

**FOLLOW UP OF THE INTER-AMERICAN PROGRAM  
ON THE PROMOTION OF WOMEN'S HUMAN RIGHTS  
AND GENDER EQUITY AND EQUALITY-**

**SEPIA II-GENDER AND JUSTICE MEETING**  
Washington, D.C., July 30-31, 2002

**Final Document**

**"Towards Justice with Gender"**

Recommendations for Integrating a Gender Perspective into the Programs and Policies of  
the Ministries of Justice or Ministries or Offices of Attorneys General of the Americas with  
Competence in this Area

**I. INTRODUCTION**

Based on the CIM Executive Committee mandate to mainstream a gender perspective in the Declaration and Plan of Action of the March 2002 Fourth Meeting of Ministers of Justice or Attorneys General of the Americas (REMJA IV), and the commitment made by all OAS member states to approve the *Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality*, adopted by the 30th OAS General Assembly and endorsed by the hemisphere's Heads of State and Government at the Third Summit of the Americas as an effective strategy for integrating a gender perspective into all policies and actions of member states and of the inter-American system, the OAS member states are urged to consider the recommendations described below through their Ministries of Justice or Ministers or Attorneys General of the Americas with competence in this area.

The Inter-American Commission of Women (CIM), recognizing the progress achieved in integrating a gender perspective into the Declaration and Plan of Action of the Third Summit of the Americas, considers that such measures can only succeed if they are given continuity and are conceived as policies that must be implemented as cross cutting issues by the Ministries of Justice or Ministries or Offices of Attorneys General of the Americas. The Permanent Council of the OAS is urged to consider the recommendations set forth below in carrying out the mandates received at the Bridgetown General Assembly to implement the REMJA IV recommendations and develop a hemispheric Plan of Action to be approved at REMJA V.

These recommendations are the product of a two-day meeting of experts in gender and justice sponsored by the CIM. Although not obligatory or binding on the member states, these recommendations should be considered and integrated as appropriate.

**II. RECOMMENDATIONS FOR INTEGRATING A GENDER PERSPECTIVE INTO THE  
POLICIES, PROGRAMS, AND ACTIVITIES OF JUSTICE MINISTRIES OR  
MINISTRIES OR OFFICES OF THE ATTORNEY GENERAL WITH COMPETENCE  
IN THIS AREA**

1. General

All States Parties are asked to ensure that their respective ministers of justice, or ministers or attorneys general, with competence in this area, disseminate the recommendations contained in this document.

- To ensure that the needs and experiences of women, as are those of men, are taken into account, a gender perspective as a cross-cutting issue should be integrated into all policies and programs related to justice systems of member states.
  - To urge those States Parties that have not yet ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and/or its Optional Protocol and/or the Convention to Prevent, Punish and Eradicate Violence Against Women (Convention of *Belém do Pará*), to consider ratification of those instruments. Once ratified, State Parties are urged to create mechanisms to implement and disseminate them and adapt national legislation in keeping with those instruments.
  - Promote the compilation by member states, in their systems of justice, of data disaggregated by sex, age, disability, and ethnic origin, or any other relevant category.
  - Institutionalize a gender training program for all officials of Ministries of Justice and Offices of Attorneys General and all other ministries responsible for this issue.
  - Institutionalize a performance appraisal system for public officials of these ministries that will take into account their performance with respect to gender issues and be a factor in their professional advancement.
  - Promote the development of legal, criminological and justice administration doctrines from a gender perspective.
  - Promote curricula reform in law and justice schools so as to integrate a gender perspective.
  - Urge member states public and private national and international donors, and international financial institutions active in the region to provide support for implementing these lines of action.
  - Promote cooperation between member States in the areas of paternity and equality of boys and girls before the law regardless of type of filial relationship with their parents; alimony, child support, custody, and international adoption.
  - Promote cooperation between legal research institutes in the member states and institutions specialized in this area, such as CEJA and ILANUD, so as to encourage the exchange of best practices, and formulate and implement programs designed to facilitate equal access of women to the justice system.
  - Promote integration of the gender perspective in penal procedural reform in the member states.
  - Formulate programs to disseminate basic information on the rights and legal procedures of greatest interest to women.
  - Update the Inter-American Convention on Private International Law (the Bustamante Code/1928) to reflect contemporary needs and experiences of men and women.
2. Regarding Theme I of the REMJA IV recommendations, Legal and Judicial Cooperation in Combating Transnational Organized Crime and Terrorism, it is proposed that cooperation be expanded to other issues of equal importance, through the following actions:
- Promote legal and judicial cooperation in the areas of irregular international adoption of children; trafficking in persons, especially children and women, for sexual or labor exploitation, sale of organs; or trafficking in persons for any other purpose; and on the rights of victims and other related areas.
  - Evaluate, from a gender perspective, the impact of legal and judicial cooperation already being carried out in the region.

- Foster mechanisms for the repatriation of funds obtained from trafficking in persons.
  - Promote the creation of a fund or mechanism that includes repatriated resources to provide reparation and rehabilitation to victims and to prevent such crimes.
3. Regarding Theme II of the REMJA IV recommendations, Information Exchange Network for Mutual Legal Assistance in Criminal Matters, the following actions are proposed:
- Incorporate data on situations and crimes where women are the principal victims in the region's Information Exchange Network, such as cases of trafficking in persons, forced prostitution, sexual crimes and exploitation, sex tourism, domestic violence, paedophilia, gender-based violence, among others.
  - In addition, to incorporate into the region's Information Exchange Network data to identify the perpetrators of crimes such as trafficking in persons, forced prostitution, sexual offenses, paedophilia, *inter alia*, in order to prevent any recurrence.
  - To urge the OAS working group entrusted with expanding and upgrading the Information Exchange Network for Mutual Legal Assistance in Criminal Matters to take these recommendations into account.
  - Invite a gender expert designated by the CIM to attend the meeting of central authorities and other experts on mutual judicial assistance, to help integrate the gender perspective into its considerations and conclusions.
4. With respect to Theme III of the REMJA IV recommendations, Enhancing the Administration of Justice, the following actions are proposed:
- Urge all entities of the justice administration system to institutionalize a training program in gender, law, and justice.
  - Investigate access to justice for women of different ages, capacities, ethnic backgrounds etc., in order to prepare proposals to guarantee this right.
  - Conduct a study on gender stereotypes and prejudices that may affect the independence of judges and other officials of the judicial branch.
  - Establish mechanisms to monitor the enforcement of judicial decisions.
  - Evaluate services, from a gender perspective, offered by governmental and nongovernmental centers so that in the registry of alternative means of conflict resolution it may be indicated which services are most sensitive to gender issues and to violations of women's human rights.
  - Promote incorporation of a gender perspective into education and training programs on alternative means of conflict resolution such as: dialogue, negotiation, mediation, and other similar mechanisms.
  - Consider differential conditions for prison populations with respect to gender, age, ethnic origins, disabilities, religion, and sexual orientation, in order to ensure the respect and enjoyment of the human rights to which those deprived of liberty are entitled.
  - Integrate a gender perspective into alternative measures to imprisonment and into the Information Exchange Network recommended by REMJA IV.
  - Address the comprehensive needs of women in prisons and detention centers, among them, health, employment, education, and reproductive and sexual rights.
  - Provide training for penitentiary staff in women's human rights and gender issues.
  - Record acts of gender violence committed by prison employees and implement mechanisms for reporting, preventing and punishing this type of violence, with particular attention given to violence against women.
  - Facilitate the maintenance of contact between women deprived of liberty and their minor children and integrate the gender perspective into programs that allow prison sentences to be served in the country where said children reside.

- Integrate a gender perspective into all criminology studies and crime statistics.
  - Urge member states, in their compilations of judicial decisions, to include cases on discrimination against women.
  - Institutionalize a gender training program for all judiciary staff.
  - Conduct, with the assistance of experts in this area, a country-by-country study on the situation of women in prisons and detention centers to promote the formulation of social rehabilitation programs in a framework of respect for and protection of their human rights.
  - Integrate a gender perspective in pro bono legal services.
  - Promote programs to disseminate basic knowledge on substantive and legal procedural matters of mayor interest to women.
5. Regarding Theme IV of the REMJA IV recommendations, Cyber Crime, the following actions are proposed:
- To accord priority, in preparing and/or updating national and inter-American juridical instruments and model legislation on cyber crime, to crimes where women and children are the principal victims, such as trafficking in persons, forced prostitution, child prostitution and child pornography, pedophilia, *inter alia*.
  - Integrate the gender perspective in all legal considerations on privacy, protection of information, crime prevention, and procedural aspects.
  - Raise awareness among the general public of the harmful characteristics and effects of cyber crimes particularly affecting women and children.
  - reate appropriate mechanisms for reporting and investigating sex-related cyber crimes, and other cyber crimes particularly affecting women and children, so that they are reported and impunity in this connection is avoided.
  - To propose appropriate measures to prevent and punish sex-related cyber crimes and other cyber crimes, particularly those affecting women and children, and establish provisions to dismantle their networks.
6. Regarding Theme V of the REMJA IV Recommendations, Justice Studies Center of the Americas (CEJA), the following actions are proposed:
- Integrate a gender perspective into the projects, programs, and activities of the CEJA in support of modernizing justice in the region.
  - Invite member states to support, through voluntary contributions, technical cooperation, and information exchange, CEJA's efforts to implement strategies to integrate a gender perspective in its programs, projects, and activities.