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SECOND BIENNIAL REPORT OF THE INTER-AMERICAN COMMISSION OF WOMEN (CIM)  
ON COMPLIANCE WITH RESOLUTION AG/RES. 1456 (XXVII-O/97), "PROMOTION OF  
THE INTER-AMERICAN CONVENTION ON THE PREVENTION, PUNISHMENT,  
AND ERADICATION OF VIOLENCE AGAINST WOMEN,  
CONVENTION OF BELÉM DO PARÁ"

## EXPLANATORY NOTE

At its meeting on May 2, 2001, the Permanent Council considered the Second Biennial Report of the Inter-American Commission of Women (CIM), in fulfillment of resolution AG/RES. 1456 (XXVII-O/97) “Promotion of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, ‘Convention of Belém do Pará’” (CP/doc.3440/01).

In this regard, the Council decided:

- a. To take note of the aforementioned report and forward it as a reference document to the General Assembly, at its thirty-first regular session.
- b. To approve the draft resolution in Appendix IV to that report and transmit it to the General Assembly for consideration at its thirty-first regular session.

May 2, 2001



## INTER-AMERICAN COMMISSION OF WOMEN

No.04-053/01

April 4, 2001

Excellency:

On instructions from the President of the CIM, the Honorable Indranie Chandarpal, I have the honor to address Your Excellency in your capacity as Chair of the Permanent Council to forward the documents listed below, to be submitted to the committee you chair for its consideration:

1. Second Biennial Report of the Inter-American Commission of Women (CIM) on Compliance with Resolution AG/RES. 1456 (XXVII-O/97), "Promotion of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, 'Convention of Belém do Pará,'" corresponding to item 41 on the draft Agenda (AG/CP/doc.624/01).
2. A draft resolution on this topic.

Accept, Excellency, the renewed assurances of my highest consideration.

Carmen Lomellin  
Executive Secretary

His Excellency  
Ambassador Humberto de la Calle Lombana  
Permanent Representative of Colombia to the  
Organization of American States  
Washington, D.C.

“PROMOTION OF THE INTER-AMERICAN CONVENTION  
ON THE PREVENTION, PUNISHMENT, AND ERADICATION OF  
VIOLENCE AGAINST WOMEN, ‘CONVENTION OF BELÉM DO PARÁ’”  
[AG/RES.1456 (XXVII-O/97)]

**A. CONVENTION OF BELEM DO PARA – BACKGROUND  
STATUS OF SIGNATURE AND RATIFICATION**

**1. Background**

Since the end of the 1980s, the Inter-American Commission of Women has given particular attention to the topic of violence against women, and it began the process of drafting a convention in this area. Within the Commission, this process culminated in the holding, on April 18 and 19, 1994, of the Sixth Special Assembly of Delegates, which approved the text of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women.

On June 9, 1994, at its twenty-fourth regular session, held in Belém do Pará, Brazil, the General Assembly of the Organization of American States adopted by acclamation the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, Convention of Belém do Pará.

**2. Status of signature and ratification**

Once the Convention had been adopted, the CIM assigned itself the goal of ratification of this international juridical instrument by all member states of the Hemisphere, and its entry into force. In pursuit of these objectives, the Commission carried out activities designed to educate about, and to disseminate and promote the Convention. On March 5, 1995, when it had been ratified by the required number of countries, and pursuant to Article 21 thereof, the Convention of Belém do Pará entered into force. To date, 30 countries have ratified it, as on February 15, 2001, Grenada deposited its instrument of ratification (**Appendix I**).

**3. Updating national law**

Prior to the Convention of Belém do Pará, few countries had legislation in force in the area of domestic violence. Immediately after the Convention's entry into force, together with the signature and ratification process, many member states enacted laws on domestic violence or defined domestic violence as an offense. Since the last biennial report, presented in 1999, by the CIM to the OAS General Assembly, Antigua and Barbuda has enacted legislation on domestic violence and, on October 6, 2000, Paraguay enacted Law 1600/00 on intrafamily violence. Complete details of legislation on domestic violence are published on the Web page of the CIM (<http://www.oas.org/cim>).

## **B. STRATEGIC MEASURES TO ATTAIN THE OBJECTIVES OF THE CONVENTION**

### **Policy instruments and mandates**

#### **1.1 Inter-American Commission of Women**

##### **1.1.1 Strategic Plan of Action of the CIM**

The Twenty-seventh Assembly of Delegates of the CIM, held from November 7 to 11, 1994, a few months after the adoption of the Convention of Belém do Pará, approved the Strategic Plan of Action to be presented to the Fourth World Conference on Women (Beijing), held in 1995. The Plan remained in force until 2000, but this was recently extended to 2005 by the Thirtieth Assembly of Delegates, held in November 2001, which, for such purposes, adopted resolution CIM/RES. 211 (XXX-O/00).

In its introduction, the Plan notes that violence against women is one of its priority areas of interest and, in the chapter on this topic, establishes the objective of promoting programs designed to prevent, sanction, and eradicate violence against women and, in addition, proposes strategies for these purposes.

##### **1.1.2 Biennial Work Program of the CIM**

The Thirtieth Assembly of Delegates of the CIM adopted resolution CIM/RES.213 (XXX-O/00), adopting the Biennial Work Program of the CIM for 2000-2002, which again establishes, as one of its priority areas of action, the elimination of violence against women.

#### **1.2 Convention of Belém do Pará**

Chapter III of the Convention, "Duties of the States," (Articles 7 and 8) establishes the responsibilities of the state and the specific measures or programs to be adopted progressively by the states to prevent, punish, and eradicate violence against women. These articles, while not restrictive, provide a basis for the development of programs and the design of plans to attain the Convention's objectives.

Article 10 provides that "the States Parties shall include in their national reports to the Inter-American Commission of Women information on measures adopted to prevent and prohibit violence against women, and to assist women affected by violence, as well as on any difficulties they observe in applying those measures, and the factors that contribute to violence against women."

#### **1.3 Meeting of Ministers or of the Highest-Ranking Authorities Responsible for the Advancement of Women in the Member States**

The first **Meeting of Ministers or of the Highest-Ranking Authorities Responsible for the Advancement of Women in the Member States** was held at the headquarters of the CIM in Washington, D.C., on April 27 and 28, 2000. This unprecedented ministerial-level meeting was convened by the OAS General Assembly and coordinated by the CIM in fulfillment of resolution

AG/RES. 1625 (XXIX-O/99), "Status of Women in the Americas and Strengthening and Modernization of the Inter-American Commission of Women."

The results of the meeting were very positive. First, in connection with violence against women, a resolution was approved that urges the governments of those member states that have not already done so to ratify the Convention of Belém do Pará. It expresses its recognition of those governments of the Hemisphere that have taken measures to strengthen and adapt their law for purposes of eradicating violence against women. It also encourages the member states to continue promoting measures to eradicate violence in all its forms, in the public and private arenas, in keeping with the objectives established in the Strategic Plan of Action of the CIM, in the Plans of Action of the First and Second Summit of the Americas, and of the Inter-American Program.

In addition, the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality was approved. It was presented for consideration to the OAS General Assembly, which adopted it through resolution AG/RES. 1732 (XXX-O/00). This is an extremely important document whose section specifically dealing with the topic of violence against women, in view of its significance, will be discussed separately below.

#### **1.4 Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality**

Among the general objectives of this program are:

- To systematically integrate a gender perspective in all organs, organizations, and entities of the inter-American system (Section III, paragraph 1);
- To encourage OAS member states to formulate public policies, strategies, and proposals aimed at promoting women's human rights and gender equality in all spheres of public and private life (Section III, paragraph 2); and
- To promote the full and equal participation of women in all aspects of economic, social, political, and cultural development (Section III, paragraph 5).

Among the specific objectives relating to the topic of reference are:

- To promote women's real and formal legal equality (paragraph 1); and
- Women's right to a life free of any form of abuse or violence, in both the public and private spheres (paragraph 7).

The Program recommends to the member states that they promote the study and, if appropriate, the revision, of national laws to ensure that they meet the obligations set out in the international conventions and treaties on women's human rights adopted and ratified by the member states, together with the adoption of measures to guarantee their effective enforcement. It also recommends that they seek, through all possible means, to achieve legal equality between men and women. To that end, efforts will be made to eliminate laws still in force that discriminate against women and to achieve real and effective application of laws already in force that establish equal rights for women. They also propose that they study and, if applicable, revise national laws in order to encourage full compliance with other international commitments adopted by regional and global

conferences in which the member states have participated, or which have been approved by their legislatures, with the objective of ensuring equality and gender equity.

The Program also establishes similar activities to be developed by the OAS General Secretariat and by the CIM.

### **1.5 Resolutions adopted by the OAS General Assembly**

Since its adoption, the OAS General Assembly has approved successive resolutions to promote the Convention: AG/RES. 1432 (XXVI-O/96), "Status of Women in the Americas"; and AG/RES. 1456 (XXVII-O/97), "Promotion of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, 'Convention of Belém do Pará.'" "

In 1999, the General Assembly adopted resolution AG/RES 1626 (XXIX-O/99), "First Biennial Report on Compliance with Resolution AG/RES. 1456 (XXVII-O/97), "Promotion of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, 'Convention of Belém do Pará.'" Both this resolution and that adopted the following year, AG/RES. 1740 (XXX-O/00), "Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, 'Convention of Belém do Pará,'" urge the governments of those member states that have not yet done so to ratify the Convention and to continue promoting measures to eradicate violence against women in all its forms, in the public and private arenas.

### **1.6 Inter-American Commission on Human Rights**

#### **Report of the Rapporteur of the Inter-American Commission on Human Rights (IACHR) on the Status of Women in the Americas**

In following-up on the First Biennial Report of the CIM to the General Assembly, in 1994, the IACHR appointed Dr. Claudio Grossman as Special Rapporteur on Women's Rights, with the mandate to study and report on the extent to which member state law and practice affecting the rights of women comply with the obligations established in the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights.

The report presented by the IACHR to the OAS General Assembly at its twenty-eighth regular session concludes with recommendations aimed at remedying instances of *de facto* and *de jure* discrimination which prevent women from fully exercising their rights; addressing the consequences of such discrimination; and developing further initiatives in pursuit of these objectives within the framework of the regional system.

In 2000, Dr. Marta Altolaguirre was appointed Rapporteur for this topic. Among mandates assigned to her in connection with this function is the preparation of a follow-up report on measures implemented to fulfill the recommendations contained in the report. The CIM is collaborating with her in fulfillment of this objective.



## **1.7 Summit of the Americas**

In the Plan of Action of the Second Summit of the Americas, Chapter IV, "Eradication of Poverty and Discrimination," in the section "Women," the governments undertake to strengthen mechanisms to promote legal equality and equality of opportunity between men and women to enable them to promote, coordinate, and carry out the commitments undertaken in conferences and international forums. They also undertake to promote, whenever necessary, reforms or new laws to eliminate all forms discrimination and violence against women.

### **Follow-up carried out by the CIM**

#### **2.1 The project "VIOLENCE IN THE AMERICAS - A REGIONAL ANALYSIS - Including a Review of the Implementation of the *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women*"**

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

To that end, the CIM, with funding from the United States Agency for International Development (USAID), undertook an important project to study national programs to prevent, punish, and eradicate violence against women in the Americas. Another of the project's aims is to gain a better understanding of progress made to date in implementing the *Convention*, obstacles encountered, and areas for further work.

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

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

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

The project is now complete. In the interest of brevity, the executive summary of its achievements is attached to this report (Appendix II). The full reports are in the process of preparation and publication, and are available to interested parties in the CIM Secretariat.

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

The following section contains a progress report on this CIM initiative.

## **2.2 Subregional meetings**

### **2.2.1 Meeting of experts of the MERCOSUR subregion, Bolivia, and Chile**

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

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

The government representatives gave summary presentations on programs developed and progress made in their countries in the area of violence against women, particularly in connection with the implementation of the Convention of Belém do Pará. Similarly, representatives of nongovernmental organizations discussed successful programs and the main obstacles to be overcome to move forward in this area in their respective countries.

Owing to these productive contributions, consensus was reached concerning the remaining obstacles to moving forward with implementation of the Convention. These having been identified, an exchange of views took place for purposes of reaching consensus regarding areas that would be priorities at regional level for the next biennium. The obstacles identified and recommendations made are attached to this report (Appendix III).

### **2.2.2 Meeting of experts of the Andean subregion**

Through its Principal Delegate to the CIM, Ecuador has offered to host the meeting of experts on violence of the Andean subregion. The proposed date for this meeting is June 21 and 22, 2001.

### **2.2.3 Meeting of experts of the Central America, Mexico, and Dominican Republic subregion**

The Principal Delegate of Panama to the CIM has expressed her country's interest in hosting the meeting of experts of the Central America, Mexico, and Dominican Republic subregion.

### **2.2.4 Meeting of experts of the Caribbean subregion**

No offer to host this subregional meeting has yet been received.

### **2.2.5 Follow-up of subregional meetings**

The Violence in the Americas project carried out by the CIM has shown that one of the greatest problems arising in this area is the lack of sustainability of efforts made to prevent, punish, and eradicate violence against women. Thus for these initiatives to have continuity and to implement measures designed to eliminate the obstacles identified in the subregional meetings, the CIM proposes, with the collaboration of the Principal Delegates of the countries hosting these subregional meetings, to establish *pro tempore* secretariats responsible for the follow-up thereof.

Obstacles to the sustainability of the events, such as lack of human and financial resources, are thereby also eliminated.

**Appendix I**

**INTER-AMERICAN CONVENTION ON THE PREVENTION, PUNISHMENT, AND  
ERADICATION OF VIOLENCE AGAINST WOMEN,  
“CONVENTION OF BELÉM DO PARÁ”**

**PLACE AND DATE  
OF ADOPTION**                      Belém do Pará, Brazil  
June 9, 1994

**ENTRY INTO FORCE**                      The Convention entered into force on March 5, 1995, 30 days after  
the date of deposit of the second instrument of ratification.

**STATUS OF SIGNATURE AND RATIFICATION OR ACCESSION**

<b>STATES</b>	<b>Signatures</b>	<b>Deposits of Instruments of Ratification or Accession</b>
	(25)	(30)
Antigua and Barbuda		*
Argentina	*	*
The Bahamas, Commonwealth of	*	*
Barbados	*	*
Belize	*	*
Bolivia	*	*
Brazil	*	*
Chile	*	*
Colombia		*
Costa Rica	*	*
Dominica, Commonwealth of		*
Dominican Republic	*	*
Ecuador	*	*
El Salvador	*	*
Grenada		*
Guatemala	*	*
Guyana	*	*
Haiti		*
Honduras	*	*
Mexico	*	*
Nicaragua	*	*
Panama	*	*
Paraguay	*	*

Peru	*	*
Saint Lucia	*	*
Saint Vincent and the Grenadines	*	*
Saint Kitts and Nevis	*	*
Trinidad and Tobago	*	*
Uruguay	*	*
Venezuela	*	*

**Violence in the Americas - A Regional Analysis  
Including a Review of the Implementation of the Inter-American Convention  
on the Prevention, Punishment and Eradication of Violence Against Women**

**EXECUTIVE SUMMARY**

**A joint project of the Inter-American Commission of Women (CIM), the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR), and the Women, Justice & Gender Program of the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD).**

The Inter-American Convention on the Prevention, Sanction and Elimination of Violence against Women was drafted by the Inter-American Commission of Women (CIM). After a consultation process carried out by CIM with the governments of the region, the Convention was adopted in June 1994, at the twenty-fourth regular session of the General Assembly of the OAS, held in Belém do Pará, Brazil. It was immediately ratified by the governments of the member states and entered into force on March 5, 1995.

The coming into force of the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará)* marked an important moment in the continued efforts to affirm and protect women's human rights and denounce violence against women as a human rights violation. Many initiatives to prevent, punish, and eradicate violence against women have preceded the adoption of the *Convention*. The *Convention*, however, was unique in clearly delineating the State's obligations to protect women's right to a life without violence.

The *Beijing Declaration and Platform for Action* adopted in 1995 also contained a clear call to action and as well as the elements of a strategy to abolish violence against women. In countries where the ratification of the *Convention* and the adoption of the *Platform for Action* were taken seriously, these two events marked the beginning of a crucial but difficult process of change. As the year 2000 was approaching, it became clear that change could not simply be assumed to take place and that the time had come to examine what was being accomplished and how successful the adopted strategies were proving to be in eradicating violence against women.

For its part, the United Nations General Assembly launched and completed a review of the progress achieved in pursuing the objectives and implementing the strategies contained in the *Beijing Declaration and Platform for Action*. As a result, the General Assembly, at its twenty-third special session entitled *Women 2000: gender, equality, development and peace for the twenty-first century*, last June, identified further actions and initiatives that must be taken to implement the Declaration and Platform for Action.

In February 2000, in preparation for the special session of the UN General Assembly, the eighth session of the regional conference of women in Latin America and the Caribbean, held in Lima, Peru, adopted the *Lima Consensus*. The Consensus reiterated the need to take more decisive and sustained action to prevent all forms of violence against women. It recognized that, “in spite of the apparent and real advances made by women and girls in Latin America and the Caribbean, the fundamental structure of gender relations remains disadvantageous to the majority of girls and women”. The member states represented at that regional meeting undertook, among other things, to promote the effective implementation of the *Belém do Pará Convention* and to “guarantee the protection of women’s human rights, including sexual and reproductive rights, and address violations of these rights with particular attention to all forms of gender-based violence and its root causes, including the reproduction of a culture of violence”.

At the same time as the “Beijing +5” review process was taking place, a distinct process was being envisaged in relation to the implementation of the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*. The Inter-American Commission of Women (CIM) of the Organization of American States sought and received the financial assistance of the USAID to review national programs to prevent, punish and eradicate violence against women in the Americas. To conduct the review, the Commission enlisted the collaboration of the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR, in Vancouver, Canada) and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD, in San José, Costa Rica). The two international institutes are members of the United Nations Crime Prevention and Criminal Justice Programme’s Network of Institutes and have been involved extensively in this particular area of research.

The review conducted by the three organizations began in December 1999 and is nearing completion. Its main objectives are to:

- ❑ review the nature and relative efficiency of the various policies and legislative reforms and programs adopted in countries of the region to prevent, punish and eradicate violence against women;
- ❑ identify some of the specific programs and measures adopted by each country and review what is known of their impact;
- ❑ identify the difficulties involved and the obstacles encountered in implementing the various measures and policies called for by the Convention;
- ❑ assess if possible the relative impact of the measures and programs adopted in countries of the region on the various factors contributing to violence against women.

The review aims to offer a greater understanding of the progress accomplished to date in implementing the *Convention*, the obstacles encountered, and the work that remains to be done. The analysis therefore focuses on: (1) the nature and perceived efficiency of implementation mechanisms and programs adopted by various countries of the Americas; (2) the specific measures adopted in these countries and their perceived or known impact; and (3) the difficulties and obstacles encountered in implementing these measures.

Article 7 of the *Convention* articulates the obligations of States Parties with respect to their role in the protection of women's rights to a life without violence. Specific obligations are listed flowing from the States Parties' formal undertakings to refrain from committing acts of violence against women, demonstrate due diligence in preventing, investigating and punishing violence against women, to reform existing laws, policies and administrative practices contributing to violence against women, and to ensure that women victims have access to restitution, reparations or other forms of just and effective remedies. The *Convention* also specifies, in its Article 8, that a number of other programs and measures must be adopted to promote public education and awareness, to mobilize communities in the fight against violence against women and to offer specialized services and assistance to women victims.

The review described here focuses on the implementation of the measures and dispositions described in Articles 7 and 8 of the *Convention*. It also considers the efforts that are being deployed to take special account, as required by Article 9 of the *Convention*, of the vulnerability of women to violence by reason of, among others, their age, race, ethnic background, status as immigrants, socio-economic position, or disabilities.

The concept of "due diligence" is the criterion against which States Parties have agreed that their efforts to prevent, investigate and impose penalties for violence against women should be judged (Article 7 (b)). To implement the criterion of "due diligence" for the purpose of the review, the researchers looked for other agreed upon statements on the nature of the measures to be taken by "diligent" member states to prevent and eradicate violence against women. The *Beijing Platform for Action* provided some guidance. However, the most directly useful statement about the specific measures to be taken or at least considered as part of the States Parties' duty of "due diligence" was found in a resolution of United Nations General Assembly (UN G.A. res. 52/86, 12 December 1997). The resolution contains an annex entitled *Model Strategies and Practical Measures on the Elimination of Violence against Women in the Fields of Crime Prevention and Criminal Justice*.

These *Model Strategies* flow from the *Beijing Platform for Action*. Their main focus is to ensure that justice systems and prevention efforts provide a "fair treatment" response to all incidents of violence against women. They aim to provide *de facto* as well as *de jure* equality between women and men. They are relevant to all aspects of the justice system, from community-based prevention efforts, to law enforcement, courts, sentencing, and corrections. They are also relevant to several other strategic objectives relating to the education, public awareness and the mobilization of communities and the media to fully participate in efforts to eradicate violence against women.

The present review was facilitated by the development and use of a grid relating each one of the undertakings of States Parties to the *Convention*, as specified in its Articles 7, 8 and 9, to the specific measures described in the *Model Strategies*.

### **Basis of the Review**

Firstly, the review is based, in part, on an analysis of the replies received from member states to a questionnaire sent to them by the Commission in April of this year. The questionnaire is appended to this report. Member states were asked to respond to the questionnaire by the beginning of June. Some member states found it difficult to reply to the questionnaire within the period of time suggested. Some of them were in the process of completing their response to the United Nations



questionnaire on the implementation of the *Beijing Platform for Action* or were otherwise busy preparing for the special session of the United Nations General Assembly on *Women 2000: gender, equality, development and peace for the twenty-first century*.

In total, 16 member states replied to the CIM's request for information. They were: Argentina, Belize, Bolivia, Canada, Chile, Ecuador, El Salvador, Guatemala, Guyana, Jamaica, Mexico, Paraguay, Peru, St Lucia, St Vincent and the Grenadines, and Suriname. In the case of Uruguay, a respondent from the *Comisión Nacional de Mujeres Uruguayas de Seguimiento de los Compromisos de Beijing* referred the researchers to the information contained in a detailed study recently conducted in that country by Graciela Dufau. That information was supplemented by an examination of some of the available literature on existing programs in the United States of America.

Secondly, the review is also based on field studies conducted in selected countries of the Americas using consultations and interviews with representatives from national agencies, government and non-governmental organizations, as well as from academia. The time frame within which the present review was conducted as well as the limited resources at its disposal precluded the conduct of field studies in every country of the region.

The following is a list of the field studies conducted as part of the present project:

*Programas Nacionales para Prevenir, Sancionar y Erradicar la Violencia Contra la Mujer en Brasil* (by Leila Linhares Barsted and Jacqueline Hermann)

*Programas Nacionales para Prevenir, Sancionar y Erradicar la Violencia Contra la Mujer en Chile* (by Lorena Fries and Paula Salvo).

*Programas Nacionales para Prevenir, Sancionar y Erradicar la Violencia Contra la Mujer en Costa Rica* (by Ivannia Monge).

*Programas Nacionales para Prevenir, Sancionar y Erradicar la Violencia Contra la Mujer en Ecuador* (by Rocío Salgado).

*Programas Nacionales para Prevenir, Sancionar y Erradicar la Violencia Contra la Mujer en El Salvador* (by Yolanda Guirola).

*Programas Nacionales para Prevenir, Sancionar y Erradicar la Violencia Contra la Mujer en Guatemala* (by Carmen Lopez de Caceres and Lucrecia Lopez Lopez).

*Programas Nacionales para Prevenir, Sancionar y Erradicar la Violencia Contra la Mujer en Honduras* (by Lolis María Salas Montes).

*Programas Nacionales para Prevenir, Sancionar y Erradicar la Violencia Contra la Mujer en México* (by Teresa Ulloa Zúñiga, Mónica del Val Locht, and Jorge González Santana).

*Programas Nacionales para Prevenir, Sancionar y Erradicar la Violencia Contra la Mujer en Panamá* (by Rosina M. Pérez Bermudez).

*Programas Nacionales para Prevenir, Sancionar y Erradicar la Violencia Contra la Mujer en Paraguay* (by: Line Bareiro, María Molinas, and Marilut Lluís O'Hara).

*Programas Nacionales para Prevenir, Sancionar y Erradicar la Violencia Contra la Mujer en Perú* (by Marcela Huaita).

*National Programs to Prevent, Punish and Eradicate Violence Against Women in Canada* (by Eileen Skinnider, Vivienne Chin and Yvon Dandurand).

*National Programs to Prevent, Punish and Eradicate Violence Against Women in nine Caribbean Countries: Antigua & Barbuda, the Bahamas, Barbados, Grenada, Jamaica, St Kitts & Nevis, St Lucia, St Vincent & the Grenadines, and Trinidad & Tobago* (by Vivienne Chin and Yvon Dandurand).

The reports mentioned above may be obtained from the CIM in the language in which they were originally produced.

The information collection phase of this project was completed in August 2000. Since then two sub-regional analyses have been completed, one for Mexico and Central America and one for South America. The latter is being reviewed by a Group of Experts in Montevideo. A final report on the review with a synthesis of the information collected will be available in January 2001.

The table reproduced below shows which countries were covered during the present project and through what means. Some countries replied to the questionnaire but were not the object of a field study. Others were included in a study, but did not reply to the questionnaire. The amount, the level of detail and the quality of the information that was gathered by resorting to the two concurrent processes varied from country to country. Nevertheless, an effort was made to preserve the richness of some of the information collected by producing a number of country-specific and sub-regional reports. As for the final report on the overall review, it focuses, as might be expected, on general trends and on the main lessons learned so far in attempting to implement the *Convention*.

**Countries Covered by the Review**

<b>Country</b>	<b>Convention signed</b>	<b>Convention ratification</b>	<b>Field study</b>	<b>Replied to questionnaire</b>
ANTIGUA & BARBUDA		19 Nov 1998	√	
ARGENTINA	10 June 1994	5 July 1996		√
BAHAMAS	16 May 1995	16 May 1995	√	
BARBADOS	16 May 1995	16 May 1995	√	
BELIZE	15 Nov 1996	15 Nov 1996		√
BOLIVIA	14 Sept 1994	5 Dec 1994		√
BRAZIL	9 June 1994	27 Nov 1995	√	
CANADA			√	√
COLOMBIA		15 Nov 1996		
COSTA RICA	9 June 1994	12 July 1995	√	
CHILE	17 Oct 1994	15 Nov 1996	√	√
DOMINICA		6 June 1995		
ECUADOR	10 Jan 1995	15 Sept 1995	√	√
EL SALVADOR	14 Aug 1995	26 January 1996	√	√
GRENADA			√	
GUATEMALA	24 June 1994	4 April 1995	√	√
GUYANA	10 Jan 1995	28 Feb 1996		√
HAITI		2 June 1997		
HONDURAS	10 June 1994	12 July 1995	√	
JAMAICA			√	√
MEXICO	4 June 1995	12 Nov 1995	√	√
NICARAGUA	9 June 1994	12 Dec 1995		
PANAMA	5 Oct 1994	12 July 1995		
PARAGUAY	17 Oct 1995	18 Oct 1995	√	√
PERU	12 July 1995	4 June 1996	√	√
REP. DOMINICANA	9 June 1994	7 March 1996		
ST. KITTS AND NEVIS	9 June 1994	12 June 1995	√	
ST. LUCIA	11 Nov 1994	4 April 1995	√	√
ST. VINCENT AND THE GRENADINES	5 Mar 1996	31 May 1996	√	√
SURINAME				√
TRINIDAD & TOBAGO	3 Nov 1995	8 May 1996	√	
USA				
URUGUAY	30 June 1994	2 April 1996	*	
VENEZUELA	9 June 1994	3 Feb 1995		
<b>TOTAL</b>	<b>25</b>	<b>29</b>	<b>21</b>	<b>16</b>

(\*) See study conducted Graciela Dufau.

It was always understood that the review would only be as complete as would be permitted by the information already available in each country. Collection of new data from primary sources could not be contemplated as part of the present project. However, it soon became apparent that a significant obstacle not only to the conduct of the present study, but also to the implementation of the *Convention* itself, was and continues to be the lack of reliable and systematically collected information on both the prevalence of violence against women and the nature and impact of current social and institutional responses to the problem.

The present review may fill some of these information gaps. It will hopefully help member states as well as relevant organizations, community leaders and concerned individuals to learn from the experience accumulated over the last several years in attempting to eradicate violence against women in the Americas. Ultimately, all of them should feel prompted to renew their commitment to achieve the objective pursued by the *Convention*, the eradication of violence against women.

The following attempts to briefly summarize the most important findings of the review.

### **Eradication of Violence Against Women**

Significant progress has clearly been achieved throughout the region in terms of promoting an understanding of violence against women as a violation of human rights. The existence of the Convention in itself as well as its dissemination within the region has contributed to this renewed awareness. There is a better acceptance of the fact that violence against women and girls, whether occurring in public or in private, is a human rights violation. The idea nevertheless continues to meet strong resistance, much of it expressed only covertly or disguised as a form cynical pragmatism.

The ultimate objective, the eradication of violence against women, was sometimes forgotten. In general, it has been widely recognized that some of the most crucial changes required to achieve this objective, including significant changes in attitudes, beliefs and traditions, would take a long time to take effect. This is perhaps why, once some institutional processes had been put in place, there emerged a tendency to learn to “cope” with the problem and perhaps even to “tolerate” it, as opposed to any renewed determination to eliminate it altogether.

The drive which once existed to bring about meaningful change appears to have been somewhat eroded. Whether this is because, as some respondents suggested, women have lowered their expectations of government institutions, or because they have relaxed their vigilance, it seems that in some countries the pressure that was once exerted on governments to live up to their human rights commitments and in particular to their commitment to protect the rights of women to a life without violence has been relaxed and in many cases replaced by process.

The issue of accountability is an important one at all levels. The obligations of the State and its various institutions to prevent, punish or otherwise respond to violence against women have been clearly defined by international law in general, by the *Convention*, and often also by national laws. Whether and how these obligations are effectively fulfilled is an entirely different matter. National or local mechanisms to monitor the actions of these institutions and evaluate their progress and success in eradicating violence against women rarely exist. When they exist, they rarely have the authority or the resources to accomplish their task effectively.

In many countries, the ratification of the *Convention* represented a high point in the efforts of women of that country to compel the State to recognize its responsibilities with respect to the right of women to a life without violence. In some cases, the effort required to bring about that level of official recognition seemed to have exhausted the energy of the groups involved. In other cases, it provided a fresh impetus for concrete action.

The above observations point to the need to invent new ways to sustain and enhance the efforts that have been made so far, to consolidate the gains that were achieved, and to hold accountable those who have been entrusted with the responsibility of implementing the required institutional mechanisms accountable.

Ways to develop or renew societal commitment to the goal of eradicating violence against women must be explored. In that regard, many respondents have also expressed a concern that a new generation of young women was perhaps less actively committed to the objective of eliminating violence against women or too quick to assume that the problem has already been addressed.

The question is whether women and girls are less vulnerable, less exposed to incidents of gender-based violence than they were before. Are they less often victimized? Is their ability to live a life free of violence significantly enhanced as a result of measures that have been taken since the adoption of the *Convention*? The unfortunate reality, however, is that sound information does not exist in most countries which would allow us to measure the change. All that can be said, on the basis of the little information that exists, is that it is very unlikely that significant progress has in fact been achieved in the last five years in terms of the amount of victimization that has taken place or the number of women who have been affected.

If the institutional, attitudinal and programmatic changes that were contemplated by the *Convention* have indeed been implemented, they have, in most countries, yet to yield concrete results in terms of reducing violence against women.

Many countries have taken formal actions, including declarations, legislation and constitutional amendments, to symbolically reaffirm the right of women to a life without violence. Effective action against violence against women has been formally identified as a priority by most countries of the Americas. However, the depth of the actual commitments that lays behind these formal declarations is not always easily ascertainable and is certainly subject to fluctuation as governments and their priorities change. In some cases, that commitment has been translated into action, but in several others it has not. In many countries, the task of promoting and implementing the necessary reforms has been largely left to non-governmental agencies which often have not had the needed resources. Several countries have been either unable or unwilling to devote the necessary human and financial resources to the cause.

In terms of the immediate impact of the ratification of the *Convention* by various member states, it became clear during the review that some countries of the region have treated the ratification of the *Convention* as a “destination” and not as a “point of departure”. In several cases, no sustained or concerted attempt has been made to actually implement the *Convention* after its ratification.

National initiatives against gender-based violence have tended to focus on policy and law reform, frequently without sufficient means devoted to the implementation of these reforms. Too many initiatives seem to have been content to offer formal legal protection to women without providing them with the genuine means to access that protection. Finally, in the majority of countries reviewed, the *Convention* itself was poorly communicated to the population and remained rather unknown by those who would normally be expected to participate fully in its implementation.

### **Main obstacles**

The implementation of the programs and measures called for by the *Convention* has met with considerable difficulties throughout the region. It is probably fair to say that the full implementation of the *Convention* has not yet been achieved in any one of the countries reviewed. Each country has had to face specific difficulties relating to its own politics and circumstances, its economy and level of development, its legal system and traditions, the size and diversity of its population, and its geography. There is however an emerging pattern of obstacles which have clearly diminished the efforts of many States Parties to live up to their commitments under the *Convention*.

Some of the obstacles that have been encountered and are detailed in the review include:

#### **□ Political conditions**

Some amount of political instability has weakened the efforts of States Parties to proceed with the reforms they had undertaken to achieve. Political leadership has sometimes been missing or has not been consistently offered. Several proposed reforms have died a “natural death” for lack of effective political leadership and political will to pursue them.

#### **□ Economic conditions**

Economic disparities among and within countries, economic instability, and underdevelopment have all had a heavy impact on the lives of women. They also affect the ability of the States to provide social protection and social security as well as funding for essential services and for programs to prevent and punish violence against women or provide assistance to victims of violence. Natural disasters and social unrest have also sometimes compounded the problem.

Economic inequalities reinforce women’s subordinate position in society and render them vulnerable to many forms of violence. Poverty among women and their economic dependence on men is a problem which largely remains to be addressed. Without effective solutions to these inequalities large segments of the female population will never be able to translate their human rights, including their right to a life without violence, into reality. Even in cases where the law and the justice system afford women some level of protection against violence, their economic dependency often prevents them from seeking that protection. Current programs seem to have underestimated that difficulty.

□ **Lack of financial and technical resources**

Financial resources are often not available to effectively implement the programs that have been mandated by legislation or official policies. Programs which exist only “on paper” and are only the shadow of what they were initially meant to be are encountered surprisingly often in the region. Sometimes it is only by the sheer determination of a small group of volunteers that essential assistance programs continue to be offered long after they would normally have disappeared due to lack of funding. In the majority of countries of the region, the need for services and programs is totally out of proportion to the amount of services offered.

Resources are sometimes also diverted to the pursuit of other priorities (including other social issues and the prevention of other forms of crime). Several states facing severe financial constraints have prioritized other issues, and this often in response to public pressure.

This lack of financial and technical resources continues to be felt more severely outside of the main urban centres. In most rural and remote communities, efforts to address the problem of violence against women continue to be hampered by the absence of economic opportunities for women as well as the lack of adequate health care, education, public transportation, and law enforcement resources.

It is also usually the case that a country’s new programs and initiatives to address the problem of violence against women are not consistently applied throughout the territory. The urban /rural divide is still a significant obstacle. There remains a great need for further outreach efforts to be expanded outside the urban centres.

□ **Socio-cultural factors and attitudes which condone discrimination and violence against women.**

The presence of competing values and beliefs about women and their place in the family and in society continues to play against the unequivocal affirmation of women’s rights and in particular their right to a life without violence. Attitudes, beliefs, and sexist stereotypes persist and continue to be widely held by both men and women. They impede efforts to translate women’s rights into a reality for women. Attitudes and norms which are still prevalent in many parts of the region often devalue women’s work, discourage their participation in political life or the assertion of their legal rights through the legal and political process, discourage and sometimes deny the participation of fathers in family life, child care and the equal sharing of family responsibilities. In some countries, prevailing norms and attitudes tolerate or encourage polygamous arrangements (multiple families, concubines, etc), make it nearly impossible for women to leave an abusive relationship, or severely limit a woman’s reproductive choices. Such attitudes and beliefs provide a basis for traditional practices, social norms, and institutional forms of discrimination that are prejudicial to women and often openly encourage or provide justification for gender-based violence. The same attitudes are also responsible for the frequent stigmatization and isolation of women who assert their rights to life without violence.

□ **Presence of a culture of violence**

All countries of the region are affected by the pervasive effects of a prevalent culture of violence which trivializes all forms of violence and presents them as inevitable. In the process gender-based violence is also trivialized.

□ **New perils**

New problems are arising from the use of information and communication technologies. They facilitate certain types of violence against women such as child pornography, sex tourism or trafficking in women and children for the purposes of all forms of economic and sexual exploitation. They also make the prosecution of such crimes more difficult.

□ **Poor planning**

In far too many jurisdictions, efforts to combat violence against women are fragmented and poorly coordinated. The focus of these plans is too often on attempting to alleviate the symptoms and consequences of violence against women. They do not specifically address the root causes of gender-based violence. Cooperation between sectors of intervention is rarely efficient and there often is, particularly where financial resources are insufficient, a counterproductive level of competition between service providers and other agencies active in the fight against violence against women.

Comprehensive national or local plans of action, based on an assessment of the situation, with clearly specified targets can go a long way to reduce these obstacles. Such plans rarely exist and, when they do, they too often have been developed without proper input from the main groups and agencies ultimately responsible for their implementation.

There are examples of comprehensive plans of action which have provided clear impetus for action and helped various sectors coordinate their efforts. In these cases, the next challenge is often to ensure that the progress in implementing the plan is effectively monitored and that all necessary actors remain sufficiently mobilized.

In some large countries, difficulties are often experienced in securing the full cooperation of all levels of government. Establishing the required coordination and necessary strong partnerships among all levels of government is often very difficult.

The mobilizing of young people (young women in particular) appears to create a new challenge for many organizations. Many young people act as if gender inequalities and gender-based violence were issues of the past.

□ **Absence of effective monitoring mechanisms**

It seems that progress is too often simply assumed to have taken place. The lack of monitoring mechanisms and accountability measures to ensure the effective implementation of national policies is a major issue in most countries. This is particularly important in the case of policies or measures that are not well received or even resisted by some or parts of the institutions



concerned. This is also crucial in the case of some policies which may be confronted by the prevailing sub-culture in a particular agency or institution.

□ **Absence of data**

The absence of data is being felt and deplored in most countries of the region. In particular, victimization surveys and standardized data on the experience of women who personally face incidents of violence are lacking. The planning and monitoring of social and institutional change and the evaluation of its impact is not possible without such information.

□ **Lack of understanding of violence against women and its causes.**

Although a significant amount of new research has been conducted in the region, most of it was conducted in about half a dozen countries. The research and evaluation needs of most other countries with respect to the problem of violence against women remain largely unattended. In particular, research on the effectiveness of various legislative initiatives, procedural reforms and institutional programs continues to be sparse. Research on the links between gender-based violence and various cultural beliefs and attitudes must be expanded, as must be research on effective means to promote change in these cultural patterns.

**Mechanisms set in place for the implementation of the Convention**

Most countries of the region have given themselves a mechanism (national machinery) for the advancement of women. In some cases the mechanism is part of the government itself, while in others the responsibility has been given to a non-governmental organization. In most instances, these mechanisms have played a crucial role in the implementation of the *Convention* and in promoting various measures to prevent and eradicate violence against women. In several countries the national machinery for the advancement of women has been transformed progressively into a mechanism to promote gender equality and to respond to gender issues. In some cases, this and other structural changes have been perceived as disruptive. In many other cases, these and other recent changes have served to strengthen existing mechanisms, integrate them better into the overall governance mechanisms, and render them more effective.

The review reveals that not all mechanisms have enjoyed the same success. The resources at the disposal of these mechanisms, the quality of the leadership on which they have relied, the strength of their links with various government institutions, the breadth of the support from the community, their ability to effectively mobilize people and resources have all played a role in determining the impact they have had on the attitudes, laws, policies and practices which exist in their country. What has also made a difference, it seems, is whether or not they were able to formulate and rally wide support around a comprehensive plan of action dealing specifically with violence against women. The practice of creating focal points within government agencies and departments has apparently been particularly successful in promoting change, instituting viable partnerships and mobilizing different sectors to contribute to the national effort. Finally, at the sub-regional level, some linkages have been established between these national mechanisms to facilitate the exchange of information and resources.

Better and more effective use of new electronic communication means must be made to foster cooperation between countries and organizations on a regional or sub-regional basis. Obviously, much more remains to be done to realize the full potential of electronic communication and other mass media for mobilizing communities.

### **Promoting an awareness of the problem and a respect of the right of women to be free from violence**

The persistence of traditional and stereotypical roles, often reinforced by institutional structures and by the media, continues to impede progress. In particular, efforts to reduce negative gender stereotyping of women and men should be encouraged. A public debate on the new roles of men and women must be promoted, as encouraged by the *Beijing Platform for Action*. Evolving stereotypes about the relationship between men and women must receive special attention.

Other observations flowing from the review include:

- ❑ An increased formal recognition of gender equality, at least superficially, has opened the doors to new and perhaps more effective ways to address the problem of violence against women.
- ❑ A progressive shift is being noticed in existing programs from an exclusive focus on women to a gender approach that focuses on both men and women and the relationship between them.
- ❑ Zero-tolerance media campaigns on violence against women have sometimes been instituted. Focus has been on creating a community consensus that violence against women is unacceptable. Not all campaigns have had the same impact. Few of them have been evaluated.
- ❑ This is an area where cooperation between jurisdictions and a pooling of existing resources may be particularly helpful.
- ❑ Programs of this nature should focus on finding better means to reach the young population more consistently.
- ❑ It is critical to pay greater attention to men and boys within the existing awareness raising programs and campaigns. Men must become part of the process of change, as well as active participants and promoters of that process.
- ❑ There is an issue for some around whether the increased attention to men may result in diverting scarce resources away from the task of assisting women and meeting their needs.
- ❑ Programs often do not seem to penetrate communities outside of the urban centres. The messages are not always designed in ways that are meaningful to the situation of many women in rural or remote areas.
- ❑ With very few exceptions, existing programs do not address the issues from the perspective of minority groups or minority cultures. Insufficient resources are being devoted to promote an awareness of the special difficulties encountered by several groups of women who are especially vulnerable to violence.

### **Community mobilization: raising public awareness of the problem of violence against women**

In every country reviewed, there have been numerous efforts to raise public awareness of the issue and to mobilize various elements of the community to work together to find solutions. These efforts have been difficult to sustain. Most of these measures have had a strong focus on physical security of women and freedom from fear of violence. Most efforts have failed to help the population make the links between these issues and other issues of human security which occupy a prominent place among the concerns of the population. Other observations derived from the review include:

- ❑ It is easy to note that improvements in the public understanding of gender equality, of the rights of women and the issue of gender-based violence are not necessarily translated into gender equality or freedom from violence.
- ❑ Several programs are now emphasizing the education and participation of both women and men in efforts to eliminate sexual assault and domestic violence. There will be little progress without changes to the attitudes, beliefs and behaviour of men.
- ❑ In the case of some deep-rooted beliefs and attitudes, it may take several generations for the full impact of some of the existing programs to be felt. In all cases, it will take time. Nevertheless, the efforts must be sustained.
- ❑ Efforts to mobilize communities must go beyond denouncing the intolerable nature of violence against women and propose some concrete forms of action. A greater emphasis must be placed on mobilizing the younger elements of the population in the fight against gender-based violence.
- ❑ Countries of the region have also achieved some noticeable progress with respect to promoting a better understanding among the population and within the health care community of the impact of violence against women on their health, in particular their sexual and reproductive health. This has in turn helped clarify the responsibility of health care providers in the prevention of violence against women and the need to increase the availability of adequate health care services to victims of violence who cannot access existing services.
- ❑ There should be continued efforts to help the population and its leaders better understand the links between violence against women and development.
- ❑ Some member states are beginning to design campaigns to increase public awareness of the seriousness of the problem of sex tourism.

### **Encouraging communication media to contribute to the eradication of violence against women**

Enlisting the help and contribution of the media is crucial to the success of efforts to transform deep-seated cultural perceptions and attitudes. Gender stereotyped images continue to proliferate in the media. In comparison to the resources devoted, directly or indirectly, to the perpetuation of such stereotypes, the resources devoted by the communication media to contribute to the eradication of violence against women are pitiful. Significant financial investments are required. Few countries have decided to invest in this way. In most of Latin American and Caribbean countries, there is no special program to involve the media, nor is there a systematic policy on behalf of government to encourage the media to contribute to the objectives pursued by the *Convention*. Many of the countries of Latin America and the Caribbean participated in the UN Inter-Agency Campaign, an advocacy and public awareness campaign against gender violence.

### **Eliminating legal and customary practices which tolerate or contribute to violence against women**

Member states have agreed to take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence and tolerance of violence against women. This is an area where there has been, in most countries, an impressive amount of activity. The reviews of laws, codes and procedures can be institutionalized by establishing structures or mechanisms within legislative or administrative bodies. In countries that have national machinery on women's issues or gender equality, it is often that centre of responsibility which is entrusted with the responsibility of reviewing the laws and promoting reforms from a gender equality perspective.

- ❑ Practical steps are still needed in most countries to maintain an ongoing review of the laws as well as law enforcement and judicial practices.
- ❑ The implementation of law reform initiatives is often very weak, with the consequence that harmful practices continue to exist long after the formal reforms have been effected.
- ❑ Accountability mechanisms for the justice system and in particular for criminal justice professionals must be developed.
- ❑ In spite of multiple reforms, the problem of officially sanctioned acts of violence against women as well as acts of violence perpetrated by agents of the State persists in every part of the region without exception.

### **Legislation and administrative measures to prevent, punish and eradicate violence against women**

Efforts have been made throughout the region to ensure that all forms of violence against women are condemned and criminalized. Nevertheless, much more remains to be done. Among the many issues identified in the review are:

- ❑ Many countries have established family courts to deal with domestic violence. The effectiveness of this approach has not been properly assessed. These courts sometimes also have the authority to deal with litigation so as to reduce the pressure on the women plaintiffs.
- ❑ Marital rape and violent sexual assaults within the home are not systematically and consistently criminalized throughout the region.
- ❑ In many instances, sexual assault is still treated as a crime against morality as opposed to a crime of aggression violating the personal integrity of the victim.
- ❑ Gender specific definitions of rape are still common in legal systems of the region.
- ❑ The crime of rape, in some countries, is still defined in relation to the reputation of the victim.
- ❑ In practice the defence of "honour" in cases of rape is still accepted in some countries.
- ❑ In many countries, sexual harassment and stalking are still not recognized as serious crimes.
- ❑ Most member states have introduced or amended the criminal law and introduced legislation recognizing domestic violence as a serious crime.
- ❑ At least two member states have introduced laws to address some traditional practices harmful to women and girls (including female genital mutilation and sexual servitude).

- ❑ Some member states are beginning to recognize gender-based persecution as a basis for obtaining refugee status.
- ❑ Many countries have amended their laws to provide for increased penalties for rape and sexual assaults. The actual sentencing patterns following these legislative changes have been rarely monitored.
- ❑ Many states have introduced new or improved legislation concerning the sexual exploitation of children.
- ❑ At least one member state has adopted legislation allowing the prosecution of acts of sexual abuse committed abroad.
- ❑ Evidentiary and procedural reforms have been adopted aimed at encouraging victims of violence against women to come forward.
- ❑ The progress made in several countries is impeded by the fact that the existing justice system is very poorly resourced, complex, ineffective, already over-burdened. These systems often have very little credibility in the eyes of the population and are often perceived as corrupt. In that context, the ability of these systems to respond to the problem of violence against women is, as best, very limited.
- ❑ Victims of forced prostitution are rarely protected effectively by the law.
- ❑ Many states do not yet have legislation addressing the problem of pornography.

### **Measures to encourage victims to report and seek protection**

Women victims of violence continue to be very often stigmatized. Some effective measures have been developed in several countries of the region. However, in most countries the actual protection offered to victims of violence against women is very limited. Crisis intervention lines are frequently available. Safe shelters are also usually identified as one of the first priorities in developing services for victims. Police has established women's desks at police stations to encourage victims to more readily report incidents of sexual assaults and domestic violence.

There is an increased willingness of women victims of violence to report these incidents and seek the protection of the justice system. In many countries, most victims are still very reluctant to report the incidents of violence to the police. They also frequently withdraw their complaint after initially reporting the incident to the authorities. Insufficient efforts have been devoted to protect victims against undue pressure to withdraw their complaints. Some research suggests that victims of violence may be at greater risk than ever during the criminal justice process.

Insufficient provisions are made in most jurisdictions for the protection of victims and witnesses during the criminal justice process and while appearing in court. Measures to ensure their safety and protect their dignity and their physical and psychological well-being are often lacking. With a few notable exceptions, most countries of the region have little progress to report in terms of specific initiatives to protect child witnesses. In many jurisdictions, issues of privacy and public information have not been successfully addressed. In addition there is a lack of effective measures to protect the identity and privacy of the victims. There are also some unresolved issues in many jurisdictions about the validity of sex offender registries and the value of programs to notify communities of the presence of sex offenders in their area.

### **Other important administrative measures**

The review has revealed how important administrative measures can be in implementing change and obtaining the participation of all relevant sectors in the overall effort to eliminate violence against women. Special inter-agency protocols have been developed, recruitment and training requirements for various categories of officials have been specified, prosecutorial guidelines have been developed as well as clear policies and directives to guide the work of law enforcement officials. Other important measures have included:

- ❑ Training of diplomatic and consular personnel to deal with issues relating to acts of violence against migrant workers, sexual tourism, or trafficking in women and children.
- ❑ Measures to deny access to firearms to those who have been the subject of a prohibition order in relation to a domestic violence situation.
- ❑ Measures to protect the citizenship rights and deal with immigration issues relevant to women immigrant victims of violence.
- ❑ Ombudsperson's offices exist in many countries of the region, which have the authority to deal with human rights complaints. Some of them have a special office to deal with women's human rights. Some jurisdictions have created special offices for the defence of the human rights of women or added specific mandates to existing human rights institutions. In other jurisdictions, particularly in Caribbean countries, it seemed that Ombudsperson's offices and other human rights protection mechanisms represented a force that had not been sufficiently mobilized in the fight against gender-based violence.

### **Preventing institutional violence against women**

One of the first and primary responsibilities of Member States with respect to violence against women is to refrain from engaging in any act of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with that obligation.

In most countries, effective mechanisms do not exist to hold officials accountable for the acts of violence against women in which they are engaged. The conditions of women deprived of their liberty and their vulnerability to gender-based violence at the hands of agents of the State has generally not received the attention it deserves.

The number of women in prison is apparently increasing in all countries of the region. Preventing violence against women who are detained must be recognized by all jurisdictions as a matter of urgent priority. Several methods can be used to safeguard detained women including codes of conduct for police and correctional officials, proper staff selection and training, institutional programs designed to increase positive interactions between staff and inmates, internal and independent supervising bodies, and special inquiries. In recent years, some countries have made some progress in improving the conditions of women in detention and in prison. However, looking at the region as a whole, genuine progress in that regard seems to be the exception rather than the rule.

### **Due diligence in preventing, investigating and punishing violence against women**

The review considered how different strategies are being used in different jurisdictions to ensure that existing State agencies demonstrate due diligence in preventing, investigating and punishing violence against women.

Some tangible progress had been realized throughout the region in ensuring that law enforcement officials understand that violence against women is an intolerable violation of human rights regardless of where it occurs. What the implications of this knowledge are for the day-to-day activities of law enforcement agencies is not always made very clear. Given the crucial role of law enforcement and justice officials, several countries have devoted a fair amount of resources to establish gender awareness training for these officials. Efforts have been made to promote changes in the institutional culture of the relevant agencies. However, such efforts to sensitize the police, the prosecutors and the judiciary to concerns about gender equality and violence against women may not have produced all the anticipated results. The effectiveness and focus of these programs probably need to be reconsidered. Although awareness of the issue is crucial, competence does not always necessarily flow from it. There are powerful sub-cultural values within these institutions which must be systematically and systemically addressed.

Generally speaking, existing prevention initiatives are being criticized for failing to address the root causes of violence. Some prevention initiatives focus on the education of children in schools. Some of them place much of their hopes for change in the promotion of human rights in general. Others emphasize development measures and initiatives to promote women's freedom from want and from economic exploitation. Ultimately, the prevention of violence against women can only be achieved through a holistic approach to all aspects of human and social development.

The important role of health professionals in the prevention of violence against women is increasingly receiving recognition. Some efforts have been directed at developing training programs for health professionals and at specifying their role with respect to the prevention, detection, and reporting of violence against women.

The importance of secondary prevention strategies and of developing programs to deal with perpetrators of violence against women is also increasingly being recognized. In most countries, efforts in that particular direction are still at a very tentative stage of development.

A clear focus must also be maintained on the prevention of various trans-national forms of violence against women. There is a growing recognition throughout the region of the urgent need to adopt effective measures and concerted international action to combat and eliminate all forms of trafficking in women and girls. Comprehensive anti-trafficking strategies must be developed which will include mutual legal and law enforcement assistance between countries, extended protection to victims and witnesses, legislative measures, and effective prevention and public education campaigns.

### **Providing effective access to justice and services for victims**

In every jurisdiction of the region, there remain some serious obstacles to effective access to services for victims of violence against women. Some progress has obviously been achieved in recent years in the provision of services for abused women and children, hotlines, emergency assistance,

including legal services, shelters, special health services, or counselling. However, in most countries, the amount of services available bears no relationship to the demand for these services.

- ❑ Effective rehabilitation programs for women victims of violence are usually lacking
- ❑ Prompt and effective access for victims to fair redress for the harm suffered is usually available only to victims with the financial means to pursue these remedies.
- ❑ Immigrant victims and migrant workers who are victims of violence against women usually have few recourses and little effective access to services.
- ❑ Few countries have taken decisive measures to ensure that migrant women workers have the same protection against gender-based violence. Not all countries have taken steps to ensure that the working conditions and the protection of migrant women workers are the same as that afforded women nationals.
- ❑ Several groups of women encounter special obstacles in getting access to services and assistance. Their needs are seldom identified as priorities in the official strategies of the jurisdictions.
- ❑ In most countries, women living in poverty, in rural or in remote communities, destitute women, women suffering from physical or mental disabilities, women suffering from severe alcohol or drug addiction and women in prison continue to face nearly insurmountable obstacles in trying to access the limited services available.
- ❑ Girls and women of all ages with any form of disability are generally among the more vulnerable and marginalized in society. The need to take into account and to address their concerns and situations is rarely acknowledged in the planning of most programs and services.

### **Eliminating violence against the girl-child**

All member states of the region, except one, have ratified the United Nations Convention on the Rights of the Child. All member states of the region have accepted to increase their efforts to prevent and eliminate violence against the girl child, in the form of sexual exploitation and abuse, prostitution, child pornography, trafficking and various harmful traditional practices. There are initiatives to strengthen international cooperation to detect, investigate, prosecute, and punish those responsible for acts involving the sale of children, child prostitution, child pornography, and child sex tourism. As of the 3rd of October, 2000, twelve member states of the region had already signed the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (New York, 25 May, 2000) (Belize, Brazil, Chile, Colombia, Costa Rica, Ecuador, Jamaica, Mexico, Paraguay, United States of America, Uruguay, and Venezuela).

Nevertheless, the present review indicates that much more needs to be done, including:

- ❑ Measures recognizing the vulnerability of child victims, providing adequate and specialized support services, and adapting procedures to recognize the special needs of children, including their special needs as witnesses (e.g., see the guidelines for prosecutors developed by the International Association of Prosecutors).
- ❑ Specialized programs to assist child victims in their recovery.
- ❑ Measures are required to ensure appropriate training, in particular legal and psychological training, for the persons who work with child victims of sexual exploitation



(pornography, trafficking, etc.) (See Optional Protocol). Also required is greater access to mechanisms of redress and restitution for child victims, and assistance for reintegration and full physical and psychological recovery.

- ❑ Measures are required to reach and protect street children and other children who are particularly vulnerable to acts of violence and sexual exploitation.
- ❑ Measures for the protection of children in detention.

### **International cooperation**

In a significant number of countries of the region programs to implement the *Convention*, the development of projects and new legislation to respond to the problem of violence against women has been possible through funding and assistance received from the UN Agencies, the IADB, and various national and international development agencies. Without financial and technical assistance resources from outside the country, many states would not have been able to devote any significant resources to respond to the issue.

October 31, 2000

**NATIONAL EFFORTS TO PREVENT, PUNISH AND ERADICATE  
VIOLENCE AGAINST WOMEN IN THE AMERICAS**

**QUESTIONNAIRE**

1. What are the specific mechanisms set in place in your country to implement the Convention of Belém do Pará? *(Please describe the mechanisms or provide a copy of an existing description)*
2. Has your country adopted a national action plan or a comprehensive strategy to eliminate violence against women? *(Include, if possible, a copy of relevant documents).*
3. What measures are being taken in your country to gather data/information in a gender-disaggregated manner, to measure the prevalence of violence against women, to monitor official crime statistic, or to evaluate various approaches to eliminate violence against women?
4. What data currently exist in your country on the prevalence and nature of violence against women and on the factors contributing to it? *(Please provide, if available, official statistics, victimization study reports, etc...).*
5. Please describe the programs and initiatives undertaken in your country to raise public awareness of the problem of violence against women, eliminate sexist and discriminatory practices contributing to it, and promote the right of women to a life free from violence.
6. What measures have been taken in your country to prevent, investigate and punish institutional violence against women and to ensure that authorities, officials, government personnel, agents and institutions refrain from engaging in any act or practice of violence against women?
7. What legislative or administrative measures have been taken under national law (criminal/penal, civil, administrative) to prevent and respond to violence against women? *(Please provide a copy of relevant legislation, bills, etc..)*
8. What practical measures and strategies, in the field of crime prevention and criminal justice, have been implemented in your country to eliminate violence against women (including training initiatives, and programs and policies adopted to protect women against intimidation, retaliation, threats and harassment)?
9. Please describe the kind of legal information, specialized assistance and support services, and access to prompt and fair redress that are available in your country to women victims of violence.
10. What are the measures being taken in your country to combat transnational forms of violence against women, including trafficking in women and children and forced prostitution?

11. Do programs and services exist in your country to protect and support women who are especially vulnerable to violence by reason of age, physical/mental handicap, race, ethnic background, or by their status as refugees, migrants, prisoners or displaced persons? (Please describe)
12. Have studies been conducted or is there ongoing research in your country concerning violence against women, its causes and consequences, as well as on the best means to prevent and eradicate it? (Please provide references and, if possible, a copy of available reports).

**Appendix III**

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

VIOLENCE IN THE AMERICAS  
A REGIONAL ANALYSIS,  
Including a Review of the Implementation of the  
*Inter-American Convention on the Prevention, Punishment,  
and Eradication of Violence against Women*

**I. MAIN OBSTACLES IDENTIFIED TO MEASURES TO IMPLEMENT THE  
CONVENTION OF BELÉM DO PARÁ**

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

**1. LACK OF STATISTICAL RECORDS**

Difficulty in obtaining statistical information, broken down by age and sex, on violence against women. Lack of regular statistical data enabling a comprehensive view to be developed of all authorities involved in dealing with violence against women, such as the media, and public and private authorities (the judiciary, the legislature, and the executive branch, with special emphasis on the areas of public safety, education, and health).

**2. LACK OF INDICATORS TO MEASURE IMPACT**

Inadequate systems of indicators to measure the impact of the various policies designed to prevent, punish, and eradicate violence which are needed to formulate and amend state policy, and promote its efficiency.

**3. LACK OF MEDIA SENSITIVITY TO GENDER VIOLENCE**

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

Lack of follow-up and regulatory mechanisms that prevent the dissemination of programs that contain and/or encourage sexist stereotypes and violence through their messages.

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

Inadequate interagency and intersectoral coordination among all state authorities, and lack of sustainability and continuity of cross-cutting gender policies.

Inadequate education and health programs aimed at youth.

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

5. INADEQUATE TRAINING IN DEALING WITH VIOLENCE

Prevalence of an approach to the issue that does not sufficiently relate violence against women to their integral development so that they may become fully involved in systems of participatory democracy.

Need for further training with a gender perspective for the various operators involved in the area of violence (magistrates and judiciary specialists and staff, police personnel, all levels of teaching staff, and communicators).

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

6. INSUFFICIENT AGENCIES FOR THE CARE AND COMPREHENSIVE PROTECTION OF WOMEN VICTIMS OF VIOLENCE AND OBSTACLES TO ACCESS THERETO DERIVING FROM ETHNIC AND RACIAL DIVERSITY

Difficulty encountered by women in the effective exercise of their rights owing to unawareness thereof; and the lack of specialized interdisciplinary centers and adequate legal advice at no cost.

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

Inadequate awareness training for agents involved in this area enabling effective use to be made of existing legal and social resources.

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

7. INADEQUATE ADJUSTMENT OF NATIONAL LAW TO THE PROVISIONS OF THE CONVENTION

Persistence of discriminatory concepts in all areas of law, particularly in provisions that define sexual crimes and/or govern morality, good practice, and the family, which perpetuates all types of violence.

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

8. LACK OF PROTECTION OF WOMEN AT RISK

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

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

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

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

10. INADEQUATE STATE DISSEMINATION OF WOMEN'S RIGHTS

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

11. INADEQUATE STATE BUDGETARY ALLOCATION

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

12. INADEQUATE COORDINATION WITH CIVIL SOCIETY

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

Inadequate NGO-state coordination for joint decision-making regarding joint planning and execution of policies and programs.

**II. CONSENSUS RECOMMENDATIONS ON REGIONAL PRIORITY AREAS FOR THE NEXT BIENNIUM**

1. STATISTICAL RECORDS

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

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

## 2. TRAINING OF OPERATORS

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

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

Follow-up on and evaluate activities.

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

Urge the CIM Delegates to implement this agreement.

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

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

## 4. COORDINATION BETWEEN THE STATE AND CIVIL SOCIETY

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

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

## 5. BUDGETARY ALLOCATION

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

Urge international cooperation organizations, in entering into agreements with states, to give very particular consideration to formal undertakings to earmark in budgetary items the funds necessary to ensure the sustainability and continuity of policies, programs, and activities in the area of gender violence within their budgets or other enabling financial instruments.

DRAFT RESOLUTION

SECOND BIENNIAL REPORT ON COMPLIANCE WITH  
RESOLUTION AG/RES. 1456 (XXVII-O/97),  
“PROMOTION OF THE INTER-AMERICAN CONVENTION ON THE  
PREVENTION, PUNISHMENT, AND ERADICATION OF VIOLENCE AGAINST WOMEN,  
‘CONVENTION OF BELÉM DO PARÁ’”

THE GENERAL ASSEMBLY,

RECALLING resolution AG/RES. 1456 (XXVII-O/97), “Promotion of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, ‘Convention of Belém do Pará,’” which, to ensure follow-up of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, instructed the Permanent Secretariat of the Inter-American Commission of Women (CIM) to present biennial reports to the General Assembly on progress made in the Convention's implementation and on experiences and results achieved through the initiatives and programs pursued in the member states to combat violence against women;

RECALLING ALSO resolution AG/RES. 1626 (XXIX-O/99), “First Biennial Report on Compliance with Resolution AG/RES. 1456 (XXVII-O/97), “Promotion of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, ‘Convention of Belém do Pará’”;



CONSIDERING that the number of countries that have ratified the Convention of Belém do Pará has recently risen to 30, thereby demonstrating their support for and interest in the issue of violence against women;

RECOGNIZING that although the project carried out by the CIM and the CIM report show that efforts are being made throughout the Hemisphere to attain the objectives of the Convention of Belém do Pará, and that although significant progress has been made, violence persists and is of such a magnitude that strategies must continue to be implemented to free women from that scourge; and

RECALLING that, in the Plans of Action adopted at the First and Second Summit of the Americas, a commitment was made, in addressing the subject of women, to take steps to eliminate all forms of discrimination and violence against women, as was done in the CIM Strategic Plan of Action, which assigned priority to this topic, and in the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality, adopted by this Assembly,

RESOLVES:

1. To note with satisfaction the Second Biennial Report to the General Assembly on Compliance with Resolution AG/RES. 1456 (XXVII-O/97), "Promotion of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, 'Convention of Belém do Pará.'"

2. To express its satisfaction with the progress made by the CIM and the member states in promoting the Convention and in attaining its objectives, in accordance with the priorities

established in the Plans of Action of the Summits of the Americas, the Strategic Plan of Action of the CIM, and the Inter-American Program for the Promotion of Women's Human Rights and Gender Equity and Equality.

3. To encourage the governments that have not yet done so to ratify the Convention of Belém do Pará, and to urge all member states to continue to promote measures to prevent, punish, and eradicate violence against women in the Hemisphere, especially by adjusting their legislation in pursuance of this objective.

4. To urge the CIM and the member states to continue to develop strategies to attain the objectives of this Convention, and to publish the results in the next CIM follow-up report.