

Second Hemispheric Report on the Implementation of the Belém do Pará Convention

Mechanism to Follow Up on the Implementation of the Convention
on the Prevention, Punishment and Eradication of Violence
against Women (MESECVI)



Organization of
American States





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April 2012

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

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

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| Foreword

The countries of Latin America and the Caribbean have gradually adapted their national legislation to the international and inter-American legal framework on women's rights. According to the OECD, Latin America and the Caribbean is the developing region that has made the most progress in the formal recognition of women's rights.

For the first time, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention) established women's right to live a life free of violence. This historic agreement – the first in the world to address violence against women – has laid the groundwork for the adoption of laws and policies on violence against women in the States Party to the Convention, as well as a policy and strategic framework for their implementation.

Since its entry into force – on March 5th 1995 – the Convention has inspired action and information campaigns, legal norms and procedures, models of care, sensitization and training processes with legal, health and security personnel, monitoring, evaluation and follow-up initiatives and counseling and care services for women victims. In each country of the Hemisphere we can find examples of these actions.

Notwithstanding these significant advances, violence continues to be a daily reality for the women of the region: on the streets, in schools, at work, and worse still but with greater frequency, in their own homes. Violence is routinely used to silence, oppress, subject and kill women. It affects the realization of women's rights – their health, their economic potential, the participation in politics and their contribution to society in gender – and is an obstacle to human development, democracy and peace in the countries of the region.

In 2004, the Follow-up Mechanism to the Belém do Pará Convention, known as MESECVI, was established as a system of consensus-based and independent peer evaluation to assess the progress made by States Party in their fulfillment of the objectives of the Convention. MESECVI is a systematic and permanent multi-lateral evaluation methodology, based on a forum for technical cooperation and exchange between the States Party to the Convention and a Committee of Experts, that analyzes the impact of the Convention in the region, the achievements of States Party in preventing, punishing and eradicating violence against women and the obstacles that remain to the implementation of public policy in these areas.

We present the Second Hemispheric Report on the Implementation of the Belém do Pará Convention, which summarizes the achievements of the States Party, as well as the significant

challenges that continue to exist in the region in terms of an appropriate, immediate, timely, exhaustive, serious and impartial response to acts of violence against women, within a framework of human rights.

We hope that this Report will support and generate ambitious and powerful initiatives that make a significant impact in the eradication of violence against women.

A handwritten signature in black ink, enclosed within a thin, hand-drawn oval border. The signature is stylized and appears to read 'J. Insulza'.

José Miguel Insulza
Secretary General of the OAS

| Background

At the twenty-fourth regular session of the OAS General Assembly, the Inter-American Commission of Women (CIM) introduced a draft “Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women,” which the General Assembly adopted by acclamation. Known as the Belém do Pará Convention, this instrument entered into force on March 5, 1995 and has thus far been ratified by 32 States.

The Belém do Pará Convention deals with violence against women as a violation of their human rights, and approaches it as a policy, legal, social, economic and cultural issue.

Five years after the Convention entered into force, CIM conducted research¹ that found that the Convention’s objectives were not being achieved. Accordingly, it was given a mandate² to undertake the measures necessary to establish the Follow Up Mechanism to the Belém do Pará Convention. That mandate resulted in the OAS Secretary General’s convocation of the Conference of States Parties, held on October 26, 2004. There, the Statute of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) was approved.

By their adoption of the MESECVI, the States Party expressed their political resolve to establish a consensus-based and independent system by which to examine the progress made toward fulfillment of the Convention, while agreeing to implement the recommendations it makes.

MESECVI was designed to follow through with the commitments undertaken by the States Party to the Convention, to help accomplish its stated purposes, and to facilitate technical cooperation among the States Party and with other member states and permanent observers of the OAS. It is based on the principles of sovereignty, non-intervention, the juridical equality of states and respect for the principles of impartiality and objectivity in its operation, so as to ensure fair application and egalitarian treatment among the States Parties.

1. “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 (Convention of Belém do Pará).

2. The OAS General Assembly adopted the following resolutions on the subject of the MESECVI: 1) AG/RES. 1942 (XXXII-O/03) in which the General Assembly takes note of the Third Biennial Report on compliance with the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women and urges the Secretary General to convene, in coordination with the CIM, a conference of states parties to the Convention of Belém do Pará to decide on the most appropriate way to follow up on the Convention; 2) AG/RES. 2012 (XXXIV-O/04) in which the General Assembly urges the States to continue, inter alia, to support CIM’S efforts in the process of creating and implementing a mechanism for follow up on implementation of the Convention; 3) AG/RES. 2138 (XXXV-O/05), in which the General Assembly urges the member states, inter alia, to continue to move forward with the implementation of MESECVI. In keeping with the Rules of Procedure of the MESECVI, since then the OAS General Assembly has received the annual report on the implementation of the MESECVI and adopted a resolution containing the corresponding mandates, one of which is to urge the governments to strengthen the Mechanism.

The Mechanism consists of two organs: the Conference of States Party, which is the political body, and the Committee of Experts, which is the technical body composed of specialists in the areas covered by the Convention. The experts are appointed by the governments and serve in a personal capacity. The functions of the Secretariat of the Conference and of the Committee are performed by CIM's Permanent Secretariat. The States Party designate their Competent National Authorities, who serve as liaison between the Secretariat and the governments.

At each Multilateral Evaluation Round, the Committee of Experts adopts a questionnaire based on one or more provisions of the Convention. The questionnaire is then sent to the Competent National Authorities for reply. Based on these replies, the Committee of Experts draws up and adopts country reports and makes recommendations to the countries, on which the latter must subsequently follow up. The Committee also issues a Hemispheric Report which, combined with the final country reports, are approved by the Conference of States Party and then published and presented to the OAS General Assembly and the CIM Delegates.

| Introduction

The Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) presents its Second Hemispheric Report, which corresponds to the evaluation phase of the Second Multilateral Evaluation Round (II REM), which began in April 2010. The report examines compliance with the obligations undertaken by the States Party upon ratifying the Convention.

The questionnaire that the Committee of Experts put together for this round took into consideration the first round's diagnostic study and was organized into six sections: legislation, national policy, access to justice, specialized services, budget and information and statistics. The idea was to monitor the progress and work accomplished by the governments in furtherance of the Committee's recommendations. It also included questions on issues not considered during the First Round,³ but that surfaced from the replies received from the governments and from the shadow reports presented by civil society organizations. Finally, consultations were conducted concerning the draft questionnaire and civil society offered its contributions during the Committee of Experts' Fifth Meeting, held in June 2009.

This Second Hemispheric Report is based on 28 replies that the Competent National Authorities submitted in response to the Committee of Experts questionnaire.⁴ It is also based on the comments and observations that 21 States Party⁵ made with respect to the preliminary country reports that the Committee of Experts adopted, and on 8 shadow reports from civil society organizations that belong to the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM).⁶

This report is a new effort on the part of the Committee of Experts to identify the challenges posed by the struggle to eradicate violence against women in Latin America and the Caribbean, with recommendations made to the States on the measures they can take to conquer those challenges.

3. Those issues included the following: criminalization of violence against women by the State or its agents; violence in the exercise of women's sexual and reproductive rights; access to justice for rural women; research on the reliance on the Convention of Belém do Pará in judgments and legal opinions; and research by the State or by private parties under State auspices on the subject of violence against women.

4. Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Jamaica, Mexico, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Saint Lucia, Suriname, Trinidad and Tobago, Uruguay and Venezuela.

5. Argentina, Bahamas, Barbados, Belize, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Guatemala, Jamaica, Mexico, Paraguay, Peru, Saint Kitts and Nevis, Suriname, Trinidad and Tobago, Uruguay and Venezuela.

6. Argentina, Brazil, Dominican Republic, Ecuador, El Salvador, Paraguay, Peru, and Uruguay.

Legislation



In addition to implementation through criminal, civil, and administrative norms, judges also have to exercise a sort of “conventionality control” provided for in the inter-American system in order to ensure that domestic legal provisions and proceedings are in line with the provisions embodied in inter-American human rights conventions

1.1.

Inclusion of the Belém do Pará Convention in domestic law

The Committee of Experts decided to include a question on the inclusion of the Belém do Pará Convention in domestic law, in consideration on the fact that, in some of the replies received from the States during the First Round, it was unclear what the Convention’s status was, or whether it was counted as applicable domestic law.

For some countries, ratification of or accession to the Convention is sufficient for it to be applied. In other countries, application of the Convention requires that it be published, or the promulgation of domestic laws. A number of Caribbean states did not furnish information on the process by which the Convention becomes part of domestic law; although they do point out that Parliament has to enact implementing legislation. Some stated that such laws may come into being as a result of case law or precedent.

It is interesting to note that some States reported on the status of the Belém do Pará Convention in their national laws and the effects of its inclusion. In some States, like Brazil and Argentina, the Convention has the status of constitutional law. Other countries, such as Chile, report that the Convention ranks as a law of the Republic.

Without specifying the Convention’s status, other States (like Colombia, Guatemala or Paraguay) indicate that the Convention and other human rights treaties take precedence in the domestic legal system; other countries (like Ecuador, Mexico or Peru) state that the rights and guarantees therein recognized apply automatically and directly. In other

cases, like Bolivia, it is not the Convention that has constitutional status; instead, the right to live free of violence is a constitutionally protected right that both men and women enjoy. Uruguay mentions only that the Convention's application is mandatory. In Trinidad and Tobago, a law implementing the Convention is needed; otherwise, the Convention's provisions would only have persuasive effects.

The Committee of Experts points out, as a reminder, that ratification of or accession to treaties and the status attributed to them under domestic law indicate the political will of States to comply with those provisions. However, in most countries of the region, said treaties are not automatically implemented and require the adoption of criminal, civil, or administrative norms and/or the harmonization of existing norms with the provisions of the treaty in question.

In addition to implementation through criminal, civil, and administrative norms, judges also have to exercise a sort of “conventionality control” provided for in the inter-American system⁷ in order to ensure that domestic legal provisions and proceedings are in line with the provisions embodied in inter-American human rights conventions, including the Belém do Pará Convention.

1.2.

Provisions that include the definition of violence against women as contained in the Belém do Pará Convention

Article 1 of the Belém do Pará Convention defines violence against women as “any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.” When read in combination with Article 2 of the Convention, this definition of violence includes violence committed within the family, domestic unit, or in any other interpersonal relationship, within the community or by the State.

In the First Multilateral Evaluation Round, the Committee of Experts found that States focused their efforts on preventing and punishing violence against women in combating family, intra-family or domestic violence, which narrowed the scope of the Convention's application.⁸ The Committee acknowledges as an achievement the progress made by States in the prevention

7. See Inter-American Court of Human Rights. Case of Almonacid-Arellano et al. v. Chile. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 26, 2006. Series C No. 154, par. 124.

8. MESECVI (2008). Hemispheric Report. Document MESECVI-II-doc.16. rev. 1, 2008, p. 6.

and punishment of violence against women in the private sphere. However, those steps do not include all manifestations of violence against women, especially those perpetrated in the public sphere. The committee also voiced its concern at the gender-neutral provisions adopted in connection with efforts to combat domestic violence, thus losing sight of the fact that women, children and adolescents represent the majority of the victims of such violence and that the latter reflects a historical inequality of men and women that legitimizes the violation of women's rights.⁹

Therefore, in the second questionnaire, the Committee included a question about whether the definition of violence against women given in Article 1 of the Convention was reflected in the laws of the States Party, to serve as a guideline for execution of plans and programs to prevent, punish, and eradicate violence against women. In keeping with Article 9 of the Convention, the term "women" was understood to include girls and adolescent females.

Some Caribbean countries that do not have comprehensive laws on violence against women include elements of the Convention's definition to establish the concept of domestic or family violence.

From the replies received from the States, it is apparent that the definition of violence against women used in Article 1 of the Convention was incorporated, in whole or in part, mainly in those countries that have adopted comprehensive laws on violence against women or where the legislation has been updated in the last five years. As the Committee of Experts recognized in the first round, comprehensive laws allow for a unified and consistent treatment of the different forms of violence against women in public policy, justice, research and compilation of data and statistics. Thus, their implementation is based on shared principles and on coordination of the different agents responsible for their enforcement.¹⁰

Some Caribbean countries that do not have comprehensive laws on violence against women include elements of the Convention's definition to establish the concept of domestic or family violence. In other cases, the Convention's definition of violence against women is incorporated into national plans or in the Ministry of Health's guidelines for the treatment of sexual violence in the health sector and the care of victims, but not in the law itself.

The Committee of Experts applauds the efforts made to harmonize these laws and incorporate elements of the Convention's definition of violence against women, especially

9. Ibid, pp. 6 and 7.

10. MESECVI (2011). Follow-Up Report on the Recommendations Made by the CEVI in the Evaluation Stage of the First Multilateral Evaluation Round. Document MESECVI-II/doc.16 rev. 1, esp. 2008, p. 3.

as the pillar of the comprehensive laws on violence against women. To date, Mexico (2007), Venezuela (2007), Guatemala (2008), Colombia (2009), Argentina (2009) and El Salvador (2010) have these comprehensive laws; Paraguay and Peru report that they have such bills in the pipeline. Although Ecuador does not have a comprehensive law on violence against women, it has incorporated the Convention's definition of violence against women into its constitution, where women's right to a life free of violence is upheld. Costa Rica has a Law Criminalizing Violence against Women, which applies only to matrimony and common-law or de facto unions.

The Committee of Experts must draw States' attention to the fact that laws are still on the books where expressions like "violence against women", "gender violence", and "domestic violence" or "family violence" are used synonymously and indiscriminately. This makes for a confusing body of law that obstructs enforcement. The Committee of Experts is also troubled by the use of notions like "domestic violence" or "family violence" because they exclude violence inflicted by cohabiting partners, boyfriends, ex-spouses or persons who, without being legally related to a woman, maintain an interpersonal relationship with her.¹¹

The Committee notes with interest the notion of "associated person" present in Guyana's law, where the provisions on domestic violence protect those who are or have been married to each other, are cohabitants or former cohabitants, are or have engaged in a relationship of a sexual nature, live or have lived together in the same household, otherwise than merely by reason of one of them being the other's employee, tenant, lodger or boarder, are relatives, have agreed to marry one another, (whether or not the agreement has been terminated), in relation to any child, is father or mother or has any parental responsibility.¹² It also observes that Guatemala's Law on Femicide and Other Forms of Violence against Women includes the circumstances contemplated in Guyana's law, as well as cases in which the victim and the assailant have had a "friendship, companionship or employment, educational or religious relationship."¹³

The Committee therefore welcomes the positive trend toward mainstreaming the definition of violence against women articulated in the Belém do Pará Convention into domestic law and once again underscores its recommendation to the States that they update and harmonize their laws on the prevention and punishment of violence against women with that definition in mind.

11 .MESECVI (2008), p. 6.

12. Domestic Violence Act of Guyana, Chapter 11:09, Sec. 3.

13. Article 7(b) of the Ley contra el Femicidio y otras formas de violencia contra la mujer de Guatemala, Decree 22-2008, May 2, 2008.

1.3.

Provisions of civil, criminal and administrative law that incorporate physical, psychological, sexual, economic, property-related, financial or other forms of violence against women

In order to consolidate inclusion of the definition of violence against women given in Article 1 of the Belém do Pará Convention in the States Party legislation, the Committee of Experts included a question on the existence of any provisions intended to prevent, punish and/or eradicate physical, psychological, sexual, property-related, financial or any other form of violence against women.

The Committee of Experts notes that physical, psychological and sexual violence were covered in various provisions, ranging from comprehensive laws on violence against women, laws on domestic violence, Penal Codes and even the Constitution in the cases of Bolivia and Ecuador. The Committee was also interested to observe that while economic, property-related or financial violence is not expressly mentioned in the Convention, it is regarded as a form of violence at the international level,¹⁴ and is being included in the aforementioned norms.

The Committee of Experts welcomes the fact that other forms of violence practiced against women in the region are being acknowledged. These include moral violence, understood as any behavior that involves libel, slander, defamation or other harm inflicted on a woman's honor; and symbolic violence, which includes messages, values and symbols that convey and perpetuate dominance over women, their inequality and discrimination against them. It also observes that in some countries the comprehensive laws on violence against women contain provisions on femicide, defined as:

“the extreme form of gender violence against women, a product of the violation of their human rights in the public and private spheres, consisting of a combination of misogynistic behaviors that can lead to social and State impunity and may culminate in homicide and other forms of violent death among women.”¹⁵

14. According to the UN Secretary General's In-depth Study on All Forms of Violence Against Women (2006), economic violence is defined as restricting access to basic resources or control over them. In Latin America and the Caribbean, the laws are beginning to draw a distinction between economic violence and property-related violence: the former is understood as limiting, controlling or obstructing the economic benefits that women receive, whereas property-related violence involves limitations on women's ability to dispose of their property, including conjugal property and their own property (see document MESECVI/CEVI/doc.168 rev. 1– Hemispheric Report –Table # 1).

15. Article 21 of Mexico's Ley General de Acceso de las Mujeres a una Vida Libre de Violencia (2007) and Article 9(b) of El Salvador's Ley Especial Integral para una Vida Libre de Violencia para las Mujeres (2010).

The Committee of Experts recognizes that in a considerable number of States, physical, psychological, sexual and property-related or economic violence are regarded as forms of domestic or family violence. That creates a favorable context for preventing and punishing violence in the private sphere. However, a similar framework is needed to deal with violence against women in the public sphere. The Committee is, therefore, again urging the States to update and harmonize the body of laws pertaining to the prevention and punishment of violence against women, bearing in mind the definition of violence against women set forth in the Belém do Pará Convention.

1.4. **Legislation on trafficking in persons, including women¹⁶**

In the First Hemispheric Report (MESECVI, 2008), the Committee of Experts found that most States had provisions against trafficking in persons. However, it observed that in many cases, these legal provisions are not consistent with international law on the subject, specifically the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, also known as the Palermo Protocol.¹⁷

Article 3(a) of the Palermo Protocol defines trafficking in persons as:

- » recruitment, transportation, transfer, harbouring or receipt of persons;
- » by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person;
- » for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The Committee of Experts notes with interest that progress has been made on the subject of trafficking in persons since the First Multilateral Evaluation Round. Based on the Palermo Protocol, some States modernized their laws on trafficking in persons, whether by criminalizing the behavior or, by enacting specific laws on trafficking in persons.

16. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table # 2.

17. MESECVI (2008), p. 7.

Those changes included amendments to Penal Codes; inter-sectoral policies; protective measures and/or assistance programs for victims, witnesses and/or other persons involved; and reparations for those affected. This last option takes a comprehensive approach to the strategy for preventing and punishing trafficking in persons.

Cases were also observed in which the description of the crime of trafficking in persons draws some elements from the definition given in the Palermo Protocol and other instruments. For example, the use of threat, force, coercion or any other means of intimidation is regarded as an aggravating circumstance. In other cases, the Committee found that the States include the elements of recruitment, transportation and coercion, but only partially provide for the element of exploitation as the purpose of said recruitment and transportation. In this sense, some laws mention sexual exploitation as being the objective of trafficking in persons, while disregarding such purposes as forced labor or services, servitude or other forms of exploitation. In other States, the law covers either international or domestic trafficking in persons, but not both.

The Committee of Experts notes with interest that progress has been made on the subject of trafficking in persons since the First Multilateral Evaluation Round. Based on the Palermo Protocol, some States modernized their laws on trafficking in persons, whether by criminalizing the behavior or enacting specific laws on trafficking in persons.

In one case, the Committee of Experts found confusion between “trafficking in persons” and “smuggling” of persons. The Palermo Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime, defines “smuggling” of migrants in Article 3(a) as follows:

- » the procurement of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;
- » in order to obtain, directly or indirectly, a financial or other material benefit.

In the case in question, the provision on trafficking in persons is actually referring to smuggling of persons, since its emphasis is on the recruitment and transportation of persons within or beyond the national territory, without any mention of the purpose. In trafficking of persons, the recruitment and transportation can be either international (if borders separating two or more countries are crossed) or national (within national borders).

On the other hand, smuggling of persons by definition involves the crossing of borders between States. As for purpose, in the case of trafficking in persons, the final objective is the victim's exploitation, whereas in smuggling it is a direct or indirect financial or other material gain, such as the fee charged for transporting persons across borders.¹⁸

The Committee of Experts appreciates the States' efforts to adapt their laws to international standards. More States now have these laws or are considering them. However, considering the replies received from the States, the Committee is recommending that they continue working on implementation, taking into account the standards established in the Palermo Protocol.

1.5. **Legislation on forced prostitution¹⁹**

During the First Round, the Committee of Experts pointed out that there was some confusion among the States regarding the crimes of trafficking in persons and forced prostitution²⁰ as in some cases both terms were used interchangeably. Therefore, in this second round, the Committee of Experts requested information about whether legislation contains provisions on the prevention and punishment of forced prostitution and, if so, whether they are consistent with the Rome Statute -which established the International Criminal Court- and whether they address forced prostitution separately from trafficking in persons, especially women.

The Elements of Crimes, which supplement the Rome Statute, set out the elements of the crime of forced prostitution:

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

18. For more information, see: Office of the United Nations High Commissioner for Refugees (UNHCR). *Trata y Tráfico de Personas*. Available [in Spanish] at:

<http://www.acnur.org/t3/que-hace/proteccion/trata-y-traffic-de-personas/>.

19. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table 2.

20. MESECVI (2008), p. 8.

In this round, the Committee of Experts notes that unlike the laws on trafficking in persons, which have been adapted in the last five years to conform to international standards, the majority of States' legislation on forced prostitution has not yet been updated and does not include the characteristics of forced prostitution set forth in the Elements of Crimes of the Rome Statute. For example, the element of pecuniary advantage is seldom mentioned, whereas the use of force, the threat of force or coercion against the victim usually appears as an aggravating circumstance but not an element of the crime. In a number of states, forced prostitution figures in the Penal Code as a crime against morals, honor or social mores, but not as a crime against a woman's life or liberty. In other cases, the Committee of Experts found that the legislation is adequate, provided the victim of prostitution is a minor.

The Committee of Experts believes that one way States can fulfill its recommendation would be to adopt or amend the national laws implementing the obligations under the Rome Statute within national territory.

The Committee observed that even though 26 of the 32 States Party to the Belém do Pará Convention²¹ have either ratified or acceded to the Rome Statute, only Colombia reported that forced prostitution had been criminalized as a war crime or crime against humanity in its national laws, although in the latter case it is only in the context of an armed conflict.

The Committee of Experts must once again express its concern over the fact that in a number of States, the confusion between the crime of trafficking in persons and the crime of forced prostitution is still present. Some of the confusion is attributable to the fact that the purpose of trafficking in persons is sometimes their sexual exploitation, just as it is in forced prostitution.

The Committee of Experts would remind the States of how important it is that their laws on forced prostitution conform to international standards in order to ensure that women and girls are fully protected from these crimes. The Committee of Experts believes that one way States can fulfill its recommendation would be to adopt or amend the national laws implementing the obligations under the Rome Statute within national territory.

21. El Salvador, Guatemala, Nicaragua and Saint Kitts and Nevis have not ratified that instrument. Haiti and Jamaica have signed it, but have not ratified it.

1.6.

Legislation on sexual harassment in the workplace, in health and education centers and elsewhere²²

Article 2(b) of the Belém do Pará Convention establishes that violence against women shall be understood to include physical, sexual and psychological violence that occurs in the community, including, among others, sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place. In the First Multilateral Evaluation Round, the States indicated that they had provisions that fully or partially prohibited and established penalties for sexual harassment, especially in the workplace.²³ For that reason, the Committee decided to continue investigating prevention and punishment of sexual harassment in those areas.

From the reports received in the second round, the Committee of Experts notes, first, that the expressions (in Spanish) “acoso sexual” and “hostigamiento sexual” are used, although there is no consensus as to their usage. Some countries use these expressions synonymously, whereas others draw a distinction between them, depending on whether the sexual harassment occurs in the context of a relationship of subordination (in which case the Spanish expression used is “hostigamiento sexual”) or a relationship between equals (in which case the Spanish expression used is “acoso sexual”). This may be a reflection of an overly simplified international legal framework, which recognizes sexual harassment (acoso sexual) as a form of gender discrimination and a violation of the principle of employment equality;²⁴ however, there are no international instruments that probe more deeply into the content of sexual harassment and measures for protection and punishment.

Secondly, the Committee of Experts observes that no consensus exists concerning the legal means used to penalize sexual harassment in the workplace, in health or education centers and elsewhere. Some States have opted to criminalize sexual harassment in the Penal Code, thereby ensuring a sentence of incarceration, whether actually enforced or suspended. This also ensures that the prohibition of sexual harassment will apply in any context and in any type of relationship, because the emphasis is on the effect that the harassment had on the victim rather than her relationship with the assailant. The Committee also observes that in some instances, laws specifically dealing with this issue have been adopted, which heightens

22. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table # 2.

23. See Table # 1 in MESECVI (2008), op. cit, p. 3 et seq.

24. See General Recommendation 19 on Violence against Women (1992), Committee on the Elimination of Discrimination against Women (CEDAW Committee), paragraphs 17-18. The International Labour Organisation (ILO) does not have conventions on the topic, but dealt with it in the context of ILO Convention No. 111 (1958), Discrimination (Employment and Occupation) Convention. See in this regard: <http://www.ilo.org/public/english/bureau/inf/magazine/19/sexhar.htm>.

awareness of the problem and helps create a multi-sectoral strategy for preventing and eliminating sexual harassment. For example, in the case of workplace sexual harassment, the Committee of Experts would point to the provision of Belize's Protection Against Sexual Harassment Act (1996), which states that if a supervisor or chief has knowledge of an act of sexual harassment and fails to take the necessary action to put a stop to such acts, he/she is also answerable for the crime.

The Committee also found that in a considerable number of States, administrative regulations or sector plans consider sexual harassment a minor offense, carrying a penalty of suspension or termination of the perpetrator and/or payment of a fine. However, in the case of workplace harassment, the Committee was disturbed to find that there are still provisions in effect that, in cases of sexual harassment, tend to protect the person against whom the complaint was filed, but not the person who filed the complaint. For example, in some Labor Codes, one of the grounds for justified termination of a worker's contract of employment is the fact that he or she has been the victim of sexual harassment on the part of the employer. The effect of this provision is to deny the nature of sexual harassment as a violation of human rights that must be investigated, punished and redressed. It also leaves the affected person without protection and re-victimizes her by the loss of her job. The Committee was struck by the fact that in one case, sexual harassment is defined as occurring when the employee harasses the employer. Although no information is provided regarding enforcement of this provision, it has the potential to become a dangerous tool by which the aggressor can reassert his position of power over his employee and place him or her at an increased risk of violation of rights.

Thirdly, even though the States still tend to focus their efforts on sexual harassment in the workplace, the Committee welcomes the fact that there are now more provisions that make sexual harassment in health centers, educational institutions and elsewhere, such as lodgings or military-police installations and/or quarters, a punishable offense. In some Caribbean countries, the law states that sexual harassment may be a form of domestic violence when perpetrated by members of the family and may be grounds for filing a request seeking a restraining or other protection order. The Committee of Experts also finds, however, that only a minority of States have explicit provisions whereby sexual harassment by a public official is a punishable offense; it is unclear what type of protection is offered to victims of sexual harassment, whether in the private sector or the community.

It is vital that a body of law be in place to prevent and punish sexual harassment. The Committee is therefore recommending that States take measures to adjust their domestic laws on sexual harassment to ensure that they cover, at a minimum, the areas described in the Belém do Pará Convention. They should also repeal any law that re-victimizes

those affected by sexual harassment or that obstructs their attempts to have those responsible answer for their offense, and their attempts to secure adequate reparations. Criminalization of sexual harassment in the Penal Code or a specific comprehensive law on harassment may serve this purpose.

1.7.

Legislation on sexual violence within marriage or common-law or de facto unions²⁵

In the First Hemispheric Report, the Committee of Experts recommended criminalization of sexual violence within marriage or common-law or de facto unions. It did so because it found that even though the question concerning sexual violence was broad, most States referred only to rape within marriage, not to the other forms of violence against women that can occur within a marital relationship or de facto union. It also expressed concern over the fact that those States that gave assurances that rape within marriage would be prosecuted as other crimes, such as rape or battering, are in fact glossing over the problem, ignoring the historical fact that violation of the human rights of women in a consensual relationship is legitimized.²⁶

During the follow-up to the recommendations made in the First Round, the Committee found that while more States are introducing provisions to prevent or punish this crime, limitations in the legislative treatment thereof remain. For example, one definition of sexual rape limits it to oral, anal, or vaginal access. In other cases, sexual rape is included, but not sexual violence or other forms of sexual abuse within marriage. Some States criminalize rape within marriage but not in de facto unions; or they may criminalize rape when it occurs during separation or divorce, but not in existing marriages or de facto unions.²⁷

In this Round, the picture that the Committee of Experts encountered was very similar to the one it saw during the First Round. On the one hand, while some countries do criminalize rape within marriage or de facto unions as a separate crime, other States have opted to incorporate rape and sexual violence in marriage or de facto unions as an aggravating circumstance of the generic crime of rape. In yet another case, the State opted to expressly prohibit invocation of an existing or prior marital or other type of relationship with the victim as a defense for sexual crimes.

The adoption of comprehensive laws on violence against women in the last five years has served to raise awareness of sexual violence and rape within the marital relationship or de facto

25. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table # 2.

26. MESECVI (2008), p. 7.

27. MESECVI (2011), p. 6.

union. The provisions of some comprehensive laws on violence against women and of the Penal Code still need to be reconciled. The tendency in the law is still not to punish that form of sexual violence as a criminal offense or to incorporate it into criminal law with the restrictions mentioned in the preceding paragraph. It is disturbing that in so many States, sexual violence in de facto unions is not prohibited by law.

The Committee found that one State makes rape within marriage a criminal offense, and expressly provides that the wife, too, may be the perpetrator. This is a consequence of a portrait of violence against women that is limited to the family or domestic sphere, where any of its members may be either the perpetrator or the victim, without taking into account the unequal power relations between men and women.

From its analysis of the relevant provisions that each State Party provided, the Committee was disturbed to find that even where provisions criminalizing sexual violence within marriage or a de facto union exist, enforcement of those provisions may be thwarted by issues in the rules governing criminal procedure and the rules of evidence. For example, in one State, the procedural rules provide that a woman cannot be a competent witness against her spouse, except where the crime is a sexual offense committed by the father of her child. In other provisions, the codes of criminal procedure still order conciliation hearings for crimes of this type.

For that reason, the Committee insists on calling upon States to criminalize sexual violence within marriage or de facto unions in general, and rape within marriage or a de facto union in particular, either as a separate crime or as an aggravating circumstance. It is also recommending that States review their codes of criminal procedure to remove any obstacles that might prevent women from securing justice in these cases.

1.8.

Express prohibition of conciliation, mediation or any other measures to obtain an out-of-court settlement²⁸

Although this issue was not included in the questionnaire for the First Round or in the First Hemispheric Report, the Committee of Experts noted within concern that a number of States reported that methods were available for conciliation or mediation between the victim of violence and her aggressor, or even a pardon for the aggressor if he agrees to marry the victim, or for application of the discretionary power principle.

28. MESECVI/CEVI/doc.168.rev.1 – Hemispheric Report – Table 6.

Revisiting the analysis it conducted during the follow-up of its recommendations,²⁹ the Committee of Experts finds that the use of these measures in cases of violence against women has counterproductive effects in terms of the victims' access to justice and the permissive message conveyed to society. The Inter-American Commission on Human Rights has underscored that by allowing a crime of this type to be settled by conciliation, the crime becomes a subject of negotiation and transaction between the victim and her assailant. Conciliation is premised on the notion that the parties at the table are operating from equal bargaining positions, which is generally not true in cases of intrafamily violence.³⁰ For its part, the Pan American Health Organization (PAHO) states that this type of power imbalance in conciliation agreements places women at greater physical and emotional danger; as a rule, the assailant does not comply with the agreement and the causes and consequences of the violence itself are not addressed.³¹ Therefore, in this Round the Committee decided to include this topic on its questionnaire.

Based on the replies received from the States, the Committee of Experts is once again highlighting the contribution that comprehensive laws on violence against women make toward prohibiting the use of conciliation, mediation and other out-of-court settlement practices in cases of violence against women. Procedural rules still have to be adjusted to reinforce this prohibition. Although in the section on legislation a considerable number of States have reported various ways of avoiding the use of such methods where cases of violence against women are concerned, in the section on information and statistics some States reported figures on cases of violence against women, especially domestic or family violence, that have been settled by means of conciliation, which demonstrates that said methods are still being used.

The Committee of Experts also observed that as a rule, States have provisions prohibiting conciliation, mediation or other similar methods for cases of domestic violence, although no reference is made to other forms of violence against women. Once again, the Committee acknowledges the efforts of States to prevent and punish violence against women in the private sphere. However, in order not to limit the scope of application of the Belém do Pará Convention, actions to that same end are also needed in the public sphere. Furthermore, in a considerable number of cases, States reported that they did not have express provisions prohibiting out-of-court settlements, although they maintained that out-of-court settlements in cases involving crimes of violence committed against women were also not covered in the law and hence were not the practice within national territory.

29. MESECVI (2011), p. 7-8.

30. Inter-American Commission on Human Rights (IACHR) (2007). Access to Justice for Women Victims of Violence in the Americas. Document OEA/Ser.LV/III/Doc.68, January 20, 2007, para. 161.

31. Pan American Health Organization (PAHO). Modelo de Leyes y Políticas sobre Violencia Intrafamiliar contra las Mujeres. Washington DC: PAHO, 2004, p. 20.

Once again, the Committee of Experts must emphasize its recommendation that the States prohibit conciliation, mediation and other methods aimed at securing out-of-court settlements in cases involving violence against women. In those States where such practices are already prohibited by law, the Committee recommends that the respective States introduce the necessary adjustments in their procedural law so that conciliation hearings are not required in cases involving violence against women. Finally, in cases where the prohibition applies to family, intra-family or domestic violence, the Committee is recommending that the ban be expanded to other forms of violence against women. The necessary precondition is that the definition of violence against women contained in the Belém do Pará Convention is incorporated into domestic law and that forms of violence against women other than family, intra-family or domestic violence are criminalized.

1.9. **Legislation on femicide³²**

Despite the high rates of femicide in the region, which in some cases is nearing pandemic proportions as measured by the indicator developed by the World Health Organization (WHO),³³ during the First Round the Committee of Experts received little information from States regarding criminal policies to prevent and punish femicide.

In the First Hemispheric Report, the Committee of Experts proposed a few guidelines for a criminal policy on the prevention and punishment of femicide³⁴ and pointed to the lack of consensus on the distinctive features of this crime. As its contribution to this discussion and to facilitate the implementation of its recommendations on this subject, the Committee adopted the Declaration on Femicide (2008) where it defines this offense as follows:

“...the murder of women because they are women, whether it is committed within the family, a domestic partnership, or any other interpersonal relationship, or by anyone in the community, or whether it is perpetrated or tolerated by the state or its agents.”³⁵

32. MESECVI/CEVI/doc.168 – Hemispheric Report – Table # 2.

33. Carcedo, Ana. No Olvidamos ni Aceptamos: Femicidio en Centroamérica 2000-2006. San José: CEFEMINA, 2010, p. 35. That study found that in 2006, El Salvador had 12.7 homicides for every 100,000 women, which is over the rate of 10 homicides per 100,000 that the WHO classifies as an epidemic. That same year, Guatemala’s rate approached epidemic proportions, at 9 for every 100,000.

34. MESECVI (2008), p. 35.

35. The Committee of Experts’ Declaration on Femicide (document MESECVI/CEVI/DEC. 1/08), August 15, 2008, point 2.

In this Second Round, the Committee of Experts finds that femicide is still not an issue in the legislation of most States Party. To begin with, one group of States has dealt with femicide through comprehensive laws on violence against women. Of these, only Guatemala has a special law classifying femicide as a crime³⁶ and lays the foundations for a public policy with which to confront it.³⁷ In its comprehensive law for a violence-free life for women, El Salvador defines “femicidal violence” as one form of violence.³⁸ However, it goes one step further by criminalizing not just femicide³⁹ but also femicidal

36. Law against Femicide and Other Forms of Violence against Women of Guatemala, Decree 22-2008, May 2, 2008.

Article 6: Femicide

Femicide is, in the framework of the unequal power relations between men and women, the murder of a woman because she is a woman, if any of the following circumstances apply:

- a. Having attempted in vain to establish or restore a relationship of a couple or of intimacy with the victim;
- b. Having, at the time of the murder, or having had with the victim family, conjugal, cohabitational, or intimate relations, or those of a fiancé, friend, companion, or colleague;
- c. The murder is a result of reiterated manifestations of violence against the victim;
- d. The murder is a result of group rites, whether using weapons of any kind, or not;
- e. Abuse of the victim's body in order to satisfy sexual instincts, or committing acts of genital mutilation or any other kind of mutilation;
- f. Misogyny;
- g. When the murder is committed in front of the victim's children;
- h. With the concurrence of any of the determining circumstances contemplated in Article 132 of the Criminal Code.

The person who commits this crime shall be sentenced to between 25 and 50 years in prison, with no possibility of a reduction in the term, for whatever reason. Persons convicted of this crime shall not benefit from any substitute measure.

37. *Ibid.*, Chapter VI, Obligations of the State.

38. Special Comprehensive Law for a Life Free from Violence for the Women of El Salvador. Decree 520 of November 25, 2010.

Article 9 – Types of Violence

For the purposes of this law, types of violence shall mean (...) b) Femicidal violence: This is the extreme form of gender-based violence against women, a product of the violation of their human rights, in both the public and the private sphere, comprising the set of misogynous forms of behavior that are associated with social or State impunity and that may lead to femicide and in other forms of violent death of women.

39. *Ibid.*, Title II, Offenses and Punishments

Article 45: Femicide

Whoever murders a woman because of hate or contempt for her gender shall be punished with 20-35 years in prison.

Hate or contempt for a woman because of her gender shall be deemed to exist when one of the following circumstances are given:

- a. The woman's death was preceded by any act of violence by the perpetrator against the victim regardless of whether she denounced it or not;
- b. The perpetrator took advantage of any state of physical or mental state of risk or vulnerability of the victim;
- c. The perpetrator took advantage of a superiority derived from gender-based inequality in power relations;
- d. Prior to the victim's death, the perpetrator had committed any crime against her classified as sexual assault;
- e. The victim was mutilated before she died.

Article 46: Aggravated femicide

In the following cases, the crime of femicide shall be punished with imprisonment for between thirty and fifty years:

- a. If the femicide was committed by a government or municipal government official or employee, a public authority or agent of such an authority;
- b. If it was carried out by two or more people;
- c. If the femicide was committed in front of any family member of the victim;
- d. If the victim was under 18 years of age, an older person, or a person with physical or mental disability;
- e. If the perpetrator took advantage of a superior position based on relations of trust or friendship, or domestic, educational, or workplace ties.

suicide.⁴⁰ Mexico, too, defines “femicidal violence”⁴¹ in its law and, as a federation, has started a process to include these provisions in the Penal Codes of its federated states.⁴² The Mexican law also singles out certain specific measures as part of its gender violence alert, consisting of governmental emergency actions to confront and eradicate femicidal violence in a specific territory, be it perpetrated by individuals or by the community.⁴³ On the other hand, Costa Rica criminalizes femicide committed within the marital relationship or de facto union, declared or otherwise; however, it has no provisions regarding femicides committed within the community or by the State.⁴⁴

A considerable number of States have penal codes that regard femicide as an aggravating circumstance of homicide. For example, Colombia lists it as an aggravating circumstance of homicide when it is committed against a woman “just because she is a woman.”⁴⁵ In Brazil, it is considered an aggravating factor when it is committed “in the context of domestic relations, cohabitation or hospitality, or with violence

40. *Ibid.*, Title II. Offenses and Punishments

Article 48: Femicidal suicide, induced or aided

Whoever induces or helps a woman to commit suicide, in any of the following circumstances, shall be punished with between five and seven years’ imprisonment:

- a. The suicide was preceded by any of the types or forms of violence contemplated in this or any other law;
- b. The accused took advantage of any risk situation or physical or mental state affecting the victim as a result of her being subjected to any of the types or forms of violence contemplated in this or any other law;
- c. The person inducing the suicide availed himself of a superiority derived from existing or former relations between him and the victim.

41. General Law of Women’s Access to a Life Free of Violence, Mexico, February 1, 2007.

Article 21: Femicide Violence

This is the extreme form of gender-based violence against women, a product of the violation of their human rights, in both the public and the private sphere, comprising the set of misogynous forms of behavior that are associated with social or State impunity and that may lead to femicide and in other forms of violent death of women.

42. According to the response of the government of Mexico to the questionnaire sent by CEVI, by July 2010 18 federated states and the Federal District had already included “femicidal violence” in their legislations.

43. Article 22, General Law of Women’s Access to a Life Free of Violence, Mexico.

44. Law 8589 on the Criminalization of Violence against Women of Costa Rica, April 25, 2007.

Article 21: Femicide

Whoever kills a woman he is married to or living with, regardless of whether that cohabitation has been formally declared or not, shall be punished with between 20 and 35 years in prison.

45. Penal Code of Colombia, Law 599 of July 24, 2000.

Article 103: Homicide

Whoever kills another person shall be liable to imprisonment of between two hundred and eight (208) and four hundred and fifty (450) months.

Article 104: Aggravating Circumstances

The sentence shall be between four hundred (400) and six hundred (600) months imprisonment, if the conduct described in the foregoing Article is committed:

1. Between spouses or life-long partners, a father and mother of a family, even if not living under one roof, among their forebears or descendants and adopted children; and among all others permanently pertaining to the household.

(...)

11. Against a woman just because she is a woman.

against women as described specifically by law.”⁴⁶ In Venezuela, it is an aggravating circumstance of homicide when it is committed by the “spouse, former spouse, mistress, former mistress, a person with whom the victim had a marital relationship, stable de facto union or affective relationship, with or without co-habitation”.⁴⁷

Fewer States have opted to address femicide as a form of parricide, consisting in the murder of the female spouse or common-law partner of the aggressor. Chile’s Penal Code expressly states that such homicide shall be called femicide when “the victim is or has been the spouse or common-law partner of the perpetrator,”⁴⁸ whereas Peru’s Penal Code will consider as femicide the homicide of a woman when “she is or has been the spouse or common-law partner of the aggressor, or when she was linked to him in any type of intimate relationship.”⁴⁹ Lastly, femicide does not appear in the laws of the Caribbean countries, so that murders of women are prosecuted as aggravated homicide and murder.

In this Round, the Committee is warning that femicide has become more common and measures must be taken to prevent and punish it. On that basis, the Committee is

46. Penal Code of Brazil, Decree Law 2848 of December 7, 1940; amended by Law 11340, which establishes mechanisms for preventing domestic and family violence against women (Maria da Penha Law) of August 17, 2006.

Article 61: Aggravating circumstances

These are circumstances that aggravate a sentence, provided that they do not constitute or are not classified as a crime:

(...)

II. when the agent committed the crime:

(...)

f) misusing his authority or taking advantage of domestic ties, cohabitation, or hospitality, and with violence against women (Translated from the Secretariat’s Spanish version).

47. Organic Law on Women’s Right to a Life Free from Violence of Venezuela, March 16, 2007.

Article 65: Single Paragraph

In cases of intentional homicide, however classified, that are defined in the Penal Code, when the perpetrator of the offense addressed in this Law is the spouse, former spouse, concubine or former concubine, a person with whom the victim had a marital life, a stable de facto union, or an affective relationship, with or without cohabitation, the punishment to be imposed shall be between 28 and 30 years of imprisonment.

48. Penal Code of Chile, amended by Law 20480 of December 18, 2010.

Article 390: Whoever, aware of the ties between them, kills his or her father, mother, or child, or any other of his or her forebears or descendants, or anyone who is or has been his or her spouse or common-law spouse, shall be punished as a parricide, to maximum rigorous imprisonment for life.

If the victim of the offense referred to in the preceding paragraph is or was the spouse or common-law spouse of its perpetrator, the offense shall be called femicide.

49. Penal Code of Peru, amended by Law 29819, of December 27, 2011.

Article 107: Parricide / Femicide

Whoever, aware of the ties between them, kills his or her forebear, natural or adoptive descendant, or anyone who is or has been his or her spouse or common-law spouse, or anyone who is or has been linked to in a similar relationship shall be punished with imprisonment of minimum fifteen years.

Imprisonment shall be of minimum twenty five years when any of the aggravating circumstances established in numerals 1,2,3, and 4 of Article 108 concur.

If the victim of the offense referred to in the preceding paragraph is or was the female spouse or female common-law spouse of its perpetrator, or was linked to him in any type of intimate relationship the offense shall be called femicide.

stressing the need for judges and prosecutors to prosecute this crime and its aggravating circumstances, especially in assessing the gender-related motives of the perpetrator and the fact that the victim is a woman, which are factors that figure in various legal definitions of femicide in the region. This must also include removal of the judicial obstacles that might prevent the victims' next of kin from accessing justice, such as a reduced sentence for the assailant when he alleges that he acted in the "heat of passion."

The Committee of Experts also notes that the States have focused their efforts on criminalizing femicide committed by the partner of the victim, whether the victim is the assailant's present or previous spouse, girlfriend or mistress. This is called 'intimate femicide' and disregards the femicides that occur in the public sphere, whether perpetrated by a person known to the victim, in the community or by the State. In very few cases is the fact that the perpetrator is a public official counted as an aggravating circumstance in a woman's murder or in the crime of femicide. The Committee is therefore recommending that States have provisions that punish perpetrators in the public sphere.

1.10.

Legislation on State violence against women⁵⁰

Article 2(c) of the Belém do Pará Convention of establishes that violence against women includes violence "that is perpetrated or condoned by the State or its agents regardless of where it occurs." For that reason, in Article 7(a), the States Party undertake to "refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation."

However, in the First Multilateral Evaluation Round, the Committee received very little information from States concerning violence against women perpetrated by the State, its agents or non-State actors acting with the State's acquiescence.

For this round, the Committee of Experts added a question asking the State to indicate whether the perpetrators include individuals as well as the State and its agents, thereby ensuring women's protection in the public sphere as well. States were also asked to specify whether their legislation punishes sexual violence in armed conflicts, sexual violence as torture, war crimes or crimes against humanity, and violence committed against women in hospitals, educational institutions, prisons and other State-run institutions.

50. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table 3.

As for whether violence against women perpetrated by the State or its agents is a punishable offense, the Committee of Experts finds that only a few States have provisions criminalizing State-perpetrated violence. Those provisions appear mainly in the Penal Code, representing them either as stand-alone offenses or as aggravating circumstances when the offense was committed by a public official. Some constitutions and comprehensive laws on violence against women make reference to violence perpetrated by the State or regard it as part of “institutional violence.”⁵¹

A significant number of States do not have specific provisions on the topic; some, however, make the point that even so, cases of State violence against women can be prosecuted under the Penal Code, as it does not draw distinctions among perpetrators.

It occurred to the Committee of Experts that these provisions refer mainly to public officials; only a handful mention the armed forces and/or police, or separate regimes for those agents. In the replies examined, no mention is made of a situation in which the perpetrators are not State agents in the formal sense, but are acting at its instigation or with its consent or acquiescence.

As for whether violence against women perpetrated by the State or its agents is a punishable offense, the Committee of Experts finds that only a few States have provisions criminalizing State-perpetrated violence. Those provisions appear mainly in the Penal Code, representing them either as stand-alone offenses or an aggravating circumstance when the offense was committed by a public official.

As for whether sexual violence in an armed conflict is a punishable offense, the Committee of Experts was troubled by the fact that only Colombia and Chile have specific provisions on this subject. It notes also that the majority of States have not criminalized sexual violence as a war crime or crime against humanity. If such provisions were in place, these crimes could be prosecuted not just when committed in an armed conflict (in which case they would be war crimes and the crime of sexual violence) but also when committed in the absence of armed conflict, when a systematic or generalized pattern against the civilian population is proven (in the case of crimes against humanity). The Committee observed with interest that in the case of Chile, sexual violence is also regarded as an act conducive to genocide.

51. The comprehensive laws on violence against women currently in force define institutional violence as violence perpetrated by a public servant to discriminate or to delay, obstruct or prevent women from enjoying or exercising their fundamental rights and freedoms, and violence that seeks to obstruct or obstructs women's access to and enjoyment of public policies intended to prevent, punish and eradicate the manifestations, types and modalities of violence that the law contemplates.

The proliferation of sexual violence during armed conflicts and massive human rights violations in the region testify to its widespread use as a weapon of war and a means of subjection of women's bodies and lives. Its distinctive features and impact in those contexts were documented by transitional justice systems like truth commissions⁵² and, more recently, by the inter-American human rights system⁵³ and domestic courts.⁵⁴ Sexual violence afflicts in particular women displaced by such circumstances, who need protection commensurate with their needs, that takes into account the gender aspects of forced displacements⁵⁵ and the risks to which displaced women are exposed.⁵⁶

The Committee, therefore, believes that it is essential that provisions making such violence a separate criminal offense be introduced, as stipulated by the Rome Statute establishing the International Criminal Court (1998). That would constitute a preventive measure to avoid a recurrence of such events in the future.

52. See Memory of Silence, Report of Guatemala's Commission for Historical Clarification (CEH) (1999); Final Report of Peru's Truth and Reconciliation Commission (2003).

53. The Inter-American Court of Human Rights has issued judgments on cases involving sexual violence in the context of massacres and/or internal armed conflict: the Plan de Sánchez Massacre v. Guatemala, Reparations and Costs (2005), the Miguel Castro Castro Prison v. Peru (2006) and the Dos Erres Massacre v. Guatemala (2009). The last two of these involved violations of the duty of due diligence to prevent, investigate and punish violence against women, in accordance with Article 7(b) of the Convention of Belém do Pará. The Court has also admitted two applications filed by the Inter-American Commission on Human Rights, which also examine sexual violence in the context of conflict and violation of Article 7 of the Convention of Belém do Pará: the Río Negro Massacre v. Guatemala and the Massacres at El Mozote and nearby areas v. El Salvador.

54. See Federal Criminal Court of Mar del Plata, Argentina. File N° 2086 and joined File No. 2277 against Gregorio Rafael Molina, Judgment of June 11, 2010, and No. 2 Federal Criminal Court of the City of Buenos Aires, Argentina. File 1668 and 1673, Miara et al. Judgment of December 21, 2010. See also Fourth Criminal Supra-provincial Court of Peru. Case 2007-00899-0 v. Rufino Donato Rivera Quispe, Vicente Yance Collahuacho, Epifanio Delfín Quiñones Loyola, Sabino Rodrigo Valentín Rutti, Amador Gutiérrez Lisarbe, Julio Julián Meza García, Pedro Chanel Pérez López and Martín Sierra Gabriel. Order opening the examining phase of proceedings, April 3, 2009.

55. Thus, ruling (Auto) 92 of the Constitutional Court of Colombia has identified eighteen (18) gender facets of forced displacement, that is to say, aspects of displacement in Colombia that affect women differently, specifically, and more severely because they are women. These 18 gender-related facets of displacement include: (1) patterns of gender-based violence and discrimination that are structurally embedded in Colombian society and pre-date displacement, but which are boosted and exacerbated by it in ways that hit women hardest, and (2) problems that are specific to displaced women, resulting from a combination of the vulnerability factors to which they are exposed and that affect neither women who are not displaced nor displaced men. Included in the first category are the aggravated risks faced by displaced women of becoming victims of structural patterns of gender-based violence and discrimination such as (i) sexual violence and ill-treatment, including forced prostitution, sexual enslavement, or trafficking in persons for sexual exploitation; (ii) gender-based domestic and community violence; (iii) disregard and violation of their right to health, especially their sexual and reproductive health rights at every level, which is particularly serious in the case not only of young girls and adolescent, but also of pregnant and breast-feeding women; (iv) having to be female heads of household without the minimum material means of subsistence required for human dignity: a situation that is particularly fraught for women with small children, health problems, or disabilities, as well as for older women; (v) additional obstacles to access to the educational system; (vi) additional obstacles to insertion in the economy and access to jobs and productive activities; (vii) domestic and job-related exploitation, including trafficking in persons for commercial gain; (viii) special obstacles to owning land and in protecting assets for the future, especially in repatriation and resettlement plans; (ix) acute social discrimination against indigenous women and displaced Afrodescendant women; (x) violence against women leaders or women who become prominent because of their work for social and civic advancement or human rights; (xi) discrimination against their inclusion in public and political forums, affecting their right to participation in particular; and (xii) total disregard for their rights as victims of armed conflicts to justice, the truth, reparation, and guarantees that violence will not be repeated. Category (2) includes (xiii) the unsatisfied special care and psychosocial assistance needs of displaced women; (xiv) specific problems women face with respect to the official system for registering and characterizing displaced groups; (xv) women's problems in accessing care for displaced persons; (xvi) the large number of officials who lack training in the provision of care for displaced women or who are openly hostile and insensitive to their plight; (xvii) the often "family-oriented" approach of the system for attending to displaced population groups, which neglects to care for a very large number of displaced women who are not heads of household; and (xviii) an inbuilt reluctance of the care system to grant an extension of Emergency Humanitarian Aid to women who qualify it." CONSTITUTIONAL COURT OF COLOMBIA Ruling 92-2008: Protection of the Fundamental Rights of Women Victims of Forced Displacement due to the Armed Conflict, April 14, 2008, section III.1. Available at: : <http://www.corteconstitucional.gov.co/relatoria/Autos/2008/A092-08.htm>

56. Ibid. Section IV.B.4. Ruling 92 also identified 10 specific vulnerability factors to which women are exposed, just because they are women, in the Colombian context, and to which men are not exposed. These hazards are: (i) the risk of sexual violence, sexual

The Committee of Experts draws attention to the fact that a group of States reported having ratified the Rome Statute, to make the case that they had complied with the recommendation to introduce provisions criminalizing sexual violence as torture, a war crime, and crime against humanity. In the Committee's view, ratification of or accession to the Rome Statute bespeaks the political will of the State to take measures to prevent and punish these crimes. However, the Rome Statute stipulates which conduct may be deemed to be a war crime, crime against humanity or torture, but it does not dictate the elements of the crime, penalties of incarceration, the aggravating circumstances or the mitigating circumstances, with the result that it cannot be directly applied. Therefore, the adoption of the Rome Statute must be coupled with implementing legislation that elaborates upon the crimes within domestic criminal law, as indicated above. If the law already contains provisions for those crimes, they must be made to conform to the standards established in the Rome Statute.

Even though it was not part of the questionnaire, some national reports mentioned the proliferation of sexual violence against women, girls and teenagers in situations of natural disasters. Recently, the Inter-American Commission on Human Rights granted precautionary measures to prevent and punish said violence in Haiti.⁵⁷ The Committee of Experts reminds States that contexts such as natural disasters exacerbate pre-existing patterns of violence against women and girls. Therefore, the national response to said events must take into account their protection, as well as the prevention and punishment of any type of violence against them.

exploitation, or sexual abuse in the context of the armed conflict; (ii) the risk of being exploited or enslaved to perform domestic chores and roles considered feminine in a society with patriarchal tendencies, by illegal armed agents; (iii) the risk of having their children forcibly recruited by unlawful armed agents or of being subjected to other kinds of threats, which is more serious when a woman is a head of household; (iv) the risks stemming from being in contact with or having (voluntary, accidental, or alleged) personal or family ties with the members of any of the illegal armed groups operating in the country or with members of the Security Forces, principally as a result of denunciations or retaliations carried out a posteriori by illegal enemy bands; (v) the risks derived from belonging to women's social, community, or political organizations, or from women's work as leaders or promoters of human rights in areas affected by the armed conflict; (vi) the risk of being persecuted and murdered as part of the strategies for exercising coercive control over public and private behavior pursued by illegal armed groups in large swathes of the national territory; (vii) the risk of their source of economic support being murdered or disappeared, of the break up of family groups and of their material and social support networks; (viii) the risk of being more easily robbed of their land and property by illegal armed agents, given their historical attitudes to property, especially rural real estate; (ix) the risks derived from the aggravated forms of discrimination and vulnerability to which indigenous and Afrodescendant women are subjected; and (x) the risks associated with losing a companion or economic provider during the displacement process.

57. As for sexual violence in natural disasters, on December 22, 2010, the IACHR granted precautionary measures for all the displaced women and children living in 22 camps for internally displaced persons in Port-au-Prince, Haiti, in the wake of the January 10, 2010 earthquake. The request for precautionary measures alleges a pattern of sexual violence and a series of acts of violence against the women and girls residing in said camps. The Inter-American Commission called on the State to ensure the availability of adequate medical and mental health care for the victims of sexual violence located in accessible areas; to provide adequate security at the camps for internally displaced persons, including the lighting of public spaces, regular patrols within the camps as well as outlying areas, and to increase the presence of female police officers assigned to patrol details and local police precincts; to ensure that the law enforcement agencies tasked with responding to incidents of sexual violence receive the necessary training to respond appropriately to reported cases of sexual violence and provide the necessary security to the camps; to promote the establishment of special investigative police units within the Office of the Attorney General with a view to investigating rape cases and other crimes of sexual violence; and to ensure that grassroots women's groups fully participate in and have a steering role in the planning and implementation of policies and practices aimed at combating and preventing rape and other forms of sexual violence in the camps. Available in <http://www.oas.org/en/iachr/decisions/precautionary.asp#tab1>

As for sexual violence committed in State-run institutions such as hospitals, educational institutions, prisons and the like, the Committee notes with concern that the majority of States either do not have or did not report having provisions that would make this type of violence a punishable offense. The few States that reported having provisions in this regard were referring to the provisions on institutional violence in their comprehensive laws on violence against women (as was the case with Argentina); or to the fact that one of the aggravating circumstances of the crime of sexual violence was the fact that it was committed by a public official or civil servant in the performance of his/her functions (as in Guatemala); or to the establishment of a specific criminal offense when committed in only one such institution (as in Venezuela, where sexual violence is a punishable criminal offense when the victim is in custody or has been convicted and is serving sentence). The Committee of Experts would single out the Venezuelan case, not only because it has a specific criminal offense for this behavior, but also because it criminalizes “sexual violence” and not just “rape,” as happens in other cases. Some other States argued that in such cases the general legal provision is applied, as no distinction is made for the nature of the perpetrator.

As for sexual violence committed in State-run institutions such as hospitals, educational institutions, prisons and the like, the Committee notes with concern that the majority of States either do not have or did not report having provisions that would make this type of violence a punishable offense.

Comprehensive laws on violence against women play an important role in distinguishing the various forms of violence, one of which is institutional violence. However, not all such laws introduce concrete measures such as establishing institutional violence as stand-alone offenses, or making the fact that the perpetrator was a public official/employee an aggravating circumstance of a sexual violence offense, or making sexual violence a separate criminal offense when committed in State-run institutions. If these specific provisions are not present in the law, filing a complaint in such cases will be extremely difficult.

The Committee of Experts is recommending that States include provisions in their laws to criminalize sexual violence perpetrated in State-run institutions, either as a separate, stand-alone offense or an aggravating circumstance. If a State has a comprehensive law on violence against women that includes provisions on institutional violence, it should take care to adopt the measures necessary to prevent and punish that violence.

1.11.

Legislation protecting women’s sexual and reproductive rights⁵⁸

Although sexual or reproductive rights were not included in the questionnaire for the First Multilateral Evaluation Round, in the First Hemispheric Report, the Committee of Experts found that:

“...there is evidence of a type of gender violence that arises from the denial of important human rights related to the right to life, health, education, and personal safety; to decisions regarding reproductive life, the number of children, and when to have them; to intimacy, freedom of conscience and thought of women, among other rights. In legislation in which sexual and reproductive rights are not protected or recognized, these rights can be grossly violated, which can manifest as a lack of awareness about reproductive and sexual rights, forced sterilization, high rates of maternal morbidity and mortality, among other factors. Those who are more in danger and have more to lose are the most vulnerable: poor women, young and rural women who do not have easy access to health services and who thus resort to dangerous and unhealthy practices.”⁵⁹

For this reason, the Committee decided to include a number of questions about protection of sexual and reproductive rights in the second questionnaire, precisely because so little information was received during the First Round and because civil society organizations requested that such questions be asked.

Obstetric violence

The definition of obstetric violence used was the one that appears in Article 15(13) of Venezuela’s Organic Law on Women’s Right to a Violence-free Life, which was the first to define this form of violence. The definition of obstetric violence in that law is as follows:

“... the appropriation of a woman’s body and reproductive processes by health personnel, in the form of dehumanizing treatment, abusive medicalization and pathologization of natural processes, involving a woman’s loss of autonomy and of the capacity to freely make her

58. MESECVI/CEVI/doc.168 rev. 1– Hemispheric Report – Table 4.

59. MESECVI (2008), p. 17.

own decisions about her body and her sexuality, which has negative consequences for a woman's quality of life.”

The majority of States either do not have or do not report having provisions to prevent and punish obstetric violence as a separate form of violence. Following the Venezuelan model, Argentina defines obstetric violence as a form of violence in its comprehensive law on violence against women although it does not indicate what measures are being taken to implement it in domestic law, by establishing either the corresponding penalties in the Penal Code or guidelines in the General Health Law.

However, some States do have provisions that, while not specifically using the expression “obstetric violence”, assert that the natural processes before, during and after birth must be respected. In addition to the Venezuelan law, the Committee of Experts would also point to Uruguay’s Law on the Defense of the Right to Sexual and Reproductive Health (2008), which states that the process of giving birth must be as humane as possible, while guaranteeing privacy; respecting the woman’s biological and psychological clock and her cultural customs and practices, and avoiding invasive or intrusive practices or unwarranted medicating.

At the same time, the Committee observes that Ecuador’s Organic Health Law takes a multicultural approach to this issue, affirming that in pregnancy, birth, and the postpartum period, it will respect the traditional knowledge and practices of indigenous and Afro-Ecuadoran peoples, provided the life and physical and mental integrity of the person is not compromised.

Here, the Committee of Experts is recommending that the States include provisions that not only make obstetric violence a punishable offense, but that also elaborate on the elements of what constitutes a natural process before, during and after birth, without excessive reliance on medication and in which women and adolescent girls are appropriately informed and enjoy the necessary guarantees to ensure their free and voluntary consent to the procedures associated with their sexual health. It is also recommending that an intercultural perspective be adopted that enables indigenous peoples to avail themselves of health services and that is respectful of their customs and cultural norms.

Legal interruption of pregnancy

Five States (Chile, Dominica, the Dominican Republic, El Salvador, and Saint Kitts and Nevis) reported that they do not allow for legal interruption of pregnancy. In some Caribbean countries, such as Jamaica and Trinidad and Tobago, although regulations do not permit interruption of a pregnancy under any circumstances, under common law exceptions are made for therapeutic reasons, for pregnancy caused by rape, or on account of substantial abnormality of the fetus.

The Committee of Experts highlights the case of Jamaica, where its Medical Association publicly states that it is necessary to review and explain the scope of the law, with a view to meeting the targets to which Jamaica committed itself in a number of international forums with respect to reducing maternal mortality, one of the principal causes of which is death from illegal abortions. The Association establishes guidelines for performing this procedure: it may be performed by licensed physicians following the informed consent of the mother and preferably as early on in the pregnancy as possible. It is not recommended when the pregnancy has exceeded 20 weeks.

Certain other grounds for legal interruption of pregnancy found in regional legislation include serious congenital defects or disability in the fetus; pregnancy caused by incest; and pregnancy caused by artificial insemination without consent. For the purposes of the Second Multilateral Evaluation Round, the Committee will chiefly analyze legal interruption of pregnancy on therapeutic grounds and in the case of rape.

On therapeutic grounds

The Committee of Experts notes that most States have provisions allowing legal interruption of pregnancy on therapeutic grounds. However, there is no regional consensus as to how to define those grounds. A significant number of States permit the practice only in order to save the life of the mother. Other States establish that procedure in order to safeguard the life of the mother or to avoid severe or permanent harm to her physical health. A few States seek, in addition to the above two instances, to protect the mother's mental health.

The Committee of Experts voices its concern over the fact that States focused on reporting articles in the Criminal Code that decriminalize abortion, while not mentioning the existence of protocols or care guidelines that would make it possible to effectively implement these articles in health centers, thereby guaranteeing women's access to the procedure. Only Argentina and Jamaica report having care guidelines for such cases. However, they do not provide information on actual implementation, obstacles to implementation encountered, or steps taken to remove those obstacles.

On this point, the Inter-American Commission on Human Rights observed in its report on Access to Maternal Health from a Human Rights Perspective (2010) a failure to implement the laws, policies, programs, and practices on behalf of women's health when it comes to maternal health, as well as the dearth of provisions such as protocols to regulate medical care in this sphere.⁶⁰

Furthermore, from petitions lodged by women in the region with the universal human rights system⁶¹ and the inter-American system,⁶² it became clear that the lack of such protocols prevented the petitioners' access to legal interruption of pregnancy. The Committee of Experts recalls that, as the CEDAW Committee ruled in its decision *L.C. v. Peru* (2011), when the State Party decides to legalize therapeutic abortion, it must establish an appropriate legal framework that enables women to exercise their right to it in conditions that guarantee the necessary legal certainty, both for those resorting to abortion and for the health professionals performing it. It is essential that said legal framework provide for a decision-making mechanism that acts swiftly so as to limit as far as possible risks to the woman's health, that her opinion be taken into account, that the decision be duly substantiated, and that there is a right of appeal.⁶³

The Committee of Experts notes that most States have provisions allowing legal interruption of pregnancy on therapeutic grounds.

On account of rape

The regional tendency to legalize the interruption of pregnancy for therapeutic reasons does not hold in the case of termination of a pregnancy that is the result of rape. Some States allow interruption of the pregnancy, although in one case abortion as a result of rape is permitted only in the case of a woman who is either mentally chagenlled or of unsound mind, and in other States it is permitted in cases of statutory rape of adolescent girls between the ages of 16 and 18. There are also differences in how rape must be proven in order to qualify for this procedure. Some countries either expressly or tacitly require that the person seeking an abortion must file formal charges against the suspected rapist; other States, mainly those in the Caribbean, require a sworn statement from the person seeking an abortion. The Committee of Experts is recommending that States use treatment protocols to determine how one can obtain access to a legal abortion

60. IACHR (2010), Access to Maternal Health from a Human Rights Perspective , OEA/Ser.LV/II.doc.69. June 7, 2010, para. 37.

61. See United Nations Human Rights Council *K.L. v. Peru*. Decision CCPR/C/85/D/1153/2003, November 17, 2005; CEDAW Committee, *L.C. v. Peru*. Decision CEDAW/C/50/D/22/2009, November 4, 2011.

62. See IACHR Report No. 21/07, Petition 161/02, Friendly Settlement, Paulina del Carmen Ramírez Jacinto (Mexico), March 9, 2007.

63. CEDAW Committee. *L.C. v. Peru*. Decision CEDAW/C/50/D/22/2009, November 4, 2011, para. 8.17.

when one wants to terminate a pregnancy caused by a rape. However, it is compelled to alert States to the potential danger that requiring judicial proceedings may pose in these cases, because the wheels of justice move slowly, which would have the effect of denying women access to this service at the earliest stage in the pregnancy—the recommended course of action.

The Committee of Experts found that interruption of a pregnancy resulting from rape is criminalized in some cases, although it does figure among the conditions that can be invoked as grounds for a reduced sentence. The Committee notes that under the Penal Codes of two countries, the sentence may be reduced when the pregnancy is interrupted to save the honor and reputation of one’s spouse, mother, daughter, sister or adopted daughter. Thus, in this case, the protected legal good is not the life or integrity of the mother but the honor of the man, be it the husband, father, forebear, or brother. This provision is premised on patriarchal mores in which men make decisions about a woman’s body and sexuality.

As with legal interruption of pregnancy on therapeutic grounds, the Committee of Experts is also concerned by the fact that the States make no mention of any treatment protocols or guidelines that enable the law to be implemented effectively in health centers and that guarantee women’s access to the procedure.

Forced sterilization

Sterilization or voluntary surgical contraception (VSC) is one of the family planning methods encouraged by States, provided the patients have given their free and voluntary consent. However, cases filed with the Inter-American Commission on Human Rights (IACHR) on forced sterilization or sterilization without the patient’s consent⁶⁴ revealed that this practice is used in some countries where the law does not have the necessary provisions to prosecute the crimes, especially when they are committed as part of a systematic widespread practice that is State policy. For that reason, in this round the Committee of Experts decided to inquire whether forced sterilization is a punishable offense in the States Party to the Convention.

Only six States reported having penalties for forced sterilization. The most reported case is the criminalization of forced sterilization as an act conducive to genocide, either implicitly or expressly, defined as a means of “imposing measures intended to prevent births within the group.” This may be due to the influence of the Rome Statute that created the International Criminal Court, where forced sterilization figures as a war crime

64. See IACHR Report No. 71/03, Petition 12.191, Friendly Settlement, María Mamérita Mestanza Chávez (Peru), October 3, 2003; and Report No. 40/08, Admissibility, I.V. (Bolivia), July 23, 2008.

and a crime against humanity (Articles 7 and 8) and where “imposing measures intended to prevent births within the group” is an element of the crime of genocide (Article 6). Venezuela makes forced sterilization a common crime, but does not say whether it is also criminalized as an act conducive to genocide, a war crime or crime against humanity.

Making forced sterilization a common crime means that the individual perpetrator can be prosecuted for forcibly sterilizing individual victims, provided the perpetrator is not acting in accordance with some State policy or obeying higher orders that demand that the perpetrator perform the procedure or face consequences. On the other hand, prosecuting forced sterilization as a crime against humanity and/or act conducive to genocide would allow this behavior to be a punishable offense when committed as State policy or as part of a systematic or widespread pattern targeted at a population. This offers one important advantage: unlike common crimes, crimes against humanity are not subject to any statute of limitations and therefore could be prosecuted at any time.

Making forced sterilization a common crime means that the individual perpetrator can be prosecuted for forcibly sterilizing individual victims, provided the perpetrator is not acting in accordance with some State policy or obeying higher orders that demand that the perpetrator perform the procedure or face consequences.

The Committee of Experts recalls that forced sterilization, classified as either a common crime or a crime that is conducive to genocide, a war crime or crime against humanity, is an assault on a woman’s life and physical, psychological and moral integrity. The CEDAW Committee has written that compulsory sterilization or abortion adversely affects women’s physical and mental health, infringes on the right of women to decide the number and spacing of their children⁶⁵ and is a form of coercion that States must not allow.⁶⁶ For its part, the IACHR observes that such laws, policies and practices are based on and perpetuate stereotypes that see women as vulnerable and unable to make autonomous decisions regarding their own health.⁶⁷

The Committee of Experts is therefore recommending that the States introduce provisions criminalizing this form of violence as a common crime and as an act conducive to genocide, war crime and crime against humanity, as a way to prevent such crimes and to ensure that if they are committed, they will be properly prosecuted and punished.

65. CEDAW Committee. General Recommendation No. 19 – Violence against Women, paragraph 22.

66. CEDAW Committee. General Recommendation No. 24 – Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women: Women and Health, paragraph 22.

67. IACHR (2010), paragraph 38.

Artificial insemination without the woman's consent

As with the questions on sexual and reproductive rights, in the replies to the question on artificial insemination without the woman's consent, the Committee of Experts found that only Colombia, Guatemala and Panama reported having provisions to make it a punishable offense; Mexico does not make it a punishable offense, but makes it one of the circumstances under which a decriminalized abortion is allowed. What these four States have in common is that they have modernized their legislation through their comprehensive laws on violence against women and/or recent amendments to their Penal Codes.

On the subject of artificial insemination done without the woman's consent, the Committee is recommending that States introduce regulations on artificial insemination and establish penalties for those who perform this procedure without the woman's consent.

Emergency contraception

On the subject of emergency oral contraceptives, ten countries in the region reported having provisions permitting emergency oral contraceptives to be dispensed free of charge, especially in cases of rape. However, based on a number of shadow reports, the Committee identified cases where these provisions encounter obstacles in practice. The main obstacles are legal suits, such as suits challenging the constitutionality of emergency contraception and petitions seeking amparo relief alleging the pill's possible abortive effects, even though the World Health Organization has discounted any possibility of this pill causing abortion.⁶⁸ Therefore, the effects of the legal provision are on hold until the suits are decided by the competent court.

The Committee of Experts observes that this leaves rape victims unprotected if they cannot afford the fees charged by a private physician in order to get a medical prescription or to buy the contraceptive pills at the pharmacy. This has a discriminatory effect on rural and poor women, since such legal suits are in some cases calculated to put a stop to the dispensing of free emergency contraceptives at public health clinics, but not to stop their sale at pharmacies. The result is that this emergency contraceptive method is available only to those women who have a doctor's prescription and the means to buy the pill.

The Committee is recommending to States that they adopt provisions that ensure that emergency contraceptives will be dispensed free-of-charge at public health services. In those States where such provisions are already in force, full compliance should be assured by clearing away any obstacles.

68. World Health Organization (WHO) (2005). Emergency Contraception. Fact Sheet No. 244, October 2005. Available at: <http://www.who.int/mediacentre/factsheets/fs244/en/index.html>

Emergency prophylactic care and treatment of HIV and other sexually transmitted diseases, especially in cases of sexual violence

According to the CEDAW Committee, as a consequence of unequal power relations based on gender, women and adolescent girls are often unable to refuse sex or to insist on safe and responsible sexual practices. Harmful traditional practices, such as female genital mutilation, polygamy, as well as marital rape, may also expose girls and women to HIV/AIDS and other sexually transmitted diseases.⁶⁹

In this Second Round, the Committee of Experts observes that a significant number of States report that their health services offer emergency prophylactic care and treatment of HIV/AIDS and other sexually transmitted diseases, which in various cases are administered according to certain protocols. However, some replies did not say whether such care is available for both HIV and STDs, or just for HIV/AIDS or for STDs; others did not indicate how victims of sexual violence can benefit and whether treatment protocols for STDs and for HIV/AIDS are in place.

The Committee of Experts is recommending that the States adopt emergency prophylactic care and treatment for HIV/AIDS and other sexually transmitted diseases, especially in cases of sexual violence.

The Committee of Experts is recommending that States adopt emergency prophylactic care and treatment for HIV/AIDS and other sexually transmitted diseases, especially in cases of sexual violence. To fulfill this recommendation, States should adopt protocols setting out the various steps in treatment and how to care for clients, especially those who have been victims of sexual violence.

69. CEDAW Committee. General Recommendation No. 24, paragraph 18.

1.12.

National awareness campaigns to disseminate information on women's rights⁷⁰

Under Article 8(a) of the Belém do Pará Convention, the States Parties agreed to undertake progressively specific measures, including programs to promote awareness and observance of the right of women to be free from violence and the right of women to have their human rights respected and protected, among others.

For that reason, for this Round, the Committee of Experts included a question asking about nationwide campaigns to promote women's rights, especially the Belém do Pará Convention. Organizing campaigns to heighten awareness of violence against women, about women's rights and the services available should a woman become the victim of violence is one element of policies to prevent violence against women.

The Committee is recommending that States continue the campaigns to raise awareness of violence against women and to publicize and promote women's rights, preferably with a stable timeframe and results that can be evaluated. The States are being asked to share the results of these campaigns with the Committee, as soon as they are available.

The Committee was interested to find that the majority of the States do conducted campaigns to raise awareness of violence against women, to publicize women's rights and educate women about them. Although some of these campaigns have been underway for less than a year, the majority are conducted on important dates like International Women's Day (March 8) and the International Day for the Elimination of Violence against Women (November 25). Others may kick off in conjunction with international campaigns like the U.N. Secretary-General's campaign "Unite to End Violence against Women" or the "16 Days of Activism against Gender Violence Campaign" (November 25 – December 10). Those dates lend greater visibility to the activities conducted on this subject and the results achieved.

Nevertheless, the Committee believes that an even greater impact can be achieved with permanent campaigns that have no pre-established end date and that are evaluated periodically to ensure that the goals set are achieved.

The Committee of Experts also believes that the media –especially the Internet- have an important role to play in supporting such campaigns. The partnerships formed with

70. MESECVI/CEVI/doc.168.rev.1 – Hemispheric Report – Table 5.

civil society organizations, artists, public figures and multilateral organizations can help to ensure that the campaign has a greater impact. Generally speaking, the States did not report whether campaign results are evaluated and whether their impact on at-risk women is determined. The Committee of Experts appreciates the measures that Mexico and Uruguay reported having taken to publicize the MESECVI instruments and/or this Committee's recommendations.

The Committee is recommending that States continue the campaigns to raise awareness of violence against women and to publicize and promote women's rights, preferably with a stable timeframe and results that can be evaluated. The States are being asked to share the results of these campaigns with the Committee, as soon as they are available.

National plans



What most States had were equal opportunity plans and isolated strategies that did not constitute a combined, coordinated effort on the part of the State, organizations active on this subject and society in general, to tackle the problem of violence against women.

2.1.

National Plans/Actions/Strategies for the prevention, punishment, and eradication of violence against women⁷¹

Under Article 7 of the Belém do Pará Convention, the States Party agreed to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate violence against women.

However, during the First Multilateral Evaluation Round, the Committee of Experts found that some countries did not have national plans to address violence against women that encompassed all settings in which this kind of violence occurs, or strategies, partners, areas of intervention, conceptual frameworks, plans of operation, and the like. What most States had were equal opportunity plans and isolated strategies that did not constitute a combined, coordinated effort on the part of the State, organizations active on this subject and society in general, to tackle the problem of violence against women.⁷²

In this Second Round the Committee is pleased to find that the majority of States now have a plan of action or national plan on violence against women, or are in the process of implementing one. Another positive development that the Committee of Experts observes is that these plans, some of which were outlined in the comprehensive laws on violence against women described in chapter 1, map out lines of action, apportion inter-sector responsibilities and, in a number of cases, have invited civil society organizations to

71. MESECVI/CEVI/doc.168.rev.1 – Hemispheric Report – Table 5.

72. MESECVI (2008), pp. 14-15.

participate in the Plan's design and evaluation. It also notes with interest that in some cases those plans were developed and put into practice with the support of international cooperation agencies, after extensive consultations with civil society organizations.

The Committee of Experts observes that a few States report having systems to evaluate their plans or the results achieved. If an evaluation system is lacking, a public policy has not been fully designed and there is a great risk that its application will be inefficient and ineffective.⁷³ Many of the plans reviewed

Many of the plans reviewed were found not to have provisions that take into account diversity among women or measures to prevent violence at every stage in a woman's life. Some plans do not have any information regarding penalties for failure to carry them out.

were found not to have provisions that take into account diversity among women or measures to prevent violence at every stage in a woman's life. Some plans do not have any information regarding penalties for failure to carry them out.

As it noted in the First Round, the Committee of Experts is again troubled to find that national plans tend to focus on intra-family or domestic violence, ignoring other forms of violence perpetrated in the public sphere. This suggests a failure to conform to the standards established in the Belém do Pará Convention, and demonstrates that in some cases, the provisions that define violence against women

according to the Convention's standards, such as the comprehensive laws on violence against women, are not yet having an impact on government action in these matters. States have to correct this situation, because national plans and public policies are, in general, part of the arsenal of tools that States use to enforce the existing legislative framework.

Therefore, the Committee is again calling upon States to adopt national inter-sector plans to prevent, punish and eradicate violence against women that are equipped with evaluation systems, methods to publicize them and to enable civil society to participate in the various stages of the plan. States should also establish penalties for public officials who fail to carry out their plan.

73. Lahera, Eugenio. Política y Políticas Públicas. Serie Políticas Sociales CEPAL, N° 95. Santiago de Chile, agosto 2004, p. 12.

2.2.

Violence against women in other plans/actions/strategies

In addition to the plans on violence against women, in this Round the Committee asked whether the respondent countries had any actions or strategies related to violence against women embedded within the national plans for other sectors. It specifically mentioned education, employment and income, poverty eradication, gender equity and equality, health, HIV/AIDS, public security and crime prevention, and others. The Committee added this question to ensure that violence against women is being effectively addressed from an inter-sectoral perspective and that the actions outlined in the national plans tie in with other sector-specific plans.

The Committee found that the issue of violence against women is addressed mainly in the plans on gender equity and equality, although in several cases the focus is entirely on domestic violence. As for the other sectors, the Committee of Experts takes a highly favorable view of the measures States are taking to introduce the topic into national education plans, such as including human rights, gender and equality on academic curricula and educating teachers about violence against women, girls and adolescent females and about the penalties that staff of educational institutions face when they commit crimes of violence against students and the workers at those institutions. The Committee would also point out that the number of States with sexual or reproductive health plans is on the rise, which will help bring this issue to the forefront and be instrumental in monitoring specific actions on this subject. Other sectors covered—albeit to a lesser extent—are HIV/AIDS, health, and development. Defense, labor, and security are the least reported.

The Committee of Experts observes that in many cases, States do not provide sufficient information about how the issue of violence against women is being introduced into the national plans for other sectors. The States essentially reported measures taken in connection with violence against women, but did not report how they plan to go about developing this topic or making the connections with other sectors or with the agency charged with monitoring compliance with the national plan. This is important information for the analysis since, in the follow-up report on the recommendations made during the First Multilateral Evaluation Round, the Committee stated that incorporating this topic into more far-reaching national plans (e.g. development plans) would make for better coordination with other sectors. However, there is a risk that if subsumed into a broader plan or subject, the issue of violence against women will get lost and not generate the expected outcomes.⁷⁴ In this vein, the Committee is recommending to States that they provide more information on how the subject of violence against women is being addressed in the national plans for other sectors.

74 . MESECVI (2011), p. 11.

2.3.

Continuing training on violence against women and women's rights for public servants and others⁷⁵

In Article 8(c) of the Belém do Pará Convention, States agreed to undertake progressively specific measures, including programs to, inter alia, promote the education and training of all those involved in the administration of justice, police and other law enforcement officers as well as other personnel responsible for implementing policies for the prevention, punishment and eradication of violence against women.

During the First Round, the Committee of Experts observed that States' efforts were concentrated around isolated actions or actions focused on small groups of government employees, and hence did not have any real impact.⁷⁶ It also found that, according to the shadow reports provided for that round, gender prejudices and the lack of gender sensitivity among judicial and health officials were still obstacles to full enforcement of the laws to prevent and punish violence against women.⁷⁷

The IACHR, too, found that the impact of training programs for judges and prosecutors has been uneven and that many have not been institutionalized and do not feature the accountability mechanisms needed to effect permanent change.⁷⁸ On the subject of police training, the IACHR wrote that constant training for police personnel is one the essential avenues to pursue in order for a police force to aspire to be respectful of human rights.⁷⁹

For that reason, in this round the Committee included a question on continuing training plans on the subject of violence against women and women's rights, targeting public servants, among them lawmakers, officers of the court, health personnel, educators, the military and police forces, women's social and community organizations, centers that provide specialized treatment for victims of violence, and others.

In this Round, the Committee of Experts finds that the number of training activities for public servants has increased, mainly for police and the judicial sector, where courses are being introduced into the curricula of their respective training academies. Some of these programs are already outlined in the national plan on violence against women,

75. MESECVI/CEVI/doc.168.rev.1 – Informe Hemisférico – Cuadros de Referencia 5.

76. MESECVI (2008), p. 11.

77. Loc. cit.

78. CIDH (2007). Acceso a la Justicia para las Mujeres Víctima de Violencia en las Américas. Documento OEA/Ser.LV/II.doc. 68. 20 de enero de 2007, introducción, para. X.

79. CIDH (2009). Informe sobre Seguridad Ciudadana y Derechos Humanos. Documento OEA/Ser.LV/II.doc. 57. 31 de diciembre de 2009, para. 80.



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...the **participation** of an organized **citizenry** and actors other than the State in public affairs, including the design, execution, and monitoring of public policy and **democratic practice**, is critical in order to include their vision, perspective and experience and ensure a greater **positive impact** on the lives of **men** and **women**.

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which shows that building up institutional capacities is already part of the State strategy for preventing, punishing and eradicating violence against women, and feature agencies tasked with carrying out these programs and a budget to do so. In other cases, the training activities are the result of agreements made with organizations that specialize in women's rights; in a number of instances, they are conducted as part of projects underway with the support of International cooperation organizations or in furtherance of related international obligations. On this last point, Chile, for example, reports that training on gender and peacekeeping is being conducted as part of its compliance with United Nations Security Council Resolution 1325 on Women, Peace and Security.

Although more training plans and programs are now being reported, the Committee observes that many of them consist of sporadic workshops or activities that are not part of a permanent program or are the product of projects that are temporary or partial in nature.

Although more training plans and programs are now being reported, the Committee observes that many of them consist of sporadic workshops or activities that are not part of a permanent program or are the product of projects that are temporary or partial in nature. As happens with public policy, many of them focus on family, intra-family or domestic violence, but not on other forms of violence that are perpetrated within the community or by the State. No one reported whether the topics covered included women's rights or the provisions of the Belém do Pará Convention. The only exception was Uruguay, which did mention that the Convention's

provisions were included in its training activities.

Therefore, the Committee of Experts is recommending that States have continuing training programs on violence against women and on the rights of women as spelled out in the Belém do Pará Convention, and specially tailored to law enforcement officials and those who enforce public policies on the prevention, punishment and eradication of violence against women.

2.4.

Civil society participation in developing, monitoring and executing the National Plan on Violence against Women or related activities⁸⁰

Under Article 6 of the Inter-American Democratic Charter, it is the right and responsibility of all citizens to participate in decisions relating to their own development. Hence, the participation of an organized citizenry and actors other than the State in public affairs, including the design, execution, and monitoring of public policy and democratic practice is critical in order to include their vision, perspective and experience and ensure a greater positive impact on the lives of men and women.

In this Round, the Committee observes that various civil society organizations, mainly women's organizations, are partnering with the State in joint activities on the prevention and punishment of violence against women. These activities are mainly in the form of training workshops, where women's organizations are invited as participants or speakers, or joint activities for campaigns associated with key dates like March 8th and November 25th.

They have also played a role in the consultations organized by the State in connection with the deliberations on proposed national plans to counter violence against women, although from the information provided it is unclear to the Committee just how widely represented civil society organizations are in these deliberations or how long they last. In a number of cases, civil society organizations are represented on high-level, inter-sectoral committees or other bodies charged with monitoring execution of the National Plan, which means that their involvement has already been institutionalized. The Committee notes that in a number of Caribbean countries, the State partners with women's organizations in the administration of specialized victim services, especially shelters and free legal services. The organizations provide the services, but it is the State that supervises and funds them.

Nevertheless, the Committee of Experts is troubled by the fact that the participation of civil society organizations is mainly in targeted activities, but not necessarily in the execution of national plans or projects, and even less so in the design of the national plans and monitoring their execution. This would seem to suggest that this type of participation has not yet become institutionalized. It does not appear to be part of any plan or organized structure; instead, the participation of civil society groups is selective

80. MESECVI/CEVI/doc.168.rev.1 – Hemispheric Report -Table 5.

and intermittent. The Committee of Experts appreciates the progress made in promoting civil society participation in the design and execution of public policies. To strengthen national plans on violence against women, the Committee would suggest that civil society's participation be institutionalized by whatever means are deemed to be most appropriate, such as membership on high-level committees, thematic working groups, inclusive consultations, and others.

2.5.

Cooperation agreements with the media and advertising agencies to publicize women's rights, especially the Belém do Pará Convention⁸¹

Article 8(g) of the Belém do Pará Convention encourages communication media to develop appropriate media guidelines in order to contribute to the eradication of violence against women in all its forms, and to enhance respect for the dignity of women. The Beijing Platform for Action recognized that the media have great potential to promote

The Committee of Experts takes a very favorable view of the State's increasing use of the media as a tool for educating the public and raising awareness about violence against women.

the advance of women and the equality of women and men by portraying women and men in a non-stereotypical, diverse and balanced manner and by respecting the dignity and work of the human person.⁸² For these reasons, for this Second Round the Committee of Experts decided to add a question about the role of the media in promoting and disseminating women's rights.

Judging from the reports received it seems that although no formal agreements have been struck between the State and communication media and/or advertising agencies to promote and disseminate women's rights, concrete measures have been taken for that purpose. In most cases, it happens in the form of the media's coverage of the activities of the national systems that enforce the laws and public policies to prevent and punish violence against women. In other cases, the media come into play in campaigns waged to end violence against women, which call for public service announcements on radio and television. In some cases, air time is reserved for a program produced by the national women's service. Media are also used to raise awareness of problems like family, intra-family or domestic violence, sexual

81. MESECVI/CEVI/doc.168.rev.1 – Hemispheric Report -Table 5.

82. Beijing Platform for Action A/CONF.177/20/Rev.1, 1995, para. 33.

violence and femicide, taking a suitable, non-stereotyped approach in news programs and news bulletins. As for the written press, some media outlets devote space on the printed page for directories of the services that attend to women victims of violence, run by either the State or by civil society.

The Committee of Experts takes a very favorable view of the State's increasing use of the media as a tool for educating the public and raising awareness about violence against women. However, given the increase in the number of female victims of violence, the deeply embedded historical roots of this problem and a social milieu that still tolerates it, such activities have to increase and be carried out as part of a State strategy specifically mapped out in the national or sector-specific plan; it must have its own budgetary appropriation to ensure continuity, as well as a system to evaluate the impact.

Access to justice



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sizes/0/11/photostream

The main problems indicated by States included a lack of resources for establishing new offices and for better equipping existing offices, and increasing the number of trained personnel.

3.1.

Increase in the number of entities charged with receiving complaints of violence against women⁸³

During the First Round, most States reported that the number of services for cases of violence against women does not meet existing demand. The main problems indicated by such States included a lack of resources for establishing new offices and for better equipping existing offices, and increasing the number of trained personnel. Moreover, these services are concentrated in capitals or large cities, and the rural or more remote areas are not served.⁸⁴ The result is that indigenous and rural women and those who live outside urban centers are left unprotected.

Therefore, in the follow-up report on the recommendations from the First Round, the Committee of Experts pointed out that this inadequacy meant that victims had to draw on their own economic and logistical resources to file a complaint and then participate in judicial proceedings. The IACHR recommended the use of mechanisms such as justices of the peace and community ombudspersons for women victims of violence in rural, marginal, and poor areas.⁸⁵ In this way, the number of authorities can be multiplied and the system of justice made accessible to women not living in cities or urban areas.⁸⁶

83. MESECVI/CEVI/doc.168 rev. 1– Hemispheric Report – Table # 6.

84. MESECVI (2008), p. 27.

85. IACHR (2007), para. 182.

86. MESECVI (2011), p. 12.

In this Second Round, the Committee focused on inquiring about the increase in the number of units authorized to receive complaints, and asked respondents to identify the type of institution, how many were added and their locations. The idea was to ensure the broadest coverage possible in non-urban areas.

First, the Committee of Experts notes with interest that in a number of countries, the laws recently enacted on the subject –which include the comprehensive laws on violence against women- make provision for the establishment of specific courts to hear cases involving family, intra-family or domestic violence, sexual violence and/or trafficking in persons. These resources provide specialized treatment of these subjects; however, they also expedite cases, since the officers of the court do not have an additional caseload involving crimes of other types.

Secondly, as to the type of institution authorized to receive complaints, specialized police stations for violence against women, especially family violence, continue to be one place to which women can turn to file complaints.⁸⁷ These stations are staffed with female police officers who specialize in violence against women and are able to offer services that are sensitive to victims' needs. Other institutions highlighted by the States as receiving

complaints are the offices of the public prosecutor on human rights, offices of ombudspersons, justices of the peace and, in some Caribbean countries, hotlines, although these services do not provide much in the way of information on the procedure followed once a complaint is filed.

A significant number of States did not indicate that any new entities of this type had been added, such as the specialized police stations, public prosecutor's offices that specialize in cases involving violence against women, and other such institutions.

While it applauds the progress achieved, the Committee of Experts is also concerned over the rather small increase in the number of entities authorized to receive complaints. A significant number of States did not indicate that any new entities of this type had been added, such as the specialized police stations,

public prosecutors' offices that specialize in cases involving violence against women, and other such institutions. Those States that did report an increase listed a variety of provinces and locations, which suggests that they have made an effort to establish such entities beyond the capital. The Committee would need additional information on the areas covered: for example, whether they are urban centers or rural areas. This would give a better idea of whether the recommendations from the First Round are being implemented.

87. MESECVI (2008), p. 27.

The Committee of Experts also needs more information about any units created in indigenous communities for receiving complaints of violence against women, or other systems that give indigenous women greater access to justice. Some States report having located ombudsperson's offices and justices of the peace in more remote areas, where they will provide access to justice; however, they do not specify whether those units are receiving complaints from indigenous women or if services are provided in indigenous languages. The Committee of Experts knows of other cases, such as Venezuela, where Article 71 (single paragraph) of the Organic Law on Women's Right to a Life Free of Violence (2007) states that indigenous peoples and communities shall form bodies to receive complaints; these shall be composed of the legitimate authorities as dictated by their customs and traditions, although the aggrieved woman may also turn to other bodies authorized by law to receive complaints.

This is very important since, in Article 7 of the Belém do Pará Convention, States Party undertake to apply due diligence to prevent, investigate and impose penalties for violence against women, while Article 9 provides that the States Party shall take special account of the vulnerability of women to violence by reason of, among others, their race or ethnic background. Building upon the provisions of the Convention, in its judgments in *Rosendo Cantú et al. v. Mexico* (2010) and *Fernández Ortega et al. v. Mexico* (2010), the Inter-American Court of Human Rights held that in the case of indigenous communities it is indispensable that States offer effective protection that considers their particularities, social and economic characteristics, as well as their situation of special vulnerability, customary law, values, customs, and traditions.⁸⁸

The Committee of Experts recalls that fifteen States Party to the Convention have ratified Convention No. 169 of the International Labour Organisation (ILO).⁸⁹ Article 8(2) of Convention 169 provides that indigenous and tribal peoples shall have the right to retain their own customs and institutions, where these are not incompatible with fundamental rights defined by the national legal system and with internationally recognized human rights. Thus, those States that recognize indigenous or tribal justice in cases of violence against women must make certain that the community's customs and practices do not violate or in any diminish women's right to a life free of violence and are consistent with the State's duty of due diligence in preventing, investigating, punishing and making reparations for violence against women.

88. IACHR. Case of Rosendo Cantú et al. v. Mexico. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 31, 2010. Series C No. 216, para. 184; Case of Fernández Ortega et al. v. Mexico. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2010. Series C, No. 215, para. 200.

89. Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru and Venezuela have ratified that Convention.

Therefore, the Committee of Experts is recommending to the States that, in addition to increasing the number of entities authorized to receive complaints, especially in non-urban areas, they provide the Committee with more data on indigenous women's access to justice, especially the entities and procedures that they are to use, the advantages and disadvantages involved, and the domestic laws and customary rules used to administer justice.

3.2.

Measures to facilitate women's access to justice and guarantee due process⁹⁰

During the First Multilateral Evaluation Round, little information was received on the subject of access to justice for women victims of violence. For that reason, in the second questionnaire, the Committee of Experts added a question asking for specific information on measures to guarantee access to justice and due process. The information being sought was to ensure the presence of specialized officers, private spaces, free legal services, interpreters in indigenous languages, and guidelines on confidentiality and protection of the particulars of the victim, her family members and/or witnesses. The Committee of Experts was disappointed to find that in every case, the responses received in this section were incomplete.

On the question of specialized officers, the Committee notes that the majority of States reported having personnel of this type at police stations where complaints of violence against women are received and described how the police are trained. A few also made reference to the staffing at courts where complaints of domestic violence are received; fewer still mentioned specialized personnel at the office of the ombudsperson. A significant number either do not have or did not report having this kind of specialized personnel. In general, however, the replies do not provide any details about the areas of specialization, like gender and human rights. This is particularly pertinent since in at least one case the State acknowledges that its personnel specialize in law enforcement, but not in gender-based violence.

Furthermore, the expression 'specialized officers' or 'specialized personnel' ought not to be construed as referring to the staff who attend to the victim when she files a complaint, or those who administer justice. In fact, specialized officers should be understood to include those experts and forensic physicians who gather and analyze evidence of violence, especially cases of sexual violence and femicide. It also includes those who perform psychological tests on the victims. From the replies received, it was unclear whether such personnel is included, which is critical, considering that problems in gathering and

90. MESECVI/CEVI/doc.168 rev. 1– Hemispheric Report – Table 7.

preserving evidence can weaken a victim's complaint; as a rule, judges and prosecutors tend to doubt the victim's testimony and that testimony alone is not sufficient to get the perpetrator convicted.

Most States do not indicate whether they provide private spaces; those States that said they do, gave few details concerning their location; for example, whether they are in the units where the complaints are received or in the health centers where the victims are examined. This is troubling because, as the IACHR observed, the lack of private spaces is another factor contributing to the re-victimization of the aggrieved women, who end up being questioned and/or examined in public, thereby violating their right to personal dignity.⁹¹

As for free legal services, the information States provided was incomplete. Although a considerable number of States report having various types of free legal services for women victims of violence, in a number of cases these services are provided by pro bono clinics and centers offering legal aid for cases in general, but not specializing in violence against women. Some of these services are mainly for victims of family, intra-family or domestic violence. However, the replies fail to explain whether or how cases of violence committed against women in public spheres are addressed. Another difficulty is that these services are not being provided by State agencies, but by civil society organizations, universities and/or bar associations, which are located mainly in the capital or other urban centers. Furthermore, a number of States reported having such services because the law requires it, yet do not explain how the services are provided in practice and what services are offered to women victims of violence in furtherance of that obligation.

Although a considerable number of States report having various types of free legal services for women victims of violence, in a number of cases these services are provided by pro bono clinics and centers offering legal aid for cases in general, but not specializing in violence against women.

The reporting on the availability of interpreters in indigenous languages was similar. As noted in the follow-up report on the recommendations from the First Multilateral Evaluation Round, the few States that said that such services were provided did not explain what agency provides the interpreters or how many. The replies simply stated that if either the victim or the assailant was a member of an indigenous people, it was the

91. IACHR (2007), paragraphs 141-142.

State's constitutional and/or legal obligation to provide interpretation services. Hence, it is unclear whether the State does in fact provide free interpreters or whether the user must defray the cost of the interpretation services.⁹²

The Committee must once again emphasize how important it is that such services be made available in order to enable indigenous women to have access to justice. The services offered should be of the type outlined by the IACHR, i.e., they should be free, impartial and culturally relevant translation services that are sensitive to the users' vision of the natural order.⁹³

As for the confidentiality of the particulars on the victim, her family members and witnesses, very few States reported having measures that guarantee the confidentiality/privacy of that information. The measures reported include private hearings for cases involving family and/or sexual violence; the victim's right to use a substitute name or to remain anonymous if the case is covered in the media; and withholding the names of family members and children so that their identity is not revealed. In a minority of cases, even when the law does not prescribe a certain measure, a judge can exercise her/his judgment and order the measure if the circumstances so warrant.

As for the confidentiality of the particulars on the victim, her family members and witnesses, very few States reported having measures that guarantee the confidentiality/privacy of that information.

Some issues that are troubling for the Committee concern the emphasis on protecting the privacy of the victim but not that of the family members and witnesses. In the case of witnesses, some States follow a separate regime; many witness-protection measures come into play when the State is prosecuting offenses committed by organized crime and/or corruption. It is unclear how these witness-protection measures are used in cases involving violence against women.

The lack of information in the replies from States suggests to the Committee that such measures do not exist; if they do exist in the formal sense, i.e., in the law, they are not yet being put into practice. Hence, the Committee of Experts is again recommending that States ensure that women have access to justice by guaranteeing, at a minimum, specialized personnel to serve the victim's needs and deal with her case in all phases of the legal process; private areas in police stations, courts and health services; free legal services that specialize

92. MESECVI (2011), p. 15.

93. IACHR (2007), p. 121-122

in violence against women and are provided by the State nationwide; interpretation services in indigenous languages for victims from those ethnic groups who turn to the judicial system for justice; and the confidentiality and protection of the particulars of the victim, her family members and witnesses.

3.3.

Mechanisms to enforce protective measures ordered for women, their family members and/or witnesses⁹⁴

Article 7(f) of the Belém do Pará Convention provides that States Party undertake to establish fair and effective legal procedures for women who have been subjected to violence which include, among others, protective measures. During the First Round, the Committee received little information about the enforcement of these measures and the about how long it takes to get these measures in place. It therefore recommended that States establish efficient protection measures for women who report sexual violence, and for their family members and witnesses.⁹⁵ With a view to timely enforcement of those measures, in this Round, the Committee of Experts added a question asking which mechanisms are in place to ensure the effectiveness of measures to protect women, their family members and/or witnesses. The mechanisms mentioned included funds for transportation, means of rescuing women, changing the victim's identity, witness protection, safe-conducts to leave the country, secure referral networks, and whatever others the countries might choose to share.

On the matter of funds for transportation, the Committee of Experts observes that a considerable number of States do not make any reference to funds for moving victims, although they cite provisions that allow such transportation. Among those provisions are the comprehensive laws on violence against women or the laws on domestic violence, under which the judge has the authority to order the police to accompany the victim when she retrieves her belongings from the assailant's domicile and to take her to the shelter of her choosing. Peru is an interesting case in this regard, because there the Ministry of Foreign Affairs has the authority to arrange the transfer of Peruvian victims of human trafficking in order to repatriate them.

In the case of the means of rescuing women, according to the reports received from States, generally speaking rescues are performed by the police or mobile brigades, as a rule by an order of the court. In some cases, the judge also decides where the victim and her children

94. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table 8.

95. MESECVI (2008), recommendation 34.

are to be taken; in other cases the police already have a referral protocol. The Committee is concerned by the fact that half the States Party either do not have or do not report having these rescue procedures, and that they appear to be used only in those countries that do not have legal provisions on violence against women.

On the subject of identity change, only six States mentioned having provisions in this regard. In one such State, the question of identity change is examined on a case-by-case basis; in two other States the person's true identity may be kept confidential during the criminal proceedings by allowing her to use a substitute name, prohibiting photographs and the citing of testimony. In the other cases, States report that the rules on identity change are the same as those used in the victim and witness protection program. However no further details are provided on the circumstances and scope.

On the question of safe-conducts to leave the country, no State reported having concrete measures to enable a woman victim of violence, her family members or witnesses to go to a third country because of the danger they face in the country of origin.

As for witness protection, a considerable number of States report having provisions establishing special victims and/or witness protection programs in the context of a criminal case. To evaluate their effectiveness, the Committee of Experts is recommending that in response to future questionnaires, States provide more information on the use of witness protection in criminal cases involving violence against women. This is essential because these laws are sometimes geared toward cases involving organized crime and there is no evidence suggesting that witness protection

is being used in cases of family, intra-family or domestic violence, sexual violence, community violence or violence perpetrated by the State or its agents.

On the question of safe-conducts to leave the country, no State reported having concrete measures to enable a woman victim of violence, her family members or witnesses to go to a third country because of the danger they face in the country of origin. The few States that answered this question did not go into detail about how safe-conducts are granted and applied; others confused them with the procedures for obtaining a passport or for returning aliens to their country of origin. One State explained that there were "informal means" to obtain a safe-conduct, but did not elaborate.

On the issue of secure referral networks, the practice most frequently mentioned by the States Party was shelters for victims and their dependents, as well centers providing specialized treatment to victims. From the information supplied, however, it is unclear what authority or agency makes the referral, within what timeframe and under what circumstances. Bolivia

stands out here because it described in detail a procedure for referral and counter-referral in the “Norms, protocols and procedures for comprehensive treatment of sexual violence”, which is now being tested by the Office of the Vice Minister for Equal Opportunity.

The Committee of Experts also observes potential obstacles to the use of these measures. One is the scarcity and limited capacity of shelters, which are found mainly in the capital and/or urban centers.⁹⁶ Another factor is public awareness of the location of these centers, which makes it easier for the assailant to find his victim if no other protective measures are in place for her, her family members and/or witnesses.

The Committee is therefore recommending that States put into place the mechanisms discussed in this section in order to ensure enforcement of the protective measures ordered for women victims of violence, their family members and/or witnesses.

3.4.

Assessments and/or studies on the use and effectiveness of protection measures⁹⁷

In the First Hemispheric Report, the Committee of Experts pointed out that a timely protection order prevents women from being unprotected and at the mercy of the perpetrators of the violence by way of retaliation, and that without an assessment of the effectiveness and efficiency of existing measures and procedures done with the institutions responsible for ordering those measures, the necessary corrective action cannot be taken.⁹⁸ Subsequently, in its Follow-up Report on the Recommendations that the Committee made to the governments, the Committee again emphasized the importance not only of effective protective measures, but also of developing databases and statistics on the number of protection orders sought in cases of violence against women, the number of orders granted, and any additional information corroborating their effectiveness.⁹⁹

Furthermore, the IACHR established in *Jessica Lenahan v. United States of America* (2011) that, when recognizing in court the risk faced by the victims, and the corresponding need for protection, the State was obligated to ensure that its apparatus responded effectively and in a coordinated fashion to enforce the terms of the protection order. In that regard, it is required that:

96. See infra, point 25.

97. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table 6.

98. MESECVI (2008), pp. 28-29.

99. MESECVI (2011), p. 9.

... the authorities entrusted with the enforcement of the restraining order were aware of its existence and its terms; that they understood that a protection order represents a judicial determination of risk and what their responsibilities were in light of this determination; that they understood the characteristics of the problem of domestic violence; and were trained to respond to reports of potential violations. A proper response would have required the existence of protocols or directives and training on how to implement restraining orders, and how to respond to calls such as those placed by Jessica Lenahan...¹⁰⁰

Therefore, supplementing its earlier question and to follow up on the recommendation made in the First Round,¹⁰¹ the Committee of Experts added a question regarding the assessment of the effectiveness of the protection orders for women, their family members and/or witnesses.

The answers from the governments in this Round continue to be of concern to the Committee of Experts as they repeat the pattern that happened in the First Round. In almost every case, the answer simply cites laws that make provision for protective measures and the various types of protective measures, but offer no indicators of enforcement or any other data suggesting oversight or follow-up of these measures once ordered.

However, Argentina, Belize and Brazil did report the number of protection measures sought and the number granted. Some figures, however, do not account for all the measures granted nationwide; instead they refer to only certain courts, or those granted in the capital, or those granted in the context of a case involving family, intra-family or domestic violence, without identifying the sex of the party seeking those measures.

From an intercultural standpoint, the Committee observes with interest that under Panama's Domestic Violence Law, traditional community leaders may apply protective measures (Article 7) as well as those measures prescribed by their own internal normative systems and, secondarily, those prescribed by law. The Committee of Experts will try to obtain more information on the implementation of these articles and the impact on victims of violence.

In some States Party, the law prescribes open-ended lists of protection measures and leaves it to the judge's discretion to order measures other than those that the law

100 . IACHR. Case 12.626, Jessica Lenahan (Gonzales) et al v. United States. Report N° 80/11, July 21, 2011, para. 145.

101. MESECVI (2008), recommendation 34: Establish efficient protection measures for women who report sexual violence, as well as their families and witnesses. If these measures exist already, assess their efficiency and introduce any necessary corrections.

prescribes, taking into account the petitioner's circumstances. However, the same obstacles that the Committee of Experts detected during the First Round with regard to enforcement of protection measures persist. These range from administrative problems (for example, the lack of an application form) to the fact that such measures can only be ordered in cases of family, intra-family or domestic violence or only for victims, not for their family members or witnesses.

Given how important protection measures are in safeguarding the lives and physical and mental integrity of victims of violence, their family members and witnesses, and because the obstacles found during the First Round are still present, the Committee of Experts is urging States to ensure that such measures are applied in all cases involving violence against women and to monitor their enforcement. Accordingly, it is recommending that States do assessments or conduct studies on the implementation of these measures and their effectiveness, so that the appropriate steps can be taken to correct and/or strengthen them.

3.5.

Protocols for the care and treatment of female victims of violence, in the official language and in indigenous languages (police, prosecutors' offices, health system personnel)¹⁰²

During the First Round, the States did not provide sufficient information on whether their police stations and judicial services for victims of violence had protocols of this type, in indigenous languages as well. It was assumed, therefore, that in most countries such protocols had not been developed and approved.¹⁰³

Therefore, for the Second Multilateral Evaluation Round, the Committee of Experts again asked about the adoption of protocols for the care and treatment of victims of violence in the official language and in indigenous languages, both at police stations and other entities authorized to receive complaints, at prosecutors' offices and health services. As was established in the follow-up to the recommendations, the protocols in indigenous languages must be institutionalized; they must standardize the criteria used in the legal framework and the sector norm; they must spell out specific criteria for data collection and for sensitive, quality treatment and care of women victims of violence and must be used by the various sectors that offer services to women victims of violence.¹⁰⁴

102. MESECVI/CEVI/doc.168 rev. 1– Hemispheric Report – Table # 6.

103. MESECVI (2008), p. 28.

104. MESECVI (2011), p. 18.

In this Round, the Committee of Experts observes that the majority of States have or are in the process of introducing or testing protocols for the treatment and care of victims of various forms of violence against women. Some reported having specific protocols for cases involving human trafficking, family, intra-family or domestic violence, or abuse of girls and adolescent females. However, the three specific services involved when women seek access to justice –i.e., the police, the public prosecutors’ offices and health services- have

The lack of a treatment protocol clearly spelling out the procedure to be followed to take care of a victim of violence for the duration of the criminal proceedings, increases the danger that she will be re-victimized if the case is closed, whether because the court orders it dismissed or because some out-of-court arrangement is reached with the assailant.

little in the way of protocols. While States claimed to have protocols for all three, they did not provide copies of them or any evidence of their existence and actual use. The majority of States have or are intending to introduce such protocols mainly in the police stations or other entities that receive such complaints, to a lesser extent in the health services, and lastly in the prosecutors’ offices and courts. This increases the likelihood that women who file complaints will be mistreated as a result of ill-defined procedures that are cumbersome and insensitive to the violence they have suffered.

The Committee is struck by the fact that States report that health centers have protocols for treating women victims of sexual violence, but make no mention of other forms of violence committed against women that do not involve sexual assault. It is also troubled by the fact that no State reports having such protocols in indigenous languages, or any means to translate them. In fact, one State said emphatically that translation of those protocols is out of the question because the country has so many different indigenous languages.

The lack of a treatment protocol clearly spelling out the procedure to be followed to take care of a victim of violence for the duration of the criminal proceedings, increases the danger that she will be re-victimized if the case is closed, whether because the court orders it dismissed or because some out-of-court arrangement is reached with the assailant. Furthermore, not having these protocols in indigenous languages means that they cannot be disseminated and applied. Hence, the Committee is recommending that as soon as possible, States take measures to ensure that protocols for the care and treatment of women victims of violence are introduced in police stations or other entities authorized to receive complaints, public prosecutors’ offices and health services, written in indigenous languages whenever necessary.

3.6.

Use of the Belém do Pará Convention and other international treaties by judges and prosecutors¹⁰⁵

Since the Belém do Pará Convention is already part of the domestic legal order of the States Party, and of the oversight of compliance with conventions to be undertaken by judges and State attorneys,¹⁰⁶ the Committee of Experts decided to include a question about whether the Convention and other international treaties that set out and guarantee women's rights are being used by judges and prosecutors. The objective was to find out whether courts are using the content of these instruments to support their judgments and opinions.

With the exception of Mexico, the responses to the questionnaire suggest to the Committee of Experts that no studies have been done on the application of the Belém do Pará Convention in judgments delivered by domestic courts. Although the majority of States make no mention of it, the Committee is encouraged by the fact that judicial practice in some countries is now beginning to incorporate the Belém do Pará Convention and other international instruments that establish standards for the prevention, punishment and eradication of violence against women. The Committee knows that in criminal cases in which sexual violence is being prosecuted as a war crime and crime against humanity, domestic courts are citing the Belém do Pará Convention, the American Convention on Human Rights and the case law of the Inter-American Court of Human Rights.¹⁰⁷ It has also learned that in compliance with judgments of the Inter-American Court of Human Rights and/or recommendations made by the Inter-American Commission on Human Rights, some States have (re)instituted criminal proceedings in their domestic courts, citing those judgments and recommendations as grounds.¹⁰⁸

If properly disseminated, the studies or compilations on the use of the Convention and other international norms on violence against women can become useful reference material for judges, prosecutors, other officers of the court and law students.

105. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table 6.

106. See *supra*, Chapter 1, p. 4.

107. See *supra*, footnote 34.

108. See IACHR. Merits Report No. 54/01, Maria da Penha Fernandes (Brazil), April 16, 2001. As a result of this report, the case against Maria da Penha's spouse was reopened in 2002. He is now on parole and his sentence ends in February 2012.

3.7.

Assessments or studies of how stereotypes, prejudices or the victim's personal history or sexual experience influence court rulings and opinions¹⁰⁹

The Committee of Experts also asked about any assessments or studies done on how stereotypes, prejudices, myths and customs influence rulings and opinions in cases involving violence against women, and how a victim's personal history or sexual experience is exploited in the criminal case. The purpose of such studies is to detect which of these exerts the heaviest influence with a view to rooting them out of judicial practice.

In the case of *LNP v. Argentina* (2011), the Human Rights Committee considered that the constant inquiries by the social workers, medical staff and the court into the sexual and moral life of the petitioner constituted an arbitrary interference in her private life and an illegal assault on her honor and reputation, especially since they were irrelevant for investigating the case of rape and since she was a minor. The Committee also recalled its General Comment No. 28, which pointed out that, in accordance with Article 17 of the International Covenant on Civil and Political Rights, it considered that taking a woman's sexual life into account when deciding on the scope of her rights and protection under the law, including protection against rape, constitutes interference.¹¹⁰

Furthermore, the IACHR has established how discriminatory socio-cultural patterns based on a woman's supposed inferiority by virtue of her biological differences and reproductive capacity can be used by justice officials.¹¹¹ Those patterns may end up discrediting the victim during the criminal case and lead to a tacit presumption that she is somehow to blame for the acts of violence committed against her, whether because of her style of dress, her job, her sexual behavior, relationship or kinship with her assailant. The result is that judicial authorities fail to take action, and the investigation into the case and the evidence are compromised.¹¹²

The Committee of Experts observed that States did not report having studies of this kind, even though research and publications on related jurisprudence have been published in some of the very same countries. In the case of Colombia, for example, a study was done on some of the precedent-setting rulings of the Constitutional Court and the Supreme Court on violence-related issues, and on hypothetical scenarios, social and

109. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table 6..

110. UN Human Rights Council, *L.N.P. v. Argentina*. Dictamen CCPR/C/102/D/1610/2007, August 24, 2011.

111. IACHR (2007), paragraphs 147 and 151.

112. *Ibid*, para. 115.

institutional attitudes and practices that still regard gender-based violence as part of human nature. In Uruguay, studies have been done on the material, cultural, and educational factors that justice sector personnel must overcome to properly apply Law 17,514 on family violence, and a study of the existing legal framework and case law from a gender perspective.

Because the courts and prosecutors often rely on stereotypes and myths prejudicial to women and on a victim's personal history and sexual experience, the Committee of Experts is urging the States to adopt, inter alia, measures geared toward changing the judicial structure and to use studies examining judgments and opinions containing such stereotypes as a way to expose the practice, which has the effect of obstructing women's access to justice and is a violation of the provisions of the Belém do Pará Convention.

The Committee of Experts observed that the States did not report having studies of this kind, even though research and publications on related jurisprudence have been published in some of the very same countries.

Specialized services



The States are reporting an increase in the number of shelters and homes for women victims of violence, some of which are located in places other than the capital. The increase is due mainly to the comprehensive laws on violence against women and/or the national plans on violence against women...

4.1.

Increase in the number of shelters, homes for women and comprehensive support centers for women victims of violence¹¹³

In Article 8(d) of the Belém do Pará Convention, States undertook to provide appropriate specialized services for women who have been subjected to violence, through public and private sector agencies, including shelters.

During the First Multilateral Evaluation Round, the Committee of Experts expressed concern over the fact that little progress had been made on implementation of this provision, as the number of State-run shelters was not sufficient to cover demand and those that did exist were able to accommodate too few. On that occasion, the Committee commended the work done by civil society organizations, which run a significant number of shelters in the region and help fill the vacuum left by the State. Nevertheless this does not relieve States' of their responsibility for creating and running these services.¹¹⁴

For this Round, States are reporting an increase in the number of shelters and homes for women victims of violence, some of which are located in places other than the capital. The increase is due mainly to the comprehensive laws on violence against women and/or the national plans on violence against women, which provide for a number of specialized services for affected women, among them the following: the creation and upkeep of shelters and homes for battered women, specifying the responsible entities and line items to fund them. Many of these shelters and homes are for women victims of

113. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table 9.

114. MESECVI (2008), p. 34.

family, intra-family or domestic violence, without specifying whether they care for women affected by other forms of violence committed within the community or by agents of the State. Given the scale and prevalence of various forms of violence against women in our region, both in the public and private spheres, this is a welcome increase though not sufficient to cover the demand for this service.

In other countries, like Ecuador, the State signs agreements with shelters and boarding houses run by civil society organizations to ensure the women's safety, in the belief that the State-run shelters may be targeted for attack.

The Committee also notes that more States, especially in the Caribbean, are partnering with civil society organizations to run shelters and/or centers providing comprehensive support services, which will receive State funding. This occurs in countries where the entities responsible for administering these services—generally the national entity in charge of women's affairs—do not have the human and technical resources to do the job themselves and use the experience that women's organizations have gained in caring for women victims of violence to good effect. In other

countries, like Ecuador, the State signs agreements with shelters and boarding houses run by civil society organizations to ensure women's safety, in the belief that the State-run shelters may be targeted for attack.

The Committee of Experts is encouraged by the partnerships formed with civil society organizations, which it views as an opportunity for these organizations to provide the State with technical support. More information would be needed on how these shelters operate and on their funding, i.e., whether they are fully funded by the State or receive partial subsidies, and whether their permanent operation is guaranteed. In any event, this arrangement is a temporary means of building up the State's ability to comply with the obligations undertaken in the Belém do Pará Convention.

Accordingly, the Committee of Experts is recommending that States continue to increase the number of shelters, homes for battered women and centers providing comprehensive support services to women victims of violence and their family members. If necessary, the States should enter into collaborative arrangements with civil society organizations, especially women's organizations that have experience in running these centers and in providing services to victims of violence against women.

4.2.

Free specialized services provided by the State¹¹⁵

Under the Belém do Pará Convention, States have an obligation to provide appropriate specialized services for women who have been subjected to violence. A sizeable percentage of the victims are poor, disadvantaged women; thus it is essential that they have access to free specialized services.

Based on the findings of the First Multilateral Evaluation Round, the Committee of Experts added a question concerning five services: free pre-trial legal counsel; free legal counsel during trial; free 24-hour national telephone hotlines; health care programs, including sexual health programs and services for legal interruption of pregnancy, and psychological counseling, therapy, support and self-help groups.

As for the free pre-trial legal counsel for women victims of violence, during the First Round, the Committee of Experts agreed that this service should be reserved for women exclusively and be provided by trained personnel.¹¹⁶ The Hemispheric Report from the First Round found that in a number of cases, legal representation as a State service was being confused with pro bono legal assistance. Pro bono services were provided by civil society organizations, but not by the State, or were legal advice for men and women alike on general issues, which meant that the purveyors of these services did not have the training needed to answer questions related to violence against women.¹¹⁷

During this Round, the Committee of Experts noticed that these services had increased slightly. The adoption of comprehensive laws on violence against women and/or national plans to prevent it paved the way for the creation of specialized legal counsel services. These services are also provided by offices of the ombudsperson for human rights, by offices that deal with domestic violence cases, some courts, pro bono legal aid clinics, and free 24-hour telephone hotlines.¹¹⁸ The use of the free telephone hotline is a good practice and especially helpful to those women who live far away from any urban center, where most law offices and legal aid clinics are located.

The problems observed during the First Round still persist. Many of these services do not specialize in violence against women; instead they are either general legal advisory services or focus on family, intra-family or domestic violence. In a number of cases, it is unclear

115. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table 9.

116. MESECVI (2011), p. 16.

117. *Ibid.*, pp. 16-17.

118. See *infra*, p. 42.

whether the services are free; in other cases it is expressly stated that the services are partially subsidized, which means that part of the cost is passed on to the user. Some of these services are provided by State institutions, which are mainly located in the capital cities.

As for free legal counsel during trial, in addition to the obstacles mentioned earlier the Committee notes that in some States, the free legal representation and specialized services that the laws establish for women require additional regulation; or the law that establishes those services has to be reconciled with the regulations governing the institutions designated to provide the service. This can become an obstacle for women since, until those provisions are standardized, the service cannot be provided.

Many of these services do not specialize in violence against women; instead they are either general legal advisory services or focus on family, intra-family or domestic violence.

In the case of the toll-free 24-hour telephone hotlines, the Committee of Experts found the same trend it noted during the First Round. Telephone hotlines are limited in geographic coverage or operate only at certain times; or they may be emergency hotlines to file complaints about violence of any kind or general emergency hotlines.¹¹⁹ These lines are mainly operated by shelters or centers providing comprehensive support services, which in many cases are run by civil society organizations, not by

the State. Other types of institutions operating these hotlines include those in charge of implementing the national plans to end violence against women and, to a lesser extent, the ombudsperson's office and the police.

Telephone hotlines to deal with specific types of violence against women were also reported. Although the service provided by hotlines that specialize in specific types of violence against women may be better, the aforementioned geographic, financial, and scheduling constraints may end up making such hotlines less useful to the affected women specifically, and in preventing violence against women in general.

With regard to health care programs, including sexual health programs and services for legal interruption of pregnancy, in its First Hemispheric Report, the Committee of Experts observed that health programs specifically for women victims of violence were either lacking, or what States reported was the existence of general health programs, without any indication of how the needs of women victims of violence were addressed. According to that report, in some cases those programs did exist on paper but could not be implemented in practice because an appropriation in the budget was lacking.¹²⁰

119. MESECVI (2011), p. 14.

As happened during the First Round, the Committee received little information about health services for women victims of violence. The few countries that did answer this section of the questionnaire made reference to the services provided by the Ministry of Health, without specifying what those services were; they also reported that these services were included in HIV/AIDS programs, but did not elaborate. It is particularly worrisome that no State made any mention of providing sexual health services to women victims of violence or services for the legal interruption of pregnancy. As noted in the section on legislation on sexual and reproductive rights,¹²¹ decriminalization of therapeutic abortions and of abortions as a result of rape would require the adoption of protocols and the implementation of services for women.

In the case of psychological counseling, therapy, support and self-help groups, the majority of States reported having psychological counseling services provided through rehabilitation programs for women victims of violence, or therapy and self-help groups. In the Second Round, the Committee observes that the assistance is part of the comprehensive services offered by the support centers and emergency hotlines which cover legal, psychological and social assistance. This requires interdisciplinary teams composed of properly trained attorneys, psychologists and/or social workers, thus ensuring immediate and better coordinated services for users.

It is particularly worrisome that no State made any mention of providing sexual health services to women victims of violence or services for legal interruption of pregnancy.

Because laws on violence may be gender-neutral and policies may focus on domestic violence, these kinds of services may end up being provided to the family as a whole, which may include the assailant. The Committee of Experts is concerned that the objective of the counseling and therapy might not be to rebuild the woman's self esteem and sense of empowerment, but rather to reconcile her with her assailant.

The Committee of Experts must insist that States need to established free, specialized services for women victims of violence and their children. At a minimum, these services should include more shelters, homes for women and comprehensive care centers; pre-trial legal counseling; legal representation at trial; health services that also cover a woman's sexual and reproductive health and legal interruption of pregnancy; and psychological counseling, therapy and self-help groups.

120. Ibid, p. 16.

121. See supra p. 17 et seq.

4.3.

Information campaigns to promote these specialized services¹²²

During the First Multilateral Evaluation Round, the Committee of Experts found that women were unaware of the legal, psychological and shelter services available should they experience violence. In this Round, a question was asked about the measures taken to promote the use of said services.

The Committee was interested to observe the efforts the States have made to publicize the services available. Some States do this in the context of campaigns to protest violence against women¹²³ or through workshops and training sessions. Greater efforts are now being made to use all available media, such as radio, the written press or the internet, which reach a wider and more diverse audience. The means most often used are to publish brochures and directories of services.

While the Committee of Experts welcomes this progress, it also observes the somewhat fragmented approach taken in a number of the information campaigns reported. In some cases, the legal and health services are advertised separately by the agencies charged with administering them, and their promotion is not part of a coordinated strategy based on national plans. The fragmentation is obvious because the State tends to focus on prevention and punishment of domestic violence.

In some cases, the legal and health services are advertised separately by the agencies charged with administering them, and their promotion is not part of a coordinated strategy based on national plans.

Hence, the Committee is recommending that the States devise strategies for coordinated promotion of specialized State services for women victims of violence, preferably based on national plans to end violence against women. Promotion strategies can either be worked into campaigns to prevent and

punish violence against women or campaigns to promote women's rights; or they could be part of an organized informational plan that would avoid duplication of effort and spending. The strategy must also be part of the national plan if it is to receive the funds to operate and achieve its goals.

122. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table # 10.

123. See supra pp. 23-24.

4.4.

Evaluation of the services and of client satisfaction¹²⁴

In the First Multilateral Evaluation Round, the Committee of Experts recommended that the functioning of support services for women victims of violence be implemented and evaluated.¹²⁵ During the follow-up of that recommendation, no data were available on the number of clients served, which made it difficult to ascertain the impact of those services, evaluate them and suggest possible improvements.¹²⁶ Given this history, the Committee of Experts made an addition to the questionnaire for the Second Round to ask whether the services to victims of violence had been evaluated and whether the clients' opinions were requested and taken into account.

In this Round, a significant number of States reported having conducted or having planned evaluations of these services using independent consultants, in some cases with financial support from international cooperation agencies. It is also apparent that efforts are being made to organize information and data from specialized services to make it available to the general public. Others have opted to survey clients after the service is rendered.

The Committee of Experts is troubled by the fact that the replies from some States are unclear about the specifics of the evaluations. Some report them in the context of the evaluation of plans or programs to prevent violence, without further details, so it is unclear whether the services are covered in that evaluation. Furthermore, as happens in campaigns to promote the services, the focus of a number of measures is on providing either legal or health services, but not both. The Committee did not receive any information about any corrective action or additional measures that were taken to improve the services based on the outcomes of the evaluations.

The Committee of Experts is therefore reiterating its recommendation that evaluations be conducted of the specialized services for women victims of violence and their children, and that the corrective action and measures needed be implemented, thus improving the services provided.

124. MESECVI/CEVI/doc.168.rev.1 – Hemispheric Report – Table 10.

125. MESECVI (2008), recomendación 32.

126. MESECVI (2011), p. 17.

Budget



The majority of States did not report what percentage of their general budgets had been allocated over the last four years to combat violence against women, which is the information the Committee had requested; instead, the figure they supplied was the amount allocated to the issue of violence against women, expressed in their national currency.

5.1.

Percentage of the budget allocated over the last four years to combat violence against women¹²⁷

As the Committee of Experts observed during the First Round, the chapter on budget is particularly important, because economic support for the various programs and services to prevent, punish and eradicate violence against women ensures the implementation of those programs and their continuity. It is also evidence of the State's commitment and the political resolve of governments to wage the fight to eradicate violence against women.¹²⁸

In this Round, the Committee sees the same problems it found in the previous Round. First, the budget allocated for gender issues, particularly the prevention and punishment of violence against women, continues to be insufficient. In a considerable number of States, the amount allocated ranges between 0.1% and 1% of the national budget, and between 20% and 50% of the budget allocated to the national machinery for women. The majority of States did not report what percentage of their general budgets had been allocated over the last four years to combat violence against women, which is the information the Committee had requested; instead, the figure they supplied was the amount allocated to the issue of violence against women, expressed in their national currency.

Various States reported the amounts allocated in the national budget for the national machineries for women, among them the Ministries for Women's Affairs, the Offices on

127. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table 11.

128. MESECVI (2008), p. 36; MESECVI (2011), p. 24.

Gender or the Institutes of Women. However, they do not itemize the amounts earmarked for the prevention and punishment of violence against women and those earmarked for other lines of activity. As a result, the Committee does not have the information it needs to analyze the appropriation.

Some States report having programs and activities funded mainly by international cooperation agencies. The Committee of Experts welcomes the international cooperation that agencies and other States provide to implement laws and programs that serve to guarantee women's right to a life free of violence. External cooperation can be useful in specific projects or cases, but it is not a permanent solution and does not relieve governments of their obligation to appropriate funds in their budgets for the design and execution of national plans and programs.

It is the Committee of Experts' view that without clear and sufficient budgetary appropriations, the plans, programs and services that treat or serve to combat violence against women cannot be operated efficiently.

The States do not report any information on amounts allocated to sectors other than the national machinery for women that administer specialized services to victims, such as the funds earmarked for police stations, emergency hotlines and health services, which tend to be part of other government sectors such as interior, justice and health.

It is the Committee of Experts' view that without clear and sufficient budgetary appropriations, the plans, programs and services that treat or serve to combat violence against women cannot be

operated efficiently. Therefore, the Committee is reiterating its recommendations that States approve budget appropriations for the execution of public policies, plans, and programs that guarantee quality in preventing, responding to, punishing, and progressively eradicating violence against women in the public and private spheres, and that the budget appropriations approved match the severity of the problem in each country.

It is also recommending that States provide more specific information on the budgets assigned not only for the national machineries for women, also for other government entities that provide services for women victims of violence.



“

The Committee of Experts welcomes the international cooperation that agencies and other States provide to **implement laws** and programs that serve to guarantee **women's right** to a life **free of violence**. External cooperation can be useful in specific projects or cases, but it is not a permanent solution and does not relieve governments of their obligation to appropriate funds in their budgets for the design and execution of national plans and programs.

”

5.2.

Percentage of the national budget allocated to entities that receive complaints, training of public officials, specialized services, prevention campaigns and health services¹²⁹

During the First Round, the Committee of Experts found that not one of the participating States had information on the budgetary appropriations for the four requested items: entities that receive complaints; training of public officials; victim care programs or specialized services; and prevention campaigns. From the replies received, it appears that the victim care programs received more State funding; the item that was the least reported was funding for prevention campaigns.¹³⁰

In this Round, the Committee received very little information on the appropriations for each of the above mentioned items, or for the appropriation for health services, which was a new item added in the questionnaire for this Round. It received even less

Ecuador was the only country that reported the size of the budgets assigned to these programs and services, since all of them are covered in the National Plan to Eradicate Gender-based Violence and, therefore, included in the appropriation for this Plan.

information for the four-year period requested on the questionnaire. Ecuador was the only country that reported the size of the budgets assigned to these programs and services, since all of them are covered in the National Plan to Eradicate Gender-based Violence and, therefore, included in the appropriation for this Plan. In the other cases, the Competent National Authorities, most of which are the respective country's national mechanism for women, reported the size of their budgets and the amounts earmarked for the services they administer, which are as a rule the comprehensive care centers and services; however, they did

not report the amounts allocated for the services administered by other parts of the government. As in the First Round, specialized services were the only item for which the States reported having appropriations, although the information provided was incomplete.

The Committee of Experts is troubled by the lack of precise figures on the budgetary appropriations earmarked for programs and services provided to women victims of violence. It was struck by how many States either did not report or stated that figures were either not available or in the possession of entities that operate those services.

129. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table # 11.

130. MESECVI (2011), p. 24.

Still others said that there was no specific appropriation for the items requested by the Committee.

Hence, the Committee is again reminding the States of how important it is to have figures or percentages of the budget that go toward these items, and to know whether the amounts have increased or decreased in the short- and medium-term.¹³¹ This is a measurement of the importance that States attach to the prevention and punishment of violence against women, relative to other areas.

131. Loc. cit.

Information and statistics



Several States have conducted studies and research on the topic over the last four years. The bodies responsible range from national mechanisms for women to government gender observatories and statistical institutes.

6.1.

Government-sponsored studies and research on violence against women and/or application of the Belém do Pará Convention

Given the lack of response on this topic during the First Round, the Committee repeated the question on government-sponsored studies and research on violence against women or application of the Belém do Pará Convention.

Several States have conducted studies and research on the topic over the last four years. The bodies responsible range from national mechanisms for women to government gender observatories and statistical institutes. Government working groups have also been established to review the implementation of policies relating to domestic violence or sexual violence and to conduct research prior to the preparation of comprehensive legislation on violence against women, on the need for shelters and on the evaluation of specialized services.

The Committee of Experts notes that in some cases provision was made for such research in national plans on violence against women, giving this work an institutional framework and assuring the allocation of the required budget resources. It also notes that, in the absence of budgetary allocations, such research and studies were often sponsored by international cooperation agencies. In several Caribbean countries, women's NGOs, ECLAC and UNFPA have been key in providing advice and sponsoring regional and sub-regional publications on the topic. In some cases, governments admitted that such research had been neglected for lack of financial or human resources.

Given this situation, the Committee of Experts recommends that States should include studies and research on violence against women in their national policies and plans against violence, with a view to determining the organizations that will participate in their coordination, the budget allocated, and the dissemination of the results and publications.

6.2.

Promotion of research on violence against women, in coordination with civil society organizations and academic centers

As in the First Round, little information was received on the promotion of research on violence against women in coordination with civil society organizations and academic centers.

States mentioned some research activities conducted in connection with surveys or the commissioning of studies through tenders. Collaboration is sometimes sought at specific stages of the research process, such as in data collection or discussion of preliminary results. These activities are generally covered by the national plans on violence against

women or are part of multi-sectoral projects sponsored by international cooperation agencies. Other ways of promoting research in coordination with NGOs and academia include gender observatories and web pages that systematize research on various issues.

Only two countries, Colombia and Peru, reported that they had signed cooperation agreements or national agreements for gender equity.

The Committee of Experts notes that in the specific case of academic centers, joint work with the State authority relates to specific situations and not to ongoing cooperation agreements. Only two countries, Colombia and Peru, reported that they had signed cooperation agreements or national agreements for gender equity.

6.3.

Specialized periodic surveys over the last four years on violence against women, women's knowledge of their rights and knowledge of available government services¹³²

Given the lack of information during the First Round, and following the recommendation made in the first Hemispheric Report,¹³³ the Committee of Experts added a question on recent periodic surveys dealing with three issues: violence against women, women's knowledge of their rights, and women's knowledge of available government services.

The Committee of Experts notes that nearly all States Party have conducted surveys on violence against women over the last four years. Some relate specifically to violence, while others consist of modules within broader surveys or censuses, such as those dealing with health. The questions relate primarily to family or domestic violence, violence against children and adolescents, and sexual violence. This means that, as a minimum, States have up-to-date information on the dimensions of violence in their countries that guides the adoption of more appropriate rules and policies for addressing it. Some States reported having provided prior training to the persons administering the survey.

The Committee is concerned, on the other hand, that very few States have conducted or are planning to conduct surveys or modules on the level of women's knowledge of their rights and of the services available to victims of violence. As to the three countries that responded to this question, Ecuador is planning to include a module on the topic in the 2011 ENDEMAIN; Dominica reports that it conducted a survey, but it provides no information as to the type, the date or the results; and Costa Rica reports that it conducted a survey on the status of women's rights in 2008, but it provides no information as to whether these topics were included.

The Committee of Experts considers that surveys, or a module within a general survey or census, can help to measure the impact of campaigns and to demonstrate whether they are helping to make such services more widely known.

Consequently, the Committee recommends that surveys be conducted, or that modules be included in general surveys or censuses dealing with violence against women, women's knowledge of their rights, and knowledge of services available to women victims of violence.

132. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table 12.

133. MESECVI (2008), recommendation 48: Include modules on gender-based violence in the national census and in surveys.

6.4.

Records on the number and characteristics of incidents of violence against women accessible to the public, through the police and other units receiving complaints, the courts, and health services¹³⁴

In the First Round, States Party were still in the process of implementing records in police stations, courts and prosecution offices and in the health system. Those records were supposed to compile data on services provided to women victims of violence and on the profile of users. No State was yet compiling all three records requested.¹³⁵

In the Second Round, there has been a slight increase in records. The police and entities receiving complaints are the State institutions most widely cited with respect to records of incidents of violence against women. The Committee of Experts points in particular to the Bahamas, where figures on cases reported to the police are systematized and publicized through a web page. The courts and prosecution offices and the health centers are the institutions least often mentioned, and the information is so vague that the characteristics, functions or efficiency of their records cannot be known.

Some problems are apparent in implementing these records in countries where the notion of violence against women is limited to family or domestic violence. Only these data are collected, to the exclusion of data on other forms of violence against women. Moreover, data are not disaggregated by sex, and any member of the family may be a victim.

Some States indicated that the records and the data contained in them were not readily accessible to the public. The Committee notes that in some cases the authorities themselves were not able to access the data for responding to the questionnaire. It also notes cases where the information is made public through a second body responsible for systematizing it, such as a State observatory or a statistical information system.

The Committee of Experts recalls that records constitute a primary source of information for measuring the magnitude of the problem of violence against women and the number of women who turn to the justice and health system. As declared in the First Hemispheric Report

134. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table 13.

135. Ibid, page 20.

“In order to produce a timely, high-quality registry of information, there needs to be investment in raising awareness and in training staff who are placed in charge; promotion of the use of specialized formats and the establishment of digitalized information systems, as well as of coordinated work when registering, systematizing, and publishing the data. Finally, women need to know their rights, and the method of presenting complaints needs to be facilitated.”¹³⁶

The Committee of Experts therefore stresses the need to keep records in the police stations, the courts and prosecution offices, and in the health services, in order to have reliable data for recognizing the magnitude of violence against women, for gauging the accessibility and use of services by women victims of violence, and for assessing whether the actions taken to prevent and punish violence are effective.

6.5.

Information on the number of female victims of violence, number of prosecutions and convictions for violence against women and number of femicide cases and convictions¹³⁷

As to the number and characteristics of women victims of violence, during the First Round it was found that States had no records containing the minimum data essential for recognizing the profile of victims of violence against women, such as age, civil status, type of violence or geographic location. While some States cited recent figures, having available the information requested under this indicator is essential for understanding the dimensions of the problem of violence, its victims, its perpetrators and its extent. Without that information it is impossible to design realistic policies or to implement specific measures to prevent and address such violence.¹³⁸

The same pattern is repeated in the Second Round. The majority of States do not disaggregate the data they collect on violence against women by age, civil status, type of violence and geographic location. The Committee of Experts is particularly concerned that many States do not break down the information by sex, which is an indispensable prerequisite for any data collection system that seeks to track the situation of women. If this requirement is not fulfilled, according to the four indicators mentioned above, it will be impossible to establish adequate victim profiles.

136. MESECVI (2008), p. 38.

137. MESECVI/CEVI/doc.168 rev. 1 – Hemispheric Report – Table 14.

138. MESECVI (2011), page 21.

The Committee also observes a variety of official sources for collecting figures on women victims of violence. Police stations, prosecution offices and public defenders' offices are the bodies most often cited, while the courts and health services are less used. This would seem

The Committee of Experts is concerned that most States are not reporting the number of prosecutions for violence against women compared to the total of complaints lodged, nor the conviction rate. The lack of data in both cases suggests that, in effect, the courts and the prosecution services do not have records or systems for collecting data based on complaints and criminal prosecutions relating to violence against women.

to confirm what is said in the section on records of violence against women, to the effect that the police or body receiving the information have gone further in implementing such records than have the courts, prosecution offices and health services.

The Committee of Experts is concerned that most States are not reporting the number of prosecutions for violence against women compared to the total number of complaints lodged, nor the conviction rate. The lack of data in both cases suggests that, in effect, the courts and the prosecution services do not have records or systems for collecting data based on complaints and criminal prosecutions relating to violence against women. In some other cases there appear to be difficulties of access to the information collected by the courts, even on the part of other public agencies.

With respect to victims of femicide each year, by age, civil status and geographic location, the Committee finds that, as in the First Round, States are providing quantitative information both on homicide and on murders of women.¹³⁹ However, they do not break down the data by age, civil status or geographic location. The Committee observes that in several cases the national mechanisms for women obtained the figures by tallying the cases that appear in the local printed press.

The Committee of Experts appreciates the efforts that States are making to collect information on gender-related deaths of women, using communication media as sources. It recalls, however, that this strategy was first used by civil society organizations to compensate for the lack of official figures. Reliance on tallying cases of violent female deaths from the media may be a temporary measure while official records are being implemented, or even an alternative measure to the official count in order to compare figures, but it is certainly not a substitute for the official data that States are supposed to provide. Those data must be derived from the records kept by the police, courts and prosecution offices, and health services.

¹³⁹. MESECVI (2011), p. 23.

The Committee of Experts finds that no State provided figures on the annual number of convictions for femicide compared to the total number of cases registered.

The Committee of Experts therefore reiterates its recommendation from the follow-up report on the recommendations made during the first multilateral evaluation round, to the effect that States should implement police and judicial registries to keep statistics on violent deaths of women. Where such records already exist, it is important to ensure that data are disaggregated by age, civil status and geographic location.

6.6.

Existence of a mechanism or body for coordination between national mechanisms for women and public entities that prepare and compile national statistics

The Committee of Experts has already recommended that States establish coordination among public entities that develop and collect national statistics and national mechanisms for women in order to improve the collection of statistics related to violence and gender.¹⁴⁰

In the present round, several States reported mechanisms or bodies for coordination between national mechanisms for women and statistics offices. Those bodies are responsible for organizing information and making it publicly accessible through such mechanisms as gender observatories. Colombia and Brazil report the use of such observatories.

These bodies also tend to be used to coordinate various unified information systems on violence against women. Among those reported are the Unified Statistical Measurement System (Costa Rica), the Network of Public and Civil Entities Producing and Using Statistical Information for Incorporating the Gender Focus (Panama), the National Information System on Violence against Women (Guatemala) and the Domestic Violence Information System, now under preparation in Uruguay.

Some States have also reported the creation of gender and statistics units, generally managed by national mechanisms for women. These entities are responsible for mainstreaming gender in statistical affairs and proposing indicators for measuring violence against women and monitoring efforts at prevention, punishment and eradication. Bolivia and Ecuador report that such units exist or are being created.

¹⁴⁰ MESECVI (2008), recommendation 46.

The Committee is concerned that a large number of States have not specified the body or mechanism for coordinating between said units, or say they do not have one. Several responses declare that there are cooperative linkages between statistics offices and national mechanisms for women, but they provide no further information. In some cases, data collection is in the hands of a single entity, either the statistics office or the national mechanism for women.

The Committee of Experts reiterates its recommendation to establish rules for proper coordination and dialogue between national statistics agencies and national mechanism for women.

Recommendations of the Committee of Experts of the MESECVI to the States Party

Legislation

Articles 1, 2 and 7(c), (e), and (g) of the Belém do Pará Convention

1. Amend and/or harmonize the legal framework concerning the prevention and punishment of violence against women to bring it into line with the definition of violence against women established in articles 1 and 2 of the Belém do Pará Convention.
2. Criminalize trafficking in persons and forced prostitution in accordance with the standards of the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime” known as the Palermo Protocol, and the Elements of Crimes of the Rome Statute creating the International Criminal Court, and adopt measures to protect and provide care for victims, their relatives and witnesses.
3. Punish sexual harassment in the workplace, in health and education centers and in any other sphere, as provided in article 2 of the Belém do Pará Convention. Repeal any provision that revictimizes victims or blocks their attempts to obtain punishment for those responsible and to seek adequate reparation.
4. Criminalize sexual violence and rape committed within a marriage or de facto union, and revise the rules of criminal procedure in order to remove obstacles that could prevent women from seeking justice in these cases.
5. Forbid the use of conciliation, mediation and other methods for out-of-court settlement, as well as the use of the “principle of opportunity” in cases of violence against women, and harmonize proceedings legislation in accordance with said prohibitions. If they are already forbidden only in cases of family or domestic violence, the ban should be expanded to other cases of violence against women.
6. Adopt measures to prevent and punish femicide, in both public and private spheres. Monitor enforcement of those measures by judges and prosecutors and remove any judicial obstacles that may prevent the victims’ relatives from obtaining justice, or reduce the penalty where the aggressor claims to have acted under the force of “violent emotion”.

7. Adopt provisions to prevent and punish sexual violence committed in armed conflicts and in natural disasters.
8. Adopt provisions to punish sexual violence committed in State institutions, either as an independent crime or an aggravating factor to the sexual crimes included in the Penal Code. In the case said violence is covered by the figure of 'institutional violence', ensure that measures are adequate to prevent and punish such violence.
9. Adopt provisions to criminalize obstetric violence. Define by all appropriate means the elements that constitute a natural process before, during and after childbirth, without arbitrary or excessive medication and guaranteeing the free and voluntary consent of women to procedures related to their sexual and reproductive health. Adopt an intercultural perspective for including indigenous and afro-descendant people in health services and respecting their customs and cultural norms.
10. Legalize interruption of pregnancy on therapeutic grounds, that is to say, to save the life of the mother or avoid serious or permanent injury to her physical and mental health. Implement the services in hospitals and health centers and establish care protocols or guidelines to guarantee women's access to such procedures.
11. Legalize the interruption of pregnancy caused by rape. Implement that service in hospitals and health centers and establish care protocols or guidelines to guarantee women's access to such procedures.
12. Adopt provisions to penalize forced sterilization as a crime and an act tantamount to genocide, war crimes, and crimes against humanity.
13. Adopt regulations on artificial insemination and punish those who perform it without the consent of the victim.
14. Adopt provisions to guarantee the free distribution of emergency contraceptives in public health services without distinctions based on social class or membership to an ethnic group, and ensure their fulfillment by removing any obstacles to their full implementation.
15. Adopt provisions to offer emergency prophylactic treatment for HIV/AIDS and other sexually transmitted diseases in public health services, especially for cases of sexual violence. Adopt protocols defining the treatment steps and the manner of providing care for users.

16. Conduct awareness and prevention campaigns on violence against women and knowledge and promotion of their rights, preferably within a stable time frame, without distinctions based on sex, social class or membership to an ethnic group, and establish mechanisms for evaluating the results.

National plans

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

17. Adopt national intersectoral plans to prevent, punish and eradicate violence against women, together with mechanisms for their monitoring, evaluation and dissemination, ensuring civil society, organized communities and social movements' participation in the different stages of said plans. Establish penalties for government officials who fail to implement them.
18. Define and implement actions or strategies relating to violence against women within the national plans for other sectors, with particular reference to education, employment and income generation; poverty eradication; gender equity and equality; health; HIV/AIDS; and public security and crime prevention.
19. Develop ongoing training plans on violence against women and on women's rights under the Belém do Pará Convention for decision-makers and authorities, especially for government officials and agencies responsible for enforcing legislation or policies to prevent, punish and eradicate violence against women. These include legislators, justice and health workers, educators, the military and police forces, social and community women's organizations, and specialized centers for dealing with violence.
20. Institutionalize the participation of civil society, organized communities and social movements in the design, implementation, monitoring and evaluation of national plans on violence against women, through the mechanisms deemed most appropriate, such as participation in high-level commissions, thematic roundtables and broad-based consultative processes, among others of a binding nature.
21. Include in national plans on violence against women strategies for cooperation with the media and advertising agencies in order to publicize women's rights, in particular the Belém do Pará Convention. Ensure that they have sufficient budgetary funding for continuity as well as an impact evaluation mechanism.

Access to justice

Articles 7(d), (f) and 8(c) and (d) of the Belém do Pará Convention

- 22.** Increase the number of entities receiving complaints, especially in non-urban areas with indigenous or afro-descendant populations, as well as their effectiveness and inclusive, inter-cultural nature.
- 23.** Ensure women's access to justice by guaranteeing, as a minimum, the availability of specialized personnel to serve victims and handle their cases throughout the procedural stages; areas that offer privacy within police stations, courts and health centers; free legal services specialized in violence against women, provided by the State nationwide; interpretation services in indigenous languages for victims from ethnic communities who turn to the judicial system; and confidentiality and data protection both for victims and for their relatives and witnesses.
- 24.** Provide information to the Committee on access to justice for indigenous women, especially regarding the organs and procedures available, the benefits and obstacles they entail, and the national and customary provisions used to administer justice.
- 25.** Ensure that protection orders are applied in all cases of violence against women. Monitor their application as well as conduct evaluations and studies of their implementation and effectiveness in order to take corrective measures or reinforce them as necessary.
- 26.** Implement mechanisms to ensure compliance with protection orders granted in favor of women, their relatives and witnesses. Ensure funds for transfers; rescue mechanisms; change of identity for victims; witness protection; safe conduct to leave the country; secure referral networks; and others that the country may deem appropriate.
- 27.** Adopt and implement protocols for dealing with victims of violence against women in police stations or entities receiving complaints, prosecution offices and health services. When appropriate, said protocols shall be translated into indigenous languages.
- 28.** Conduct studies or compilations on the use of the Belém do Pará Convention and other international standards relating to violence against women in legal judgments and opinions, for use as tools in the work of judges, prosecutors, and the judiciary and law students.
- 29.** Conduct studies on judgments and opinions containing stereotypes, prejudices, myths and customs in cases involving women victims of violence, as well as the use of the victim's personal history or sexual experience to deny her justice.

Specialized services

Article 8(d) and (f) of the Belém do Pará Convention

30. Establish free specialized services for women victims of violence and their children, including the creation of more shelters, safe houses and comprehensive care centers; pre-trial legal assistance; legal representation during the trial; integral health services that include sexual and reproductive health care as well as legal interruption of pregnancy; and psychological counseling, therapeutic support and self-help groups.
31. Establish mechanisms of cooperation with civil society organizations, especially women's organizations that have experience in administering shelters and safe houses and in providing services to women victims of violence.
32. Design strategies, preferably on the basis of national plans on violence against women, for coordinated dissemination of specialized State services for women victims of violence, either as part of campaigns for prevention and punishment of violence against women or for promoting women's rights, or as part of an organized, inter-sectoral dissemination plan.
33. Conduct evaluations of specialized services for women victims of violence and their children, and take the corrective actions necessary to improve the care provided to women.

National budget

Article 7(c) of the Belém do Pará Convention

34. Approve sufficient budget appropriations for the execution of public policies and plans on the prevention, response, punishment and progressive eradication of violence against women in the public and private spheres.
35. Establish mechanisms that allow the provision of information on the percentage of budgets allocated to national women's mechanisms.
36. Identify national budget figures or percentages earmarked for services for women victims of violence, including: women's police stations, prosecution offices and other entities receiving complaints; training for government officials; specialized services such as shelters and safe houses, telephone hot lines, free legal advice, free legal representation and free psychological counseling; campaigns for the prevention of violence against women and health services for women affected by violence.

Information and statistics

Article 8(h) of the Belém do Pará Convention

- 37.** Include in national plans on violence against women research and studies on this topic in order to determine the budget allocated, and the dissemination and promotion of results and publications.
- 38.** Conduct surveys on violence against women, women's knowledge of their rights, and knowledge of services available to women affected by violence, or include modules on the topic in general surveys or censuses.
- 39.** Keep records in entities receiving complaints, courts and prosecution offices and health centers, in order to have reliable data for understanding the scope of violence against women; protecting the privacy of the victims as well as estimating access and use of services by women affected by violence.
- 40.** Collect and make public information disaggregated by sex, age, civil status and geographic location, on the number of women victims of violence; prosecutions for violence against women; convictions for violence against women; victims of femicide and convictions for femicide.
- 41.** Institute registries in police stations and in the judiciary, at the national level, to keep statistics on femicides, with data disaggregated by age, civil status and geographic location.
- 42.** Establish the rules for proper coordination between national statistics agencies and women's institutes.

| Annex

Summary of the results of the implementation of the Belém do Pará Convention after the first and second multi-lateral evaluation rounds

The following is a support document for the members of the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI), which can be used by governments, experts, and anyone else interested in quickly finding relevant information by country, resulting from the evaluation phase.

Through the use of comparative tables, the document presents a summary of the progress made as well as the setbacks experienced by member States in the implementation of the Convention during the Second Multilateral Evaluation Round. In order to provide a more comprehensive picture of the MESECVI process since it began, the document also includes, when available, information obtained during the First Round.

The comparative tables are based on responses to the questionnaire sent to the governments by CEVI in April 2010, as well as on the observations made by Competent National Authorities to the Preliminary Country Reports adopted by the Committee of Experts during its Sixth Meeting held in August of that same year. The sources of information for the First Multilateral Evaluation Round were the First Hemispheric Report (included in the tables as 1st MER 2007) and the Follow-up Report to the Recommendations of the Committee of Experts to Governments (included in the tables as 1st MER 2010).

Certain topics such as: insertion of the Convention of Belem do Para in domestic legislation, reparation for victims, domestic violence, the definition of sexual violence in penal codes, sanctions for public servants who prevent the full exercise of women's sexual and reproductive rights, access to justice for rural women, government studies or government support for studies on violence against women, and/or the application of the Convention of Belem do Para were not included in the tables due to the lack of information or because the answers to the questionnaire were not sufficiently clear. However, all the topics in the questionnaire are included in the text of the Second Hemispheric Report.

TABLE 1
Legislation on violence against women

State	Definition of violence against women in the Convention of Belem do Para				Types of violence against women in civil, penal and administrative legislation					
	Action, omission, or conduct	Results in death, injury or suffering	Injury or suffering is physical, sexual or psychological	Women, girls and adolescents affected	Affects public and private sector	Physical	Psychological	Sexual	Property related or financial	Other
Antigua and Barbuda	Does not include this terminology					Domestic Violence (Summary Proceedings) Act (1999)	Domestic Violence (Summary Proceedings) Act (1999)	Sexual Offences Act (1995)	Not mentioned	Not mentioned
Argentina¹	Yes	Affects life, freedom, dignity, integrity and security	Includes these and financial or property related effects	Women	Yes	Law 26485 Integral Protection of Women (2009)	Law 26485 Integral Protection of Women (2009)	Law 26485 Integral Protection of Women (2009) and Penal Code	Law 26485 Integral Protection of Women (2009)	Symbolic, Law 26485 Integral Protection of Women (2009)
Bahamas	Does not include this terminology					Domestic Violence (Protection Orders) Act, 2007	Domestic Violence (Protection Orders)	Sexual Offences Act (1991), Sexual Offences (Amendment) Act (2008)	Financial, only in Domestic Violence (Protection Orders) Act, 2007	No
Barbados	Does not include this terminology					Domestic Violence (Protection Orders) Act (1993) "threat of physical violence," as part of intimidation	As verbal abuse, in Domestic Violence (Protection Orders) Act (1993)	Not mentioned	As malicious property damage, in Domestic Violence (Protection Orders) Act (1993)	Intimidation can be carried out by "other means" different than the threat of physical violence, verbal abuse or malicious property damage.
Belize	Does not include this terminology					Domestic Violence Act, 2007	Domestic Violence Act, 2007	Penal Code	Financial, Domestic Violence Act, 2007	No

1. Article 5, Law 26485 for the Integral Protection of Women (2009)

TABLE 1 - Legislation on violence against women

State	Definition of violence against women in the Convention of Belém do Pará						Types of violence against women in civil, penal and administrative legislation			
	Action, omission, or conduct	Results in death, injury or suffering	Injury or suffering is physical, sexual or psychological	Women, girls and adolescents affected	Affects public and private sector	Physical	Psychological	Sexual	Property related or financial	Other
Bolivia²	Action or omission	Degrades the human condition, causes death, pain and suffering	Yes	All	Yes	Constitution and Law 1674, Law against Domestic Violence and Intrafamily Violence (1995)		Penal Code amended by Law 2033 “Law for the protection of victims of offenses against sexual freedom” (1999), and in Law 1674, Law against Domestic Violence and Intra-family Violence (1995)	Not mentioned	Moral, Law 1674, Law against Domestic Violence and Intrafamily Violence (1995)
Brazil	Does not include this terminology					Penal Code and Law 11.340/2006 – Law Maria da Penha	Law 11.340/2006 – Law Maria da Penha	Penal Code and Law 11.340/2006 – Law Maria da Penha	Property related, Law 11.340/2006 – Law Maria da Penha	Moral, Law 11.340/2006 – Law Maria da Penha
Chile	Does not include this terminology					In Law No. 20.066, Intra-family Violence		Penal Code amended by Law No. 19.617 on Sexual Offenses	Not mentioned	Not mentioned
Colombia³	Action, omission, or threat	Yes	Includes these and financial or property related effects	Women	Yes		Law 1257 which establishes rules on awareness, prevention and punishment of types of violence and discrimination against women, the Penal Code and the Code of Criminal Procedure are modified, Law 294 of 1996 and other provisions are established (2008)	Penal Code and Law 1257	Law 1257	No
Costa Rica	Does not include this terminology					In Law 8589 on Punishment of Violence against Women (2007)			Property related, Law 8589	No

2. Article 1(III) of the Constitution of Bolivia

3. Article 2 of Law 1257 which establishes rules for awareness, prevention and punishment of types of violence and discrimination against women; the Penal Code and the Code of Criminal Procedure are modified, Law 294 of 1996, and other provisions are established (2008)

TABLE 1 - Legislation on violence against women

State	Definition of violence against women in the Convention of Belém do Pará				Types of violence against women in civil, penal and administrative legislation					
	Action, omission, or conduct	Results in death, injury or suffering	Injury or suffering is physical, sexual or psychological	Women, girls and adolescents affected	Affects public and private sector	Physical	Psychological	Sexual	Property related or financial	Other
Dominica	Does not include this terminology					Protection against Domestic Violence Act Nº 22 (2001) (provision not attached)	Sexual Offences Act (1998)	Protection against Domestic Violence Act Nº 22 (2001)	No	No
Ecuador⁴	Not mentioned	Not mentioned	Yes	Yes	Yes	Article 66, subparagraphs a) and b) of the Constitution		Not mentioned		Moral, in Article 66, subparagraphs a) and b) of the Constitution
El Salvador⁵	Action	Yes	Yes	Women	Yes	Special Integral Law for a Life free of Violence for Women, adopted by the Legislature on November 25, 2010, which will enter into force on January 1, 2012		Both, in Special Integral Law for a Life free of Violence for Women.		Symbolic and femicide, in Special Integral Law for a Life free of Violence for Women, adopted by the Legislature on November 25, 2010, which will enter into force on January 1, 2012.
Grenada										
Guatemala⁶	Action or omission	Immediate or delayed injury, suffering, the threat of such acts	Physical, sexual, financial or psychological	All females	Yes	Law against femicide and other forms of violence against women, Decree 22-2008	Psychological or emotional, in Law against femicide and other forms of violence against women, Decree 22-2008	Law against femicide and other forms of violence against women, Decree 22-2008	Financial, in Law against femicide and other forms of violence against women, Decree 22-2008	No

4. Article 66, subparagraphs a) and b) of the Constitution.

5. In accordance with the provisions of the Special Integral Law for a Life free of Violence for Women, adopted by the Legislature on November 25, 2010, and which will enter into force on January 1, 2012.

6. Article 3) of the Law against Femicide and other forms of violence against women, Decree 22-2008.

TABLE 1 - Legislation on violence against women

State	Definition of violence against women in the Convention of Belém do Pará					Types of violence against women in civil, penal and administrative legislation				
	Action, omission, or conduct	Results in death, injury or suffering	Injury or suffering is physical, sexual or psychological	Women, girls and adolescents affected	Affects public and private sector	Physical	Psychological	Sexual	Property related or financial	Other
Guyana	Does not include this terminology					Domestic Violence Act (1996)			Financial deprivation, mentioned in the National Policy on Domestic Violence 2008-2013	Forced social isolation, mentioned in the National Policy on Domestic Violence, 2008-2013
Haiti										
Honduras										
Jamaica	Does not include this terminology					Offences against the Person Act	Not mentioned	Sexual Offences Act (2009) and Offences against the Person Act	Not mentioned	Not mentioned
Mexico⁷	Action or omission	Yes	Yes	Women	Yes	General Law on Women's Access to a Life Free of Violence (2007)				Others that violate or could violate the dignity, integrity or freedom of women; Institutional; Femicide; in the General Law on Women's Access to a Life Free of Violence (2007)
Nicaragua										

7. Article 5 of the General Law on Women's Access to a Life free of Violence (2007)

TABLE 1 - Legislation on violence against women

State	Definition of violence against women in the Convention of Belém do Pará			Types of violence against women in civil, penal and administrative legislation						
	Action, omission, or conduct	Results in death, injury or suffering	Injury or suffering is physical, sexual or psychological	Women, girls and adolescents affected	Affects public and private sector	Physical	Psychological	Sexual	Property related or financial	Other
Panama⁸	Forms	Perpetuate the dichotomy between women and men and ensure one gender's inferiority vis a vis the other	“Violate the right to life; to liberty; to physical, mental and moral integrity, as well as the right to the dignity and security of the person. It also seriously inhibits the ability of women to enjoy rights and freedoms on the basis of equality with men ”	Women	Not mentioned	In Law 38 Against Intrafamily Violence (2001) Code		In Law 38 Against Intrafamily Violence (2001) which amends the Penal Code	Property related, in Law 38 Against Intrafamily Violence (2001)	Not mentioned
Paraguay⁹	Does not include this terminology					In Law 1600/00 on Domestic Violence		Penal Code	No	No
Peru¹⁰	In National Plan on Violence Against Women 2009-2015					Law against Intrafamily Violence and Guides on Sexual and Reproductive Health	Law against Intrafamily Violence and General Law on Health	Penal Code and its amendments, Law against Intrafamily Violence and Guides on Sexual and Reproductive Health	Financial, in Guides on Sexual and Reproductive Health	Not mentioned

8. Article 5 of the General Law on Women's Access to a Life free of Violence (2007)

9. The Bill for the Protection from all forms of Violence against Women is being drafted.

10. The definition is not found in law but in the National Plan to Combat Violence against Women 2009-2015

TABLE 1 - Legislation on violence against women

State	Definition of violence against women in the Convention of Belém do Pará				Types of violence against women in civil, penal and administrative legislation					
	Action, omission, or conduct	Results in death, injury or suffering	Injury or suffering is physical, sexual or psychological	Women, girls and adolescents affected	Affects public and private sector	Physical	Psychological	Sexual	Property related or financial	Other
Dominican Republic¹¹	Action or omission	Injury or suffering	Yes	Women	Yes	In Penal Code			"Damage to assets" in Penal Code, only with regard to violence in the family	No
Saint Kitts and Nevis	Does not include this terminology					Domestic Violence Act (2000)		In Offences Against the Person Act and Domestic Violence (Amendment) Act, (2005)	"Financial abuse" in Domestic Violence (Amendment) Act (2005)	Threat of violence, coercion, arbitrary deprivation of liberty, abuse, harassment or offensive behavior or behavior that imparts psychological abuse, intimidation, or persecution.
Saint Lucia	Does not include this terminology					Penal Code amended (2003)			Not mentioned	Not mentioned
Saint Vincent and the Grenadines	Does not include this terminology					Domestic Violence (Summary Proceedings) Act 1995	Emotional and verbal in Domestic Violence (Summary Proceedings) Act 1995	Criminal Procedure Code and Domestic Violence (Summary Proceedings) Act 1995	"Financial abuse" in Domestic Violence (Summary Proceedings) Act 1995	Not mentioned
Suriname	Does not include this terminology					Law against Domestic Violence (2009)		Penal Code and Law against Domestic Violence (2009)	Financial, in Law against Domestic Violence (2009)	No

11. Article 309-1 of the Penal Code, amended by Law 24-97 against Violence in the Family (1997)

TABLE 1 - Legislation on violence against women

State	Definition of violence against women in the Convention of Belém do Pará				Types of violence against women in civil, penal and administrative legislation					
	Action, omission, or conduct	Results in death, injury or suffering	Injury or suffering is physical, sexual or psychological	Women, girls and adolescents affected	Affects public and private sector	Physical	Psychological	Sexual	Property related or financial	Other
Trinidad and Tobago	Does not include this terminology					In Domestic Violence Act No. 27 (1999) y Offences against the Person Act	Domestic Violence Act No. 27 (1999)	Domestic Violence Act No. 27 (1999), Sexual Offences Amendment Act (2000) and Offences against the Person Act	Financial, in Domestic Violence Act No. 27 (1999). Married Persons Act (1976) governs property among spouses	Not mentioned
Uruguay	Does not include this terminology					Penal Code and Domestic Violence Law No. 17.514 (2002)	Domestic Violence Law No. 17.514 (2002)	Penal Code and Domestic Violence Law No. 17.514 (2002)	Property related, in Domestic Violence Law No. 17.514 (2002)	Not mentioned
Venezuela ¹²	Sexist act or inappropriate conduct	Injury or suffering	Yes	Women	Yes	Organic Law on the Right of Women to a Life Free of Violence (2007)			Both. Organic Law on the Right of Women to a Life Free of Violence (2007)	Emotional, labor, and coercion or arbitrary deprivation of liberty. The Law includes a total of 19 forms of violence.

12. Article 14, Organic Law on the Right of Women to a Life free of Violence, published on March 19, 2007.

TABLE 2

Legislation regarding certain forms of violence against women

State	Rape in marriage or in common law or de facto unions			Trafficking in persons			Forced prostitution			Sexual harassment in the workplace and other settings			Femicide	
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)
Antigua and Barbuda	Yes: Sexual Offences Act and Domestic Violence (Summary Proceeding) Act	Partial: Only when the couple is separated, in the process of separating, in the process of getting a divorce, in agreement to separate or when a protection order has been issued in favor of the wife. Does not apply to de facto unions.	It is not clear	Being debated. Trafficking in Persons -Prevention Act"(2010)	No	Not mentioned	Not mentioned	No. Section A3 (d) of the Labor Code establishes which employment conditions must ensure their health, security and well being.	Not mentioned	No	Not mentioned	It is prosecuted as murder.	No	Not mentioned
Argentina	No	Law 26485 (2009): art.5 Penal Code: ART.132.85 avinamiento between aggressor and victim older than 16 years of age.	As "international trafficking for the purpose of prostitution"	Law 26485 (2009) and 26364 (2008) which partially repeals Article 127 of the Penal Code.	As "international trafficking for the purpose of prostitution"	Law 26485 (2009) and 26364 (2008) which partially repeals Article 127 of the Penal Code	Yes	Partial: Law 26485: sexual harassment as a form of violence. Decrees 2385/93 and 214/06: Workplace sexual harassment in government jobs.	Yes	No	No	No.	No	No
Bahamas	No report submitted	Partial: Only when the couple is separated, in the process of separating, in the process of getting a divorce, in agreement to separate or when a protection order has been issued in favor of the wife. Does not apply to de facto unions.	No report submitted	Trafficking in Persons (Prevention and Suppression Act (2008)	No report submitted	No report submitted	No report submitted	Partial: Sexual Offences Act (1991) sanctions sexual harassment in the workplace. Domestic Violence (Protection Orders) Act (2007) contemplates harassment which can also be sexual in cases of violence in the family.	No report submitted	No report submitted	No report submitted	It is prosecuted as murder and manslaughter.	No report submitted	No
Barbados	Yes	No	No	No	Yes	Sexual Offences Act (1993): "Attempt the corruption of persons" (sec. 14) and "a person who lives on the profits from prostitution " (sec. 19)	Not mentioned	No. There is a bill on sexual harassment that falls under the jurisdiction of the Ministry of Labor.	Not mentioned	No	No	It is prosecuted as manslaughter.	No	No

TABLE 2 - Legislation regarding certain forms of violence against women

State	Rape in marriages or in common law or de facto unions			Trafficking in persons			Forced prostitution			Sexual harassment in the workplace and other settings			Femicide		
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	
Belize	Yes	Partial: Only when the couple is separated, in the process of separating, in the process of getting a divorce, in agreement to separate or when a protection order has been issued in favor of the wife. It does not apply to de facto unions.	Yes	Trafficking in Persons (Prohibition) Act (2003)	Not mentioned	Penal Code (sec. 50): "attempt the corruption of women through threats, fraud or the administration of drugs."	Yes	Protection against Sexual Harassment Act (Cap. 107). It also includes sexual harassment related to lodging.	Not mentioned	It is prosecuted as manslaughter.	Not mentioned	It is prosecuted as manslaughter.	Not mentioned	It is prosecuted as manslaughter.	
Bolivia	Not mentioned	No. There is a proposed amendment to the Penal Code from the Vice Ministry of Equal Opportunity.	Yes	Article 281 bis of the Penal Code.	Yes	Article 321 of the Penal Code: inducement into prostitution	Not mentioned	There is a bill on sexual harassment in the workplace and in the area of education.	No	As murder of spouse or common-law partner, according to Article 252 of the Penal Code. Femicide: the Vice Ministry of Equal Opportunity proposes amending the Penal Code.	No	As murder of spouse or common-law partner, according to Article 252 of the Penal Code. Femicide: the Vice Ministry of Equal Opportunity proposes amending the Penal Code.	No	As murder of spouse or common-law partner, according to Article 252 of the Penal Code. Femicide: the Vice Ministry of Equal Opportunity proposes amending the Penal Code.	
Brazil	No, but it is covered within the generic type of rape	No, but it is included within the generic form of sexual offense in the Penal Code. The Law Maria da Penha contemplates domestic sexual violence.	Yes	Only for purposes of prostitution (Articles 231 and 231(A) of the Penal Code).	Yes	As supporting prostitution or sexual exploration and pimping (Articles 228 and 230 of the Penal Code)	Yes	Only in relationships of employee and higher ranking official without mentioning area or environment (Article 216(A) of the Penal Code, introduced by Law N° 10.224 – Law Against Sexual Harassment)	No	It is prosecuted as murder when committed "taking advantage of domestic relations, cohabitation or hospitality or with violence against women depending on the specific law" (Article 61 Penal Code amended by Law Maria da Penha))	Yes	Only in relationships of employee and higher ranking official without mentioning area or environment (Article 216(A) of the Penal Code, introduced by Law N° 10.224 – Law Against Sexual Harassment)	No	It is prosecuted as murder when committed "taking advantage of domestic relations, cohabitation or hospitality or with violence against women depending on the specific law" (Article 61 Penal Code amended by Law Maria da Penha))	
Chile	Yes, except when there is no force or intimidation	The action will conclude at the request of the victim, unless the judge decides otherwise. Penal Code (Article 369 modified by Law 20840 de 2010)	Yes, but not in accordance with international treaties	Yes, in Article 411. quarter Penal Code, introduced by Law 20507 (2011)	Yes, but not in accordance with international treaties	As "promoting or facilitating the entry or exit of persons for purposes of prostitution in the country or abroad" (Article 411. ter Penal Code, introduced by Law 20507 (2011))	Yes	In the workplace, Law 20005 (2005) which amends the Labor Code.	SERNAM is in charge of that, but hasn't yet set up a strategy	It is prosecuted as parricide (Article 390 of the Penal Code, amended by Law 20480 (2010))	SERNAM is in charge of that, but hasn't yet set up a strategy	In the workplace, Law 20005 (2005) which amends the Labor Code.	SERNAM is in charge of that, but hasn't yet set up a strategy	It is prosecuted as parricide (Article 390 of the Penal Code, amended by Law 20480 (2010))	

TABLE 2 - Legislation regarding certain forms of violence against women

State	Rape in marriages or in common law or de facto unions			Trafficking in persons			Forced prostitution			Sexual harassment in the workplace and other settings			Femicide	
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)
Colombia	Yes	Yes, as aggravated offense against spouse or permanent companion (Art. 211 Penal Code, added by Law 1257 of 2008)	Yes	Yes, by Law 985 (2005) which amends the Penal Code.	Not mentioned	Yes, in Articles 141, 213 and 214 of the Penal Code, Law 599 (2000)	Yes, in the labor area	Yes, in any environment or area (Art. 210 a) of the Penal Code amended by Law 1257 of 2008)	Not mentioned	As aggravating circumstance of manslaughter, Articles 103-104 of the Penal Code (amended by Law 1257 of 2008)	Not mentioned	As aggravating circumstance of manslaughter, Articles 103-104 of the Penal Code (amended by Law 1257 of 2008)	Not mentioned	As aggravating circumstance of manslaughter, Articles 103-104 of the Penal Code (amended by Law 1257 of 2008)
Costa Rica	Yes	Yes, in Article 29 Law 8589 on Sanctioning of Violence against Women (2007)	Yes	Yes, in Article 172 of the Penal Code, amended by Law 8220 (2009)	Not mentioned	Is included as inducement to prostitution in Articles 169-170 of the Penal Code	Yes	In the workplace and in the area of education (Law 7476 against sexual harassment in the workplace and in the area of education)	Not mentioned	Punishes anyone who kills a woman with whom he is in a marriage relationship, or in a de facto union whether it is declared or not (Art. 21 Law 8589 on Sanctioning Violence against Women (2007))	Not mentioned	Punishes anyone who kills a woman with whom he is in a marriage relationship, or in a de facto union whether it is declared or not (Art. 21 Law 8589 on Sanctioning Violence against Women (2007))	Not mentioned	No. It is prosecuted as manslaughter.
Dominica	No	Partial: Only when the couple is separated, in the process of separating, in the process of getting a divorce, in agreement to separate or when a protection order has been issued in favor of the wife. It does not apply to de facto unions.	Not mentioned	No – it only controls illegal trafficking in the Immigration & Passport Act, Sec. 27 (b)	Not mentioned	Included as inducement to prostitution in the Sexual Offences Act (1991), sec. 18-26	Not mentioned	No – under the provisions of the Protection of Employment Act (Chapter 89:02), Sec. 20, a worker may end the employment relationship when the employer is found responsible of a serious offense against such worker	Not mentioned	No. It is prosecuted as manslaughter.	Not mentioned	No. It is prosecuted as manslaughter.	Not mentioned	No. It is prosecuted as manslaughter.
Ecuador	Not specifically, but it is an aggravating factor if the rape perpetrator is the spouse or mate.	No, but it is included in the bill for the Organic Code of Penal Guarantees, which would replace the Penal Code, the Code of Criminal Procedure, and the Code of Execution of Sentences.	Yes	Yes, by Law 2005-2 which amends the Penal Code.	Yes	Only for children and adolescents (art. 69 Code for Children and Adolescents).	Yes	Yes, in the workplace, education, religious environment or similar areas (Article 511 of the Penal Code) Also, Article 48 (f) of the Organic Civil Service Law establishes the discharge of any public servant on grounds of sexual harassment or abuse.	No	No	No	No	No	No

TABLE 2 - Legislation regarding certain forms of violence against women

State	Rape in marriage or in common law or de facto unions		Trafficking in persons		Forced prostitution		Sexual harassment in the workplace and other settings		Femicide	
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)
El Salvador	No, but it is covered within the generic type of rape	Included in the generic form of sexual offense in the Penal Code. Article 9f of the Special Integral Law for a life free of violence for women contemplates sexual violence "independently of whether the assailant is in a marital relationship with the victim or not ..."	Yes	Yes, in Article 367 (b) and (c) of the Penal Code	Yes	Is included as "making a decision to prostitute" and "supply and demand of other persons for prostitution" (Articles 170 and 170-A of the Penal Code)	Not mentioned	Article 165 of the Penal Code establishes sanctions without mentioning setting or environment. There are aggravating circumstances when it occurs "...taking advantage of a higher ranking position created by any relationship." Also, Article 8(b) of the Special Integral Law for a life free of violence for women defines workplace harassment as "systematic and recurrent, physical or psychological hostility towards a woman just because she is a woman..."	Not mentioned	Yes, Articles 45 and 46 of the Special Integral Law for a Life free of Violence for Women.
Grenada										
Guatemala	No	Yes, in Articles 173, 173 bis and 174 of the Penal Code, amended by the Law against Sexual Violence, Exploitation and Trafficking in Persons, Decree 9-2009.	Yes	Yes, in Article 202 ter of the Penal Code, amended by the Law Against Sexual Violence, Exploitation and Trafficking in Persons, Decree 9-2009	Not mentioned	As promoting, facilitating or favoring prostitution in Articles 191-193 of the Penal Code, amended by the Law against Sexual Violence, Exploitation and Trafficking in Persons, Decree 9-2009	No	Not specifically, but could be prosecuted as "violence against women" under the provisions of Article 7 of the Law against Femicide and other forms of violence against women. Decree 22-2008	Yes, but they are not enough	Yes, in Article 6 of the Law against Femicide and other forms of violence against women. Decree 22-2008

TABLE 2 - Legislation regarding certain forms of violence against women

State	Rape in marriages or in common law or de facto unions			Trafficking in persons			Forced prostitution			Sexual harassment in the workplace and other settings			Femicide		
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	
Guyana	No	Sexual Offences Act (2010), sec. 37 establishes that a previous or existing, marital or other type of relationship is no defense against the offenses included in the Act.	Yes	Yes, in Combating Trafficking of Persons Act (2005)	Not mentioned	Sanctioned in the Penal Code as “attempting to corrupt women through threats, fraud or the administration of drugs” (sec. 72) or “inducement” (sec. 73)	Not mentioned	These are common offenses. Sexual harassment in the workplace is sanctioned as sex discrimination under the provisions of the Prevention and Discrimination Act, sec. 8 (1997)	No	No	No	No	No	No	
Haiti	No		Yes		Not mentioned				Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	
Honduras	No, but it is covered within the generic type of rape		Yes		Not mentioned				Yes				Yes, but they are not enough		
Jamaica	Not mentioned	Partial: Only when the couple is separated, in the process of getting a divorce, in agreement to separate, when there is a protection order issued in favor of the wife, or when the husband knows he has a sexually transmitted disease. It does not apply to de facto unions.	Yes	Yes, in the Trafficking in Persons Act, 2007	Not mentioned	As inducement to prostitution in Offences Against the Persons Act	No, but there is a draft bill	No, but there is a Draft Policy on Sexual Harassment. Once the policy is adopted, a bill against sexual harassment will be drafted.	No, but there is a draft bill	No, but there is a Draft Policy on Sexual Harassment. Once the policy is adopted, a bill against sexual harassment will be drafted.	No, but there is a draft bill	No, but there is a draft bill	No, but there is a draft bill	No, but there is a draft bill	

TABLE 2 - Legislation regarding certain forms of violence against women

State	Rape in marriage or in common law or de facto unions			Trafficking in persons			Forced prostitution			Sexual harassment in the workplace and other settings			Femicide	
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)
Mexico	Yes	In Article 265 of the Federal Penal Code. 20 states and the Federal District have incorporated the offense in their legislation.	No	In the Law to Prevent and Punish Trafficking in Persons (2007). 28 states and the Federal District have incorporated the offense in their legislation. The three remaining states have their own laws to Prevent, Combat and Punish Trafficking in Persons.	Not mentioned	No. It is prosecuted as inducing or pimping under the provisions of the Federal Penal Code. 3 states and the Federal District have laws against prostitution.	In 17 of the federation's States	In the workplace and in educational environments (Article 13 of the General Law for Women's Access to a Life free of Violence). All 31 states and the Federal District typify sexual harassment in their legislation. Six states typify (acoso sexual.) (sexual persecution?)	Yes, but they are not enough	Contemplates Femicidal Violence (Article 21 of the General Law for Women's Access to a Life free of Violence). At the federal level, a national process to typify femicide in the federated states has already started.				
Nicaragua	No		Yes		Not mentioned	Not mentioned	Not mentioned	Not mentioned	No	No				
Panama	No, but it is covered within the generic type of rape	No, but it is included in the generic type of sexual offense.	Yes	For purposes of sexual exploitation or servitude, in Article 177 of the Penal Code	Not mentioned	The Penal Code criminalizes the corruption of (Article 176) and trafficking in underage children for purposes of sexual exploitation (Article 177).	Yes	Article 175 of the Penal Code. There are aggravating circumstances when the aggressor takes advantage of his position. In the workplace, an employer may terminate the employment of a worker who has engaged in sexual harassment (Article 213 (15) of the Labor Code)	No	No. The current bill on Violence against Women includes femicide.				
Paraguay	No, but it is covered within the generic type of sexual coercion	No	Yes	Articles 129b and 129c of the Penal Code — only when the victim is outside of Paraguay	Not mentioned	As inducement or pimping, in Article 129a of the Penal Code	Yes	Article 133 of the Penal Code, when there is a relation of authority or influence without specifying an area. The Labor Code considers it as grounds for the employee to unilaterally terminate employment contract.	No	No. It is prosecuted as manslaughter. There are aggravating circumstances if the victim is the spouse or common law partner of the perpetrator regardless of their sex.				

TABLE 2 - Legislation regarding certain forms of violence against women

State	Rape in marriage or in common law or de facto unions			Trafficking in persons			Forced prostitution			Sexual harassment in the workplace and other settings			Femicide		
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	
Peru	Yes	As aggravating circumstance to rape, in Article 170 of the Penal Code.	Yes	Yes, in Article 153 and 153-A of the Penal Code, amended by Law 28950 on Trafficking in Persons (2007)	Yes	As promoting prostitution (Article 179 of the Penal Code)	Yes	Law N° 27942 for the Prevention and Punishment of Sexual Harassment, amended by Law 29430, in hierarchical relations or relations of dependency, whichever their form. Also when present regardless hierarchy, grade, position, function, remunerative level or any analogous one. Scope is the workplace and the areas of education, the military, law enforcement and others, regarding relations of authority not governed by Labor Law.	No	It is prosecuted as parricide (Article 107 Penal Code, amended by Law 29819 of December 27, 2011). There is also homicide 'in the heat of passion', which carries lesser penalties than parricide or voluntary manslaughter (Article 109 of the Penal Code)	No		No		
Dominican Republic	Yes	Yes, - Article 332 of the Penal Code includes de facto union, recognized by the Constitution	Yes	Yes, in Article 3 of Law 137-03 on Illicit Trafficking in Migrants and Persons	Not mentioned	As inducement to prostitution, Article 334 of the Penal Code	Not mentioned	Article 333-2 of the Penal Code. For public servants in Article 80 of Law 41-08, Civil Service. In the workplace, in Article 47 of the Labor Code.	Not mentioned	No	Not mentioned	No			
Saint Kitts and Nevis	No report submitted	No	No report submitted	Yes, in Trafficking in Persons (Prevention) Act, 2008	No report submitted	It is included as "attempt corruption through fraud or administration of drugs" in Criminal Law Amendment Act, Chap. 4	No report submitted	No	No report submitted	No	No report submitted	No			

TABLE 2 - Legislation regarding certain forms of violence against women

State	Rape in marriage or in common law or de facto unions			Trafficking in persons			Forced prostitution			Sexual harassment in the workplace and other settings			Femicide	
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)
Saint Lucia	Yes	Partial: Only when the couple is separated, in the process of divorcing, in agreement of separation, or when there is a protection order issued in favor of the wife. It does not apply to de facto unions. It also applies to the wife when she commits the offense.	No	In the Counter-Trafficking in Persons Act (2010). It does not explain if it is compatible with the Palermo Protocol.	No	As promoting, assisting or inducement to prostitution, in Sec. 141 of the Penal Code.	Yes	In the workplace, in the Equality of Opportunity and Treatment in Occupation Act Cap. 16.14 2001 Part 2 Section 8- Sexual Harassment	No	No	No	No	No	No
Saint Vincent and the Grenadines	No report submitted	Domestic Violence (Summary Proceedings) Act (1995) protection orders can be granted to victims in common law marriages in domestic violence situations. No mention to rape or sexual violence	No report submitted	Criminal Code Cap 124, Sec 201 refers only to the abduction of the victim to be taken out of Saint Vincent and the Grenadines	No report submitted	As 'causing or encouraging prostitution', and 'detention in a brothel' in Criminal Code Cap 124	No report submitted	No. Criminal Code, Cap 124 deals only with indecent assault	No report submitted	No. It is prosecuted as murder	No report submitted	No. It is prosecuted as manslaughter or as assault causing death.	No report submitted	No. It is prosecuted as manslaughter or as assault causing death.
Suriname	No	Prosecuted under the general criminal typification of rape (Article 295 of the Penal Code)	Yes	Yes, in the Prohibition of Trafficking in Persons Act (2006) which amends the Penal Code	No	Controlled together with trafficking in persons. It sanctions juvenile prostitution.	No	No. A bill on this topic is being drafted.	No	No. It is prosecuted as manslaughter or as assault causing death.	Not mentioned	No. It is prosecuted as manslaughter or as assault causing death.	Not mentioned	No. It is prosecuted as manslaughter or as assault causing death.
Trinidad and Tobago	Yes	Yes, in Sexual Offences (Amendment) Act (2000). Includes de facto unions.	No	In the process of developing legislative policy on the topic.	No	As "person who assists in prostituting" in Sec. 24 de Sexual Offences Act, 1986	Not mentioned	No	No	No. It would be prosecuted as manslaughter or murder.	Not mentioned	No. It would be prosecuted as manslaughter or murder.	Not mentioned	No. It would be prosecuted as manslaughter or murder.

TABLE 2 - Legislation regarding certain forms of violence against women

State	Rape in marriage or in common law or de facto unions			Trafficking in persons			Forced prostitution			Sexual harassment in the workplace and other settings			Femicide	
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)
Uruguay	No, but it is covered within the generic type of rape	No, but it may be included within the typification of other crimes.	No	Yes, in Article 78 of the Law on Migration No. 18250 (2007)	No	As inducement to prostitution in Law 8080 (1927) and as contributing to the sexual exploitation of underage children and the handicapped, in Law on Commercial or non-commercial sexual violence against underage children and the handicapped No. 17815 (2004)	Yes, only work-related	In the workplace and in the area of education, in Law against Sexual Harassment No. 18561 (2009)	No	No	No	No	No	No
Venezuela	Yes	Yes, in Article 43 of the Organic Law on the Right of Women to a Life free of Violence (2007)	Yes	Yes, in Article 56 of the Organic Law on the Right of Women to a Life free of Violence (2007)	Yes	Yes, in Article 46 of the Organic Law on the Right of Women to a Life free of Violence (2007)	Yes	Yes	Yes	As persecution or harassment attempting against the emotional, labor, financial, family or educational stability of women (Article 40) and as sexual harassment "taking advantage of a higher ranking position in the workplace, in the area of education, or situations arising in the exercise of their profession" (Article 48), in the Organic Law on the Right of Women to a Life free of Violence (2007)	Yes	As aggravating circumstance to voluntary manslaughter, when the perpetrator is a spouse, former spouse, common law partner, former common law partner, person with whom the victim had a marital relationship or a stable de facto union or love relationship, with or without cohabitation, in sole paragraph of Article 65 of the Organic Law on the Right of Women to a Life free of Violence (2007)	Yes	As aggravating circumstance to voluntary manslaughter, when the perpetrator is a spouse, former spouse, common law partner, former common law partner, person with whom the victim had a marital relationship or a stable de facto union or love relationship, with or without cohabitation, in sole paragraph of Article 65 of the Organic Law on the Right of Women to a Life free of Violence (2007)

TABLE 3
Legislation on State violence against women (I)

State	Violence perpetrated by the government or its agents	Sexual violence in armed conflicts	Sexual violence as torture, war crime or crime against humanity	Sexual violence in hospitals, educational institutions, deprivation of liberty and other state institutions
Antigua and Barbuda	Does not mention	Does not mention	Does not mention	Does not mention
Argentina	Yes, in Law 26485 (2009)	Does not mention	Partial: ratification of international agreements on torture but does not explain implementation at the national level. Pact of San José has constitutional force.	Yes, Law 26485 (2009) recognizes institutional violence against women.
Bahamas	No	No	No	There is no legislation. However, common law provides grounds for a woman to file civil action with the Supreme Court for damages related to assault and violence, negligence or omission that took place in hospitals, educational centers, prisons and others
Barbados	No	No	No	No
Belize	No	No	No	No
Bolivia	Discharge from duties, without prejudice of other sanctions determined by law, in cases of torture, disappearance, confinement, duress, exaction or any other form of physical or mental violence (Article 114.I of the Constitution)	No	No	No
Brazil	The Penal Code sanctions “arbitrary violence” when carried out in the performance of duty or using the performance of such duty as an excuse (Article 322)	No	Torture is sanctioned by Law 9455/97 (1997). There are aggravating circumstances if the torture is carried out by an agent of the government.	The Penal Code sanctions “arbitrary violence” when carried out in the performance of duty or using the performance of such duty as an excuse (Article 322)
Chile	In Law 20357, which typifies crimes against humanity, genocide and war crimes (2009)	In Law 20357, which typifies crimes against humanity, genocide and war crimes (2009)	Considered a war crime and a crime against humanity in Law 20357, which typifies crimes against humanity, genocide and war crimes (2009). Implied as an act conducive to genocide, as part of measures aimed at preventing births within the group.	Does not mention

TABLE 3 - Legislation on State violence against women (I)

State	Violence perpetrated by the government or its agents	Sexual violence in armed conflicts	Sexual violence as torture, war crime or crime against humanity	Sexual violence in hospitals, educational institutions, deprivation of liberty and other state institutions
Colombia	The Penal Code makes unspecified reference to the perpetrator, so this could be a private citizen or an agent of the state. There are also specific disciplinary regulations but they are not explained.	Title II of the Penal Code which establishes crimes against persons and assets protected by DIH, contemplates violent carnal knowledge; violent sexual act against a protected person; forced prostitution or sexual slavery in armed conflict.	Torture is governed by Article 137 of the Penal Code.	Does not mention
Costa Rica	No	No	No	No
Dominica	No	No	No	The Offences against the Person Act is used where applicable.
Ecuador	Does not mention	Does not mention	The prohibition of torture is established in Article 66.3(c) of the Constitution.	Does not mention
El Salvador	No	Does not mention	Torture is regulated by Article 297 of the Penal Code.	Does not mention
Grenada				
Guatemala	Yes	No	No	Rape and sexual assault add aggravating circumstances when the perpetrator is a public official or public servant or a professional exercising his profession (Article 174 of the Penal Code amended by Law against Sexual Violence, Exploitation and Trafficking in Persons, Decree 9-2009)
Guyana	No	No	Torture is prohibited in the Constitution (revised in 2003)	No
Haiti				
Honduras				
Jamaica	Not specifically. The Sexual Offences Act (2009) is enforced if applicable.	Not specifically. The Sexual Offences Act (2009) is enforced if applicable	Does not mention	Not specifically. The Sexual Offences Act (2009) is enforced if applicable

TABLE 3 - Legislation on State violence against women (I)

State	Violence perpetrated by the government or its agents	Sexual violence in armed conflicts	Sexual violence as torture, war crime or crime against humanity	Sexual violence in hospitals, educational institutions, deprivation of liberty and other state institutions
Mexico	The General Law for Women's Access to a Life Free of Violence and the Laws for Women's Access to a Life Free of Violence in all 31 states and the Federal District include institutional violence.	Does not mention	Torture is controlled by the provisions of Articles 3 and 4 of the federal Law to Prevent and Punish Torture	Does not mention
Nicaragua	No	No	No	No
Panama	No. Institutional violence is contemplated in the bill that sanctions all forms of violence against women.	No	Torture is regulated by Article 309 of the Penal Code.	As sexual abuse in Article 31 of the Penal Code.
Paraguay	No. Institutional violence is contemplated in the bill that sanctions all forms of violence against women.	No	Torture is regulated by Article 309 of the Penal Code.	As sexual abuse in Article 31 of the Penal Code.
Peru	As aggravating circumstance in rapes if the perpetrator is a member of the Armed Forces, the Police or other security agencies in the performance of his civil duty, (Article 170 of the Penal Code)	As aggravating circumstance in rapes if the perpetrator is a member of the Armed Forces, the Police or other security agencies in the performance of his civil duty, (Article 170 of the Penal Code)	Torture is regulated by Article 321 of the Penal Code	Yes with regard to rape, in Article 174 of the Penal Code.
Dominican Republic	Does not mention	Does not mention	Torture preceding or together with sexual assault, in Article 303-2 of the Penal Code	Does not mention
Saint Kitts and Nevis	No	No	No	No
Saint Lucia	No	No	No	No
Saint Vincent and the Grenadines	No	No	No	No
Suriname	Does not mention	Does not mention	Does not mention	It is prosecuted as a general criminal violation of Article 295 and subsequent Articles of the Penal Code

TABLE 3 - Legislation on State violence against women (I)

State	Violence perpetrated by the government or its agents	Sexual violence in armed conflicts	Sexual violence as torture, war crime or crime against humanity	Sexual violence in hospitals, educational institutions, deprivation of liberty and other state institutions
Trinidad and Tobago	The law does not make distinctions among perpetrators. Government agents receive the same sanctions.	No	No	No
Uruguay	The law does not distinguish between private citizens or government agents.	No	No	No
Venezuela	It is considered an aggravating circumstance in crimes established in the Organic Law on the Right of Women to a Life Free of Violence if the perpetrator of the crime is a public servant in the performance of his duty (Article 65 of the Law)	Does not mention	Sexual slavery (Article 47), forced sterilization (Article 52) and forced prostitution (Article 46) are considered common crimes in the Organic Law on the Right of Women to a Life Free of Violence	Sexual violence perpetrated by a guard when victim is detained or convicted (Article 44 of the Organic Law on the Right of Women to a Life Free of Violence)

TABLE 4

Legislation on State violence against women (II): Sexual and reproductive rights

Estado	Penalización de Violencia obstétrica	Despenalización Aborto terapéutico y por violación	Penalización Esterilización forzada	Penalización Inseminación no consentida	Provisión de Anticoncepción de emergencia	Provisión de tratamiento VIH/ETS de emergencia, sobre todo en casos de violencia sexual
Antigua y Barbuda	No menciona	No menciona	No menciona	No menciona	No menciona	No menciona
Argentina	Sí, en Ley 26485 (2009)	Sí respecto al aborto terapéutico, y se contempla aborto por violación en caso de mujer idiota o demente (artículo 86 Código Penal). Se ha elaborado guía técnica para atención de abortos no punibles.	No menciona. Ley 26130 (2006) permite esterilización voluntaria	No menciona	Sí, como anticoncepción hormonal de emergencia (AHE)	Sí, por Ley 25673 que crea el Programa Salud Sexual y Procreación Responsable
Bahamas	No	Solo para salvar la vida de la madre, en sec. 313 (2) Código Penal (1924)	No	No	Sí	Sí
Barbados	No menciona	Sí en Medical Termination of a Pregnancy Act (1983-4) En caso esté en riesgo la vida de la madre o se dañe su salud física y mental, así como por malformación del feto. Aborto por violación o incesto está permitido como un caso que daña la salud mental de la madre.	No menciona	No menciona	No menciona	Cuando mujer está infectada con VIH/SIDA, se administra Neviparine o AZT / 3TC
Belize	No menciona	Sí respecto al aborto terapéutico y por “discapacidad seria” del feto en caso naciera, en Código Penal (Cap. 101), sec. 112	No	No	Sí, en servicios para víctimas de violación	Sí, tiene cobertura universal
Bolivia	No menciona	Cuando el embarazo es producto de violación, rapto no seguido de matrimonio, estupro o incesto, o cuando la vida de la madre corre grave peligro, en artículo 266 del Código Penal	No menciona	No menciona	No menciona	No menciona

TABLE 4 - Legislation on State violence against women (II): Sexual and reproductive rights

Estado	Penalización de Violencia obstétrica	Despenalización Aborto terapéutico y por violación	Penalización Esterilización forzada	Penalización Inseminación no consentida	Provisión de Anticoncepción de emergencia	Provisión de tratamiento VIH/ETS de emergencia, sobre todo en casos de violencia sexual
Brasil	No menciona	Cuando no hay otro medio de salvar la vida de la gestante o cuando es producto de estupro, en artículo 128 Código Penal	Sí, en artículo 14 de la Ley Nº 9263/96 – Ley de Planificación Familiar. Artículo 17 de dicha Ley la condena como acto conducente a genocidio cuando es ejercida contra colectivo	No menciona	Sí, por Norma Técnica del Ministerio de Salud— Prevención y tratamiento de agravios resultantes de violencia sexual contra las mujeres y adolescentes (2005), y por artículo 9.3 de Ley Maria da Penha (2006)	Sí, por Norma Técnica del Ministerio de Salud— Prevención y tratamiento de agravios resultantes de violencia sexual contra las mujeres y adolescentes (2005), y por artículo 9.3 de Ley Maria da Penha (2006)
Chile	No menciona	No, por artículo 344 del Código Penal y artículo 199 del Código Sanitario	Como privación de capacidad de reproducción biológica sin justificación por tratamiento médico o consentimiento de la víctima, como crimen de lesa humanidad y de guerra, en Ley 20357 (2009)	No menciona	Sí, por Ley 20418 que fija normas sobre información, orientación y prestaciones en materia de regulación de la fertilidad (2010)	Sí, de acuerdo a las Normas y Guía Clínica para la Atención en Servicios de Urgencia de Personas Víctimas de Violencia Sexual (2004)
Colombia	No	Sentencia C-355 (2006) despenaliza ambos casos y cuando exista malformación del feto que haga inviable su vida	Como acto conducente al genocidio (art. 101 Código Penal)	Sí, en art. 187 Código Penal	Sí, incorporada en el Plan Obligatorio de Salud con la Resolución 412 de 2000, actualizada con las Resoluciones 769 y 1973 (2008)	Sí, con la Resolución 412 de 2000, actualizada con las Resoluciones 769 y 1973 (2008)
Costa Rica	No	Sí respecto al aborto terapéutico (artículo 121 Código Penal)	No	No	No	No
Dominica	No menciona	No	No	No – no se realizan inseminaciones en el país	Sí	Sí

TABLE 4 - Legislation on State violence against women (II): Sexual and reproductive rights

Estado	Penalización de Violencia obstétrica	Despenalización Aborto terapéutico y por violación	Penalización Esterilización forzada	Penalización Inseminación no consentida	Provisión de Anticoncepción de emergencia	Provisión de tratamiento VIH/ETS de emergencia, sobre todo en casos de violencia sexual
Ecuador	Los/as integrantes del Sistema Nacional de Salud promoverán y respetarán el conocimiento y prácticas tradicionales de los pueblos indígenas y afroecuatorianos, de las medicinas alternativas, con relación al embarazo, parto, puerperio, siempre y cuando no comprometan la vida e integridad física y mental de la persona (artículo 25 Ley Orgánica de Salud)	Sí respecto al aborto terapéutico. Se contempla aborto por violación en mujer idiota o demente (artículo 447 Código Penal)	No menciona	No menciona	En caso de mujeres víctimas de violencia intrafamiliar y sexual (artículo 32 Ley Orgánica de Salud). También para mujeres viviendo con VIH/SIDA (artículo 68 Ley Orgánica de Salud)	En caso de mujeres víctimas de violencia intrafamiliar y sexual (artículo 32 Ley Orgánica de Salud)
El Salvador	No menciona	No – artículos 133-135 del Código Penal	No menciona	No menciona	No menciona	No menciona
Grenada	No	Sí respecto al aborto terapéutico (artículo 137 Código Penal)	Como acto conducente a un genocidio (artículo 376 Código Penal)	Sí, en artículo 225 del Código Penal, modificado por Decreto 33-96	En Protocolo de atención a víctimas / sobrevivientes de violencia sexual	En Protocolo de atención a víctimas / sobrevivientes de violencia sexual

TABLE 4 - Legislation on State violence against women (II): Sexual and reproductive rights

Estado	Penalización de Violencia obstétrica	Despenalización Aborto terapéutico y por violación	Penalización Esterilización forzada	Penalización Inseminación no consentida	Provisión de Anticoncepción de emergencia	Provisión de tratamiento VIH/ETS de emergencia, sobre todo en casos de violencia sexual
Guyana	No	De acuerdo al Medical Termination of Pregnancy Act (1996), aborto es legal hasta la octava semana de embarazo. De la octava a la duodécima semana, un médico autorizado puede practicarlo si se encuentra en peligro la vida o salud física o mental de la madre; exista riesgo sustancial de seria discapacidad del feto por anomalías físicas o mentales; la madre sufre de incapacidad mental (unsound mind) que no le permite criar un infante; embarazo es producto de violación o incesto; la embarazada es seropositiva; o, el embarazo se produjo a pesar del uso de buena fe de métodos anticonceptivos. De la duodécima a la decimosexta semana se podrá realizar en estos mismos casos de existir la opinión de dos médicos autorizados. A partir de la decimosexta semana, solo se podrá realizar cuando exista peligro para la vida de la madre o de daño permanente a su salud física o mental o la del niño por nacer, en la opinión de tres médicos autorizados	No	No	No	Si
Haití						
Honduras						

TABLE 4 - Legislation on State violence against women (II): Sexual and reproductive rights

Estado	Penalización de Violencia obstétrica	Despenalización Aborto terapéutico y por violación	Penalización Esterilización forzada	Penalización Inseminación no consentida	Provisión de Anticoncepción de emergencia	Provisión de tratamiento VIH/ETS de emergencia, sobre todo en casos de violencia sexual
Jamaica	No	No, pero derecho común lo contempla en casos de violación, peligro a la vida o salud de la madre y anormalidad sustancial de feto	No	No	No menciona	No menciona
México	En tres entidades federativas	Aborto terapéutico no es punible en artículo 334 Código Penal Federal y en 30 entidades federativas y Distrito Federal. Aborto por violación despenalizado en artículo 333 Código Penal Federal y en las 31 entidades federativas y Distrito Federal. Imputabilidad del aborto por inseminación no consentida se encuentra en los Códigos Penales de 11 entidades federativas	Como esterilización masiva, acto conducente a un genocidio (artículo 149-bis Código Penal Federal)	Inimputabilidad del aborto por inseminación no consentida se encuentra en los Códigos Penales de 11 entidades federativas	En Norma Oficial Mexicana NOM-005-SSA2-1993 y 2004, de los Servicios de Planificación Familiar	En Norma Oficial Mexicana NOM046-SSA2-2005, sobre Violencia Familiar, Sexual y Contra las Mujeres (2009)
Nicaragua						
Panamá	No	Cuando sea por violación acreditada por instrucción sumarial, o por graves causas de salud que pongan en peligro la vida de la madre o la del feto, en artículo 142 Código Penal	No menciona	Como reproducción asistida sin consentimiento, en artículo 144 Código Penal	No menciona	No menciona
Paraguay	No menciona	Sí respecto al aborto terapéutico (artículo 109 inc. 4° del Código Penal modificado por la Ley 3440/08)	No menciona	No menciona	No menciona	Plan Nacional de Salud Sexual y Reproductiva 2009 – 2013 contempla tratamiento VIH/ETS en general.
Perú	No	Sí respecto del aborto terapéutico (artículo 120 Código Penal)	No	No	Resolución Ministerial N° 167-2010-MINSA ordena repartición gratuita, pero por sentencia de Tribunal Constitucional se detuvo dicho reparto	En Guías de Salud Sexual y Reproductiva

TABLE 4 - Legislation on State violence against women (II): Sexual and reproductive rights

Estado	Penalización de Violencia obstétrica	Despenalización Aborto terapéutico y por violación	Penalización Esterilización forzada	Penalización Inseminación no consentida	Provisión de Anticoncepción de emergencia	Provisión de tratamiento VIH/ETS de emergencia, sobre todo en casos de violencia sexual
República Dominicana	No menciona	No	No	No	No menciona	Contemplado en Normas Nacionales para la Atención Integral en Salud de la Violencia Intrafamiliar y Contra la Mujer
Saint Kitts y Nevis	No	No	No. Procedimiento se realiza previo consentimiento	No	Sí	Sí, de acuerdo a lo dispuesto por el protocolo de atención
Santa Lucía	No menciona	Sí, en la Sección 166 del Código Penal	No	No	No existe norma, pero mujeres tienen acceso libre a anticoncepción de emergencia	No existe norma, pero es parte del protocolo de respuesta médica a estos casos
San Vicente y las Granadinas	Nunca ha tenido un caso de violencia obstétrica	Sí respecto del aborto terapéutico, por violación y por incesto (Código Penal, Cap. 124 Sec. 149)	Procedimiento se realiza previo consentimiento. Si mujer es casada, el hospital requiere el consentimiento del esposo. Esterilización puede ser denegada si es que no va de acuerdo con el "mejor interés de la persona"	No se realizan inseminaciones	No menciona	No existe norma, pero se proveen
Suriname	No. Tendría que denunciarse como asalto (artículos 360-363 Código Penal)	Cuando la vida de la madre se encuentra en peligro y cuando el feto tiene malformaciones congénitas	No, pero víctimas pueden presentar reclamo ante tribunal médico de no haber sido suficientemente informada, o ir al sistema penal denunciando abuso	No	No menciona	No
Trinidad y Tobago	No	Por derecho común, cuando se encuentre en peligro la vida o salud física y mental de la madre	No menciona	No	No	Sí

TABLE 4 - Legislation on State violence against women (II): Sexual and reproductive rights

Estado	Penalización de Violencia obstétrica	Despenalización Aborto terapéutico y por violación	Penalización Esterilización forzada	Penalización Inseminación no consentida	Provisión de Anticoncepción de emergencia	Provisión de tratamiento VIH/ETS de emergencia, sobre todo en casos de violencia sexual
Uruguay	Artículo 3c) de Ley sobre Defensa del Derecho a la Salud Sexual y Reproductiva (2008) promueve el parto humanizado garantizando la intimidad y privacidad; respetando el tiempo biológico y psicológico y las pautas culturales de la protagonista y evitando prácticas invasivas o suministro de medicación que no estén justificados. No explica si existe sanción por su incumplimiento	Sí	No menciona si está penalizado. Esterilización es un método de planificación permitido siempre que exista consentimiento informado por parte del/ de la solicitante	No menciona	No menciona	No menciona
Venezuela	Sí, en artículo 51 de la Ley Orgánica sobre el Derecho de las Mujeres a una Vida Libre de Violencia (2007)	Cuando está en peligro la vida de la madre, en artículo 435 Código Penal. Disminución de pena si autor del aborto lo realizó para salvar su propio honor o la honra de su esposa, madre, descendiente, hermana o hija adoptiva, en artículo 436 Código Penal	Sí, en artículo 52 de la Ley Orgánica sobre el Derecho de las Mujeres a una Vida Libre de Violencia (2007)	No	No	No menciona

TABLE 5

National plans, plans of action or strategies to combat violence against women

State	National Plan, Plan of Action or Strategy on violence against women		Violence against women in other national plans, plans of action or strategies		Continuing training plans for public servants		Civil society participation in developing/ monitoring/ executing plan or joint activities	Cooperation agreements with media and advertising agencies	Campaigns to disseminate rights of women and/or Belém do Pará Convention
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)			
Antigua and Barbuda	Yes	Plan of Action of the Directorate of Gender Affairs. In the process of elaborating a strategic national plan for the prevention of violence against women with the assistance of UN Women.	It does not mention	No	Through two projects: one, on strengthening capacities, sensibility and awareness of gender based violence and HIV; the other, on strengthening government responsibility and community action to eliminate gender based violence. Includes members of the military, police officers, and health and justice workers.	Civil society organizations have participated in the debate of the draft national strategic plan to prevent violence against women. The plan also includes these organizations as important actors.	No	Yes, in the framework of the International Day for the Eradication of Violence against Women (November 25) and 16 days of activism against violence towards women	
Argentina	Yes	Partial: in the process of developing the National Plan of Action for the Prevention, Assistance and Eradication of Violence against Women mandated by Law 26485 (2009)	Education (inclusion of educational content that contributes to the development of relations based on equality of the sexes); labor (workplace harassment, sexual harassment); defense (violence in the family)	No, but it is done	The Women's Office of the Supreme Court of Justice is in the process of developing a permanent training plan for judges. The Federal Police added a course in their curriculum on violence against women.	National Council of Women (CNM) established an Advisory Council ad honorem to advise and make recommendations on course of action and strategies to combat violence. This Council is made up of members from civil society organizations and academia.	There are no agreements, but Law 26522 on Audiovisual Media Services (2009) establishes the responsibility of producers, distributors and publicists to comply with the provisions of, among others, Law 26485 (2009) on violence against women	Yes. Argentina's Campaign for Gender Equity and Against Violence includes radio/ TV, web spots and contests	
Bahamas	No report submitted	In the process of designing a National Plan of Action to prevent domestic violence following the multisectoral meeting held on September 2010	No	No report submitted	Yes, for Police officers, which will be taught every three months beginning in 2010, focusing on domestic violence. Health workers also received training but it does not indicate training schedule.	The government grants financial aid to NGOs that provide assistance to victims, manage shelters, and carry out campaigns. The organizations also took part in the meeting held in September 2010 where the design of the National Plan of Action against domestic violence was debated.	No formal agreements, but the press and agencies maintain a robust relationship with the Office of Gender Affairs	Yes, together with civil society organizations	

TABLE 5 - National plans, plans of action or strategies to combat violence against women

State	National Plan, Plan of Action or Strategy on violence against women		Violence against women in other national plans, plans of action or strategies		Continuing training plans for public servants		Civil society participation in developing/ monitoring/ executing plan or joint activities	Cooperation agreements with media and advertising agencies	Campaigns to disseminate rights of women and/or Belém do Pará Convention
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)			
Barbados	Yes	No. The Office of Gender Affairs carries out actions to eliminate inequality, provides services for victims and assaultants, and provides financial assistance to women's groups to offer support services	Domestic violence is contemplated in the National Plan of Action against HW/AIDS 2008-2013	No, but it is done	It will be taken into account once the strategy to combat domestic violence is designed.	Joint activities with civil society in the framework of the 16 days of activism against gender violence. Also, technical assistance was provided to the Services Alliance for Violent Encounters (SAVE), which provides services both to victims and assaultants.	No formal agreement but the press provides coverage of the activities of the Office of Gender Affairs	During the 16 days of activism against gender violence	
Belize	Yes	National Plan of Action against Gender Based Violence 2010-2012	In the National Plan on Gender and the National HIV/AIDS Plan	Yes	Annual training is provided at the Police Academy and with the domestic violence unit of the Police and Courts	Civil society participated in the design of the National Plan of Action on Gender based Violence 2010-2012. Civil society is also included in the activities of the Plan	No, but the press supports and provides coverage of the work being done on violence	Yes with regard to the rights of women but not of the Belém do Pará Convention	
Bolivia	Yes	National Plan to Combat Gender Based Violence within the framework of the National Plan for Equal Opportunity "Women building a new Bolivia for the Good Life", in force until 2020	Not mentioned	Yes	Contemplated in the National Plan for equal Opportunity "Women Building a new Bolivia for the Good Life", in force until 2020	Civil Society organizations took part in the development of the National Plan for Equal Opportunity "Women Building a better Bolivia for the Good Life" and they also take part in monitoring the plan	No formal agreement but the plan's communications strategy includes the communications media	As part of the communications strategy of the Plan to Combat Gender Based Violence	

TABLE 5 - National plans, plans of action or strategies to combat violence against women

State	National Plan, Plan of Action or Strategy on violence against women		Violence against women in other national plans, plans of action or strategies		Continuing training plans for public servants		Civil society participation in developing/ monitoring/ executing plan or joint activities	Cooperation agreements with media and advertising agencies	Campaigns to disseminate rights of women and/or Belém do Pará Convention
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)			
Brazil	Yes	National Pact to Combat Violence against Women 2007-2011	II National Plan of Policies for Women and Social Agenda of the Federal Government include gender and violence in education, employment, reduction of poverty, gender equality, health, HIV/AIDS and security.	No, but it is a priority and is being done	The National Institute for the Development of Magistrates includes a course on gender based violence. The Ministry of Health plans to include a course in its Curriculum for the Development of Networks. The Ministry of Education and the Secretariat for Racial Equality have a distance learning program "Gender and Diversity in School." Security: the curriculum of the Police Academy includes two courses on domestic violence and violence in the family and human rights.	Civil Society took part in designing the II National Plan of Policies for Women and monitoring of the National Pact to Combat Violence against Women 2007-2011. There is also a process of consultation with those organizations when the Secretariat of Policies for Women (SPM) introduces bills.	No formal agreement. Annual seminars on Women and Media have been held and the press does cover activities of the SPM.	Annual campaign for the 16 days of activism against violence towards women and the campaign "Men united to end violence against women." Also the campaign "A life without violence is a right of all women" by the Women's Care Center -Call 180	
Chile	Yes	Program to Prevent Intrafamily Violence against Women	The Ministry of Health has three programs for the care of victims of intrafamily violence and of sexual violence. With regard to education, it indicates cooperation agreements between SERNAM and the National Board of Kindergartens [Junta de Jardines Infantiles (JUNJI)] for the prevention of violence in the family and mistreatment of children; and between SERNAM and the National Training and Employment Service (SENCE) of the Ministry of Labor	Yes	Not continuing, but SERNAM, through the Women Centers, holds training sessions for civil servants in the areas of health, justice, and law enforcement among others. Training in the areas of gender and peace Keeling processes are also being considered in the Framework of the National Plan of Action for the implementation of Resolution 1325 of the UN Security Council	Part of the Program for the Prevention of Intrafamily Violence against Women is carried out by Civil Society. It does not indicate which part or activities of the program.	No formal agreement, but the National Television Council has incorporated some measures in the framework of the Program for Improvement of Gender Management	The National Women's Service carries out annual communications campaigns on the prevention of violence against women.	

TABLE 5 - National plans, plans of action or strategies to combat violence against women

State	National Plan, Plan of Action or Strategy on violence against women		Violence against women in other national plans, plans of action or strategies		Continuing training plans for public servants		Civil society participation in developing/ monitoring/ executing plan or joint activities	Cooperation agreements with media and advertising agencies	Campaigns to disseminate rights of women and/or Belém do Pará Convention
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)			
Colombia	Yes	Integral Program against Gender Based Violence –MDGF National Plan for the Eradication of Violence Against Women is being developed.	Education: The Ministry of Education develops educational programs that incorporate the teaching of human rights with different perspectives and the promotion and protection of sexual and reproductive rights. Labor: in the strategy “Toward a National Policy for Decent Work within the Framework of Fundamental Rights,” of the Ministry of Social Protection. Gender equity/equality: in affirmative policy Women Building Peace and Development 2003-10. Health: National Public Health Plan 2007-10, which incorporates the National Plan on Sexual and Reproductive Health, which includes HIV/AIDS. Defense: in the Integral Policy on Human Rights and International Law Others: in the National Care System for the Displaced Population	No, only training in general and a training manual are established	Eight workshops offered in 2010 by the Forensic Science Institute in the area of forensic care in cases of gender based violence. Courses by the National Commission for Reparation and Reconciliation for civil servants working in the area of justice and peace as well as for victims. Training sessions on Human Rights and Humanitarian International Law for commanders of Coast Guard Stations and Marines Battalions, incorporating the topic of sexual violence within the context of aggravated violence perpetrated by illegal armed groups, as well as on intrafamily violence for all law enforcement; 130 civil servants in the Ministry of Interior and Justice have been trained since Law 1257 entered into force.	Activities to strengthen civil society organizations and their work on violence against women, in Affirmative Policy “Women Building Peace and Development,” and in the Integral Program against Gender-Based Violence. In the “Policy for Integral Care of the Displaced Population with a Focus on Gender,” the participation of civil society organizations made it possible to incorporate the guidelines those organizations provided to the Constitutional Court for developing those activities. The National Policy on Sexual and Reproductive Health considers social participation and building social support networks as one of its strategies for implementation.	Works in partnership with communications media. Does not specify if there is a formal agreement.	Yes, 3 campaigns to raise awareness about violence in the family, trafficking in persons, sexist stereotypes, ethnic and cultural Diversity. Also in the web http://www.mujertienesderechos.org/ . There were also campaigns about sexual and reproductive health, and integral care for displaced population.	
Costa Rica	Yes	PLANOMI 2010-2015, to be implemented by the National System for Care and for the Prevention of Violence against Women and Intrafamily Violence (2008)	Gender equality: in the National Policy for Gender Equity and Equality 2007-2017 (PIEG)	Not mentioned	There are programs to raise awareness and train legal, education and health agents but no continuing training plans.	National System for Care and for the Prevention of Violence Against Women and Intrafamily Violence includes civil society organizations. These organizations make up the Follow up Committee of the System.	No, but efforts to raise awareness about gender topics in the communications media have been carried out.	There is a campaign being developed on women's rights. None with regard to the Belém do Pará Convention	

TABLE 5 - National plans, plans of action or strategies to combat violence against women

State	National Plan, Plan of Action or Strategy on violence against women		Violence against women in other national plans, plans of action or strategies		Continuing training plans for public servants		Civil society participation in developing/ monitoring/ executing plan or joint activities	Cooperation agreements with media and advertising agencies	Campaigns to disseminate rights of women and/or Belém do Pará Convention
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)			
Dominica	No response	Covered by the National Gender Policy	Covered by the National Gender Policy	Not mentioned	Training programs for legislators, legal agents and for health care personnel.	Joint activities on days of observance (e.g. International Women's Day), as well as on the implementation of the joint project "A multisectoral approach to combat violence against women and girls." Their comments are also sought before reports are sent to International organizations (e.g. CEDAW)	There is no formal agreement but radio and television stations broadcast the topic as part of the Bureau of Gender Affairs Program.	On the rights of women and domestic violence for other government agencies and for the general public.	
Ecuador	Plan of Equality and Opportunities	National Plan for the Eradication of Gender Based Violence (2007)	In the National Plan for the Eradication of Trafficking in Persons and Sexual Exploitation of Children, Adolescents and Women (2007); National Plan for the Eradication of Sexual Crimes in the area of Education; the National Program on Sexuality and Love, of the Ministry of Education, and in the National Policy on Health and Sexual and Reproductive Rights.	No, but it is done	The National Plan for the Eradication of Gender Based Violence considers developing a degree program on gender, justice and human rights for legal agents, judges, prosecutors, public defenders; human rights module for judges, national police; prevention of gender based violence module (sexual violence, intrafamily violence) to train community police.	Not mentioned	Not mentioned	In National Campaign "Ecuador React: Machismo is Violence" in mass media (television, radio, newspapers, buses, road signs, cinemas, theatres, contests, among others), beginning in the last quarter of 2009 and continuing on 2010.	
El Salvador	Yes	National Women's Policy; National Policy for Women's Access to a Life Free of Violence (beginning on January 1, 2012)	Five-Year Development Plan 2010-2014	No, but it is done	Cooperation agreements between ISDEMU and the National Academy of Public Security and the National Civil Police, to strengthen training in the area of gender.	They take part in the evaluation of the National Women's Policy; in the organization of joint seminars and workshops and there was coordination with them in the introduction and follow up of the bills for the Special Integral Law for a Life Free of Violence for Women and for the Equal Opportunity Law.	No	No	

TABLE 5 - National plans, plans of action or strategies to combat violence against women

State	National Plan, Plan of Action or Strategy on violence against women		Violence against women in other national plans, plans of action or strategies		Continuing training plans for public servants		Civil society participation in developing/ monitoring/ executing plan or joint activities	Cooperation agreements with media and advertising agencies	Campaigns to disseminate rights of women and/or Belém do Pará Convention
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)			
Grenada									
Guatemala	Yes	The National Plan for the Prevention and Eradication of Intrafamily Violence and Violence against Women (PLANOMI) 2004-2014. Will be evaluated in 2012	In the National Policy for the Promotion and Integral Development of Women and the Equal Opportunity Plan (PEO) 2008-2023. The Ministry of Government also contributes resources for the operation of the Integral Support Centers for Women (CAIMUS)	Not mentioned	Agreement with CONAPREVI –Institutional Training Unit of the Judicial Branch for legal agents to take part in a semi-presential degree program “Update and Specialization on Femicide and other forms of Violence against Women in the Context of Human Rights.” Also offered was the “Training Program on Women’s Human Rights” 2008-2009, also for legal agents. In addition, there will be programs offered with the Ministry of Health and with the National Civil Police.	Yes, through CONAPREVI, which also includes the No violence against Women Network. They took part in the development of PLANOMI 2004-2014 and in the evaluation of the plans and actions of CONAPREVI	No formal agreement but CONAPREVI has carried out training sessions with journalists regarding the coverage of femicide and violence against women in the communications media.	Yes. CONAPREVI is responsible for the campaigns.	
Guyana	No, but it is being designed	National Policy on Domestic Violence 2008-2013. In addition, two policy documents; one for sexual violence (Stamp it Out) and the other for domestic violence.	Joint actions of the Ministry of Human Services and Social Security with the education, labor, law enforcement, health, and eradication of poverty sectors. Does not mention policies in those sectors.	No	Continuing training on the recent Sexual Offences Act (2010), the National Policy on Domestic Violence and the performance protocols, for legislators as well as judges, prosecutors, police, educators, social workers and civil society among others.	Civil society organizations were consulted on the development of the National Plan on Domestic Violence. They are also part of the National Domestic Violence Oversight Committee, the body responsible for monitoring the plan. It also supports a shelter in agreement with an NGO.	No	Through programs to raise awareness at the ministerial level, government agencies and civil society, especially women’s organizations.	
Haiti	Yes			No, but it is done					
Honduras	Yes			No/					

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Jamaica	No, but it is being designed	A project of the National Strategic Action Plan to Eliminate Gender-Based Violence is ready to be implemented.	National Policy for Gender Equality adopted in March 2011. Does not explain how it covers violence against women.	Not mentioned	The system of justice held workshops on violence against women. In 2008 el Justice Training Institute organized 40 workshops dealing with topics such as Trafficking in persons and support for victims.	In strengthening the capacity of women's groups and through subsidies.	No formal agreement but there are press strategies in place at the Ministry of Youth, Sports and Culture, which is the ministry responsible for the Office of Women Affairs.	As part of the UN Secretary General's campaign to eliminate violence against women launched in Jamaica in March 2011. They also implement a national campaign with publicity spots recorded by local artists.	
Mexico	Yes	Integral Program to Prevent, Address, Sanction and Eradicate Violence against Women established in Article 38 of the Integral Law for Women's Access to a Life Free of Violence.	In the National Development Plan 2007-2012	No, but it is done	In the system of Justice: is the responsibility of the Supreme Court of Justice and of the Federal Judiciary Council. In the area of education: Teachers' Training Program to Prevent Violence against Women (PREVIOLEM) in 31 states since 2005. Also, the Secretariat for National Defense and the Navy Secretariat incorporated a gender perspective in the curricula for military units.	Civil society organizations were consulted on the Draft National Development Plan 2007-2012. Some were involved carrying out the evaluation done by INMUJERES of the actions taken to prevent, address, and punish violence against women between 2006 and 2008. In addition, INMUJERES provided financial resources to some organizations through the Equity Fund.	Not mentioned	Six campaigns implemented by INMUJERES between 2007 and 2009	
Nicaragua	Yes			No					

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	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)			
Panama	Yes	National Plan against Domestic Violence and Policies for Civil Coexistence 2004-2014	Law 4 on Equal Opportunity for Women (1999)	Yes	National Women's Institute (INAMU), in partnership with the Judicial School and the Public Ministry has conducted training workshops for prosecutors. INAMU has trained more than 5000 people since 2006, including community advocates, civil servants and judicial personnel, legal agents, educators, military and law enforcement personnel, border and customs agents, personnel who provide care to victims of violence, indigenous leaders, and the Judicial Investigation Directorate.	Through the National Women's Council (CONAMU), the primary entity for expertise, advice and action in the promotion and development of women in the political, social and economic life of the country. It also includes, among others, twelve civil society organizations.	No formal agreement, but INAMU obtained their cooperation for the campaign "Zero Mistreatment" (2010)	Campaign "Woman, you are not alone; denounce now" (2008); "Panama unite; Say No to Violence against Women" (2009); "Lbero-American campaign "Zero Mistreatment" targeted to youth (2010)	
Paraguay	Yes	National Plan for the Prevention and Punishment of Violence against Women --in the process of being revised.	It is the six point of the Third Plan for Equal Opportunity for Women and Men 2008-2017. Also in the National Plan for Sexual and Reproductive Health 2009 – 2013 and the National Policy on Children and Adolescents - POLNA	No	It is course of action 3, of point 6 (A Life Free of Violence) of the Third Plan for Equal Opportunity for Women and Men 2008-2017. Training is also provided through the Human Rights Institute of the Office of the Public Defender.	Agreements of the Women's Secretariat with civil society organizations to carry out training sessions and workshops on violence against women for legal agents and police officers, among others.	No formal agreement.	Campaign, "No more complicity: Violence Kills" (2009); "Silence Kills" (2008) and "You Harass, I Accuse" (2006)	

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	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)			
Peru	Yes	National Plan to Combat Violence Against Women 2009-2015.	In the National Plan for Equal Opportunity for Women and Men 2006-2010. Also, intersectoral meetings in the sectors taking part in the National Plan to Combat Violence Against Women study its implementation and make recommendations to improve it	Yes	Through the Management Unit for Prevention and Capacity Development of the National Program on Sexual Violence and Intrafamily Violence of MIMDES. In the education sector through the Training Program for Promoters Educators.	Civil society organizations were consulted on the Draft National Plan to Combat Violence against Women 2008-2015. They also participate in the National Working Group that monitors the plan. There are also inter-institutional agreements with some of these organizations for joint prevention activities.	Exchange of letters with 22 radio stations and 2 television stations.	National Program against Sexual Violence and Intrafamily Violence (PNCVFS), carries out communications campaigns in the framework of the International Women's Day (March 8) and the International Day for the Elimination of Violence Against Women (November 25)	
Dominican Republic	Yes	Topic 6 of the National Gender Equity Plan 2007-2017	Topic 6 of the National Gender Equity Plan 2007-2017; Ten-Year Health Plan 2006-2015 and the National Strategy to Address the link HIV and AIDS	Yes	Workshops held by the Ministry of Women throughout the year. Also three workshops per quarter in coordination with the Office of the Assistant Attorney for Women.	The Ministry of Women can provide gender based training to any civil society organization that requests it.	The radio program "Women know your Rights" is broadcast twice a week on two radio stations with national reach .	On the rights of women in the context of March 8, November 25 and the 16 days of activism against violence towards women. There is also a radio program "Women Know Your Rights" which is heard twice a week on two radio stations with national reach.	
Saint Kitts and Nevis	No report submitted	No	No	No report submitted	A training project on violence against women has been prepared with financial support from UNIFEM	No	No	Not mentioned	
Saint Lucia	Yes	The National Plan of Action on Violence against Women / Gender Based Violence is expected to be adopted at the end of 2010	Goals have been set for the reduction of violence against women in the health sector	No	Not mentioned	Not mentioned	Not mentioned	Not mentioned	

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State	National Plan, Plan of Action or Strategy on violence against women		Violence against women in other national plans, plans of action or strategies		Continuing training plans for public servants		Civil society participation in developing/ monitoring/ executing plan or joint activities	Cooperation agreements with media and advertising agencies	Campaigns to disseminate rights of women and/or Belém do Pará Convention
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)			
Saint Vincent and the Grenadines	No report submitted	State committed to work on five of the twelve areas developed in the Beijing Action Plan, among them domestic violence. No mention if a National Plan is in place	Conjoint actions between Gender Affairs Division and other sectors like education (e.g. continuing education programs for teenage mothers), health (provision of retrovirals to avoid transmission of HIV/AIDS from mother to child) and labour (e.g. regulations on maternity leave). No mention if these actions are included in each sectoral plan.	No report submitted	Conjointly with civil society organizations, training for police officers is provided on domestic violence. No mention if there is a continuing training plan in place.	They participate in the National Economic and Social Development Council (NESDEC), as a conduit for such organizations to contribute to policymaking	No formal agreement but radio stations broadcast programs related to the Convention of Belém do Para during the May 31 week, which marks the anniversary of the ratification of said Convention by Saint Vincent and the Grenadines	Copies of the Convention have been circulated to authorities, police officers and officials from the security sector.	
Suriname	Yes	Domestic violence in the Sectoral Plan Legal Protection and Security 2006-2010 of the Ministry of Justice and Police	Domestic and Sexual Violence as part of the Integral Plan of Action on Gender 2006 – 2010	No response	Carried out by the Women's Rights Centre, which is an NGO	They took part in developing the Integral Plan of Action on Gender 2006-2010. Representatives of two NGOs are members of the committee that monitors the plan. Agreements have been made with those organizations to provide training.	No formal agreement but there is collaboration.	Under the Ministry of Justice and Police	
Trinidad and Tobago	Yes	No	In the draft National Policy on Gender and Development and in the Framework of the National Policy	No	There are no training plans but they organize seminars for various groups on the rights of women. Training for civil servants is contemplated in the Draft National Policy on Gender and Development	Joint activities for commemorative dates; subsidies and financial support for some of the activities of the NGOs; partnerships with universities on gender and development programs.	The Department of Gender Affairs of the Ministry of Community Development, Culture and Gender Affairs	Through radio and television, theater, teaching conferences and in the Defining Masculine Excellence Programme	

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	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)			
Uruguay	Yes	National Plan to Combat Domestic Violence 2004-2010	Education: Transformation of gender stereotypes in the General Law on Education No. 18437. On domestic violence in the National Plan on Equal Rights and Opportunities 2007-2011	No, but it is done	Legislators: Training Plan on Human Rights and Gender financed by PNUD. Course for Aspiring Magistrates of the Judicial Branch includes topics on gender. The Curriculum of the Judicial Studies Center includes information and analysis of the Belém do Pará Convention and human Rights. Interior: The Department of Gender Policies of the Ministry of the Interior is working with the Police Academy to develop a Technical Course on Domestic Violence	NGOs and networks take part in: National Coordinating Council of Public Policy on Gender Equality. National Advisory Council on Combating Domestic Violence Inter-institutional Committee on Gender Affairs in the international arena. Inter-institutional Bureau to Combat Trafficking in Women for Commercial Sexual Exploitation.	No formal agreement. The National Advisory Council to Combat Domestic Violence is developing actions for appropriate news coverage of domestic violence, mistreatment and sexual abuse of children and adolescents. There have been actions taken to raise awareness among opinion makers and media executives to obtain appropriate coverage of the topics of sexual and domestic violence.	Campaign and seminar to disseminate the CEVI Country Report (2008), as well as the Information Campaign to Prevent Trafficking in Persons. There are also campaigns in the framework of the International Women's Day (March 8) and the International Day for the Elimination of Violence against Women (November 25)	
Venezuela	Yes	In the process of being approved, the Socialist Plan on the Right of Women to a Life Free of Violence 2010-2013	Not mentioned	Yes	There are training workshops for legal agents and personnel receiving complaints, provided by the Office of the National Defender of Women's Rights, assigned to INAMUJER	Not mentioned	Not mentioned	Permanent campaigns in their spheres of influence: Branches of the Women's Bank, Meeting spots of the National Women's Institute, Neighborhood Mothers Mission. INAMUJER also organizes integral community day fairs where information is disseminated.	

TABLE 6

Access to justice for women victims of violence (I)

	Entities receiving complaints		Conciliation ban in violence against women		Protocols of care for victims in official and indigenous languages		Protection measures for victims, relatives or witnesses		Studies/Use of the Convention in judgments
	1° REM (2007)	2° REM (2011)	1° REM (2010) ¹	2° REM (2011)	1° REM (2007)	2° REM (2011)	1° REM (2007)	2° REM (2011)	
Ecuador	Magistrate's Court/ Inadequate	Has not increased	No report submitted	No	No	They were recently adopted for the police, and for health care workers. Does not indicate languages.	Yes	Protection measures in Domestic Violence (Summary Proceedings) Act (1999). Does not explain if studies were done on its application.	No
Argentina	Varies, depending on the Federal State/ Inadequate	In addition to the courts, Domestic Violence Offices (ODV) of the Supreme Court were created and there are agreements already with 23 provinces to do the same in their jurisdictions.	Yes	Partial: Law 26485 (2009) bans it, but Article 132 of the Penal Code contemplates conciliation between assailant and victim	Police stations do not have protocols; they are under design	Not mentioned	No response	Following the establishment of ODV (09/2008), 7621 protection orders were issued by the courts. Of those, 3425 ban conciliation; 540 ban any contact; 536 were exclusions from the home; 178 were removal of personal effects; 120 were returns to the home, and the rest were orders issued with regard to children.	No
Bahamas	No report submitted	Not clear	No report submitted	No	No report submitted	Yes, for police, prosecutors and health care workers, in the official language. There are no indigenous people in the country.	No report submitted	There are no studies or data available yet on the number, type and effectiveness of protection orders issued.	No

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	1° REM (2007)	2° REM (2011)	1° REM (2010) ¹	2° REM (2011)	1° REM (2007)	2° REM (2011)	1° REM (2007)	2° REM (2011)	
Estado									
Barbados	Commissioner of Police, Welfare Officer/ Adequate	Complaints are made through the police. The number of entities has not increased.	No ban on legislation	No	No response	No	Yes, but witnesses not mentioned	Protection orders on domestic violence Act (1993) for the victim, their children or other relatives. There are no studies on their application.	No
Belize	Domestic violence units (police), Family Court/ Inadequate	Domestic Violence units in the police stations in each district. Does not mention if they have increased.	No – but the victim has the will to refuse the conciliation	No	Yes	Only in the official language	Yes, but witnesses not mentioned	Family Court in Belize City: In the 536 cases of domestic violence, 484 women and 100 men requested protection orders, and 91 women and 10 men requested occupation orders.	Information not available
Bolivia	National Police – Family Protection Brigade, Office of the Attorney General, Family Court Judge / Inadequate	53 Family Protection Brigades of the National Police at the national level. Does not mention if there has been an increase.	No report submitted	Ban of agreements that legitimize acts of violence or in which victims waive their rights, in Article 11 of the Regulations of Law 1674 (1998)	Family Protection Brigades (BPF) have protocols	In the process of being adopted, the “Rules, protocols and procedures for the integral care of victims of sexual violence” for health care providers, personnel of the Forensic Investigations Institute, National Police (Special Crime Fighting Force, and the Family Protection Brigade, Guide for the Care of Victims of Violence for personnel of the Integral Municipal Services (SLIM). Does not indicate languages.	Yes, but family of the victim and witnesses not mentioned	Protection measures contemplated in Chapter V of Law 1674, Law against Domestic Violence and Intrafamily Violence (1995) and Article 9 of its Regulations (1998). No studies/statistics available.	No

1. Data taken from the Follow Up Report to the Recommendations of CEVI to the governments during the first phase of the Multilateral Evaluation Round, document MESECVI/CEVI/doc.97corr.1

CUADRO 6 - Access to justice for women victims of violence (I)

Estado	Entities receiving complaints		Conciliation ban in violence against women		Protocols of care for victims in official and indigenous languages		Protection measures for victims, relatives or witnesses		Studies/Use of the Convention in judgments
	1° REM (2007)	2° REM (2011)	1° REM (2010) ¹	2° REM (2011)	1° REM (2007)	2° REM (2011)	1° REM (2007)	2° REM (2011)	
Brazil	Specialized or nearest police stations, Office of the Attorney General/ Inadequate	462 delegations specialized in women's care and 83 courts specialized in domestic violence and intrafamily violence against women. The increase was due to the promulgation of the Law Maria da Penha (2006)	No report submitted	Banned in cases of domestic violence and intrafamily violence against women, in Article 41 of the Law Maria da Penha (2006)	Specialized police stations, protocols not indicated	Police has "Technical Standards of the delegations specialized in women's care" (2005), updated in 2010 in the light of the Law Maria da Penha. Health care personnel have the "Technical Standards for the Care of Women and Adolescents victims of Sexual Violence" (2005). The Office of the Prosecutor does not have any protocols. Does not indicate languages.	Yes	Protection measures in Chapter II of the Law Maria da Penha (2006) includes the victims and their dependents. According to the data from 23 courts of justice, since the promulgation of the Law, 88.972 requests for urgent protection orders were made, of which 19,400 (22%) were granted.	No studies have been done.
Chile	Family Courts, Police Officers/ Investigators/ Inadequate	Complaints are lodged in Family Courts. Carabineros de Chile or the Investigations Police. Does not indicate if they have increased.	Partially-mediation will not be used in the cases of Article 97 of Law 19.968.	Banned in cases of intrafamily violence (Article 19 of Law 20066 on Violence in the Family)	The police do not have protocols	Health care providers have Standards and Clinical Guide for Emergency Care of victims of sexual violence (2004). Doesn't explain in what languages or if the police and the courts have protocols.	Yes, but family of the victim and witnesses not mentioned	Protection orders in Article 15 of Law 20066 on Intrafamily, and Article 92 of Law 19968 which establishes Family Courts, for victims as well as their relatives. There are statistics on protection measures on violence in the family but the data are segregated by sex.	There is no record in this regard.

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Colombia	Family police stations, Police Supervisors/ Inadequate	Not mentioned	No – cannot bring action against crime, consequently it is not subject to conciliation	Law 1142 (2007): Violence in the family is now an offense officially prosecuted; therefore, there are no grounds for conciliation. Judgment C-1198 (2008): offenses officially prosecuted may be subject to conciliation when taking into account the overriding interest of the child and the protection, dignity and privacy of the mother.	No response	It has protocols, guides and courses to follow in Spanish. Due to the diversity of the population, it is impossible to translate them into 70 indigenous languages.	Yes for the victim; for witnesses, the general law is applied	Measures for victims in Article 5 of Law 1294 (1996), amended by Law 1257 (2008) and Article 18 of Law 1257 (2008). Resolution 5101 (2008) of the Office of the Attorney General establishes the Victims and Cooperating Witnesses Protection and Assistance Program.	Yes, conducted by the Observatory on Gender Affairs of the Presidential Council for Women's Equity, within the Framework of the jurisprudence of the Constitutional Court and the Supreme Court of Justice on subjects regarding violence. Also, the Integral Program against Gender-Based Violence did a study to establish the current situation in concepts, practices and social and institutional attitudes that naturalize gender based violence for the purpose of evaluating the effectiveness and relevance of the actions of the Integral Program

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	1° REM (2007)	2° REM (2011)	1° REM (2010) ¹	2° REM (2011)	1° REM (2007)	2° REM (2011)	1° REM (2007)	2° REM (2011)	
Estado									
Costa Rica	Judicial Power: Attorney General, Prosecutor for Sexual Crimes and Domestic Violence, Specialized Courts on Domestic Violence and Magistrate's Court/ Inadequate	Specialized units were established after the Law to Sanction Violence against Women entered into force.	No – law allows conciliation but the Superior Council of the Supreme Court has given directives for cases of violence against women	No-In sexual offenses, those committed against minors, and in domestic assaults, the court should not seek conciliation except in cases where the victim or her legal representative requests it (Article 36 of the Code of Criminal Procedure)	Police stations have an official in charge of domestic violence issues / They have protocols	There are protocols for trafficking in persons, domestic violence and adolescents in the official language. The Ministry of Health and the Public Prosecutor's offices have them.	Yes, but not for witnesses	Yes, in the Law to Protect Victims, Witnesses and other individuals taking part in the criminal proceedings, Law No. 8720 (2009) amending the Code of Criminal Procedure and the Penal Code. Does not mention studies on its application.	The Convention has been used in sentences but no studies have been done in that regard.
Dominica	Police Department/ Adequate	In addition to the police, the number of entities was increased through the domestic violence network.	No	No	No response	Only for child abuse	There is a crisis mechanism, but no indication of what it is and whether or not it extends to family and witnesses	Protection Against Domestic Violence Act (2001) grants protection orders to victims. No mention of any studies done on its application.	There is no record

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Estado									
Ecuador	Office of the Attorney General, Police, Women and the Family Police Station / Inadequate	34 police stations, 24 police headquarters, departments of women and family services, national police precincts in almost every canton of the country, and the political offices in rural parishes. Violence against Women Courts have also been created under the Organic Law of the Judicial Function, which are not yet operational.	No – Law on Violence against Women and the Family includes it	Only in cases of Intrafamily Violence (Article 17 of the Organic Code of the Judicial Function)	No	The Ministry of Health has protocols. The Office of the Attorney General has protocols for medical examiners. Does not explain if they are available in indigenous languages.	Yes, but family or witnesses not mentioned	There are protection measures available and a record of them is being established. The Office of the Attorney General manages a protection system for victims and witnesses under the provisions of Executive Degree 528 (2007). No mention of studies done on its application.	No
El Salvador	Family and Justices of the Peace Courts, General Prosecutor, Office of the Attorney General, Civil Police, other/ Did not indicate whether it is adequate	It is not known if there has been an increase	No response	Special Integral Law for a Life Free of Violence for Women bans conciliation/mediation for offenses included in that law (Article 58)	Department delegations have protocols, did not indicate whether in indigenous languages	There is a police intervention guide in cases of intratfamily violence. There is also a Clinical Care Guide for women and underage persons, victims of violence in the family and of sexual violence for second and third level hospitals of the Ministry of Public Health and Welfare. Does not specify if available in indigenous languages.	Yes for victims, some for family, and none for witnesses	In the Law for the Protection of Victims and Witnesses (2006) and its regulations (2007). No Studies on its application mentioned.	No

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Estado									
Grenada									
Guatemala	Varied/ Inadequate	The Public Ministry, the Office of the Attorney General, the National Civil Police, Family Courts, Legal Clinics of the Universities, and the Office of the Public Prosecutor for Human Rights, Courts of Judges of the Peace in session, receive complaints of violence in the family. In 2010, six courts specialized on the subject were established.	No	Not in the law. The Protocol of the Law against Femicide and other forms of violence against women specifically bans it.	Do not have protocols in indigenous languages	A Protocol of care for victims/survivors of sexual violence was adopted (2009). No indication if it is available in indigenous languages.	No response	Yes, the protection measures established by Decree 70-96, Law for the Protection of parties to the proceedings and persons connected with the administration of Criminal Justice. The entity that will be responsible for verifying the control and execution of the protection orders has not been designated.	No
Guyana	Police/ Inadequate	There was an increase but the Lumber is not specified	No report submitted	No, but the new Alternative Dispute Resolution Act (2010) does not include mediation in criminal cases	Police stations are not specialized, but they have protocols for these cases	Not available	Only for victims of trafficking and their witnesses	Protection measures included in the Domestic Violence Act (1996). There are no Studies on its application	No

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CUADRO 6 - Access to justice for women victims of violence (I)

	Entities receiving complaints		Conciliation ban in violence against women		Protocols of care for victims in official and indigenous languages		Protection measures for victims, relatives or witnesses		Studies/Use of the Convention in judgments
	1° REM (2007)	2° REM (2011)	1° REM (2010) ¹	2° REM (2011)	1° REM (2007)	2° REM (2011)	1° REM (2007)	2° REM (2011)	
Estado	No response/ No response		No – draft bill about all forms of violence against women will be presented this year		No response		No		
Honduras	Specialized offices of the Attorney General, Police, CONADEH, NGOs/ Inadequate		No		Police, Office of the Public Prosecutor and Justices of the Peace have protocols, no indication whether in indigenous languages		Yes, but no indication of scope or whom it protects		
Jamaica	No response/ No response	There has been no increase	No	No	No response	There are no protocols yet. Constabulary force has procedures to follow in cases of victims of gender based violence. There is no indigenous population, but there are specific procedures to address cases involving migrants and refugees.	No response	Domestic Violence Act includes protection measures, occupation orders and ancillary orders. There are no studies on its application.	No

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CUADRO 6 - Access to justice for women victims of violence (I)

	Entities receiving complaints		Conciliation ban in violence against women		Protocols of care for victims in official and indigenous languages		Protection measures for victims, relatives or witnesses		Studies/Use of the Convention in judgments
	1° REM (2007)	2° REM (2011)	1° REM (2010) ¹	2° REM (2011)	1° REM (2007)	2° REM (2011)	1° REM (2007)	2° REM (2011)	
Estado	1° REM (2007) It depends on the federal entity, Special Office of the Attorney General for Crimes against Women where there is one/ Inadequate	2° REM (2011) Complaints can be filed in 3347 state agencies and 157 federal agencies. In addition, the Office of the Special Prosecutor for Trafficking in Persons and Violence against Women Offenses was created in 2008.	1° REM (2010) ¹ Yes	2° REM (2011) In Article 8, Section 4 of the General Law on Women's Access to a Life free of Violence. Five states have also included it.	1° REM (2007) Specialized services have protocols, but in indigenous languages only in some places	2° REM (2011) The Public Security Secretariat is developing Police Protocols for Cases of Gender Based Violence. Does not mention in what languages is available. The Offices of the Public Prosecutor have Integral Care Protocols in the official language. The Secretariat of Health developed five (5) Protocols for Psychological Care but does not specify the language.	1° REM (2007) No	2° REM (2011) The General Law for Women's Access to a Life Free of Violence and the laws of 30 states and the Federal District contemplate protection measures for victims and relatives. Only the Law of Chihuahua does not include them.	The Special Commission to Hear the Policies and Procurement of Justice regarding Femicide published a study that covered, among others, the implementation of the Belém do Pará Convention (2008). The Secretariat of the Interior carried out a project with support from UNDP monitoring images and messages that foster sexist stereotypes that are conducive to violence and gender inequality.
Nicaragua	Police or Women's Police Station / Inadequate		No report submitted		Police stations have protocols, but not in indigenous languages		Yes, but family or witnesses not mentioned		

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CUADRO 6 - Access to justice for women victims of violence (I)

Estado	Entities receiving complaints		Conciliation ban in violence against women		Protocols of care for victims in official and indigenous languages		Protection measures for victims, relatives or witnesses		Studies/Use of the Convention in judgments
	1° REM (2007)	2° REM (2011)	1° REM (2010) ¹	2° REM (2011)	1° REM (2007)	2° REM (2011)	1° REM (2007)	2° REM (2011)	
Panama	Center for Reception of Complaints Police, Judicial, Technical / Inadequate	Yes, they increased. Judicial Administrative Departments and Offices of the Attorney General in rural areas; the Directorate of Judicial Investigations (DIJ), Offices of the Prosecutor for Family Law and Hospitals in urban areas	No report submitted	No	The Police Service against Family Violence has protocols	Police, Office of the Public Prosecutor, and Health Care providers have protocols only in the official language. Law 38 on Domestic Violence (2001) authorizes indigenous authorities to implement the measures established in their internal system and those provided for in Law 38 in a supplementary manner	Yes, but in general whether the victim is female or male, but family or witnesses not mentioned	Protection measures contemplated in Law 38 on Domestic Violence (2001) and Article 333 of the Code of Criminal Procedure (2008). For witnesses, experts and other parties to the proceedings, in Article 336 of the Code of Criminal Procedure. No studies done on its application.	It has been used but no studies or evaluations have been done on its use.
Paraguay	Justices of the Peace, National Police or Health Centers involved / Inadequate	Agencies and Departments Specialized on victims of violence against Women, children and adolescents have increased. Does not indicate the number.	No	Not specifically. Conciliation to repair the private or social damage caused, only on crimes against a persons' property or cases of negligent offense, mediated before the trial, and with the consent of the victim or the Public Ministry (Articles 311 and 25, subparagraph 10 of the Code of Criminal Procedure)	Police stations do not have protocols in indigenous languages	Protocol for Care of Persons in Situations of Violence of the Ministry of Public Health and Protocol for the Comprehensive Expert Report on Investigations of Sexual Offenses of the Public Ministry. Only in the official language.	Yes, but not for family or witnesses	Does not mention measures and there are no studies on their effectiveness.	The Convention has been used on judgments and decisions but there are no studies in that regard.

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CUADRO 6 - Access to justice for women victims of violence (I)

	Entities receiving complaints		Conciliation ban in violence against women		Protocols of care for victims in official and indigenous languages		Protection measures for victims, relatives or witnesses		Studies/Use of the Convention in judgments
	1° REM (2007)	2° REM (2011)	1° REM (2010) ¹	2° REM (2011)	1° REM (2007)	2° REM (2011)	1° REM (2007)	2° REM (2011)	
Ecuador	National police, Specialized provincial prosecutors/ Inadequate	In the last 4 years, 32 Provincial Offices of the Public Prosecutor and 3 Offices of the State's Attorney competent on civil and family matters have been established.	Partially— it is prohibited for prosecution and extrajudicial level but allowed on a judicial level	The Conciliation Law (2008) does not allow it in cases of intrafamily violence. However, Law 26260 on Protection against violence in the family still contemplates conciliation in court.	Women's police stations (CEMS) and, in general, they do not have protocols in indigenous languages (Shadow Report), CEMS have a procedures manual	Standards of Comprehensive Care for Persons victims of Gender Based Violence (2007) for health care providers and Public Ministry Directive 005-2009-IP-FN on intervention in cases of violence in the family and gender based violence. Also, Guide for Integral Attention in the 'Emergency Women' Centers (CEM) of MIMDES, in Spanish only.	Yes, but they do not include family, and in practice they are not effective. For witnesses, the general law is applied	Measures in the Law of Protection against Intrafamily Violence, not limited to specific ones. There are no studies on their effectiveness. Alternative report mentions a qualitative study done by the Public Ministry on the ineffectiveness of these measures in cases of femicide.	Not mentioned
Dominican Republic	Neighborhood or jurisdictional offices of the Attorney General, or units for care to victims/ inadequate	15 Neighborhood Offices of the Public Prosecutor, and 13 Units specialized on Intrafamily Violence, gender based and sexual violence have been established. Of those 13, 9 were established in the last 4 years.	No report submitted	Conciliation in cases of violence in the family and cases affecting children and adolescents when it is specifically requested by the victim or her legal representatives (Article 38 of the Code of Criminal Procedure)	Did not indicate whether offices of the public prosecutor or police stations have protocols	National Standards of Comprehensive Care in cases of Intrafamily Violence and violence against women for health care providers. No mention if available in indigenous languages.	Yes, but no indication of whether or not it is applied to family and witnesses	Twelve protection measures in Article 309-6 of the penal Code. No studies done on their effectiveness.	The Convention is used in the Courts but there are no studies in that regard.
Saint Kitts and Nevis	No report submitted	Does not indicate entities. No increase in the number of entities.	No report submitted	No	No report submitted	Not mentioned	No report submitted	Protection measures included in the Domestic Violence Act (2000). In 2010, 111 protection orders were issued in domestic violence cases.	Not mentioned

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CUADRO 6 - Access to justice for women victims of violence (I)

	Entities receiving complaints		Conciliation ban in violence against women		Protocols of care for victims in official and indigenous languages		Protection measures for victims, relatives or witnesses		Studies/Use of the Convention in judgments
	1° REM (2007)	2° REM (2011)	1° REM (2010) ¹	2° REM (2011)	1° REM (2007)	2° REM (2011)	1° REM (2007)	2° REM (2011)	
Estado									
Saint Lucia	Police, Saint Lucia Crisis Centers, Family Court, Women's Support Center/ It is adequate, but an increase in personnel would be beneficial	Police, St. Lucia Crisis Centre, Family Court, Women's Support Centre. The number has increased.	No report submitted	No	They do not have services in indigenous languages. No response as to whether there are specialized police stations. Specialized services have protocols	Not mentioned	No	Not mentioned	Not mentioned
Saint Vincent and the Grenadines	No report submitted	Family Courts. Does not mention increase in the number of courts	No report submitted	No. Under Chapter VI of the Criminal Code Cap 124, women could denounce said practices as offences relating to the administration of justice.	No report submitted	Drafted, not approved yet	No report submitted	Protection orders contemplated in Domestic Violence (Summary Proceedings) Act 1995. They should be served for hearing within seven to fifteen days of filing. In 2008 245 protection orders were requested and 228 were disposed. Most of them were filed by women, although no numbers are given. No mention if they are applicable to family and witnesses.	State participated in the OECS Domestic Violence and Family Law Reform Project, in which the application of family law was analyzed

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CUADRO 6 - Access to justice for women victims of violence (I)

	Entities receiving complaints		Conciliation ban in violence against women		Protocols of care for victims in official and indigenous languages		Protection measures for victims, relatives or witnesses		Studies/Use of the Convention in judgments
	1° REM (2007)	2° REM (2011)	1° REM (2010) ¹	2° REM (2011)	1° REM (2007)	2° REM (2011)	1° REM (2007)	2° REM (2011)	
Estado	Police, Office of the Attorney General/ Inadequate	Not mentioned	No response	No	There are protocols, but it was not specified what agencies have them or whether they are in indigenous languages	Police, Office of the Public Prosecutor and the health care system have protocols but does not specify if available in indigenous languages. The Ministry of Justice and the Police are developing protocols.	There are no specific measures, only general	Law on Combating Domestic Violence (2009) institutes protection measures. They were only available to be implemented beginning in 2010 because the implementation form had not been designed.	The Belém do Pará Conventions not used. No studies have been done on the impact on judgments.
Trinidad and Tobago	Police, courts/ Inadequate	Domestic violence Units in Police Stations as well as through the National Domestic Violence Hotline, 800-SAVE, y CHILDLINE	No report submitted	There is no specific ban. The Mediation Act No. 8 (2004) allows conciliation only in non-criminal cases.	Police use a Domestic Violence Manual for these cases	The Police have the Domestic Violence Investigation and Health Care providers also have protocols. The protocols are in the official language.	Yes	Protection Orders in the Domestic Violence Act N° 27 (1999) for victims, their children or dependents and members of the household. The annual reports of the Judiciary report the number of orders issued.	Not mentioned

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CUADRO 6 - Access to justice for women victims of violence (I)

	Entities receiving complaints		Conciliation ban in violence against women		Protocols of care for victims in official and indigenous languages		Protection measures for victims, relatives or witnesses		Studies/Use of the Convention in judgments
	1° REM (2007)	2° REM (2011)	1° REM (2010) ¹	2° REM (2011)	1° REM (2007)	2° REM (2011)	1° REM (2007)	2° REM (2011)	
Estado Uruguay	Police or courts/ Inadequate	They increased with the establishment of Courts specialized in Organized Crime that now receive complaints on trafficking in persons. There was no increase with regard to domestic violence.	No report submitted	No	Women's Police Stations, Police stations in general and courts do not have protocols	"Police Procedures Guide: Intervention in cases of Domestic Violence against Women," "Guide to Procedures for First Level Health Care: Addressing situations of domestic violence against Women;" "Secondary Education Protocol for cases of Domestic Violence against Adolescents," and "Protocol for Health Care Providers of Specialized Services in cases of Domestic Violence against Women of the National Women's Institute—MIDES." Does not indicate in what language they are available.	Yes, but not for family or witnesses	Protection Measures against Domestic Violence in Law No. 17.514 (2002) for victims. One of them bans any communication between the assailant and the victim, witnesses or other affected parties. There are no studies on their application.	A "Study on the material, cultural and training limitations of the agents of the Judicial Branch to implement, at present, Law 17.514," as well as an "Analysis of the legal framework in force and the jurisprudence from a gender perspective," were done and are included in the publication "It wasn't a Great Love" (2009)
Venezuela	Office of the Attorney General, Magistrate's Court, Superintendency and Civil Registry Office, Police Bodies, Border Patrol Units/ Adequate	Not mentioned	No report submitted	It is not prohibited. However, the Organic Law on the Right of Women to a Life Free of Violence does not include mediation or conciliation either.	Not mentioned	The Socialist Plan on the Right of Women to a Life Free of Violence 2010-2013 contemplates developing a protocol that integrates, reorganizes and coordinates the inter-institutional care women victims of violence have received. Does not mention languages.	Yes, but not for witnesses	Not mentioned	Not mentioned

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TABLE 7

Access to justice for women victims of violence (II): Administrative measures

State	Specialized Personnel	Private Spaces	Free Legal Services	Indigenous Language Interpreters	Confidentiality/ protection of victim, relatives or witness information
Antigua and Barbuda	In the specialized police units for these cases	Not mentioned	Yes, but it does not indicate which	Not mentioned	Not mentioned
Argentina	Yes, in the ODVs	Yes, in the ODVs	Free Legal Counsel at the ODV	Yes, but they are not staff, they are outside contractors	There are procedures to safeguard these data.
Bahamas	Yes, in the Sexual Crimes Unit of the police and the Victims Support Unit of the National Crime Prevention Unit (for those victims of domestic violence and their relatives)	Yes, in the Sexual Crimes Unit and in the Emergency Room of the Princess Margaret Hospital	Eugene Dupuch Legal Aid Clinic, the Bahamas Bar Council and the Bahamas Crisis Centre offer free legal services to victims of violence in general.	There are no indigenous people in the country	For victims, in the Children's Protection Act (2007) and the Domestic Violence (Protection Orders) Act (2007)
Barbados	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned
Belize	Yes, in the Domestic Violence Units of the police	In some Domestic Violence Units	Belize Legal Aid Center provides services with subsidized fees	Yes, Spanish - English interpreters, for the most part	Not mentioned
Bolivia	Personnel are trained but the training is not sustained and there is no policy to retain that capacity in place.	Not mentioned	Municipal Comprehensive Legal Services (SUM), available in 155 out of 327 municipalities in the country, Justice Houses and Comprehensive Legal Aid Centers provide free legal services.	Article 120.II of the Constitution guarantees the right of the accused to be tried in his/her own language. Specifically, it establishes that the individual has to be assisted by a translator or interpreter.	In sexual violence cases, the person lodging the complaint has the right, in the trial phase, to use a substitute name if she needs to be a party to the proceedings and a publicity ban has not been imposed, as well as remaining anonymous in the press and that information regarding her relatives or her surroundings that would make it possible to identify her is not released (Article 15 of Law No. 2033 "Law for the protection of victims of offenses against sexual freedom" (1999))
Brazil	Yes, but it does not provide details	Yes, but it does not provide details	Office of the Public Defender and free legal assistance guaranteed by Law Maria da Penha (2006)	No	Yes, but it does not provide details
Chile	Not mentioned	Not mentioned	Through the Women's Centers and the Corporation for Legal Assistance	Not mentioned	For third party complainant, by virtue Article 92 of Law 19968 which establishes Family Courts (2004)

TABLE 7 - Access to justice for women victims of violence (II): Administrative measures

State	Specialized Personnel	Private Spaces	Free Legal Services	Indigenous Language Interpreters	Confidentiality/ protection of victim, relatives or witness information
Colombia	Not mentioned	Not mentioned	Yes, by Law 1257 (2008)	Does not mention. Art. 144 Code of Criminal Procedures provides for interpreters when the victim does not speak the official language.	Yes, in crimes against sexual freedom and education and sexual violence in Article 149, Code of Criminal Procedure, amended by Law 1257 (2008)
Costa Rica	In the Public Prosecutor's Offices specializing in sexual offenses, as well as in court specialized in domestic violence	In courts specialized in domestic violence	Provided by a unit of the National System in the capital city.	Not mentioned	Not mentioned
Dominica	In some cases	Not mentioned	Provided by the Legal Aid Clinic for victims in general	Not mentioned	Not mentioned
Ecuador	Yes	Not mentioned	Not mentioned	Not mentioned	Not mentioned
El Salvador	Experts on the legislation but not on gender based violence	In Specialized Care Institutional Units established by the Special Integral Law for a Life Free of Violence for Women	In Specialized Care Institutional Units established by the Special Integral Law for a Life Free of Violence for Women	No	In Law for the Protection of Victims and Witnesses (2006) and its Regulations (2007)
Grenada					
Guatemala	In some headquarters of the Public Defender's Office for Indigenous Women	Not mentioned	The Criminal Public Defense Institute (IDPP) and the Public Defender's Office for Indigenous Women offer free legal and comprehensive assistance to women survivors of violence	Currently there are 70 legal interpreters	Not mentioned
Guyana	Yes, in the Police	Does not mention	Yes, provided by the Guyana Legal Aid Clinic	No, English is the official language	Not mentioned
Haiti					
Honduras					
Jamaica	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned

TABLE 7 - Access to justice for women victims of violence (II): Administrative measures

State	Specialized Personnel	Private Spaces	Free Legal Services	Indigenous Language Interpreters	Confidentiality/ protection of victim, relatives or witness information
Mexico	Personnel receiving complaints and providing services are trained	Not mentioned	Provided the Public Prosecutor's Special Office for Violence against Women Offenses and Trafficking in Persons	Does not make clear whether the interpreters are provided by the justice system	In the Federal Law of Transparency and Public Access to Government Information, but it does not explain how; and in the Federal Law for the Protection of Victims, Witnesses and other parties to the proceedings
Nicaragua					
Panama	Yes in judicial entities and police	Updating the layout in judicial entities in order to guarantee privacy to victims has been contemplated.	Through the Department of Free Legal Aid for Victims of the Crime, in the Panama Province, the Public Defender's Office	The Judicial Organ's Department of Access to Justice for Indigenous Peoples is responsible for the indigenous languages interpreter services.	Not mentioned
Paraguay	In Specialized Departments for Victims of Violence against Women, Children and Adolescents	In Specialized Departments for Victims of Violence against Women, Children and Adolescents.	At the Victim's Assistance Center under the Public Ministry, they provide preparation and escort for oral trials to victims in general. Does not indicate if it is free.	Not mentioned	Not mentioned
Peru	Yes	Not mentioned	Yes, through the 'Emergency Women' Centers (CEM) of MIMDES, Free Legal Aid Offices of the Ministry of Justice provide free legal counsel to victims in general.	Guaranteed in Article 2(19) of the Constitution and Article 15 of the Unique Consolidated Text of the Organic Law of the Judicial Power. Regulations for Competitive Selection Process for the Selection and Nomination of Judges and Prosecutors award a 5% bonus over the average final score to those individuals who demonstrate command of quechua, aymara or other dialects, when applying for positions where those languages are spoken.	May be issued within the framework of Article 10 of TUO the Law for the Protection against Family Violence. The new Code of Criminal Procedure contemplates it for witnesses, experts, victims and collaborators.
Dominican Republic	Personnel undergoes continuing training	Not mentioned	Not mentioned	Does not have indigenous population	Not mentioned
Saint Kitts and Nevis	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned

TABLE 7 - Access to justice for women victims of violence (II): Administrative measures

State	Specialized Personnel	Private Spaces	Free Legal Services	Indigenous Language Interpreters	Confidentiality/ protection of victim, relatives or witness information
Saint Lucia	Beginning in 2007, the police established a team of trained personnel to work with vulnerable persons in cases of domestic violence and child abuse.	Not mentioned	In 2007, legislation was adopted that guarantees free legal services. It only needs to be implemented.	Not mentioned	Yes, the plan is to have private hearings in cases of sexual violence and rape. The protection of personal information is also being contemplated in the protocols of agencies that work in the area of violence against women.
Saint Vincent and the Grenadines	Not mentioned	In Family Court	Human Rights Association assists women that cannot afford a lawyer. No mention if it belongs to government or civil society.	Not mentioned	Not mentioned
Suriname	Yes, in domestic violence.	Yes	The Bureau Legal Aid of the Ministry of Justice and Police provides free legal services as does the Bureau Victim Aid Paramaribo and the Bureau Victim Aid Nickerie	Yes, in Criminal Court	Not mentioned
Trinidad and Tobago	Yes, with regard to the Police	Not mentioned	Legal Aid and Advice (Amendment) Act, (No. 18 of 1999) allows the request for legal aid in cases covered by the Domestic Violence Act (1999)	Not mentioned	Not mentioned
Uruguay	In Police Units Specialized in Domestic Violence (UEVD)	Not mentioned	Yes, through the Office of the Public Defender under the provisions of Article 20 of the Law against Domestic Violence Nº 17.514 (2002)	Does not apply because there is no indigenous population	Not mentioned
Venezuela	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned

TABLE 8

Access to justice for women victims of violence (II): Mechanisms to execute protection measures

State	Funds for transfers	Mechanisms to rescue women	Change of identity	Witness protection	Safe-conduct to exit country	Safe referral networks	Others
Antigua and Barbuda	No	No	No	No	No	No	Not mentioned
Argentina	No	Yes, with the Mobile Brigades of the Program "Victims against Violence"	No	No	No	Yes	Not mentioned
Bahamas	Yes for victims of domestic violence	Domestic Violence (Protection Orders) Act (2007) establishes that, at the request of the victim of domestic violence, police will help the victim to find a safe place and will accompany her to retrieve her personal effects from the location where the assailant lives.	No	Justice Protection Act (2006) contemplates witness protection not only in domestic violence cases, but the applicable section has not yet entered into force.	There are informal mechanisms for victims to leave the country	Not mentioned	Not mentioned
Barbados	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	There is a shelter for victims of domestic violence which is financed by the government but administered by civil society.	Not mentioned
Belize	There is no provision in that regard, but decisions are made case by case	There is no provision in that regard but decisions are made case by case.	There is no provision in that regard but decisions are made case by case.	There is no provision in that regard but decisions are made case by case.	There is no provision in that regard but decisions are made case by case	There is no provision in that regard but decisions are made case by case	Not mentioned

TABLE 8 - Access to justice for women victims of violence (II): Mechanisms to execute protection measures

State	Funds for transfers	Mechanisms to rescue women	Change of identity	Witness protection	Safe-conduct to exit country	Safe referral networks	Others
Bolivia	No	No	In cases of sexual violence, the complainant has the right to use, during the trial phase, a substitute name in those cases where the complainant's participation in the proceedings is necessary and a ban on publicity has not been imposed (Article 15 of Law No. 2033 "Law for the protection of victims of crimes against sexual freedom" (1999))	Yes, in accordance with Article 15, subparagraph 10 of the Law No. 2033 "Law for the protection of victims of crimes against sexual freedom" (1999)	No	Procedure for referral and counter-referral of services in the "Norms, protocols and procedures for comprehensive care of victims of sexual violence" which are being evaluated by the Vice Ministry of Equal Opportunity	Not mentioned
Brazil	There is coordination with social assistance for the transfer.	In cases of domestic violence or violence in the family against women, the judge may refer the victim and her relatives to official care and protection programs (Article Z3 Law Maria da Penha)	In the framework of the victims and witness protection program. Does not explain the characteristics.	There is a victim and witness protection program. Does not explain characteristics.	No	Yes, there is a network of services for women victims of violence.	Not mentioned
Chile	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned

TABLE 8 - Access to justice for women victims of violence (II): Mechanisms to execute protection measures

State	Funds for transfers	Mechanisms to rescue women	Change of identity	Witness protection	Safe-conduct to exit country	Safe referral networks	Others
Colombia	Not mentioned	In cases of violence in the family, the police will escort the victim to the house she shares with the assailant. Moving the victim and her children to a location where they won't fear for their life, dignity and that of their relatives is also being considered (Law 1257 of 2008)	Not mentioned	Resolution 5101 (2008) of the Office of the Attorney General establishes the Victim and Testifying Witness Protection and Assistance Program.	Not mentioned	Not mentioned	Not mentioned
Costa Rica	Through the National Mechanism to protect women and their children who are victims of violence (CEAAM)	Through the National Mechanism to protect women and their children who are victims of violence (CEAAM)	No	Yes by Law for the Protection of Victims, Witnesses and other parties to the criminal proceedings, Law No. 8720 (2009) amending the Code of Criminal Procedure and the Penal Code...	Through the National Mechanism to protect women and their children who are victims of violence (CEAAM)	Through the National Mechanism to protect women and their children who are victims of violence (CEAAM)	Not mentioned
Dominica	No	No	No	No	No	No	No
Ecuador	For victims and witnesses in general by Executive Decree 528 (2007)	Not mentioned	For victims and witnesses in general by Executive Decree 528 (2007)	The Office of the Attorney General manages a protection system for victims and witnesses under the provisions of Executive Decree 528 (2007)	For victims and witnesses in general by Executive Decree 528 (2007)	Not mentioned	Not mentioned
El Salvador	No	Through police intervention	No	By Law for the Protection of Victims and Witnesses (2006) and its Regulations (2007).	It can be obtained but it depends on the embassy of each country	Not mentioned	Not mentioned

TABLE 8 - Access to justice for women victims of violence (II): Mechanisms to execute protection measures

State	Funds for transfers	Mechanisms to rescue women	Change of identity	Witness protection	Safe-conduct to exit country	Safe referral networks	Others
Grenada							
Guatemala	No	No	No	By Decree 70-96, Law for the Protection of Parties to the Proceedings and Persons connected to the Administration of Criminal Justice.	No	No	No
Guyana	Provided by the Ministry of Human Services and Social Security, but does not specify what it is.	Not mentioned	Not mentioned	On occasion, the Ministry of Human Services and Social Security, together with the police, have placed witnesses; together with Police, in secure locations but does not provide many details.	Not mentioned	Not mentioned	Not mentioned
Haiti							
Honduras							
Jamaica	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned
Mexico	In the Federal District. Does not indicate if available in other states.	In the Federal District. Does not indicate if available in other states.	Not mentioned	Not mentioned	For foreign victims. Does not mention procedure for nationals.	The Special Office of the Public Prosecutor for Violence against Women Offenses and Trafficking in persons has a National Directory of Care Centers for Victims of Violence against Women and Trafficking in Persons (DINCEAVIT)	Not mentioned
Nicaragua							
Panama	No	No	No	Protection measures for witnesses in accordance with Article 336 of the Code of Criminal Procedure	No	No	No
Paraguay	No	No	No	No	No	No	Not mentioned

TABLE 8 - Access to justice for women victims of violence (II): Mechanisms to execute protection measures

State	Funds for transfers	Mechanisms to rescue women	Change of identity	Witness protection	Safe-conduct to exit country	Safe referral networks	Others
Peru	In Trafficking in Persons cases, the Ministry of Foreign Affairs in coordination with the Ministry of the Interior for the repatriation of victims and relatives.	Not mentioned	The new Code of Criminal Procedure	In the Regulations of the National Program for Victim and Witness Assistance of the Public Ministry, adopted by Resolution N°1558-2008-MF-FN of November 12, 2008.	Not mentioned	Temporary shelters run by NGOs, church, independent people and local government.	Not mentioned
Dominican Republic	Yes but it does not explain	The Court may order that the victim be admitted into a shelter or refuge operated by either public or private organizations in Article 309 (f) of the penal Code.	No	No	No	Not mentioned	Not mentioned
Saint Kitts and Nevis	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned
Saint Lucia	Women's Support Centre is in charge of transfers.	Yes, the police has a protocol to transfer of victims and their children to a shelter if the victim agrees to do so.	Not mentioned	Not mentioned	Passports may be issued by order of the judge or at the request of the social agency. It generally takes 14 business days, but by paying a fee the process can be expedited and the passport delivered in 1-2 days	Not mentioned	Not mentioned
Saint Vincent and the Grenadines	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned

TABLE 8 - Access to justice for women victims of violence (II): Mechanisms to execute protection measures

State	Funds for transfers	Mechanisms to rescue women	Change of identity	Witness protection	Safe-conduct to exit country	Safe referral networks	Others
Suriname	No	No	No	In accordance with the provisions of Article 206(b) of the Code of Criminal Procedure	No	Victims are referred by the Court to the Bureau For Victim's Aide to obtain assistance	Not mentioned
Trinidad and Tobago	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned
Uruguay	Not mentioned	Not mentioned	Non disclosure of identity, no photograph, non-disclosed appointment and interview in an isolated location are considered for victims of trafficking in person, by Law 18.494 (2009)	The Law on Domestic Violence considers, as a protection measure, to ban any contact between the assailant and the witnesses in cases of domestic violence.	Not mentioned	Not mentioned	Not mentioned
Venezuela	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	As a protective measure, the judge may order the transfer of victims to specialized centers in order to receive care and guidance, or to shelters together with any children who require protection.	Not mentioned

TABLE 9

Specialized services for women victims of violence (I): Types of services

State	Shelters /homes for women/ comprehensive support centers		Free legal aid before proceedings		Free legal counsel during proceedings		Free 24 hour telephone help lines		Health care programs, including sexual health, and pregnancy termination	Psychological counseling /therapy/ support groups/ self help
	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2010) ¹	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)		
Antigua and Barbuda	Yes, by civil society, but how many not specified	There is a crisis center. The police has also established Sexual, Crimes Units.	Yes	Not mentioned	No report submitted	Not mentioned	Yes	Not mentioned	The Crisis Center collaborates with an AIDS Clinical Coordinator among the sexual health services provided for victims of violence	Free. Does not provide much information
Argentina	Varies, depending on the federal State	13 at the provincial level and 13 at the Municipal level, 12 informal shelters, 2 formal shelters, and 10 hotels and boarding houses	No response	Provided by attorneys of the Office of the Public Defender in the Domestic Violence Offices (ODV)	Yes	Provided by attorneys of the Office of the Public Defender in the Domestic Violence Offices (ODV)	Varies, depending on the federal State	137 Line (Mobile Brigade) free and available for help 24 hours. There are also some lines with provincial reach. There is also a free hotline for sexual and reproductive health which is available 7 days a week but not 24 hours a day.	Not mentioned	In the Domestic Violence Offices (ODV)
Bahamas	No report submitted	The government does not operate shelters but provides substantial subsidies to those operated by Nassau Chapter of Links Safe House, Salvation Army, and the Great Commission Ministries	No report submitted	Not by the government. Eugene Dupuch Legal Aid Clinic and the Bahamas Bar Council offer legal aid to victims of violence in general.	No report submitted	Not by the government. Eugene Dupuch Legal Aid Clinic and the Bahamas Bar Council offer legal aid to victims of violence in general.	No report submitted	National Hotline Services provides assistance in domestic violence cases.	Government and NGOs provide health care services and of pregnancy in special cases.	The Ministry of Health through the Community Counseling and Assistance Center provides free psychological and psychiatric counseling to women, men and adolescents.

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	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2010) ¹	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)		
Barbados	One, state-run	There is a shelter for victims of domestic violence which is financed by the government but operated by civil society.	Yes	Through civil society with financial resources and/or technical assistance from the government. Does not provide much information about the service.	Yes, but does not inform according to indicator	Through civil society with financial resources and/or technical assistance from the government. Does not provide much information about the service.	Yes, for men, women, and children	The government started a hotline for victims of domestic violence which is operated by civil society organizations. Does not provide much information about the line.	Yes	Through civil society with financial resources and/or technical assistance from the government. Does not provide much information about the service.
Belize	Three state-run. Two more are expected by the end of 2007	In addition to Haven House, another shelter opened which is Mary Open Doors (2008)	Yes, but limited	Belize Legal Aid Center provides services with subsidized fees	No –Belize Legal Aid Center offers legal advice at reduced cost.	Belize Legal Aid Center provides services with subsidized fees	Yes	For victims of domestic violence (0-800-A-WAY-OUT)	Not mentioned	Support groups for women with the assistance of the Women's Department in each district
Bolivia	22 shelters, mostly organized by NGOs and the church	They have not increased, but the infrastructure is ready for two shelters, one in Cochabamba and another in Santa Cruz	Yes, public and from NGOs	Municipal Comprehensive Legal Aid Services (SLIM), available in 155 of 327 municipalities in the country; Justice Houses and comprehensive Legal Aid Justice Centers provide free legal services.	No report submitted	Provided by the State's Victim's Assistance and Integral Protection Service (SEDAMI)	Only some family protection brigades and some legal services	The National Police and Family Protection Brigades receive complaints 24 hours a day but their lines are not free. Does not indicate if the coverage is national.	Has a National HIV/AIDS Program but does not explain how it helps victims of violence. There are no termination of pregnancy services provided.	Not mentioned

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	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2010) ¹	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)				
Brazil	87 state shelters	70 government shelters. There are current discussions underway with civil society and other government agencies regarding alternative lodging facilities, such as temporary shelters or safe houses.	Yes, public advocates and some local government	Yes, in Women's Referral Centers in Public Defender's Offices specialized in Women's Affairs and in areas of the Public Ministry working on gender based issues.	No report submitted	Yes, in any of the 66 Public Defender's Offices specialized in Women's Assistance.	Yes	Women's Assistance Call Center –Call 180, is a free, national, hotline available 24 hours a day.	Medical and psychosocial care for victims of sexual violence through the Unique Health System (SUS), through specific programs and services. Does not mention if it includes termination of pregnancy.	In the Specialized Social Assistance Referral Centers and in Centers specialized in Women's Care.		
Chile	Yes, by the state and civil society	25 shelters since 2007 and 90 Women's Centers provide legal aid psychosocial counseling to women victims of violence and do prevention work at the local level.	Yes, within a general service	Through the Women's Centers and the Legal Aid Corporation	No response according to indicator	The Legal Aid Corporation provides free legal counsel in the areas of family affairs and to victims of violent crimes, among others	Yes	Línea Fono Familia (Family Phone Line) 149 of the Carabineros, which is a free, 24 hour hotline, with national coverage.	Not mentioned	Through the Women's Centers		

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	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2010) ¹	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)		
Colombia	2 civil society shelters. State shelters will be implemented this year	Integral Care Centers for victims of violence in the family (CAVIF) and sexual abuse (CAIVAS). Also Homes for Women and Children up to 14 years of age (Medellin-Antioquia), but does not specify the number. There are plans for four shelters in Bogota in 2008-12, and one has already begun operating.	Yes, but reconciliation is preferred (WASC)	Yes, through Justice Houses and Radio Legal Clinics. In Bogota, the program Gender Justice in Government Policies on Women and Gender provided free legal advice in 1829 cases in 20 localities.	Yes, but does not inform according to indicator	Law 1257 (2008) guarantees legal aid services through the Office of the Public Defender. The regulations for that guarantee are in the process of being drawn up.	Yes, but no data given on coverage and scope	Free National Hotline for victims of Trafficking in Persons 018000 522020; the 106 Hotline (Bogota) which covers, among other things, violence against children and adolescents. Neither one is exclusively for women and young girls.	In Bogota, through the Health Care Directorate of the District Secretariat For Health in the 14 hospitals of the city's Public Health Network, which concentrate their work regarding the rights of women and public policy on women and gender equity in areas such as: maternal mortality; teen pregnancy; violence against women; breast cancer and cervical cancer; and voluntary termination of pregnancy.	In the framework of the Comprehensive Care Centers for Victims of Intrafamily Violence (CAVIF) and of sexual abuse sexual (CAIVAS).
Costa Rica	Yes, by the state and civil society	Three Centers Specialized in Women's Care and Temporary Shelter for Women Victims of Violence and their Children (CEAAM). Beginning in January 2010, Comprehensive Support Centers for Women Victims of Violence and their Children opened in 16 localities.	Yes	In Offices for the Support and Protection of Victims of Crime of the Judicial Branch. Access will depend on geographic proximity.	No	In Offices for the Support and Protection of Victims of Crime of the Judicial Branch. Access will depend on geographic proximity	Yes	Not mentioned	Not mentioned	Not mentioned

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	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2010) ¹	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)			
Dominica	One, by civil society (NGO)	One, operated by civil society (DNCOW)	Yes	Provided by the Legal Aid Clinic for victims in general	Yes	Provided by the Legal Aid Clinic for victims in general	Not totally operative	No – firefighters are called (999)	Not mentioned	Not mentioned	Not mentioned		
Ecuador	7 shelters, with state and civil society support	Five comprehensive Care Centers are about to open. There are 5 shelters and, according to the plan, two more are scheduled to open. The National Victim and Witness Protection System strengthened its links with support homes operated by civil society because shelters at fixed locations may become targets of attempts. Support is provided by 32 homes in 16 provinces.	Yes	Prior to any constitutional or legal proceedings, through the Office of the Public Defender throughout the country.	No	Through the Office of the Public Defender for anyone who needs it.	No, only main emergency hotlines	Free hotline of the Office of the Public Defender for the general public during business hours on business days. Also the free hotline of the Office of the Public Prosecutor (1800-FSCALIA) for the general public but does not specify hours.	Not mentioned	Not mentioned			
El Salvador	One, state-run	One government operated. The Special Integral Law for a Life Free of Violence for Women (in force since 2012) established the Shelters for Victims and Their Relatives Program	Yes	In Specialized Care Institutional Units established by the Special Integral Law for a Life Free of Violence for Women, entering into force in 2012.	No response	In Specialized Care Institutional Units established by the Special Integral Law for a Life Free of Violence for Women, entering into force in 2012.	Yes	Does not specify	Does not specify program. Coverage has not been expanded.	Does not specify program. Coverage has not been expanded.			

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Grenada														
Guatemala	Yes, by the state and civil society, but the number is not clear	There are currently five in operation CAIMUS – Integral Support Centers for Women Survivors of Violence, established by the Law against Femicide and other Forms of Violence against Women. There are twelve civil society initiatives to establish CAIMUS with assistance and technical support from CONA-PREVI	Yes	Provided by the Criminal Public Defender Institute and the Public Defender's Office for Indigenous Women	Yes	Provided by the Criminal Public Defender Institute	Yes	The Criminal Public Defender Institute has a four digit emergency hotline available 24 hours a day, 365 days a year.	Not mentioned	Not mentioned	The Criminal Public Defender Institute has social workers available for counseling as part of their integral assistance strategy.			
Guyana	Three state and civil society shelters, plus one for minors	One shelter and one support center	Yes, but limited	Yes, provided by the Guyana Legal Aid Clinic. Does not specify if it is for victims of violence against women or violence in general	No report submitted	Not mentioned	Yes, but from an NGO	One hotline available 24 hours a day which includes domestic violence calls. Does not mention which.	Not mentioned	Not mentioned	Yes, but it does not explain			
Haiti	Yes, by civil society, but the number is not clear		Only from civil society		No –there are programs sponsored by civil society	No								

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Honduras	One, run jointly by the State and civil society, and with foreign assistance		Yes		No		Yes			
Jamaica	No response	Two shelters with partial financial support from the government. A government operated shelter is about to be opened. The government also provides financial support to the Women's Center of Jamaica Foundation	No response	Through the Victim Support Unit of the Ministry of Justice	No response according to indicator	Through the Victim Support Unit of the Ministry of Justice	No response	Women Crisis Center has lines financed by the government but it does not explain type of coverage.	Women's Center of Jamaica Foundation provides services for teens younger than 17 years who have left school because of pregnancy.	Through the Victim Support Unit of the Ministry of Justice.
Mexico	Yes, in 25 of the 32 federal entities	Between 2008 and 2009, 17 shelters/ homes/ temporary houses and 127 outpatient care centers were established. Also in 2009, there were 13 Homes for Indigenous Women overseen by the National Commission for the Development of Indigenous Peoples. The Office of the Attorney General also established a shelter for victims of Trafficking in Persons.	Yes, but lack specific coverage	Provided by the Public Prosecutor's Special Office for Crimes Against Women and Trafficking in Persons.	No response according to indicator	Provided by the Public Prosecutor's Special Office for Crimes Against Women and Trafficking in Persons.	Yes	"Life without Violence" hotline of INMUJERES	Provided by the Ministry of Health. Does not mention legal termination of pregnancy.	Provided by the Public Prosecutor Special Office for Crimes of Violence against Women and Trafficking in Persons, and by the Ministry of Health.

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	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2010) ¹	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)				
Nicaragua	3 civil society shelters		Yes		No report submitted			No, only main emergency hotlines						
Panama	One, state-run. There are others for children and adolescents	A shelter in Panama and a new Home for Women in Chiriquí. Construction began on a new integral Assistance Center for Women in Colon.	Yes	Through the Orientation and Integral Care Centers (COAI) of the Ministry of Social Development	No report submitted	Through the Department of Free Legal Aid for Victims of Crime in the Province of Panama, and the Office of the Public Defender	Yes	“Your Line 147” of the Ministry of Social Development for domestic violence and child abuse cases, among others. Does not indicate cost, hours or coverage.	Not mentioned	Through the Orientation and Integral Care Centers (COAI) of the Ministry of Social Development and of inter-disciplinary teams of the National Women’s Institute.				
Paraguay	No state-run. The number of civil society shelters not given	One, government operated temporary shelter for victims of trafficking in persons (2007). A temporary shelter for women victims of intrafamily violence will open soon.	Yes	In cases of domestic violence, through the Women Support Service -SEDAMUR, of the Secretariat for Women	No response according to indicator	Not mentioned	Yes	There is no special line for violence against women. The Judicial Branch and the Secretariat for Children and Adolescents has free, 24 hour hotlines.	Not mentioned	For domestic violence cases; through the Women’s Support Service -SEDAMUR of the Secretariat for Women. Also at the Victims Assistance Center under the Public Ministry, for victims in general.				
Peru	39 state shelters nationwide	46 Homes at the national level. There was no increase in the last 4 years. Also, as of 2010 there were 114 ‘Emergency Women’ Centers throughout the country.	Yes	In ‘Emergency Women Centers of MIMDES and Neighborhood Legal Aid Clinics of the Ministry of Justice.	Yes, through MINJUS, MTPA and MIMDES (Centros de Emergencia Mujer), but not told according to required indicator.	Family Courts have public defenders.	Yes, but hours of operation are not indicated	Line 100 of the MIMDES available free of cost, 24 hours a day, 7 days a week. Also the Ministry of Interior’s free hotline 0800-2-3232 for trafficking in persons cases.	Not mentioned	Psycholo-gical counseling in ‘Emergency Women’ Centers of MIMDES				

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	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2010) ¹	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)		
Dominican Republic	One abuse shelter, run by an NGO	Two shelters established by Law 88-03 (2003)	Yes	Through Vida line (Life Line)	No report submitted	No	Yes	Vida line (Life Line) 1-809-200-1202, of the Attorney General's Office, is free, has national coverage, and operates between 8 a.m. and midnight.	No	In the Center for the Care of Survivors of Violence and the Center for Men Assaultants.
Saint Kitts and Nevis	No report submitted	No	No report submitted	Not mentioned	No report submitted	Not mentioned	No report submitted	Not mentioned	Not mentioned	Not mentioned
Saint Lucia	One, state-run	Only the Women's Support Centre. Have not increased	No	Not mentioned	No report submitted	Not mentioned	Yes	24 hour hotline operated by the Women's Support Centre	Not mentioned	Not mentioned
Saint Vincent and the Grenadines	No report submitted	One Crisis Center, state-run	No report submitted	Not mentioned	No report submitted	Not mentioned	No report submitted	Not mentioned	No report submitted	Counseling services offered by the Family Court hearing
Suriname	One civil society shelter	One government shelter since October 2010 for one year (Pilot project)	Yes, but not explained	Through the Bureau of Legal Aid	No response	Bureau of Legal Aid provides legal counsel during proceedings.	No, only the main emergency hotline	Police has a 24 hour line for victims in general	Not mentioned	Provided by the Bureau for Victims Aid
Trinidad and Tobago	Several shelters administered by civil society, but subsidized by the State	Twelve shelters operated by civil society but subsidized by the government. There are also three community-based drop-ins and information centres	Yes	Through the Department of Legal Aid and the Ombudsman. Does not indicate if it's free.	No report submitted	Through the Department of Legal Aid and the Ombudsman. Does not indicate if it's free.	Yes	National Domestic Violence Hotline (800-SAVE)	Through the national health system which is free.	Through National Family Services, Family Courts, (Departamento de Prueba), the National Domestic Violence Hotline or the community-based drop-ins and information centres

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	1 st MER (2007)	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)	1 st MER (2010) ¹	2 nd MER (2011)	1 st MER (2007)	2 nd MER (2011)		
Uruguay	No	“Punto de Partida” (Starting Point) Shelter in Montevideo, operated by the Ministry of the Interior, for victims of domestic violence and their children. In addition, there are five permanent centers for children and their mothers operated by civil society organizations under agreement with the government. Also, 13 Specialized Services of MIDES throughout the country.	Yes, by the state and civil society	In Specialized Care Services for Women in Domestic Violence Situations, in 14 of the 19 departments in Uruguay.	No report submitted	Yes, through the Office of the Public Defender under the provisions of Article 20 of the Law on Domestic Violence No. 17.514 (2002)	Yes	Free hotline 0800-4141 for victims of domestic violence, with national coverage. Available Monday – Friday, from 8 a.m. to midnight, and Saturdays and Sundays from 8 a.m. to 8 p.m. The line is managed by the Montevideo City Council.	Yes	In Police Units Specialized in Domestic Violence, in Specialized Care Services for Women in Domestic Violence Situations, and line 0800-4141 for victims of domestic violence.
Venezuela	Three State shelters	To date, two shelters have operated successfully: the casa Argelia Laya and the casa Elisa Jiménez.	Yes, National, State and Municipal Institutes for Women, Women’s Homes, Ombudsmen and NGOs	Provided by the Public Defender’s Office for Women’s Rights	No report submitted	The Public Defender’s Office for Women’s Rights provides legal aid to women in the Special Courts.	Yes	Free hotline 0800-MIJERES. Does not indicate hours or coverage.	Not mentioned	Through the Public Defender’s Office for Women’s Rights. Psychosocial Counseling in the Violence Prevention Program and hotline 0800-MIJERES

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TABLE 10

Specialized services for women victims of violence (II): Promotion and evaluation of services

State	Campaigns to disseminate information about services	Evaluation of services
Antigua and Barbuda	Yes, in the context of the International Day to Eliminate Violence against Women (November 25) and 16 days of activism against violence toward women.	A review of health services was done with the assistance of UNFPA, for the purpose of improving the prevention, treatment and response of the public health system to gender based violence.
Argentina	As part of Argentina's Campaign for Gender Equity and Against Violence: http://www.vivirsinviolencia.gov.ar . Also through audiovisual presentations and posters on public roadways.	In the process of implementing the Permanent Information System under the provisions of Chapter 4, (observatory on gender) of Law 26485 (2009)
Bahamas	Yes, through public forums sponsored by the Bureau of Women's Affairs to raise awareness about violence prevention	No, but future evaluations are being planned
Barbados	No, but they are planned	No
Belize	Together with campaigns for the promotion of women's rights	No, but a plan to implement a monitoring and evaluation mechanism is under study
Bolivia	Web page of the Ministry of Justice has all the information concerning the Integrated Justice Centers and the Justice Houses and their services. Information is also disseminated through weekly radio programs.	With regard to the administration of ordinary justice, the administration of community justice, legal and health services, with the support of Spanish cooperation (2007)
Brazil	Yes. The State or municipality that directly manages the services is responsible for disseminating information. SPM has a listing of services available on its web page.	The Observatory on the Law Maria da Penha sent out questionnaires to monitor its implementation in the Centers Specialized in Women's Care and in the Courts Specialized in Violence against Women (2009). Research and results available at http://www.observ.gob.br
Chile	Dissemination of information regarding the rights of women and services is the responsibility of the Promotion of Rights and Participation Unit of SERNAM	Beginning in 2010, a National Information System is being implemented that will provide systematized information on the results and evaluation of the Women's Centers and of Shelters.
Colombia	Together with campaigns to promote women's rights and programs and projects to improve their situation	Observatory on the Quality of Health Care of the Ministry of Social Protection has indicators and studies on the quality of health care in general.
Costa Rica	Within the judicial system itself	One has been budgeted for the second semester of 2010.
Dominica	Government institutions and women organizations promote the services	An evaluation is planned for 2011
Ecuador	On average, the system holds two conferences every month	No data are yet available
El Salvador	No	No
Grenada	No	CONAPREVI will officially introduce the National Information System on Violence against Women which will be monitoring and evaluation tool

TABLE 10 - Specialized services for women victims of violence (II): Promotion and evaluation of services

State	Campaigns to disseminate information about services	Evaluation of services
Guyana	Yes	No
Haiti	Not mentioned	Not mentioned
Honduras	Not mentioned	Not mentioned
Jamaica	Yes with regard to the phone line "Life Without Violence" of INMUJERES. Information on services is also disseminated in the framework on the campaign to raise awareness of gender based violence.	An evaluation was done of the measures implemented to prevent, address, punish and eradicate violence against women (INMUJERES, 2009). The Center of Geoprospective Information was hired to evaluate the phone line "Life without Violence."
Mexico	Not mentioned	Not mentioned
Nicaragua	A Guide to Support Resources for Women Victims of Gender Based Violence in Panama and the Directory of Support Services for Women Victims of Gender Based Violence in Panama, both published in 2007, were distributed.	The National Directorate of Government Subsidies of the Ministry of Social Development coordinates evaluation of services subsidized by MIDES, and INAMU monitors the process and issues recommendations to improve their operation and delivery.
Panama	Dissemination campaigns of the Equality of Opportunity Plan – does not specify if the services are included.	No
Paraguay	Yes, through the Ministry of Justice and MIMDES	The operation and interventions of the Emergency Women's Centers were evaluated (2008)
Peru	Yes, by the Office of the Public Prosecutor in the framework of the radio programs of the Ministry for Women	The National Directorate for the Care of Women Victims of Violence is conducting a study of the quality of the services provided to women which will be published in late 2010.
Dominican Republic	Yes	No
Saint Kitts and Nevis	Yes, communities and institutions	Women's Support Centre conducts surveys of users on the quality of services provided
Saint Lucia	Not mentioned	Not mentioned
Saint Vincent and the Grenadines	Campaign on domestic violence. Does not specify if promotion of services is included.	No
Suriname	Yes, by the Department of Gender Affairs. A list of services available is published in the newspapers. Through pamphlets, posters, handouts and web page.	No
Trinidad and Tobago	Not mentioned	Inmuieres has an oversight and follow up team to monitor Specialized Care Services for Women in Domestic Violence Situations. That team makes monthly visits to places delivering services and does weekly telephone follow up.
Uruguay	Not mentioned	Not mentioned
Venezuela	Not mentioned	Not mentioned

TABLE 11

Budget allocated to the prevention and punishment of violence against women

State	% of national budget for violence against women	% allocated annually to:					
		Police stations, Public Prosecutor's Offices and entities receiving complaints	Personnel training	Specialized services	Prevention campaigns	Health Services	
Antigua and Barbuda	Directorate of Gender Affairs received 0.65% of the Ministry's Budget and 0.06 of the national Budget (2009)	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	
Argentina	Budget allocation for Law 26485, but does not specify percentage or amount. In addition - US\$1,985,768 from UNDP for program "Comprehensive Protection Actions to Prevent, Punish and Eradicate Violence against Women" - \$ 805,000 from CNM for "Strengthening Provincial and Municipal Women's Areas and Civil Society Organizations"	- US\$45,000 from ONUDD and UNIFEM for "Strengthening Women Police Stations and Civil Society Women Support Centers to Combat Gender-Based Violence in Argentina, Brazil, Chile, Paraguay and Uruguay". No more data are available due to the federal structure of the country - much of the financing is done at the provincial level.	- 30,000 Euros from AECID for "Increasing Resources to Address Violence against Women" for the Misiones and Salta Provinces, which includes training. No additional data is available due to the federal structure of the country - much of the financing done at the provincial level.	No additional data is available due to the federal structure of the country - much of the financing done at the provincial level.	No additional data is available due to the federal structure of the country - much of the financing done at the provincial level.	No additional data is available due to the federal structure of the country - much of the financing done at the provincial level.	
Bahamas	The government finances programs that are managed by civil society but does not specify amounts	Information not available	Covered by the budget of the entity whose personnel receive training but does not specify amount.	For shelters, the annual allocation is \$75,000.00 for Links Safe House in Nassau; \$75,000.00 for the Salvation Army and \$28,000.00 for the Great Commission of Ministries. The Bahamas Crisis Centre receives \$30,000 a year to provide free legal and psychological counseling to victims of violence in general and lobbying.	Campaigns have been implemented but it does not specify amounts.	Information not available	

TABLE 11 - Budget allocated to the prevention and punishment of violence against women

State	% of national budget for violence against women	% allocated annually to:					
		Police stations, Public Prosecutor's Offices and entities receiving complaints	Personnel training	Specialized services	Prevention campaigns	Health Services	
Barbados	US\$5,000 for violence against women (2009). Financial contributions have also been received from international cooperation.	Not mentioned	Not mentioned	US\$175,000 from the government for sheltering victims of violence	Not mentioned	Not mentioned	
Belize	Not mentioned. It points out that the budget for the Women's Department and National Women's Commission increased from 0.084% to 0.099% in 2 years.	Information not available	Information not available	Information not available	Information not available	Information not available	
Bolivia	National Program to Combat Gender Based Violence has a subsidy of 200,000 Euros provided by the Spanish International Cooperation Agency (2010)	Information not available	Information not available	Information not available	Information not available	Information not available	
Brazil	In the framework of the National Pact to Combat Violence against Women: R\$90,990,583.45 for SPM; R\$82,877,621.26 for the Ministry of Justice; R\$8,000,000.00 for the Ministry of Social Development; R\$5,497,892.56 for the Ministry of Health. Does not indicate the year.	Allocated by the Secretariat for Security/Justice of each state of the federation. Only data from some states is available.	Only data from some states is available	Only data from some states is available	Campaign "A life without violence is the right of all women – Call 180 (jointly with the Ministry of Health) – R\$3,389,454.73 (2009) Campaign "Men United to End Violence" (jointly with UNIFEM and UNFPA) – R\$53,000.00 (2009)	Not mentioned	

TABLE 11 - Budget allocated to the prevention and punishment of violence against women

State	% of national budget for violence against women	% allocated annually to:				
		Police stations, Public Prosecutor's Offices and entities receiving complaints	Personnel training	Specialized services	Prevention campaigns	Health Services
Chile	National Program for the Prevention of Intra-Family Violence received US\$13,024,000, which represents 27.1% of SERNAM's total budget (2009)	Not mentioned	Not mentioned	US\$10,634 million for integral care centers (2009) US\$ 1,841,654 for shelters (2008). US\$378,405 for programs to insert women victims of violence into the labor force (2009)	US\$ 758,865 for prevention campaigns in communications media	Not mentioned
Colombia	Private sector: \$514 million equivalent to US\$274,299. International Cooperation: \$1,135,859,373 equivalent to US \$606,156.97; General National Budget: \$700,200,000 equivalent to US\$373,665.2. Does not indicate percentage of the general budget.	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned
Costa Rica	No specific budget for this type of program	No specific budget for this type of program	No specific budget for this type of program	No specific budget for this type of program	No specific budget for this type of program	No specific budget for this type of program
Dominica	There is no special allocation for Violence against Women. The Bureau of Gender Affairs receives annually 3% of the general budget (EC\$320,000 – EC\$340,000)	No information available – covered by other ministries	No information available – covered by other ministries	No information available – covered by other ministries	No information available – covered by other ministries	No information available – covered by other ministries
Ecuador	2,720,825.10 for the National Plan for the Eradication of Gender-Based Violence in 2010. Does not indicate currency.	34,900 from the Plan for the Eradication of Gender- Based Violence, component 4. Does not indicate currency	1,021,000.00 of the National Plan for the Eradication of Gender-Based Violence, in 2010, component 2. Does not indicate currency.	1,021,000.00 for Integral Protection System. Does not indicate currency.	471,929 of the National Plan for the Eradication of Gender-Based Violence, in 2010, component 1. 400,000 are funds from the Transition Commission and the rest come from AECID. Does not indicate currency.	1,021,000.00 from the National Plan for the Eradication of Gender Based Violence in 2010, component 4. Does not indicate currency.

TABLE 11 - Budget allocated to the prevention and punishment of violence against women

State	% of national budget for violence against women	% allocated annually to:				
		Police stations, Public Prosecutor's Offices and entities receiving complaints	Personnel training	Specialized services	Prevention campaigns	Health Services
El Salvador	Does not indicate national budget. Of ISDEMU's total budget (US\$2, 506, 193) 59.72% is directed to providing care for victims of intra-family violence	No information available	US\$ 31,290.00 (2010)	US\$ 2,133,460.00 for Program to Provide Care in the area of Gender Based Violence	US\$ 350,000.00 (2010)	No information available
Grenada						
Guatemala	Not mentioned	5,323,466.66 quetzals to establish Criminal Courts and Tribunals Specialized in Femicide and other forms of violence against women, to be implemented beginning in September 2010	Not mentioned	8,000,000.00 quetzals for five CAIMUS	Not mentioned	Not mentioned
Guyana	Distributed among various government ministries and agencies and civil society organizations that work in the subject area. Does not mention amount.	Information not available	Information not available	Information not available	Information not available	Information not available
Haiti						
Honduras						
Jamaica	43,000,000 for the Bureau of Women Affairs for the period April 2010-March 2011	Not mentioned	Not mentioned	1,500,000 for operational costs of the Crisis Center in Kingston and Montego Bay	Not mentioned	Not mentioned

TABLE 11 - Budget allocated to the prevention and punishment of violence against women

State	% of national budget for violence against women	% allocated annually to:					
		Police stations, Public Prosecutor's Offices and entities receiving complaints	Personnel training	Specialized services	Prevention campaigns	Health Services	
Mexico	8.8% of the budget allocated for Women and Gender Equality is directed to violence against women	Not mentioned	\$10,000,000.00 pesos for the year 2010	\$84,035,415.00 pesos in shelters in 2010.	Not mentioned	Not mentioned	
Nicaragua							
Panama	1% of the budget allocated to the Ministry of Social Development is directed by the central government to violence against women (2010). Mixed Hispanic-Panamanian Fund, IDB, UNIFEM, UNFPA and others also financed projects on violence.	Not mentioned	0.12% of the total budget allocated to violence against women	0.04% of the budget allocated to social programs for shelters	0.20% of the budget allocated to social programs	Data not segregated	
Paraguay	754,209,607 guaranities for the Secretariat for Women for the year 2010. 62,733,300 guaranities come from external cooperation	No information available	No information available	No information available	No information available	No information available	
Peru	S/ 38,855,023 (2011) and S/. 31,169,956 (2010) for the national Program against Family and Sexual Violence	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	
Dominican Republic	Not mentioned	Not mentioned	Not mentioned	7,900,000 Dominican Pesos for the Public Defender's Office for Women and Shelters (2009)	Not mentioned	Not mentioned	
Saint Kitts and Nevis	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	

TABLE 11 - Budget allocated to the prevention and punishment of violence against women

State	% allocated annually to:						
	% of national budget for violence against women	Police stations, Public Prosecutor's Offices and entities receiving complaints	Personnel training	Specialized services	Prevention campaigns	Health Services	
Saint Lucia	The Department of Gender Affairs received 0.0006 % of the national budget (2009)	Not mentioned	Not mentioned	0.0004% (2009)	Not mentioned	Not mentioned	
Saint Vincent and the Grenadines	0.025% in year 2010.	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	
Suriname	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	
Trinidad and Tobago	Information not available	Information not available	Information not available	TT\$1.0 million for the National Domestic Violence Hotline in the last four years. During the same period, TT\$370 thousand were invested to promote them, and TT\$11.53 million on subsidies for civil society organizations that manage shelters and provide counseling to victims of violence	Information not available	Information not available	
Uruguay	Information not available	Information not available	Information not available	Information not available	Information not available	Information not available	
Venezuela	US\$ 27,427,510 million allocated to INAMUJER (2010)	Not mentioned	Not mentioned	8,807,781 million of Bolivars for the National Public Defender's Office of Women Rights (2010) ¹	Not mentioned	Not mentioned	

1. Available on its web page: http://www.minmujer.gob.ve/inamujer/index.php?option=com_content&view=article&id=58:defensoria-nacional-de-los-derechos-de-la-mujer&catid=4:efemerides&Itemid=32, last visit June 30, 2011.

TABLE 12

Information and statistics on violence against women (I): Regular surveys in the last four years

State	Violence against women	Women's knowledge of their rights	Women's knowledge of available government services
Antigua and Barbuda	Not mentioned	Not mentioned	Not mentioned
Argentina	In the framework of the Observatory on Violence established by Law 26485 (2009), for 2011, the CNM requested a budgetary allocation to be able to conduct a National Survey to measure the various forms of violence as defined in the new Argentinean legislation.	Not mentioned	Not mentioned
Bahamas	No	No	No
Barbados	National Survey on the Characteristics and Prevalence of Domestic Violence. A meeting was held in February 2011 to study the results.	Not mentioned	Not mentioned
Belize	No	No	No
Bolivia	Demographics and Health National Survey (ENDSA) includes violence against women, fertility and sexual and reproductive health. The last one was conducted in 2008	Not mentioned	Not mentioned
Brazil	Yes, by Senate Data (2005, 2007 and 2009)	Not mentioned	Not mentioned
Chile	National Survey on Victimization by Intra-family Violence and Sexual Offenses (2008)	Not mentioned	Not mentioned
Colombia	Not mentioned	Not mentioned	Not mentioned
Costa Rica	No	One was conducted on the state of Women's Rights in Costa Rica (2008)	No
Dominica	Yes	Yes	Yes
Ecuador	It will be included in the ENDEMAIN survey to be conducted in 2011	It will be included in the ENDEMAIN Survey to be conducted in 2011	It will be included in the ENDEMAIN Survey to be conducted in 2011
El Salvador	Violence against Women module was incorporated in the National Family Health Survey (FESAL) in 2008. It included intra-family and sexual violence.	Not mentioned	Not mentioned
Grenada			
Guatemala	On intra-family violence in National Survey on Mother and Child Health (ENSMI) 2008/09. It was the fifth time that survey was conducted.	Not mentioned	Not mentioned

TABLE 12 - Information and statistics on violence against women (I): Regular surveys in the last four years

State	Violence against women	Women's knowledge of their rights	Women's knowledge of available government services
Guyana	No	No	No
Haiti			
Honduras			
Jamaica	Through the Jamaica Injury Surveillance System (JISS)	Not mentioned	Not mentioned
Mexico	National Survey on Citizen Insecurity (ENSI, 2009) of the Citizen's Institute for Insecurity Research; National Survey on Dating Violence (ENVINOV, 2008) of the Secretariat of Public Education (SEP); Survey of Health and Rights of Indigenous Women (ENSADEMI, 2008) of the Secretariat of Health. National Survey on the Dynamics of Intra-Household Relations (ENDIREH) and the National Survey on Violence against Women (ENVIM) were done in 2006	Not mentioned	Not mentioned
Nicaragua			
Panama	No	No	No
Paraguay	National Survey on Victimization (2009)	Not mentioned	Not mentioned
Peru	Module on violence in relationships in Survey on Demographics and Family Health (ENDES), which has been conducted regularly since 2004	Not mentioned	Not mentioned
Dominican Republic	No	No	No
Saint Kitts and Nevis	No	No	No
Saint Lucia	No	No	No
Saint Vincent and the Grenadines	No	No	No
Suriname	Multiple Indicator Clusters Survey (MICS), conducted in 2006 and published in 2008, includes indicators on domestic violence	Not mentioned	Not mentioned
Trinidad and Tobago	Not mentioned	Not mentioned	Not mentioned
Uruguay	Not mentioned	Not mentioned	Not mentioned
Venezuela	Not regularly. Does not indicate which surveys have been done.	Not regularly. Does not indicate which surveys have been done.	Not regularly. Does not indicate which surveys have been done.

TABLE 13
Information and statistics on violence against women (II): Records on the number and characteristics of incidents of violence against women accessible to the public¹

State	Police and other units receiving complaints		Courts and Offices of the Public Prosecutor		Health services	
	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)
Antigua and Barbuda	No report submitted	Not mentioned	No report submitted	Not mentioned	No report submitted	Not mentioned
Argentina	No	Not mentioned	Yes	In domestic violence, by the National Appellate Chamber and Domestic Violence Offices (ODV)	No	Not mentioned
Bahamas	No report submitted	Yes. Statistics available at http://www.royalbahamaspolice.org	No report submitted	No – the police is responsible for keeping crime statistics	No report submitted	No
Barbados	Statistics not available	Official authorization is needed to obtain this information. Police data are not broken down by sex	No response	Official authorization is needed to obtain that information	No	Official authorization is needed to obtain that information.
Belize	Yes	Yes	Yes	Not mentioned	Partially – records exist of admittance but not on care provided and protocol	The Ministry of Health gathers and compiles data from the police and the Women's Department on domestic violence, sexual violence and child abuse.
Bolivia	No report submitted	Vice Ministry of Equal Opportunity and the National Statistics Institute are implementing corrective and strengthening actions to improve administrative records	No report submitted	Vice Ministry of Equal Opportunity and the National Statistics Institute are implementing corrective and strengthening actions to improve administrative records	No report submitted	Vice Ministry of Equal Opportunity and the National Statistics Institute are implementing corrective and strengthening actions to improve administrative records

1. Data obtained from the Follow up Report to the Recommendations of the CEVI to governments during the evaluation phase of the First Multilateral Evaluation Round, document MESECVI/CEVI/doc.97corr.1

TABLE 13 - Information and statistics on violence against women (II): Records on the number and characteristics of incidents of violence against women accessible to the public

State	Police and other units receiving complaints		Courts and Offices of the Public Prosecutor			Health services	
	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	
Brazil	No report submitted	Secretariat for Public Security in various states keep records and compile their own statistics	No report submitted	Records and statistics kept by the National Justice Council	No report submitted	In Municipal and State Health Secretariats	
Chile	Yes	Yes	Yes	Yes, by Family Courts and the Public Ministry	Yes	Not mentioned	
Colombia	No	Records kept by the Criminal Investigations Center of the DUJIN	No – the records are from the Institute of Legal Medicine	Kept by the National Forensic Science Institute (INMILCF). The Office of the Attorney General also keeps a record of investigations opened.	No	Relies on SIVIGILA- Public Health Surveillance System	
Costa Rica	Partially – there are registries but publication is not regular. A project of indicators of Eurosocial will amend the publication issue	Not mentioned	Partially – there are registries but publication is not regular. A project of indicators of Eurosocial will amend the publication issue	Not mentioned	Partially – there are registries but publication is not regular. A project of indicators of Eurosocial will amend the publication issue	Not mentioned	
Dominica	Yes	Yes, but not broken down as indicated in the questionnaire	Yes	Not mentioned	No	Not mentioned	
Ecuador	Yes	Yes, jointly with the Office of the Public Prosecutor	Yes	Yes, jointly with the National Police	No	Not mentioned	
El Salvador	No response	Not mentioned	Yes	Not mentioned	No response	Not mentioned	
Grenada	No	Not mentioned	Yes	Yes	No	Not mentioned	
Guyana	No report submitted	Yes, through an observatory established in 2006	No report submitted	Not mentioned	No report submitted	Not mentioned	

1. Data obtained from the Follow up Report to the Recommendations of the CEVI to governments during the evaluation phase of the First Multilateral Evaluation Round, document MESECVI/CEVI/doc.97corr.1

TABLE 13 - Information and statistics on violence against women (II): Records on the number and characteristics of incidents of violence against women accessible to the public

State	Police and other units receiving complaints			Courts and Offices of the Public Prosecutor			Health services	
	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)
Haiti	No	No	No	No	Yes	Yes	Yes	
Honduras	Partially – have registries but do not include characteristics of the aggressor		Yes				Yes	
Jamaica	Partially	Jamaica Constabulary Force gathers and compiles data on sexual violence and child abuse	Partially	Not mentioned	Yes	Not mentioned	Yes	Not mentioned
Mexico	No response according to indicator	Not mentioned	Partially – it is being implemented	Not mentioned	Partially—there are polls conducted by the Secretary of Health in health institutions but it does not inform if results are public			National Center for Gender Equity and Reproductive Health (CNEG and SR) of the Health Secretariat which transfers the information to the Violence Against Women National Database
Nicaragua	No report submitted		No report submitted		No report submitted		No report submitted	
Panama	No report submitted	Has forms available to gather information. The Panamanian Observatory on Gender Based Violence contributes to compiling and coordinating statistical data	No report submitted	Has forms available to gather information. The Panamanian Observatory on Gender Based Violence contributes to compiling and coordinating statistical data	No report submitted	Has forms available to gather information. The Panamanian Observatory on Gender Based Violence contributes to compiling and coordinating statistical data	No report submitted	Has forms available to gather information. The Panamanian Observatory on Gender Based Violence contributes to compiling and coordinating statistical data
Paraguay	Communications Department of the National Police has data	Not mentioned	Statistics Directorate of the Judicial Branch has data		No		No	Not mentioned
Peru	Yes	Yes (Alternative Report)	No response	Not mentioned	No response	Not mentioned	No response	Not mentioned
Dominican Republic	No report submitted	No	No report submitted	Yes, by the Office of the Attorney General	No report submitted	No	No report submitted	No

1. Data obtained from the Follow up Report to the Recommendations of the CEVI to governments during the evaluation phase of the First Multilateral Evaluation Round, document MESECVI/CEVI/doc.97corr.1

TABLE 13 - Information and statistics on violence against women (II): Records on the number and characteristics of incidents of violence against women accessible to the public

State	Police and other units receiving complaints		Courts and Offices of the Public Prosecutor		Health services	
	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)
Saint Kitts and Nevis	No report submitted	There is limited information but it is not accessible to the public	No report submitted	There is limited information but it is not accessible to the public	No report submitted	There is limited information but it is not accessible to the public
Saint Lucia	No report submitted	There is public information but does not provide details	No report submitted	There is public information but does not provide details	No report submitted	There is public information but does not provide details
Saint Vincent and the Grenadines	No report submitted	Information not segregated by sex	No report submitted	Information not segregated by sex	No report submitted	Information not segregated by sex
Suriname	Yes	Yes	No	Not mentioned	No	Not mentioned
Trinidad and Tobago	No report submitted	Yes	No report submitted	Yes	No report submitted	Not mentioned
Uruguay	No report submitted	Ministry of the Interior has the Observatory on Violence and Criminality	No report submitted	Not mentioned	No report submitted	Not mentioned
Venezuela	No report submitted	Each entity keeps its own statistics. Does not mention whether records are kept and are accessible to the public.	No report submitted	Each entity keeps its own statistics. Does not mention whether records are kept and are accessible to the public.	No report submitted	Each entity keeps its own statistics. Does not mention whether records are kept and are accessible to the public.

1. Data obtained from the Follow up Report to the Recommendations of the CEVI to governments during the evaluation phase of the First Multilateral Evaluation Round, document MESECVI/CEVI/doc.97corr.1

TABLE 14
Information and statistics on violence against women (III): Statistical data by age, marital status, type of violence and geographic location¹

State	# women victims of violence		# proceedings of violence against women initiated in relation to the # of complaints		# criminal proceedings in relation to the # of complaints		# of victims of femicide		# criminal proceedings for femicide in relation to # cases registered	
	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)
Antigua and Barbuda	No report submitted	At the Directorate of Gender Affairs but does not provide information	No report submitted	No data available	No report submitted	Not mentioned	No report submitted	Not mentioned	No report submitted	Not mentioned
Argentina	CNM's registry form does not disaggregate information according to indicator	Not mentioned	State does not have data	Not mentioned	State does not have data	Not mentioned	State does not have data	Not mentioned	State does not have data	Not mentioned
Bahamas	No report submitted	Information not available as requested. It point out that of the 228 rape victims reported between 2008 and 2009, only one was male (source not cited)	No report submitted	Information not available	No report submitted	Information not available	No report submitted	According to the police, from 2005 to 2009 there were 42 female victims of homicide (legislation does not contemplate femicide)	No report submitted	Information not available
Barbados	No data because domestic violence is not a crime	Does not have information as requested	No data because domestic violence is not a crime	Does not have information as requested	No data because domestic violence is not a crime	Does not have information as requested	Statistics not available	Does not have information as requested	Statistics not available	Does not have information as requested

1. Data obtained from the Follow-up Report to the Recommendations of the CEVI to the governments during the evaluation phase of the First Multilateral Evaluation Round, document MESECVI/CEVI/doc.97corr. 1.

TABLE 14 - Information and statistics on violence against women (III): Statistical data by age, marital status, type of violence and geographic location¹

State	# women victims of violence		# proceedings of violence against women initiated in relation to the # of complaints		# criminal proceedings in relation to the # of victims of femicide		# criminal proceedings for femicide in relation to # cases registered		
	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	
Belize	Statistics are not disaggregated by sex: 2007: 987 cases of domestic violence, 96% from 15-54 years of age. Of 1148 cases, 40% are of aggressor and victim in de facto unions, 35% married; 788 cases were of verbal violence and 649 of physical violence (number includes those who reported both verbal and physical violence) and 62% of cases were reported in the capital.	2009: 1365 cases of domestic violence, 1107 women, 284 men and 4 DK/NS. Of the 1107 cases where the victims were women, in 384 the assailant was the cohabitant; in 300 cases it was the husband; in 84 cases it was the former boyfriend; in 66 cases it was the former husband, and in 59 case it was the current boyfriend. (Source: Ministry of health.	State does not have data – the numbers are not disaggregated by sex	Not mentioned	State does not have data	Not mentioned	Data from the police do not include femicide	Not mentioned	State does not have data
Bolivia	No report submitted	Vice Ministry of Equal Opportunity and the National Statistics Institute are implementing corrective and strengthening actions to improve administrative records in order to have this information available.	No report submitted	Vice Ministry of Equal Opportunity and the National Statistics Institute are implementing corrective and strengthening actions to improve administrative records in order to have this information available.	No report submitted	Vice Ministry of Equal Opportunity and the National Statistics Institute are implementing corrective and strengthening actions to improve administrative records in order to have this information available.	No report submitted	Vice Ministry of Equal Opportunity and the National Statistics Institute are implementing corrective and strengthening actions to improve administrative records in order to have this information available.	

1. Data obtained from the Follow-up Report to the Recommendations of the CEVI to the governments during the evaluation phase of the First Multilateral Evaluation Round, document MESECVI/CEVI/doc.97corr. 1.

TABLE 14 - Information and statistics on violence against women (III): Statistical data by age, marital status, type of violence and geographic location¹

State	# women victims of violence	# proceedings of violence against women initiated in relation to the # of complaints	# criminal proceedings in relation to the # of complaints	# of victims of femicide	# criminal proceedings for femicide in relation to # cases registered									
	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	1 st MER (2010)	1 st MER (2010)									
	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	2 nd MER (2011)	2 nd MER (2011)									
Brazil	No report submitted	The Health System reported 8,918 cases of domestic and sexual violence between August 2006 and July 2007. 74% of the victims were female, of which 79.9% were between 20 and 59 years of age. Source: Group of Indicators of the Unique Health System – Ministry of Health	No report submitted	150,532 proceedings carried out in courts specialized in domestic and intrafamily violence against women (2009). Source: National Justice Council	No report submitted	No report submitted	Femicide is not typified. The data on homicides where women were victims need to be reviewed.	Femicide is not typified. The data on homicides where women were victims need to be reviewed.						
Chile	No response	In 2008, there were 93,489 cases of intrafamily violence against women where the assailant was the partner or former partner (2008) Source: Annual Statistics Report of the Carabineros de Chile. Also, in 2009 there were 2,271 cases of sexual violence against women which represent 78.5% of the total number of these types of crimes investigated. Source: Forensic Science Service of the Ministry of Justice. During 2009 the Inspection Service of the Ministry of Labor received 195 reports of sexual harassment.	No response	In 2008, 94,844 cases of intrafamily violence were filed in the judicial system. Data is not broken down by sex. Source: Public Ministry.	43545 trials on domestic violence were finished. 4153 aggressor, 136 were acquitted, 14 623 were discontinued with conditions and y 11627 were shelved with conditions. No information provided on the total number of complaints filed and data is neither disaggregated by sex nor as suggested by the indicator.	55 femicides (2009). Source: SERNAM	Although there is no mention if victims are women, within domestic violence 64 parricide trials and 1.1 homicides trials were started between January and April 2009. Meantime, 55 parricide trials and 5 homicide trials were sentenced. Data of the victims are neither disaggregated by sex nor as suggested by the indicator.	No response	No response	No response	No response	No response	No response	Femicide is not mentioned. Femicide is included in the Penal Code beginning in 2010.

1. Data obtained from the Follow-up Report to the Recommendations of the CEVI to the governments during the evaluation phase of the First Multilateral Evaluation Round, document MESECVI/CEVI/doc:97corr. 1.

TABLE 14 - Information and statistics on violence against women (III): Statistical data by age, marital status, type of violence and geographic location¹

State	# women victims of violence	# proceedings of violence against women initiated in relation to the # of complaints	# criminal proceedings in relation the # of complaints	# of victims of femicide	# criminal proceedings for femicide in relation to # cases registered
	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)
Colombia	<p>According to the journal FORENSIS of the National Institute of Legal Medicine and Forensic Sciences, during 2007 the group of women most affected by violence from their partners was between 25 and 29 years of age, (23% of the total) and leaving 14,092 years of healthy life lost that in total for 2007, was 57,038 years.</p>	<p>Between 2004 and 2008, close to 9 women every four were sexually assaulted throughout the country, most of them girls and adolescents under 18 years of age (84% of cases). 534 women were victims of sexual violence in cases connected to sociopolitical violence and acts such as kidnappings and armed conflicts; 22,389 women were sexually assaulted by a member of their family; and in 64% of the total number of sexual violence cases recorded, the home was the scene of the offense. Between 2004 and 2008, 206,735 women were victims of intimate partner violence in the country (accounting for 90% of total cases). Most of them, between 20 and 34 years of age (62% of the cases filed) and most of the time (75% of the cases) assaulted by the husband or permanent partner. (In: INMLCF, Masatugo-Woman who takes in the bad to give out the good, 2010) (Mujer que recibe lo malo para dar lo bueno, 2010)</p>	<p>State does not have data</p>	<p>Not mentioned</p>	<p>State does not have data</p>
		<p>1st MER (2010)</p>	<p>2nd MER (2011)</p>	<p>1st MER (2010)</p>	<p>2nd MER (2011)</p>
		<p>State does not have data</p>	<p>Not mentioned</p>	<p>State does not have data</p>	<p>Between 2004 and 2008, 6,603 women were victims of homicide. Of those, 238 were killed as a result of economic violence; 437 were victims of intrafamily violence; 694 were victims of sociopolitical violence and 811 were victims of impulsive violence (vengeance, fights, and sexual offenses). 30.8% of them died in their own homes; in 71.6% of the cases in which it was known that the alleged assailant was a family member, it was her partner or former partner, and 18% of the women victims were at risk (sex industry workers, rural workers, alleged collaborators of illegal groups, homeless women or drug dealers or consumers). (In: INMLCF, Masatugo: Woman who takes in the bad to give out the good, 2010) (Mujer que recibe lo malo para dar lo bueno, 2010)</p>
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				<p>1st MER (2010)</p>	<p>2nd MER (201</p>

TABLE 14 - Information and statistics on violence against women (III): Statistical data by age, marital status, type of violence and geographic location¹

State	# women victims of violence		# proceedings of violence against women initiated in relation to the # of complaints		# criminal proceedings in relation the # of victims of femicide		# criminal proceedings for femicide in relation to # cases registered	
	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)
El Salvador	No response according to indicator	The data are not broken down by sex. According to the Office of the Attorney General, with regard to intrafamily violence in 2010, there were 586 cases of physical violence; 2,031 of psychological violence; 229 of sexual violence and 1,108 of property related violence. With regard to sexual violence, in 2009 the Office of the Attorney General recorded 1,925 offenses of which 1,784 were against women. Of the 1,784 cases, in 784 of them the victim was between 10 and 19 years of age.	Family courts: Between 2006 and first semester 2008, 4116 domestic violence trials were started. 2515 are on course, 1351 had a condemnatory sentence but 250 did not. First-instance court: Between 2006 and first semester 2008 1396 complaints on different forms of violence against women were filed. From them, 31 (2.2%) had a condemnatory sentence and 148 cases (10.6%) were conciliated	Information not available as requested.	First-instance court: Between 2006 and first semester 2008 there were 4 homicide trials, 274 of aggravated homicide, 16 of manslaughter and 70 of simple homicide in which the victims were women. From them, one case of aggravated homicide and two of simple homicide had a condemnatory sentence.	In 2009 there were 592 violent deaths of women recorded, and 477 as of October 2010. Source: National Civil Police	First-instance court: there were 4 homicide trials, 274 of aggravated homicide, 16 of manslaughter and 70 of simple homicide in which the victims were women. From them, one case of aggravated homicide and two of simple homicide had a condemnatory sentence.	Not mentioned
Grenada								

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	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)
Guatemala	18,946 women (2007), disaggregated by age (between 12-65), marital status (married: 9089, co-habitating 5351, widows 210, separated 164, unknown 83, single 3991), by types of violence (physical, physiological, sexual and patrimonial; with predominance of physiological violence, and mixed) and by geographical location (capital: 4498 cases, province: 14448 cases) Source: INE, 2007	National Information System of Violence against Women is still being implemented.	There are 2,041 trials (INE, 2007)	National Information System of Violence against Women is still being implemented.	National Information System of Violence against Women is still being implemented.	National Information System of Violence against Women is still being implemented.
		There are no sentences yet—law came into force in May 2008	722 women (597 adult y 125 children). No other disaggregation was made (Ministerio de Gobernación, 2008)		There are not even sentences—law came into force in May 2008	
		No report submitted	No report submitted	No report submitted	No report submitted	No report submitted
Guyana	No report submitted	90 cases of domestic violence in (2009), of which 37 were against minors, with the assailant being the father or the mother. The data includes age and relationship to the assailant but not sex. Source: Ministry of Human Services and Social Security.	No report submitted	Not mentioned	Not mentioned	Not mentioned

1. Data obtained from the Follow-up Report to the Recommendations of the CEVI to the governments during the evaluation phase of the First Multilateral Evaluation Round, document MESECVI/CEVI/doc.97corr. 1.

TABLE 14 - Information and statistics on violence against women (III): Statistical data by age, marital status, type of violence and geographic location¹

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	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)
Haiti	2033 cases nationwide (different sources from civil society, from 2002 till the first trimester of 2008)		State does not have data	Incomplete information, from April to September 2008 15 complaints were presented (Kay Fann, 2008)	Incomplete information, only one case registered (December 2005)		One trial, with condemnatory sentence to life imprisonment			
Honduras	No response according to indicator		No response	No response	No response		No response			
Jamaica	Women reported carnal abuse (508), rape (712), incest (35), homicide of women (151) and domestic murder (25) (Policia, 2007). Data is not disaggregated according to indicator	Information not available	No response according to indicator	No response according to indicator	Information not available	151 homicides of women and 25 domestic murders were reported. Data is not disaggregated according to indicator (Police, 2007)	Information not available	No response according to indicator	Information not available	
Mexico	40% of women reported emotional, economic, physical or sexual violence (2006). Data not disaggregated in accordance with indicator.	2,768 cases of intrafamily or sexual violence between December 26, 2009 and April 2010 (Subsystem to Record Injuries and/ or Violence – Health Secretariat)	State does not have data on a federal level	State does not have data	Not mentioned	No information on a federal level. Five federal entities reported having information on femicide	INEGI has homicide rates broken down by sex. Does not segregate how many are femicides.	No information on a federal level. Five federal entities reported having information on femicide	Not mentioned	
Nicaragua	No report submitted		No report submitted	No report submitted	No report submitted		No report submitted		No report submitted	

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TABLE 14 - Information and statistics on violence against women (III): Statistical data by age, marital status, type of violence and geographic location¹

State	# women victims of violence		# proceedings of violence against women initiated in relation to the # of complaints		# criminal proceedings in relation to the # of complaints		# of victims of femicide		# criminal proceedings for femicide in relation to # cases registered	
	1 st MER (2010)	2 nd MER (2011)	1 st IMER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st IMER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd REM (2011)
Panama	No report submitted	3,074 domestic violence crimes in 2008 and 3,179 in 2009. Data not segregated by age, marital status or type of violence. Not clear about the sex of victims. Source: Directorate of Judicial Investigations, 2010	No report submitted	During 2008, 5, 679 proceedings of domestic violence against women, and 1,069 proceedings of sexual violence against children and adolescents, were initiated in district courts, county courts and civil/criminal county courts –criminal chamber. Source: Center for Judicial Statistics, Judicial Organ, preliminary data.	No report submitted	Not mentioned	No report submitted	80 women died violently in 2009, 53 died at the hands of strangers and the rest at the hands of a partner, former partner, relative or acquaintance. During the period January-April 2010, 30 women died of violence. 16 of those deaths were perpetrated by strangers. Data are also segregated by age of victim. Source: INAMU through compilation of information on written press.	No report submitted	Not mentioned

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	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)
Paraguay	2009: 416 till May. 2008: 2416 cases 2007: 1870 cases. Data disaggregated by age, type of violence, schooling, occupation, number of children, relation with killer, marital status, geographical location (Data SEDAMUR)	With regard to domestic violence, in 2009 there were 103 cases of physical injury-in 45 of those cases the victims were women; 54 cases of sexual harassment. 52 of them against women, and 286 cases of intrafamily violence, 260 of them against women (Source: General Directorate of Order and Security)	State does not have data	Not mentioned	State does not have data	Not mentioned	State does not have data	In the category of domestic violence, in 2009 there were 38 murders, with women being the victim in 18 of those cases. There were also 8 attempted murders, 6 of them committed against women. (Source: General Directorate of Order and Security)	State does not have data	Not mentioned
Peru	41% of surveyed women reported any form of violence (ENDES Continua, 2004-2006)	At the 'Emergency Women' Centers 3370 victims of domestic violence and 3983 victims of sexual violence received services in 2010; and 31974 victims of domestic violence and 4245 victims of sexual violence received services in 2011.	No response	Not mentioned	No response	Not mentioned	No response	139 femicides and 64 attempts during 2009; 121 femicides and 47 attempts in 2010; 93 femicides and 66 attempts in 2011. (Registry of Femicides and Attempted Femicide of MIMDES)	No response	Not mentioned
Dominican Republic	No report submitted	9,048 reports of violence (2009)	No report submitted	Not mentioned	No report submitted	Not mentioned	No report submitted	199 femicides (2009) and 160 between January and September 2010. No source cited	No report submitted	Not mentioned
Saint Kitts and Nevis	No report submitted	245 cases of domestic violence (2010) Information not segregated as requested in the indicator	No report submitted	Not mentioned	No report submitted	Not mentioned	No report submitted	Information not available	No report submitted	Information not available
Saint Lucia	No report submitted	Not mentioned	No report submitted	Not mentioned	No report submitted	Not mentioned	No report submitted	Not mentioned	No report submitted	Not mentioned

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	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)	1 st MER (2010)	2 nd MER (2011)
Saint Vincent and the Grenadines	No report submitted	State does not have data	No report submitted	Family Court have data not segregated as requested. No numbers provided	No report submitted	2008-2, 2007-3, 2006-2 Source: Police
Suriname	Only has data regarding domestic violence, but provides no information according to the indicator	1,528 reports of domestic violence in the police (2009)	State does not have data	Not mentioned	State does not have data	Not mentioned
Trinidad and Tobago	No report submitted	Not mentioned	No report submitted	Not mentioned	No report submitted	Not mentioned
Uruguay	No report submitted	15,177 reports of domestic violence (2010); 212 rapes (2009), 1,115 sexual offenses (2010). Not segregated by sex as requested by the questionnaire	No report submitted	Not mentioned	No report submitted	Not mentioned
Venezuela	No report submitted	Has the number of inquiries made at the National Public Defender's Office of Women	No report submitted	Not mentioned	No report submitted	Not mentioned

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Mechanism to Follow Up on the Implementation of the Convention
on the Prevention, Punishment and Eradication of Violence
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Organization of
American States

