</sup>. This mandate resulted in the convocation of the Conference of States Party on October 26, 2004, where the OAS approved the “Statute for the Follow-up Mechanism of the Implementation of the Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women, “Belém do Pará Convention” (MESECVI).
4. Article 1 of the Mechanism Statute establishes that, in addition to following up on the obligations of the States Party to the Belém do Pará Convention, the purpose of MESECVI is to promote the implementation of the Convention, contribute to the success of the objectives (the statute speaks of goals) established therein,

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5 To date, Canada and the United States have not ratified the Convention. Italy has signed the Convention; ratification is pending.

6 The General Assembly of the OAS adopted the following resolutions with respect to MESECVI: 1) AG/RES. 1942 (XXXII-O/03): receives the biannual report on compliance with the Belém do Pará Convention and urges the Secretary General, in coordination with the CIM, to convene the Conference of States Party to adopt a decision establishing on the best way to follow up on the Convention; 2) AG/RES. 2012 (XXXIV-O/04): urges all States to continue, inter alia, to support the efforts of the CIM in the development and implementation of the Follow-up Mechanism of the Convention; 3) AG/RES. 2138 (XXXV-O/05), urges all Member States, inter alia, to continue implementing MESECVI. In subsequent years, and in accordance with MESECVI regulations, the General Assembly of the OAS will receive the annual report on the implementation of MESECVI and adopt a resolution with the corresponding mandates, which will include urging governments to continue to strengthen the Mechanism.

and establish a system of technical cooperation among the States Party, which is open to the Member States and Permanent Observers.

**5.** For these purposes, the Mechanism is designed with two fundamental components: The Conference of States Party (CEP) and the Committee of Experts (CEVI)

**6.** The Secretariat of the Conference and the Committee is led by the Executive Secretariat of the Inter-American Commission of Women, which also serves as the principle office of MESECVI

**7.** The **Conference of States Party of the Convention** is composed of the National Competent Authorities, or the highest authorities on violence against women from each of the 32 member states of the Organization of American States that ratified the Belém do Pará Convention. The Conference's principle duties are as follows: i) develop guidelines for the work to be conducted by CEVI; ii) receive, analyze, and evaluate the reports and recommendations of CEVI; iii) and publish and distribute the Hemispheric Report of MESECVI. The Conference meets every two years.

**8.** The **Committee of Experts (CEVI)** is made up of national experts, nominated by their respective State Party before the MESECVI on a personal and independent basis, to carry out the following principle duties: i) develop an evaluation methodology and work timeline; ii) receive and evaluate the reports of the States Party and prepare recommendations; and iii) present reports to the Conference of States Party.

**9.** In addition, **civil society organizations** registered with OAS and dedicated to the promotion, defense, and protection of the rights of women, can participate in the MESECVI process. These organizations can support by facilitating the distribution of national, hemispheric, and follow-up reports, and by the monitoring and following-up on the implementation of the recommendations developed by the Committee of Experts during meetings of the Mechanism or by presenting Shadow Reports.

**10.** MESECVI conducts Multilateral Evaluation Rounds (REM), which include two distinct phases:

- **Evaluation** - CEVI analyzes the implementation of the Belém do Pará Convention based on the responses provided by the States Party to a system of progress indicators that measure the implementation of the Convention. They then develop recommendations for the Hemispheric Evaluation Report and corresponding National Reports. The reports are presented to the Conference of States Party and are published and disseminated at both the regional and

national levels. To date, this report is the Third Hemispheric Report on the implementation of the Convention of Belém do Pará for the period 2008-2017. Period of implementation of the convention.

- **Follow-up** CEVI circulates the progress indicators once again to analyze the effective implementation of its specific recommendations and prepares a Follow-Up Hemispheric Report. In the follow-up phase, the Committee of Experts analyzes the implementation of the recommendations that emerged from the evaluation phase, based on the information provided by the States Party. The Committee then prepares a Follow-up Report to the recommendations, which is submitted to the Conference of States Party<sup>7</sup> for approval. To date, two Follow-up Hemispheric Reports have been published (2011-2014) in addition to 19 National Reports, corresponding to the Second Follow-up Round on the Recommendations of the Committee<sup>8</sup>.

**11.** Of the 32 States of the region that have ratified the Convention, 30 have participated in the MESECVI evaluation rounds, and provided information to the Committee of Experts on their government's response to violence against women. With this information, MESECVI has prepared, reviewed and published more than 100 national reports, 75 shadow reports from civil society organizations, three hemispheric reports, two follow-up reports on the recommendations of the Experts, and one thematic report on child pregnancy. The Committee of Experts has issued a total of 151 recommendations to individual state actors and members of the international community.

**12.** In addition, the States Party and the Committee of Experts have adopted Declarations on political violence, femicide, the prevention of violence and sexual and reproductive rights that contributes to the development of international doctrine on this topic.

**13.** Awareness-raising and training tools have been developed, including guides for the application of the Convention and the use of the System of Indicators, and more than 500 people in different sectors in the region have received training.

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7 Article 25. Follow-up. (...) The report on the implementation of the recommendations should be submitted for approval to the Conference. Once it is made public, it will be elevated to the Assembly of Delegates of the Committee of Experts and the General Assembly of the OAS. Regulation of the Committee of Experts of the Follow-up Mechanism to the Implementation of the Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women "Belém do Pará Convention" (Approved at the first meeting of the Committee of Experts, held in Washington, D.C., August 25, 2005). At: <http://www.oas.org/en/mesecvi/meetingofexperts.asp>

8 MESECVI (2011). First Follow-up Report to the Recommendations of the Committee of Experts MESECVI -III/doc.57/11. At: <http://www.oas.org/en/mesecvi/library.asp> FOLLOW-UP MECHANISM OF THE CONVENTION OF BELÉM DO PARÁ (MESECVI), Second Monitoring Report on the Implementation of the Recommendations of the Committee of Experts of the MESECVI, 2015, (OAS, Official Documents, OEA/Ser.L/II) In: <https://www.oas.org/en/mesecvi/docs/mesecvi-segundoinformehemisferico-en.pdf>

**14.** There are also training and dissemination resources available, including, “Specialization and International Course in Public Policies and Gender Justice” in addition to a wide spectrum of communication tools, including a virtual data visualization platform, a summary of good practices, infographics, press releases, and social media campaigns and events specifically designed to raise awareness and identify specific actions that can be taken to prevent, punish, and eradicate violence against women in the region.

## Background on the Development of the Third Hemispheric Evaluation Report

### **Belém do Pará Convention. Article 8c.**

The States Party 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.

**15.** Since the First Hemispheric Report was published in 2007, The Committee has noted that the adoption of the Convention has led to “important gains in the prevention and punishment of violence against women” and has strengthened the States’ resolve on the need to establish effective measures; nevertheless, “there is still a long way to go to achieve the full exercise of the right of women to live a life free from violence”<sup>9</sup>. This reality highlights the importance of advancing long-term structural training plans, included in the budget of the regulatory parties, with the goal of structurally guaranteeing the provisions included in Article 8 of the Convention.

**16.** Along the same lines, the Committee of Experts recommended in the Second Hemispheric Report that the national intersectoral plans adopted by States Party to prevent, punish and eradicate violence against women include monitoring

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9 MESECVI (2008). First Hemispheric Report. p. 3

mechanisms, evaluation, dissemination and the participation of civil society, as well as punishment for civil servants who do not comply with their implementation<sup>10</sup>.

**17.** Given the need to continue to advance the prevention of violence against women, the Committee of Experts participated in the Belém do Pará +20 Hemispheric Forum “Prevention of Violence Against Women: Good Practices and Proposals for the Future”<sup>11</sup> which took place May 14 -16, 2014 in Pachuca, Hidalgo, Mexico. At this Convention, the principals and alternates adopted the Declaration of Pachuca, “Strengthening Efforts to Prevent Violence against Women” before the Inter-American Commission of Women (CIM). This declaration reaffirms the commitment of the States to take decisive public policy, educational, and communication actions as measures to promote gender equality in support of violence prevention, highlighting the recommendations to develop communications that counteract violence against women and gender-based discrimination in the media and serve to promote diversity and the right to equal opportunity as fundamental rights of democracy.

**18.** Based on this background, in the Second Round of the Follow-up to the Recommendations of the Committee of Experts, CEVI decided, as a way to measure the implementation and progress of CEVI’s recommendations, to request information from the States Party on their national plans, policies, actions and strategies for the prevention, care, and eradication of violence against women, as well as on the incorporation of indicators reporting the number of trained personnel and the impact of that training.

**19.** Based on this analysis, the Second Follow-up Report<sup>12</sup> confirmed that there is a general upward trend in the development of training programs to address this issue, particularly in the area of administration of justice. However, it also noted that work remains to be done to incorporate mechanisms of institutionalization, effectiveness, and necessary follow-up measures to achieve long term, sustainable change, while at the same time advancing efforts to allocate budget to the issue

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10 MESECVI (2012). Second Hemispheric Report on the Implementation of the Belém do Pará Convention. Recommendation No. 17: Adopt national intersectoral plans to prevent, punish and eradicate violence against women, together with mechanisms for their monitoring, evaluation and dissemination, ensuring civil society, organized communities and social movements’ participation in the different stages of said plans. Establish penalties for government officials who fail to implement them.

11 OAS, INTER-AMERICAN COMMISSION ON WOMEN, Committee of Experts of the Follow-up Mechanism of the Belém do Pará Convention (MESECVI), *Declaration of Pachuca “Strengthening the efforts to prevent violence against women.” 2014, foreword.* At: <https://www.oas.org/en/mesecevi/docs/DeclaracionPachuca-EN.pdf>

12 MESECVI, 2015, Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI. At <http://www.oas.org/en/mesecevi/docs/ceep1-doc10-en.pdf>

and develop policies that establish institutionalized training programs for the educational and health sectors.

**20.** The Twelfth Meeting of the Committee of Experts held October 13-14, 2015 in Lima, Peru, requested that the Technical Secretary incorporate progress indicators on the elimination of gendered stereotypes in education into the document Progress Indicators for the Measurement of the Implementation of the Belém do Pará Convention for Member States, and also agreed to initiate the Third Round of Evaluation which is the point of origin of this report.

**21.** Following that, the Competent Authorities at the Sixth Conference of the States Party to MESECVI held October 15-16, 2015, authorized the mandate to merge the application of the Belém do Pará Convention's provisions on an education free from stereotypes into the work of the follow-up Mechanism<sup>13</sup>.

**22.** All the previous efforts finally culminated at the 13th meeting of the Committee of Experts, held in October 2016. There, the Committee decided that the current Hemispheric Report corresponding to the Third Multilateral Evaluation Round would focus its analyses on the efforts of the States Party to prevent violence against women.

**23.** For the aforementioned reasons, the Committee of Experts (CEVI) of the Follow-up Mechanism of the Implementation of the Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women, Belém do Pará Convention (MESECVI), presents its third hemispheric report, corresponding to the evaluation phase of the Third Round of Multilateral Evaluation (III REM), initiated in October 2015.

**24.** This hemispheric report is based on the responses from the 24 National Competent Authorities (ANC) to a selection of 145 indicators from the follow-up progress initiative by the Committee of Experts (CEVI)<sup>14</sup>. It also takes into account the comments and observations of the 12 States Party<sup>15</sup> in the preliminary country reports adopted by the Committee of Experts, the 23 national shadow reports

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13 MESECVI, Sixth Conference of States Party, MESECVI -VI/doc.118/15.rev1, Agreement 4. Available at: <http://www.oas.org/en/mesecvi/conferenceofstatesparty.asp>

14 Antigua and Barbuda, Argentina, Barbados, Bolivia, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Grenada, Guatemala, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, the Dominican Republic, St. Kitts and Nevis, Saint Vincent and the Grenadines, Surinam, Trinidad and Tobago, Uruguay and Venezuela. The Bahamas responded to the indicators too late to include in this Report, however, a total of 25 responses to the Indicators were received.

15 Argentina, Barbados, Bolivia, Chile, Colombia, Costa Rica, El Salvador, Mexico, Peru, Trinidad and Tobago, Uruguay and Venezuela, as of the date of publication of this report. However, other States could send their comments to the corresponding preliminary reports at a later date.



on 17 countries<sup>16</sup>, in addition to the 2 regional shadow reports from civil society organizations<sup>17</sup>.

**25.** This report is comprised of two main parts that address the obligation to prevent from two perspectives: General Prevention and Special Prevention. Each part includes an analysis of the indicators relevant to the doctrine of the duty to prevent the violation of women's rights, taking into account an analysis of the calculation of the indicators evaluating legislation, national plans, and statistics and information on general and special prevention, and an analysis of access to justice and diversity. The 24 States that participated in this Third Round of the Multilateral Evaluation submitted information on these indicators.

**26.** The Committee goes on to analyze the hemispheric financial context of the prevention of violence against women and girls, and finally concludes with a chapter specifically dedicated to recommendations from the Committee to the States Party to the Convention.

**27.** CEVI would like to express their sincere appreciation for the efforts on the part of the States Party and the different civil society organizations in following up on the states' responsibilities to international agreements to guarantee the rights of the women in the region.

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16 Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic and Uruguay

17 Civil Communication Association for Equality; Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM); Heartland Alliance for Human Needs and Human Rights in collaboration with: Association for a Better Life for People Infected/Affected by HIV/AIDS in Honduras (APUVIMEH), the Observatory for Gender-Based Violence of the Public Defender's Office of the Province of Buenos Aires; Abosex (Attorneys for Sexual Rights); AMMAR; Network of Sex Workers in Latin America and the Caribbean (REDTRASEX); Akahatá – Working Group on Sexuality and Gender; REDLACTRANS – Latin American and Caribbean Network of Trans Persons; TRANSVIDA – Costa Rican organization and United in Hope (UNES); Foundation Women's Institute, together with Structural Litigation for South America (Leasure, works with women deprived of freedom), Lesbian Group Breaking the Silence, Foundation Margin of Support and Promotion of Women (sex workers); Observatory Against Street Harassment (OCAC); Collective Against Gyno-Obstetric Violence, Raices NGO (human trafficking and sexual exploitation of children), Violence Against Women Network; Human Corporation (Women's rights); MILES Corporation Chile (sexual and reproductive rights), José Domingo Cañas Memorial House (commission of human rights observers); Diverse Columbia – Integrator of the coalition of LGBTQ organizations; Women's Link Worldwide; Society Against Sexual Orientation Discrimination; Center for the Promotion and Defense of Sexual and Reproductive Rights – PROMSEX.

## CHAPTER 2



Obligation to Prevent in the Belém do Pará Convention

Foto: [www.flickr.com/photos/mirkofontanari/7042493143/](https://www.flickr.com/photos/mirkofontanari/7042493143/)

## Obligation to Prevent in the Belém do Pará Convention

**28.** Within the context of the Third Round of Multilateral Evaluation of the Implementation of the Belém do Pará Convention, CEVI decided to analyze the implementation of the Convention specifically with respect to the tools, actions and mechanisms developed by the States Party to guarantee the obligation to prevent established in the Convention. In this part of the report, the Committee believes that it is important to review the theoretical and doctrinal elements on the human rights of women developed in international law, in order to better understand the obligation to prevent violations of their human rights.

**29.** It is important to the Committee to emphasize that, in ratifying the Belém do Pará Convention, the States Party committed to adopt policies focused on the prevention, punishment and eradication of violence against women, to act with all due diligence to prevent, investigate and punish violence against women (article 7, section b); to modify the sociocultural patterns of male and female behavior, including the design of formal and informal educational programs appropriate for all educational levels; and to counteract prejudices, social customs and all other practices based on a premise of inferiority or superiority of either gender or in the stereotyped roles of men and women that legitimize or exacerbate violence against women (article 8, section b)<sup>18</sup>.

**30.** In the Declaration of Pachuca the Committee recognized that: “That in spite of the commitments adopted and the efforts made, of all the areas of work that are touched on by the Belém do Pará Convention, it is in the area of primary prevention that we have made the least progress,” and “here has been a still incipient development of integral and integrated models of prevention that allows us to go beyond isolated efforts, we still possess little systematized knowledge on how to conduct prevention and how to measure the impact of prevention efforts.”

**31.** From this initial diagnosis, the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention decided to analyze the responses from the States Party from the perspective of prevention, with the goal of determining the main achievements in this area, and to identify any obstacles that create a gap between officially recognized rights and the actual exercise of those rights by the women and girls of the region.

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18 OAS, INTER-AMERICAN COMMISSION OF WOMEN, Committee of Experts of the Follow-up Mechanism of the Belém do Pará Convention (MESECVI), *Declaration of Pachuca “Strengthening the efforts to prevent violence against women.” 2014, foreword.* At: <https://www.oas.org/en/mesecevi/docs/DeclaracionPachuca-EN.pdf>

# 1. Different Forms of Violence against Women and Unequal Relationships of Power

**32.** The preface to the Belém do Pará Convention expresses the concern in the American hemisphere concern about violence against women, which constitutes a violation of human rights and fundamental freedoms.

**33.** The violence that impacts women so severely is a manifestation of the historically unequal power relationships between men and women and transcends all sectors of society regardless of “class, race or ethnic group, income, culture, educational level, age or religion, and strikes at the heart of its very own foundations”<sup>19</sup>.

**34.** Elimination of this violence is an indispensable part of ensuring the individual and social development of women and their full and equal participation in all parts of life<sup>20</sup>.

## Article 2 of the Belém do Pará Convention establishes that

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

**a.** that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse;

**b.** that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and

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19 ORGANIZATION OF AMERICAN STATES (OAS), Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), adopted in Belém do Pará, Brazil, 1994, Twenty-Fourth Regular Session of the General Assembly, preamble. In: <http://www.oas.org/juridico/english/treaties/a-61.html> The Vienna Convention on the Law of Treaties in its article 31. 2 establishes the general rule of interpretation: “For the purposes of the interpretation of a treaty, the context will include, in addition to the text, its preamble and annexes...”. The Vienna Convention on the Law of Treaties, adopted in Vienna, May 23, 1969, (UN Doc A / CONF.39 / 27 (1969) .In:<http://www.oas.org/legal/english/docs/vienna%20convention%20treaties.htm>.

20 Idem.

c. that is perpetrated or condoned by the state or its agents regardless of where it occurs. Article 6 of the Belém do Pará Convention states: “The right of every woman to be free from violence includes, among others:

a. The right of women to be free from all forms of discrimination; and

b. The right of women to be valued and educated free of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination.

**35.** CEVI reaffirms that the Convention clearly delineates three areas or scenarios associated with women’s free exercise of their rights – the Convention holds that what defines violence is not the physical location where it takes place, but rather the power relationships that exist and the nature of the victims’ interpersonal relationship with their aggressors<sup>21</sup>. From that standpoint, there is a need to deepen our understanding of the mechanisms that perpetuate these unequal power relationships and of the measures necessary to eradicate them.

**36.** The Convention on the Elimination of All Forms of Violence Against Women (CEDAW) states that gender-based violence against women is rooted in:

*“factors related to gender, such as the ideology of the rights and privilege of men with respect to women, social norms related to masculinity and the need to affirm male control or power, impose the roles assigned to each gender and avoid, discourage or punish what is considered to be unacceptable behavior of women”<sup>22</sup>.*

**37.** These socio-cultural patterns of conduct of men are hallmarks of patriarchy, marked as it is by hegemonic masculinities and misogynist attitudes, unequal relations of power between men and women, gender-based discrimination and women’s subordination - all of which are core drivers of VAW. For this reason, the need to address the patriarchal environment that permeates all our societies is clearly addressed in Article 8(b) of the Convention.

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21 UNITED NATIONS ECONOMIC COMMISSION FOR LATIN AMERICA AND THE CARIBBEAN (ECLAC) *Not One More! The Right to live a life free from violence in Latin America and the Caribbean*. Santiago de Chile: Economic Commission for Latin America and the Caribbean, 2007, p.18, In Spanish at: <http://www.eclac.org/publications/xml/7/31407/Niunamas.pdf>.

22 UNITED NATIONS, CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW), *General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 (CEDAW/C/GC/35)*, July 26, 2017, English translation by MESECVI p. 8, paragraph 19 At: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en)

**38.** Urgently addressing the patriarchal culture is an imperative because, in fact, it undergirds and shapes the way in which general and special prevention measures are operationalized. Actions of duty bearers, whose obligation it is to prevent VAW, are strongly influenced by the patriarchal culture. Policy makers, legislators, law enforcement agents, prosecutors and judges act in accordance with the ideological framework that they embrace. The biased action and often, the non-action of these critical players, therefore, fall short in fulfilling State obligation to stem the tide of VAW and protect women's human rights. At the same time victims/survivors are equally socialised to accept the patriarchal culture, which conditions them to passively accept, rather than reject, violence as part of the fabric of their daily lives.

**39.** Compliance with general and special preventive measures laid out in the Belem do Para Convention, needs to be matched with equal or even greater attention to disrupting and dismantling intractable patriarchal ideologies, structures, systems and practices.

**40.** The 3rd Evaluation Round gave attention to issues of gender stereotyping with a focus on the roles that formal and informal education play in counteracting practices based on the superiority/inferiority of either sex. These measures, however, do not go far enough. Patriarchy is not only ideological, but also structural; and, until these structures are disrupted, the socio-cultural-political patriarchal milieu will continue to sustain the high levels of VAW in the region.

**41.** Two major systems and their associated processes buttress and sustain patriarchy. These are: a) patterns of schooling that reproduce the social order, and, particularly the gender order; and, b) the universal structure of economies that privilege males and subordinate women in paid work.

**42.** In the first instance many practices in schools serve to reproduce, reinforce and maintain sex-based discrimination and patriarchal power structures. The net outcome is the reproduction of the male/domination female/subordination hierarchy, and, the reproductive-productive, private/public dichotomies. Further, schools are also violent spaces; and, the extent to which a culture of violence is reproduced in this site is often underestimated.

**43.** Another major driver of VAW is the subordination of women in paid work, which is also directly linked to ways in which schooling reproduces the social order. The lack of economic independence that the majority of women face and their positioning in the lowest paying sectors of the economy, are strongly influenced by women's participation in the educational process both in terms of ideological and structural determinants.

**44.** The net outcome is that In many societies, in spite of women, as a group, representing the more highly qualified source of human capital, they continue to experience lower levels of employment and higher levels of unemployment, are clustered in the low paying and undervalued sectors of the economy and in the unprotected informal sector and, on average, earn less than men.

**45.** The resilience of these systemic patterns in schooling and in the economy is premised on the male breadwinner ideology, which is pivotal to the construction of a hegemonic masculinity and to male heterosexual identity - both closely associated with the levels of violence that women and girls experience in both the private and public spheres.

**46.** The Belém do Pará Convention extends to all forms of gender-based violence directed at women or which disproportionately affects women<sup>23</sup>. CEVI has noted that violence against women is one of the social mechanisms that forces women into positions of subordination to men<sup>24</sup>.

**47.** Women can be the victims of violence in a variety of circumstances, including within the family, in the community, and as a result of governmental practices. Women and girls are even more vulnerable to violence depending on their socioeconomic status, race, ethnicity, and if they are migrants or part of a displaced population. This report will address in detail different expressions of the necessary implications of the protection of human rights for each of the forms of diversity and interculturality of the women in the region.

**48.** Domestic violence is a widespread phenomenon that affects women regardless of social class. It is still perceived as acceptable and legitimate and is rarely reported as a crime, primarily out of fear of reprisal, family or community pressure to not air private problems, women lacking understanding of their rights, a lack of support services, economic dependence, and the perception that the

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23 MESECVI, Guide to the Application of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, 2014, Washington, DC, (Official documents: OEA/Ser.L/II.6.14), p. 21. At: <http://www.oas.org/en/mesecvi/docs/bdp-guiaaplicacion-web-en.pdf>; MARTÍNEZ VARGAS J. and VEGA BARROSA, G The Obligation of the State to Prevent in Light of International Corpus Juris for the Protection of Women Against Gender-Based Violence, *Ius et Praxis Journal*, Year 19, No. 2, 2013, University of Talca -Chile, p. 335-368, p. 338. In Spanish at: <http://www.redalyc.org/articulo.oa?id=19729337010>; and Inter-American Court of Human Rights González et al. ("Cotton Field") v. Mexico: Judgment of November 16, 2009, (Preliminary Objection, Merits, Reparations, and Costs), paragraph 75. At: [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_205\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_205_ing.pdf)

24 MESECVI, 2014, *Guide to the Application ...* op. Cit. p. 21

police will not respond with the appropriate solution. These concerns represent a significant obstacle that is perpetuated by the patterns of violence against women<sup>25</sup>.

**49.** The Committee of Experts has noted, in accordance with the Convention, that the violence against women that occurs in the public sphere transcends that which occurs in private. It takes place everywhere women go, and in all activities they participate in, including in the media and on transportation, in educational institutions, hospitals, at work, etc. The international community is paying ever increasing attention to femicide (defined as the murder of a woman solely because she is a woman); sexual violence, sexual harassment, human trafficking, and forced prostitution<sup>26</sup>. CEDAW also has noted that gender-based violence against women can occur in any space where women are present, including “workplaces, recreational activities, politics, sports, health services, education, as well as on social media, where violence is being redefined as it takes on a modern form on the internet and in digital spaces”<sup>27</sup>.

**50.** Finally, CEVI asserts that violence against women perpetrated or tolerated by the State or agents of the State, including sexual violence, including rape, committed in hospitals, educational institutions and places where freedom of movement is restricted, among other locations, is a particularly serious issue. The proliferation of sexual violence in armed conflicts or mass violations of human rights in the region demonstrates its widespread use as a weapon of terror with the aim of subjugating the bodies and lives of women<sup>28</sup>.

## 2. The Duty to Prevent Violations of the Human Rights of Women in Conformance with the Belém do Pará Convention

**51.** The States Party, in accordance with the obligations established in articles 7 and 8 of the Belém do Pará Convention, agreed to adopt a series of policies and measures, by all appropriate means and without delay, intended to prevent, punish and eradicate violence against women. At the same time, the States agreed to work progressively to adopt specific measures, including programs intended to guarantee the human rights of women and prevent all forms of violence against them.

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25 MESECVI, 20014, Guide for the Application ..., op. cit., page 23.

26 MESECVI, 2014, *Guide to the Application ...* op. Cit. p. 24

27 CEDAW Committee, 2017, General Recommendation no. 35 ..., op. cit., page 8, paragraph 20.

28 MESECVI, 20014, Guide for the Application ..., op. cit., page 24.



**Article 7:** *The States Party 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:*

- a. refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation;*
- b. apply due diligence to prevent, investigate and impose penalties for violence against women;*
- 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;*
- 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;*
- 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;*
- 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;*
- 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; and*
- h. adopt such legislative or other measures as may be necessary to give effect to this Convention.*

**Article 8:** *The States Party agree to undertake progressively specific measures, including programs:*

**a.** *to promote awareness and observance of the right of women to be free from violence, and the right of women to have their human rights respected and protected;*

**b.** *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 which are based on the idea of the inferiority or superiority of either of the sexes or on the stereotyped roles for men and women which legitimize or exacerbate violence against women;*

**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;*

**g.** *to encourage the communications media to develop appropriate media guidelines in order to contribute to the eradication of violence against women in all its forms, and to enhance respect for the dignity of women;*

**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; and*

**i.** *to foster international cooperation for the exchange of ideas and experiences and the execution of programs aimed at protecting women who are subjected to violence.*

**52.** The prevention of violence against women is a central tenet of the obligations outlined in the aforementioned articles of the Convention, and compliance with those obligations is essential in order to successfully achieve the goal of guaranteeing women the full exercise of the right to live a life free from violence, eradicate all forms of violence against them and protect their human rights.

**53.** Therefore, CEVI recognizes the importance and need to analyze this obligation within the framework of the International, Inter-American, and Universal Systems of human rights while ensuring these standards reach the standards of protection of the human rights of women as defined in the Belém do Pará Convention.

**54.** The general obligation duty to respect human rights and the obligation to ensure that all people in the country or who are subject to a specific jurisdiction<sup>29</sup> are able to enjoy the free exercise thereof is universally applicable to all human rights agreements. This obligation extends to all public powers and other public and governmental authorities at the national, regional or local level, who have the authority to act on behalf of the State<sup>30</sup>.

**55.** At the same time, States must refrain from violating the rights acknowledged in human rights agreements and conventions, and must move to adopt a series of “legislative, judicial, administrative, educational, and any other measures they deem appropriate” to meet their obligations<sup>31</sup>. Effective prevention<sup>32</sup> requires both the implementation of measures in the area of education, as well as a combination of diverse legislative, administrative, judicial, and other measures to ensure the human rights of girls and women<sup>33</sup>.

**56.** States should also adopt measures intended to “eliminate customary practices and those of any other nature that feed prejudices and perpetuate ideas of inferiority or superiority of either gender and stereotyped roles of men and women”<sup>34</sup>.

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29 UNITED NATIONS HUMAN RIGHTS COMMITTEE, *General Comment No. 31 (80), The Nature of the General Legal Obligation Imposed on States Party to the Covenant*, 2004, (2187<sup>a</sup> session), (CCPR/C/21/Rev.1/Add.13), paragraph 3, At:

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsjYoiCfMKoIRv2FVaVz-RkMjTnjR0%2Bfud3cPVrcM9YR0iW6Txaxgp3f9kUFpW0q%2FhW%2FTpKi2tPhZsbEJw%2FGeZRASjdFuujQRn-bjEaUhby31WiQPl2mLFDe6ZSwMMvmQGVHA%3D%3D>

30 Ibid, paragraph 4.

31 Ibid, paragraph 7.

32 UNITED NATIONS, *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, adopted December 18, 2002, by the General Assembly, A/RES/57/99, preamble. At: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N02/551/51/PDF/N0255151.pdf?OpenElement> and <https://www.cidh.oas.org/PRIVADAS/protocolofacultativo.htm>

33 Idem

34 UNITED NATIONS, COMMITTEE FOR THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW Committee), Draft General Recommendation No. 28 on Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, 2010, (CEDAW/C/GC/28), paragraph 9, In: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/472/63/PDF/G1047263.pdf?OpenElement>

**57.** Therefore, CEVI highlights the existing link between the obligation to prevent and the duty to take effective preventative measures and the consequences resulting from the absence of these measures, defining it in terms of the international responsibility of the State<sup>35</sup>.

**58.** For the purposes of this analysis, CEVI is also using, as a source, developments made by other organizations such as the Committee against Torture (CAT) which has developed an extensive doctrine on the protection of the right to personal integrity as a right protected by the prohibition of torture. CAT has noted that the obligation to prevent acts of torture “has a broad scope” and the prohibition of mistreatment is absolute, in that its “prevention (by the State) should be effective and compulsory”<sup>36</sup>.

**59.** On its part, the Subcommittee for the Prevention of Torture has noted that, “it is not possible to specifically state what the duty to prevent (...) means in the abstract”<sup>37</sup>. Nevertheless, the Subcommittee signals the importance of determining fulfillment of the legal commitments that have a preventative effect, agreed to by the States in international instruments. To this end, it considers that, “it is as much the practice of the State as the content of the legislative, administrative, judicial, etc. measures which define its determination to prevent”<sup>38</sup>.

**60.** This doctrine is an urgent call for the observance of these principles. A woman’s right to her personal integrity is the same right that serves as a principle source of the obligations included in the guarantee of the right to a life free from violence. For the Committee of Experts, these principles should serve as the basis of the mechanisms implemented in the region to decrease the rate of discrimination against women, the number of crimes perpetrated against women and a transformation of the value system directed at the elimination of the pattern of domination over women. For the CEVI, this same standard of protection should

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35 UNITED NATIONS, SUBCOMMITTEE FOR THE PREVENTION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, The approach of the concept of prevention of torture and other cruel, inhuman or degrading treatment or punishment by the Subcommittee on the Prevention of Torture in the framework of the Optional Protocol to the Convention against Torture and Other Inhuman or Degrading Treatment or Punishment, 2010, twelfth session, (CAT / OP / 12/6,) paragraph 1. In: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/OP/12/6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/OP/12/6&Lang=en)

36 UNITED NATIONS, COMMITTEE AGAINST TORTURE, General Comment No. 2, Implementation of Article 2 by States Party, (CAT / C / GC / 2), 2008, paragraph 3 At: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGC%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGC%2f2&Lang=en)

37 UNITED NATIONS, SUBCOMMITTEE FOR THE PREVENTION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, 2010, The approach to the concept of prevention ..., op. cit., paragraph 3.

38 Ibid, paragraph 3.

be applied to the protection of the personal integrity of women in order to guarantee their right to live free from violence.

**61.** In this sense, it is essential that States not only refrain from violating the human rights of women through their agents, but that they also be committed to preventing violence through the adoption of a variety of positive measures<sup>39</sup> that guarantee the necessary cultural changes to eliminate the causes of unequal power relationships.

**62.** To fulfill their obligation to guarantee the rights of women, States must require the adoption of a protective regulatory framework accompanied by awareness and educational policies for civil servants on the human rights of women, which will lay the foundation for governmental behavior respectful of these rights<sup>40</sup>. The Inter-American Court of Human Rights (IACHR) has established it necessary that, “(...) governmental conduct must ensure the actual existence of an effective guarantee of freedom and the full exercise of human rights”<sup>41</sup>.

**63.** CEVI emphasizes the importance of understanding that the duty to protect the rights established in the corpus juris of human rights is implied in the States’ adoption of a series of internal measures which include adjustment of the entire government apparatus and structures that represent public power, with the ultimate goal of ensuring governmental behavior that is respectful of the human rights of women and is directed at eradicating the sociocultural patterns and gender stereotypes that reinforce violence and discrimination.

**64.** The Committee considers it vital to use this report to analyze the legislative measures, national plans and commitments to cultural transformation in the different states, as well as the judicial measures taken to not only update the system to respond to the needs of women, but also those taken to transform judicial culture to one respectful of women and dedicated to the prevention of the violations of the human rights of women in the highest risk situations.

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39 I/A Court HR, 2009, Case of González et al. Mexico ..., op. cit., paragraph 243

40 Convention of Belém Do Pará, articles 7 y 8

41 I/A Court HR, 1988, Velásquez Rodríguez v. Case Honduras ..., op. cit., paragraph 167

**65.** Similarly, the States must adopt measures to ensure that violations of human rights are not repeated and do not reoccur<sup>42</sup>. As such, Article 7 establishes that the States' obligations are effective immediately and failure to comply will compromise the international responsibility of the State<sup>43</sup>.

**66.** In conclusion, the Convention expressly establishes the following obligations on the States' behalf to prevent violence against women: 1) States must adopt by all appropriate means and without delay, measures and policies aimed at the prevention, punishment and eradication of violence against women; 2) States must act with all due diligence to prevent all forms of violence against women; and 3) States must establish in their internal penal, civil, and administrative regulations, whatever provisions necessary to prevent, punish and eradicate violence against women.

## 2.1.-The international responsibility of the States for violation of the duty to prevent

**67.** States can compromise their international responsibility by failing to comply with the obligation to prevent established in international treaties on human rights, and by failing to act with all due diligence in the face of acts or situations which threaten human rights, be they committed by agents of the States or individuals.

**68.** The Court has established three elements necessary to determine international responsibility for violation of the obligation of prevention<sup>44</sup>: 1) when the State had or should have been aware of a real and immediate risk situation; 2) when the risk affects an individual or group of determined or determinable individuals; and, 3) the existence of reasonable possibilities on the part of the State to prevent this risk<sup>45</sup>.

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42 ORGANIZATION OF AMERICAN STATES (OAS), INTER-AMERICAN COURT OF HUMAN RIGHTS (Inter-American Court of Human Rights), Suárez Peralta vs. Ecuador, Judgment of May 21, 2013 (Preliminary Objections, merits, reparations and costs), Series C No. 261, paragraph 195. At: [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_261\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_261_ing.pdf)

43 MESECVI, 2014, *Guide for the Application...*, op.cit, p. 41.

44 MARTÍNEZ and VEGA, *The State Prevention Obligation ...*, op. cit., page 350

45 ORGANIZATION OF AMERICAN STATES (OAS), INTER-AMERICAN COURT OF HUMAN RIGHTS (Inter-American Court of Human Rights), Case of the Pueblo Bello Massacre. Colombia, Judgment of January 31, 2006, Series C No. 140, paragraph 123. At: [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_140\\_esp.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_140_esp.pdf); ORGANIZATION OF AMERICAN STATES (OAS), INTER-AMERICAN COURT OF HUMAN RIGHTS, Veliz Franco et al. Guatemala, Judgment of May 19, 2014, (Preliminary objections, merits, reparations and costs), Series C No. 277, paragraphs 139 and 142. In the Veliz Franco case, the Court clarifies the international responsibility of the State by evaluating the following: “ a) the State had timely, or should have, knowledge of the situation of real and immediate risk in which it found María Isabel Veliz Franco<sup>235</sup>; b) if, as the case may be, it had reasonable pos-

**69.** The Court's ruling on the international responsibility of States with respect to violations of human rights committed by individuals, and the duty to prevent, links the obligation of the States to adopt prevention and protection measures for individuals in their relationships with one another to the States' knowledge of a situation posing real and immediate risk to an identified individual or group of individuals, and the reasonable possibilities of preventing or avoiding this risk<sup>46</sup>, or that the State should have known about this situation of real and immediate risk - and the reasonable possibilities of preventing or avoiding that risk"<sup>47</sup>.

**70.** In *Velásquez Rodríguez v. Honduras* the Inter-American Court of Human Rights also ruled on the scope of governmental responsibility when the State has failed to respond to a violation of human rights with all due diligence in the prevention of the violation. In this case, the Court found that an illicit act that violates human rights, that cannot initially be ascribed to a State, having been committed, for example, by an individual or unknown perpetrator, can attach to the international responsibility of the State, not because of the act itself, but rather for the lack of the due diligence to prevent the violation<sup>48</sup>

**71.** In *María da Penha vs. Brazil*, the Inter-American Court of Human Rights defines domestic violence as a violation of human rights<sup>49</sup>. The Court successfully demonstrates the existing connection between discrimination and violence against women, by noting that the victim's circumstance was a result of a pattern of discrimination where women were the victims, by not having been acknowledged by the State in cases of violence<sup>50</sup>. In this sense, the court pointed out that the system's tolerance of domestic violence only serves to perpetuate "the causes and psychological, social and historical factors that sustain and feed the phenomenon

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sibilities to prevent or prevent the consummation and, if so, c) if it completed the due diligence with measures or actions to avoid injury to the rights of the girl named "

46 Inter-American Court of Human Rights, *Case of the Pueblo Bello Massacre vs. Colombia*, op cit page 140, paragraph 123.

47 IHR Court, *Gutiérrez Hernández and others v. Guatemala*, Judgment of August 24, 2017, (Preliminary objections, merits, reparations and costs), Series C No. 339., paragraph 140, In: [http://www.corteidh.or.cr/docs/casos/articulos /seriec\\_339\\_esp.pdf](http://www.corteidh.or.cr/docs/casos/articulos /seriec_339_esp.pdf)

48 Inter-American Court of Human Rights, 1988, (*Velásquez Rodríguez v. Honduras*), op.cit. paragraph 172.

49 MEJÍA LUZ PATRICIA, *The Inter-American Commission of Women and the Belém do Pará Convention. Impact on the Inter-American System of Human Rights*, *Journal of the Inter-American Institute of Human Rights* (IIDH) Special edition on the XXX Inter-Disciplinary Course on Human Rights (56). San José: 2012, p. 199. In Spanish <http://www.corteidh.or.cr/tablas/r30352.pdf>

50 MEJÍA, 2012, *The Inter-American Commission of Women ...* op.cit, p. 199.

of violence against women”<sup>51</sup>. The Court thus determined that States Party to the Belém do Pará Convention must act with all due diligence, and in fact go beyond just judging and sentencing, and execute on their obligation to “prevent these degrading practices”<sup>52</sup>.

**72.** In *González et al. vs. Mexico*, there is again an existing connection between discrimination against women, gender-based violence and the importance of the State to respond in conformance with its duty to prevent and act with due diligence in the face of contexts and acts of violence against women.

**73.** In its study of the location where three young women were murdered, the Court noted that although the motives and perpetrators of the killings in Ciudad Juarez were different, many cases of gender-based violence occur within the context of systematic discrimination against women<sup>53</sup>. The Court expressed its concern that, “some of these crimes appear to show high levels of violence, including sexual violence, and in general have been influenced by a culture of discrimination against women, that is tolerated and accepted by the State”<sup>54</sup>. It made clear that the culture of discrimination against women influenced the motives and methods of the crimes; and that the indifferent attitudes and inefficient documentation that accompanied the investigations<sup>55</sup> was reflected in the State’s response to the crimes<sup>56</sup>.

**74.** As such, the Court establishes that the creation and use of stereotypes is one of “causes and effects of gender-based violence against women”<sup>57</sup> resulting, as in this case, in the most serious of outcomes for women, when gender stereotypes are reflected, “implicitly or explicitly in policies and practices, and particularly in the reasoning and language of the police”<sup>58</sup>.

**75.** The Court concluded that the violence against the women constituted a form of discrimination and declared that the State violated its duty against discrimination

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51 Inter-American Committee of Human Rights, 2001, (Report No. 54/01, Maria Da Penha Fernandes, Brazil), op.cit. paragraph 55. In Spanish: <http://www.cidh.oas.org/annualrep/2000sp/capituloiii/fondo/brasil12.051.htm>

52 IACHR, 2001, Report No. 54/01 ..., op.cit., Paragraphs 56 and 58

53 Inter-American Court of Human Rights, 2009, (*González et al. v. Mexico*), op. cit, paragraph 133.

54 Ibid, paragraph 164.

55 Idem.

56 Idem

57 Ibid paragraph 401.

58 Idem.



as written in article 1.1, with respect to the duty to guarantee the right to life (article 4.1), personal integrity (article 5.1, 5.2) freedom and personal security (article 7.1), as well as the right to access to justice consecrated in articles 8.1 and 25.1 of the American Convention on Human Rights<sup>59</sup>.

**76.** In this case the Court noted that, considering what the State knew and per its obligations in cases of violence against women, reinforced by article 7.b of Belém do Pará Convention, its failure to act with due diligence to prevent the deaths and aggressions suffered by the women, and its failure to act as could reasonably be expected in conformance with the obligation to guarantee human rights, is extremely serious and put the women in a special situation of vulnerability<sup>60</sup>.

**77.** In view of this, the Committee of Experts agrees that compliance with the duty to prevent requires the States to adopt a set of policies and legal, administrative, judicial, cultural, educational and other measures to effectively safeguard the human rights of women and girls. These measures must be aimed at preventing any violations of human rights in both the public and private spheres, and be capable of fostering a culture respectful of human rights.

## 2.2.-General and Special Prevention of violence against women

**78.** An examination of the root causes of VAW, in all its forms, reveals that it is undergirded and driven by a pervasive patriarchal culture that actually negates the effectiveness of both General and Special Prevention measures.

**79.** The Report reveals that although, in some ways, the patriarchal socio-cultural environment is addressed under the rubric of General Prevention measures, if VAW in this Region is to be curtailed, and, ultimately eliminated, the patriarchal culture and patriarchal structures and systems, need to be explicitly tackled in a more direct manner through this Mechanism, than now is the case.

**80.** In *María Da Penha v. Brazil*, the Inter-American Court of Human Rights found that the State had not complied with its obligation to act with all due diligence to prevent, punish and eradicate domestic violence<sup>61</sup>, when it failed to condemn and

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59 Inter-American Committee of Human Rights, 2009, (*González et al. v. Mexico*), op. cit, paragraph 402.

60 MEJÍA, 2012, *The Inter-American Commission of Women ...* op.cit, p. 202.

61 OAS, INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), Report No. 54/01: Case 12,051 *Maria da Penha Maia Fernandes, Brazil*, April 16, 2001, paragraph 58. At: <http://www.cidh.oas.org/annual-rep/2000sp/capituloiii/fondo/brasil12.051.htm>

punish the killer for 15 years in spite of the appropriate and timely complaints filed by the victim<sup>62</sup>. The Commission noted that the case was part of a pattern of tolerance by the State towards domestic violence and stated that the “general and discriminatory judicial ineffectiveness creates an environment that facilitates domestic violence, in the absence of socially perceived evidence of the will and effectiveness of the State, as a representative of society, to sanction those acts.”<sup>63</sup> In this emblematic case, it is evident that in order to guarantee the human rights of women and girls, States must adopt different measures aimed at preventing and punishing domestic violence<sup>64</sup>.

**81.** Along the same lines, in *González et al. (“Cotton Field”) vs. Mexico*, the Inter-American Court of Human Rights, in a case involving the “disappearance and ultimate death” of three young women, in which the “homicides committed were gender-based and within the recognized context of violence against women”<sup>65</sup> took the opportunity to weigh in on the content of the obligation to prevent gender-based violence and the duty to act with all due diligence.

**82.** The sentence highlights two key moments: the first, prior to the victims’ disappearance; and the second, prior to finding their lifeless bodies<sup>66</sup>. In the first, the States is alerted to the existence of a pattern of violence against women that violates their human rights. It is there where a general policy focused on preventing and eradicating violence against women applies. Therefore, the Court decided that in this case, “it has no choice but to make clear that the lack of a general policy initiated at the least in 1998 when (...) was alerted to the pattern of violence against women (...) is a failure of the State to fulfill its general duty to prevent”<sup>67</sup>.

**83.** The second key moment is when the State had knowledge of the real and immediate risk of women being victims of violence. In the “Cotton Field” case, the Court found: “(...) that faced with such a situation, there is a strict duty to act with all due diligence in response to complaints of the disappearance of women, particularly in the first hours and days of the search efforts”<sup>68</sup>.

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62 Ibid, paragraph 44

63 Ibid, paragraph 56

64 Ibid, paragraph 56

65 Inter-American Court of Human Rights, 2009, (*González et al. v. Mexico*), op. cit, paragraph 231.

66 Inter-American Court of Human Rights, 2009, (*González et al. v. Mexico*), op. cit, paragraph 281.

67 Inter-American Court of Human Rights, 2009, (*González et al. v. Mexico*), op. cit, paragraph 282

68 Ibid, paragraph 283.

**84.** Based on these two moments established by the Court, the Committee of Experts proposes that the policies destined to implement the obligation to prevent violence against women and girls be developed on two separate planes of equal importance - the first: general prevention; and the second: special prevention.



SEXUAL VIOLENCE  
AFFECTS INDIVIDUALS  
AND COMMUNITIES



New York City Alliance  
Against Sexual Assault

TAKE  
RAPE  
SERIOUSLY

Y  
NS  
LD  
VE

WANTS



# CHAPTER 3



General Prevention, Legislation, National Plans, Information and Statistics, and Budget

Foto: [www.flickr.com/photos/congresoperu/5207406995/](http://www.flickr.com/photos/congresoperu/5207406995/)

## General Prevention, Legislation, National Plans, Information and Statistics, and Budget

**85.** The general prevention of violence against women and girls requires the adoption of a variety of comprehensive measures intended to reduce risk factors and eliminate the possible causes<sup>69</sup>, including historically unequal power relationships between men and women; discrimination; stereotyped patterns of behavior, and social and cultural practices based on concepts of inferiority or subordination.

**86.** At the same time, general prevention requires a political environment<sup>70</sup> prepared to adopt measures to eradicate the causes and forms of violence against women; one which respects human rights and the Rule of Law<sup>71</sup>; promotes the equality of women in the political, economic and social spheres; guarantees the duty to act with all due diligence in cases of violence against women; and requires that the States adopt a protective legal framework which permits the authorities to act effectively in response to complaints<sup>72</sup>.

**87.** This political and regulatory plan requires the adoption of measures intended to prevent the causes that engender violence with the ultimate goal of eradication. Contributing to the reduction of risks should create an institutional environment<sup>73</sup> which includes mechanisms for the protection of women, with offices and procedures for accepting complaints, and public policies for the prevention, awareness and eradication of violence against women.

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69 OFFICE OF THE HIGH COMMISSIONER OF THE UNITED NATIONS FOR HUMAN RIGHTS (OHCHR), ASSOCIATION FOR THE PREVENTION OF TORTURE (APT) and THE FORUM OF NATIONAL INSTITUTIONS OF HUMAN RIGHTS OF ASIA AND THE PACIFIC (Asia-Pacific Forum), *Prevention of Torture: Operational guide for National Human Rights Institutions*, 2010, page 3. Direct prevention is defined: "Direct prevention (mitigation) aims to prevent torture from occurring by reducing the risk factors and eliminating the possible causes. This intervention occurs before torture takes place and its purpose is to address the root causes that can lead to torture and cruel treatment; it is characterized by the training, education and periodic monitoring of places of detention. Direct prevention looks to the distance and its long-term goal is to create an environment in which torture is unlikely to occur." At: [http://www.ohchr.org/Documents/Publications/PreventingTorture\\_sp.pdf](http://www.ohchr.org/Documents/Publications/PreventingTorture_sp.pdf)

70 Ibid

71 Ibid

72 Inter-American Court of Human Rights, 2009 (González et al. v. Mexico), op.cit, paragraph 258

73 ACNUDH, APT, Foro Asia-Pacífico, 2010, *Prevención de la tortura...*, op. cit, page 4.

**88.** In addition, existing structural, social and familial risk factors should be studied and addressed with the goal of preventing violence<sup>74</sup>. This requires a social and cultural environment<sup>75</sup> that condemns violence against women and promotes social and cultural transformation in favor of their rights. Specifically, general prevention requires the following:

- 1) A regulatory framework with regulations that punish and prevent all forms of violence against women in accordance with the definition of violence against women contemplated in the Convention of Belem do Para, and for this purpose they should be necessary norms of penal civil and administrative nature, among others that are considered necessary.
- 2) In the realm of education, a set of norms is required to ensure that women and girls receive education free of violence, gender stereotypes and without discrimination in educational entities.
- 3) Positive measures, such as prioritized national plans to ensure the exercise of the human rights of women as equals; and which include, among other things, processes for sensitivity training and cultural transformation; the self-regulation of the media – including TICs – and corresponding oversight by independent organizations that include citizen participation; promote compliance with international regulations, respect freedom of expression, include the right to information and the communication of rights to girl children and women, such as the right to not suffer from discrimination<sup>76</sup>.
- 4) Efficient and effective monitoring mechanisms<sup>77</sup> that provide clear information and statistics that analyze the different violent situations suffered by girl children and women. This information is needed to create the necessary transparency and publicity to ensure the wide participation of the actors called to evaluate, monitor and participate in the adjustment process of currently existing measures.

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74 OAS, INTER-AMERICAN COMMITTEE OF HUMAN RIGHTS Access to Justice for Women Victims of Violence in the Americas, 2007, (OEA/Ser. L/V/II. Doc. 68, 2007), p. 72, paragraph 164. At <https://www.cidh.oas.org/women/access07/Report%20Access%20to%20Justice%20Report%20English%20020507.pdf>

75 OHCHR, APT, Asia-Pacific Forum, 2010, Prevention of Torture ..., op. cit., page 3.

76 MESECVI, 2014, Declaration of Pachuca...op.cit.

77 OHCHR, APT, Asia-Pacific Forum, 2010, Prevention of Torture ..., op. cit., page 7.



5) A basic financial context and adequate budget commitments to guarantee the implementation of these policies.

**89.** This approach develops a strategy to prevent violence against women that incorporates the following interrelated elements: a) legal framework to prevent, punish and eradicate all forms of violence against women; b) the effective application of said legal framework and c) follow-up mechanisms of the legal framework and its application.

**90.** The Inter-American Court for Human Rights has noted that the prevention of violence against women must be comprehensive, “it must prevent risk factors while at the same time, strengthen the institutions that can provide an effective response in cases of violence against women”<sup>78</sup>. It is essential that the State drive the changes necessary to reduce the risk of violence against women; and also work to effect the social and cultural changes that will lead to equality for women and guarantee their right to a life free from violence.

**91.** The States of the Belém do Pará Convention agreed to modify the socio-cultural patterns of men and women, with the goal of counteracting prejudices, customs and practices based on the premise of inferiority or superiority of either gender, or in the stereotyped roles of men and women that legitimize and exacerbate violence against women. These changes include the development of formal and informal programs appropriate for all educational levels<sup>79</sup>.

**92.** MESECVI has provided recommendations on the obligation to prevent in which we have identified the steps that comprise general prevention of violence against women: legislative progress, action protocols, content and material free of gender stereotypes and the relationship between the State and Civil Society. These recommendations were listed in the Second Hemispheric Report<sup>80</sup> and have led to this round of evaluation in light of the obligation to conduct a detailed follow-up of their implementation.

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78 Inter-American Court of Human Rights, 2009, González et al. v. Mexico... op.cit, paragraph 258

79 Belém do Pará Convention, article 8.b.

80 See Recommendations 1, 15, 16, 20, 27 and 31.

# 1. Regulatory Framework and Legislative Progress

**93.** The Committee of Experts has consistently reiterated, across a variety of forums, the importance of laws that protect the rights of women. These laws, however, must be accompanied by public policies aimed at eradicating violence, and take into account the reality of the diversity of the women in region and the persistence of socio-cultural patterns that entrench the perspective of hegemonic power through historically accepted discriminatory behaviors.

**94.** This reports presents the analysis of the implementation of the Committee's recommendations provided to the States in previous reports, in response to the need to harmonize the regulatory framework related to the prevention and punishment of violence against women and to enact legislation guaranteeing adequate funds for the implementation of public policies and plans for the prevention, awareness, punishment and progressive eradication of violence against women in the public and private spheres.

**95.** For the Committee, legislative progress will be tangible once there is a discernable positive effect on the development of public policies, plans, programs and activities. Their effectiveness was based on 15 indicators<sup>81</sup> and 3 qualitative signs of progress<sup>82</sup>.

**96.** The indicators evaluate the following: national or federal laws and plans targeting the eradication of violence against women; national budget laws and their link to prevention plans; the participation of civil society in the development of public policies aimed at women; systemic training processes; commemorative activities; the execution of programs with cultural relevance; the evaluation of educational content; the production of monitoring reports; the existence of entities that receive complaints on the breach of the regulations

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81 Each indicator is accompanied by a table developed based on responses provided by the States in the Third Round of Evaluation that seeks to describe the level of participation achieved by the States in their response to each indicator, highlighting the States that provided and systematized the information and the corresponding percentage with respect to the total number of States Party to the Convention. The goal is to obtain a broad view of the challenges faced by the States and on the other hand, of the obstacles faced for the compilation of the information relative to this international obligation. These tables constitute quantitative support for the qualitative analysis that has been developed. At the same time, they seek to identify regional trends and challenges resulting from the analysis of the information.

82 Signs of progress could acquire a numerical value, but more important is the ability to the interpretation of the women and girl children addressed by Convention. The difference is the method of calculation of the indicator, which in this case responds to qualitative investigative techniques, which can be expressed numerically or by explaining the results achieved. Inter-American Commission of Women, Follow-Up Mechanism of the Belém do Pará Convention (MESECVI), Practical Guide for the *Application of the System of Indicators for the Belém do Pará Convention*, (OAS. Official Documents; OEA/Ser.L/II.6.15, Washington DC, 2015. P. 22

that seek to prevent violence, such as standards of social coexistence and other early warning rules; and the existing codes of conduct in the region.

**97.** With respect to these, the Committee notes with concern that only 29.76% of the responses from the 24 States that participated in the Third Round of Evaluation provided information on the fulfillment of the standards established by the Convention associated with the obligation to prevent violence against women and girls and their right to be educated free from stereotyped patterns.

**98.** The omissions in the States' responses could be the absence of the systematization of information relevant to the evolution of policies directed at eradicating, punishing and preventing violence against women. Alternatively, it could be the lack of inter-agency communication between and among the offices in the different branches of national, state or local governments that execute policies aimed at guaranteeing the right of women and girls to live a life free from violence.

**99.** This, without a doubt, speaks to the existing limitations of the use of this information in the evaluation and follow-up of the policies currently being implemented. This situation opens the door to invite the States Party to the Convention to present relevant information related to the progress indicators, as well as to strengthen, develop and execute all the associated measures in the legislative arena with the goal of achieving a better analysis of the situation in the region. The Committee analyzed progress on the following topics:

**a) Existence of laws and/or public policies directed at preventing and eradicating discriminatory behavior or cultural practices based on the subordination or inferiority of women**

**100.** The Committee considers it necessary to pass legislative initiatives or national plans that impact the educational and cultural fields, to be accompanied by action and sensitization campaigns that generate awareness and change in favor of equality for women within the family, community and State institutions.

**101.** At the same time, the Rapporteur of the United Nations proposes an approach based on "cultural negotiation" which addresses the fundamental causes of violence

and conducts awareness initiatives on the practices that generate violence<sup>83</sup>. To this end, the Rapporteur proposes the following: “a) appeal to the positive elements of the culture to demystify the oppressive elements of the discussion based on culture; b) demonstrate that culture is not immutable and homogenous; and c) identify and question the legitimacy of those who monopolize the right to speak on behalf of culture and religion”<sup>84</sup>.

**102.** On the other hand, violence prevention policies should contribute to the promotion of a secure environment where women and girl children can develop and freely exercise their rights. To achieve this, measures to ensure the safety of women and girls in, “public spaces, including urban infrastructure (well-lit, safe transportation) as well as the identification of unsafe areas”<sup>85</sup>. The Committee, therefore, believes it necessary to evaluate the measures implemented by the states in this arena.

**103.** Using this indicator, the Committee seeks to analyze the quality and extent of the efforts of the State, the coverage and content of the strategies, policies, plans, programs or other activities and interventions established to reach the goals, the implementation of laws, oversight of the application of public policies<sup>86</sup>, what type of legal system has been designed to respond to the obligations included in the Convention, and above all, what public policies exist and what degree of institutionalization have they achieved<sup>87</sup>.

**104.** During the Second Follow-up Round, the Committee noted that 100% of the States in the region have a law or public policy to protect against or punish

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83 UNITED NATIONS, ECONOMIC AND SOCIAL COUNCIL, ETURK YAKIN, SPECIAL RAPPOREUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES, Integration of the Human Rights of Women and the Gender Perspective: Violence against women. The Rule of Due Diligence as an Instrument for the Elimination of Violence against Women, 2006, (E / CN.4 / 2006/61), page 24, paragraph 85. In: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G06/103/53/PDF/G0610353.pdf?OpenElement>

84 Ibid, paragraph 85

85 UNITED NATIONS, UNITED NATIONS ENTITY FOR GENDER EQUALITY AND THE EMPOWERMENT OF WOMEN, ONUMUJERES, 10 Basic elements for the prevention of violence against women. Publication information: 2016, (brief resource), in [www.onumujeres.org](http://www.onumujeres.org). In: <http://www.unwomen.org/en/digital-library/publications/2016/11/essentials-for-addressing-violence-against-women>.

86 Inter-American Commission of Women, Follow-Up Mechanism of the Belém do Pará Convention (MESECVI), Practical Guide for the Application of the System of Indicators for the Belém do Pará Convention, (OAS. Official Documents; OEA/Ser.L/II.6.15, Washington DC, 2015. P. 22

87 Acceptance of the right allows one to assess what kind of legal system has been devised to meet the obligations included in the Convention and, above all, what public policies are in place and the extent to which they have become institutionalized. Inter-American Commission of Women, Follow-Up Mechanism of the Belém do Pará Convention (MESECVI), Practical Guide for the Application of the System of Indicators for the Belém do Pará Convention, (OAS. Official Documents; OEA/Ser.L/II.6.15, Washington DC, 2015. P. 24.

violence against women<sup>88</sup>. However, when the Committee analyzed and reviewed the responses to the indicators, to assess the connection between the law and public policy with the specific obligation to prevent or eradicate gender stereotypes, only 14 States Party responded.

**105.** In these responses, the majority of the States listed the existence of one or more laws to prevent violence against women, to eradicate discrimination where gender is one of the protected categories, to promote the equality of women or resolutions which establish policies directed at addressing cases of violence against women. In this same indicator, only 10 of the 14 States linked these laws to policies aimed at preventing discriminatory behavior or cultural practices based on the subordination or inferiority of women<sup>89</sup>. Additionally, only the Dominican Republic reported having a public policy unaccompanied by a specific regulation. Grenada was not included in the analysis as it only made reference to constitutional protection.

**106.** According to information provided by the Civil Communication Association for Equality to MESECVI<sup>90</sup> Argentina stands out as a positive example. In 2009 it began the development of a new regulatory framework for communication and gender, consistent with “Chapter J” of the Beijing Platform for Action. This new framework states that, “While not explicitly defined as public policies for communication and gender, the new regulations, measures and actions are functioning as tweezers on the media in a strategy that specifically targets prevention”. The shadow report also confirms the existence of two laws that address punishment: Law 26485 – Law for Comprehensive Protection to prevent, punish and eradicate violence against women in all environments where they form interpersonal relationships and Law 26522 for Audiovisual Communication Services, wherein the country began to “reflect on the potential of public policies on communication and gender” as well as on the “responsibility of the state with respect to prevention by imposing limits on the violations of rights in the media”.

**107.** The Committee notes that the majority of States have more than one legal/institutional mechanism in their public policies that contribute to the eradication of conduct based on the subordination of women. Such is the case with National

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88 See the Second Hemispheric Follow-Up Report, p. 29 and ss

89 Argentina, Colombia, Costa Rica, Guatemala, Grenada, Honduras, Mexico, Panama, Peru, Chile, Costa Rica, El Salvador, the Dominican Republic, Uruguay, Venezuela.

90 Public Policies for communication and gender in Latin America: a path to follow ..... [et.al.]; compiled by Sandra Chaher, pp. 17 and 201st edition – Autonomous City of Buenos Aires: Eudeba, 2014.

Mechanisms for women's rights, observatories or research and follow-up centers, and ministerial units dedicated to comprehensive protection.

**108.** In the English-speaking Caribbean, St. Kitts and Nevis and Suriname reported that there were no existing laws and/or public policies directed at the prevention or eradication of discriminatory behavior or cultural practices based on the subordination or inferiority of women. Grenada reported that its constitution guarantees equal rights for all regardless of race, sex, political belief, and place of origin, among other factors. No additional information was provided.

**109.** The CEVI highlights the enlargement of administered legal assets; the increase in the number of States punishing femicide<sup>91</sup>; those that recognize gender identity and sexual orientation as groups protected from discrimination (Argentina, Colombia, Venezuela and Panama), and very specific laws addressing sexual education programs (Argentina), or the education of pregnant teenagers (Panama).

**110.** With respect to the associated public policies, CEVI calls attention to the States that responded, highlighting the existence of policies directed at equality and gender equity (Costa Rica, Honduras, Mexico, and Panama); the comprehensive development of women (Guatemala, Colombia, and Mexico); as well as for the prevention of violence (El Salvador, Guatemala, Mexico, the Dominican Republic and Uruguay).

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91 Countries that sanction Femicide with respect to the Monitoring report. Based on the definition of the Committee of Experts; Bolivia, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Venezuela.

**Table 1.-** Existence of laws and/or public policies directed at preventing, punishing and eradicating discriminatory cultural behaviors or practices based on the subordination or inferiority of women.

State Party	Existence of Laws And/or Public Policies Directed at Preventing, Punishing and Eradicating Discriminatory Cultural Behaviors or Practices Based on The Subordination or Inferiority of Women *
<b>Argentina</b>	Comprehensive Protection Law 26.485 to prevent, punish and eradicate violence against women in their interpersonal relationships. Gender Identity Law 26.74. Law 26.150 establishing the Comprehensive Program for Sexual Education, better known as the ESI Program. Commission on Gender Issues, established August 2007 by Resolution DGN N° 1157/2007. Resolution DGN N° 1545/2015 on lesbians, gays, transsexuals, bisexuals and intersexuals, and Resolution DGN N° 534/2009 on Women Against the Law.
<b>Chile</b>	Law N° 20.820 establishing the Ministry of Women's Affairs and Gender Equality.
<b>Colombia</b>	Law 1482, punishing acts of racism or discrimination, to include those based on gender. Law 872 and regulatory Decree 4295 (Model of Differential Approach of the Colombian Institute of Family Welfare)
<b>Costa Rica</b>	Executive Decree 38120-C (National Policy of Cultural Rights, which includes a National Policy on Cultural Rights, including a gender sensitive approach).
<b>El Salvador</b>	Special Comprehensive Law for a Life Free From Violence Against Women
<b>Guatemala</b>	Law Prohibiting Femicide, and other Forms of Violence Against Women; Law Prohibiting Sexual Violence, Exploitation and Human Trafficking; Law to Prevent, Punish and Eradicate Interfamilial Violence; Law for the Dignity and Promotion of the Integrity of Women; Law for Social Development, of the Congress of the Republic; Comprehensive Law for the Protection of Children and Adolescents; and the Law for the Protection of Elderly Persons.
<b>Honduras</b>	Law Prohibiting Domestic Violence (Decree No. 132-97 and amendments passed by Decree No. 250-2005.) Provisions in the Criminal Code in the amendments included in 1996, 1997 and 2005. Law Prohibiting Human Trafficking, Legislative Decree No. 59-2012. Law of Equal Opportunity for Women and Rules of Procedure (Legislative Decree No. 34-2000). Criminal Procedure Code, (Decree No. 9-99-e).
<b>Mexico</b>	Law establishing the National Institute for Women; Law for the General Access of Women to a Life Free From Violence; General Law for Gender Equality; Federal Law to Prevent and Eliminate Discrimination.
<b>Panama</b>	Law No. 4 of 1999 (Equal Opportunities for Women); Law No. 82, October 24, 2013 (classifying femicide as a crime and ensuring measures to combat violence against women), Law No.16 (for the Prevention and definition of crimes against personal integrity and sexual freedom), Law No.29 (to guarantee the health and education of pregnant adolescents); Law No.38 (Law to prohibit domestic violence and abuse of NNA) and Law No.39 (on responsible parenthood).
<b>Peru</b>	Ministerial Resolution No. 00050 (strengthening of comprehensive health care to treat violence and interfamilial violence); Resolution No. 0004 (compulsory and timely notification across the National Health System of physical abuse and sexual violence in the information system of the National Center for Disease Control; Resolution No. 000032 (effective implementation and follow-up of the guidelines of the comprehensive health care strategy).
<b>Uruguay</b>	Law of equality between men and women No.18.104 of 2007. Decree PE 306/15 (Action Plan 2016 - 2019, for a Life Free of Gender Violence). Law against domestic violence, No17514 of 2002 - Law of Eradication of Domestic Violence No17,514 of 2002 and Law on Criminalization of Domestic Violence, No. 16,707 of July 12, 1995, Article 18 - Penal Code Law No. 9155 art. 321 bis
<b>Venezuela</b>	Organic Law to Prohibit Racial Discrimination, (2013), contributing to the prevention and eradication of discriminatory cultural behaviors and practices based on the subordination or inferiority of women of African descent.

\*Grenada was not included in the table as it did not mention a specific law, but only referred to the protections granted in the National Constitution.

Source: In-house, based on information submitted by the States Party in the Progress Indicators presented by the States Party in the Third Round of Multilateral Evaluation of MESECVI

**Table 2.-** Public Policies attached to laws and other existing judicial instruments

State Party	Public Policies Attached to Laws and other Existing Judicial Instruments
<b>Colombia</b>	The Model of Differential Approach of the Colombian Institute for Family Welfare recognizes the rights of children and adolescents of both genders, promotes the guarantee of their comprehensive protection, promotes equity and non-discrimination based on the principle of co-responsibility of the State, society and parents and that includes a gender focus.
<b>Costa Rica</b>	National Policy for Gender Equality – PIEG; Executive Decree 38120- National Policy for Cultural Rights, which includes a focus on rights and gender. The Public Policy for Youth 2014-2019.
<b>El Salvador</b>	National Policy for the Access of Women to a Life Free from Violence, (2013).
<b>Guatemala</b>	National Policy for the Prevention of Violence and Crime Citizen Safety and Peaceful Coexistence (2014 – 2034); Public Policy Against Human Trafficking and Comprehensive Protection of Victims (2014 – 2016); National Policy for the Promotion and Comprehensive Development of Women, Governmental Agreement (333-2004); Public Policy for the Comprehensive Protection of Children and Adolescents, Governmental Agreement 184-2008; Public Policy for Coexistence and Elimination of Racism and Discrimination, Governmental Agreement 552-2007; National Human Rights Policy (2006-2015); Policy for Social and Population Development; National Policy on Disability (2006). National Policy for the Promotion and Integral Development of Guatemalan Women and Opportunity Equity Plan 2008-2023. (Hilda Morales)
<b>Honduras</b>	Second National Plan for Equality and Gender Equity.
<b>Mexico</b>	National Plan for Development (2013-2018); National Program for Equal Opportunity and Non-Discrimination Against Women (2013-2018 PROIGUALDAD); Comprehensive Program to Prevent, Address, Punish and Eradicate Violence Against Women (PIPASEVM 2014-2018); Sectorial Program of APF Regulations (NOM and MNX, Mexican Regulation NMX-R-025-SCFI-2015 for Labor Equality and non-Discrimination, Official Mexican Regulation NOM-046-SSA2-2005.) Domestic and Sexual Violence Against Women, Criteria for the Prevention and Treatment; Mexican Regulation NMX-R-025-SCFI-2015 for Labor Equality and Non Discrimination.
<b>Panama</b>	Public Policy for Equal Opportunities for Women (PPIOM).
<b>Peru</b>	National Human Rights Plan (2014-2016); Supreme Decree N° 005-2014-jus; Strategic Guideline N° 3 Design and execution of policy for specially protected groups including women.
<b>Dominican Republic</b>	PLANDES 2006-2015, Ministry of Public Health (availability of comprehensive care services in cases of violence). Intervention Model for the installation of healthcare units and the application of the National Norms for comprehensive care at VCM/VIF (2013); Intervention Model for Healthcare to treat violence against women and domestic violence at the Dr. Luis E. Ayba Hospital; Plan to reduce Maternal Mortality with a special emphasis on youth; National Plan for Essential and Emergency Obstetric Care; National Plan to Prevent Teenage Pregnancy; Program for Essential Medication (PROMESE/CAL); Strategic National Plan for HIV/AIDS, 2015-2018 (PEN)
<b>Uruguay</b>	Action Plan for a Life Free From Gender-Based Violence (2016 -2019). Decree PE 306/15

Source: In-House, based on information submitted by the States Party in the Progress Indicators presented by the States Party in the Third Round of Multilateral Evaluation of MESECVI.



## b) Laws Prohibiting Femicide

**111.** The Committee identifies femicide as the most extreme and irreversible expression of violence and discrimination against women. It is diametrically opposed to all rights and guarantees established by national and international human rights law. It is an act of violence that undermines humanity, and concentrates, in one moment in time, the hegemonic vision of man over woman as an object of transgression and symbol of weakness. It is the physical manifestation of the structure of the patriarchal system of domination.

**112.** The Committee has defined femicide as, “the violent deaths of women, based on their gender, whether they take place within the family, domestic unit, or in any other interpersonal relationship; and in the community, whether committed by individuals or tolerated by the State and its agents, by action or omission”<sup>92</sup>.

**113.** In the Third Round of Multilateral Evaluation of the Follow-up Mechanism to the Belém do Pará Convention, the Committee requested information on legislation pursuant to the Convention. 16 States of the region responded with information on the punishment of femicide: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, the Dominican Republic and Venezuela.

**114.** As shown below, the definitions lack uniformity with respect to the terms used, which vary by country. The most commonly used terms are femicide/feminicide and the violent death of women. These types of crimes have modified criminal codes or comprehensive laws for the protection of the right of women to live free from violence. However, as CLADEM noted in its shadow report<sup>93</sup> “in the face of phenomena such as femicide, among others, it is worrisome that in the region there is, specifically, a low investment on the part of the States to adopt and implement prevention measures for violence against women”.

**115.** The following table shows the countries that classifying as crimes the phenomenon of the violent deaths of women because they are women.

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92 MESECVI, Declaration on Femicide. OEA/Ser.L/II.7.10 MESECVI /CEVI/DEC. 1/08 15 August 2008. Available at <http://www.oas.org/es/mesecvi/docs/declaracionfemicidio-en.pdf>

93 CLADEM, 2016. Alternate Regional Report to the Committee of Experts (CEVI) Third Round of Multi-lateral Evaluation of the Belém do Pará Convention (MESECVI), paragraph 22.

**Table 3.-** Laws in the region classifying femicide/feminicide as a crime

State Party	Article/Law
<b>Argentina</b>	Art.80 of the Criminal Code, as amended by the law " <i>Femicide – Criminal Code. Amendments. Incorporation of them</i> ", N° 26.791, 2012
<b>Bolivia</b>	Art. 252 bis of the Criminal Code as amended by the " <i>Comprehensive Law to Guarantee Women a Life Free From Violence</i> ".
<b>Brasil</b>	Art 121 of the Criminal Code as amended by the law " <i>Femicide. Amendment to the Criminal Code</i> ", N° 13.104, 2015.
<b>Chile</b>	Art. 390 of the Criminal Code as amended by the law "Amends the Criminal Code and Law N° 20.066 prohibiting domestic violence and establishing "Femicide", increases the applicable sentences for this crime and reforms the regulations governing parricide, Law, Ley N° 20.480, 2010
<b>Colombia</b>	Art. 104 of Law 599 of 2000 (Criminal Code) as amended by Law "Whereas we classify Femicide as a separate crime and order other dispositions (Rosa Elvira Cely)", N° 1.761, July 2015.
<b>Costa Rica</b>	Art. 21 of the "Law for the Criminalization of Violence Against Women", N° 8.589, 2007.
<b>Ecuador</b>	Art. 141 of the Criminal Code of 2014
<b>El Salvador</b>	Art. 45 of the "Special Comprehensive Law for a Life Free from Violence for Women and Prohibiting Violence Against Women" (Dto.520/2012)
<b>Guatemala</b>	Art 6 of the "Law Prohibiting Femicide and other forms of violence against women" (Dto. 22-2008)
<b>Honduras</b>	Art. 118 A of the Criminal Code incorporated by Law Dto 23/2013.
<b>Mexico</b>	Art. 325 of the Federal Criminal Code, as amended by the Law "Whereas we reform and add various provisions to the Federal Criminal Code, of the Law of General Access for Women to Live Free From Violence, of the Organic Law of the Federal Public Administration and the Organic Law of the Public Defender of the Republic" 2012.
<b>Nicaragua</b>	Art. 9 of the "Comprehensive Law Prohibiting Violence Against Women", N° 779, 2012
<b>Panama</b>	Art. 132 A of the Criminal Code introduced by Art. 41 of the "Law to adopt measures for the prevention of violence against women and amend the Code Ley", N° 82, 2013
<b>Paraguay</b>	Art.50 Law No. 5777. Comprehensive Protection of Women against all forms of violence. Assumption December 29, 2016
<b>Peru</b>	Decree 1323. Modification of Art. 108 B of the Criminal Code introduced by the "Law that incorporates 108 A into the Criminal Code and amends articles. 107, 46 B and 46 C of the Criminal Code and Article 46 of the Code of Criminal Proceedings, with the goal of preventing, punishing and eradicating Femicide", Ley N° 30.068, 2013 (modification of the numeration of the article by Legislative Decree 1237/2015, fe errata)
<b>Dominican Republic</b>	Art. 100 of Ley N° 550, 2014
<b>Venezuela</b>	Art. 57 of the "Organic Law for the Right of Women to a Life Free From Violence", as amended in the law of reform, 2014.

Gonzalez-Perrett Diana and Deus Alicia. Input for a Model Inter-American Law for the Eradication of the Violent Death of Women

Source: In-house, based on information submitted by the States Party in the Progress Indicators presented by the States Party in the Third Round of the Multilateral Evaluation of MESECVI.

**116.** However, in spite of the development of legislation in some States that recognizes femicide as a form of gender-based violence, a large part of society has yet to forcefully call for its categorical rejection, condemnation, and prohibition. The recognition of and fight against this phenomenon remain an outstanding issue for this part of the world, and a review of the contributions of the participating states demonstrates, for the most part, disinterest and a lack of commitment to combat and reduce this crime to an absolute minimum.

**117.** In addition to requesting information on laws, the Committee also inquired, through a system of indicators, information on the number of proceedings, completed investigations, cases advanced, and the number of decisions and compensation orders generated as a result of these acts, in order to determine to what degree the system of administration of justice contributes to the mechanisms of impunity that allow the replication of violence against women and girl children.

**118.** Of the 24 countries that participated in this Evaluation Round, only 8 States Party<sup>94</sup> provided information on their efforts to reduce femicide. This makes an effective diagnosis of the current status in the region considerably more difficult.

**119.** In general, the information provided shows that the decided cases are not proportionally represented with respect to the total number of investigations reported for this crime. This could be interpreted as an expression of impunity on the part of the judicial authorities and the corresponding judicial system and therefore represents a systemic violation of women's rights and a consolidation of discrimination against women.

**120.** In the same way, those States which did provide information focused on the multiple collection sources and registries of these crimes originating from a variety of sources, including the different units and offices related to women's issues and the police and prosecutors. These sources of information are not comparable and do not permit an objective evaluation in absolute terms of the phenomenon or of the public sector's response. In addition, it is worrisome to observe the need to incorporate and strengthen the official mechanisms to combat this crime, to build a structure to prevent and recognize it, and to adopt the measures necessary to reduce it.

**121.** In other cases, the response was associated with the absence of the legal provisions necessary to distinguish cases of femicide from those of general homicide. This question is of particular concern to the Committee, as it points us to the need

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94 Argentina, Bolivia, Costa Rica, Chile, Ecuador, El Salvador, Guatemala, Uruguay

to increase awareness, education and training activities to drive a fundamental shift in the States' paradigm on the approach to cases of femicide.

**122.** The Committee, however, does value the efforts on the part of the States to prevent and confront this scourge that passes for an ideological understanding of the historic differences that tolerate the concept of violence against women. The inclusion of a gender perspective must be a fundamental component for civil servants within the public administration in order to achieve the effective application of justice in these cases.

### **c) Regulations governing the right of people to be educated in an environment free from violence and discrimination in educational institutions**

**123.** Article 6, section b of the Belém Do Pará Convention introduces the right of women to be “educated free from stereotyped patterns of cultural behaviors and social practices based on concepts of inferiority and subordination”<sup>95</sup>.

**124.** The Committee has expressed that the existence of laws to guarantee the full exercise of this right, accompanied by the necessary mechanisms and policies to eradicate the causes of both discrimination and violence against women, is essential<sup>96</sup>.

**125.** For their part, the regulations developed in the region on the right to an education free from violence help to identify real opportunities where girls and women can develop their rights, freedom and independence, particularly with respect to the right to an equal education, free from violence and discrimination, as a fundamental requisite for the full development of their personalities and the eradication of historically imposed subordination.

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95 OAS, Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Belém do Pará Convention) adopted in the Twenty-fourth Regular Session of the General Assembly, 1994. Article 4. At: <https://www.oas.org/en/mesecvi/docs/BelemDoPara-ENGLISH.pdf>. Accessed May 11, 2017.

96 Inter-American Commission of Women, Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, Follow-Up Mechanism to the Belém Do Pará Convention, Washington, DC, 2015, p 32.

**126.** For this reason, the Committee has also recommended that instructors and students in educational institutions receive training on the causes and effects of violence against women, the right to equality and the human rights of women and girl children. Programs of study and educational material should be reviewed to ensure they do not reinforce gender stereotypes that subjugate women and girls<sup>97</sup>.

**127.** Nevertheless, only 12 States, Argentina, Chile, Costa Rica, El Salvador, Grenada, Guatemala, Honduras, Mexico, Panama, Peru, the Dominican Republic and Uruguay, provided information on the regulations that govern the right to be educated free from discrimination.

**128.** First, as we saw in the previous indicator, the States again referred to the existence of laws directed at preventing discriminatory practices, and we note that more than half of the States have laws prohibiting violence against women and promoting equal opportunity. For the purposes of this case, we are also including laws on education that establish the ability of the educational entity to regulate an environment free from violence and discrimination.

**129.** Second, peaceful coexistence in schools is specifically mentioned in almost all the legal mechanisms. However, as we will see later, while the existence of these regulations is reported, there is no information on the existence of mechanisms to report the violation of these regulations, nor on effective processes to increase awareness.

**130.** As in the previous indicator, the Committee highlights the expansion of legal assets such as policies directed at the protection of sexually diverse populations. Examples include Costa Rica, with the “Policy for the Eradication of Discrimination against Sexually Diverse Populations in the Executive Branch”; and the Law Prohibiting University Harassment in Honduras. Mexico reported various legal mechanisms including codes, procedures and other regulations that govern harassment in the university environment.

**131.** For the Committee, there is no way to determine of the utility and effectiveness of the reported regulations on peaceful academic coexistence. Similarly, there is no way to know if these regulations were a result of debate and intercultural exchange of the primary beneficiaries of the regulations, a factor which is essential for the adoption of the principles by the targeted populations.

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97 MESECVI, 2014, Guide for the Application... op.cit. p. 54.

**132.** For the Committee it is important to emphasize that the effective exercise of rights requires that the regulatory framework recognize the need to take legislative action on issues related to the prevention phase of the eradication of violence, accompanied by strategies and actions which support the mandate, in order to achieve the goal of an educational environment free from violence and discrimination.

**Table 4.-** Laws that regulate the right of people to be educated in an environment free from violence and discrimination in educational institutions.

State Party	Laws that regulate the right of people to be educated in an environment free from violence and discrimination in educational institutions.
<b>Argentina</b>	Law 26.892 for the promotion of coexistence and the approach to social conflict in educational institutions. Ministry of Education
<b>Chile</b>	Rule on Educational Coexistence in each establishment intended to support the development of spaces with positive, pleasant, safe, democratic and purposeful environments that foster an educational nature and the exercise of rights. Law No. 20.370 establishes the General Law of Education in Chile. Law No. 20.845 or the Law of Inclusion in Education regulates the admission of students, eliminates shared financing and prohibits profit in educational institutions that receive State funding.
<b>Costa Rica</b>	Declaration of the Ministry of Public Education (MEP) as an environment free from discrimination based on sexual orientation or gender identity. In accordance with the Executive Decree, published in Bulletin N° 77, April 22, 2015, "Executive Policy to Eradicate Discrimination Against Sexually Diverse Populations in its Institutions" the MEP amended its internal regulations to expressly prohibit all types of discrimination against sexually diverse populations in the Autonomous Regulations of the Services of the Ministry of Public Education, as well as in the Regulation of the Law on the Teaching Career, published in Volume 104 of Bulletin No. 123. Circular DM-024-05-2015
<b>El Salvador</b>	Special Comprehensive Law for a Life Free From Violence Against Women establishes the responsibilities of the Ministry of Education.
<b>Granada</b>	Ley de educación (2002) prevé la educación en un entorno libre de violencia y discriminación
<b>Guatemala</b>	The Law of Education (2002) provides for an educational environment free from violence and discrimination.
<b>Honduras</b>	Law Prohibiting University Harassment is an instrument that reflects the institutional commitment to eliminate situations that affect the academic and work performance of victims.
<b>Mexico</b>	General Law of Education. Regulation of Pedagogical University Studies that establishes punishment for students, as well as the principles and ethical codes applicable to public servants at the University, in order to emphasize the value of Equality with Equity. Procedures to resolve acts considered to be discriminatory or reflect inequality at the Center for Technical and Industrial Instruction (2014), applies to all mid-level personnel and above, including administrative, and instructional personnel, and students of the institution. The "Student Code of Ethics" at the Open and Distance University of Mexico (UnADM), (2015). Regulations for the defense of university rights at the UAM. The National Autonomous University of Mexico (UNAM) has "General Guidelines for Gender Equality", that are compulsory at the institutional level.
<b>Panama</b>	Law No.4 of 1999 that establishes the Equality of Opportunities for Women and promotes an education free from sexism and discrimination. Law No.82 from October 24, 2013 that classifies femicide as a crime and guarantees measures to combat violence against women.
<b>Peru</b>	Ministerial Resolution 281-2016 MINEDU (2016), in which the ministry of Education approved a national basic curriculum that promotes as fundamental harmonious relationships free from violence between all persons.
<b>Dominican Republic</b>	Education Law 66-97. Resolution No. 3599/04 that incorporates the transversal concept of Gender in Education into all programmatic areas, levels and modalities. Behavior Norms.
<b>Uruguay</b>	Law N° 18.561 "Regulations for the prevention and punishment of sexual harassment in the workplace and in teacher-student relationships". Circular 6/2014 Protocol for the regulation of Sexual Harassment in the Administration of Public Education.

Source: In-house, compiled from information provided by the States Party in the Progress Indicators in the third cycle of questions of the Follow-up Mechanism of the MESECVI Convention.

## d) Law or National Policy that guarantees a life free from violence and that considers ethnic diversity

**133.** A large number of countries in the region address ethnic diversity in their laws and/or national policies that guarantee a life free from violence. Among those, Columbia, Mexico, Peru and Bolivia stand out as having special legislation on the right of women to live a life free from violence that includes language on ethnic diversity.

**134.** In this area, Columbia includes ethno-culturalism in the law prohibiting femicide and other forms of violence against women. Mexico has an expansive institutional architecture for indigenous women, and one of the principle tenets of the General Law for the Access of Women to a Life Free from Violence includes the prohibition against discrimination and the eradication of violence against indigenous women, in the development and enactment of federal and local public policy. At the same time, the Comprehensive Program lists actions to promote the rights of indigenous women and provide language assistance with the concept of interculturalism in mind. Additional actions include conducting radio campaigns in indigenous languages to publicize the Law of Access and provide information on available services, and the establishment of programs to raise awareness and train the authorities responsible for indigenous people on the content of the law<sup>98</sup>.

**135.** In Peru, law No. 30364 to prevent, punish and eradicate violence against women and members of similar groups was approved on November 22, 2015, and includes language on the ethnic diversity of women and members of similar groups (indigenous women, women from rural areas and native villages)<sup>99</sup>. In Bolivia, Law No. 348, the Comprehensive Law to Guarantee Women a Life Free from Violence, specifically provides for the protection of indigenous, rural women<sup>100</sup>. Colombia, Guatemala and Honduras also reported policies and national plans that prohibit discrimination against women of ethnic origin.

**136.** Colombia noted that provisions in the 2015 National Development Plan, Law 1753, include public policies specifically directed at rural and indigenous

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98 Response of the State of Mexico to MESECVI

99 Response of the State of Peru to MESECVI.

100 Response of the State of Bolivia to MESECVI. Article 4 of the Principles and Values, subparagraph 7 on Equality of Opportunities, that “women, independent of their personal, social or economic circumstances, age, civil status, membership in an indigenous rural population, sexual orientation, rural or urban origin, belief or religion, political or other opinion will have access to the protection and actions established by this law, throughout the entirety of the national territory”.



women<sup>101</sup>. Guatemala noted that the first element of the National Policy for the Comprehensive Promotion and Development of Women is: “to transform the ideology, values, principles and fundamental practices in the oppression of and violence against Mayan, Garifuna, Xinka, and Mestiza women”. In Honduras, The Second Plan for Gender Equality (2010 – 2022) in the National Policy on Women includes violence against women among its fundamental principles, with a focus on territoriality in its gender-oriented public policies, and awareness-raising of the individual characteristics of women from all regions of the country and their ethnic identities, among other aspects<sup>102</sup>.

**137.** Chile noted that one of its executive commitments is the modification of the “current Law on Interfamilial Violence which includes all forms of gender-based violence, not only that which exists within families or between spouses.” This modification is based on a review of legislative reports derived from discussions with civil society organizations, and organized by the regional offices of the National Women’s Service. This process has resulted in the development of a draft law to include the diversity of women who live in the country in legislation.

### **e) Law or national policy that guarantees a life free from violence for girls, adolescents, adult and elderly women with physical or psychosocial (psychological) disabilities**

**138.** This indicator focuses on women with physical or psychosocial disabilities and the existence of legislation or public policies that guarantee their right to a life free from violence. Argentina, Bolivia, Costa Rica, Ecuador, El Salvador, Grenada, Guatemala, Honduras, Mexico, Peru, Uruguay and Venezuela, or 37.5%, reported having laws or policies against violence that recognize the multiple faces of discrimination, or have laws against discrimination that recognize gender-based violence.

**139.** To begin with, there are countries like Ecuador that do not have a law that specifically addresses gender-based violence, but whose constitution recognizes and guarantees the right of all people to live a life free from violence in both the private

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101 Article 232 specifically establishes the “Policy on Rural Women,” that addresses the participative development of a comprehensive public policy for Rural Women with an ethnic, age and territorial perspective. Article 117 establishes the creation of the Public Policy for the protection of the rights of indigenous families, women, children of both sexes, youth and elderly women. Response of the State of Colombia to MESECVI and the ABCs of the rights of women in the National Plan for Development 2014 -2018. Available in Spanish at: <http://colombia.unwomen.org/es/biblioteca/publicaciones/2015/10/abc-plan-desarrollo#sthash.ns50PvEU.dpuf>.

102 Response of the State of Honduras to MESECVI and the Second Plan for Equality and Gender Equity of Honduras. Available in Spanish at: <http://www.sefin.gob.hn/wp-content/docs/UG/Menu/Marco%20legal/Gacea%20del%20PIEGH.pdf>

and public spheres and requires the adoption of measures to prevent, eliminate, and punish all forms of violence. Women, children, adolescents, the elderly, disabled people, and any person in disadvantaged or vulnerable circumstances are specifically protected (Art. 66, No. 7, sections a and b). In addition, it requires that the State adopt measures to guarantee the free exercise of those rights by disabled persons. It punishes the abandonment of disabled or vulnerable persons, and actions that result in any form of abuse, degrading or inhumane treatment, and discrimination based on a disability. (Art. 48, number 7).

**140.** Next we see States that develop special laws on women’s rights that incorporate language on disability. This is the case in Peru, where Law No. 30364, to prevent, punish and eradicate violence against women and members of the family unit, recognizes that the violence experienced by women can be influenced by many factors including ethnicity, color, religion, public or other opinion, national or social origin, civil status, sexual orientation, HIV status, migrant or immigration status, and age or disability, and therefore includes measures directed at specific groups of women and includes a mandate to prioritize the protection of these groups.

**141.** Peru has also provided information on its Equal Opportunity Plan for Disabled Persons, covering the period 2009-2018 which, “includes as one of the main action items associated with Social Development, the continued efforts to overcome all forms of inequality, social exclusion and violence, particularly for children, adolescents, women and the elderly, while exercising their leading role within the framework of the Decentralized System of Guarantees for Social and Human Development which articulates the efforts of the State, civil society and the private sector”<sup>103</sup>.

**142.** Along these same lines of plans and policies, Costa Rica has the National Policy on Disability (PONADIS) 2010-2021, that aims to achieve the effective promotion, respect and guarantee of the rights of disabled persons<sup>104</sup>. Guideline No. 2 of this policy establishes the “Construction of an inclusive national environment” that obliges the States to take all possible measures to ensure the protection of the rights of disabled persons to live free from exploitation, violence and abuse. Subsequently, the Policy Agenda for Disabled Women establishes the following priorities: Guaranteed equal access to justice for disabled women and non-discrimination based on disability, including serving as witnesses, in all legal proceedings, to include investigation and all other stages; ensure the inclusion of physical, mental, sexual and reproductive health in the policies, programs and

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103 Response of the State of Peru to MESECVI.

104 Response of the State of Costa Rica to MESECVI

services related to healthcare in both urban and rural areas, guaranteeing respect for personal independence, informed consent and any other rights related to sexual and reproductive health and ensure mechanisms for protection against violence against disabled women, in both the public and private spheres<sup>105</sup>.

**143.** Honduras also has a Public Policy for the exercise of the Rights of Disabled Persons and their social inclusion (2013-2022); and the Public Policy and National Plan of Action for Human Rights addresses disabled persons<sup>106</sup>.

**144.** Finally, Mexico provided information on the National Program for the Development and Inclusion of Persons with Disabilities<sup>107</sup>, highlighting the strategy to “promote affirmative actions, with social participation, to protect disabled persons from all forms of violence or abuse of their rights”. To achieve this, they propose 5 lines of action: 1) Encourage shelters and safe houses for women victims of violence to adapt their spaces to accommodate disabled persons; 2) Develop programs of action to prevent, protect and address exploitation, violence, abuse, torture, trafficking, and cruel, inhumane or degrading punishment against disabled persons; 3) Support the projects of civil society organizations that promote respect for the exercise of the rights of disabled persons; 4) Generate mechanisms to raise awareness of gender-based violence against disabled women, girl children, and older women; and 5) Increase awareness of services offered by social organizations and institutions that provide legal and human rights advice on disabilities, discrimination and violence.

## **f) National mental health law or policy that specifically mentions the right to a life free from violence**

**145.** At the regional level, only 9 countries<sup>108</sup> provided information on mental health laws, which in many cases are developed based on the concept of human rights. However, in the majority of cases the legislation does not specifically address the right to a life free from violence. An exception to this rule is Costa Rica, which is the only country that includes language on violence in the National Plan for Mental Health.

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105 Response of the State of Costa Rica to MESECVI

106 Response of the State of Honduras to MESECVI.

107 Mexico. National Program for the Development and Inclusion of Persons with Disabilities. Available in Spanish at: [http://www.gob.mx/cms/uploads/attachment/file/23604/Programa\\_Nacional\\_Desarrollo\\_Inclusi\\_n\\_PD\\_2014-2018.pdf](http://www.gob.mx/cms/uploads/attachment/file/23604/Programa_Nacional_Desarrollo_Inclusi_n_PD_2014-2018.pdf)

108 Argentina, Bolivia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, the Dominican Republic, and Trinidad and Tobago

**146.** The National Policy on Mental Health 2012-2021 in Costa Rica addresses domestic violence<sup>109</sup>, and proposes inter-agency and inter-sectorial actions directed at its prevention, with an emphasis on higher risk geographical areas, and the development of protective factors for life-long mental health to encourage the optimal comprehensive development of those affected and active participation of the responsible social actors. These strategies are directed at reducing and preventing the causes and effects of domestic violence. Likewise, the link between violence and mental health is extensively addressed throughout the development of national policy<sup>110</sup>.

**147.** Mexico addresses this topic in its regulation on treatment. Part 3.14 of Official Mexican Regulation NOM-025-SSA2-2014, for the provision of health care services in comprehensive medical and psychiatric hospital units, refers to NOM-046-SSA2-2005 “Familial and sexual violence against women. Criteria for prevention and care, as part of the care protocol for mental health.”<sup>111</sup>

**148.** Argentina, Guatemala and Honduras have national mental health laws developed on a model of care based on integrity and respect for the individual. These laws establish advisory bodies that operate within ministerial spaces, and include family members, workers, specialized personnel and the community in order to design and improve the public policies, plans and programs that provide mental health care to the population in general, with a focus on human rights.

**149.** These advisory bodies, as in the case of Argentina, can recognize distinct identities, including ethnic, cultural, religious, gender, sexual and other collective identities<sup>112</sup>, but also include articles on violence. For example, the National Law on Mental Health No. 26.65 in Argentina establishes the National Inter-Ministerial Commission on Mental Health and Addiction.

**150.** Article 40 of the Guatemalan Health Code addresses mental health, and establishes that the Ministry of Health and other competent institutions in the sector ensure promotion, prevention, recuperation, and rehabilitation. Similarly, the National Mental Health Program, which sits within the organizational structure of the Ministry of Public Health and Social Assistance, includes the National Strategic Plan to Promote Mental Health (2007 – 2020) and the National Policy on Mental

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109 Response of the State of Costa Rica to MESECVI.

110 Costa Rica. National Policy on Mental Health 2012-2021. Available in Spanish at: <http://www.bvs.sa.cr/saludmental/politicasaludmental.pdf>

111 Response of the State of Mexico to MESECVI.

112 Response of the State of Argentina to MESECVI.

Health, and addresses primary health care that includes intercultural, gender-based and life cycle perspectives<sup>113</sup>.

**151.** In Honduras, the Secretariat of Health manages a National Mental Health Program, whose mission is to guarantee a response to the issue in concert with an intersectoral advocacy program<sup>114</sup>. Bolivia and Trinidad and Tobago also submitted information on Mental Health Laws, but which did not specifically include a focus on violence against women<sup>115</sup>.

**152.** In Ecuador the Organic Law on Health (Official Register Supplement No. 423, December 22, 2006) recognizes violence as a public health issue and defines it as the responsibility of the national health authority and others to contribute to the reduction of all forms of violence, include gender-based violence, domestic violence, and sexual violence, and its impact on health. In addition, those responsible are charged with establishing prevention programs and comprehensive healthcare programs to treat violence in all its forms, with special emphasis on vulnerable groups. (Art. 6 number 7)<sup>116</sup>.

### **g) Law or national policy to guarantee a life free from violence for migrant, displaced or otherwise deprived of freedom girl children and adolescents, adult and older women**

**153.** The Committee observes that in a large number of the responses received, the country limits itself to providing information on only one of the variables that comprise this indicator, focusing on public policies directed either at girl children and adolescents or at women migrants or those deprived of their freedom, but not both. 31% of the countries of the region did not submit information relative to this indicator.

**154.** According to the information received from the State of Ecuador, the national Constitution recognizes the right of persons deprived of freedom to receive preferential or specialized treatment in the case of pregnancy, lactation, adolescence, advanced age, health or disability (Article 51, Numeral 6). Article 4 of the Comprehensive Organic Criminal Code establishes that persons deprived

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113 Response of the State of El Salvador to MESECVI

114 Response of the State of Honduras to MESECVI.

115 Response of the State of Trinidad and Tobago and the State of Bolivia to MESECVI

116 Response of the State of Ecuador to MESECVI.

of freedom retain their human rights within the limitation of the deprivation of freedom and will be treated with respect and dignity as human beings<sup>117</sup>.

**155.** Argentina provided information on Programs for the Care of Children of Women Deprived of Freedom and “Caring for our Girls and Boys” whose goal is the promotion of good treatment of children and adolescents in their own environments, particularly in their families and neighborhoods, through awareness raising workshops. The specific problem addressed is that of violence in the community. The policy is designed to care for girl and boy children and adolescents, whether by their parents, family unit or federal resources. We note without prejudice, that there are some lines of work that focus on certain age groups, for example: children from age 0-5 in the case of the Program for the Care of Children of Mothers Deprived of Freedom or adolescents in the case of the Line of Promotion for Healthy Behaviors<sup>118</sup>. On the other hand, the National Plan of Action for the Prevention, Assistance and Eradication of Violence against Women 2017 – 2019, Law 26.485, includes a section specifically dedicated to the situation of women deprived of freedom, given the increase in violence in prisons that translates to serious violations of the rights of these women<sup>119</sup>.

**156.** Guatemala indicated that it includes the element of Eradication of Violence against Women within its national Policy for the Promotion and Comprehensive Development of Women and the Plan for Equity of Opportunity 2008- 2023, where it establishes the “implementation of regulations for administrative and legal punishment for personnel who commit any form of violence against disabled or imprisoned women”<sup>120</sup>.

**157.** Mexico noted that it is currently implementing the Comprehensive Program to Prevent, Address, Punish and Eradicate Violence against Women 2014-2018. One of the lines of action is the promotion of the rights of disabled women, girl children and adolescents, older women and women deprived of freedom. On the other hand, the Special Program for Migration 2014-2018 establishes elements specifically related to violence within its lines of action: 1.4.7. Develop and disseminate campaigns on the prevention of violence against migrant women; 4.3.4. Guarantee medical attention to migrant women victims of violence and pregnant migrant

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117 Response of the State of Ecuador to MESECVI

118 Response of the State of Argentina to MESECVI.

119 National Plan of Action for the Prevention, Assistance and Eradication of Violence against Women 2017 – 2019, Law 26.485, Argentina. Available in Spanish at: [http://www.cnm.gob.ar/recursos/PlanNacionalDeAccion\\_2017\\_2019Ult.pdf](http://www.cnm.gob.ar/recursos/PlanNacionalDeAccion_2017_2019Ult.pdf)

120 Response of the State of Guatemala to MESECVI.

women during their transit through Mexico; 5.1.8. Develop programs directed at girl and boy children and adolescents that promote a culture of respect, self-protection and reduction of violence.

**158.** Peru provided information on the National Plan Against Gender-Based Violence 2016-2021<sup>121</sup> that lists among its strategic objectives, “Change sociocultural patterns that replicate unequal power relationships and hierarchical differences that legitimize and exacerbate gender-based violence, and that disproportionately affect women in their diversity”<sup>122</sup>. Both violence against migrant women and violence against women deprived of their freedom are addressed as modalities of gender-based violence. With respect to women deprived of their freedom, it specifically notes, “prison for women has a different meaning than it does for men. One that expresses the inequality of gender in society ... this affects their children, and their absence from home fills them with guilt. Violence in prison is also expressed through those responsible for the care of these women, and it is manifested in the form of physical, sexual and psychological violence”.

**159.** Uruguay noted that its Plan of Action: 2016-2019 for a life free from gender-based violence with a generational perspective, addresses the issue of women deprived of freedom. This plan proposes the inclusion of questions within the information system of the Incarceration Management System, to identify those women deprived of freedom who have been victims of domestic violence and related crimes. Include persons deprived of freedom linked to the Always Learning Program in the awareness campaign, targeting a goal of 5,000 persons reached and made aware of gender-based violence and prevention of dating abuse, and domestic violence<sup>123</sup>.

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121 Response of the State of Peru to MESECVI.

122 National Plan on Gender-Based Violence 2016-2021. SUPREME DECREE No 008-2016-MIMP. Available in Spanish at: <http://www.mimp.gob.pe/homemimp/transparencia/planes-nacionales-mimp.php>

123 This element includes outreach to adolescents and young people associated with the Centers of Education and Production (CECAP) and to young people and adults, and people deprived of freedom (men and women) associated with the Always Learning Program (PAS). Action Plan 2016-2019, for a life free from gender-based violence with a generational perspective. Available in Spanish at: [http://www.inmujeres.gub.uy/innovaportal/file/18258/1/libro\\_pldeaccion\\_v2016\\_web-version-con-decreto.pdf](http://www.inmujeres.gub.uy/innovaportal/file/18258/1/libro_pldeaccion_v2016_web-version-con-decreto.pdf)

## h) Law that incorporates the right to gender identity and sexual diversity

**160.** The States submitted confused information that nevertheless was complemented by the Legal Trans Mapping Report of the ILGA<sup>124</sup>. There are only 7 States in the region<sup>125</sup> with legislation that recognizes gender identity, or 22% of the signatory countries of the Belém do Pará Convention. This indicates that there are already regional examples for other States to follow in order to progress in the recognition of rights.

**161.** The countries in the Region with the broadest recognition of the right to gender identity are Argentina, Bolivia, Ecuador and Uruguay. The laws of these countries highlight the self-identification of gender, and the corresponding rectification in public documentation that can include changes to name, sex data, and photo.

**162.** In Mexico the laws vary by State and only Mexico City has adopted measures to recognize gender identity. Existing legislation in Panama allows for the “correction of sex” but includes prohibitive prerequisites. And Colombia, for its part, issued a decree in 2015 related to the correction of sex in the Civil Register.

**163.** There are other countries in the region with draft legislative projects related to gender identity. Chile, for example, is currently conducting a draft law project on gender identity (Bulletin No. 8924-07) that was proposed in May 2013. It is worth noting that this project has not been officially approved, however, according to information provided by the State of Chile, “the government has attached maximum urgency to the law project to ensure its expedited conclusion”. The project establishes that the law will allow Trans persons to correct the name and sex they were assigned at birth in the civil register with no medical or legal requirements<sup>126</sup>.

**164.** On its part, Costa Rica submitted a request for an advisory opinion to the Inter-American Court of Human Rights with respect to the recognition of name changes corresponding to the gender identity of the individual. This request is framed by the State as a need to clarify certain doubts raised from interpretations

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124 International Association of Lesbians, Gays, Bisexuals, Trans and Intersex (ILGA): Chiam, Z., Duffy, article by González Gil, M., *Trans Legal Mapping Report: Recognition before the Law* (Geneva: ILGA, November 2016). Available at: [http://ilga.org/downloads/TLMR\\_ENG.pdf](http://ilga.org/downloads/TLMR_ENG.pdf)

125 Argentina, Bolivia, Colombia, Ecuador, Mexico, Panama and Uruguay

126 International Association of Lesbians, Gays, Bisexuals, Trans and Intersex (ILGA): Chiam, Z., Duffy, article by González Gil, M., *Trans Legal Mapping Report: Recognition before the Law* (Geneva: ILGA, November 2016). Page 51. Available at: [http://ilga.org/downloads/TLMR\\_ENG.pdf](http://ilga.org/downloads/TLMR_ENG.pdf)



of the Court, and will permit the alignment of internal regulations to inter-American standards in the guarantee of persons and their rights<sup>127</sup>.

**165.** On the other hand, information received by the CEVI indicates that the following 5 countries do not have laws on gender identity: Grenada, Honduras, St. Kitts and Nevis, Saint Vincent and the Grenadines and Trinidad and Tobago. ILGA adds to this list: Costa Rica, El Salvador, Guatemala, Honduras, Jamaica, Nicaragua, Paraguay, Peru and the Dominican Republic.

**166.** There are, however, countries without gender identity laws that do have regulations that allow name changes in the civil register, as in the case of Costa Rica, Guatemala, Jamaica, Panama, Paraguay, Peru, the Dominican Republic and recently, Venezuela<sup>128</sup>.

## 1.1. Intercultural Regulatory Framework

### a) Recognition of intercultural citizens in national legislation, taking into account the rights of rural, indigenous communities and their practices and knowledge

**167.** With respect to the recognition of intercultural citizens, the responses received from the States indicate that there are a variety of modalities and degrees of recognition, with a large number of countries in the Region including recognition of intercultural citizens in their Constitutions and other national legislation. The Committee highlights the cases of Argentina, Bolivia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico and Venezuela, who represent 28% of the signatory countries of the Convention that address the recognition of the rights of indigenous, rural communities.

**168.** Argentina noted the existence of the Bilingual Intercultural Education (EIB) program at the Initial, Primary and Secondary levels within its educational system. This program guarantees the rights of indigenous people, in accordance with Article 75, section 17 of the National Constitution, to receive an education that contributes to the preservation and fortification of their cultural patterns, language, worldview

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127 Request for an Advisory Opinion from the Inter-American Court of Human Rights from the State of Costa Rica. Available at: [http://www.corteidh.or.cr/docs/solicitudoc/solicitud\\_17\\_05\\_16\\_eng.pdf](http://www.corteidh.or.cr/docs/solicitudoc/solicitud_17_05_16_eng.pdf)

128 International Association of Lesbians, Gays, Bisexuals, Trans and Intersex (ILGA): Chiam, Z., Duffy, article by González Gil, M., Trans Legal Mapping Report: Recognition before the Law (Geneva: ILGA, November 2016). Available at: [http://ilga.org/downloads/TLMR\\_ENG.pdf](http://ilga.org/downloads/TLMR_ENG.pdf)

and ethnic identity; and to play an active role in the intercultural world and improve their quality of life.

**169.** Bolivia and Venezuela, in addition to having broad constitutional recognition, have developed a series of special laws with respect to indigenous and intercultural recognition. Bolivia references the following: Law No. 348 of 2013 (Comprehensive law to Guarantee Women a Life Free From Violence); Supreme Regulatory Decrees; Law Prohibiting Racism and Discrimination<sup>129</sup> (Law No. 045 of 2010); Regulatory Decree No. 0762; Law for Traditional Ancestral Medicine (Law No. 459); Regulatory Decree No. 2436; Law for Health; models and protocols for the good treatment and cultural relevancy with the Law for Traditional Medicine; Law for Gender Identity No. 807 (2016), Judicial Organ, Governance and Municipalities<sup>130</sup>. The Bolivarian Republic of Venezuela has indicated that it has approved a total of 52 laws that reference the defense of indigenous peoples<sup>131</sup>.

**170.** Costa Rica, Guatemala and Mexico noted the multiethnic, multilingual and multicultural character of their Constitutions, as well as the recognition and guarantee of the right of indigenous people and communities to self-determination<sup>132</sup>. Costa Rica added that within the governmental structure of the Judicial Branch, the Bureau of Indigenous Affairs is nationally responsible for addressing those cases that, because of their relevance and complexity, require special treatment<sup>133</sup>.

**171.** Ecuador emphasized that its Constitution declares that indigenous communities, people and nations; afro-Ecuadorian peoples; and Montubian peoples and communities are a unique and indivisible part of the Nation of Ecuador (Art.56). As such, it recognizes and guarantees to all indigenous groups, communities, peoples and nationalities, in accordance with the Constitutions and its pacts,

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129 They have interculturality as a general principle, which is understood as “the interaction between cultures, which is an instrument for cohesion and harmonious and balanced coexistence among all peoples and nations for the construction of relations of equality and equity in a respectful way” Response of the State of Bolivia to the MESECVI

130 Response of the State of Bolivia to MESECVI.

131 In its response to MESECVI, the State highlighted the following: Organic Law of Indigenous Peoples and Communities (Published in Official Journal N° 38.344, December 27, 2005); - Law for the Cultural Heritage of Indigenous Peoples and Communities (Published in Official Journal N° 39.115, February 6, 2009); - Law for Indigenous Languages. (Official Journal No. 38981, July 28, 2008); - Law on Indigenous Artisans (2009); - Law for the Partial Reform of the Land and Agrarian Development (Journal N° 5.991, Extraordinary, July 29, 2010); - Law on Seeds and Material for Animal Reproduction and Biological Input (Official Journal No. 37.552, October 18, 2002)

132 Response of the State of Mexico to MESECVI.

133 Judicial Observatory of Costa Rica. “Specialized Prosecutor will serve Indigenous Populations”. Available in Spanish at: [http://www.poderjudicial.go.cr/observatoriojudicial/vol93/noticias\\_judiciales/nj03.htm](http://www.poderjudicial.go.cr/observatoriojudicial/vol93/noticias_judiciales/nj03.htm)

treaties, declarations and other international human rights instruments, several collective rights, including: to freely sustain, develop, and strengthen their identity, sense of belonging, ancestral traditions and social organizations; to not be the object of discrimination based on origin, or cultural or ethnic identity; recognition, reparation and compensation to groups affected by racism, xenophobia and other related forms of intolerance and discrimination; the conservation and development of their own forms of coexistence and social organization and the maintenance, protection and development of collective knowledge (Art. 57). The State must guarantee the application of these collective rights equally to men and women, demonstrating no discrimination whatsoever<sup>134</sup>.

**172.** Recognition of indigenous peoples has been incorporated into Article 63 of the Constitution of the Republic of El Salvador through the constitutional reforms of 2014<sup>135</sup>.

**173.** Honduras has indicated that Article 346 of the Constitution of the Republic establishes that: the State has the obligation to order measures of protection for the rights and interests of the existing indigenous communities in the country<sup>136</sup>. Along these lines, it reported that in 2016, it approved the Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous Peoples and Afro-Hondurans. (P-PIAH). This policy addresses the legal framework, plans and policies that relate to indigenous peoples and people of African descent in Honduras and is based on principles of human rights such as gender equality, interculturalism, equality and non-discrimination<sup>137</sup>.

## **b) Processes for the development of national laws or policies that guarantee a life free from violence and address diversity**

### **I. States that advance the development of laws**

**174.** Chile has noted that one of their executive commitments is the modification of the, “current Domestic Violence Law to incorporate all types of gender-based violence, not only that which exists within families or between spouses.” In order

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134 Response of the State of Ecuador to MESECVI.

135 Response of the State of El Salvador to MESECVI.

136 Response of the State of Honduras to MESECVI.

137 Public Policy against Racism and Racial Discrimination for the Comprehensive Development of Indigenous Peoples and Afro-Hondurans. Available in Spanish at: [http://www.observatoriodescentralizacion.org/download/pol%C3%ADticas\\_p%C3%BAblicas/POLITICA-PUB-CONTRA-EL-RACISMO-Y-LA-DISCRIMINACION-PARA-EL-.pdf](http://www.observatoriodescentralizacion.org/download/pol%C3%ADticas_p%C3%BAblicas/POLITICA-PUB-CONTRA-EL-RACISMO-Y-LA-DISCRIMINACION-PARA-EL-.pdf)

to achieve this, it has reviewed 75 draft laws that govern this area and have been submitted as amendments to Law N° 20.066 on Domestic Violence. They reviewed various legislative reports, such as the National Plan to Prohibit Violence against Women, and held discussions with civil society organizations organized by the regional offices of the National Service for Women. As a result of this work, they are preparing a draft law, fulfilling, at the same, the mandate of the Ministry of Women's Affairs and Gender Equity, and noting that the process is taking into account the diversity of women who live in the country, and which is addressed in the referenced indicators.

**175.** Honduras reported that the National Congress has received a draft of a Law for Gender Identity, which it is currently reviewing. In addition, the Criminal Code is being reformed and is currently being debated in the National Congress. Further, the law on Equal Opportunity is undergoing reform, as well as the law for Municipalities where the National Women's Institute operates in inter-agency cooperation with civil society organizations and other women's organizations.

**176.** The Dominican Republic has indicated that it is currently drafting a law to modify the Criminal Code of the Republic.

**177.** One group of countries provided general information on the legislative process, including Grenada, Saint Vincent and the Grenadines, and Trinidad and Tobago, who added that one of the most important stages of the process is the discussion with all interested parties, including NGOs, the general public, human rights activists, the private sector and governmental institutions. None of these three countries provided concrete examples of laws or national plans that are currently being developed.

## **II. States that pass public policies, plans and programs on disability**

**178.** Costa Rica provided information on the National Policy for Disabled Persons, which has included, since its inception, participation by disabled persons, their organizations and family members. Due to the fact that the First Plan of Action did not have an effective process for its monitoring and application, discussions for the development of a new Plan of Action for 2016-2018 were initiated in 2015 and continued into 2016.

**179.** Mexico is developing the National Program for the Development and Inclusion of Persons with Disabilities 2014-2018, based on proposals submitted by civil society organizations in 2013; and they are also conducting workshops on awareness for public servants in Mexican Sign Language.

## 1.2. Action and Treatment Protocols and the Monitoring of their Application

**180.** Since the First Round of Evaluation and Follow-up to the Belém do Pará Convention, the CEVI has emphasized the importance of the States having action protocols that address the rights of women that guarantee treatment and help to identify the different power relationships that make them invisible. Different ideas on gender roles and expectations for men and women can impede justice personnel, as well as health and education specialists, from identifying violence against women, because of its normalization, or as a result of the roles society has assigned to each sex. Some women face difficulty naming the violence or even identifying all the types of violence to which they have been subjected<sup>138</sup>.

**181.** The non-existence of action and treatment protocols that clearly establish the procedures to follow in the event of a violation of a woman's or girl child's right to live free from violence, can contribute to the continuation of behaviors and socio-cultural customs based on stereotypes; entrench the inferiority and subordination of women and girl children in the educational arena; contribute to the lack of knowledge of the treatment processes for victims of sexual violence and ignorance of the rights of indigenous women; result in the revictimization of women and girls children and render criminal proceedings ineffective<sup>139</sup>.

**182.** For this reason, the Committee has urged the States Party to comply with the recommendation to adopt and implement treatment protocols for women victims of violence, in indigenous languages where applicable, in the police force or entities that receive complaints, and in the public prosecution and health services<sup>140</sup>. With this in mind, the CEVI analyzed the indicators that permit the measurement of the States' capabilities with respect to the development of existing legislation and national plans to prevent violence against women and girl children.

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138 Inter-American Commission of Women, Mechanism to Follow-up on the Implementation of the Belém do Pará Convention (MESECVI), Second Hemispheric Report on the Implementation of the Belém do Pará Convention. April 2012. Washington, DC. p. 46

139 See: Inter-American Commission of Women, Mechanism to Follow-up on the Implementation of the Belém do Pará Convention (MESECVI), Second Hemispheric Report on the Implementation of the Belém do Pará Convention. April 2012. Washington, DC. p. 70

140 See Recommendation Number 27, Second Hemispheric Report, Op Cit

## **a) Action and treatment protocols for violations of the right of women and girl children to be educated free from stereotyped behavior patterns and social and cultural practices based on the inferiority or subordination of women in public and private educational institutions**

**183.** The Committee notes with concern that only 5 States, Chile, El Salvador, Mexico, the Dominican Republic, and Uruguay, provided an effective response to this indicator, representing 15.62% of the States Party to the Convention.

**184.** The responses refer to general education policies or policies, as in the case of the Dominican Republic; or policies on educational coexistence, as in Chile and Mexico; while El Salvador reports protocols on the treatment of women victims of violence. Finally, Uruguay notes the existence of an inter-agency work group on the “Right to the access to an education and culture free from cultural gender stereotypes” where strategies are developed to promote didactic and educational content on equality. However, no additional information was provided.

**185.** As a result of this analysis, the CEVI notes with concern the sparse response on the existence of Action and Treatment Protocols to address the violation of the right of women and girl children to be educated free from stereotyped patterns. The information submitted is based on the existence of educational coexistence documents, guidelines and guides, as well as the formation of groups to define strategies to address the issue.

**186.** The CEVI noted that the information is not easily accessible to the public, which impedes the ability of women and organizations that work on this issue to participate in the collective efforts to guarantee the treatment of girl children and women victimized by the violation of this right.

**187.** The CEVI encourages the States to establish action protocols in support of an education free from discriminatory sociocultural patterns, whether through the formation of specialized teams, the exchange of best practices through international cooperation, and above all through the participation of women and women’s and feminist organizations that work on this issue.

## **b) Action protocols on the different forms of violence for justice personnel, healthcare (providers), educators, and public servants**

**188.** This indicator evaluates the implementation of specialized protocols directed at personnel in the police force, health care sector, education and other environments that provide treatment to women victims of violence, taking into consideration recommendations 7, 8, 10, 11, 12, 15 and 27 issued by the CEVI in the Second Hemispheric Report<sup>141</sup>.

**189.** Based on the above, we evaluated information available from 19 countries: Antigua and Barbuda, Argentina, Barbados, Bolivia, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Granada, Honduras, Mexico, Panama, Paraguay, Peru, the Dominican Republic, Trinidad and Tobago, Uruguay and Venezuela, which represent a little over 60% of the responses, one of the highest rates of response for all information submitted.

**190.** In spite of the high rate of response, the scarcity of the existence of action protocols for educational personnel stands out, mirroring the response to the previous indicator, for which only 5 States provided relevant information.

**191.** In this case, only 2 States referenced the development of protocols for education: Chile is working on a new foundational curriculum for Pre-Basic in the educational area, and Trinidad and Tobago have designed Procedures for educational personnel to report the sexual abuse of children (Code of Conduct of the National School System).

**192.** In their responses, States provide a description of the criminal protocols which is detailed in the section corresponding to special prevention. Protocols include those for the treatment of gender-based violence; sexual violence; human trafficking, torture and other forms of international violence; domestic violence; femicide; the provision of immediate local care; care for disabled and migrant women; institutional violence; violence against LGBT persons and centers and institutions that handle complaints.

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141 Related to the treatment of user victims of violence, sexual violence in armed conflict, in governmental establishments (institutional violence), those related to the health of women including: termination of pregnancy for therapeutic reasons, either to save the life of the mother or avoid serious harm to her physical or mental health and to guarantee women access to said procedure, emergency prophylactic treatments for HIV/AIDS and other sexually transmitted diseases from public health services, especially in the case of sexual violence.

**193.** The CEVI is pleased that 60% of the Region has a least one protocol directed at governing the actions of civil servants, at least within the relevant sphere. This points to progress in the permanent strengthening of the capabilities of State institutions to respond to the different violations of the human rights of girl children and women. It is notable that this trend is more pronounced in the areas of justice and criminal justice, and is essentially non-existent in areas of the justice system not related to crime, or in the equivalent areas in education and healthcare.

**194.** The CEVI reiterates that educational protocols require a significant commitment of the part of the States Party, in order to fulfill the recommendation to design and update action protocols for the different institutions and different treatment environments for women and girl children in order to achieve the greatest measure of regulation of the competent entities with a vision toward human rights and gender.

### **c) Existence of protocols for investigation and judgment with a gender perspective**

**195.** Protocols offer a useful frame of reference to periodically evaluate the due diligence, conduct research, analyze the actions or omissions of the responsible State entities and determine the degree of compliance with international obligations. Within this context, protocols can serve as a useful tool to assist justice personnel to act with all due diligence in the conduct of investigations<sup>142</sup>.

**196.** Based on this premise, we evaluated the information submitted by 7 States Party, Argentina, Chile, El Salvador, Granada, Mexico, Uruguay and Venezuela, who specifically referred to the following existing Protocols: The treatment of women victims of violence or discrimination; methods to judge with a gender perspective; the investigation of homicide; the function of interdisciplinary teams for the care of women; treatment of vulnerable groups and the identification of obstacles and threats in order to provide an effective response. This list addresses different areas, provides a source for best practices in the region and demonstrates complementary experiences, some of which are listed below:

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142 ORGANIZATION OF AMERICAN STATES (OAS), INTER-AMERICAN COMMISSION OF WOMEN, FOLLOW-UP MECHANISM OF THE CONVENTION OF BELÉM DO PARÁ (MESECVI), Second Follow-up Report on the Implementation of the Recommendations of the Committee of Experts of the MESECVI, 2015, (OAS. official, OAS/Ser.L/II), page 99 paragraph 257. In: [http://www.oas.org/es/MESECVI/docs/MESECVI -SecondInformeSeguimiento-ING.pdf](http://www.oas.org/es/MESECVI/docs/MESECVI%20Seguimiento-ING.pdf)



- In Chile, the Protocol of Judicial Action for Cases of Gender-based Violence against Women was prepared at the XVII Ibero-American Judicial Summit in Santiago in 2014. There are also protocols for action in the internal regulations of each establishment, providing preventive tools that establish the steps to be followed and those responsible for situations of risk, such as violence, aggression, abuse and other events that require complex approaches.
- El Salvador: In 2012, El Salvador developed the Action Protocol for the investigation of femicide (Office of the Attorney General of the Republic and the United Nations Office of the High Commissioner for Human Rights).
- Mexico: Protocol for judgment with a Gender Perspective.
- Grenada reports the existence of the National Domestic Violence and Sexual Abuse Protocol; a Sexual Assault Response Guide for the Gender-based Unit; and, the Standard Operating Procedures for the Health Sector.
- Uruguay: In 2016, Uruguay signed the Investigation Protocol for gender-based crimes developed in conjunction with officials from the Ministry of the Interior and the Office of the Attorney General of the Nation.
- Venezuela: Since 2013 Venezuela has had the “Manual of Rules and Procedures for Interdisciplinary Teams”, directed at the civil servants employed by courts specializing in crimes of violence against women.
- Include Chile and Granada

**197.** As with the preceding indicators, the information with respect to the number of responses from the States was scarce; this is in contrast to the Second Hemispheric Report, when the amount of information submitted on the existence of protocols for justice personnel was abundant.

#### **d) Monitoring reports on the knowledge, understanding and application of protocols and specific regulations on the rights of women, as part of periodic evaluations to access incentives, credits and tiers (in the justice, healthcare and education sectors)**

**198.** Monitoring reports on the application of action protocols on the rights of women are an important reference and follow-up tool for decision-makers, as they reveal the disposition of the State in following-up on the actions of specialized personnel in the justice, education and healthcare sectors with respect to the rights of women. They also serve as a mechanism for information that allows the State to correct, adjust, incentivize and evaluate the best practices on the issue.

**199.** According to the information analyzed, only 9 countries in the region<sup>143</sup> provided information for this indicator, which represents 28.4% of countries in the region. Upon examination, it is notable that it is the public prosecutors, the gender divisions in the Judicial Branch, the Ministries of Justice, the National Mechanisms for Women, and the Executive Secretaries that are the entities responsible for the development of monitoring reports.

**200.** El Salvador is a good example of this. The ISDEMU (the mechanism for women) produces a report on the State and the Situation of Violence Against Women, that in addition to including statistics on acts of violence against Salvadoran women, also monitors and evaluates progress in the implementation of the Special Comprehensive Law for a Life Free From Violence for Women, and provides information on the follow-up, modernization and standardization being made to the action protocols for the treatment of women victims of violence. At the same time, it determines which organizations or topics need special attention and protocols, as in the case of migrant women and the right to consular attention.

**201.** For its part, Costa Rica indicates that the Judicial Branch compiles an annual report that highlights the progress and challenges related to the rights of women in this area. States such as Honduras, Grenada and Bolivia reported the existence of reports on topics associated with the rights of women, but did not provide any detail with respect to the specific evaluation of the utility and effectiveness of the protocols. Only El Salvador provided information on the relevance, harmonization and effectiveness of these instruments.

**202.** The Committee observes that improving the production of monitoring reports and assimilating their importance for the development and improvement of public policies remains an outstanding task in the region. In the deployment of regulations and action protocols, it is essential to anticipate the evaluation of the impact of their application and develop reports to serve as the fundamental tools to help guide and adjust the actions of the competent personnel.

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143 Chile, Costa Rica, El Salvador, Granada, Honduras, Saint Vincent and the Grenadines, Trinidad and Tobago and Uruguay

## **e) Existence of administrative entities for the establishment of complaints for failure to implement the obligations associated with the right to an education free from discrimination**

**203.** The existence of entities to receive complaints on the right of an education free from discrimination is of paramount importance in the pursuit of the eradication of violence against women and girl children. This type of structure, in addition to serving as a center for the treatment of women and meeting point for the other competent institutions on the road to the access to justice, it is also a source of information that allows the identification of the most common types of violence and their contexts.

**204.** Only 8 of the 24 participating States submitted information for this indicator, which strongly suggests that the formation of entities responsible for the receipt of complaints related to the violation of the right to an education free from stereotypes and discrimination remains an outstanding task in the region.

**205.** Argentina identifies the National Institute against Discrimination, Xenophobia and Racism (INADI) as the organization responsible for this activity; and in Chile, it is the purview of the Superintendence of Education. Costa Rica indicates that these types of complaints are filed with the Office of Service Control and that the Ministry of Education has a Special Proceedings Unit, responsible for investigating complaints of sexual harassment or abuse.

**206.** For its part, El Salvador indicates that this function lies within the Office of the Prosecutor. In the Ministry of Education, the penalizing administrative authority is the Board and Court of the Teaching Career, which is responsible for the development of administrative sanction processes. However, El Salvador admits that, to date, the Law of the Teaching Career has not yet incorporated the reforms necessary so that, in concert with the Law of Equality, Equity and the Eradication of Discrimination Against Women in Sin embargo, the appropriate sanctions could be imposed to punish violations of the law.

**207.** Honduras reports the existence of entities including the University Commissioner, the Free Legal Advisory, and the National Observatory for Violence within the gender section of the “Chair for Women’s Studies”. Mexico highlights the Unit of Attention of Child Abuse and Sexual Abuse of Children (UAMASI), Commission for Prevention and Treatment to Eradicate Assault and Harassment (COPAEAH), the Ombudsman for University Rights, in the Unit for the Attention and Follow-up of Complaints, and the UAM Psychological Support telephone lines, in the area of support for university students. No mention was made, however, of specific channels available for other levels of academic instruction.

**208.** As shown, the information provided is scarce and generic. On the other hand, the remaining countries that participated in the Round provided no information in this area at all, which demonstrates there is a gap between the formal recognition of the right to an education free from discrimination and the government actions taken to guarantee it.

## 2.- National Plans

### Articles 1, 2, 7 and 8 subparagraphs c) and d) of the Belém do Pará Convention

**209.** The CEVI is pleased to see the progress of the States Party, committed with the adoption and establishment of National Plans dedicated to the prevention, treatment and eradication of violence against women, as well as to the empowerment of women and their democratic participation in public spaces, the guarantee of the full exercise of their rights and the criminalization and justiciability of actions of violence and discrimination against them.

**210.** The decision taken by this Committee on the System of Progress Indicators for the measurement of the implementation of the Belém do Pará Convention, was to review to the progress achieved in the following areas:

- 1) Execution and implementation of Plans/Strategies/National Actions to prevent, punish and eradicate violence against women,
- 2) The incorporation of a gender perspective and the eradication of violence against women in a transversal manner in other Intersectoral National Plans and Actions for development, human rights, inclusion and social justice.
- 3) The execution of training and capacitation plans on the human rights of women, forms of violence and governmental means for its eradication, directed at the entirety of public administration personnel, with an emphasis on personnel working in justice, State Security agencies and the health and public education systems.
- 4) The effective and meaningful incorporation of civil society organizations working for the defense of the human rights of women, at every phase of the design, execution and measurement of the impact of the plans, strategies and national actions related to the promotion and

protection of the rights of women included in international human rights instruments and national legislation.

5) Participation of the Media and Advertising Agencies for the dissemination of the human rights of women and the role of the media in the promotion of equality and gender equity, the elimination of stereotypes associated with gender and the fight against violence and discrimination against women.

**211.** In the last Follow-up Round, the 19 States that participated reported having specific plans to combat violence, whether it be a line of action within national plans for development or equality, or rather in national plans or strategies specifically oriented at the eradication of violence against women. In this Third Round of Evaluation, once again, 100% of the 24 States included in the analysis indicated that they have national plans that address violence against women.

## **2.1 Execution and implementation of Plans/Strategies/ National Actions to prevent punish and eradicate violence against women**

**212.** The Committee is pleased to note the intersectoral and multidisciplinary design of the national plans presented by the States Party, and highlights the desire to contribute to the substantial improvement of the situation of women and the reduction of all forms of discrimination against them in any environment, primarily with the area of public administration.

**213.** However, the Committee reiterates the importance of the establishment of formal follow-up mechanisms that include the active participation of civil society for the evaluation and measurement of National Plans. This approach is intended to guarantee the reliability of the information presented and ensure the comprehensive vision of the actions taken is in alignment with the commitments assumed by State before the international community.

**214.** In the same way, we estimate that it is necessary to increase adoption efforts of methodologies than permit the categorization of the information produced by State, from the adoption of public budgets sensitive to gender, the identification of population groups targeted by the public policy (indigenous women, homeless women, women deprived of freedom, among others) and the overview of practices of the actors and methods that work together to achieve each one of the goals in the national plans, points that we will analyze in the following chapters.

## a) States that advance public policies for the prevention of violence against women

**215.** Through the organization Proigualdad 2013-2018, Mexico highlighted the topic of violence against women for the first time and established 4 lines of action to address the issue. At the same time they modified Rules of Operation of the Joint Social Investment Program for the Strengthening of Gender Equality, which also for the first time addressed the violence experienced by women in the different federal regions of the country; and indicated that with the development of the Comprehensive Plan to Prevent, Address, Punish and Eradicate Violence Against Women 2014-2018, they established citizen forums to analyze gender-based violence and identify issues specific to indigenous women, disabled women, girl children and adolescents, and women deprived of freedom, among others.

## b) Existence of a national, state or municipal policy to eliminate gender stereotypes in education

**216.** The CEVI realizes that the elimination of a stereotype, “presupposes that an individual, a community or a State is aware of the existence of the stereotype and the way it operates to the detriment of a women or a subgroup of women”<sup>144</sup>. Therefore, prevention policies must consider specific measures focused on the study of gender stereotypes and their negative consequences on women, and propose measures to eliminate them and change stereotypes that subordinate women in society<sup>145</sup>.

**217.** Eleven<sup>146</sup> of the 24 participating States presented two paths for the incorporation of measures for the eradication of gender stereotypes in education. The first, through national plans for equality, gender equity and human rights and the second, through the introduction of reforms or legal instruments within the framework that governs the educational process.

**218.** The strategies are directed at the prevention, action and eradication of violence against women, girl children and adolescents. The execution of national plans involves the competent entities, among those mainly the educational agencies.

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144 COOK, R and CUSACK, S, Gender Stereotypes, Transnational Legal Perspectives, (Gender Stereotyping: Transnational Legal Perspectives), University of Pennsylvania Press, 2009, Chapter I, page 43. At <http://www.upenn.edu/pennpress/book/toc/14658.html>

145 IACHR, 2007, Access to Justice ... op. cit, page 124.

146 Antigua and Barbuda, Argentina, Chile, Colombia, El Salvador, Grenada, Guatemala, Mexico, Peru, Dominican Republic, Uruguay. On the other hand, Bolivia, Saint Kits and San Vicente and the Grenadines provided a response not associated with the indicator requirement.

From an intersectoral and multidisciplinary perspective, that also includes society as a whole, principally the media, the agencies of the State, and civil society organizations. Also highlighted is the role of international technical cooperation in the financing and execution of the plans.

**219.** In the case of the introduction of programs directed at the transformation of gender stereotypes, the introduction of thematic developments in the area of comprehensive sexual education stands out, addressing the issues associated with gender perspective, respect for sexual diversity, personal care and health, the exercise of sexual and reproductive rights, life plans, and the valuation of affectivity.

**220.** The Committee highlights the case of Argentina that submitted the “Federal Guidelines for educational intervention in complex situations in academic life”; audiovisual tools such as the pedagogical film archive; and the presentation of the national campaign “Not One Less” (Ni Una Menos). In Chile, “The agenda for gender equity and the Let’s Educate with Equality” campaign stands out, while in Bolivia: the “National Plan for Equal Opportunities Women Free from Violence for a Good Life” is also a good example.

**221.** Equally, in Mexico the National Policy on Equality between Men and Women, established as part of the National Plan for Development and the National Plan for Equal Opportunities and Non Discrimination against Women, Pro-equality 2013-2018 shine as good examples, as does the Policy for Gender Equality, Human Rights and the Eradication of Gender-Based Violence in the Educational Sector.

**222.** For its part, Peru presented the National Plan Against Gender-Based Violence 2016-2021, that includes two strategic objectives: 1) Change sociocultural patterns that replicate unequal power relationships and hierarchical differences that legitimize and exacerbate gender-based violence; and 2) Guarantee persons affected by gender-based violence access to high quality comprehensive, interconnected and timely services dedicated to the protection, care and recuperation of the victims.

**223.** Uruguay presented the Promotional Centers for Rights under the Ministry of Education and Culture and the National Administration of Public Education, within the framework of the “Right to an education and culture free from gender stereotypes”; in addition to the production of a cultural program on masculinity, intended to foster reflection on masculine stereotypes and the will to change.

**224.** In the Dominican Republic, two regulations stand out: The Law for the National Strategy for Development 2030 and the National Pact for Dominican Education; El Salvador’s Policy on Equity and Gender Equality and Plan for

Implementation; and the Law of Education in Grenada establishes the promotion of the principle and practice of Gender Equality.

### **c) Existence of public or private observatories for discriminatory behavior or institutional practices against women**

**225.** The Committee has insisted on the need to establish observatories that enable the identification and measurement of the impact of the social and official practices that promote and consolidate systematic discrimination against women and girl children. In addition, they call on civil society to organize collective spaces for the gathering of different sources of information that could serve as witnesses to acts that constitute violation of the human rights of women. The participating States reported the existence of Observatories in the area of gender-based violence in a variety of different modalities.

**226.** A few examples stand out: Argentina, through the National Institutions of Human Rights in the Provinces of Buenos Aires and Tucumán is able to monitor the situation of the rights of women in both territories. According to the Shadow Report<sup>147</sup> submitted to the Committee by the Civil Communication Association for Equality, in 2006 the Observatory for Discrimination on the Radio and Television was created within the framework of the National Plan against Discrimination. The National Council of Women and INADI manage this Observatory, together with the AFSCA. The Observatory promotes the prevention, awareness and discussion on gender-based discrimination against women in the media, through reports related to media content and capacitation activities, coordinating its tasks with the DPSCA on similar topics.

**227.** For its part, the Judicial Branch in Costa Rica created the Observatory on Gender-Based Violence Against Women and Access to Justice; the Public Defender's Office is a member of the interagency Network for the Treatment of Women and Dependent At-risk Family Members linked to criminal proceedings; The Center for Research and Women's Studies (CEIM) at the University of Costa Rica created the Observatory on the image of women and violence against women in the media; and a group of academic institutions in Costa Rica, coordinated by the National University of Distance Education (UNED), run an Observatory on the Trafficking of Persons.

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147 Chaher, S. and Pedraza, V. (Coord.), Foundation for the Development of Sustainable Policies and the Association for Civil Communication for Equality, 2016. Gender-Based Violence and Communication Public Policy. First Edition, Cordoba.



**228.** Other similar examples include: the Observatory of Sexual and Reproductive Health, a mixed project of civil society and the State; the National Observatory of Violence in Honduras; the Observatory of Criminality in the Ministry of Public Affairs and the Unit for the Generation of Information and Knowledge Management of National Program Against Sexual and Domestic Violence (PNCVFS) in Peru; and the Observatory of Justice and Gender in the Dominican Republic.

#### **d) Opinion polls on the identification of violence against women**

**229.** Only Argentina, Mexico and Peru submitted relevant information on this topic:

**230.** In Argentina, the Government of the City of Buenos Aires, in collaboration with the non-profit “Latin American Team for Justice and Gender” conducted a survey in the Autonomous City of Buenos Aires (CABA) that addresses issues linked to the awareness and opinion of violence against women.

**231.** Mexico conducted an opinion poll on danger in public spaces where women are often victims of violence.

**232.** Peru conducted a qualitative study that collects perceptions of the violence depicted on television, the most commonly identified types of violence being domestic violence and child abuse, as children and adolescents are able to identify the different types of violence that are associated with similar situations within the family.

## **2.2 Execution and implementation of Plans/Strategies/ National Actions to prevent, punish and eradicate violence against women that address diversity**

### **a) States that advance public policies plans and programs on disability**

**233.** Costa Rica provided information on the National Policy for Persons with Disability (2011-2021) that, from its inception and through implementation, has included the participation of disabled persons, their advocacy organizations and family members. As the First Plan of Action lacked an effective monitoring and implementation process, the country decided reset the processes beginning in 2015 and through 2016, in order to launch a new Plan of Action 2016-2018.

**234.** Based on proposals from civil society organizations in 2013, Mexico is developing the National Program for Development and Inclusion for Persons with

Disabilities; and through the Joint Social Investment Programs they conducted awareness workshops on Mexican Sign Language.

### **b) States that advance public policies plans and programs to address the prevention of violence against women that include a diversity perspective**

**235.** Through the organization Proigualdad 2013-2018, Mexico highlighted the topic of violence against women for the first time and established 4 lines of action to address the issue. At the same time they modified Rules of Operation of the Joint Social Investment Program for the Strengthening of Gender Equality, which also for the first time addressed the violence experienced by women in the different federal regions of the country; and indicated that with the development of the Comprehensive Plan to Prevent, Address, Punish and Eradicate Violence Against Women 2014-2018, they established citizen forums to analyze gender-based violence and identify issues specific to indigenous women, disabled women, girl children and adolescents, and women deprived of freedom, among others

### **c) States that advance public policies plans and programs to address indigenous and intercultural issues**

**236.** Ecuador has indicated that, in coordination with the Councils on Gender, Inter-Generational and Montubian Equality, they have established an inter-institutional oversight Board. They created a joint proposal for public policy mainstreaming, guaranteeing the inclusion of indigenous territorial issues such as the administration of justice.

**237.** Paraguay has provided information on actions taken by the Directorate for the Promotion of Good Living in Childhood and Adolescence of Original Peoples in the Secretariat for Children and Adolescents.<sup>148</sup>

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148 Paraguay noted that these actions are intended to, “Contribute to the promotion, participation and comprehensive protection of children and adolescents from native peoples who live at risk of their rights being violated.” Within this context, there was an outreach effort in the streets and in other public spaces to identify where these youth spend time, to provide assistance in the face of dangerous situations, make connections with safety networks, provide escort to court and health care centers, and coordination for admittance to detox facilities in the case of addictions. The open center “tesai reko renda” was established to provide food, and recreational, educational, and cultural activities as well as the “Kuarahy rese” shelter where native children and adolescents can receive daily care without being accompanied by a parent.

## 2.3 Education and training plans for decision-making bodies and authorities on the issue of human rights of women. The execution of training and capacitation plans on the human rights of women

**238.** This indicator addresses personnel in the following roles: technical ministerial personnel, justice personnel, legislators, healthcare workers, security and police forces and personnel in centers specializing in the treatment of women victims of violence among others, with particular focus on children and adolescents, adult and older women from diverse ethnic backgrounds; women of African descent; women from rural areas; disabled women; women with alternate gender identities; migrant, displaced or refugee women and women who have been deprived of their freedom.

**239.** On this topic, Chile noted that the Judicial Branch of the Ministry of Public Affairs in 2015 approved the implementation of the Ibero-American Protocol for Judicial Action to improve access to justice for disadvantaged persons and groups, with a special emphasis on gender, and particularly on children and adolescents of both genders, indigenous communities and peoples; disabled persons; women victims of gender-based violence and migrants and other persons subject to international protection (asylum seekers, refugees, those subject to additional protection, and stateless persons).

**240.** The Access to Justice for Disadvantaged Groups Project is currently working with the Ministry of the Supreme Court and is considering a second stage in another 5 Courts of Appeals<sup>149</sup>. In addition, the “Awareness Workshop for Judicial Branch Personnel: International Standards and Rules of Judicial Behavior that Guarantee Access to Justice for Disadvantaged Groups” is directed at 20 employees of the Judicial Branch who have direct contact with and provide first aid to the community that goes to Court.

**241.** Colombia indicated that, according to the records of the Ministry of the Interior, there are 125 awareness and capacitation activities directed at employees of the National Police, Ministry of the Interior, the National Penitentiary and Incarceration Institute and the incarcerated population on the human rights of LGBTI and those sectors of society with non-hegemonic sexual orientations, expressions and identities. The Colombian Institute of Family Welfare notes the existence of

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149 Appellate Court of Iquique: Migrants and Subjects of Special International Protection. (14/04/2016); Appellate Court of Valdivia: Indigenous Persons, Communities and Peoples. (09/06/2016); Appellate Court of Talca: Children and Adolescents. (August 18); Appellate Court of Punta Arenas: Female Victims of Violence. (November 11); Appellate Court of La Serena: Persons with Disabilities.

capacitation activities for administrative authorities (356 persons trained in 2014; 1577 in 2015; and 601 in 2016)<sup>150</sup>. They also initiated a certificate course for 120 Family Defenders in Cali, Bogota and Cundinamarca, which offers a specific and differential module with a focus on rights.

**242.** Costa Rica noted that the Training Unit of the Public Defense includes a variety of different training activities on gender and diversity in its yearly plans. They have designed Investigation and Teaching Programs and a Program for Substantive Disclosure that issue weekly informational capsules to all institution personnel on gender, international instruments, human rights, custody and access to justice for disadvantaged populations, among others.

**243.** As part of the training activities conducted by the Sub process of Management for Training, the Human Management Directorate runs an Induction Program on Persons, the Human Rights of Persons Deprived of Freedom, which includes: 1) an individualized workshop for facilitators from the Judicial Investigation Body on the use of the manuals for the participant and the program facilitators; human rights for persons deprived of freedoms; and institutional commitments; 2) a simulator of the Human Rights of persons deprived of freedom that will be implemented via electronic tablets adapted to the custodians. This activity is accompanied by an awareness workshop and a virtual course.

**244.** In the health care sector, training for civil servants with direct contact is permanent, and is conducted by the Commission on Violence and the Committee for the comprehensive study of abused children (CEINNAS).

**245.** In addition, an awareness and training course on reproductive and sexual health and violence for women with disabilities is being developed on the CENDEISS (Center for training, education and research of the social security agency).

**246.** The National Institute of Women (INAMU) through the Area of Active Citizenship, Leadership and Local Management, offers the following: a) Training of indigenous trainers to enable replication of their knowledge on political participation;

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150 The specific trainings are as follow: 2014 - 356 Administrative Authorities trained in: Administrative Process for the Re-establishment of Rights – Due Process; Children and Adolescents in the Process of Reinstitution of Land Seized or Abandoned as a Result of Violence; System of Criminal Responsibility for Adolescents - SRPA; Consular Processes – Food – International Return –Adoptions; Human Trafficking; Differential Ethnic Focus. 2015: 1577 Administrative Authorities trained in: General Process Code; Victims of Armed Conflict; Rules of Evidence; Civil Registry in Colombia; Differential Ethnic Focus; Due Process within the PARD; Analysis of Sentence t844 of 2011. 2016, 601 Administrative Authorities trained in: Due Process within the reestablishment of rights; Functions of defenders within the framework of the SRPA; Parentage and related acts; Disciplinary process for government officials; Child labor; Adoptions; Process for the restoration of the rights of children and adolescents; Administrative process for the re-establishment for rights and related aspects; Differential Ethnic Focus; Victims of Armed Conflict.

b) The School of Politics for Women of African and Indigenous Origin of Limon and;  
c) a course entitled Gender and Ethnic Diversity for public servants. All courses address the issue of human rights and discrimination based on gender, ethnicity, disability and sexual orientation.

**247.** Ecuador<sup>151</sup> noted that the Ministry of Education conducted a course, “Strengthening the abilities and professional and human skills of the Department of Student Counseling teams”<sup>152</sup> as well as a training course on the National Plan to Combat Sexual Violence in Education.

**248.** In 2014 and 2016, the Ministry of Justice, Human Rights and Cults provided training on human rights to public servants in the following organizations: Councils on Childhood, Centers of Social Rehabilitation, Armed Forces, the Ministry of Economic and Social Inclusion (MIES), Ministry of Labor, National Police, Ministry of Health, Ministry of Agriculture, Farming, Aquaculture and Fishing and to 15,366 persons belonging to priority groups.

**249.** The Ministry of the Interior has developed the Program for Continuous Comprehensive Training for the National Police (PCIC), executed nationally, for all active service members of the force. It addresses gender, gender-based violence and the treatment of victims of violence. Similarly, an awareness and capacitation program exists within the National Directorate for Children and Adolescents (DINAPEN) of the National Police. The MIES has trained national technical staff from the Directorates of Special Protection, Adoptions, Risk and Emergency Management and Management of Special Protection and Joint Responsibility using a “participative journey” methodology. This methodology has been adapted to address the prevention of the violations of rights, and focuses on gender, joint responsibility, and takes into consideration those themes that promote good treatment within the family, joint responsibility, equality and diversity. The Council of the Judiciary, via the National Gender Sub directorate, designed a course on gender and gender-based violence that has been adopted and implemented by the School of Judicial Operation. In addition, they conducted an initiative to “raise awareness among judicial personnel of gender-based violence”. And, starting in 2013, the Office of the Attorney General of the Nation has benefited from the National Training Plan

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151 This information was provided in response to the following indicator: Existence of ongoing training, education and awareness processes for government officials on the legal tools that protect; promote and punish the violation of the rights of women, in particular the right to live a life free from violence. Response of the State to Ecuador to the MESECVI.

152 The DECE (Departments of Student Counseling) are the bodies responsible for preventing gender and sexual violence in educational centers, and for dealing with cases of different types of violence that are detected or arise in educational institutions.

and curriculum, 2013-2017. This program has touched 768 public prosecutors and 1388 registrars, judicial analysts and judicial assistants.

**250.** Also, within the framework of the Inter-Institutional Cooperation Agreement between the Ministry of Public Health and the Attorney General of the Nation, the two institutions worked together to formulate the protocol as well as the reporting tool for forensic legal medicine for victims of sexual crimes, as well as the technical rules corresponding to the healthcare sphere.

**251.** Honduras has noted that it has developed capacitation and training programs for public servants on gender, violence against women and the application of legislation in various regions of the country, through programs coordinated by different governmental bodies such as the National Institute of Women (INAM), the Public Ministry (Office of the Special Public Defender for Women), the Department of Health, the Department of Education, the Secretariat for Human Rights Justice, Governance and Decentralization, the National Commission Against Sexual Exploitation, Commerce and Human Trafficking of Honduras (CICESCT), the Judicial Branch, the National Human Rights Commission (CONADEH), Municipal Offices of Women, the Secretariat of External Affairs and other institutions, with the support of national and international human rights organizations and external cooperation.

**252.** Mexico noted that the National Commission to Prevent and Eradicate Violence (Conavim) succeeded in strengthening ties with a variety of organizations in order to develop strategies to address, prevent and eradicate violence against women. As a part of this effort, different activities were undertaken, including interventions in the Valley of Maneadero and San Quentin, Baja California, with the aim of empowering indigenous, migrant and worker women, with a gender and human rights perspective. In addition, they launched the “Violence against women in indigenous communities. Attention and Accompaniment”, forum, which established an agenda to work with Indigenous Women Houses, with a particular focus on addressing specific needs. Personnel training actions undertaken by the Gender Units, including the Program for Gender Training 2015, conducted the following courses: 1) gender awareness, 2) inclusive communication, 3) prevention of workplace violence, 4) masculinity and discrimination, and 5) public policies with a gender perspective. These courses reached a total of 2,915 persons – 1,892 women and 1,023 men.

**253.** The Dominican Republic specified that the National School for the Judiciary conducted a workshop “Access to Justice for Persons in Vulnerable Situations” multiple times in 2014 – 2015, with the aim of training participants in the Brasilia Rules and other international instruments. This effort was intended to promote the

implementation of institutional policies directed at overcoming problems related to access to justice, and provided training to total of 62 judges.

**254.** The Ministry of Health provided training on the use of the regulations, guides and protocols for the comprehensive treatment of domestic violence and violence against women, as well as on the use of tools that support the collection of information. Law 1-12 of the National Development Strategy 2030 also establishes a mandate for the National Health System to urge the “continuous awareness-raising and training of healthcare workers in order to improve and encourage the early detection, assistance and rehabilitation of women, children, and adolescent victims of violence and gender-based violence”. The State notes that among the challenges faced are the need for additional personnel to undergo training, a continuous training process, as well as the need to increase skills among healthcare worker with respect to the rights of persons with disabilities, LGBT populations, persons living with HIV/AIDS and other groups in highly vulnerable situations.

**255.** To address issues affecting children and adolescents, the National Council on Childhood and Adolescence joined UNICEF in a Workshop on the Roadmap for the Elimination and Prevention of Violence against Children and Adolescents and Regulations for Peaceful Coexistence in Schools. The Workshop was directed at teachers, counselors, security personnel, church leaders and Border Zone Protection Networks in order to build skills and knowledge to promote a new culture of peace and harmony within their communities, schools and, in particular, among children in the most vulnerable situations.

**256.** Uruguay presented information from the Ministry of the Interior on training for police officers conducted in the third year of their cadet career that includes a 30 hour module on domestic violence, and covers topics associated with gender, domestic violence and human rights; in 2015, this training reached 1,100 officers nationally. The National Police Academy established the Chair on Gender and Public Security to incorporate the perspectives of gender, sexual and reproductive rights and domestic violence in the training curricula at all levels. Extracurricular courses are also available through the Gender Policies Division, including: 10 regional courses on “human rights-oriented police procedure for gender and generation-based violence”, provided to 395 police officers; 10 workshops on Gender and Diversity conducted with the support of the United Nations Population Fund (UNFPA), reaching 400 police officers and penitentiary staff and 2 regional courses, “Art and Science for the application of the regulatory framework on gender and generation-based violence”, reaching 70 officers.

**257.** Venezuela noted that the training component of the Mental Health Program and the Program for the Prevention of Accidents and Violent Acts is a technical

regulatory instrument addressing violence in all its forms. It includes the Violence Protocol that can be used as a tool for training.

### **a) Existence of educational programs on human rights that incorporate gender at all levels of instruction**

**258.** Only 6 countries, Antigua and Barbuda, Chile, Costa Rica, Grenada, Guatemala, and St. Vincent and the Grenadines, provided information in response to this indicator, which addresses the review of curricula at all levels of instruction in order to develop tools to reduce and prevent all forms of discrimination and promote the empowerment of women.

**259.** The pro-women's rights entities in Guatemala, St. Vincent and the Grenadines and Suriname, work together with the educational bodies of the States to incorporate concepts of human rights, and gender equality and equity in educational curricula.

**260.** In Chile the General Law on Education sets General Educational Goals, and defines the defense of women's rights and the fight against all forms of discrimination as two fundamental and transversal Learning Objectives in the national curriculum.

### **b) Existence of material that promotes gender equality and the empowerment of women and girl children and processes for promotion in public and private educational institutions**

**261.** Argentina, Chile, Costa Rica, Grenada, Honduras, Jamaica, Mexico, the Dominican Republic and St. Vincent and the Grenadines reported the incorporation of a gender perspective in textbooks, intercultural texts, free textbooks, manuals, guides, booklets and pamphlets.

**262.** The States also identified other pedagogical resources that guide and support the implementation of curricula for teachers; the existence of campaigns addressing gender stereotypes in education; investment in the development and dissemination of printed and digital material to promote, defend and guarantee the human rights of women, and that tackle topics such as abuse based on sexual orientation, the diversity of women, healthy aging, as well as educational materials for children on equality; hidden curriculum and violence against women; the development of virtual courses on equality; the joint responsibility of all citizens; parenting; masculinity; and the sexual and reproductive health of adolescents with a gender perspective, for a life free from violence for women. There was also information on the creation of brochures and material for radio and television intended to promote gender equality.



**263.** Despite the fact that few States provided the information requested, the breadth of the topics addressed in the material promoting equal rights in the region is very pleasing. However, the development of this type of material should include clear objectives with respect to dissemination, audience, timing of publication, and awareness strategies in order to have the greatest possible impact and best results. There was no precise information provided on these objectives.

### **c) Number of reviews and curricular changes conducted to eliminate gender stereotypes by material and instructional level**

**264.** Only 5 States, El Salvador, Mexico, the Dominican Republic, St. Vincent and Costa Rica provided information on changes to curricula; this is a weakness and pending task in the region.

**265.** El Salvador provided information on the type of institution that made changes to the curriculum, citing a report from the Ministry of Education to the Salvadoran Institute for the Advancement of Women (ISDEMU), on the review and updating of the curriculum content related to comprehensive sexual education.

**266.** Only 2 States provided numerical data on curricular revisions:

- Mexico pointed out an audit of 80 schools, the review of a proposed curriculum and the restructuring of the course work for a bachelor's degree in Indigenous Education, which addresses two fundamental transversal concepts: human rights and the rights, equity, cultural relevance and dialogue of knowledge of indigenous peoples. As a result, the curriculum was updated and 300 digital and multimedia assets free from sexist and discriminatory content against women and girl children, were created at the Open and Distance Learning University of Mexico.
- The Dominican Republic launched a Curricular Review and Update Project that included 4 surveys and 3 processes of systematization to integrate the results of the validation.

**267.** As is obvious, updating curricula remains an outstanding task in the region. This could be interpreted as an institutional failure to eliminate gender stereotypes and provide an education free from violence supported by differences based on the weakness of women. It is important to conduct awareness-raising activities for both educational authorities and teachers in order to highlight the need to make these changes and to educate them on how they contribute to the creation of a more just and equal society.

## d) Systematic educational processes in society

**268.** The information collected for this indicator also responds to Recommendations 16 of the MESECVI in the Second Hemispheric Report<sup>153</sup>. In this case, it tries to determine if the formative processes are systematically employed in the primary, secondary and university levels of instruction, as well as in society in general.

**269.** 12 States, or 50% of the States participating in this Evaluation Round, submitted information in response to this indicator, Argentina, Costa Rica, El Salvador, Grenada, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, Uruguay and Venezuela.

**270.** These States conducted training in the basic and lower middle educational levels in the form of forums, discussions, workshops, and/or departments. These activities could be based on legal requirements or be a part of national educational programs driven by the respective Ministries of Education. The case of Uruguay stands out, as it is INMUJERES that conducts the preventative educational programs that address gender-based violence.

**271.** Only Peru and Grenada specifically mention the existence of instruction on the topic of gender stereotypes, gender equality, promotion and protection of women's rights, and punishment for the violation of the right to live a life free from violence in the academic curriculum. Chile reported that, in accordance with the requirements of the Ministry of Education, it is incorporating the concept of gender into the new curricular foundations at the pre basic level of and at the earliest stages of academic instruction<sup>154</sup>.

**272.** In general the objectives of the formative processes analyzed are to promote and comply with existing laws. These laws can include provisions on gender stereotypes, gender equality, the promotion and protection of the rights of women, as well as the punishment for the violation of the right to a life free from violence.

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153 Recommendation 16: Conduct awareness and prevention campaigns on violence against women and knowledge and promotion of their rights, preferably within a stable time frame, without distinctions based on sex, social class or membership to an ethnic group, and establish mechanisms for evaluating the results. Recommendation 19: Develop ongoing training plans on violence against women and on women's rights under Belém do Pará Convention for decision-makers and authorities, especially for government officials and agencies responsible for enforcing legislation or policies to prevent, punish and eradicate violence against women. These include legislators, justice and health workers, educators, the military and police forces, social and community women's organizations, and specialized centers for dealing with violence.

154 System of Progress Indicators, Third Round of Multilateral Evaluation, Information provided by the States, Republic of Chile.

**273.** At the same time, Argentina, Honduras, Mexico and Venezuela report the existence of broad offerings of studies on women’s rights at the University level, through departments, Bachelor’s degrees, certificates, and master’s degrees on the promotion and protection of the human rights of women, gender, sex education, human rights, etc. The information evaluated at this level of education demonstrates the existence of systemic and periodic realization of these formative processes.

**274.** Civil society organizations in Argentina and Costa Rica conducted workshops; in Grenada, there were school visits and interactive presentations; training and awareness activities Honduras, Jamaica, Mexico, and Panama and informational campaigns in Uruguay.

### **e) Existence of ongoing training, capacitation and awareness processes for government officials**

**275.** Article 8 of the Belém Do Pará Convention calls upon the States, “to promote awareness and observance of the right of women to be free from violence”<sup>155</sup>, as well as “to promote the education and training of all those involved in the administration of justice as well as other personnel responsible for implementing policies for the prevention, punishment and eradication of violence against women”<sup>156</sup>.

**276.** Along the same lines, Committee recommendations 16 and 19 in the Second Hemispheric Report reaffirm the importance of establishing ongoing training plans on the knowledge and promotion women’s rights within a stable time frame, without distinction based on sex, social class or membership to any ethnic group.

**277.** Equally, they highlight the need to establish mechanisms that facilitate the evaluation of the results in cases that involve government officials who apply the legislative framework or public policies to prevent, punish and eradicate violence against women; legislators; justice and health workers; educators; military and police forces; social and community organizations for women; and centers specializing in the treatment of violence.

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155 Article 8, subparagraph a. Organization of American States (OAS) Inter-American Convention on the Prevention, Punishment And Eradication of Violence Against Women (Convention Of Belem Do Para) adopted at the Twenty-Fourth Regular Session of the General Assembly, 1994, Preamble. At: <http://www.oas.org/en/mesecvii/docs/BelemDoPara-ENGLISH.pdf>. Viewed May 17, 2017.

156 Article 8, subparagraph c. Organization of American States (OAS) Inter-American Convention on the Prevention, Punishment And Eradication of Violence Against Women (Convention Of Belem Do Para) adopted at the Twenty-Fourth Regular Session of the General Assembly, 1994, Preamble. At: <http://www.oas.org/en/mesecvii/docs/BelemDoPara-ENGLISH.pdf>. Viewed May 17, 2017.

**278.** Based on the aforementioned, it should be noted that almost all the States that responded to the Progress Indicators provided information related to the existence of training for government officials on the legal aspect of the right of women to live a life free from violence. Of the 24 States that participated, 22 of the responses were standardized, representing a total of 69%.

**279.** Training activities were conducted via discussions, courses, workshops, and certificate programs, and addressed issues such as the following: promotion and protection of women's rights; national and international regulations on women's rights; gender perspective; treatment of women victims of violence; legal process and access to justice; recognition of affectivity; human rights; personal care and health; respect for sexual diversity; punishment of the violation of the right to a life free from violence; care for survivors of sexual violence in and away from armed conflict; forensic treatment of cases of femicide; inclusion and diversity; gender relations and sexuality; culture of peace; new concepts of masculinity; child sexual abuse and human trafficking, among others.

**280.** The activities were primarily directed at government officials who deal with women victims of violence; justice personnel; security agencies; and teachers; and to a lesser extent, community representatives, healthcare providers and diplomats. In the large majority of cases, States reported the number of persons trained. The breadth of the topics addressed, the offer to the targeted audience and the number of persons trained speaks positively to the interest and effort of the States Party in the implementation of the Convention.

**281.** Nevertheless, there remains a weakness in that not all the activities were conducted on an ongoing or periodic basis, but rather were occasional, as in the case of awareness or training activities that reported only once incidence within the period of study. On the other hand, there was no information on the impact of this training on the reality of the women or on the work of the government officials responsible for these issues.

**282.** In any case, it is worth highlighting the impact of the work performed by some of the States Party:

- Argentina held a meeting of judges and government officials with experience in the Family, through an arrangement with the Ministry of National Security that trained 4,000 security forces. At the same time, it introduced the recognition of an articulated gender perspective in the exercise of rights, recognition of affectivity, personal and health care, and respect for sexual diversity to work

with 60,000 educators from the Ministry of Education, representing 35,000 public and private schools;

- The National Training Program for Community Monitors – social leaders – in the Prevention of Violence Against Women, trained 1,417 community monitors in 15 regions of Chile;
- In 2013, Colombia rolled out the Comprehensive Plan to Guarantee Women a Life Free From Violence that training 1,500 justice personnel, and competent sectors in the e prevention and care of women victims of violence on topics related to the Human Rights of Women and the relevant national and international regulations;
- In addition to conducting a variety of different training activities directed at judges, public prosecutors and other government officials, in 2015 Ecuador, through its National Plan to Combat Violence, trained 433 professionals (district authorities, judicial experts), from 15 regions, of the District Conflict Resolution Groups. It also conducted a Specialized Course on Sexual and Reproductive Rights, gender and masculinity, and quality of care and domestic violence, attended by 59 health care workers from the Public Health Department of the Ministry of Health of Lima and Callao, who work with adolescents and youth (EVAJ).

**283.** We note that it is necessary to promote the application of methodologies that allow for the evaluation and impact of training processes, as the Inter-American Commission on Human Rights and the CEDAW Committee have indicated that these training programs must include the necessary mechanisms for institutionalization, effectiveness and follow-up in order to effect long-term change. The challenge continues to be, as noted by the Committee of Experts since 2012, that these training activities cannot be limited just to periodic workshops or activities that are not a part of an ongoing program, or that they just be short-term projects<sup>157</sup>.

## **f) Existence of ongoing training for educators**

**284.** Gender stereotypes are present in the acts of those responsible for carrying out processes that involve women and girl children, whether it be in the area of justice, in public administration, in the provision of health care or in education.

**285.** A review of the answers of the 14 States that responded to this indicator shows that there is a lack of clarity in the determination of the cadence and standardization of training activities.

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157 Inter-American Commission of Women, Second Follow-Up Report on the Implementation of the Recommendations of the Committee of Experts of the MESECVI, Washington, DC, 2015, p. 78.

**286.** Therefore, for the CEVI, it is important to evaluate the information associated with this indicator, which seeks to illuminate the actions of the States in the area of education, the teaching tools made available for review; to identify and change practices, language and educational strategies that hide elements of domination and discrimination against women and girl children, being that these teams have the valuable and delicate responsibility to mold others at all levels of instruction.

**287.** Nevertheless, we recognize the governmental capabilities of the following States that reported that these activities belong to a public policy, plan or program, that indicates that the development of these actions is systemic:

**288.** Argentina has the Comprehensive Sexual Education Program; Costa Rica has the Programs School for Gender Equity and Schools for Change; in Mexico there is the Teacher's Professional Development Certificate: the transformation of teachers' approach to gender Equality and the Awareness, Education and training program on gender. In Peru, there is a training program against domestic sexual violence for education advocates; in the Dominican Republic there are degree programs on gender and the ongoing educational program on gender from the Ministry of Women's Affairs; finally, Venezuela has two programs, "School for Families", School for peaceful coexistence from the Ministry of Women's' Affairs and Venezuela has two programs, "School for Families" and Educational Program for Equality".

**289.** The Committee would like to highlight the experience of a few States who provided tools to teachers that address the rights of women in at-risk populations:

**290.** El Salvador completed a Pilot Program in schools as well at fulltime in the Ministry of Education. Honduras created a Sub agency for Education for Persons with Disability and Exceptional Talents and the Sub Directorate of Education for Indigenous Peoples and Afro-Honduran Women as a way to address multi-factor discrimination against women; Peru developed a plan to prevent domestic sexual violence, teen pregnancy and human trafficking with intent to sexually exploit children and adolescents; and finally, the Dominican Republic established a degree in Gender and Trafficking, a Program for Positive Masculinity and a program to train personnel in specific groups how to prevent HIV/AIDS.

### **g) Existence of ongoing training for journalists and communication professionals**

**291.** The existence of communication professionals trained in the non-discrimination of women and gender stereotypes is a fundamental need for States in their pursuit of their obligation to seek equality between men and women. This

task, accomplished through ongoing processes, contributes to their compliance with the obligations established in Article 8, subparagraph g of the Belém do Pará Convention which reads, “to encourage the communications media to develop appropriate media guidelines in order to contribute to the eradication of violence against women in all its forms, and to enhance respect for the dignity of women”<sup>158</sup>.

**292.** In this same vein, CEVI is also concerned about the guarantee of the “coverage, and schedule of outreach campaigns against sexual harassment<sup>159</sup>; national campaigns to publicize women’s rights in cooperation with the media”<sup>160</sup> as well as the need to eliminate gender stereotypes and sexist and discriminatory images and messages in the media.

**293.** In order to evaluate the actions taken by the States with respect to training provided to journalists and other members of the communications arena (communicators, editors, and executives of both public and private media organizations); the Committee examined the relevant information submitted by only 8 States: Argentina, Colombia, El Salvador, Honduras, Mexico, Panama, Uruguay and Venezuela.

**294.** First, it is worth noting that the main drivers of training programs are the Public Defenders’ Offices, Councils on Women, and the Ministries and agencies charged with handling issues related to women. Second, these programs exist primarily on the radio, in print media, audiovisual media and university media. Third, these awareness and training activities have often resulted in the creation of networks, the establishment of departments of study, the development and implementation of academic degrees, as well as in new workshops and meetings that serve as a good practice in the region. At the same time, we urge the development of similar training in the digital communication arena, as it is now the latest and most innovative channel for the positioning of content, and is able to reach the target audience quickly and easily.

**295.** The topics addressed have revolved around gender diversity, stereotypes and social representations in audiovisual media; avoiding the use of symbolic violence and discrimination against women; common errors that result in the revictimization of women and the role of the media in the perpetuation of gender stereotypes;

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158 OAS, Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) adopted at the Twenty-Fourth Regular Session of the General Assembly, 1994. Article 4. At: <https://www.oas.org/en/mesecvi/docs/BelemDoPara-ENGLISH.pdf>. Viewed May 11, 2017.

159 Inter-American Commission of Women, Second Follow-Up Report on the Recommendations of the Committee of Experts of the MESECVI, Washington, DC, 2015, p. 50

160 Inter-American Commission of Women, Second Follow-Up Report ..., cit, p 69.

journalism and women's rights; Codes of Ethics for the Media; use of inclusive and non-sexist language that promotes real equality between men and women; incorporation of a Human Rights, Gender and Generation perspective in the treatment of information; and on the coverage of women, children and adolescents.

**296.** The CEVI has noted that the media have a significant influence on society's perception of what constitutes acceptable behavior and attitudes. The Convention recognizes the positive – or negative – effect the media can have on the promotion of women's equality and progress toward the elimination of gender stereotypes<sup>161</sup>. It is necessary that States increase the incidence of ongoing, planned training directed at journalists, communicators and other communication activists on women's rights, gender stereotypes and non-violence against women.

**297.** The CEVI reiterates that in accordance with the Declaration of Pachuca, prevention policies must promote the following:

*“the elimination of gender stereotypes and sexist and discriminatory images and messages in communications media – including both content and publicity, in private and public media - promoting the use of inclusive language on the basis of strategies that promote creativity”<sup>162</sup>. The Declaration of Pachuca also highlights the importance of gender training and awareness with a multi-cultural perspective in the curricula of journalism, advertising and communication, as within private enterprises in this industry<sup>163</sup>.”*

**298.** States should work together with civil society to evaluate fulfillment of the Belém do Para Convention with respect to the media, as well as in the application of sanctions on sexist publicity and media coverage<sup>164</sup>.

**299.** The Committee calls upon the communication media, providers of audiovisual content, the press, electronic media, public and private media and alternative and community media to promote the permanent implementation of the principles of equality between men and women, the elimination of all gender stereotypes, the

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161 MESECVI, 2014, Guide for the Application...op.cit, p. 58.

162 Inter-American Commission of Women, 2014, Declaration of Pachuca..., op.cit, p. 11.

163 Ibid, p. 12.

164 Inter-American Commission of Women, 2014, Declaration of Pachuca..., op.cit, p 12



eradication of the concept of women as sexual objects, and the inclusion of a gender perspective in all informational, opinion and entertainment content.

## 3. Information and Statistics

### 3.1 Monitoring Mechanisms

**300.** This chapter will address in detail topics related to information and statistics within the context of general prevention, while the chapter on specific prevention looks at the information related to the work of the system of Administration of Justice.

**301.** Article 8, subparagraph h of the Belém do Pará Convention expressly mentions the obligation of the States Party to conduct research and produce information and Statistics<sup>165</sup>. The fulfillment of this international obligation is a fundamental tool in the pursuit of the guarantee to prevent and eradicate violence and the determination of the extent of the public policies established to eradicate this violence.

**302.** The obligation to prevent violence against women and girl children requires that the States establish ongoing monitoring mechanisms. Research, data collection and analysis are essential in order to be able to evaluate the extent of violence against women and upon which to base proposals for State intervention. It is important to view the indicators as instruments that can be used to measure inputs, processes, projects, results, and the effects of any intervention<sup>166</sup>.

**303.** The CEDAW Committee, in its recent general recommendation number 35, states that measures should be taken in “coordination, monitoring and data collection” related to gender-based violence against women<sup>167</sup>:

“b) Establish a system to periodically collect, analyze and publish statistical data on the number of complaints of all forms of gender-based violence

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165 Belém Do Pará Convention. Article 8: The States Party agree to undertake progressively specific measures, including programs: to ensure research and the gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women, in order to assess the effectiveness of measures to prevent, punish and eradicate violence against women and to formulate and implement the necessary changes.

166 MESECVI, 2014, Guide for the Application ..., op.cit., p. 59

167 CEDAW Committee, 2017, General recommendation num. 35..., op. cit., pg. 20, paragraph 34

against women, including violence by means of technology, the number and type of protection orders dictated, the rates of dismissal and withdrawal of complaints, the prosecution and conviction and the amount of time necessary for the resolution of the cases. The system should include information on the sentences imposed on the perpetrators and reparations, in particular compensation, granted to victims and survivors. All data should be disaggregated according to the type of violence, the relationship between the victim or survivor and the perpetrator and in relation to the interrelated forms of discrimination against women and other relevant socio-demographic characteristics, such as the age of the victim or survivor. The analysis of the data should allow the identification of errors in protection and serve to improve and further develop prevention measures, which, if necessary, should include the creation or designation of observatories for the collection of administrative data on the murders of women for reasons of gender, also known as “femicide” or “feminicide”, as well as attempts to kill women”<sup>168</sup>.

**304.** It is worth noting that more than 1/3 of the countries in the region have specific regulations related to conducting surveys, including Argentina, Chile, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru, the Dominican Republic and Uruguay (11 of the 32 countries, or 34%). This percentage rises to 40% when we include countries without specific regulations, such as Bolivia and Costa Rica that nevertheless conduct periodic surveys.

**305.** National women’s organizations tend to be the primary identifiers of the risk of gender-based violence in the public, community and family spheres<sup>169</sup>. These organizations must provide information with a gender perspective that assists the States in their research and in the collection of statistics and other information on the causes, consequences and frequency of violent acts against women.

**306.** In addition, the creation of public and private observatories specializing in gender-based violence can contribute by issuing early warning alerts to prevent acts of violence and propose actions that contribute to reducing the risk.

**307.** National Human Rights Institutions<sup>170</sup> also have a role in the promotion, defense and oversight of women’s human rights, and can collaborate to ensure the

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168 CEDAW Committee, 2017, *General recommendation num. 35...*, op. cit., pg. 20 and 21, paragraph 34. b)

169 OHCHR, APT, Asia-Pacific Forum, 2010, *Prevention of torture ...*, op. cit, page 7.

170 OHCHR, APT, Asia-Pacific Forum, 2010, *Prevention of torture ...*, op. cit, page 8.

correct function of governmental institutions in the prevention of violence against women.

**308.** Monitoring is intended to supervise the plans and programs for prevention and the treatment of women victims of violence. The public policies that address prevention, handling and punishment of violence must include a participatory component in the evaluation of the results and impact of the legislation in order to identify good practices and lessons learned<sup>171</sup>.

**309.** As part of the monitoring of the situation of violence against women, States should work with civil society to evaluate the fulfillment of the Belém do Para Convention with respect to the communications media, as well as the application of sanctions for sexist content in advertising and in media coverage<sup>172</sup>.

**310.** Periodic monitoring of the situation of violence against women conducted by civil society, non-governmental and community organizations, and women's groups is an essential component in its prevention.

**311.** Having publicly available, reliable, regularly updated information produced by the State is essential in order to be able to visualize and determine the extent of the problem of violence. This information is also indispensable for the design and implementation of effective public policies with sufficient funding to enable a comprehensive and integrated response to the issue. The CEVI issued 6 recommendations in its Second Hemispheric Report<sup>173</sup>.

**312.** The CEVI is pleased to observe that the majority of countries that submitted information in this Third Round of Multilateral Evaluation provided data on the

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171 CIM, 2014, Declaration of Pachuca ..., op. cit, p. 9

172 CIM, 2014, Declaration of Pachuca ..., op. cit, p. 12.

173 Include in national plans on violence against women research and studies on this topic in order to determine the budget allocated, and the dissemination and promotion of results and publications. Conduct surveys on violence against women, women's knowledge of their rights, and knowledge of services available to women affected by violence, or include modules on the topic in general surveys or censuses. Keep records in entities receiving complaints, courts and prosecution offices and health centers, in order to have reliable data for understanding the scope of violence against women; protecting the privacy of the victims as well as estimating access and use of services by women affected by violence. Collect and make public information disaggregated by sex, age, civil status and geographic location, on the number of women victims of violence; prosecutions for violence against women; convictions for violence against women; victims of femicide and convictions for femicide. Institute registries in police stations and in the judiciary, at the national level, to keep statistics on femicides, with data disaggregated by age, civil status and geographic location. Establish the rules for proper coordination between national statistics agencies and women's institutes with the goal of evaluating the effectiveness of the measures established to prevent, punish and eliminate violence against women and to develop and apply the changes necessary. MESECVI -CEVI (2012) Second Hemispheric Report on the Implementation of the Belém do Pará Convention, Washington, OES official documents ; OAS/Ser.L

production of statistics, which indicates progress in the commitments made by the States.

**313.** Nevertheless, in many cases the responses were incomplete, did not include updated information or did not provide information produced and made publicly available by the States themselves. This highlights the challenges that persist in the production of timely, reliable and easily accessible data.

**314.** Based on information provided and that available on the virtual platforms of a variety of public sources, the CEVI notes that there is a large amount of information available that the States do not include - for example, surveys conducted by other countries on violence against women, reports presented or research that addresses this issue. This demonstrates that the production of information presents significant challenges and that there are multiple sources of information, that for whatever reason, the States do not consider when responding to international oversight organizations.

**315.** Following are some the challenges that impede the production of better statistical information:

**316.** Frequency. Some countries have conducted one off surveys one year and not followed up in subsequent years. The lack of regular surveys and studies makes it difficult to visualize and determine the extent of the problem, as well to see the changes that occur over time - if the violence increases (and why this is the case) or decreases (and if this is a result of the public policies put into place).

**317.** Access to information. In many cases the information produced by the States is incomplete or fragmented. Some of the information may be found on one webpage, some on another page. Others disseminate the information via social media, which certainly can have a broad impact, but does not take into account the gaps in technology in rural areas or among elderly persons who are not “tech savvy” and as a result do not have access to these information channels. This same difficulty is reflected in the reports submitted by the States. In many cases the Committee found that States produce much more information than they indicate.

**318.** English-speaking countries in the Caribbean. This region presents numerous challenges in terms of the production of and access to information and transparency. Several countries noted in response to the indicators that there was no specific regulation related to the production of information, or that the information was collected, but was not publicly available. This can also be seen in the degree of institutional capacity in each State. Along the same lines, we see the dominant role the security forces play; for example, when the police are the only body that

maintain administrative records on violence against women. On a more positive note, many of these security forces do have a department dedicated to gender issues, which is an essential aspect of dealing with the problem.

**319.** Below is an analysis of the different indicators that comprise this module, highlighting the regional trends and challenges brought to light in the analysis of the information.

### **a) Regulation that addresses the obligation of the State to maintain administrative records (police, prosecution, judicial, social services, health, etc.) of the different cases of violence against women in their diversity**

**320.** This indicator seeks to identify the regulations, the scope of the obligations established and the entities charged with the maintenance of administrative records of the different forms of violence. We note with positivity that 14 countries (44% of the signatory countries and 58.3% of those that submitted information) have specific regulations on maintaining records.

**321.** On the other hand, there are a larger number of countries that address the maintenance of records than conduct regular surveys on the prevalence of violence against women. This obligation includes police records, records kept by healthcare workers who treat women victims of violence, judicial records and records from other public entities.

### **b) Regulation that designates the competent authority responsible for the coordination of efforts to maintain complete administrative records**

**322.** 37% of the countries in the region have some type of regulation that designates the authority responsible for the coordination of administrative records related to violence against women. Of these, the majority have named organizations dedicated to women's issues as the competent authority.

**323.** This is the case in Argentina, Costa Rica, Honduras, Peru, Uruguay and Venezuela. They are followed by the countries that assign this duty to the national statistical and census institutes, such as Ecuador, Grenada and Guatemala. There is also a group of countries that designate other ministries and agencies - the Ministry of the Interior and Police in the Dominican Republic, the Ministry of Justice in El Salvador and the Office of the Attorney General in Mexico.

### **c) Regulation that addresses the obligation of the State to conduct periodic research and studies to monitor and evaluate the policies, plans, programs, strategies and actions**

**324.** At least one third (1/3) of the States in the region have a regulation that addresses the obligation of the State to conduct periodic research and studies to monitor and evaluate public policies: Argentina, Bolivia, Ecuador, El Salvador, Honduras, Mexico, Panama, Peru, the Dominican Republic and Uruguay. This obligation also exists in Costa Rica and St. Vincent and the Grenadines, but the regulation is not specific to the study of violence against women.

**325.** There is no question that this indicator presents a challenge for the States in terms of the obligation to produce information and, in doing so, monitor the actions implemented by the States themselves. It is essential to be able to evaluate and follow-up on the impact of public policy based on periodic information. In conjunction with the States' obligation to develop robust public policies to eradicate violence against women, it is also necessary to strengthen governmental capabilities to determine if the steps taken are effective or if they are improving the situation of the women in the region suffering from this scourge.

### **d) Number of public sector institutions producing or generating statistical information on women**

**326.** This indicator is intended to identify and quantify the public institutions that produce statistical information. Based on the information submitted, there are many public institutions that carry out this task. 28% of the countries have from 1 to 5 institutions that generate information; 22% have 6 to 10, and Costa Rica and Guatemala stand out with 19 and 13 institutions respectively.

**327.** This information is backed up by that provided in the indicator that measures the number of public institutions that generate statistical information, as depicted in the following table:

**Table 5.-** Number of public sector institutions that have departments dedicated to the generation of statistical information

Country	Institutions	Nº
<b>Antigua and Barbuda</b>	Criminal Records Office; Directorate of Gender Affairs;	2
<b>Argentina</b>	National Institute of Statistics and Census; Criminal Policy Directorate (Ministry of Justice); National Council of Women; Domestic Violence Office (Supreme Court of the Nation); Office on Women (Supreme Court of the Nation)	5
<b>Barbados</b>	Royal Barbados Police Force; Bureau of Gender Affairs	2
<b>Bolivia</b>	National Institute of Statistics; National System for Health Information; SIPPASE (Vice minister for Equality and Ministry of Justice)	3
<b>Chile</b>	Undersecretary for the Prevention of Crime (Ministry of the Interior); Family Prevention and Protection Zone (Carabineros of Chile); Agency for the Prevention of Violence Against Women (National Service for Women and Gender Equity); Department for the Protection and Reinstitution of Rights (National Service for Minor Children); National Institute of Statistics	5
<b>Colombia</b>	National Institute of Health; Institute for Legal Medicine and Forensic Science	2
<b>Costa Rica</b>	Observatory on Gender Violence and Statistics Section (Judicial Power); Ministry of Health; National Council on the Elderly; National Institute of Women; Statistical Analysis Section (Ministry of Public Security); National Council on Persons with Disabilities; University of Costa Rica	7

Country	Institutions	N°
<b>Ecuador</b>	National Institute of Statistics and Census; Office of the Attorney General of the Nation; National Council on Gender Equality; Ministry of the Interior	4
<b>El Salvador</b>	General Directorate of Statistics and Census; Office of the Attorney General of the Republic (Ministry of Justice and Public Security) Technological University of El Salvador	3
<b>Granada</b>	Royal Grenada Police Force; Gender Based Violence Unit (Ministry of Social Development)	2
<b>Guatemala</b>	National Institute of Statistics; Office of the Public Prosecutor; Presidential Office on Women; Ministry of Public Health and Social Assistance	4
<b>Honduras</b>	National Observatory on Violence (National Autonomous University of Honduras); Operations and Strategy Center (National Police); Central Office of Forensic Medicine (Public Prosecutor)	3
<b>Jamaica</b>	Jamaica Constabulary Force; Statistical Institute of Jamaica	2
<b>Mexico</b>	National Institute of Statistics and Geography; National Commission to Prevent and Eradicate Violence; Executive Secretariat of the National System for Public Security; National Institute of Public Health; Office of the Attorney General of the Nation; Procuraduría General de Justicia del Estado; Superior Court of Justice of the State; Governmental Institutes for Women; National System of the Comprehensive Development of the Family	8
<b>Panama</b>	National Institute of Statistics and Census; Ministry of the Public Prosecutor; Panamanian Observatory Against Gender-Based Violence (public Prosecutor) (Defensoría del Pueblo)	3
<b>Paraguay</b>	National Observatory on Security and Peaceful Coexistence (Ministry of the Interior); Observatory on Gender (Judicial Branch); Ministry of Women's Affairs	3
<b>Peru</b>	National Institute of Statistics and Computer Science; Ministry of Women's Affairs; Ministry of the Public Prosecutor	3
<b>Dominican Republic</b>	National Office of Statistics; ; Ministry of Women's Affairs; Ministry of Public Health; Observatory of Citizens' Security	4
<b>St. Kitts and Nevis</b>	There are no institutions that produce information on gender-based violence	0
<b>St. Vincent and the Grenadines</b>	Royal St. Vincent and the Grenadines Police Force;;	1
<b>Suriname</b>	Police Corps of Suriname; the General Bureau for Statistics;	2
<b>Trinidad and Tobago</b>	Trinidad and Tobago Police Service; Central Statistical Office;	2
<b>Uruguay</b>	Inmujeres; Department of Statistics (Judicial Branch); National Observatory on Violence and Crime (Ministry of the Interior); Ministry of the Interior; Social Observatory (Ministry of Development); National Institute of Statistics	6
<b>Venezuela</b>	National Institute of Women; Office of the Public Prosecutor; National Defender of Women's Rights Defensoría Nacional de los Derechos de la Mujer (National Institute of Women); Office of the Attorney General	4

Source: In house. Based on information provided by the States Party to the Progress Indicators presented to the States Party in the Third Cycle of Inquiry of the Mechanism for the Follow-up to the Convention MESECVI.



## e) Production of statistics-based reports and specialized studies from diverse disciplines on violence against women

**328.** This indicator is constructed based on 2 recommendations of the CEVI that establish the obligation to “collect and make publicly available information categorized by sex, age, civil status and geographical location on the number of women victims of violence, number of prosecutions and convictions for violence against women and number of femicide cases and convictions”.

**329.** Of the countries in the region, 41% produced produce this type of report: Argentina, Bolivia, Colombia, Costa Rica, Ecuador, Grenada, Mexico, Paraguay, Peru, the Dominican Republic, Uruguay and Venezuela.

**330.** It is worth highlighting the Observatory of Criminality of the Office of the Public Prosecutor in Peru, that submitted information provided by prosecutors on a national level from the Registry of Femicide (intimate). This registry is regulated by a resolution of the Office of the Attorney General of the Nation. Between 2013-2015, it issued 4 reports or specialized studies on the problem of femicide. In 2013, it conducted a study on protective measures for victims of femicide and attempted femicide; in 2014, it published 2 specialized reports: Femicides per Province and Attempted Femicides per Province, respectively and, in 2015, began the development of a study looking at the characteristics of gender-based violence within the context of attempted femicide and femicide<sup>174</sup>.

**331.** With respect to the production of periodic reports on studies of sentences and verdicts that contain stereotypes, prejudices, myths, and customs in the cases of women victims of violence, as well as the use of the personal and/or sexual history of the victim as a way to deny her justice, only Argentina submitted information indicating an investigation whose objective is, “*to examine from a gender perspective, how women victims of violence are treated in the Argentine system of justice, with a focus on the identification of practices that Foster and replicate revictimization*”<sup>175</sup>. This type of report is essential if we are to analyze access to justice from a gender perspective.

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174 Response of the State of Peru to the MESECVI

175 The study referenced is the “Treatment of victims on the system of administration of justice”, conducted by the Supreme Court of Justice of the Nation, the Ministry of Public Justice, and the Office of the Attorney General. Response submitted by the State of Argentina in the Third Round of Evaluation of the MESECVI, 2016.

## f) Periodic reports on social perceptions of the issue of violence against women

**332.** Statistical information on social perceptions of violence against women is scarce. Only two countries, Peru and Costa Rica (6% of the signatory countries) provided adequate information. Of the remaining countries, Bolivia provided only partial information; a group of 9 countries (Antigua and Barbuda, Argentina, Ecuador, El Salvador, Grenada, Guatemala, St. Kitts and Nevis, St. Vincent and the Grenadines and Trinidad and Tobago) representing 28% of the total, claimed to not possess the information requested; and finally, 12 countries (Barbados, Chile, Colombia, Honduras, Jamaica, Mexico, Panama, the Dominican Republic, Paraguay, Suriname, Uruguay and Venezuela) representing 38% of the total, did not submit any information at all in response to this indicator.

**333.** Nevertheless, a search of the results of the most recent surveys in the signatory countries identified that at least 6 countries (19%) introduced social perceptions modules on violence against women (see table). In another 10 cases (31%), there was some basic information available on this topic courtesy of a question included in the global Multiple Indicator Cluster Survey (MICS) conducted by UNICEF. (<http://mics.unicef.org/surveys>).

**Table 6.-** Countries that include periodic reports on the perception of violence against women.

Types of reports	Countries and most recent report date	Nº
<b>Modules in national surveys</b>	Bolivia (2008); Colombia (2015); Costa Rica (2013); Guatemala (2014/2015); Honduras (2011/2012); Peru (2013/2015);	<b>6</b>
<b>Specific question in a MICS* type survey</b>	Argentina (2011-2012) 1; Barbados (2012)2; El Salvador (2014); Jamaica (2011); Mexico (2015); Panama (2013); Dominican Republic (2014); Suriname (2010); Trinidad and Tobago (2006); Uruguay (2013)	<b>10</b>
<b>No studies conducted on this topic</b>	Antigua and Barbuda <sup>3</sup> ; Chile; Ecuador; Granada; Paraguay <sup>4</sup> ; St. Kitts and Nevis; St. Vincent and the Grenadines; Venezuela	<b>8</b>

\* In the Multiple Indicator Cluster Surveys (MICS) (MICS, cfr. <http://mics.unicef.org/surveys>) women ages 15-49 are asked if they believe if it is justifiable for a man to hit his wife/companion in a variety of different scenarios that are the subject of research.

<sup>1</sup>E\The national report mentions other surveys with a narrower scope.

<sup>2</sup> A 2008 report (CADRES) includes a qualitative survey (focus group format) on this topic.

<sup>3</sup>The national report mentions a survey on the perception of the police as relates to violence against women.

<sup>4</sup> In 2016, this country conducted a MICS style survey; the results are still being compiled.

Source: In-house, based on information provided by the States Party in the Progress Indicators presented by the States party in the Third Cycle of Inquiry of the Follow-up Mechanism of the Convention MESECVI.

**334.** A few national cases deserve to be highlighted with respect to their development of information on the social perception of violence against women.

**335.** In Costa Rica, the National Survey on the Perception on Women’s Rights (ENPEDEMU) includes research on the “Awareness, perceptions and opinion of the population on the right of women to live a life free from gender-based violence” and the degree to which it is validated, justified and normalized by certain actions or attitudes (Second Report on the Status of Women’s Rights in Costa Rica. INAMU, 2015 p.153 and subsections)<sup>176</sup>. It focuses in particular, on the degree of acceptance/rejection/punishment of violence against women and examines the mythology surrounding violence against women and the causes of femicide.

**336.** In Colombia, the 2015 National Survey on Demographics and Health includes relevant and extensive information on social perceptions of the problem of violence against women. (Volume II; pp. 447-461)<sup>177</sup>. It focuses in particular, on the opinions of men and women with respect to specific statements, and investigates “constructions of masculinity and femininity”, “ideas on the sense of ownership, domination and control of women” and on “the justification of the use of violence against women as a mechanism of control”. (Volume II; pp. 448-448).

**337.** In Peru, the National Survey on Social Relationships (INEI, 2013-2015) evaluates “Beliefs, attitudes and ideas on social relationship toward women” and seeks to measure the levels of tolerance and intolerance to attitudes and ideas that support violence against women. The final report estimates the degree of social acceptance of certain sexist beliefs; traditional social gender constructions; the exercise of power in the household; the prevalence of sexist ideas, stereotypes and mythology that reinforce a culture of violence against women; and the degree of social acceptance of physical and psychological violence toward women. On this last point, the survey measured the respondents’ agreement with statements on the support of gender-based violence and attitudes that incentivize or promote violence. (Chapter 5, p.107 and following)<sup>178</sup>.

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176 <http://www.inamu.go.cr/documents/10179/275546/INAMU+Segundo+Estado+de+los+Derechos+de+las+Mujeres+en+CR.pdf/1c7e2cf5-3288-422d-9d84-e8671e056340>

177 <https://dhsprogram.com/pubs/pdf/FR334/FR334.2.pdf>

178 <http://www.regionallibertad.gob.pe/ineiestadisticas/libros/libro44/libro.pdf>

## g) Presentation of reports to international supervisory organizations

**338.** It has been noted that all the countries that submitted information during the Third Evaluation Round also provided information to a variety of international organisms in both the Inter-American and Global systems. 75% of the Convention's signatory countries have submitted reports on the rights of women to organisms including the CEDAW Committee of the United Nations, and the Follow-up Mechanism to the Belém do Para Convention of the Organization of American States (MESECVI). Other countries have indicated that they have sent reports to regional organisms, such as MERCOSUR and to various committees of the United Nations.

## h) Periodic publication of statistics gathered and studies conducted

**339.** The objective of this indicator is to identify the spaces, publications, and locations where surveys, records and studies related to the phenomenon of violence against women are publicized in accordance with Recommendation No. 37 of the Committee of Experts. Based on the evidence available, only a minority of the States Party does not produce and disseminate statistical information on violence against women. (2 out of 32, or 6%). However, we must add to that number the 8 States Party that did not present their follow-up reports and those for which there is no available information. Moreover, information on femicide (defined as the death of a woman perpetrated by her partner or ex-partner) from 5 countries (4 from the English-speaking countries of the Caribbean plus Suriname) is indirectly available from the information provided by the CEPAL Observatory for Gender Equality that references national sources that are not publicly available<sup>179</sup>. In general, a significant number of countries make statistical information and records on femicide and gender-based violence available (47% of signatory countries) and a majority of countries conducted surveys on violence against women (53%), numbers which indicate significant progress. 6 countries (Barbados, Chile, El Salvador, Jamaica, Mexico, Panama and Venezuela) did not contribute information in response to this indicator, but nevertheless do produce statistical information collected from records and/or surveys and which was obtained from official web pages. In addition, we were able to find information on femicide not submitted in the follow-up report that was produced by Guatemala's Public Prosecutor's Office.

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179 In the case of Grenada, for example, the country reported that the information collected by the police is sent to the Gender-based Violence Unit to be processed, but the data are not published online. However, we did locate data on domestic violence for the period 2005-2009 provided by the Royal Grenada Police Force in a 2014 report published by the Caribbean Development Bank (Available at: [http://www.caribank.org/uploads/2014/12/CGA-Grenada\\_JANUARY2014\\_FINAL.pdf](http://www.caribank.org/uploads/2014/12/CGA-Grenada_JANUARY2014_FINAL.pdf)).

**340.** From the information collected, we can identify which organizations are responsible for the production of statistical information on violence against women. The picture that emerges from the information provided by the signatory countries in their follow-up reports varies widely, as shown in the table. (Countries can be included in more than one category, and the 8 countries that did not send in follow-up reports are not included in the table.)

**341.** In 13% of cases, we see a significant role of the Mechanisms for the Advancement of Women in the conducting of surveys and the processing of statistical results, based on the hierarchical level in each case - for example, The National Institute of Women in Costa Rica, and INMUJER in Uruguay on one hand, and the Ministry of Women's Affairs in Paraguay and Peru. In 7 of the 32 signatory countries, national statistics offices play a leading role. And in a limited number of cases (9%), National Universities are the principle drivers of surveys on violence against women (Costa Rica, Honduras and El Salvador).

**342.** In another group of countries, the agencies of the Executive Branch take the lead. In 22% of cases, gender-based violence is treated as a public health issue, and the model includes instances of violence against women within the category of surveys intended to capture a set of sociodemographics and health data, under the umbrella of National Surveys on Demographics and Health. In another 28%, the focus is on public security and statistics on gender-based violence are produced and processed by Ministries of the Interior or police forces. This is not only a question of maintaining administrative records on criminal acts, but also in some cases, the development of surveys that specifically address gender-based violence, as in the National Survey on Interfamilial Violence and Sexual Crimes conducted by the Ministry of Interior and Public Safety in Chile.

**343.** Finally, in 10 of the signatory countries (31% of cases) it is the Judicial Branch that plays a leading role in the compilation of statistics on violence against women. Among the different organisms in each country, administrative records are disseminated, depending on the country, via public databases managed by Attorneys General offices, public ministries, law offices, and statistical offices in the Judicial Branch, among others.

**Table 7.-** Entity responsible for publishing statistical information on violence against women.

Countries	Sector	Nº of Countries
<b>Bolivia; Colombia; Costa Rica; Guatemala; Panama; Peru; Dominican Republic</b>	Executive Branch – Health	<b>7</b>
<b>Argentina; Chile; Granada; Jamaica; Paraguay; St. Vincent and Grenadines; Suriname; Trinidad and Tobago; Uruguay</b>	Executive Branch– Interior – Police	<b>9</b>
<b>Argentina; Colombia; Costa Rica; Ecuador; El Salvador; Guatemala; Mexico; Panama; Dominican Republic; Venezuela</b>	Judicial Branch	<b>10</b>
<b>Bolivia; Ecuador; El Salvador; Jamaica; Mexico; Uruguay; Venezuela</b>	Public Statistical Entities	<b>7</b>
<b>Costa Rica; Paraguay; Peru; Uruguay</b>	Ministry of Women's Affairs or similar	<b>4</b>
<b>Costa Rica; Honduras; El Salvador;</b>	Other (National Universities)	<b>3</b>

Source: In-house, based on information provided by the States Party in the Progress Indicators presented by the States party in the Third Cycle of Inquiry of the Follow-up Mechanism of the Convention MESECVI.

## i) Existence and availability of periodic databases or other sources of information on violence in its different forms

**344.** The information obtained from the reports indicates that a majority of the signatory countries (69%) have built publicly available databases or have other sources of statistical data on violence against women. The spectrum of institutions involved in the development of statistics varies widely, and as noted earlier, includes Mechanisms for Women, Executive Branch organizations (in the areas of public health and safety), official statistics entities, and organisms of the Judicial Branch, and National Universities, among others.

**345.** The data show that the hierarchical level of each organization varies as well. Mechanisms for Women can range from the Ministerial level, to being secretariats, directorates or institutes controlled by the Presidency through the Ministry of Development or other comparable organization. A similar thing occurs in institutions that have differing degrees of autonomy and focus with respect to the issue of violence against women. Faced with this complexity, many countries set up coordinating entities that can take the form of councils,

Systems, etc. One example of coordination is the Intersectoral Circuit on Femicide in Chile, which includes participation from a broad range of institutions<sup>180</sup>.

**Table 8.-** Existence and availability of periodic databases or other sources of information on violence in its different forms

Response	Countries	Nº
<b>Yes</b>	Argentina; Barbados; Bolivia; Chile; Colombia; Costa Rica; Ecuador; El Salvador; Granada; Guatemala; Honduras; Jamaica; Mexico; Panama; Paraguay; Peru; Dominican Republic; St. Vincent and the Grenadines; Suriname; Trinidad and Tobago; Uruguay; Venezuela	<b>22</b>
<b>No</b>	Antigua and Barbuda; St. Kitts and Nevis	<b>2</b>
<b>No report submitted</b>	Bahamas, Belize, Brazil, Dominica, Guyana, Haiti, Nicaragua, St. Lucia	<b>8</b>

Source: In-house, based on information provided by the States Party in the Progress Indicators presented by the States party in the Third Cycle of Inquiry of the Follow-up Mechanism of the Convention MESECVI.

## j) Number of surveys on violence against women

**346.** The Committee of Experts (CEVI) noted that only a minority of countries (25%) conducted periodic surveys on violence against women (two or more times since 2000), while 28% conducted only one survey during the relevant time period. Barbados, Chile, Colombia, El Salvador, Honduras, Jamaica and Panama did not provide any information in response to this indicator, rather the required information was obtained by analyzing the statistical data from each one, a method that resulted in a more accurate picture of the progress made by the signatory countries.

180 Carabineros de Chile, through the Family Prevention and Protection Zone (ZONAFAM); the National Service for Women and Gender Equity (SERNAMEG), specifically the Unit for Violence Against Women; the National Service for Minors (SENAME), through the Department for the Protection and Restitution of Rights (DEPRODE); and the Ministry of the Interior and Public Security, through the Sub secretariat for the Prevention of Crime and its Program Support for Victims (PAV) administered by the Centers of Support for Victims of Crime (CAVD).

**Table 9.-** Frequency of Surveys on Violence against women in the region.

Survey Frequency	Countries (dates of most recent survey available)	Nº de Países
<b>Periodic Surveys (two or more)</b>	Bolivia (2008) <sup>1</sup> ; Chile (2012); Colombia (2015); Guatemala (2014/2015); Honduras (2011-2012); Mexico (2011) <sup>2</sup> ; Peru (2015); Dominican Republic (2013);	<b>8</b>
<b>Single Surveys</b>	Argentina (2015); Barbados (2008); Costa Rica (2003); Ecuador (2011); El Salvador <sup>3</sup> (2014); Jamaica (2008); Panama (2009); Paraguay (2013); Uruguay (2013);	<b>9</b>
<b>No Surveys</b>	Antigua and Barbuda; Granada; St. Kitts and Nevis; St. Vincent and the Grenadines; Suriname; Trinidad and Tobago; Venezuela;	<b>7</b>
<b>No Report Submitted</b>	Bahamas, Belice, Brasil, Dominica, Guyana, Haiti, Nicaragua, St. Lucia	<b>8</b>

<sup>1</sup> A 2016 Survey on the Prevalence and Characterization of Violence against Women is in process.

<sup>2</sup> The National Survey on Household Relationship Dynamics was conducted in 2016. (ENDIREH)

<sup>3</sup> A survey on violence against women based on the methodology of the Multipurpose Household Survey is planned for the beginning of 2017.

Source: In-house, based on information provided by the States Party in the Progress Indicators presented by the States party in the Third Cycle of Inquiry of the Follow-up Mechanism of the Convention MESECVI.

**347.** It is worth noting that some of the national surveys available have designed their surveys based on the methodology of an international framework.

**Table 10.-** Use of international sources for the design of surveys on violence against women

International Framework	Countries	Nº
<b>International Violence Against Women Survey (IVAWS)</b>	Argentina; Costa Rica	<b>2</b>
<b>The Demographic and Health Surveys (DHS) Program</b>	Bolivia; Colombia; Guatemala; Honduras; Peru; Dominican Republic	<b>6</b>

Source: In-house, based on information provided by the States Party in the Progress Indicators presented by the States party in the Third Cycle of Inquiry of the Follow-up Mechanism of the Convention MESECVI.

**348.** In some countries the production, dissemination and public access of information is centralized under a single entity. One such country is Peru, where the Ministry of Women and Vulnerable Populations manages the National Program



against Domestic and Sexual Violence, and publishes a single page that contains all the information collected from across the country<sup>181</sup>.

**349.** Costa Rica is also an interesting case. There, the Unified System of Statistical Measurement of Gender-Based Violence was established to define, construct and maintain a system of information based on the standardization of official records and the development of agreed key indicators that demonstrate the extent of gender-based violence<sup>182</sup>.

## 3.2 Results. A look at the effects of public policy on the prevention of violence from different vulnerabilities

**350.** The indicators included in this section are intended to analyze the situations posing the greatest risk to women in the region because of their age, socioeconomic and educational status, country of origin/migration status, ethnicity, race, work status, disability, pregnancy, etc.

**351.** In general, the information collected by the States and provided in the follow-up reports is insufficient to produce a comprehensive diagnosis of the phenomenon of violence against women and how it intersects with other axes of injustice (economic, ethnic, generational, etc.).

**352.** Despite the fact that the information submitted by the States was complemented with official information gathered from other sources (primarily from census, surveys, and administrative records), we were unable to obtain information from only 40% (13 countries out of 32, including the eight countries that did not submit follow-up reports). Only Colombia, Ecuador, Guatemala and Mexico

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181 Among the information collected are the Principal Indicators of Violence Against Women according to the National Institute of Statics and Information Technology (ENDES) 2000-2010, Statistical Bulletins 2011-2017 (ENDES 2000-2010, BOLETINES ESTADISTICOS 2011-2017) of statistics of violence against women – administrative records; Domestic and Sexual Violence – Persons Affected treated, Emergency Centers for Women (CEM); Preventive Promotional Events 2004-2017; Calls Treated on Line 100, 2006-2017 and Chat 100 and social lines 2011 and-2017; Statistics on Femicide and Attempted Femicide; 2009-2017; Comprehensive Care Network for Women – RITA, statistics 2006-2017; Male Attackers Tried in the CAI 2007-2017; Cases Treated by the Emergency Service 2017; Statistics on Women Victims of Forced Sterilization 2017. Available in Spanish at: <http://www.mimp.gob.pe/contigo/contenidos/pncontigo-articulos.php?codigo=33>

182 This mechanism coordinates the collection of information from the following entities: The Supreme Court of Justice; the Ministry of Public Security; the Ombudsman's Office; National Institute of Women; National Institute of Statistics and Census; 911 Emergency Response System; Ministry of Justice and Grace.

completed more than 50% of the indicators in Module 5 – Results<sup>183</sup>. The average completion rate of this group of indicators by the States was barely 18% (24% if the States who did not submit reports are excluded).

**353.** The table depicts the entirety of the information obtained from the States Party, by indicator (for countries with insufficient or no information, the 8 States Party that did not submit follow-up reports are included), and allows us to determine which indicators caused the most difficulties for the States Party. The degree of categorization from the surveys conducted on violence against women provided enough information to determine which indicator captured the impacts of different factors, including educational/socioeconomic level, age, civil status and, to a lesser degree, labor status (Argentina, Bolivia, Chile, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Panama, Paraguay, Dominican Republic, Surinam, and Uruguay).

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183 This number is derived by assigning the value of 1 to the countries who provided enough information in one indicator; .5 for partial information and 0 for the remaining (insufficient information or no information). In the case where a State had complete information in this section (10 for Reception of the Right plus 1 for State capabilities) it would receive points value of 11. The percentage shown in the figure represents the level of completion with respect to this ideal value.

**Table 11.-** Summary of Information: results of the indicator in the diversity module. Level of Completion.

Indicator	Sufficient information	Number of Counties / Complete	Partial Information	N° Counties Partial	N° countries with insufficient or no information
Rate of violence among women who earn money at work, by type of violence, age, ethnicity, country of origin, socioeconomic level	None	0	Argentina, Barbados, Chile, Costa Rica, Ecuador, Guatemala, Mexico, Panama, Dominican Republic, Surinam, Uruguay	11	21
Rate of violence among women who are dedicated to homemaking (reproductive work) by type of violence, age, ethnicity, country of origin, socioeconomic level	None	0	Argentina, Chile, Colombia, Ecuador, Mexico, Panama, Surinam, Uruguay	8	24
Rate of violence by educational level, race, educational level, race, ethnicity, country of origin, socioeconomic level	None	0	Argentina, Bolivia, Chile, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Panama, Paraguay, Dominican Republic, Surinam, Uruguay	16	16
Rate of violence among pregnant women, by age	Colombia, Panama	2	El Salvador, Guatemala, Paraguay, Dominican Republic	4	26
Rate of violence among adult elderly women	Argentina, Colombia, Uruguay	3	Chile, Ecuador, El Salvador, Guatemala, Mexico, Surinam	6	23

Rate of violence among disabled girl children and adolescents, and adult women and older women	Colombia	1	Ecuador, Guatemala	2	29
Rate of violence and hate crimes among lesbian girls, adolescents, adult women, and elderly women and/or those with diverse gender identities	None	0	Argentina, Colombia, Costa Rica,	3	28
Rate of violence among women married to their aggressor	Colombia, Ecuador, Guatemala, Honduras, Mexico, Uruguay	5	Argentina, Bolivia, Chile, Jamaica, Panama, Paraguay, Peru, Dominican Republic, Surinam	10	17

**354.** There were very few surveys or administrative records with information on violence against pregnant and disabled women, older adult women and women with disabilities. One exception is the National System for the Security of Public Health (SIVIGILA) in Colombia, which was able to provide information for this area of analysis. More worrying, however, was the lack of information on violence against lesbian women and/or people with alternate gender identities; only a few limited surveys were conducted in Argentina, Costa Rica and by the SIVIGILA in Colombia.

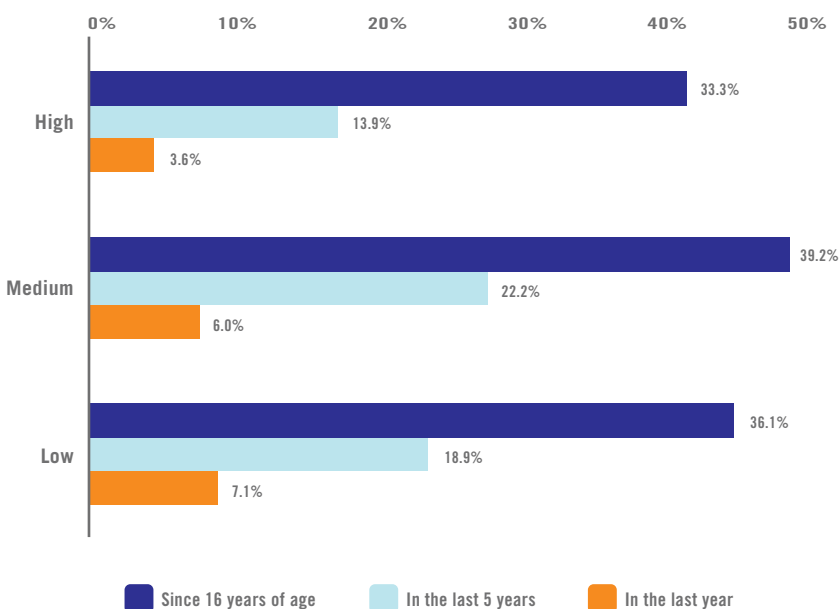
**355.** Finally, census information from Bolivia, Costa Rica, Ecuador, Guatemala, Bolivia, Mexico, and Peru provided data on the percentage of women who maintain the use of indigenous languages, and also information for the indicator which measures the percentage of indigenous, rural women who are the keepers of cultural knowledge in their communities. What little information was available for the indicator addressing state services, “the percentage of indigenous children of both genders who attend intercultural schools”, came from the administrative records of the educational systems in Bolivia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Paraguay and Peru.

**356.** The Committee of Experts is particularly interested in highlighting the results of prevention policies that address women who are the victims of more than one factor of discrimination. They looked at the following data: rate of violence among pregnant women by age; among disabled girl children and adolescents, and adult and older women; rate of violence among older women; rate of violence and hate crimes against lesbian girl children and adolescents, and adult and older women and/or persons with alternate gender identities; percentage of rural, indigenous women

responsible for maintaining the cultural knowledge in their communities; and the percentage of indigenous children of both genders who attend intercultural schools.

**357.** The results of this group of indicators from the diversity module provided the data the Committee of Experts used to evaluate the degree to which information on gender-based violence is categorized according to a group of relevant variables. They took into account how civil status affects women depending on whether they work for pay or if they are at home and dedicated to reproductive labor. Only half (16) of the countries were able to provide useful data, although none of them were able provide information on all the variables required for analysis. Nevertheless, an even smaller number conducted analysis that distinguishes between women who work for pay and those who do not, and whose work is primarily domestic.

**Graph 1.-** Argentina. Physical Violence According to Educational Level



Source: National Study on Violence against Women. Preliminary report based on the International Survey on Violence against Women, p. 38

**358.** Argentina does not yet have a national survey with a sufficient degree of categorization to gain an understanding of whether women in certain social classes are more affected by gender-based violence than others. A survey conducted by the research unit of the National Office of Crime Policy for Justice and Criminal

Legislation (May-June 2015, total cases surveyed = 1221)<sup>184</sup> categorizes the data by age, work status, and educational level, but not by race, ethnicity, country of origin or socioeconomic status.

**359.** The authors of the report highlight some results that contradict information collected from other countries. The assumption is that women who do not work for pay and women with lower educational levels experience higher levels of victimization than other women, but the results indicate that this is not the case. The data show that among women who do not work for pay the rate of physical violence after age 16 is 31.4% and rate of sexual violence is 15.3%. Among women who do work for pay, the rates are 43% and 17.4%, respectively.

**360.** There does not appear to be a linear relationship between this variable and the rates of violence, as higher levels of violence occur among women with a medium level of education (defined as those who have begun or completed secondary school), as shown in the Graph on physical violence above; this same phenomenon also exists in rates of sexual violence.

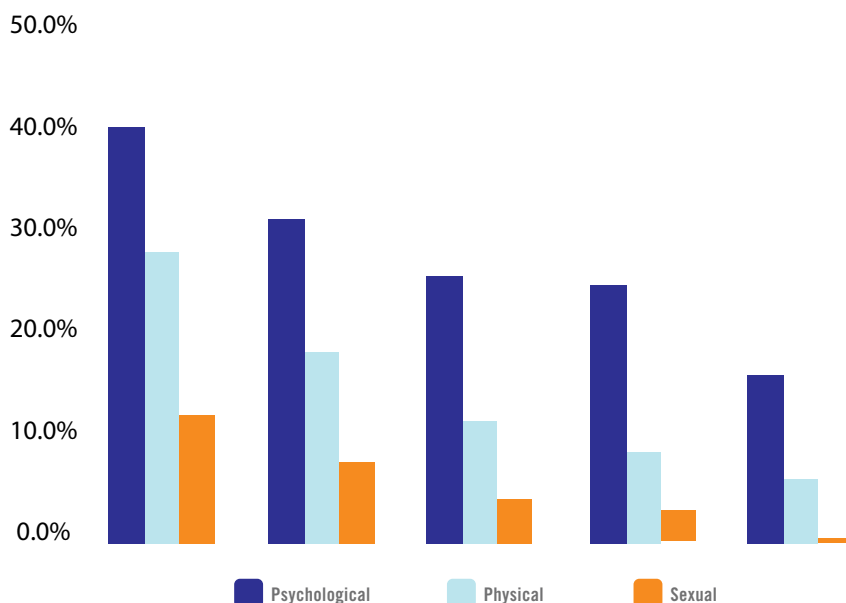
**361.** In Bolivia, the main source of information on gender-based violence is the 2008 Survey on Demographics and Health (ENDSA). This survey categorizes the results by age (15-49 years old), urban/rural zone, educational level and socioeconomic class, but does not account for race, ethnicity or country of origin. Some of the main findings show that the rate of violence decreases with age (in the case of married or partnered women), and is, for example, higher between the ages of 20-24 (55.2%) vs. 45-49 (40.7%); it is higher among married women (49.6%) when compared to divorced, separated or widowed women. Rates are lower among higher educated women (42.1%) and women with no education (41.6%), and higher among those with a secondary education (51.8%). Finally, rates of violence are higher in urban areas (49.2%) when compared to rural areas (44%)<sup>185</sup>.

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184 <http://www.jus.gob.ar/media/3128472/Encuesta%20de%20violencias%20contra%20las%20mujeres%20-%20FINAL%2026-10.pdf>

185 <http://dhsprogram.com/pubs/pdf/FR228/FR228%5B08Feb2010%5D.pdf>

**Graph 2.-** Chile – Prevalence of violence against women from 15-65 years of age. (by type and socioeconomic level), 2012



Source: In-House. MESECVI Own data based on information obtained from the National Survey on Victims of Domestic Violence and Sexual Crimes, 2012, Chile

**362.** In Chile, the National Survey on Victims on Domestic Violence and Sexual Crimes<sup>186</sup> on women between the ages of 15-65 permitted the categorization of the data collected to be categorized according to different characteristics of those surveyed: employment, socioeconomic class, educational level, and civil status. However, it was not possible to categorize by other variables of interest such as race, ethnicity and country of origin.

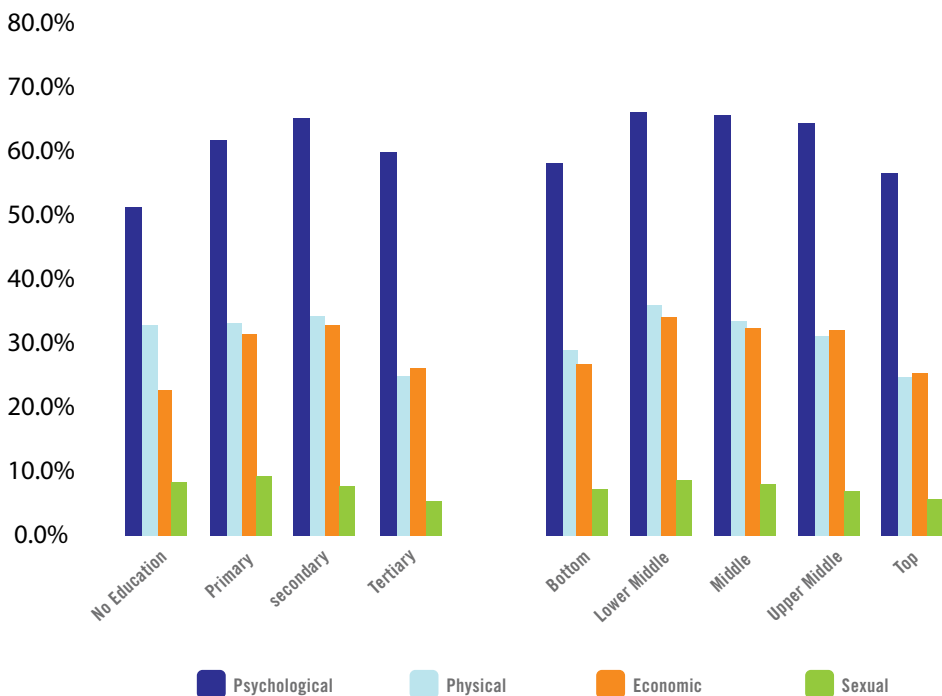
**363.** With respect to the main findings of the survey, we can see, as in the case of Argentina, the prevalence of violence at intermediate levels of education (with the exception of psychological violence where the highest rate of 38.4% corresponds to women who have not completed university). In addition, the results related to participation in the workforce are also contradictory: the rate of psychological violence is lower among women who work for pay, but lower levels of physical and sexual violence are seen among women who do not work for pay. On the contrary, there is a clear association between the socioeconomic status of the women and prevalence of psychological, physical and sexual violence, with the highest rates corresponding to the lowest income levels. (See Graph).

186 [http://www.seguridadpublica.gov.cl/filesapp/Presentacion%20VIF\\_adimark\\_final.pdf](http://www.seguridadpublica.gov.cl/filesapp/Presentacion%20VIF_adimark_final.pdf)

**364.** Categorized data in Colombia comes not only from accessible administrative records such System of Public Health Oversight and the Medico-Legal System and from surveys, the most recent of which is the 2015 National Survey on Demographics and Health, which categorized the information by income quintile, educational level, and type of violence. (Psychological, physical, economic and sexual), pp. 398-399 Volume II<sup>187</sup>.

**365.** As the graph shows, the data again show the inverse relationship between socioeconomic level and the reported rate of violence, although it is less pronounced than in Chile. Educational levels are once again represented by an upside down U shape, with the highest levels corresponding to the secondary educational level (particularly in the areas of psychological and economic violence).

**Graph 3.-** Colombia. Percentage of women ages 13 – 49 who reported violence, categorized by educational and socioeconomic level and type of violence, 2015



Source: In-house. Based on data obtained from the National Survey of Demographics and Health, Colombia, 2015

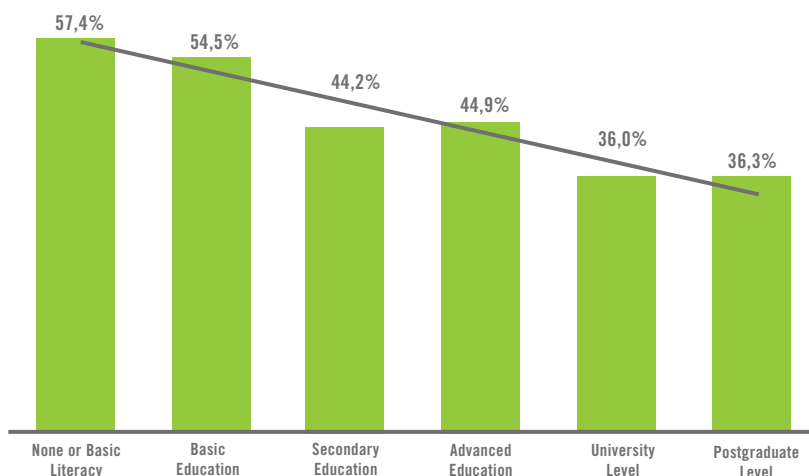
187 <http://profamilia.org.co/docs/ENDS%20TOMO%20II.pdf>



**366.** From data compiled for the First National Survey on Family Relationships and Gender-Based Violence conducted in 2011, Ecuador obtained enough information to construct a wide variety of indicators that capture the different forms violence can assume according to socioeconomic origin, workforce participation, educational level, and ethnic self-identification, by type of gender-based violence (physical, psychological, sexual, property)<sup>188</sup>.

**367.** One of the clearest pieces of information obtained from the results is the inverse relationship between educational level and rates of violence, in addition to how violence affects women of African and indigenous origin more frequently. (See Graphs).

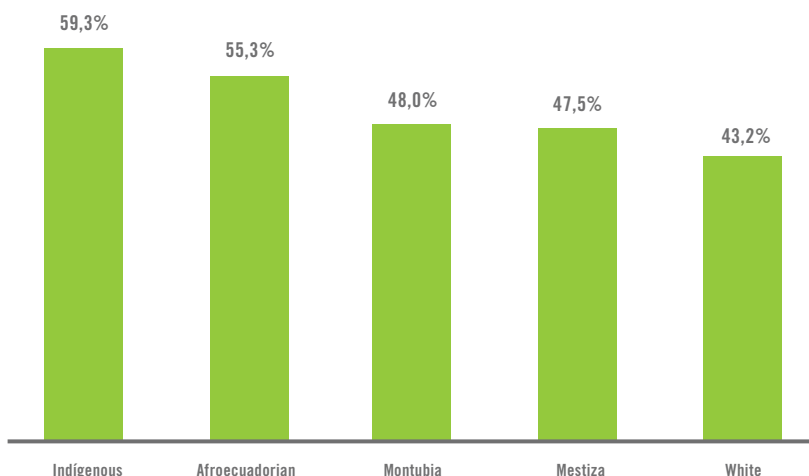
**Graph 4.-** Ecuador. Percentage of women victims of any form of violence perpetrated by their partner or ex-partner, by educational level, 2011.



INEC, Survey on family relations and gender violence against women, 2011 Elaboration: Camacho, Gloria (2014) Gender violence against women in Ecuador: Analysis of the results of the National Survey on Family Relations and Gender Violence against Women. Quito, National Council for Gender Equality, Ministry of the Interior, INEC p.52.

188 Camacho, Gloria (2014). Gender-based violence against women in Ecuador: An analysis of the result of the National Survey on Family Relationships and Gender-Based Violence against Women, 2022. Quito: National Council for Gender Equality, Ministry of the Interior and the Ecuadorian Institute of Statistics and Censuses (INEC)

**Graph 5.-** Ecuador. Percentage of women victims of any form of violence committed by a partner or ex-partner, by ethnicity, 2011.



Source: National Council for Gender Equality. Gender-based violence against women: An analysis of the results of the National Survey on Domestic Relationships and Gender-Based Violence 2011. Quito, p. 50.

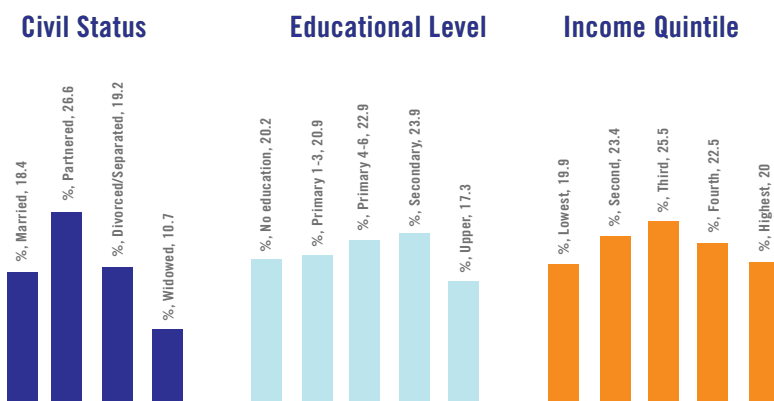
**368.** The information provided by Guatemala comes primarily from administrative records (Interfamilial Violence Database, National Institute of Statistics, 2013)<sup>189</sup> which allows complaints to be categorized by the characteristics of the victim, but does not provide the information required to estimate rates of violence in the general population.

**369.** The 2011-2012 National Survey on Demographics and Health conducted in Honduras allows the categorization of the prevalence of violence among women ages 15-49 over the course of their lifetimes, by educational level, economic class, and civil status. The graph depicts some of the main findings of this survey: there does not appear to be a clear relationship among these variables as the highest rates of violence are among married women with a secondary education and in the intermediate income quintile.

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189 <http://www.ine.gob.gt/index.php/estadisticas-continuas/violencia-intrafamiliar>

**Graph 6.-** Honduras. Percentage of women who have experienced some type of violence



Source: In-house. Derived from data from the National Institute of Statistics and the ICF, National Survey on Demographics and Health, 2011-2012, Tegucigalpa.

**370.** Jamaica did not submit information in response to the progress indicators in the diversity module, however, the Reproductive Health Survey conducted in 2008<sup>190</sup> includes data on violence against women aged 15 – 49 years, committed by a partner or ex-partner. The data show that violence affects women with lower educational and income levels: over the course of a lifetime, 43.9% of women with fewer than 9 years of educational instruction were affected by violence in contrast to the 26.1% of women with 13 or more years of education and 45.6% of women in the lowest income quintile as compared to 24.6% of women in the fifth income quintile. In addition, the data show that violence affects unmarried partnered women (38.3%) more than married women (27.9%).

**371.** In Mexico, the 2001 National Survey on Relationship Dynamics in Households (ENDIREH) 2011 conducted by the National Institute of Statistics and Geography (INEGI) provides information that can be categorized by workforce participation, educational level, and age and civil status<sup>191</sup>. According to the data, younger women are more likely to suffer from violence (38.9% in the previous 12 months, in contrast to women 55 and over). In addition, women with a secondary education (35.8% in the previous 12 months) and an advanced education (34.5%) than women with no education (27.3%) or with an incomplete or complete primary education (32.3%).

190 <http://jnfpb.org/assets/2008%20Final%20Report%20Jamaica.pdf>

191 [http://internet.contenidos.inegi.org.mx/contenidos/Productos/prod\\_serv/contenidos/espanol/bvinegi/productos/estudios/sociodemografico/mujeresrural/2011/EUM/702825051266\\_1.pdf](http://internet.contenidos.inegi.org.mx/contenidos/Productos/prod_serv/contenidos/espanol/bvinegi/productos/estudios/sociodemografico/mujeresrural/2011/EUM/702825051266_1.pdf)

**372.** Additionally, the rate of violence among unmarried women cohabitating with their attacker is higher (40.4%) than among married women (31.0%) Ultimately, the data show that violence has a greater effect on economically active women with respect to other categories. (See graph).

**Graph 7-** Mexico. Percentage distribution of violence against married or partnered women by a partner or ex-partner in the last 12 months, by employment status.



Source: INEGI, 2013. Overview of violence against women in the United States of Mexico: NDIREH 2011. Mexico, p. 11.

**373.** Panama did not report any information on the progress indicators in the diversity module; however, the National Survey of Sexual Reproductive Health (ENASSER) of 2009<sup>192</sup> includes information categorized by different characteristics, on the percentage of women aged 15-49 who have experienced emotional physical or sexual violence by a husband/partner at least once.

**374.** The main findings of the survey show that violence is more likely to affect the following groups: women with paid employment (20.9%) more than those unemployed (15.5%); women who have not completed primary or secondary education (approximately 21%/22%) while the rate is lower for women with no education (18.7%), completed secondary (14.8%), or upper school (11.3%). Risk of violence increases with age (20.2% of women aged 40-49 in contrast to 15.1% for women aged 20-24). There also appears to be little correlation to economic class (19.8% of low-income women vs. 17.3% of higher income women).

192 <http://www.contraloria.gob.pa/inec/Aplicaciones/ENASER/EnasserInformeFinal.pdf>

**375.** In 2013, Paraguay conducted the first Survey on Gender-Based Domestic Violence in urban areas, with findings categorized by educational level<sup>193</sup>. The results show that the level of primary education is the main risk factor in cases of both physical and psychological violence. The data, however, did not distinguish between men and women.

**376.** Peru did not submit any information in this section, however, in 2015, they conducted the Survey on Demographics and Family Health on women ages 15-49<sup>194</sup>. The results can be categorized by educational level, income quintile and civil status.

**377.** The data (see graph below) clearly indicate a higher risk of violence for divorced/separated/widowed women when compared to married women. Peru's report indicates the following: "of women who had been romantically united in some way (married, cohabiting, divorced, separated or widowed), 32.6% stated that their current or last partner (husband or partner) had exercised physical and/or sexual violence against them; the highest percentage occurred in women between 45 and 49 years of age, divorced, separated or widowed, residents of urban areas or the Sierra, and those who live in households belonging to the middle and second wealth quintile."<sup>195</sup>

**378.** There is some reduction in the risk of violence for women with some education and higher incomes, although the risk of violence increases at median income levels.

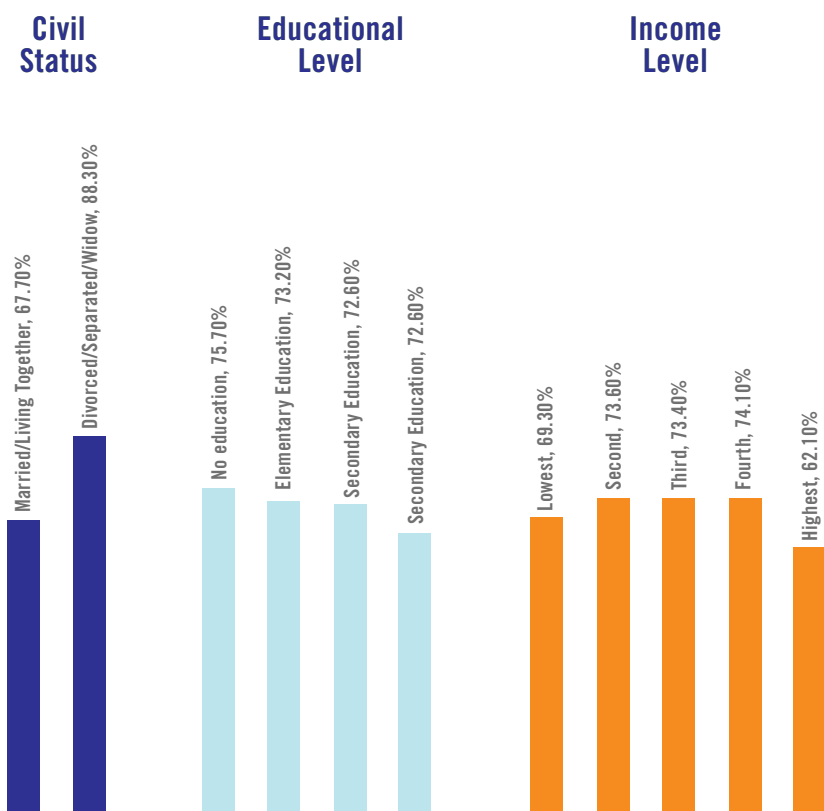
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193 <http://files.ipasecparaguay.webnode.es/200000128-95401963ca/Primera%20Encuesta%20sobre%20Violencia%20Intrafamiliar%20basada%20en%20G%C3%A9nero.pdf>

194 [http://www.minsa.gob.pe/portalweb/02estadistica/encuestas\\_INEI/pdf/cap012.pdf](http://www.minsa.gob.pe/portalweb/02estadistica/encuestas_INEI/pdf/cap012.pdf)

195 Demographic and Family Health Survey 2015 p. 362

**Graph 8.-** Domestic violence in Peru among women ages 15-49 perpetrated by a spouse or partner, 2015.

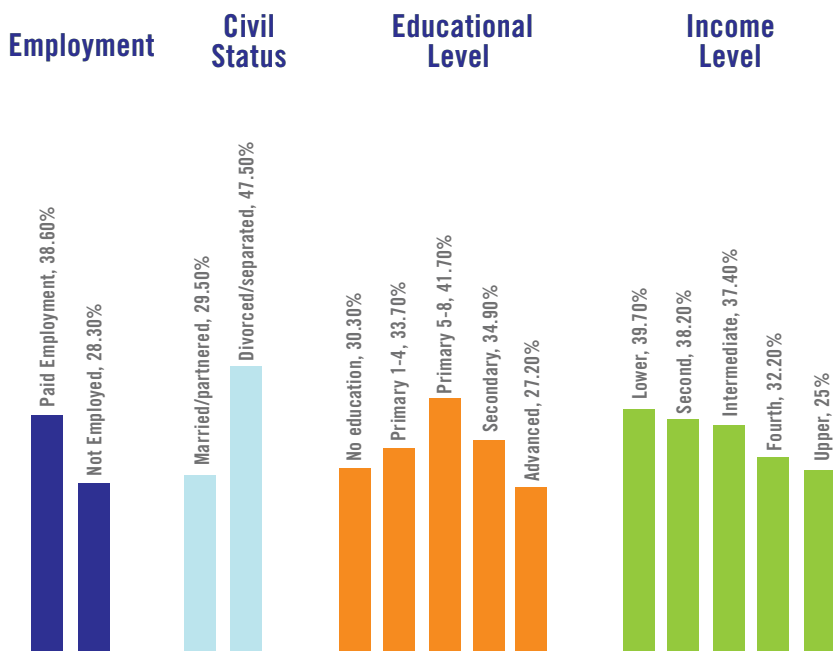


Source: In House. Derived from data from the INEI, 2016. Survey on Demographics and Family Health 2015. Lima

**379.** In 2013, the Dominican Republic conducted the Demographic and Health Survey<sup>196</sup> on women aged 15-49, with results categorized by a group of variables that captures the degree of violence that affects women depending on their socioeconomic situation (employment, educational level, income level, civil status). The graph shows there is a higher prevalence of violence among women with paid employment and divorced, separated or widowed women when compared to married or partnered women. The highest rate of violence exists at intermediate levels of education and rates clearly decrease as income rises.

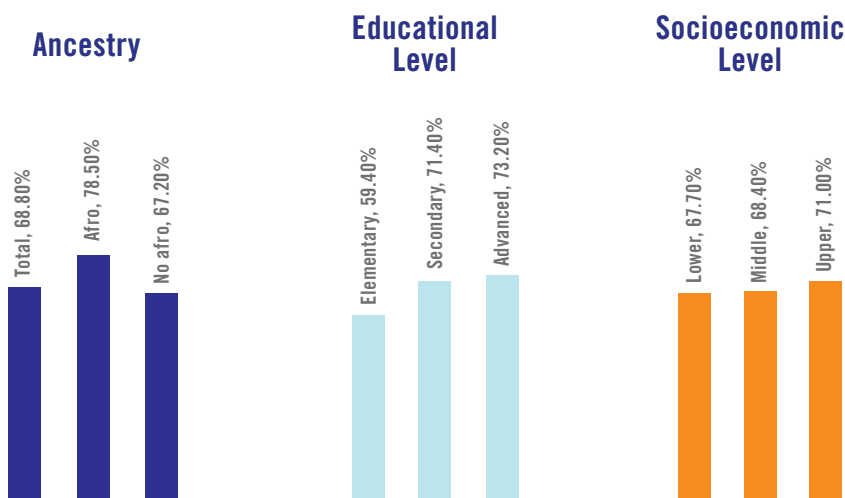
196 <http://countryoffice.unfpa.org/dominicanrepublic/drive/DRDHS2013-Final02-10-2013.pdf>

**Graph 9.-** Dominican Republic, Rates of emotional, physical or sexual violence committed by a spouse or partner among women ages 15-49, 2013.



Source: Ministry of Public Health, Demographics and Health Survey 2013, Santo Domingo, p. 327

**Graph 10.-** Uruguay. Percentage of women victims of gender-based violence in some form over the course of a lifetime, 2013



Note: Educational level refers to women 24 years and older; the remaining indicators refer to women 15 years and older.

Source: Own information from the First National Survey on the Prevalence of gender-based and Generational Violence. 2013

**380.** In Uruguay, the Gender Information System of the Ministry of Development<sup>197</sup> categorizes the information by age, ethnicity, income level, and civil status based on information collected from the 2013 First National Survey on Gender-Based and Generational Violence which included women age 15 and above, who had experienced some form of gender-based violence<sup>198</sup>.

**381.** The graph, which depicts some of the main results of this survey, shows that women of African descent were more likely to experience gender-based violence. More surprising, perhaps, is that the rate of violence is higher among women with an advanced education and from the higher economic class.

**382.** Another group of indicators in the diversity module seeks to capture the incidence of violence among higher risk groups or those affected by social discrimination. A broad examination of the available information shows that information is scarce and often incomplete, and does not really allow for a full picture of the situation at a regional level, with the exception of a few snapshots of the situation in a few countries.

### **a) Rate of violence among pregnant women, by age**

**383.** With respect to violence among pregnant women, Colombia reports a rate of violence 12.50 out of 100,000 (cases reported by SVIGILA). El Salvador estimates that the rate of physical violence against pregnant women in 2014 was 7.6%. In Guatemala, the rate rose to 7% in 2014/2015, and in Panama, the percentage of women who were victims of violence while pregnant was 4.2% in 2009. Paraguay reported that 22.2% of the women who suffered from physical violence and 28% of those who suffered psychological violence in the previous 12 months were pregnant. And in the Dominican Republic, 7.4% of women age 15-49 who had been pregnant were the victims of physical violence during pregnancy.

### **b) Rate of violence among disabled girl children and adolescents, and adult and older women**

**384.** The rate of violence among disabled women in Columbia is 1.39 out of 100,000 (2015) (national report) (Source: SIVIGILA). In Ecuador, the rate of gender-based violence committed by a partner or ex-partner among women with a

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197 [http://www.inmujeres.gub.uy/innovaportal/v/15091/6/innova.front/sistema\\_de\\_informacion\\_de\\_genero](http://www.inmujeres.gub.uy/innovaportal/v/15091/6/innova.front/sistema_de_informacion_de_genero)

198 [http://www.inmujeres.gub.uy/innovaportal/file/33876/1/resumen\\_de\\_encuesta\\_mides.pdf](http://www.inmujeres.gub.uy/innovaportal/file/33876/1/resumen_de_encuesta_mides.pdf)



disability rose to 49.0%, compared to 46.2% among other women (2011), while the rate is 67.9% when all types of attackers are considered (the rate is 60.4% among women with disabilities). Guatemala's follow-up report indicates that 7.25% of women victims of domestic violence age 7 and older had some form of disability, but the information does not allow for the development of a rate of violence against all women with disabilities.

### **c) Rate of violence among older women**

**385.** In Chile, the only information available on violence against women aged 56-65 years is as follows: psychological violence - 22.9%, physical violence – 12.3%, and sexual violence 5.5% (2012). Columbia reports a rate of violence among elderly women of 30.54 out of 100,000 (2015) (national report) (administrative records of the Colombian Medico-Legal System). In Ecuador, 60.2% of women 65 years and older have experienced some form of gender-based violence (2011). 39% of women between 60 and 64 years old interviewed in El Salvador had been the victims of physical and/or sexual violence at the hands of their partner over the course of their lives (data includes violence between female partners) 2014.

**386.** In the follow-up report submitted by Guatemala, 28.19% of women victims of domestic violence age 7 and above were older, but the data do not permit the determination the rate of violence in that category alone (2013). Finally, Uruguay reported that the percentage of women age 65 and above who had experienced gender-based violence in some form over the course of their lives, rose to 57.2% (2013; the rate among the general population is 68.8%).

### **d) Rate of violence and hate crimes against lesbian girl children and adolescents, and adult and older women and/or persons with alternate genders**

**387.** There is very little information available on this progress indicator. In 2012, Argentina designed the First Survey on the Transgender Population: Transvestites, Transsexuals, Transgender, and Male Trans persons and conducted a pilot in the La Matanza municipality of Gran Buenos Aires<sup>199</sup>. The 2105 survey conducted by SIVILIGA in Colombia reports 174 cases of gender-based violence against LGBTI women (0.3% of the total).

**388.** Costa Rica's follow-up report refers to a report prepared by the non-profit Center for Justice and International Law (CEJIL) that refers to hate crimes

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199 [http://www.indec.gob.ar/micro\\_sitios/webencuestatrans/pp\\_encuesta\\_trans\\_set2012.pdf](http://www.indec.gob.ar/micro_sitios/webencuestatrans/pp_encuesta_trans_set2012.pdf)

committed against sexually diverse populations and includes unofficial data on Costa Rica, Honduras and Nicaragua<sup>200</sup>. Finally, Ecuador conducted a survey on Life and Social Inclusion of the LGBTI population 2012-2013 (10). This survey included 2,805 members of the LGBTI<sup>201</sup> population aged 18 and older. 70.9% of those interviewed reported some form of discrimination from their family members, of which 72.1% were subjected to some kind of control, 74.1% experienced some kind of restrictions, 65.9% were rejected and 61.4% were victims of violence.

**389.** The final two indicators focus on identifying the degree to which indigenous women in rural areas have successfully maintained their cultural identities and the ability of the State to guarantee an education that is respectful of the cultures of indigenous villages and peoples.

### **e) Percentage of indigenous, rural women who maintain traditional culture and knowledge in their communities**

**390.** It's worth noting that, with the sole exception of Costa Rica, no other country provided the information required for this progress indicator in their follow-up report. Nevertheless, census data permit us to develop an approximation, since they contain information on the percentage of women of indigenous origin in rural areas as well as (in a smaller number of countries) the percentage of women in rural areas who speak an indigenous language. Using information from the database of the Latin American and Caribbean Center of Demographics (CELADE), we can approximate the size of the rural, indigenous female population, and the degree to which these women maintain their traditional culture.

**391.** The first table shows how the situation in the countries of the region is very different. The percentage of indigenous women varies from country to country; in some countries, indigenous women in rural areas represent approximately half of the female population (Guatemala and Peru) in contrast to others where the indigenous population is in the minority (Uruguay).

**392.** In other cases, there is a large mixed race population, and that information is not captured by the data. In Bolivia, for example, census data from 2012 indicate that 25.1% of Bolivian women speak one of the indigenous languages of the country. Other countries have a significant population of African descent (11% according to the 2105 census in Colombia). In some

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200 <https://cejil.org/es/diagnostico-crimenes-odio-motivados-orientacion-sexual-e-identidad-genero-costa-rica-honduras-y>

201 <http://www.ecuadorencifras.gob.ec/lgbti/>

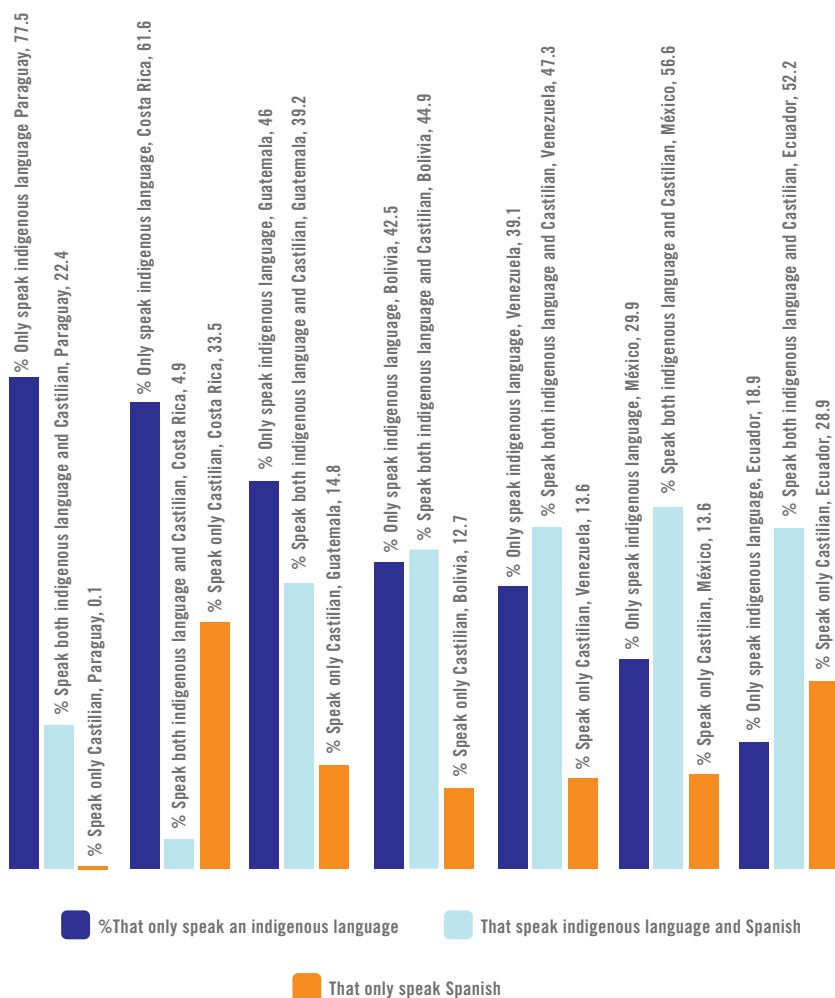
cases this is a result of recent migration, such as in the Dominican Republic, where 2012 census data show that 4% of the population was born in Haiti.

**Table 12.-** Latin America. Percentage of Women of Indigenous Origin (2010)

Country	Zone		
	Urbano	Rural	Ambas zonas
Bolivia*	0,4	3,6	0,9
Brasil	0,4	3,6	0,9
Chile*	3,4	12,1	4,5
Colombia*	0,9	11,7	3,3
Costa Rica	1,4	5,3	2,4
Ecuador	2,4	15,3	7,1
Guatemala*	28,1	52,1	40,9
Honduras*	2,4	11,2	7
Mexico	10,8	30,1	15,3
Nicaragua*	4,4	8,6	6,2
Panama	4,3	27,8	12,1
Paraguay*	0,3	3,7	1,7
Peru*	17,4	44,6	23,8
Uruguay	2,5	1,7	2,5
Venezuela (Rep.Bol.de)	1,9	9	2,6

Source: CELADE. System of Social Demographics of Indigenous Populations and Peoples. Santiago de Chile

**Graph 11.-** Language spoken by indigenous women in rural zones (%), (2000)



Source: In house. Based on data from CELADE. System of Social Demographics of Indigenous Populations and Peoples. Santiago de Chile

**393.** In terms of indigenous languages, the graph shows the heterogeneity of the situation. In some countries the percentage of rural, indigenous women who successfully maintain their cultural identity is very high (this is estimated based on the language spoken), including Paraguay and Costa Rica, where half of the women speak only an indigenous language. In other countries, bilingualism has prevailed, and in a third group of countries, a large percentage of the women only speak Castilian. In Mexico and Ecuador, followed closely by Venezuela, approximately half the women are bilingual, and in Ecuador and Costa Rica, 30% of indigenous women speak only Castilian.

## f) Percentage of indigenous children of both sexes who attend intercultural schools

**394.** The ability of the state to guarantee access to an intercultural education is closely related to maintaining the cultural of native peoples. Despite the scarcity of information available and the fact that only three countries (Bolivia, Costa Rica and Paraguay) provided relevant data in their follow-up reports, information gathered from official sources of the countries of the region paints a picture, although only partial, of the extent of intercultural and bilingual education:

- In Bolivia, the Avelino Siñani and Elizardo Pérez Law of Education made all public schools intercultural. The rate of primary education is above 90%; and the rate of secondary education is above 75%.
- Unsourced data from Costa Rica are as follows: Preschool – 6.8% of girls attend school in the Indigenous Educational System; 5.6% of all girls are in Primary Education (Cycles I & II).
- Statistics from the educational system in Ecuador<sup>202</sup> indicate that at the end of 2015, there were 79,024 female students in bilingual educational institutions (EIB), or 3.54% of the total female school population.
- In Guatemala, 8,740 preschools, preprimary schools and primary schools have sociolinguistic typology and bilingual culture, according to data obtained from the Ministry of Education, however, they do not publish enrollment data on female students<sup>203</sup>.
- In Honduras, 117,204 boys, girls and adolescents were enrolled in bilingual schools (EIB) at the end of 2015; and 5.9% of the total were female<sup>204</sup>.
- Data from the Secretariat of Education in Mexico indicates that for the scholastic year 2014/2015, 8.99% of preschool enrollment and 5.88% of primary enrollment was in indigenous intercultural educational institutions (including the indigenous community schools of CONCAFE)<sup>205</sup>.
- In Paraguay, a report compiled by the Ministry of Education and Culture in conjunction with UNICEF indicates that enrollment in indigenous schools rose

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202 <https://educacion.gob.ec/amie/>

203 [http://www.mineduc.gob.gt/DIGEBI/documents/Investigaci%C3%B3n/BASE\\_DATOS\\_PREPRIMARIA\\_2015\\_PROTEGIDA.xlsx](http://www.mineduc.gob.gt/DIGEBI/documents/Investigaci%C3%B3n/BASE_DATOS_PREPRIMARIA_2015_PROTEGIDA.xlsx) and [http://www.mineduc.gob.gt/DIGEBI/documents/Investigaci%C3%B3n/BASE\\_DATOS\\_PRIMARIA\\_2015\\_PROTEGIDA.xls](http://www.mineduc.gob.gt/DIGEBI/documents/Investigaci%C3%B3n/BASE_DATOS_PRIMARIA_2015_PROTEGIDA.xls)

204 [https://www.se.gob.hn/media/files/articles/INFORME\\_ESTADISTICO\\_2014\\_Y\\_2015.pdf](https://www.se.gob.hn/media/files/articles/INFORME_ESTADISTICO_2014_Y_2015.pdf)

205 [http://www.snie.sep.gob.mx/estadisticas\\_educativas.html](http://www.snie.sep.gob.mx/estadisticas_educativas.html)

to 25,302 (from initial education to mid-level education) in 2011, of which 12,151 were female. As non-indigenous students number 1,518,938, the rate of students enrolled in indigenous education represents 1.64% of the total<sup>206</sup>.

- Data from the Ministry of Education in Peru<sup>207</sup> show that in 2012, 12.4% of Public Educational Institutions of Regular Basic Education in indigenous communities developed curricula in the native language of the students at the initial level and 12.1% at the primary level.

### **3.3.- The State and Civil Society: Mechanisms of participation, inter-agency coordination and promotion and protection of the right of women to live a life free from violence**

**395.** The Committee of Experts has urged the States Party to the Convention to actively work with women's organizations, feminists and social movements that fight for women's rights in order to ensure that women have the opportunity to participate in the achievement of their rights through the organizations to which they belong and to be present in the development of laws and public policies, among other activities.

**396.** Therefore, the CEVI has emphasized the importance of having the processes of harmonization of legislation include the participation of civil society in the promotion and protection of the right of women to live a life free from violence. To this end, CEVI is evaluating and analyzing not only the ability of States to connect with civil society and women's movements, but also the real-world results of these effort, reflected both in quantitative indicators and through the qualitative progress indicators that reflect this interaction.

#### **a) Civil society organizations that require access to public information**

**397.** Only a small number of countries provided specific information on the number and types of organizations needing access to public information (12.5%): Bolivia, Costa Rica, St. Kitts and Nevis and Suriname. It is possible that this low response rate is a result of countries not understanding the scope of the request, or that the requested information is simply not available.

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206 <https://www.unicef.org/paraguay/spanish/unicef-escuelasindigenas analisisdatos.pdf>

207 <http://escale.minedu.gob.pe>

**398.** Overall, the information on civil society organizations provided by the States is fragmented and incomplete, and as such indicates a challenge to be overcome. The lack of information is a constant in the majority of reports submitted to the Third Evaluation Round of MESECVI.

## **b) Areas, mechanisms and tools with the recognition and legal status for inter-agency coordination between public entities and civil society organizations**

**399.** Argentina, Barbados, Colombia, Costa Rica, Ecuador, El Salvador, Granada, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, the Dominican Republic, Surinam, Uruguay and Venezuela all submitted information. However, only 9 States<sup>208</sup> reported having at least one mechanism with the necessary legal recognition to conduct inter-agency coordination between public entities and civil society organizations in support of the right of women to live a life free from violence.

**400.** Among the entities which carry out the established functions in mechanisms with legal recognition include: councils, commissions, provincial councils, inter-agency councils, working groups, inter-agency coordination groups, regional agreements, observers, etc.

**401.** Other countries, including Argentina, Ecuador, Guatemala, Honduras and Venezuela (5 countries), reported the existence of governmental entities or structures involved in the coordination between public institutions and civil society organizations which are a part of the public policies, programs/projects and which do not strictly verify their legal status.

**402.** The Committee was informed of the organization “Sordas sin Violencia”, “Deaf Women without Violence”, an access to information aid program for deaf and hearing-impaired woman victims of violence in Argentina. The program is the result of the alliance between two civil society organizations - Territorial Links for Gender Equality, specializing in gender violence, and Fundasor, an organization that assists families of Deaf people in their processes of communication and socialization. The alliance works on access to information for Deaf Women who are victims of violence, and designed an attention procedure criteria that takes into account Deaf culture, language and grammar.

**403.** “Sordas sin Violencia”, or “Deaf Women without Violence”, is the first program in Argentina that focuses on raising awareness about the specific barriers

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208 Colombia, Costa Rica, El Salvador, Mexico, Panama, Paraguay, Peru, Dominican Republic and Uruguay.

suffered by women with disabilities. As victims, they face additional layers of inaccess that they have to face in order to break the cycle of violence (such as lack of statistics, lack of information, inability to access assistance and protection resources provided by States, communication barriers, etc). It is necessary to make adjustments in attention protocol in order to allow access to justice under equal conditions.

**404.** For its part, Suriname reported the existence of a Steering Committee on “Domestic Violence” and a platform comprised of non-governmental organizations (NGOs) and some governmental institutions which address this type of violence, report up to the Ministry of Justice and Police, but which does not operate in an official capacity.

**405.** The overall results for this indicator are positive with respect to the number of existing organizations reported, however, the majority of States did not report the existence of enduring mechanisms with legal status which ensure structural and with legal recognition for the promotion and protection of the rights of women remains a challenge in the region.

### **c) Number and characteristics of Civil Society Organizations that participate in the promotion and protection of the right to live a life free from violence**

**406.** Argentina, Barbados, Bolivia, Costa Rica, Ecuador, Granada, Guatemala, Honduras, the Dominican Republic, Saint Vincent and the Grenadines, Trinidad, Uruguay and Venezuela reported having civil society organizations that actively participate in the promotion of the human rights of women.

**407.** The form taken by these organization reflects the situation in each country and includes a wide variety of women and their environments: rural women, indigenous women, women with diverse sexual preference, women with alternate gender identities, women with disabilities, migrants, adolescents and young women, sex workers, women of African descent, domestic workers, Rastafarians, migrants and displaced women, elderly women, girls and adolescents, and women deprived of their freedom.

**408.** Notwithstanding, none of the States provided adequate information on the number and type of organizations and their level and type of participation. Rather, the results of this indicator are a lengthy list of organizations which work on issues related to the rights of women that, by nature and characteristics do not correspond to the indicator requested.



**409.** This indicator, like the previous one, on the one hand recognizes the extensive existence of civil society organizations that participate in the promotion and protection of the right of women to live a life free from violence. On the other hand, they demonstrate the difficulty for States to identify clear registration mechanisms for these organizations and their characteristics, and the low rate of recognition of the legal standing of these mechanisms, which are essential tools for the coordination between the state and civil society and a vital instrument to guarantee the active, permanent and structured participation of women.

#### **d) Mechanisms of mixed participation to evaluate sexist content in advertising and propaganda**

**410.** Based on the data analyzed in the sections above, the CEVI deems it imperative that the States design mechanisms to evaluate the effects of advertising and publicity on the subjectivity of people, with respect to discrimination against women and girls and how such results could contribute to the design and reformulation of public policies, the development of laws, and to the limiting of sexist content.

**411.** Nevertheless, only 6 States in the region reported the existence of mechanisms that evaluate sexist content in advertising and publicity.

**Table 13.- Mixed Participation Mechanisms.**

State Party	Mixed participation mechanism responsible for the evaluation of sexist content in advertising and propaganda
<b>Argentina</b>	The National Institute of Women (INAM), the National Institute Against Discrimination, Xenophobia and Racism (INADI) and the National Communication Agency (ENACON) comprise the Observatory on Discrimination on Radio and Television; The Ministry of Justice manages the Monitoring Office for the Publication of Sexual Offer Notices; The Office of the Public Defender; The National Institute Against Discrimination, Xenophobia and Racism (INADI) is conducting an initiative, "Platform for an internet free from discrimination" whose goal is to rid the internet of any type of discriminatory violence which affects the rights of groups, communities or individuals. The platform provides a mechanism to file complaints which include advertising content; The Decalogue of the Red Par
<b>Chile</b>	The marketing department of the Secretary for Communications (SECOM), is responsible for providing communication guidance to all ministries and dependent services, on the incorporation of gender perspective in all delivery processes for the products they produce
<b>Costa Rica</b>	The Office of Control of Propaganda under the Ministry of Public Governance and the Office of Control of Public Entertainment under the Ministry of Justice
<b>El Salvador</b>	The Office of Public Shows, Radio and Television is responsible for the protection and defense of the image of women in the widest possible sense, in accordance with the constitutional principles of respect for human dignity and fundamental rights.
<b>Granada</b>	The Mechanism for Gender Equality has developed a process to monitor the content of locally produced music for sexist content and messages that promote gender-based violence.
<b>Dominican Republic</b>	Office of Communication, Office for Women's Education and the Network of Communicators with gender-based perspectives.

Source: In house. Based on information provided by the States Party to the Progress Indicators presented by the States Party in the Third Cycle of inquiry of the Follow-up Mechanism to the Convention MESECVI.

**412.** For the CEVI, it is fundamental that States take into consideration the need to deepen the awareness and training of the competent entities in each country in the region in order to evaluate sexist and discriminatory advertising and publicity against women and girls. They urge the States to create mixed mechanisms with civil society with the goal of preventing and eradicating the generation of sexist content.

### 3.4.- Participation of the Media and Advertising Agencies in the diffusion of women's rights

#### a) Existence of communication campaigns to educate the population on gender stereotypes and what causes them

**413.** The Committee is pleased to see the permanent diffusion of messages and campaigns against discrimination and gender-based violence against women throughout the media, including on social networks. The regional report social

networks are the primary tools used to disseminate communication and publicity campaigns on women's rights.

**414.** For this reason, the CEVI emphasizes the importance of the role of social networks as a communication channel in the effort to promote social conscience and consensus on topics associated with gender and the equality of men and women, as well as raise awareness on existing mechanisms for the protection and defense of women's rights. It is important to note, however, that these spaces also serve to reaffirm gender stereotypes and the dominant pattern of a patriarchal society.

**415.** Traditional media such as radio, movies and open signal television remain the most effective methods of spreading messages that contribute to the deconstruction of gender stereotypes, and serve as tools for the consolidation of a broad and inclusive education on the promotion of human rights and their representation in society as a whole.

**416.** In spite of this few campaigns reported by the States Party, with a few notable exceptions. In Chile, however, Ministry of Education and the NGO Comunidad Mujer signed a partnership agreement to develop a campaign intended to raise awareness of gender-based stereotypes in society, and promote a setting of equality in training and education to allow the development of skills and activities independent of gender, with the goal of broadening and enriching the relationships in the world around them.

**417.** Costa Rica provided information on the "Take the Bandage off Your Eyes" Campaign (Quítate la Venda de los ojos), comprised of Facebook posts and articles. In Guatemala, there is "for the life and dignity of Guatemalan women"; in the Dominican Republic, Educational Capsules broadcast by the 14 Members of the Union of Catholic Broadcasters and on the "Women Know Your Rights" program by the Ministry of Women's Affairs. Lastly, Venezuela has launched a massive national campaign to prevent and eradicate violence against women, with an emphasis on awareness of psychological violence, and which has been delivered, as of 2015, in 200 educational center in partnership with the Ministry of Popular Power for Education, and has reached more than 15,000 students, 5,000 fathers, mothers and representatives, and 5,000 teachers.

## **b) Existence of professional guidelines and codes of conduct addressing material with violent or stereotyped content on women in the media, including in advertising**

**418.** Based on the reasons explained in the previous indicator, the Committee of Experts inquired about the existence of self-regulatory tools in the media that permit ethical regulation within the framework of freedom of expression and information and the existing tension between these rights, and the right of women to live a life free from violence and receive an education free from stereotypes.

**419.** The Committee of Experts, therefore, values the efforts made in the region to draft these types of guidelines and encourages those nations to emphasize observance and compliance with the codes in order enable the existence of communication free from stereotypes, and to continue to develop of them in alignment with the needs of the population and the continual development of human of rights.

**420.** Some of the modalities observed include: the Observatory of Discrimination on Radio and Television in Argentina published the “Decalogue for Journalistic Treatment of Violence against Women,” and the Public Defender’s office issued “Recommendations for the Responsible Treatment of Violence against Women in Audiovisual Media.” In Chile, the Secretary of Communications (SECOM) published the “Illustrated Guide to Gender Stereotypes,” which was distributed to all public services, advertising agencies, etc. Additionally, the government of Chile produced a video campaign, “Freedom from Gender Stereotypes,” broadcast on social networks, and published on the webpage of the Ministry of the General Secretary of the Government”.

**421.** Other measures include the establishment of workshops targeting social communicators. Guatemala has prioritized topics related to the prevention of violence against women, human trafficking and femicide, with a focus on the cultural relevance of the rights of women and sexualized images of women in advertising and the media. Article 46 of Peru’s law to prevent, punish and eradicate violence against women and family members includes a provision that guarantees that media broadcasts of information related to violence against women must be objectively informative and defend the human rights, freedom and dignity of women and their children.

**422.** The Ministry of Women and Vulnerable Populations has issued Ministerial Resolution N°244-2011MINDES which approved the “Guidelines for Informative Treatment”. This regulatory instrument is directed at journalists and editors across

different media and aims to safeguard the dignity of persons affected by gender-based violence.

**423.** In the Dominican Republic, this information is published in the Booklet for Communicators. 2014 – “60 hours of social work for a life free from violence for Dominican Youth.” And Venezuela established the Observatory for Media “Carmen Clemente Travieso” within the Ministry of Popular Power for Women and Gender Equality as a permanent supervisory body of the media in the country.

**424.** Finally, it’s worth noting that in Bolivia, Law 348, and Art. 14 on sectorial policies stated that the sexist stereotypes and social roles assigned to women must be deconstructed, compelling media self-regulation of advertising that employs disrespectful and commercial use of images of women. Bolivia is the only country to specifically mention this issue, and beyond the formal recognition of the need for the media to self-regulate, there was no additional information obtained on the planned measures to guarantee its implementation.

**425.** The CEVI did not receive information about codes of conduct for the media that would suggest they have achieved the necessary awareness that would lead the media themselves to request guidelines that conform to their obligations with respect to their social or national legal responsibilities.

### **c) Number of journalists, communication professionals and media representatives who have participated in educational initiatives on the rights of women**

**426.** Uruguay is the only country to directly mention 293 journalists across the country that have undergone awareness training in order to promote information on human rights that includes both gender and generational perspectives.

### **d) Characteristics, coverage and frequency of media campaigns against sexual harassment and violence against women**

**427.** Another element relevant to the Committee is the actions taken in the region that guarantee continuous communication campaigns addressing the issue of sexual harassment. They are pleased by the models and practices employed in the fight against one of the most common violent acts committed against the women and girl children in our region. The Committee applauds these initiatives reported by the participating States.

**428.** In 2015, the National Institute of Women (INAMU) together with the Costa Rican Soccer Federation, Channel 7, and the national communications agency, launched the THIRD SCORER CAMPAIGN (CAMPAÑA EL TERCER MARCADOR) in Costa Rica during the qualifying round of the World Cup. This campaign won five awards at the 2016 Cannes Film Festival for innovation in advertising. The Secretary for Gender on the Commission against Sexual Harassment of Costa Rica is dedicated to publicizing the services available to the public. These campaigns are distributed monthly to internal judicial personnel. For its part, the National Learning Institute transmits audio broadcasts against sexual harassment during telephone wait time at their call center, and also posts banners and brochures on sexual harassment.

**429.** In 2016, INAMU signed an agreement with UNAFUT (The Union of Premier Division Soccer Clubs) to develop a communications campaign for media and social networks named “MACHISNO”. In addition, INAMU is launching a campaign against street harassment in public spaces in conjunction with the Ombudsman Office, the Ministry of Public Works and civil society organizations.

**430.** The Ministry of Education in Ecuador implemented the ¡Nadie nunca más! Educación sin violencia sexual (No One Ever Again! Education without sexual violence) campaign within the framework outlined in the “National Comprehensive Plan to eradicate sexual crimes in the educational system”.

**431.** In 2015 and 2016 Mexico conducted the, “Prevention of Sexual Violence” campaign that addressed sexual harassment in public spaces. The target audience was urban and rural populations, in the upper-middle, middle and lower socioeconomic classes.

**432.** In Paraguay, the Ministry of Women launched a campaign in 2014 against sexual harassment in the street, with the goal of raising awareness of the right of men and women to circulate with equal freedom and without fear.

**433.** In 2014, Peru conducted a campaign against sexual harassment after it identified risk factors to adolescents of both sexes in public spaces. The campaign covered the period June 2014 – December 2014, and reached 205 national educational institutions, and 66,554 students. In 2015, it codified its commitment to this issue with the enactment of Law N° 303114 “Law to prevent and punish sexual harassment in public spaces” (2015).

**434.** The campaign against sexual harassment in public spaces targeted students of the IIEE and was conducted through a variety of formats: events held with the Education Authority, training via chats or workshops with the students and teachers

and a unique closing event featuring the presentation of the Proposal or Platform psycho-educational. The management instrument for this campaign was initiated in 2015 within the framework of Law No. 30314: Development of intersectoral guidelines for the prevention of sexual harassment in public spaces, within the framework of the law to prevent and punish sexual harassment in public spaces.

**435.** It is important that the States Party continue to support these broad awareness-raising and training activities on sexual harassment in public and private spaces, promoting their frequency and length, and that they implement all manner of interdisciplinary tools to increase their effectiveness in terms of group objectives, availability and content. At the same time States Party are urged to provide information on this topic in future reports, including program duration and frequency, and the implementation of similar campaigns in States where these initiatives have been weak or underrepresented.

## 4.- Basic financial context and budget commitments

**436.** In this section, the Committee of Experts analyzed the responses to the indicators that seek to identify the budgetary commitments assumed by the States to guarantee women the right to live a life free from violence. Included in this analysis are a review of national budgetary legislation and the production of statistics on violence against women. An overview of the funds allocated by the States to women's organizations and to policies to eradicate violence against women indicates that there are many challenges and a stark reality.

**437.** The first challenge for the Committee was the actual development of budgetary information. In many cases countries provided numbers for the amounts allocated to a specific institution or ministry, but only as a total amount or with no information about what percentage of Gross Domestic Product (GDP) of the country or total public spending it represented. This made it more difficult to determine the actual percentage of the total budget allocated to these particular policies.

**438.** The second challenge was the comparability of the data. Not all countries have the same degree of institutional development or institutions dedicated to eradicating violence against women. The third challenge is for the States to effectively fulfill their international obligations, and that their commitments have an effective, real and profound correlation to equality and the elimination of violence against women. The fourth, and one of the most fundamental, challenges is an increase in budget allocated to the eradication of violence against women.

**439.** There is no doubt that violence against women is one of the most complex and extensive social problems in the region, as thousands of women die annually, the victims of femicide, or suffer from other forms of violence. Nevertheless, governmental responses indicate that these problems are not worthy of budgetary expenditure when most countries allocate less than a half of a percent of the total national budget to address the issue. This reality highlights one of the main failures with respect to the recognition of rights and public policies that are implemented and underlines the importance of sufficient funding in the national budgets of the region in order to be truly effective. On the contrary, these rights run the risk of becoming mere wishes based on the reading of these national budgets alone.

**440.** The Committee of Experts was alarmed by the low funding of these public institutions by the countries in the regions. Less than 1% of their total budgets were earmarked for the programs and plans that combat gender-based violence and other related institutions.

**441.** Below we present the analysis, based on the research of the Technical Secretariat of the MESECVI, of the budgets of the 24 States that submitted information with estimates we developed on our own to enable a more complete visualization of the information.

## **4.1.- Budgets**

### **a) National Budget Law identifying funds assigned to mechanisms for women and specialized offices in the health and education sectors**

**442.** The Committee of Experts analyzed budgetary funding for women's mechanisms in order to determine the connection between formal recognition and actual budgetary commitment. Antigua & Barbuda, Argentina, Bolivia, Ecuador, El Salvador, Grenada, Guatemala, Honduras, Jamaica, Mexico, the Dominican Republic, St. Kitts, San Vicente, Suriname, Trinidad and Tobago and Venezuela responded, however, only six of the States (Bolivia, El Salvador, Guatemala, Honduras, Mexico and Venezuela), or 37.5%, confirmed the existence of budget allocations within their policy framework specifically earmarked for topics related to the prevention and punishment of violence against women enshrined in law.

**443.** In general, budget allocation in each country is based on the needs presented by the institution responsible for policies on women's rights to the competent entity for the purposes of planning and budgeting.



**444.** On the other hand, while it is true that in this Round, the majority of countries indicated that they had permanent and structural relationships with women’s and feminist movements in each State, none of the laws or processes presented referred to a method of public participation to determine appropriate budgetary allocation or to determine the needs of women as the principal beneficiaries of the funds.

**Table 14.-** National budget laws identifying funds assigned to women’s mechanisms, specialized offices and the health and educational sectors.

State Party	National budget laws identifying funds assigned to women’s mechanisms, specialized offices and the health and educational sectors
<b>Bolivia</b>	Law N°348 of March 9, 2013. Comprehensive law to guarantee the right of women to live a life free from violence, Superior Regulatory Decrees 2145 of October 14, 2014 and 2016 and November 25, 2015.
<b>El Salvador</b>	General Budget Law for the Fiscal Year 2015 assigns an amount of \$5,293,445.00 for current costs and capital expenditures of the Salvadoran Institute for the Development of Women.
<b>Guatemala</b>	Organic Budget Law enacted by Degree no. 101-97 and amendments
<b>Honduras</b>	General Budget Law of the Republic of Honduras.
<b>Mxico</b>	Annex to the Federal Law of Budget and Fiscal Accountability corresponding to Actions that Promote Equality Between Men and Women, the Eradication of Gender-Based Violence, and any Form of Gender-Based Discrimination.
<b>Venezuela</b>	By Presidential Resolution, Budgets Sensitive to gender issues are required in national planning. Beginning in 2005.

Source: In house. Based on information provided by the States Party to the Progress Indicators presented by the States Party in the Third Cycle of inquiry of the Follow-up Mechanism to the Convention MESECVI.

**445.** The 10 remaining States presented very general information on the existence of budgetary allocations to issues related to women, gender and/or the family. Grenada, St. Kitts and Nevis, St. Vincent, Suriname and Trinidad and Tobago reported that budget allocations are approved by the respective government for all ministries and are presented for approval to the competent agencies. Antigua and Barbuda, Ecuador, El Salvador and Jamaica indicated that there is money allocated to gender issues, but they do not provide information on what percentage of the responsible agency’s budget it represents and if the allocation is proportional to the demands of victims of violence.

**446.** The way the information was provided in response to this indicator does not allow an analysis of whether there was an increase or a reduction in the amount of funds allocated when compared to previous years.

**447.** While the information evaluated is interesting, it is not precise and does not lead to an understanding of how and how much money is earmarked for the functioning of governmental mechanisms addressing women’s rights. Rather, what is needed is to detail the percentage of the general budget of a State Party that is assigned to these organizations, or with respect to other governmental institutions, to determine if an increase in funding is needed or if the funds are adequate. The recommendation of the Committee is that the States Party provides information on the funds allocated to specialized services that address the prevention, promotion and protection of women.

### **b) Laws that address statistical operations in budget development**

**448.** With respect to legislation, it is important to note that 7 countries (22% of the total) have specific legislation on statistical operations including Ecuador, Grenada, Guatemala, Mexico, the Dominican Republic, St. Kitts and Nevis and Venezuela; 2 do not have relevant legislation: Costa Rica and St. Vincent and the Grenadines.

**449.** It is worth highlighting the case of Ecuador, who has noted that, in accordance with the Law on Statistics (Supreme Decree 323, Official Register 82-9/mar/2009) that once the Census Budget has been approved, budgetary provisions cannot be reduced or used for other purposes. In addition, the law states, “the Ministry of Finance will include in the general budget of the state, the funding necessary for the execution of statistical operations that are part of the program (the Survey on Family Relationships and Gender-Based Violence Against Children, Women and Adolescents, is part of the statistical operation of the program)<sup>209</sup>”. This could be considered a best practice that to be replicated in other countries throughout the region, as it complies with the obligations assumed by the States at the international level.

### **c) Existence of a national budget law with funds earmarked for the fulfillment of the obligations to produce information**

**450.** It is noted that 22% of the countries fulfill this obligation. Of these, it is worth focusing on El Salvador and Grenada as both countries have funds specifically earmarked in their budget laws. El Salvador states, “the Budget approved for the year 2016 in the Economic Branch, has funds earmarked to “generate gender-oriented statistics for the National Statistics System which permit adequate and timely input for the development, follow-up and evaluation of public policies, as well to fulfill the national and international obligations undertaken by the Salvadoran State with

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209 Response of the State of Ecuador to MESECVI 2016

respect to gender issues”. In conformance with Ruling No. 78, dated November 26, 2015, issued by the Commission on the Treasury and Special Budget of the Legislative Assembly, whose allocation is \$250,000.00”<sup>210</sup>

#### **d) Number and characteristics of civil society organizations that participate in budget control initiatives and their execution**

**451.** Only Ecuador and Guatemala submitted specific responses to this indicator, submitting the names and characteristics of civil society organizations (1 in each case) that participate in budget control initiatives.

#### **e) Percentage of the execution of the budget assigned to programs, plans and institutions related to the different forms of violence against women**

**452.** The collection of the information necessary to construct this indicator according to recommendations no. 35, 36 (35), and 37 of the Committee of Experts in the Second Hemispheric Report was very difficult. The analysis of the budgetary information sent by the States in their follow-up reports with respect to combating violence against women revealed that only 38% of the signatory countries responded to this question on the questionnaire (12 out of 32), however, only 3 signatory countries (9%) provided enough information to construct the indicator. 2 countries submitted partial information (6%) and 7 countries (22%) stated that they did not have the required information. Another 38% of signatory countries sent no information at all.

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210 According to information provided by El Salvador and the source identified by the State: [http://www.transparenciafiscal.gob.sv/downloads/pdf/VLP4100-16\\_LP4100\\_16.pdf](http://www.transparenciafiscal.gob.sv/downloads/pdf/VLP4100-16_LP4100_16.pdf)

**Table 15.-** Percentage of the execution of the budget assigned to programs, plans and institutions related to the different forms of violence against women

Information Provided by the States	Countries	Nº
<b>Provided sufficient information</b>	Costa Rica; Mexico; Peru;	<b>3 countries</b>
<b>Partial information*</b>	Bolivia <sup>1</sup> ; Dominican Republic <sup>2</sup> ;	<b>2 countries</b>
<b>Declared they had no information</b>	Ecuador; El Salvador; Granada; Guatemala; St. Kitts and Nevis; St. Vincent and the Grenadines; Trinidad and Tobago	<b>7 countries</b>
<b>Sent no information</b>	Antigua & Barbuda; Argentina; Barbados; Chile; Colombia; Honduras; Jamaica; Panamá; Paraguay; Suriname; Uruguay; Venezuela	<b>12 countries</b>
<b>Did not send a report</b>	Bahamas, Belice, Brasil, Dominica, Guyana, Haiti, Nicaragua, St. Lucia	<b>8 countries</b>

\* Information derived from other sources

<sup>1</sup> The country reports that, "it is possible to estimate based on information approved budgets and performance reports from the Ministry of Economics and Public Finance".

<sup>2</sup> The country reports that "76% of the budget is authorized to the Ministry of Women's Affairs. Budget Performance Report, 2012, General Budget Office".

**453.** Faced with this situation, an extensive search of public information sources was undertaken on the webpages of the Ministries of Economics and Finance, budget expenditure directorates, National Mechanisms for Women of the States Party, etc. The information obtained made it possible to determine the budget allocated to national women's mechanisms (recommendation no. 35) in some cases. In other cases, it was possible to identify the amounts or percentages of the national budget dedicated to services for women victims of violence (recommendation no. 36), and budget allocated to national plans, studies and research on violence against women, as well as the disclosure and promotion of the results and corresponding publications (recommendation no. 37).

**454.** The results of this investigation enabled the acquisition of relevant information from practically all countries that sent a follow-up report (with the exception of Suriname). Notably, in 13 cases (41% of the States Party) the degree of categorization of the freely available budgetary information sufficient to identify the costs associated with programs, plans and institutions related to the different forms of violence against women. In another 7 cases (22%) this was not possible, but valuable information on budget assigned to National Mechanisms on Women was found. And finally, in another 3 cases (9%), there was interesting information on some related programs, but more extensive budgetary information was not available.

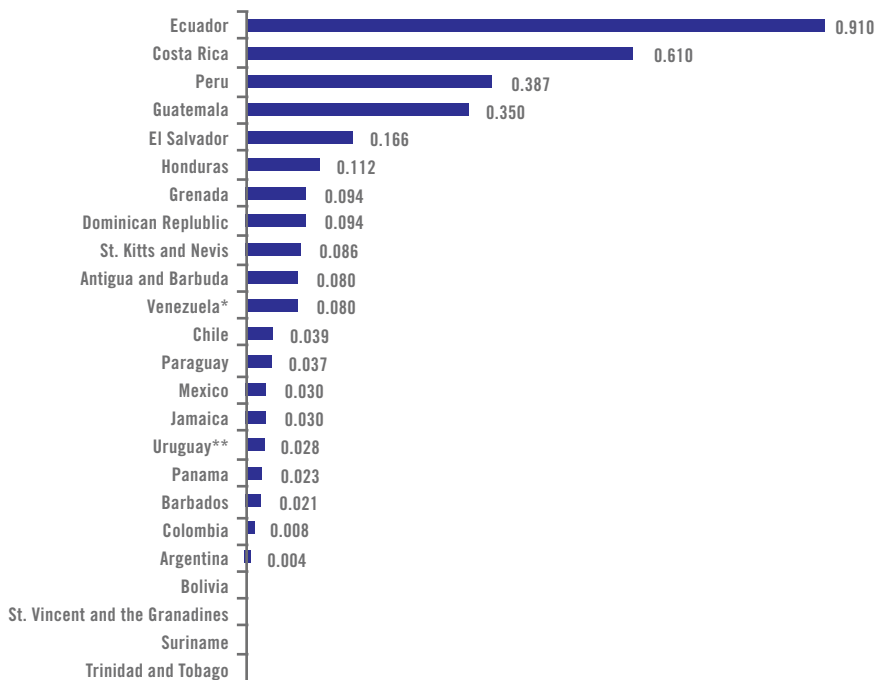
**Table 16.-** Budget allocated to MAM and policies on gender-based violence

Budget Information Obtained	Countries	Nº
<b>High Categorization - MAM and policies against gender-based violence</b>	Chile; Costa Rica; Ecuador; El Salvador; Guatemala; Honduras; Jamaica; Mexico; Peru; Rep. Dominican Republic; St. Kitts and Nevis; Uruguay; Venezuela	<b>13 countries</b>
<b>Low categorization (Only MAM)</b>	Antigua & Barbuda; Argentina; Barbados; Granada; Panama; Paraguay; Trinidad and Tobago	<b>7 countries</b>
<b>Partial information</b>	Bolivia; Colombia; St. Vincent and the Grenadines	<b>3 countries</b>
<b>No information found</b>	Suriname;	<b>1 countries</b>
<b>Did not send report</b>	Bahamas, Belice, Brasil, Dominica, Guyana, Haiti, Nicaragua, St. Lucía	<b>8 countries</b>

Source: In house. Based on information provided by the States Party to the Progress Indicators presented by the States Party in the Third Cycle of inquiry of the Follow-up Mechanism to the Convention MESECVI.

**455.** The following graph depicts the information collected from official budget sources (see following indicator), with an emphasis on the expenditures destined to programs, plans to combat gender-based violence and other related institutions (mechanisms for the advancement of women).

**Graph 12.-** Percentage of public expenditure allocated to combat violence against women



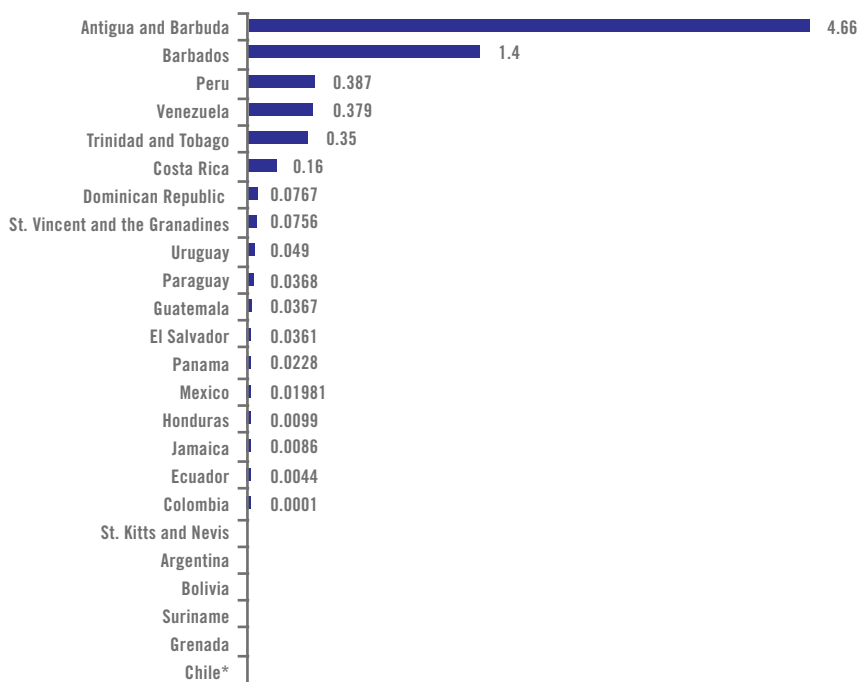
Source: Official budget sources of the States Party. Own information MESECVI, 2017

**456.** Below we see the budget allocation for the National Mechanism for the Protection of the Rights of Women.

**457.** For the MESECVI, it is a challenge to systematize the information provided by the States Party, in the previous graph we can observe the comparison that exists between the States for the allocation of resources associated with cases of violence. This figure includes aggregations of public policies that were declared to be related to the material, but there is no certainty that it is the total figure that the State assigns in support of plans or measures to assist women victims of violence. It would be important for the region to base this type of contribution on solid methodologies that make it possible to more accurately measure the efforts of the State. This discrepancy is directly related to the need to cross-allocate budgets with a gender perspective throughout State institutions.

**458.** In the following case, the assignments declared by the States for National Mechanisms for the Protection of the Rights of Women can be identified with a higher level of reliability. In budgetary terms, the States declared the following.

**Graph 13.-** Percentage of public expenditure allocated to the National Mechanism for the Protection of Women



Source: Official budget sources of the States Party. Own information MESECVI, 2017.  
 \*St. Kitts and Nevis, Argentina, Bolivia, Surinam, Grenada, and Chile did not provide the information requested via the Follow-up Mechanism of the Implementation of the Belém do Pará Convention.

**459.** With respect to budget information, it is worth highlighting the case of Mexico, where the Annex of Outlays for Equality (no. 13 in the framework of Annual Budget of the Federation) enables the identification of the percentage of the budget earmarked for actions to eradicate violence, and of the budgetary provisions allocated to different ministries for the equality of men and women.

**460.** Another interesting example can be found in Uruguay, where the Budget Report with Gender Perspective (inclusion of gender perspective in the five-year budget 2015 – 2019) was conducted by the Gender Advisor of the OPP and the National Institute for Women of the Ministry of Development. The report is structured according to rights and details the established plans and planned budget for each one. Element 1 details the budget for measures which promote the right to a life free from gender-based violence (pp. 4-8). It includes a group of objectives defined by the National Council on Domestic Violence: the commitments of the Second Plan to Combat Gender and Generation-Based Violence; the development of the draft Law Against Gender-Based Violence that guarantees the prevention, control, consideration, and repression of all forms of gender-based violence; the

reinforcement of Treatment Services for Gender-Based Violence and all its tools and Assistance programs (judicial treatment, psychosocial, electronic localization devices, mobile services, short term shelters for women whose lives are at risk, housing solutions, etc.); treatment services for women victims of human trafficking and care facilities for men who have committed violence<sup>211</sup>.

**461.** Similarly, in Costa Rica, the Report on Accountability of the National Plan for the Treatment and Prevention of Domestic Violence (PLANOVI) for the period 2014-2015 includes a detailed list of the budgets of associated institutions: INAMU; National Institute of Learning (INA) as part of a specific project on comprehensive care of Domestic Violence in the Caribbean; Universities for specific activities to combat sexual harassment; the Judicial Branch, for the estimated investment related to the activities of certain units, commissions, courts specializing in domestic violence and punishment; the Ministry of Public Security, that estimates the cost of 127 national, regional officials and agents to the delegations for the treatment of domestic violence and the production of statistics; the Mixed Institute for Social Assistance, that quantifies the 94 persons as the human resources associated with PLANOVI activities, who participate in local networks and in the unit for equality and gender equity, the investment in the care of women victims of violence; the Costa Rican Social Security Administration; the National Council on Persons with Disabilities (CONAPDIS); the Ministry of Justice and Peace (MJP); and the Ministry of Security for activities destined to the prevention, promotion of gender equality, the continuation of governing responsibilities, etc.

**462.** In the case of El Salvador, Table 41 in the Report on Incidents of Violence against Women (produced by the Ministry of Justice and Public Security and the General Office of Statistics and Census) lists the “Expenditure of Resources on women victims of violence per institution” (pp. 140 – 143) that provides additional transparency on public expenditure for this purpose.

**463.** Finally, in the case of Guatemala, the Presidential Secretariat for Women published a Manual for Gender Classifiers in Budgets 2011. This instrument is intended to “contribute to the visibility of budget resources destined to promote gender equality” for women, girl children and adolescents (p. 5)<sup>212</sup>.

**464.** Despite efforts, the low budgets that the States allocate to their obligations related to eliminating violence against women are worrisome and contradictory with commitments made. This is undoubtedly one of the main observations of this section

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211 <http://www.inmujeres.gub.uy/innovaportal/file/22379/1/informe-final-peg-2015-2019.pdf>

212 <http://seprem.gob.gt/informacion/manual-clasificador.html>



and of the information analyzed from the answers turned in within the framework of the third round of the MESECVI. Violence against women is undoubtedly a serious problem and epidemic in terms of statistical prevalence. In Argentina, for example, the latest estimates for the month of April 2016 indicate a femicide every 30 hours. Each country has different statistics, but they are equally alarming. Yet there is no country whose budget allocated to this matter reaches 1%. There is a gap of abysmal dimensions between the internationally assumed obligations, normative recognition, public policies and budgets. This report sheds light on the link, or lack thereof, between human rights and public budgets, a field that is often difficult to address.

## f) Publication of final reports on the budget and its implementation

**465.** With respect to the public availability of budget information for each country, the information sent by the signatory countries indicates that only a minority of countries regularly publishes information about the budget and its implementation. Of the 13 countries that provided information (41% of the total), only 7 (22%) reported enough information to enable construction of this indicator; 9% submitted only partial information, and another 9% reported not having sufficient information to respond. And fully 34% submitted no information in response to this indicator in their follow-up report.

**Table 17.-** States that provided information on the publication of final reports on budgets and their implementation

Information Provided by States	Countries	Nº
<b>Provided information</b>	Bolivia; Costa Rica; Mexico; Paraguay; St. Kitts and Nevis; Trinidad and Tobago; Uruguay	<b>7</b>
<b>Partial Information*</b>	Ecuador; Granada ; Dominican Republic;	<b>3</b>
<b>Stated no information available</b>	El Salvador; Guatemala; St. Vincent and the Grenadines;	<b>3</b>
<b>No information sent</b>	Antigua & Barbuda; Argentina; Barbados; Chile; Colombia; Honduras; Jamaica; Panama; Peru; Suriname; Venezuela	<b>11</b>
<b>No report sent</b>	Bahamas, Belice, Brasil, Dominica, Guyana, Haiti, Nicaragua, St. Lucia	<b>8</b>

\* Response was completed from other sources.

Source: In house. Based on information provided by the States Party to the Progress Indicators presented by the States Party in the Third Cycle of inquiry of the Follow-up Mechanism to the Convention MESECVI.

**466.** As mentioned previously, research was conducted to enable completion of the information sent by the States in their follow-up reports. As the following table shows, budget information was available for all countries that sent in follow-up reports. It is interesting to note that in some cases, the National Mechanisms for Women produce their own budget information, in the form of accounting documents and/or institutional memories. (Costa Rica, Dominican Republic; Uruguay).

**Table 18.-** Sources of budget information of States Party

State Party	Source of Budget Information	Link
<b>Antigua and Barbuda</b>	Government Information and Services	<a href="http://www.ab.gov.ag/detail_page.php?page=33">http://www.ab.gov.ag/detail_page.php?page=33</a>
<b>Argentina</b>	Investment Accounts – General Accountancy of the Nation – Ministry of Economy	<a href="http://www.economia.gob.ar/hacienda/cgn/cuenta/">http://www.economia.gob.ar/hacienda/cgn/cuenta/</a>
<b>Barbados</b>	The Barbados Parliament	<a href="http://www.barbadosparliament.com/document/listall/3">http://www.barbadosparliament.com/document/listall/3</a>
<b>Bolivia</b>	Ministry of Economics and Public Finance	<a href="http://www.economiafinanzas.gob.bo/index.php?opcion=com_contenido&amp;ver=categoria&amp;id=144&amp;id_item=438">http://www.economiafinanzas.gob.bo/index.php?opcion=com_contenido&amp;ver=categoria&amp;id=144&amp;id_item=438</a>
<b>Chile</b>	Office of the Budget	<a href="http://www.dipres.gob.cl">http://www.dipres.gob.cl</a>
<b>Colombia</b>	Ministry of Finance	<a href="http://www.minhacienda.gov.co">http://www.minhacienda.gov.co</a>
<b>Costa Rica</b>	Ministry of Finance; INAMU; Accounting Department of the Judicial Branch	<a href="http://www.hacienda.go.cr/contenido/424-leyes-de-presupuestos;">http://www.hacienda.go.cr/contenido/424-leyes-de-presupuestos;</a> <a href="http://www.poder-judicial.go.cr/fico/index.php?option=com_phocadownload&amp;view=category&amp;id=140&amp;Itemid=204">http://www.poder-judicial.go.cr/fico/index.php?option=com_phocadownload&amp;view=category&amp;id=140&amp;Itemid=204</a>
<b>Ecuador</b>	Ministry of Finance	<a href="http://www.finanzas.gob.ec/ejecucion-presupuestaria/">http://www.finanzas.gob.ec/ejecucion-presupuestaria/</a>
<b>El Salvador</b>	Ministry of Finance	<a href="http://www.mh.gob.sv/portal/page/portal/PMH/LAIP/Marco_Presupuestario/PresupuestoAsignado">http://www.mh.gob.sv/portal/page/portal/PMH/LAIP/Marco_Presupuestario/PresupuestoAsignado</a>
<b>Granada</b>	Records of Parliament	<a href="http://www.gov.gd/egov/docs/budget_speech/est-revenue-expenditure-2015.pdf">http://www.gov.gd/egov/docs/budget_speech/est-revenue-expenditure-2015.pdf</a>
<b>Guatemala</b>	Ministry of Public Finance	<a href="http://www.minfin.gob.gt/index.php/proyecto-de-presupuesto">http://www.minfin.gob.gt/index.php/proyecto-de-presupuesto</a>
<b>Honduras</b>	General Budget Office of the Secretary of Finance	<a href="http://www.sefin.gob.hn/?page_id=196">http://www.sefin.gob.hn/?page_id=196</a>
<b>Jamaica</b>	Ministry of Finance	<a href="http://www.mof.gov.jm/downloads/budgets/eoe/Estimates_of_Expenditure_2016-2017.pdf">http://www.mof.gov.jm/downloads/budgets/eoe/Estimates_of_Expenditure_2016-2017.pdf</a>
<b>Mexico</b>	Secretary of Finance and Public Credit	<a href="http://cuentapublica.hacienda.gob.mx/">http://cuentapublica.hacienda.gob.mx/</a>
<b>Panama</b>	Ministry of Finance	<a href="http://www.mef.gob.pa/es/direcciones/presupuestoNacion/Paginas/presupuestos.aspx">http://www.mef.gob.pa/es/direcciones/presupuestoNacion/Paginas/presupuestos.aspx</a>
<b>Paraguay</b>	Ministry of Finance	<a href="http://www.hacienda.gov.py/web-presupuesto/index.php?c=274">http://www.hacienda.gov.py/web-presupuesto/index.php?c=274</a>
<b>Peru</b>	Ministry of Economics and Finance	<a href="https://www.mef.gob.pe/es/estadisticas-sp-29083">https://www.mef.gob.pe/es/estadisticas-sp-29083</a>

<b>Dominican Republic</b>	General Budget Office; Ministry of Women	<a href="http://www.digepres.gob.do/?page_id=865">http://www.digepres.gob.do/?page_id=865;</a> <a href="http://www.mujeer.gob.do/index.php/memorias">http://www.mujeer.gob.do/index.php/memorias</a>
<b>St. Kitts and Nevis</b>	Ministry of Finance	<a href="http://www.mof.govt.kn/publications">http://www.mof.govt.kn/publications</a>
<b>St. Vincent and the Grenadines</b>	Ministry of Finance	<a href="http://www.finance.gov.vc/finance/index.php?option=com_content&amp;view=section&amp;layout=blog&amp;id=21&amp;Itemid=103">http://www.finance.gov.vc/finance/index.php?option=com_content&amp;view=section&amp;layout=blog&amp;id=21&amp;Itemid=103</a>
<b>Surinam</b>	Ministry of Finance	<a href="http://www.gov.sr/ministerie-van-financi%C3%ABn/data.aspx">http://www.gov.sr/ministerie-van-financi%C3%ABn/data.aspx</a>
<b>Trinidad and Tobago</b>	Ministry of Finance	<a href="http://www.finance.gov.tt/category/budget-statement/">http://www.finance.gov.tt/category/budget-statement/</a>
<b>Uruguay</b>	General Accounting Office of the Nation – Ministry of Economics and Finance; National Institute for Women;	<a href="https://www.cgn.gub.uy/innovaportal/v/579/5/innova.-front/informacion-presupuestal.html">https://www.cgn.gub.uy/innovaportal/v/579/5/innova.-front/informacion-presupuestal.html</a> ; <a href="http://www.inmujeres.gub.uy/innovaportal/file/22379/1/informe-final-peg-2015-2019.pdf">http://www.inmujeres.gub.uy/innovaportal/file/22379/1/informe-final-peg-2015-2019.pdf</a>
<b>Venezuela</b>	National Budget Office	<a href="http://www.onapre.gob.ve/index.php/publicaciones/descargas/viewcategory/26-leyes">http://www.onapre.gob.ve/index.php/publicaciones/descargas/viewcategory/26-leyes</a>
<b>The Bahamas, Belize, Brazil, Dominica, Guyana, Haiti, Nicaragua, and St. Lucia did not send follow-up reports</b>		

Source: In house. Based on information provided by the States Party to the Progress Indicators presented by the States Party in the Third Cycle of inquiry of the Follow-up Mechanism to the Convention MESECVI.



## CHAPTER 4



Special Prevention of Violence against Women  
and Access to Justice

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## Special Prevention of Violence against Women and Access to Justice

**467.** Within the framework of the protection of the rights of women, special protection includes the factors associated with the complaint, investigation and documentation phases of cases, the official proceedings (police, prosecutor, and judiciary), the prosecution and punishment of the perpetrators, as well as the reparation to the victims<sup>213</sup>.

### 1.- Prevention Policies in the Justice System: Eradicating Impunity

**468.** Impunity in cases of violence against women has become a cause for concern in the Inter-American System of Human Rights. The Inter-American Court for Human Rights has expressed its great concern about the fact that, “the majority of acts of violence against women go unpunished, perpetuating the social acceptance of this phenomenon.”<sup>214</sup> With regard to impunity in cases of violence against women, the Court has emphatically stated that, “the ineffectiveness or indifference in the administration of justice constitutes, in and of itself, discrimination (against women) in the access to Justice.”<sup>215</sup>

**469.** The Committee of Experts has noticed the small amount of detailed information on the number of complaints of violence received, investigated and resolved by the national institutions of human rights<sup>216</sup>.

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213 UNITED NATIONS High Commissioner for Human Rights, 2010, *Preventing Torture* op.cit, p. 10. Defines indirect prevention as follows: Indirect prevention (deterrence) takes place once cases of torture or ill-treatment have already occurred and is focused on avoiding the repetition of such acts. Through investigation and documentation of past cases, denunciation, litigation, prosecution and sanction of the perpetrators, as well as reparation for victims, indirect prevention aims to convince potential torturers that the “costs” of torturing are greater than any possible “benefits”.

214 INTER-AMERICAN COMMITTEE OF HUMAN RIGHTS, 2007, Report on Access to Justice ..., op. cit, p. 122, paragraph 294.

215 Inter-American Court of Human Rights, 2014, (*Veliz Franco et al. v. Guatemala*), op.cit., paragraph 208

216 ORGANIZATION OF AMERICAN STATES (OAS), INTER-AMERICAN COMMISSION OF WOMEN, FOLLOW-UP MECHANISM OF THE CONVENTION OF BELÉM DO PARÁ (MESECVI), Second Follow-up Report on the Implementation of the Recommendations of the Committee of Experts of the MESECVI, 2015, (OAS. Officials, OEA/Ser.L/II), page 111, paragraph 296. At: [http://www.oas.org/es/MESECVI/docs/MESECVI\\_SecondInformeSeguimiento-ING.pdf](http://www.oas.org/es/MESECVI/docs/MESECVI_SecondInformeSeguimiento-ING.pdf)

**470.** Impunity for acts of violence against women has negative repercussions on women and society. In reference to this, the Court (IACHR) has stated, “Impunity for crimes committed sends the message that violence against women is tolerated, and thus favors the perpetuation and social acceptance of the phenomenon, the feeling and sense of insecurity in women, as well as cultivates a lack of confidence in the system of administration of justice among women”<sup>217</sup>. Further it considers that, “judicial ineffectiveness in individual cases of violence against women fosters an environment of impunity which facilitates and promotes the repetition of violent acts in general”<sup>218</sup>.

**471.** States have an obligation to legally protect women victims of violence, as equals and free from all forms of discrimination. States must combat ineffectiveness and impunity in cases of violence against women in the system of administration of justice by all possible means and without delay; and they must ensure that crimes of violence be duly investigated and punished, and adopt the necessary measures for the reparation of the victims.

**472.** The shadow CLADEM report to the Committee expresses concern about, “the persistent failure of the States in the region to fulfill their duty to act with all due diligence (in their duty to prevent, investigate, punish and restore) on the right of women to have access to justice. Despite some progress, there remains a critical need for countries to establish and guarantee the availability, accessibility, quality and adaptability of specialized services and care for women in violent circumstances”.

**473.** The members of the justice system whose actions and practices discriminate against women should be duly investigated and punished<sup>219</sup>. Within the framework of the obligations established in the Belém do Pará Convention, States have an obligation to send a message to society of zero tolerance of violence against women.

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217 Inter-American Court of Human Rights, 2009, (González et al v. Mexico), op.cit. paragraph 400.

218 Inter-American Court of Human Rights, 2014, (Veliz Franco et al. v. Guatemala), op.cit. paragraph 208.

219 UNITED NATIONS, COMMITTEE FOR THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW Committee), General Recommendation no. 33 on women’s access to justice, 2015, (document CEDAW / C / GC / 33), page 11, paragraph 20 b). At: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW/C/GC/33&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW/C/GC/33&Lang=en)



## 1.1.- Analysis of the Criminal Justice System and structural adequacy

**474.** International doctrine has developed standards applicable to the evaluation of the adequacy of criminal investigations of violent crimes against women.

**475.** Adequacy of the criminal system includes, among other things, the adoption of measures to ensure the following: the establishment of impartial, independent and autonomous judicial bodies<sup>220</sup>; authorities who act *ex officio* and in a timely manner from the very beginning of the investigation and in the collection of evidence<sup>221</sup>; the quality of the criminal investigation be “immediate, exhaustive, efficient, serious and impartial”<sup>222</sup>; the effective collection and safeguarding of evidence must allow for the verification of the truth of the facts, the judgment of those responsible and reparation of the victims<sup>223</sup>; and respect the right of participation of the victims and their families at all stages of the criminal process<sup>224</sup>.

**476.** The States must also adopt measures to ensure the criminal justice system protects the dignity and privacy of the victims at all stages of the investigation and trial.<sup>225</sup> The Committee has indicated that the existence of care protocols dependent on services provides clarification of the proceedings and responsibilities, and above all, serves to avoid the revictimization of women<sup>226</sup>.

**477.** The Committee of Experts considers pertinent to this issue, CEDAW’s recommendation that the criminal justice system should use, “a confidential and gender-sensitive approach to avoid stigmatization during all legal proceedings, including secondary victimization in cases of violence, during questioning, evidence collection and other procedures related to the investigation”<sup>227</sup>.

**478.** The criminal justice system must also provide protection guarantees for the rights of security, privacy and intimacy of the women who report a crime. To ensure

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220 Ibid p. 27, paragraph 75.

221 Ibid p. 27, paragraph 78.

222 Ibid p. 28, paragraph 81.

223 Ibid p. 29, paragraph 88.

224 Ibid p. 29, paragraph 91.

225 IACHR, 2007, Access to Justice Report ..., *op. cit.*, page 25, paragraph 54.

226 MESECVI , 2014, Guide for the Application..., *op.cit.*, p. 57.

227 CEDAW, 2015, General Recommendation No. 33 ..., *op.cit.* p. 22, paragraph 51 g).

these guarantees, the Inter-American Commission on Human Rights recommends that during the criminal process, States should, “provide effective guarantees to enable victims to report crimes”, and that these guarantees also apply to plaintiffs, survivors and witnesses<sup>228</sup>. Further, to guarantee their safety, the State must take the appropriate measures to ensure that the requests for protection are not subject to crimes<sup>229</sup>.

**479.** The States must adopt regulations and institutional frameworks that include budget and other necessary measures to ensure that the protective measures are applied and provided with supervision to the women claimants, witnesses, defendants and prisoners to protect them from harm during all stages of the judicial proceedings<sup>230</sup>. Further, it is necessary to develop information programs for women on the rights of victims of violence and their family members during all phases of the criminal process, including information on protective measures of protection that can be ordered.

**480.** In addition, the duty to prevent requires that States effectively respond to violations of the human rights of women as crimes that carry the weight of punishment for those who commit them<sup>231</sup>. The Committee of Experts has noted that in order to eradicate violence against women committed by the States or its agents, punishment for the responsible civil servant must be established in the Criminal Code, and that the crimes be defined as separate acts or as an aggravating condition of a crime when the perpetrator is a government official<sup>232</sup>.

**481.** In conformance with Article 7g of the Belém do Pará Convention, States must also establish judicial and administrative mechanisms to ensure that women targets of violence have effective access to compensation, damage reparations, and other just and effective mediums of compensation<sup>233</sup>. The duty to prevent also addresses the obligation of the States to indemnify the victims of human rights violations from any prejudicial consequences of these acts.

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228 INTER-AMERICAN COMMITTEE OF HUMAN RIGHTS, 2007, Report on Access to Justice..., op. cit, p. 126

229 CEDAW, 2015, General Recommendation No. 33 ..., op.cit, p. 22, paragraph 51

230 CEDAW, 2015, General Recommendation No. 33 ..., op.cit, p. 10, paragraph 17

231 I/A Court HR, 1988, Velásquez Rodríguez v. Case Honduras ..., op. cit., paragraph 175.

232 MESECVI , 2014, Guide for the Application ..., op.cit, p. 25

233 Belém do Pará Convention, Article 7g.

**482.** CEVI notes that reparations are one of the foundations of access to justice, and in accordance with that established by the Inter-American system should be implemented with a gender perspective that takes into account the specific needs and priorities of the women victims<sup>234</sup>.

**483.** The IACHR establishes that, “integral reparation” (restitutio in interim) entails the re-establishment of the previous situation and the elimination of the effects produced by the violation, as well as the payment of compensation for the damage caused<sup>235</sup>.

**484.** In Gonzalez et al. (“Cotton Field”), the Court attached reparations to the discrimination that led to the violent acts against the women and found that, “reparations must be designed to change this situation, so that their effect is not only of restitution, but also of rectification. In this regard, re-establishment of the same structural context of violence and discrimination is not acceptable”<sup>236</sup>.

**485.** CEVI recommends considering that, “reparations would be more effective were they based on a diagnosis of gender stereotypes, their form, the nature of the prejudice that causes them, their origins and context, and the methods of perpetuation and elimination of the same”<sup>237</sup>.

**486.** CEVI invites States to implement efforts to guarantee adequate reparation for harm, with a gender perspective and to maintain proper records in the judicial system of these reparations for women victims of violence<sup>238</sup>.

**487.** In addition, the States have an obligation to protect and prevent the reoccurrence of violent acts on women survivors of violence and potential victims.

**488.** In order to avoid impunity from gender-based violent crimes against women, the Committee invited the States to evaluate the adequacy of their criminal justice systems in comparison to the principles and standards established in the Latin American Model Protocol for the Investigation of gender related killings of women, that incorporates and establishes the essential principles that States must

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234 *MESECVI, 2015, Second Follow-up Report ...op.cit, p.108, paragraph 289.*

235 *Inter-American Court of Human Rights, 2009, (González et al. v. Mexico), op.cit. paragraph 450.*

236 *Inter-American Court of Human Rights, 2009, (González et al. v. Mexico), op.cit, paragraph 450.*

237 *COOK and CUSACK, 2009, Gender Stereotypes ... op.cit, Chapter 3, p.120.*

238 *MESECVI, 2015, Second Follow-up Report ...op.cit, p. 109, paragraph 290.*

guarantee during all stages of the criminal process for violent crimes against women, “the existence of independent and impartial judicial bodies; the ex officio and timely initiation of the investigation; the quality of the criminal investigation; the effective collection and safeguarding of evidence; and the effective participation of the victims and their representatives”<sup>239</sup>.

**489.** In accordance with the Convention, States are obligated to adopt legal procedures to protect women and girl victims of violence. To this end, the States should immediately adopt just and effective legal procedures to protect women who have suffered from violence, including those that guarantee protective measures, a timely trial and effective access to such procedures<sup>240</sup>.

**490.** Faced with situations that could risk the lives and integrity of women, the States must ensure that they respond effectively and in a coordinated manner to enforce the terms of the order of protection, an instrument that prohibits the aggressor from harassing, intimidating, harming or putting the life and integrity of the woman in danger<sup>241</sup>.

**491.** The Committee of Experts stipulated that measures of protection should include the establishment of funds for relocation, rescue mechanisms for women at risk, changes of identity for victims, protection of witnesses, safe passage out of the country, safe reference networks, and any other measures the country may deem appropriate<sup>242</sup>. To ensure women victims of violence have access to justice and available protective measures, the State must have groups of qualified human resources available, paired with adequate technical and financial resources<sup>243</sup>.

**492.** For CEVI, a timely safety measure is defined as one that does not leave women unprotected and at the mercy of her aggressor’s reprisal. They must, therefore, be immediate and effective. It is important that the State understand that any delay in the provision of these measures leads some women to not report aggressions for fear of the reaction of their attacker<sup>244</sup>.

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239 CAOHCHR, 2015, Protocol Model...,op.cit., p. 27

240 Belém do Pará Convention, Article 7 f.

241 Guide to the Belém do Pará Convention, p. 49.

242 MESECVI, 2014, Guide for the Application...op.cit., p. 49.

243 CEDAW, 2015, General Recommendation No. 33 ...op.cit. paragraph 38.

244 MESECVI, 2014, Guide for the Application ...op.cit. p. 49.

**493.** The Committee of Experts takes into account that the CIDH has noticed that women have suffered fatal attacks, “after having requested precautionary protection from the State, and even after having benefitted from protective measures that were not adequately implemented or overseen.”<sup>245</sup> As a result, CEVI does not consider it sufficient that protective measures exist and are ordered, but insists these measures also be accompanied by mechanisms of oversight and follow-up.

**494.** Women should be aware of existing reporting mechanisms and judicial resources for the protection of victims of violence. Protective measures should also be accessible to women and girl children victims of violence and to those who suffer from multiple factors of discrimination including race, ethnicity, migrant status, refugee status, displacement, socioeconomic situation, etc.<sup>246</sup> Protective measures should apply to complainants, survivors and witnesses and include measures to protect their privacy, dignity and integrity.

**495.** The Committee issued two recommendations related to measures of protection. The first urges the States to ensure that protective measures be implemented in all cases of violence against women, and that their application be closely monitored through evaluations and studies on their implementation and effectiveness. The second calls for the implementation of mechanisms to ensure their fulfillment; ensuring funding for relocation and mechanisms for rescue, relocation and protection<sup>247</sup>.

**496.** To ensure universal access to justice, the State must have an adequate national apparatus. It must take into account the special needs and obstacles faced by groups of women and girl children at higher risk of violence to access justice, including poverty and exclusion, language barriers, location far from urban centers or in rural areas, and the needs of disabled persons, etc.

**497.** Among the main obstacles facing women and their access to justice, CEVI has identified the following: the limited number of courts specialized in or with experience in violence; their limited geographic distribution in rural areas, and the lack of budget to improve and broaden support services<sup>248</sup>. Therefore, in order to guarantee universal access to justice for women victims of violence, the States must establish courts that specialize in violence, with suitable and effective judicial

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245 INTER-AMERICAN COMMITTEE OF HUMAN RIGHTS, 2007, Report on Access to Justice...op. cit, p. 72, paragraph 166.

246 Ibid, paragraph 14.

247 MESECVI, 2015, Second Follow-up Report ...op.cit, p. 104.

248 MESECVI, 2015, Second Follow-up Report ...op.cit, p. 101, paragraph 265.

resources in areas where the most vulnerable women reside, such as in rural, marginalized and poor areas<sup>249</sup>.

**498.** In the case of indigenous women, the Commission has identified the following main difficulties: social exclusion, ethnic discrimination, inaccessibility of areas inhabited by indigenous communities, a lack of information and location in urban contexts, and lack of knowledge of the language used in courts of justice<sup>250</sup>. In general, women of African descent face the same difficulties as indigenous women.

**499.** In *Rosendo Cantú et al v. Mexico*, the victim was an indigenous woman who had to confront numerous obstacles to obtain justice. The Court found that: the “State has an obligation to continue to offer the means by which the victim may fully access and participate in all the proceedings of the case. To this end it must ensure that an interpreter is provided and that she can rely on assistance with a gender-based perspective, all the above in consideration of her special vulnerability”<sup>251</sup>.

**500.** Similarly the Court has noted the “large gap that exists in the access to justice between women with economic resources and those at an economic disadvantage”<sup>252</sup>. Along the same lines, CEDAW believes that in order to guarantee access to justice for women, no-cost legal assistance should be provided, court fees should be reduced for low-income women and eliminated for women who live in poverty<sup>253</sup>. It is necessary to adopt institutional, technical, and financial measures to ensure women have access to public defense<sup>254</sup>.

**501.** In their policies to prevent violence, the States should take the necessary measures to increase the number of attorneys responsible for defending ex officio women and girl children victims of violence and discrimination; ensure the attorneys’ training in women’s and gender rights; respect the confidentiality of cases and take

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249 INTER-AMERICAN COMMITTEE OF HUMAN RIGHTS, 2007, Report on Access to Justice ...op. cit, p. 126.

250 INTER-AMERICAN COMMITTEE OF HUMAN RIGHTS, 2007, Report on Access to Justice ...op. cit, p. 86, paragraph 199.

251 Inter-American Court of Human Rights, *Rosendo Cantú et al. vs. Mexico*, Judgment of August 31, 2010, (Preliminary Objections, Merits, Reparations and Costs), series C No. 216, paragraph 213. At: [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_216\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_216_ing.pdf)

252 INTER-AMERICAN COMMITTEE OF HUMAN RIGHTS, 2007, Report on Access to Justice ...op. cit p. 79, paragraph 184.

253 CEDAW, 2015, General Recommendation No. 33 ...op.cit. page 8, paragraph 17.

254 CEDAW, 2015, General Recommendation No. 33 ...op.cit. page 17, paragraph 37.

all necessary steps to ensure a proper defense without delay<sup>255</sup>, and guarantee independent and no-cost interpretation services<sup>256</sup> when necessary for indigenous women, women of African descent, and migrant and illiterate women.

**502.** In accordance with the Convention, women have the right to a simple and rapid recourse before competent courts that protects them against acts of violence or other violations of their rights<sup>257</sup>.

**503.** The international obligation of the States to respect and guarantee the right of access to justice implies the organization of the entire governmental apparatus, and in general the structures that exercise public authority, to ensure they are able to legally ensure free and full access to justice with no discrimination, to all women within their jurisdiction<sup>258</sup>.

**504.** Articles 8 and 25 of the American Convention establish that all persons have the right to be heard, with all due guarantees and within a reasonable time period, by an independent, impartial, competent judge or court previously established by law. In addition, it establishes the right to simple and rapid recourse or other effective recourse before competent judges or courts, which provide protection against acts that violate their human rights.

**505.** In cases of violence against women, the jurisprudence of the Court establishes that the rights to legal guarantees and legal protections, the general obligations established in Article 8 (legal guarantees) and Article 25 (Legal protection) of the American Convention, complement and reinforce the obligations derived from the Belém do Pará Convention. Particularly with respect to Article 7.b, which obligates the States to act with all due diligence to prevent, punish and eradicate violence against women<sup>259</sup> and Article 7.c that obligates the States to incorporate the necessary rules to investigate and punish violence against women<sup>260</sup>.

**506.** The Court has indicated that the right to access to justice “establishes the obligation of the States to offer, to all persons under their jurisdiction, effective legal

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255 CEDAW, 2015, General Recommendation No. 33 ...op.cit, page 17, paragraph 37.

256 CEDAW Committee, 2015, General Recommendation no. 33 ..., op. cit., page 8, paragraph 17 b).

257 Belém do Pará Convention, art. 4. g.

258 Inter-American Court of Human Rights, 1988, (Velásquez Rodríguez v. Honduras), op.cit. paragraph 166.

259 Inter-American Court of Human Rights, 2014, (Veliz Franco et al v. Guatemala), op.cit. paragraph 185.

260 Inter-American Court of Human Rights, 2014, (Veliz Franco et al v. Guatemala), op.cit. paragraph 185.

remedy against acts that violate their fundamental rights”<sup>261</sup>. For the IA Committee on Human Rights, effective legal response to acts of violence against women includes, “the obligation to make accessible simple, rapid, suitable, and impartial legal recourse without discrimination to investigate, punish and compensate for these acts, and in doing so, prevent impunity”<sup>262</sup>.

**507.** Along the same lines, CEVI has maintained that this obligation implies the removal, by the States, of regulatory, social or economic obstacles that impede or limit the ability of women and girls to obtain justice<sup>263</sup>. The Committee understands that the effective guarantee of the right to justice also includes the obligation to guarantee all women access to services without discrimination<sup>264</sup> and that the measure of the fulfillment of right of women to obtain justice, while including the effects of monitoring in a broad sense, includes a review of the legal and factual availability of access to reporting mechanisms and administrative and legal protections<sup>265</sup>. CEVI reiterates that it is indispensable that the States increase the existence of reporting entities, especially in marginalized zones, that take into account the diversity and vulnerability of women<sup>266</sup>.

**508.** To guarantee access to justice it is essential the members of the justice system be duly trained and to ensure that a gender perspective is included in all proceedings related to crimes of violence against women<sup>267</sup>. In the same way, access to justice requires that the guarantees of protection are available and ordered by the justice system in civil, criminal and administrative venues with the express purpose of protecting the women, family members and witnesses who report acts of violence.

**509.** In light of the obligations derived from the duty of special prevention, in this report, CEVI seeks to evaluate to what extent these measures also ensure that the actions or omissions that threaten the human rights of women and girls are considered crimes; how fully-resourced investigations proceed; and how States

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261 Inter-American Court of Human Rights, *Cantos v. Argentina*, Judgment of November 28, 2002 (Merits, Reparations and Costs), Series C No. 97. paragraph 52. At: [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_97\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_97_ing.pdf)

262 INTER-AMERICAN COMMITTEE OF HUMAN RIGHTS, 2007, Report on Access to Justice ..., op. cit, p. 3, paragraph 5.

263 MESECVI, 2015, Second Follow-up Report ...op.cit, paragraph 229.

264 MESECVI, 2015, Second Follow-up Report ...op.cit, paragraph 233.

265 MESECVI, 2015, Second Follow-up Report ...op.cit, paragraph 226.

266 MESECVI, 2015, Second Follow-up Report ...op.cit, paragraph 234.

267 CEDAW, 2015, General Recommendation No. 33 ...op.cit, page 7, paragraph 15 c).



determine responsibility and apply the corresponding punishment, in order to ensure that the victim is adequately restored<sup>268</sup>.

**510.** The Committee, in order to determine the level of compliance and follow-up with the provisions of the Convention in the area of Special Prevention, and to reach an approximation of the state of the region in terms of access to justice, selected 25 indicators, directed at obtaining information on the structural mechanisms of the adjudication of complaints of violence against women, the areas within society caring for women victims of violence, the participation of civil society in the receipt and collection of complaints of violence and the accompaniment of women through the legal process to ensure they receive the reparations they are due.

**511.** In this Round, we also sought information on the will of the States to measure their degree of effectiveness related to these services, the existence of research and studies that define the legal processes associated with cases of violence against women, and the incorporation of the Convention and international doctrine in the sentences, rulings and opinions of the administration of justice of the States Party.

**512.** In the context of this analysis, only 32.85% of the indicators related to justice received a response from the States Party, access to justice and the indicators that measure it receiving the lowest levels of response in this Third Round of Evaluation. Despite the fact that access to justice is the right at the very core of the Belém do Pará Convention; it also represents the least systematized information among the States. What is particularly relevant to the CEVI is that the States Party, and especially the public institutions responsible for the development of the States' responses to the hemispheric inquiry, guarantees the greatest and most detailed information possible on access to justice for women.

**513.** For CEVI, it is essential that the States Party develop a culture of statistics with a gender perspective in the area of justice, which will facilitate the provision of information related to the protection of the human rights of women in the most correct way, without bias, and the ability to obtain the most accurate results in order to evaluate and measure the public policies directed at guaranteeing the rights of women and eliminating all forms of discrimination and violence against them.

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268 Inter-American Court of Human Rights, *Godínez Cruz v. Honduras*, Judgment of January 20, 1989 (Merits), serie C No. 5, paragraph 184 In: [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_05\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_05_ing.pdf) (last visited 03/07/17)

## a) Training

**514.** The Belém do Pará Convention stipulates that the States should implement training for personnel in the administration of justice, the police force, and other public servants responsible for the enforcement of the law, as well as for personnel responsible for the application of policies of prevention, punishment and elimination of violence against women<sup>269</sup>.

**515.** The Court has ruled that States must guarantee that the public servants responsible for receiving complaints have the correct training and awareness to understand the gravity of the phenomenon of violence against women, and possess the will to act upon it immediately<sup>270</sup>. CEDAW states that “in accordance to the principle of justiciability, public servants within the administration of justice process cases with a gender perspective”<sup>271</sup>.

**516.** The jurisprudence of the Court has noted the negative effect that the use of gender stereotypes by government officials in the judicial sector has on respect for human rights. In *Veliz Franco et al. v. Guatemala*, the Court wrote that, “opening the lines of investigation to the prior social or sexual behavior of the victims in cases of gender-based violence is none other than the manifestation of policies or attitudes based on gender stereotypes”<sup>272</sup>.

**517.** For CEVI, the prevention of violence requires the adoption of institutionalized and permanent training programs on human rights and gender directed at public servants in the following sectors: health care, education, administration of justice, public security and the military. These programs should incorporate the criteria from international doctrine directing personnel to act with all due diligence in the face of complaints and investigations of violent crimes against women, including, “standards for the prevention, eventual punishment, and eradication of the homicide of women”<sup>273</sup>.

**518.** The list does not end there. CEDAW establishes that educational programs and training on the prevention and approach to gender-based violence, should

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269 Belém do Pará Convention, Article 8 c. and e.

270 Inter-American Court of Human Rights, 2009, 2009, *Gonzáles et al. vs Mexico...*, op.cit, paragraph 285.

271 CEDAW, 2015, General Recommendation No. 33 ..., op.cit, page 7, paragraph 15..

272 Inter-American Court of Human Rights, 2014, *Veliz Franco et al v. Guatemala...*, op.cit. paragraph 209.

273 Inter-American Court of Human Rights, 2014, *Veliz Franco et al v. Guatemala ...*, op. cit., paragraph 275.

be provided to, “health-care professionals, including in the area of sexual and reproductive health, as in sexually transmitted diseases and HIV prevention and treatment services; all education, social and welfare personnel, including that working with women in institutions such as residential care homes, asylum centers and prisons.”<sup>274</sup>

**519.** With respect to the content of educational and training programs on prevention and approach to gender-based violence, this Committee agrees with the suggestions of CEDAW, whose Recommendation No. 35 determines that it should include:

- “i) The impact of gender stereotypes and bias, leading to gender-based violence against women and inadequate responses to it;
- ii) The understanding of trauma and its effects, the power dynamics that characterize intimate partner violence, the varying situations of women experiencing diverse forms of gender-based violence; this shall include the intersectional discrimination affecting specific groups of women, as well as adequate ways to address women and eliminate factors that re-victimize them and weaken their confidence in State institutions and agents; and
- iii) Domestic legal provisions and institutions on gender-based violence against women, legal rights of victims/survivors, international standards and associated mechanisms and their responsibilities in this context; this shall include due coordination and referrals among diverse bodies and the adequate documentation of this violence, with due respect for women’s privacy and confidentiality and with the victims/survivors’ free and informed consent.”<sup>275</sup>

**520.** CEVI is aware that the Court has established, as a guarantee against reoccurrence, that training and education programs and courses be permanently established, and that they incorporate the following concepts: “(i) human rights and gender; (ii) a gender perspective for due diligence in conducting preliminary investigations and judicial proceedings in relation to the discrimination, abuse and murder of women based on their gender, and (iii) elimination of stereotypes of women’s role in society.”<sup>276</sup> In addition, it notes that training programs must include the study of the provisions of the Istanbul Protocol and the Guidelines of the World Health Organization, with emphasis on care of alleged victims of sexual

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274 CEDAW, 2017, General Recommendation No. 35 Violence against Women ..., p. 15, paragraph 30 e).

275 CEDAW, 2017, General Recommendation No. 35 Violence against Women ..., p. 16, paragraph 30 e).

276 Inter-American Court of Human Rights, 2009, *González et al. vs Mexico* ... , op.cit , paragraph 541.

violence, particular when they are members of high risk groups such as indigenous women or children.”<sup>277</sup>

**521.** CEVI considers it urgent that training programs be designed and focused on eradicating gender stereotypes from the reasoning, attitudes and behavior of public servants, in particular those in the justice sector (police forces, forensic services, prosecutors, public defenders and judges), due to the serious implications associated with access to justice and the protection of the human rights of women and girl children.

**522.** States should include *policies on training administration of justice* personnel in their policies on the prevention of violence against women:

- Institutionalized and permanent training and awareness-raising programs for prosecutors, judges, lawyers and other public servants on gender, violence against women, the human rights of women, lines of investigation in cases of gender-based violence and the application of the Belém do Pará Convention in legal proceedings;
- Continuous training programs for prosecutors, judges, lawyers and other public servants on the identification of gender stereotypes that subordinate women that include legal analysis, human rights and recommendations for their eradication<sup>278</sup>. The promotion of discussions on good practices in the justice sector in cases of violence against women. The study of judgments that identify gender stereotypes. Gender stereotypes are incompatible with international human rights law<sup>279</sup>, and therefore must not be reproduced by public servants in the area of administration of justice;
- Educational, recreational, and cultural programs directed at public servants in the justice sector, that address the causes and consequences of domestic and community violence, within a dialogue of the right of women to life a life free from violence;
- Educational and informational programs originating from the administration of justice sector to ensure women are aware of their right to live a life free from

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277 Inter-American Court of Human Rights, Rosendo Cantú et al. v. Mexico: Judgment of August 31, 2010 (Preliminary Exceptions, Merits, Reparations and Costs), page 57, paragraph 245. [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_216\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_216_ing.pdf)

278 MESECVI, 20014, Guide for the Application ..., op. cit., page 37

279 I/A Court HR, Cuadernillo de Jurisprudencia of the Inter-American Court of Human Rights No. 4: Gender and Human Rights of Women, Case of Artavia Murillo et al. (In vitro fertilization) vs. Costa Rica. (Preliminary objections, merits, reparations and costs). Judgment of November 28, 2015. of Women, page 11, paragraph 302. <http://www.corteidh.or.cr/sitios/libros/todos/docs/genero1.pdf>

violence, what legal remedies are available to prevent and protect them from acts of violence<sup>280</sup> and how they can access them<sup>281</sup>;

- Courses that enable administration of justice personnel to identify the laws and regulations that discriminate against women, and push for their modification or repeal<sup>282</sup>. Equality before the law in the access to justice requires the modification or abolition of existing laws and regulations that support the persistence or tolerance of violence against women<sup>283</sup>;
- Oversight of the measures and decisions adopted by the member institutions of the administration of justice, including judicial decisions. Civil servants who fail to comply with the regulations and protocols on violence against women should be duly punished;
- Studies within the administration of justice on the application of the Belém do Pará Convention in judgments, resolutions or decisions, as well as on the identification of criteria that contain gender stereotypes or prejudices that subordinate women in cases of violence against women.

**523.** In general terms, there are, across the region, courses and workshops on the treatment of victims, techniques for inserting inclusive language into the administration of justice, instruments for the identification of domestic violence, basic courses on human rights with a perspective of gender equality, criminal prosecution of crimes of human trafficking, trying of sexual crimes, prevention of sexual harassment in the workplace, etc.

**524.** Nevertheless, CEVI would like to point out that, in spite of the efforts of the States to develop training, none of the States were able to report with certainty the number of personnel trained with a gender and intercultural perspective in these processes in the area of administration of justice, nor what mechanisms exist to evaluate their impact.

**525.** Some examples do emerge. Countries with policies reported as permanent by the Judicial Branch, Judicial Councils or Supreme Courts of Justice, during the time period of this Round of Evaluation 2014-2017, include those of Argentina, Antigua and Barbuda, Colombia, Costa Rica, Ecuador, Grenada, Guatemala, and Paraguay. At

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280 Belém do Pará Convention, 8. E.

281 CEDAW, General Recommendation No. 33 on Access of Women to Justice 2015, (document CEDAW/C/GC/33) page 5, paragraph 11

282 INTER-AMERICAN COMMITTEE OF HUMAN RIGHTS, 2007, Report Access to Justice ..., op. cit, p. 124.

283 Belém do Pará Convention, article 7. e.

the same times, Bolivia, Chile, El Salvador, Peru, the Dominican Republic, Uruguay and Venezuela established processes that cannot yet be considered permanent and structural, and therefore their endurance over time cannot be evaluated.

**526.** Argentina reported that the Judicial Branch holds workshops around the country through the Office of Domestic Violence (OVD) and the Women's Office (OM) to incorporate a gender perspective throughout the organization, using train-the-trainer methods to reach the maximum number of people in the shortest amount of time.

**527.** The Directorate of Gender Affairs Antigua and Barbuda has implemented projects that provide education and training to officials in order to prevent violence against women. These projects are oriented to build capacities among public servants, raise awareness and public conscience on gender-based violence and HIV, and to create public awareness and develop support services for violence and its eventual connection to HIV/AIDS.

**528.** Colombia reported that since 2014, it has provided specialized training on Human Rights for justice officials and public servants. In addition, the Presidential Advisory on Human Rights has included the Gender-Based Violence Module in training for criminal, military and disciplinary operators in order to build the necessary capacities and skills in the investigation, judgment and punishment of cases of violations of human rights and infractions against the International Humanitarian Law.

**529.** For its part, Costa Rica explains how the dependent institutions of the system of administration of justice incorporate the necessary training of their public servants from a structural perspective. They highlight the work of the Judicial Branch and the Public Defender's Office, who provide virtual courses through the School of Justice. In Ecuador the current law incorporates the principle of access to justice in the initial stages of the training course on the Organic Code of Judicial Operations, demonstrating the existence of systemic training, capacitation and awareness building for public sector employees.

**530.** El Salvador reported that the Judicial Organ (2015 -2016) incorporated capacitation activities on topics related to national and international law on the human rights of women, in order to effect a change in institutional culture, and promote the personal and professional development of Judicial Servants, through the implementation of training on gender equality.

**531.** The Institutional Training Unit of the Judicial Organism of Guatemala provides training on the Human Rights of Women to all personnel (11,000 public

servants, both legal and administrative). The training of judges, prosecutors, justice operators, defenders and attorneys corresponds to the training curriculum of each organism. In Grenada, the Supreme Court provides training and capacity building to judges on the topic of domestic violence.

**532.** Paraguay explained that the Judicial Branch, through the Supreme Court of Justice and the Secretary for Gender Issues, coordinate and manage training programs with the remaining governmental branches and pertinent international organisms, to develop knowledge and application of the international instruments of the human rights of women and the gender perspective as an etiology for legal analysis. In the Ministry of Public Affairs, training is conducted through their own Center for Training (CEMP).

**533.** For its part, Venezuela reported the existence of training through the National Magistrate School/Training Program for judges, prior to and during their stay in the judicial system. As a matter of policy, the National Commission for Gender Justice in the Judicial Branch leads forums, conferences and conversations related to the principal sentences with a human rights and gender perspective for judges, multidisciplinary personnel and technical staff that provide training on the topic of crimes of violence against women to the supporting infrastructure of the system of administration of justice.

**534.** Other organisms in the justice sector also participated in these processes or emerged as leaders. The Public Defender's Office in Peru reported the realization of training activities (2013), directed at the magistrates of the Judicial Branch. In the Dominican Republic, they conducted eight (8) Programs and Training Courses on justice with a gender perspective. The Assistant Prosecutor's Office for Women's Affairs held six (6) training programs for different agencies, including the Public Prosecutor's Office and the Office of the Assistant Prosecutor's Office for Women's Affairs.

**535.** Uruguay indicated its commitment to intensify, through the Office of the Prosecutor of the Nation/Specialized Unit for Gender, the existing training systems and reported the completion of workshops for prosecutors and administrative personnel during 2016 (no specific data provided).

## **b) Existence of research on the impact of gender stereotypes in judicial investigation and judgment**

**536.** The Court has noted that the duty to investigate is an obligation of means, not of results, and should be undertaken seriously and not as a simple formality,

and as such should be assumed by the State as its own legal duty<sup>284</sup>. Therefore, the effective application of the legal frameworks requires impartial and effective investigations.

**537.** The action protocols for cases of violence against women should establish lines of investigation with a gender perspective and should include the criteria developed in international doctrine to act with due diligence in the investigation of violent crimes against women.

**538.** Within the context of due diligence, adequate complaint procedures should be established that lead to an effective investigation. This implicates the actions and activities to be conducted by the police, prosecutors and judges in the protection of the victims<sup>285</sup>. Noncompliance with the regulations on violence against women or a lack of actions conforming to protocol on the part of any public servant should carry the weight of the corresponding punishment.

**539.** The jurisprudence of the Court indicates that the States should standardize their protocols, manuals, ministerial investigative criteria, expert services, and administration of justice used to investigate all crimes related to disappearances, sexual violence and homicide of women, so that they conform to the Istanbul Protocol, the UN Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions and international search standards for missing persons, based on a gender perspective<sup>286</sup>.

**540.** In some at-risk situations, the State should increase its investigative efforts. In the investigation on possible cases of violence against girl children, the Court writes that, the “state’s obligation to act with greater and more rigorous diligence to protect and ensure the exercise and enjoyment of the rights of girl children in response to the fact or the mere possibility of their vulnerability in the presence of acts that actually or potentially involve gender-based violence or could result in this type of violence”<sup>287</sup>. The duty to investigate also has broader scope within the context of violence<sup>288</sup> and the authorities’ investigation of a violent incident and its causes must be thorough and effective, and also address any possible discriminatory gender-based connotations of an act of violence committed against

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284 Inter-American Court of Human Rights, 1988 (Velásquez Rodríguez vs. Honduras), op. cit., paragraph 177.

285 Inter-American Court of Human Rights, 2009, (González et al. vs Mexico) op.cit. paragraph 283.

286 Inter-American Court of Human Rights, 2009, (González et al. vs Mexico) op.cit, paragraph 502.

287 Inter-American Court of Human Rights, 2014, (Veliz Franco et al v. Guatemala), op. cit., paragraph 134.

288 Inter-American Court of Human Rights, 2014, (Veliz Franco et al v. Guatemala), op. cit., paragraph 186



a woman<sup>289</sup>. In addition, in cases of suspected gender-based homicide, the Court establishes the state's obligation to investigate with due diligence, including the, "duty to order, ex officio, the pertinent expert appraisals and examinations aimed at verifying whether the murder was sexually motivated or whether some kind of sexual violence occurred"<sup>290</sup>

**541.** In summary, the authorities responsible for the investigation should be competent and impartial and ensure that they open a, "genuine, impartial and effective investigation ex officio as soon as they are made aware of acts that constitute violence against women, including sexual violence"<sup>291</sup>.

**542.** The CEVI is reminded that, according to the Court, the authorities in charge of the investigation should, "conduct it in a resolute and effective manner, taking into account society's obligation to reject violence against women and the State's obligation to eliminate it and secure the victims' trust in the State institutions for their protection"<sup>292</sup>.

### **c) Legal recognition and integration of indigenous legal principles and processes, in a manner respectful of Human Rights and compatible with the Belém do Pará Convention**

**543.** The case of Bolivia stands out with respect to the legal recognition and integration of indigenous legal processes and principles. In Law 348, enacted in 2013, the Comprehensive Law to Guarantee Women a Life Free From Violence, Article 18 on community prevention states that, "The originating indigenous authorities, rural people, and afrobolivians, will adopt in their communities, where they exercise their functions, the preventative measures they deem most appropriate under three action criteria established to avoid any and all acts of violence against women, and participate in the planning, execution, and follow-up respecting their rights. No rule or procedures of the original nations and indigenous peoples can violate the rights recognized in the Political Constitution of the State and the block

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289 Ibid, paragraph 187.

290 Ibid, paragraph 188.

291 Inter-American Court of Human Rights, 2014, (Veliz Franco et al v. Guatemala), op. cit., paragraph 185.

292 Inter-American Court of Human Rights, 2010, (Caso Rosendo Cantú et al. vs. Mexico) op.cit. paragraph 177.

of constitutionality”<sup>293</sup>. Article 52 of the same law addresses issues related to jurisdiction, both ordinary and indigenous<sup>294</sup>.

**544.** Chile noted the challenges of intercultural justice, and the application of indigenous law in cases of violence against women, as well as the prevalence of harmonization with the Belém do Pará Convention, in particular with the approval of reparation agreements in cases of domestic violence<sup>295</sup>.

**545.** According to information received from Ecuador, the Magna Carta recognizes the collective right of the indigenous municipalities, communities, towns and nations to create, implement, apply and practice their own law or common law, providing it does not violate rights protected in the Constitution, in particular those of women, children and adolescents (Art.57, number 10). The Authorities in the indigenous communities, towns and nations exercise jurisdictional functions, based on ancestral traditions, their own laws, and within their own territories, guaranteeing the participation and decision of women. The authorities apply their own rules and procedures to resolve internal conflicts, provided they are not in violation of the Constitution and human rights recognized in international instruments. (Art.171).

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293 Comprehensive Law to guarantee Women a Life Free from Violence, Law No. 348. 2013. Available in Spanish at: <http://www.coordinadoradelamujer.org.bo/observatorio/index.php/marco/mostrar/boton/1/sub/19/id/245/idps/25/tem/1>

294 Response of the State of Bolivia to the MESECVI.

295 The State of Chile presented information on cases related to Mapuche indigenous communities in the Appellate Court of Temuco, a region in the south of the country. There are two occasions on which the topic of deliberation is the approval of reparation agreements in cases of domestic violence, despite the fact that these types of agreements are specifically prohibited in national legislation. Cfr.: NASH ROJAS, C., (et al), Violence against women within the context of family relationships: guidelines to determine the provenance of reparation agreements; Series Eradication of Violence Against Women in the Americas: The Role of Justice Officials, Center for Human Rights, Santiago de Chile, [s. a.], p. 102. Also see PALMA AYALA, R. Y SANDRINI CARREÑO, R., “Mapuche women and the challenge of intercultural justice: application of indigenous rights in crimes of domestic violence”, Human Rights Yearbook No. 10, 2014, pp. 151-161. At first, the basis of approval for these agreements was to consider the cultural characteristics of those involved in cases of violence, that is, members of Mapuche indigenous communities, given that is well-known that the members of these communities solve their conflicts in the Appellate Court of Temuco, Rol: 581-2012, (02/08/2012), see number 3. However, in certain rulings where the majority vote targeted reparation agreements, there were votes in opposition, when considering that, “multiculturalism and respect for the customs of indigenous peoples must recognize the commodification and degradation of women as limits, in spite of the apparent alignment (...) with basic rights”. In these cases in particular, the Belém do Pará Convention is cited, Appellate Court of Temuco, Roll 43-2012, (24/01/2012), considering 1/8 of the vote against Minister Vera and; Appellate Court of Temuco, Roll: 388-2012, (04/06/2012), considering 2.8 of the vote against Minister Vera. Currently, the trend in Superior Courts has been to rule according to this last theory, without dismissing multiculturalism and respect for the rights of native people, and emphasizing the dignity of women in cases of violence against them. Appellate Court of Temuco, Roll: 967-2015, (21/09/2015), considering 5°; and Appellate Court of Temuco, Roll: 1104-2015, (19/10/2015), considering 5°. Response of the State of Chile to MESECVI.

**546.** Additionally, the State must guarantee that decisions coming from indigenous jurisdiction be respected by public institutions and authorities; these decisions are subject to constitutional review.

**547.** The law establishes the coordination mechanisms between indigenous jurisdiction and ordinary jurisdiction. The Organic Code of Judicial Operation, in addition to the provisions of the Constitution, establishes that no law or common law can be used to justify or avoid the punishment of a violation of the rights of women, and also establishes the principles of declination and the promotion of intercultural justice<sup>296</sup>.

#### **d) Database records of jurisprudence, judgments and opinions that use and incorporate the Belém do Pará Convention**

**548.** In this Round, 7<sup>297</sup> of the countries provided information and claimed to have records and databases of case law, some available on the web<sup>298</sup>. (Argentina, Costa Rica, and Venezuela).

**549.** In this area, Chile stands out, as the Sexual Crimes and Domestic Violence Unit of the Attorney General (Ministry of Public Affairs) reports the existence of records and databases of jurisprudence with the most relevant decisions on this topic and the existence of material for the disclosure, analysis and mobilization of the information, that includes a case law bulletin sent on a regular basis to prosecutors and attorneys throughout the institution.

**550.** The Observatories of Gender-Based Violence of Costa Rica and Paraguay dedicate a large part of their work to compiling different types of public and freely accessible on-line databases, in addition to developing indicators with a gender perspective on the administration of justice. These contributions guarantee the principle of transparency and the democratization of the information and access to it in the region.

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296 Response of the State of Ecuador to the MESECVI

297 Argentina, Bolivia, Chile, Costa Rica, Paraguay, Saint Vincent and the Grenadines and Venezuela

298 <http://servicios.csjn.gov.ar/omcapacitacion/IConsultaOM.do>  
<https://pjenlinea.poderjudicial.go.cr/SistemaGestionEnLineaPJ/Publica/wfpConsultaTesoro.aspx> and [www.poder-judicial.go.cr/salasegunda](http://www.poder-judicial.go.cr/salasegunda)  
<http://www.tsj.gob.ve/> TSJ-Regiones, <http://www.tsj.gob.ve/juriprudencias> taken from OAS, Follow-up Mechanism to the Belém Do Pará Convention (MESECVI), National report on the Implementation of the Belém do Pará Convention, States Party: Argentina At: <http://www.oas.org/en/mesecevi/nationalreports.asp>

**551.** The Committee urges the States Party to provide more information on systems of data collection and processing, if they exist, and if not, to work to establish them, focusing especially on the production of information and knowledge related to judicial treatment of cases of discrimination and violence against women.

**552.** It is essential for the judicial organs to deepen the degree of categorization of the information contained in each stage of the proceedings, in order to educate society in general on the patterns of violence that are being fought and the role played by the judicial branch in each case. This information, complemented by awareness raising and education, helps to decrease the level of violence and consolidate the establishment of new equality-based gender values.

**553.** Of the information provided by 9 States Party<sup>299</sup>, we can see that there is a broad catalogue of case law associated with the application of the Belem do Pará Convention, including judgments and opinions from the organs of the administration of justice that highlight patterns of justiciability and application of the Convention in different environments, such as maternity rights, reparations in cases of violence, sexual crimes, the promotion, defense and guarantee of equality and gender equity.

**554.** In quantitative terms, this indicates a larger commitment on the part of the Supreme Courts of Justice to adopt the measures necessary to comply with the Convention; however, the information still only represents 25% of the total in the Region.

**555.** Similarly, countries reported different platforms for the disclosure of legal judgments and opinions. Among the most interesting is the existence of publicly available websites, and more explicitly, the large number of legal instruments using electronic sources as citations. In this way, the entire catalogue of legal material on the protection of women that promotes respect contributes to the rupture of existing patterns of domination.

**556.** There is also the implicit and explicit incorporation of the Convention in the legal structures of the States, and as a part of their most important legal instruments. This is the case in Chile, Mexico and Venezuela, who grant Constitutional rank to international treaties, and thus all judgments and opinions on crimes against women are by their nature subject to the Belém do Pará Convention.

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299 Argentina, Bolivia, Costa Rica, Guatemala, Chile, Paraguay, Peru, Mexico and Venezuela

**557.** Chile indicates that the Supreme Courts of Justice have applied the Convention in cases of domestic violence and, to a lesser degree, in labor cases related to maternity leave. Between 2015 -2016, 12 cases in the Courts of Appeals have applied the Convention, or 6 per year. Relevant topics have included: domestic violence (8), maternity leave (3), and rape and contempt of court (1). The time required for judgment varies between 1 and 2 months, with a few isolated cases lasting less than 1 month or more than 6.

**558.** Along these same lines, Guatemala reports that all judgments rendered within the framework of the Law Prohibiting Femicide and Other Forms of Violence Against Women (Decree 22-2008) are based on and incorporate the Belém do Pará Convention, for a total of two thousand six hundred and five (2,565) decisions<sup>300</sup>.

**559.** Argentina states that National and Federal Justice incorporated the provisions of the Belém do Pará Convention in 49 judgments<sup>301</sup>, according to official data, and highlights the opinions of the Supreme Court of Justice of the Nation between the years 2014-2015 that explicitly mention the Belem do Pará Convention.

**560.** Costa Rica provided a link to a page where you can view and download the details of 69 decisions on various topics, including: labor, protection of pregnant or lactating workers, sexual harassment and family law, with references to the corresponding legal instruments.

**561.** Paraguay submitted a list of 17 judgments, and Peru indicates that many judgments and opinions use and incorporate the Belem do Pará Convention in different instances of the Judicial Branch and the Constitutional Court. Trinidad and Tobago note that the information is available online and in the library of the Supreme Court.

## **e) Percentage of the population that uses indigenous or alternative health care and/or access to justice systems**

**562.** As with the previous indicator, only 2 States provided information. Bolivia estimated that, of the 37.2% of the population that live in rural areas (3,800,000 people), 10% use alternative healthcare systems. The remaining population travels to

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300 OAS, Follow-up Mechanism to the Belém Do Pará Convention (MESECVI), National report on the Implementation of the Belém do Pará Convention, States Party: Guatemala. At: <http://www.oas.org/en/mesecvi/national-reports.asp>

301 OAS, Follow-up Mechanism to the Belém Do Pará Convention (MESECVI), National report on the Implementation of the Belém do Pará Convention, States Party: Argentina At: <http://www.oas.org/en/mesecvi/national-reports.asp>

urban areas to use the state health care systems<sup>302</sup>. Costa Rica provided information on the comprehensive integrated model of intercultural healthcare in the Gnobe territory of Casona, San Vito de Coto Bruza. Members of the Costa Rican Department of Social Security (CCSS) share primary care clinic space (EBAIS) with the shamans and traditional healers of the Gnobe Bugle peoples. In terms of access to justice, there is no data on the number of indigenous people who use the common law system; and there is only regular contact with a Court of Own Law or of Common Law in Talamanca.

**563.** In general, with respect to information on indigenous people, the CEVI insists that there be a contrast between legislation that broadly recognizes the rights of these peoples and communities in all their diversity, and their customs, but that there not be specific legislation and/or mechanisms to enforce their effectiveness

#### **f) Percentage of adult, older women who periodically receive healthcare/medical checkups and measures of prevention or care for violence**

**564.** This committee mourns the practically nonexistent amount of information on older women who receive medical care for violence. Costa Rica is the only country that provided information. In 2015, 751 older women, or 8.9% of women victims of violence, received medical care for violence from the Costa Rican Department of Social Security (CCSS)<sup>303</sup>. In the first 20 weeks of 2016, 269 older women, or 8.9% of all women victims of violence, received health care for violence from the CCSS.

**565.** This lack of information demonstrates the weakness that exists with respect to state recordkeeping in the region, and the need to strengthen the systems of administrative records and statistics in order to have access to reliable information on incidents of violence against women.

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302 Source: Own estimate, based on data collected from the 2012 census, INE. Response of the State of Bolivia to the MESECVI.

303 CCSS is the government agency responsible for Social Security in Costa Rica.

## 1.2.- Specialized healthcare services for women victims and survivors

**566.** In general, participating States reported the existence of formal healthcare structures for women victims of violence. These mechanisms are related to providing healthcare to the victims and ensuring their safety. They also provide access to administrative and legal resources to combat the various types of crimes associated with violence against women and to guarantee the protection of survivors.

**567.** In the performance of these functions, the State has the responsibility to provide professional personnel dedicated to assisting the victims, both in healthcare facilities and in the processing of the legal cases corresponding to the violations of the human rights of women, regardless of the degree of severity or grievance.

**568.** This relationship between the victims and the State should be conducted by personnel trained to interact with women victims of violence and their environments, in order to be able to identify, contextualize and visualize any possible risks which could result in the revictimization of the women or a reoccurrence of the violence by the aggressor against another potential victim. This professional personnel should be sufficiently structured and coordinated at the different levels of care to handle these types of crimes, and be trained to reduce the levels of impunity and, particularly important, provide adequate psychological and physical care for the rehabilitation and recovery of the victims.

**569.** For this reason, the CEVI requests that States strengthen and consolidate the legal, administrative and medical entities of first instance responsible for receiving and transmitting complaints and cases of violence against women.

**570.** For this analysis, CEVI asked the States for information on the number of public servants whose positions put them in direct contact with women affected by violence in any of its forms, including police, social workers, and psychologists/psychiatrists and the proportional relationship between the number of workers and the number of cases in the different state entities.

**571.** The responses received do not reflect the actual total number of personnel who perform these tasks, the existing parity relationship between public servants and even less, the relationship of cases handled in order to establish proportional levels of treatment per public servant.

**572.** Below are a few examples of the institutional skills needed to combat violence against women in the region:

**573.** The Office of Domestic Violence in Argentina (OVD), submitted information on 61.12% of total personnel (160 people). In this group, there are 26 psychologists, 2 psychiatrists and 44 attorneys, all fully dedicated to the treatment and care of women. According to the OVD's own data, they saw 9,957 cases of psychological violence (97.07%), 6,813 cases of physical violence (66.42%), 6,035 cases of symbolic violence (58.83%), 4,075 cases of environmental violence (39.73%), 3,571 cases of economic violence (34.81%), 2,238 cases of social violence (21.82%) and 880 cases of sexual violence (8.58 %), for a total of 33,569 cases treated by the OVD during the reported period.

**574.** A simple glance at this number indicates that there is a high demand for these services, and delivers a warning to the committee on the number of cases and incidents reported by just one of the service mechanisms that exists in Argentina. This evaluation underscores the need to strengthen and fortify OVD, as well as promote other ways to prevent violence against women.

**575.** Argentina also reported the existence and operation of a 144 number, staffed by 94 women, who represent 90.3% of all operators. This service is provided by National Council of Women of Argentina.

**576.** The Ministry of Public Affairs in Chile confirmed the existence of the Treatment Unit for Victims and Witnesses that employs 42 psychologists and 32 social assistants. However, they did not provide information on the total number of personnel in the unit, the jobs they do, nor the number of cases seen, which makes it impossible to review the technical capabilities of the State, their effectiveness, and their relevance to the protection of women victims of violence.

**577.** Nevertheless, the Ministry of Women and Gender Equality in Chile reported that the number of cases of crimes against women increased from 76,201 in 2010 to 102,930 in 2015.

**578.** Other organizations for the treatment of victims such as the Institute of Legal Medicine in Colombia employ women specialists to treat women victims of violence, and report that there are 35 psychiatrists, of which 15 are women or 42.86% of the total; of the 34 psychologists who conduct forensic evaluations, 27 (79.41%) are women. In addition, of 6 social workers, 5 (83.3%) are women. No information was provided on the total number of cases seen nor on the types of treatment provided by the service.

**579.** In Paraguay, the Committee noted with interest the standardization of the operation of 4 Regional Centers for Women, employing 8 people, including a Coordinator, psychologist, attorney, receptionist, administrative assistant, a pre-



school and two janitors. Unfortunately, no information was provided on the types of services provided, nor on the number of cases seen per type of violence. Paraguay also reported on SEDAMUR – Treatment Services for Women of the Ministry of Women. This service employs 14 people, including directors, 4 psychologists, 3 attorneys, 1 social worker, a statistical assistant, receptionists, etc. The SOS Mujer 137 emergency hotline has 5 psychologists on call, but did not provide additional details on its operation, technical capabilities, and volume of requests or treatment.

**580.** The Office of the Attorney General of the Dominican Republic reported that there are currently 5 female Assistant Attorneys General, 16 female Public Prosecutors out of 18 total, or 89%, but no additional information was provided.

**581.** Uruguay provided information on the operation of units within the Ministry of the Interior specialized in Domestic and Gender-Based Violence. 412 of the 583 police officers assigned to this unit are women; the remaining 171 are men. In the Gender Policy Division of this same organization, there are 8 women and 4 men, for a total 12 employees. The Directorate of Electronic Monitoring has 37 officers – 19 women and 18 men; and the Health Care Service of the National Health Agency has 30 female officers assigned out of 37 total. Finally, the National Police Corps has 7,991 female officers deployed around the country. The State reported the higher proportion of female public servants to treat women victims of violence and survivors.

**582.** The CEVI is concerned that the number of cases of violence against women does not correspond proportionally to the number of public servants dedicated to treat women who seek specialized services. There is no doubt that, in and of itself, this represents an obvious obstacle to providing adequate attention to the cases reported to the system of the administration of justice and a serious disincentive to women victims, many of whom decide not to file complaints due to awareness of the inefficiency or slow pace of the system.

**583.** At the same time, these reports show that the numbers of cases and complaints, rather than decreasing, are increasing based on more recent data, in those countries that provided information, but there are no reports of an increase in the services offered or of the number of public servants available to address these complaints.

**584.** The Committee has maintained that the obligation of the States is fundamentally positive, which assumes that the institutional apparatus be organized to allow universal access to justice. In order to achieve this, the States must remove

all regulatory, social or economic barriers that impede or limit access to justice for women and girl children<sup>304</sup>.

**585.** Among the services that stand out as mechanisms to respond to the number of complaints are: access to free legal services and the use of toll-free telephone lines.

### **a) Free legal services specializing in violence against women**

**586.** Legal assistance provided by no-cost legal services (public or private) for those not able to obtain legal assistance and effective participation in the process because of a lack of resources, is an essential component of the access to justice. The number of people who use these services is a valuable data point reported by the countries that make this service available.

**587.** Information provided by 13 States Party, Argentina, Bolivia, Chile, Costa Rica, Ecuador, El Salvador, Grenada, Guatemala, Peru, St. Kitts, Trinidad and Tobago, Uruguay and Venezuela, indicates the existence of a large number of free legal assistance services, either public or sponsored by the government, specialized in gender-based violence. In general, these services also provide legal representation, advice, and psychological support for women who, because of their powerlessness or social, economic or cultural circumstances are unable to use the existing legal and social services available to protect their rights.

**588.** We recognize the desire of the region to maintain advisory and legal assistance entities for women victims of violence, in alignment with the precepts and legal provisions that address and guarantee the cost-free nature of the services. These services cannot be reduced to mere legal assistance, on the contrary, they provide psychological, economic and community assistance to women victims via their networks and through collaboration with civil society organizations.

**589.** Other aspects associated with treatment and free legal services for women in violent situations, is the approach to childhood in various environments, in the street or abandoned, violence at school, and interfamilial violence, to name a few. Some of these services are deployed across the various political jurisdictions and spheres: national, regional or provincial and local or municipal.

**590.** Nevertheless, the reports provided by the participant States did not make clear if the services rendered were effective, as they did not include information on

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304 MESECVI 2015, Second Follow-up Report op.cit ., Paragraph 229

the total number of services provided by the State or civil organization to women victims of violence. In addition, the numbers are presented in different formats, in some cases they correspond to administrative records of care provided by women's centers, or they are data related to the consultations conducted by centers that receive complaints of violence or treatment of victims. In any case, it is not possible to establish the number of service providers with direct impact on the treatment of women.

## **b) Existence of national access toll-free telephone lines for women victims of violence**

**591.** The large majority of countries reported the existence of toll-free telephone lines with national 24/7/365 coverage. These lines may or may not specialize in the treatment of women victims of violence.

**592.** These phone lines include orientation and counseling services on a variety of topics, highlighting those of legal advice and sexual orientation. At the same time, the lines can function as emergency services, since while they may not address a specific moment related to gender-based violence, they can provide initial support.

**593.** However, what stands out about these telephone lines that provide services to victims of gender-based violence, is that they are staffed by qualified personnel who can handle the issue in a way that permits the victim or possible victim to receive rapid attention by the corresponding entity.

**594.** Telephone lines that provide treatment or care to women have been pioneers in the access to the administration of justice and the democratization of services and judicialization of cases of violence and discrimination against women. At the current time, the States have promoted the use of these mechanisms and have diversified and expanded the service modalities, including multiple phone lines directed at providing information, emergency medical treatment, anonymous complaints, and mechanisms for the timely access to justice and direct and immediate psychosocial treatment. They also serve as a tool for interactive dialogue between the official organisms of the State and the community.

## **c) Number of interpreters for migrant and refugee girl children, adolescents, adult and older women who do not speak the official language**

**595.** As in the previous indicator, the low number of responses with respect to the information received from the States is telling.

**596.** Ecuador indicated that the Directorate for Refugees in the Ministry of Foreign Relations and Human Mobility has the support of ACNUR for as-needed interpretation services.

**597.** Peru provided information on the number of interviews conducted with women through an interpreter, submitting data obtained from the Ministry of External Relations covering the years 2013 and 2016, and collected as part of the process of the evaluation of the refugee situation. They reported 47 interviews that required interpretation. The majority of the cases were for language support for women of the following nationalities: Haitian (26 Creole and French), Syrian (3 Arabic), Chinese (2 Chinese), Nigerian (2 English), Iranian (1 Farsi), Indian (2 English), Congolese (1 French) and Zambian (1 English). They also noted that the Ministry makes the interpreter available to the women, except in cases, such as English or French, where the language is that of personnel management.

#### **d) Number of public servants available to facilitate support mechanisms for girl children and adolescents, and adult and older women with disabilities**

**598.** There is concern that only 2 Countries, Costa Rica and the Dominican Republic, provided information on this issue, even though their examples stand out as positive experiences.

**599.** Costa Rica communicated that the National Council for Disabled Persons reported 120 civil servant employees, and of those, only 35 are prepared to offer support services of the type referenced in the indicator. The Dominican Republic noted that the National Council for Childhood and Adolescence includes training for personnel on legal counseling, psychologists and social workers, with a total of 138 employees in regional and municipal offices and courts that handle cases involving children and adolescents.

## **2.- Investigation and results. Statistics to improve the treatment and protection of women**

**600.** One of the Committee's concerns with respect to access to justice is the high rate of impunity in the cases reported<sup>305</sup>. So much so that the Commission, as well

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305 Inter-American Commission of Women, Second Follow-Up Report on the Recommendations of the Committee of Experts of the MESECVI, Washington, DC, 2015, p. 90

as the Inter-American Court, invoke the principle of due diligence as rationale for legal opinions on cases and situations of violence against women<sup>306</sup>. The statistical data and records are an invaluable source of information to learn about and correct these problems.

**601.** Notwithstanding, States, when asked about the number and percentage of cases known by the jurisdictional organs of the system of administration of Justice on the reparation of women affected by violence or collateral victims of the violent killings of women, continued to demonstrate the same weakness with respect to providing information on the results of judicial proceedings, with the numbers originating from the system of administration of justice being the least reported.

**602.** Few States provided statistics on the cases resolved by judicial organs. Bolivia referenced the absolute number of cases involving violence – in 2015, there were a total of 133,518 cases, of which 96 were femicide and 78 were still in the process of investigation, according to the Bolivian Police and the Office of the Attorney General.

**603.** The Judicial Branch in Uruguay based their response on, “cases initiated by domestic violence” only from the Department of Montevideo, who reported the following information: 2011: 3,532 cases initiated; 2012: 3,481 cases initiated; 2014: 5,045 cases initiated. No additional information was provided on the subject.

**604.** Venezuela reported that the Court of Criminal Appeals has issued 279 rulings related to violence against women: 12 final and 267 interim.

**605.** With respect to judicial supervision, trials and measures with experience in violence against women, the Criminal Courts of First Instance have issued the following: 92,552 final judgments, 60,216 acquittals and 32,336 interim judgments. With respect to judgments on violence against women: 2,571 rulings: 756 final, 1,185 interim; Execution of cases of violence against women, they have admitted 2,042 proceedings, and ordered 116 compliance documents for punishment and/or benefits. There was no information on the personnel responsible for the handling of the victim.

**606.** In Costa Rica, the Judicial Branch indicates that for the years 2013, 2014 and 2015, there were 134 female experts out of a total of 150 for 2013; 148 out of 165 for 2014 and 216 out of 287 for 2015. They noted that these personnel did not exclusively handle cases of domestic violence, and by extension, cases of

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306 Inter-American Commission of Women, Second Follow-Up Report on the Recommendations of the Committee of Experts of the MESECVI, Washington, DC, 2015, p. 91

violence against women. While this information is a valuable contribution to the general assessment of the situation in the region, it does not specifically respond to the request of the Committee.

**607.** Guatemala reported that the Public Defender's Office has 65,620 complaints of violence against women on file, of which 87.95% are under investigation, 2.71% are under accusation, 0.53% are awaiting judgment, 8.5% are rejected and 0.31% are filed. There was no additional information provided on the type of violence, or the number of women who proved direct assistance to the victims.

**608.** Chile provided information on the most frequently reported crimes in 2015: simple threats to persons and property with 76,510 complaints; aggravated threats to persons and property with 8,796 complaints, common abuse (domestic violence) with 5,442 complaints and the crime of serious bodily harm with 4,078 complaints. It is worth noting that of the total proceedings for domestic abuse (5,442), only 20 went to trial. Approximately 35% were terminated by an order of no investigation, followed by final dismissal. There was no information provided on the remainder of the proceedings.

**609.** The Office of the Public Defender in Ecuador reported that 34.19% of the 819 District Attorneys are women, but did not mention the type of cases they handle, any special skills for the handling of women victims of violence or the number of cases involving violence against women.

**610.** For its part, however, the Judicial Council of Ecuador issued 435 acquittals and guilty verdicts in 2015, with more than one processed by type of violence, without clearly defining the percentages associated with each of the categories. Violations 386, Physical Violence 12, Psychological Violence 32 and Sexual Violence 1. At the same time, there were 639 dismissals categorized as follows: Violations 77, Physical Violence 208, Psychological Violence 350 and Sexual Violence 4. The CEVI notes with concern the existence of a marked and absolute majority of the dismissals over the proceedings sentenced including those that resulted in acquittal. This relationship should call the attention of the entities specializing in the defense of the rights of women to identify the mechanisms of the legal or procedural systems that uphold impunity for violence against women and the entrenchment of patterns of discrimination.

## **a) Statistics on Femicide**

**611.** With respect to cases of femicide, not only are the numbers not encouraging, but also they come from the same States that reported a significant increase in

complaints. Of the 24 countries that participated in this review, only 9 States Party<sup>307</sup> provided information, and this gives us only a vague idea of the efforts conducted by the States to reduce femicide. This assertion is based on the fact that 50% of the participating States failed to provide the information requested, sending a clear signal of indifference to the need to understand and diagnose the status of this crime in the region.

**612.** Based on the aforementioned, below is part of the information submitted by the participating States:

- Argentina: In accordance with the statistical data on femicide obtained from the Judicial Branch, Argentina reported that only 7 out of 233 cases resulted in guilty verdicts (3%) and 7 were dismissed (3%). 14% correspond to other forms of the termination of the process during instructions, or oral arguments, 29% are still at trial and 51% are still being investigated, with at least 1 person near indictment. Acquittals are not recorded. In other words, only 3% of the cases in 1 year received a guilty verdict, while 94% of the cases have not yet been decided.
- Bolivia reported that in 2015, there were a total of 133,518 cases involving violence against women, according to data from Bolivian Police and the Office of the Attorney General. 96 of these were considered femicide and 78 of them are still under investigation. No additional information was provided on the crimes, the status of the investigations or the number of judgments motivated on these grounds.
- Chile reported that, according to data from the Office of Violence Against Women, there were 45 proceedings, of which 11 resulted in a guilty verdict (22.2%), 13 were dismissed following the suicide of the aggressor (28.8%), and the remaining 21 cases (46.6%) were still under investigation, a number which represents the largest percentage of cases. The Judicial Branch also reported an increase in the cases of femicide, from 69 in 2011 to 98 in 2015. Of the 98 cases, 53 proceeded to trial, or 54%. Here we see a reaffirmation of the need to unify the methods and tools used to collect information and we reiterate the importance of providing the regional follow-up mechanism more, and more detailed, information.
- Ecuador indicated that, according to data provided by the Council of the Judiciary, they received 51 cases of femicide, 19 of which resulted in a guilty verdict (37.25%) and 1 acquittal (1.96%.); 36 cases of attempted femicide, of which 9 received a guilty verdict (25%) and 2 acquittals (11,06%). At

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307 Argentina, Bolivia, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico and Uruguay.

the same time, this organ reported that 3 cases of femicide were converted to murder, and 2 resulted in a guilty verdict (66, 67%); 9 cases of femicide by physical violence, of which 5 were found guilty (55, 56%); and 1 attempted femicide to murder which is still under investigation. In addition, the Office of the Attorney General reports a change in the number of complaints received between 2014 (21) and 2015 (52), followed by a decrease in 2016 to 28, at the date the information was sent. At the same time, there has been an increase in the number of criminal proceedings in process, going from 3 to 15 in 2016. With respect to the number of decisions, of 101 cases received in 3 years, barely 30 received a decision, and 11 were classified in the category of no further action.

- El Salvador presented data for the period 2015 and 2016 that reflects the number of cases ending in guilty verdicts and acquittals. 64 guilty verdicts were rendered per year, for a total of 128. At the same time, there was an increase in acquittals from 26 to 31, for a total of 57, which results in an overall total of 185 decisions.
- Guatemala reported 97 cases of femicide to specialized and ordinary courts. Of those 97, 93 were either decided as guilty or as not guilty, but no additional information was provided on how many cases received which verdict, the year the cases were entered, the type of reparations awarded or any possible comparison to previous time periods.
- Similarly, Costa Rica indicated that 2 people were tried for the crime of femicide, but did not provide information on total numbers, or the percentage thereof.
- For its part, Mexico presented the number of alleged “Homicides of Women that occurred in 2014”, a figure that reaches a total of 2,289 homicides, with a national rate of 3.7 per 100,000 women, according to the National Institute of Statistics and Geography (INEGI) and the National Council of Populations, this figure is the highest obtained through this consultation. The CEVI notes with concern that the rate of women killed between the ages of 20 and 35 rises to 5.5 women per 100,000 from the review of disaggregated figures by age group.
- Uruguay still does not define femicide as a separate crime, and gender-based killings of women are registered as homicides. Given this information, the government reported that there were 29 cases of homicide where the woman victim is a partner, ex-partner (26), and family member (3). They also noted that in these cases, the perpetrator was identified by the justice system. At the same time, they note that, according to data obtained from the Ministry of the



Interior, the rate of homicide per 100,000 women between the years 2011 and 2015 varied between 1.5 and 1.59 in the last year<sup>308</sup>.

**613.** In spite of these numbers, none of the States reported decisions referencing reparations to survivors or victims of violence.

**614.** In this context, the Committee refers to recommendations 5 and 6 from the Follow-up Report to the Recommendations issued in the First Multilateral Evaluation Round, with respect to the obligation of the States to provide the, “number of victims of femicide and trials with sentences” and “implement registries in the police and judiciary at the national level to maintain statistics on femicide that categorize the data by age, civil status and geographical location”.

**Table 19.-** Summary of Number of Femicides/Feminicides per State Party:

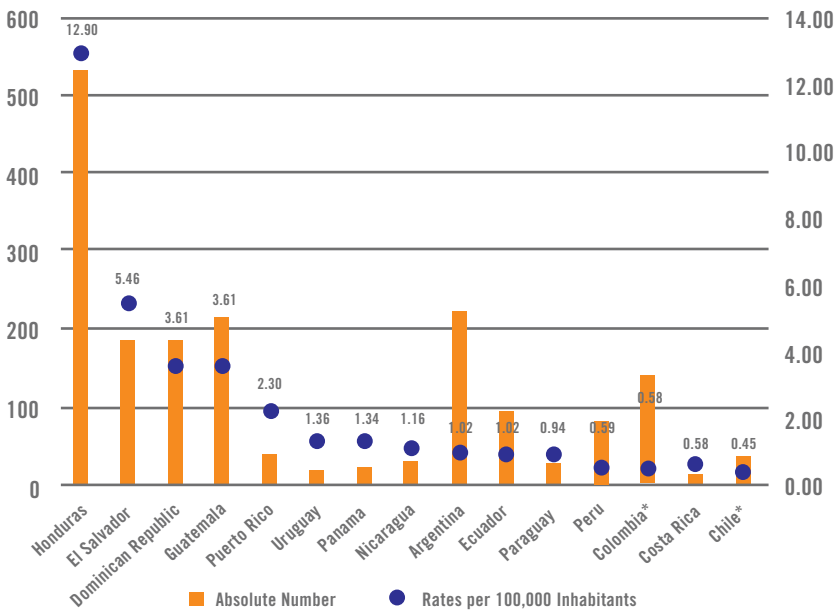
Country	Cases of Femicides/Feminicides
<b>Argentina</b>	<b>233</b>
<b>Bolivia</b>	<b>96</b>
<b>Chile</b>	<b>98</b>
<b>Ecuador*</b>	<b>51</b>
<b>El Salvador*</b>	<b>185</b>
<b>Guatemala</b>	<b>97</b>
<b>Mexico</b>	<b>2.289</b>
<b>Uruguay</b>	<b>29</b>
<b>Total</b>	<b>789</b>

\*Ecuador: The Attorney General's Office also points out that there were 98 femicide complaints between 2014-2016.

308 For the preparation of this report, Uruguay did not classify femicide as a crime within its legislation, however, recently the Senate Chamber approved the bill that modifies articles 311 and 312 of the Penal Code, in which it was introduced feminicide as a specifically aggravated form of homicide to a woman.

**615.** The Economic Commission for Latin America and the Caribbean (ECLAC) in its Report on the Autonomy of Women and Equality in the Sustainable Development Agenda of December 2016 also reflects an alarming figure of 2,089 cases of Femicides/Feminicides corresponding to 2014 based on information submitted by 25 States of the Region<sup>309</sup>.

**Graph 14.-** Latin America (15 countries): feminicides or femicides, 2014

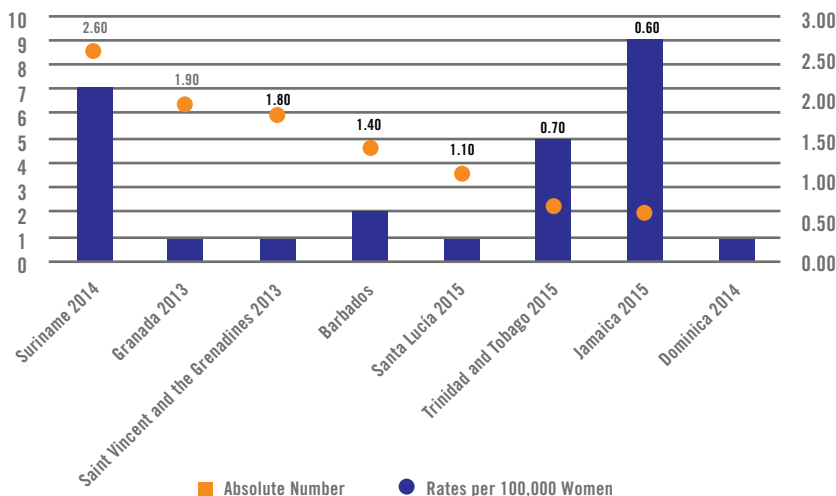


Source: Report on Autonomy of Women and Equality in the Sustainable Development Agenda (2016) page 115. Economic Commission for Latin America and the Caribbean (ECLAC), Observatory on Gender Equality in Latin America and the Caribbean.  
 \* Colombia and Chile only report cases of intimate femicide (that is, committed by the intimate partner or ex-partner).

309 Autonomy of Women and Equality in the Sustainable Development Agenda Report (2016) pages 113-115

In the case of the Caribbean Islands, the following information is detailed below:

**Graph 15.-** The Caribbean (8 countries): death of women caused by their intimate partner or intimate partner (intimate feminicides), last year with available information.



Source: Report on Autonomy of Women and Equality in the Sustainable Development Agenda (2016) page 115. Economic Commission for Latin America and the Caribbean (ECLAC), Observatory on Gender Equality in Latin America and the Caribbean.

**616.** These figures show a situation that should generate alarm in the region with the objective of decisively coordinating public policies that account for effective results to protect the life and physical integrity of women and girls in the region. These indicators speak of an escalation of violence that finds women the easy prey of protection systems that do not guarantee their life, safety or freedom. This applies both to those who have previously reported being victims of violence and to those who the state has failed to protect within the doctrine and jurisprudence of the Inter-American System for the Protection of Human Rights in relation to the general prevention of violence and specifically to the violence experienced by women and girls who are particularly vulnerable.

**617.** With regard to this point of femicide/feminicide, the Committee of Experts has expressed its concern over the Guatemalan case of the 41 girls who died and the 16 girl survivors seriously affected by the fire in the Seguro Hogar Virgen de la Asunción, a dependent institution of the Secretariat of Social Welfare of the Presidency that housed hundreds of child and adolescent victims of domestic violence, poverty, situations of homelessness, drug addiction, abandonment and sexual abuse, among other associated problems. According to various media and civil society organizations, the incident took place as part of a demonstration by

the girls, who were denouncing constant verbal, physical, psychological and sexual abuse by the responsible authorities at the center.

**618.** Through testimonies received from survivors and victims' relatives, the Committee of Experts found that the measures that led to the deaths of the girls and the damage to the physical and psychological state of the survivors was caused by disproportionate disciplinary measures taken without consideration of their condition as girls and that ultimately led to the violent death of the girls during the fire. In this context, the CEVI argues that these deaths fit into the concept of femicide or feminicide, which refers to the violent death of women due to their gender.

**619.** Guatemala has ratified the Convention of Belem do Pará, a human rights treaty that requires States to take all measures to prevent, investigate, punish and redress violence against women, with sexual violence being an extreme manifestation of this form violation of human rights, even more so in the case of girls.

**620.** Some girls trapped in this state home had arrived as a result of prior sexual abuse. It should be remembered that Guatemala, within its normative framework, has protocols for attention and action regarding sexual and reproductive rights and sexual violence, aimed at assisting girl victims of sexual violence, which in this case clearly went unimplemented. In this scenario, the Committee refers to the obligation of the State to duly implement the Convention of Belém do Pará, an international instrument signed and ratified by Guatemala.

**621.** This situation highlights the vulnerability and consequences that girls face in the country in the face of serious violations of their human rights, specifically in regards to the sexual violence that thousands of girls experience. The concern is exacerbated when dealing with underage girls, because sexual violence against them carries greater medical and psychological risks.

**622.** The Committee of Experts of the MESECVI recommends that the State of Guatemala strictly comply with the duty of due diligence in the investigation to clarify the causes of the tragedy. In addition, the Committee calls on the authorities to clarify and reveal the alleged sexual violence and other abuses brought to light by the deceased girls and the survivors inside the center.

## **b) Average time between the initial phase of a criminal trial for violence against women in its different manifestations and/or femicide and the sentence (condemnatory or acquittal)**

**623.** Information was received from 5 States Party and of these, only 2 provided data in response to that requested, Peru and the Dominican Republic. The information submitted was not adapted to that requested in the indicator, however, in general terms, the States referred to: I) the legal obligation to increase the number of structures that handle judicial matters (Bolivia) and II) the future possibility of improving the quality of the data for record-keeping and indicators (Argentina).

**624.** The submissions of Peru and the Dominican Republic are aware of the temporary measurements they are taking of the material in question. Peru, for example, provides official data from the People's Ombudsman's office for the period between 2012 and 2015, which reveal that of a total of 46 cases analyzed, in 21 cases (45.7%), the sentences were pronounced more than 360 days after the crime was committed. 41.9% (19 cases) of the criminal proceedings conducted under the model defined in the Criminal Proceedings Code of 2004, finished prior to the 360 days after the commission of the crime, while under the old criminal proceedings model, only 1.3% of the cases issued sentences before this time period, and the overwhelming majority (73%) of final decisions were issued after the 360-day mark.

**625.** For its part, the Dominican Republic reported that for the year 2014 for crimes related to sexual assault and domestic violence, decisions were issued an average of 238 days after the commission of the act. Cases of gender-based violence saw the shortest lapse of time with 174 days; and the crime with the longest passage of time was that of "violation of minors" with 309 days. This situation draws the attention of the Committee, as it is imperative to take whatever measures necessary to reduce the time elapsed and streamline the processing of these types of crimes. The prosecution of the violation of minors should manifest the strongest and fastest effects of the administration of justice, eradicating impunity and imposing the full force of the law against this type of aggressor.

**626.** In conclusion, the main outcome of the analysis is the marked absence of information reported by the participating States. The Committee particularly values the input provided by Peru and the Dominican Republic on the establishment of a 365-day threshold as an acceptable time limit to measure the degree of effectiveness of judicial action, as well as to strengthen the response of the State to combat and bring justice to cases of violence against women in the region. We call on the States to modernize, automate and encourage the expeditious execution of the administration of justice, facilitating the mechanisms for access to justice, the streamlining of the proceedings and the effective response in pursuit of a reduction of the levels of impunity that exist in the Region.

**c) Number of judicial sentences or verdicts on domestic violence or any other form of violence (psychological, physical, sexual, property, economic, institutional, political, work-related, sexual harassment, political harassment, obstetric violence, etc.) categorized by sex, age, race and ethnicity, and socioeconomic situation**

**627.** Based on a review of the National Reports, 7 States Party participated in an effective manner, reporting to the Committee on the existence of information systems and online references providing information on judicial sentences, verdicts on domestic violence and other forms of violence.

**628.** Nevertheless, these publicly available systems do not generally allow the filtering of data by the variables of interest to the Committee. Therefore, this information is requested directly from the States with the intention of determining the number of judicial sentences by type of violence to achieve a perspective and a level of analysis that permits an accurate description of the situation in the region with respect to any impunity that may exist, the highest number of incidents per type of violence and the ability of the State to attend to and compensate the victims.

**629.** This information in particular, as it is not available to the public, requires the consultation of direct sources, the acceptance of the establishment of official limits for the collection of the information, and the necessity to remain at the mercy of the authorities to obtain additional detail with respect to the court decisions associated with the cases of violence against women. This limitation creates, in addition to the bias in the use and handling of the data, delays in the permanent evolution of the condition and current status of the women in the Region.

**630.** Within this context, the Committee found the Computerized System for the Processing of Family Proceedings (SITFA) in Chile, with respect to Domestic

Violence (VIF). This system listed a total of 80,127 proceedings for the year 2015 and in alignment with the National Report, showed an annual downward trend, of which 50% resulted in a sentence.

**631.** Chile reported that during the period between 2010 and 2015, the use of the reasoning: “no action on request” increased from 11% to 18%. This type of information is of concern to the Committee as it impedes the ability to determine the number of cases processed or not which are handled by the judicial organ, the most frequently applied procedural mechanism which allows the State to not proceed and finally the Committee cannot develop an understanding of the status of cases of violence against women without the necessary information.

**632.** The same occurs in Chile with respect to cases terminated as a result of incompetence, primarily because acts of domestic violence are defined as crimes and are therefore assigned to criminal courts, prior to the imposition of precautionary measures if applicable. Terminations rose from 13% in 2011 to 24% in 2015. The Committee reiterates the need to determine the number of women affected by gender-based violence and discrimination. It is fundamental for the general revision of the region that they clearly expose and understand the data on official performance very precisely within a specific time period.

**633.** For its part, Colombia provided the Administrative Medico-Legal System as a source of information. The following records are for the year 2015: a) 14,897 expert reports on incidents of nuclear family violence, b) 10,432 cases of violence against children and adolescents, of those, 7,847 of the aggressors were registered as father, mother, stepfather, sibling or stepmother, the remaining aggressors had some kind of civil or blood connection to the victim, and c) 1,651 cases of violence against the elderly population, and of these, 1,583 were committed by a family member with either a civil or blood relationship to the victim.

**634.** The CEVI views this information with interest, but requires more detailed, categorized information of identify which cases specifically involve women and/or if the cause of the attack is based on discrimination and violence against women. For the Committee, domestic violence and cases of violence and aggression against minors should be flagged with the goal of establishing specific measures for the care and protection of women victims of violence, regardless of civil status or their role within the “household”.

**635.** Argentina also based its response on the ability to search the database of Case Law on Gender in the Office of Women of the Supreme Court of the Nation.

(CSJN)<sup>310</sup>. Ecuador reported the existence of the Automatic System of Judicial Proceedings (SATJE) as the electronic repository for all judicial proceedings at the national level.

**636.** Bolivia reported 18 proceedings resulting in enforceable sentences in 2015 (Attorney General of the State 2016), without mentioning the total number of proceedings or the year the incidents occurred. Costa Rica does not have the referenced categorization, and finally, Guatemala registered 2,565 guilty verdicts and acquittals. However, as this country does not define domestic violence as a separate crime, there are no relevant decisions registered, just sentences of violence against women.

**637.** The States did not express or provide information in a way that contributes to the ability of the region to statistically determine the strengths and /or weaknesses with respect to sentences and verdicts, or treatment according to type of violence or other intervening variables. While the levels of categorization are very general, they do allow the determination of differences in age groups of the victims and the relationships of the aggressors to the victim.

**638.** The Committee notes that in some States in the region violence against women, according to the definition established in the Belem do Para Convention, is still not classified as a crime, and as a result it is not recorded as such in judicial action orders. This fact limits the ability of the State to take action to establish relevant criteria and measure the conditions of women with respect to violence in order to make public policy decisions for their protection.

#### **d) Number of known and decided cases of the violation of the rights of women and girl children to be educated free from stereotyped patterns of behavior and social practices based on concepts of inferiority or subjugation in public and private institutions of learning**

**639.** Statistics and the collection of data continue to be a weakness in the region. Of 24 countries, only 1 – Chile – provided information on this topic.

**640.** Chile reports that there is a process of evaluation and handling of complaints before the Superintendent of Education. Complaints can be filed in written or oral form by a member of the education community or by a member of the general

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310 <http://servicios.csjn.gov.ar/omcapacitacion/1ConsultaOM.do> taken from: OAS, Follow-up Mechanism to the Belém Do Pará Convention (MESECVI), *National report on the Implementation of the Belém do Pará Convention, States Party: Argentina* At: <http://www.oas.org/en/mesecevi/nationalreports.asp>



community with a direct and previously identified interest in the case that provided them knowledge of an eventual irregularity. The goal is to investigate the existence of the reported offense, and if determined to be true, to adopt the corresponding measures. On December 31, 2013, there were a total of 33 cases on topics including discrimination, pregnancy and maternity. Complaints were handled in the Regional Directorates of Tarapacá, Antofagasta, Atacama, Valparaíso, Maule, Bio, Araucanía, Los Lagos, Aysén and Metropolitana. Of these, 29 were resolved, and 4 remain outstanding in the Regional Directorates of La Araucanía and Metropolitana. According to the information submitted, more than 12,000 complaints were received on other topics, including in the categories of discrimination for sexual orientation and pregnancy.

**641.** The Committee points out the difficulty that currently exists in the region with the respect to recording data with a view toward shaping statistical bodies to cooperate with the development of public policy. The nonexistence of this data could result in multiple variants, the most worrisome being, that discrimination and violence against women and the lack of recognition of their rights remain invisible and normalized within the educational sphere.

**642.** For the CEVI, this situation should be addressed by the design of action protocols for handling topics associated with violence and discrimination, which provide educators and teachers the tools and procedures to follow to handle these cases. This should include records of the incidents as well as a system of investigation of complaints and transparency in the relevant areas. As we have observed in the previous paragraphs, information on the existence of action protocols in the educational field is scarce.

**643.** Equally, we have observed that the educational sector in the region has developed rules for coexistence that require the design and existence of structures to ensure their correct application and to track the number of reported cases; it is evident that the States must strengthen their capacities in alignment with their regulatory advances. In any case, it is essential to urge the States to undertake all possible efforts to obtain data through process definition or through the development of statistics with a view toward the design, formulation, execution and evaluation of public policies directed at the full exercise of the human rights of women. In addition, these statistics should contribute to the effective application and processes to be implemented in educational institutions and their relationship with the competent institutions of childhood and the rights of women.

## e) Women in leadership and decision making roles in the field of Justice

**644.** Article 4, section j) of the Belem Do Pará Convention expresses the right of women to have equal access to the public functions of their country and to participate in public affairs, including decision-making<sup>311</sup>. Therefore, there are 3 indicators dedicated to revealing the situation of women in leadership positions in particular in the judicial branch.

## f) Number of indigenous, rural women who occupy decision-making positions for the resolution of conflicts in rural, indigenous communities

**645.** Only 3 of the States Party responded to this indicator. Chile and Costa Rica were alone to render account of the incorporation of indigenous women in political/social activities. Antigua & Barbuda noted that their population is predominantly of African descent, but do not refer to the existence of women in decision-making positions. The review of the participation of indigenous women in decision-making is very low, considering that the majority of the States Party have a vast intercultural presence.

**646.** With respect to the participation of women in decision-making positions in organizations, communities and associations, the region of Los Lagos in Chile stands out. Not only do the women in this area rank the highest in participation rates, but they also occupy the highest percentage of representation in leadership roles within their communities and associations, as well as in politics, management and labor. This translates, according to the information provided, into Mapuche women occupying 53% of leadership positions in contrast to the 47% held by men.

**647.** Costa Rica reports that 25 rural, indigenous women and women of African descent hold decision-making positions in local government in the municipal arena – this refers to the judicial and political system that regulates the local authorities and governs the municipalities, which are territorially divided by cantons, and then by district.

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311 Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) adopted at the Twenty-Fourth Regular Session of the General Assembly, 1994, preamble. At: <https://www.oas.org/en/mesecvi/docs/BelemDoPara-ENGLISH.pdf>. Viewed May 11, 2017.

**648.** As noted in previous indicators, the cultural reality of the region is important, as the States are called to facilitate and advance the participation of indigenous women in different roles within the national, regional, provincial or local civil service.

### **g) Number of women in decision-making roles in the prosecution, courts and other organisms in the administration of justice**

**649.** Of the 24 States Party, 12 submitted information, and 10 submitted information relevant to the number of women who hold decision-making positions in the organisms of the administration of justice<sup>312</sup>. This information varies according to organisms and the position held by the women.

**650.** Of the 10 States, only Chile, Ecuador and Guatemala expressed their data in both absolute numbers and percentages, while the remaining countries provided purely numbers, which impeded the contextualization of the participation of women in positions of responsibility. In a few cases it was possible to establish the value of the numbers as a percentage of the total to conduct an analysis of comparable data.

**651.** By virtue of the above, some relevant data can be observed. For example, Chile notes that in the Judicial Branch, the distribution of judges is 60% female and 40% male in Courts of First Instance; in the Courts of Justice, 60% are female and in the various Appellate Courts, 43% of the ministers are female (61 women out of 141 positions).

**652.** The Administrative Corporation of the Judicial Branch is divided into 7 main directorates, of which only one is headed by a woman. Of the 5 departments, 4 are headed by women (80%), and out of a total of 21 members of the Supreme Court, 5 are female, or 23.8%. We noted that midlevel operation and management are primarily occupied by women, but when we go up a level, and look at positions of responsibility at the Headquarters and ministerial level, there are fewer women in leadership positions.

**653.** In Costa Rica we see an increase in the number of women holding decision-making positions in the organisms of the Administration of Justice, from 64 in 2013 to 68 in 2015. In the period from 2103 to 2015, the number of female magistrates rose from 5 to 8, and the number of female prosecutors rose from 15 to 17. The position of Presiding Judge was also held by a woman during the same time period.

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312 Argentina did not give specific data in its report, but notes the web page of the Office of Women that provides a map on gender justice, categorized by jurisdiction. CSJN. Available in Spanish at: [http://www.csjn.gov.ar/om/mapa\\_genero/index.html](http://www.csjn.gov.ar/om/mapa_genero/index.html).

**654.** In Ecuador, 30.43% of prosecutors in the State Attorney General's Office are female, corresponding to 7 women out of a total of 23. In the National Directorates, the percentage is 28.57%, or only 4 women out of 14.

**655.** In El Salvador the highest positions within the organisms for the administration of justice are held by women, with the exception of the Supreme Court of Justice (CSJ) where of 15 justices, 5 are female (33% of the total). However, in the Republic Prosecutor's Office the positions of Prosecutor, Deputy Prosecutor and Secretary General are held by women.

**656.** Likewise, in the Republic's Prosecutor's Office, women hold the positions of Prosecutor, Deputy Prosecutor, Secretary General, Deputy Prosecutor regarding Family, Mediation and Adoption and General Administrative Coordinator.

**657.** In the Office of the Human Rights Procurator, the decision making positions are occupied by women: the Procurator for the Defense of Human Rights; the Deputy Procurator for the Defense of Children's and Youth's Rights; Deputy Procurator for the Defense of Women's Rights and Family; Deputy Procurator for the Defense of Economic, Social and Cultural Rights; Deputy Procurator for the Defense of the Environment; Deputy Procurator for the Defense of Civil and Individual Rights and in the National Judicial Council, the highest authority is the Plenary, and out of its 7 members, 4 are women, which is 57,14% of its total.

**658.** In Guatemala the Office of the Public Prosecutor is presided over by a woman. In addition, 7 of the 13 on the Supreme Court of Justice are women, representing 54%. 2 of the 5 justices on the Constitutional Court are women, and there are 24 female representatives out of 158 total in the Congress of the Republic (16%).

**659.** In Dominican Republic, there are 5 Deputy Prosecutors and in the Units of Integral Attention to Gender-Based and Domestic Violence, and Sex Crimes, there are 16 Coordinating Prosecutors out of a total of 18 (88,8% of the total).

**660.** In the Caribbean, Grenada reports that 4 out of the 5 magistrates and 2 out of the 3 judges are female, but they do not provide any additional information on the organ to which they belong or any other relevant details. In Suriname, the Tribunal of Justice is composed of 11 justices, of which 8 are women, for a total of 72.72%. However, the head justice seat is occupied by a man. However, there are 8 substitute judges out of which, 6 are women. Further, the Prosecutor's Office is composed by 23 representatives, of which 17 are women (73, 9%). Trinidad and Tobago have 47 magistrates, of which 34 are women, which represents 72.34%.

**661.** Uruguay reports that the total number of employees of the Judicial Branch is 5,006, of which 3,518 are women, or 70.75%. The leadership posts occupied by women are distributed as follows:

- Of the 5 Ministerial seats on the Supreme Court of Justice, only 1 is occupied by a woman (20% of the total).
- There are 52 Ministerial seats in the Court of Appeals, and of these, 28 are occupied by women for a total of 53.84%.
- There are 484 judgeships, of which 304 are occupied by women, or 62.80%.

**662.** With respect to the 826 positions available for professional personnel, 616 are held by women (74, 57%) and finally, there are 2,667 administrative and auxiliary positions, of which 2,029 are held by women, which translates to 76.07%. Again we see that women hold a large number of positions within the Judicial Branch, but when we ascend to positions at a higher level, the percentage held by women drops.

**663.** It is worth highlighting Venezuela, that, according to data from 2016, the courts with experience on violent crimes against women employs 81 judges, of which 59 are female (72.83%), of 21 itinerant judges, 14 are female (66.6%), and of 71 substitute judges, 15 are women (21,12%). And so in this case, women occupy the majority of decision-making positions.

**664.** The result of this analysis shows that the representation of women in decision-making positions in the administration of justice of the 10 States that provided information, is equal above all in operational roles, and in mid-level decision-making. However, at high levels, the noticeable majority of leadership roles are occupied by men, a situation which perpetuates the hegemony of men in the area of the administration of political, and in this case, judicial power, and thus imposing a bias which could impede the transition to an egalitarian society. The continuation of this pattern carries the risk of diminishing the effects envisioned in the spirit of the rights of women in the region.





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## CHAPTER 5



### Recommendations of The Committee of Experts of The MESECVI to the States Party

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# Recommendations of The Committee of Experts of The MESECVI to the States Party

## Legislation

### Articles 1-2 and 7 c), e), and g) of the Convention of Belém do Pará

1. Urge States that have not yet done so to approve legislation, design and implement public policies aimed at preventing and eradicating conduct, cultural or discriminatory practices based on the subordination or inferiority of women and girls, taking into account intersectionality of other dimensions of discrimination (girls, elderly, indigenous, afro-descendants, immigrants, displaced persons, inmates, women from rural areas, with disabilities or in situations of poverty);
2. Develop actions to monitor compliance with legislation for a life free of violence and evaluate the impact thereof for the effective elimination of violence against women;
3. Reinforce state efforts for effective compliance with human rights standards for the prevention of violence against girls and women and the right to be educated free of stereotyped patterns;
4. Criminalize femicide/feminicide in a manner that distinguishes it from ordinary homicide, and incorporate and strengthen official mechanisms to pursue, prevent and reduce femicides/femicides;
5. Approve legislation on the mental health of women and girls with a focus on human rights and with specific axes related to the right to a life free of violence;
6. Establish regulations and protocols to prevent abuse, sexual harassment or other forms of violence in the educational sphere; disseminate the rights of girls, boys and adolescents, as well as the obligations of teachers, authorities and administrative staff; and, create effective procedures for denouncing the violation of their rights;
7. Guarantee the right to gender identity and sexual diversity;

8. Recognize the legal status of participation mechanisms as fundamental tools for coordinated work between the State and civil society, and a vital instrument to guarantee the active, permanent and structured participation of women;
9. Modify and/or harmonize the legal framework regarding the prevention and punishment of violence against women, taking into account the definition of 'violence against women' established in Articles 1 and 2 of the Convention of Belém do Pará;

## National Plans

### Articles 1, 2, 7 and 8 c) and d) of the Convention of Belém do Pará

10. Urge States that have not yet done so to approve public policies aimed at preventing and eradicating conduct, cultural or discriminatory practices based in the subordination or inferiority of women and girls, taking into account intersectionality of other dimensions of discrimination (girls, elderly, indigenous people, Afro-descendants, immigrants, displaced persons, inmates, women from rural areas, with disabilities or in situations of poverty).
11. Issue and approve directives or standards for the implementation of public policies for the prevention of violence against women, establishing and reporting on their scope, objectives and goals;
12. Strengthen the implementation of monitoring reports that oversee the impact evaluation of corresponding application and prepare respective reports, which serve as fundamental tools for adjusting the performance of competent personnel and improving public policies in the Region;
13. Promote awareness-raising efforts with teachers and educative authorities in order to demonstrate the need to carry out curricular reviews to eliminate gender stereotypes and reinforce the right to be educated in a violence-free environment without maintaining the practices and prejudices that discriminate against women and girls;
14. Develop actions to monitor compliance with public policies for violence-free life and evaluate the impact of these policies for the effective elimination of violence against women.

- 15.** Expand mechanisms and coverage of psychological care and support services for social reintegration of women and girl victims of violence in all its manifestations;
- 16.** Design and execute programs of study, curricular networks, and produce educational materials that promote equal rights and opportunities for women and men, modifying policies and practices in educational institutions that create barriers which prevent females from having free choice in terms of subject areas and career choice; allow the development of skills and interests without gender stereotypes, instituting clear legislative and policy measures to ensure that when females pursue male dominated disciplines and activities in educational institutions, they are protected from sexual harassment and abuse; promote self-esteem, dialogue and the peaceful resolution of conflicts, and promote the acceptance of differences as a source of mutual enrichment.
- 17.** Intensify training processes, in a continuous and programmed manner, aimed at journalists, communicators and other communication-related activists on issues of women's rights, gender stereotypes and non-violence against women.
- 18.** Urge audiovisual, electronic, state, private, alternative, community and press media to permanently promote the principles of equality between men and women, the elimination of all gender stereotypes, the eradication of the idea of women as a sexual object, and a gender conscious approach within information, opinion and entertainment content;
- 19.** Ensure the effective implementation of media codes of conduct that allow for self-regulation of activity in a manner that respects the right of women to a life free of violence;
- 20.** Support awareness-raising and mass training activities on sexual harassment in public and private spaces, as well as through social networks, taking into account the diversity of the target groups;
- 21.** Approve protocols that allow the development of state capacities to address situations of violence against women in the educational and health fields.
- 22.** Establish formal follow-up mechanisms for the National Plans that include structural indicators to measure process, outcome and the budgets assigned for their execution. Define mechanisms that ensure the active participation of civil society;

**23.** Provide mechanisms for the participation of civil society organizations to strengthen the coordinated work between the State and civil society and guarantee the active, permanent and structured participation of women's movements.

**24.** Fortify the need for all state bodies of the States Party to take into account the recommendations of the MESECVI and to support the continuity of their work.

## Access to justice

### Articles 7 d), f), and 8 c) and d) and f) of the Convention of Belém do Pará

**25.** Call upon States to modernize, automate and promote expeditious administration of justice, implementing mechanisms for access to justice, streamlining procedures and effective response in order to reduce the levels of impunity that exist in the region;

**26.** Integrate the Convention of Belém do Pará and its doctrinal development in the sentencing and resolutions of the judicial systems of each of the States Party, in all judicial branches, especially those traditionally discriminatory to women;

**27.** Adapt state apparatus for more effective access to justice, so that the special needs and obstacles faced by groups of women and girls with greater vulnerability to violence are taken into account; such special needs consisting of, for example, situations of poverty and exclusion, language, location in rural zones or more distant urban centers, the needs of people with disabilities, etc;

**28.** Establish procedures for the receipt of complaints in the educational field for the violation of the right to an education free of stereotypes;

**29.** Approve protocols of action and assistance for victims of gender-related violence to be upheld by the police, complaint-receiving entities, prosecutors' offices and health services and translated into indigenous languages when appropriate, in a manner that clearly establishes the procedures to be followed in cases of violation of the right of women and girls to live a life free of violence;

**30.** Strengthen access to justice and investigations in order to reduce the high degree of impunity of those who practice violence against women and reduce the incongruity between the complaints received and the sentences handed down;

- 31.** Make advances in the integral reparation of the damage caused by violence, including adequate economic reparation to victims and their relatives, to be established with a gender perspective that takes into account the needs and specific priorities of female victims with a human rights approach;
- 32.** Approve protocols that allow for the development of state capacities to address situations of violence against women in all extents of justice;
- 33.** Ensure effective access to justice for women who suffer violence, preventing trial suspension, probation and other forms of restorative justice, as in practice they conceal harmful forms of criminal mediation;
- 34.** Report on the number of judicial decisions, especially those condemning cases of violence against women, in proportion to settled complaints.
- 35.** Incorporate all pertinent dispositions in judicial resolutions, so that public entities may appropriately provide necessary services to victims within a determined period for the integral reparation of the damage caused to them.

## National budget

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

- 36.** Allocate significant budgets in order to carry out mass campaigns, actions and national programs for the prevention of violence against women, in accordance with full compliance of the obligation of due diligence to guarantee life free of violence. The importance of investing in the prevention of violence against women will not only ensure the exercise of their rights, but will also contribute to reducing the costs involved in the care and sanction of this type of violence (health, specialized services, courts, reparation of rights);
- 37.** Invest in addressing violence against women, especially in temporary shelters for women and girls who are victims of violence, and their families.

## Information and statistics

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

**38.** Provide more information about data collection and processing systems, if they exist, and otherwise develop regulations that specifically require the State to periodically produce statistics and information disaggregated by sex and that take into account the diversity of women, to monitor the actions that the States themselves deploy around violence against women;

**39.** Institutionalize systems of collection and production of sufficient and statistical information of quality on violence against women, so that comparisons can be made over time and characterize the evolution of violence; and that it be accessible to the public;

**40.** Collect data on charges and sentences of femicide and feminicide in the States Party and conduct studies that analyze the state response in order to guarantee effective access to justice for victims and family members in these cases;

**41.** Improve information systems in the area of justice regarding the treatment given to cases of violence against women, the quality and effectiveness of procedures, including protective actions, investigation, punishment and comprehensive reparation of the damage;

**42.** Conduct studies on the effects of actions, programs and policies to prevent gender-based violence against women; identify lessons learned and good practices; as well as on the prevalence, incidence and perception of violence against women; the obstacles to confront and stop violence, to access of justice and support services; and on relevant topics according to the different local and national contexts.



# Third Hemispheric Report on the Implementation of the Belém do Pará Convention

Prevention of Violence against Women in The Americas

Paths to Follow

