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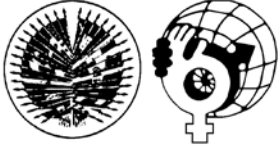
FOURTH BIENNIAL REPORT
ON COMPLIANCE WITH RESOLUTION AG/RES. 1456 (XXVII-O/97),
“PROMOTION OF THE INTER-AMERICAN CONVENTION ON THE PREVENTION,
PUNISHMENT, AND ERADICATION OF VIOLENCE AGAINST WOMEN,
‘CONVENTION OF BELÉM DO PARÁ’”

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CIM

ORGANIZATION OF AMERICAN STATES

INTER-AMERICAN COMMISSION OF WOMEN



No.026-02/05

February 11, 2005

Excellency:

On instructions from the President of the CIM, Dr. Nilcéa Freire, I have the honor to address Your Excellency, in your capacity as Chair of the Permanent Council, to transmit the document listed below for consideration by the General Committee.

Fourth Biennial Report of the Inter-American Commission of Women (CIM) on Fulfillment of Resolution AG/RES. 1456 (XVII-O/97), "Promotion of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, 'Convention of Belém do Pará'" (AG/CP/doc.653/03).

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

A handwritten signature in cursive script that reads "Carmen Lomellin".

Carmen Lomellin
Executive Secretary

His Excellency Manuel María Cáceres
Ambassador, Permanent Representative of Paraguay
to the Organization of American States
Chair of the Permanent Council
Washington, D.C.

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

A. BACKGROUND, STATUS OF SIGNATURES AND RATIFICATION

1. Background

The Inter-American Commission of Women has devoted special attention to the issue of violence against women since the end of the 1980s when it initiated a process to draft a convention to address it. Within the Commission, that process concluded with the convocation of the Sixth Special Assembly of Delegates, held on April 18 and 19, 1994, at which the text of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, or "*Convention of Belém do Pará*," was approved.

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

2. Status of signatures and ratification

Once the Convention had been adopted, the CIM set the goal of securing ratification of this international legal instrument by all the member states in the Hemisphere and its entry into force. In pursuit of those objectives, the Commission carried out both educational and outreach activities. The *Convention of Belém do Pará* entered into force on March 5, 1995, after having been ratified by the required number of countries, as specified in its Article 21. There have been no additional ratifications since presentation of the previous report, so the number of countries that have ratified it remains at 31. (Appendix I).

3. Reform of national legislation

Prior to the *Convention of Belém do Pará*, few countries had laws on domestic violence. Immediately after its entry into force, and in conjunction with the signature and ratification process, many member states adopted laws on domestic violence or established that such violence constituted a legal offense. By now, many countries have even proceeded to amend the existing laws, either to adapt them to the needs made apparent through practice, or to expand them to ensure more efficient and fair implementation. A complete list of domestic violence laws is published on the CIM web page (<http://www.oas.org/cim>).

II. MEASURES FOR IMPLEMENTING THE AIMS OF THE CONVENTION

CIM received mandates from the OAS General Assembly, the CIM Assembly of Delegates, the Meetings of Ministers or of the Highest-Ranking Authorities Responsible for the Advancement of Women in Member States (REMIM)--which were convened by the OAS Secretary General and

coordinated by CIM--and the Summits of the Americas. The activities developed by CIM to fulfill these mandates are described below.

1. The Inter-American Commission of Women (CIM)

In the first place, pursuant to resolution AG/RES. 2012 (XXXIV-O/04), “Violence against Women – Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, *Convention of Belém do Pará*”, we will report on the work performed by CIM to put in place the mechanism to follow up on implementation of the Convention of Belém do Pará.

1.1 Mechanism to Follow Up on Implementation of the Convention

The biennial report presented in 2003 indicated that the Thirty-First CIM Assembly of Delegates held in October 2002 adopted resolution [CIM/RES.224 (XXXI-O-02)]. In it, governments expressed their interest in studying the most appropriate measures for following up on the Convention so that a continuous, systematic evaluation can be conducted on progress made and achievement of its objectives. They also requested the OAS Secretary General to convene a Meeting of the States Parties to the Convention, with a view to adopting a decision on the most appropriate way to follow up on the Convention. The OAS General Assembly [AG/RES. 1942(XXXIII-O-03)], adopted a similar mandate in June 2003, and CIM did the preparatory work for establishing a follow-up mechanism for the *Convention of Belém do Pará*, as described below.

Meeting of experts

First of all, CIM in collaboration with the Government of Mexico prepared a preliminary draft of the follow-up mechanism, which was submitted to the Executive Committee (CIM/CD/doc.15/03), and sent to regional and international institutions and civil society organizations, to receive their observations and comments. After including the comments received (CIM/CD/doc.15/03 rev. 1), the draft was presented to the Ministers of Foreign Affairs, OAS Permanent Missions, and the Principal Delegates of CIM. The Permanent Secretariat received observations from 15 countries and various civil society organizations. To complete the first part of this consultation process, CIM convened a meeting of government experts from the States party, and the states not party, at which the IACHR and the Office of Legal Affairs of the OAS, also participated. At this meeting, held in Washington, D.C. on July 20 and 21, 2004, the experts approved the draft Statute of the Mechanism to Follow Up on Implementation of the *Convention of Belém do Pará*, which was presented to the Conference of States Party for approval..

Conference of the States Parties

On October 26, 2004, the Secretary General convened a Conference of the States Party to the Convention, in coordination with CIM [AG/RES. 1942 and AG/RES. 2012 (XXXIV-O-04)], and invited states that are not party to attend as well. The Statute of the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, *Convention of Belém do Pará*, (MESECVI) was discussed on that occasion, and approved by acclamation. It will be presented for adoption to the OAS General

Assembly. (The Rapporteur's Report containing the Statute of the Mechanism is attached as **Appendix II**). The Statute is an instrument for evaluation and hemispheric cooperation to measure the progress made in fighting violence against women, and a starting point for moving forward on implementation of the Convention of Belém do Pará.

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

MESECVI was designed for the purpose of following up on the commitments assumed by the States Parties to the Convention, thereby helping achieve the objectives established in it.

In this context, MESECVI has two organs: the Conference of the States Parties, which is the political organ made up of the representatives of all the States Parties, and the Committee of Experts, which is the technical organ consisting of experts in the area covered by the Convention designated by governments, who shall perform their functions in their personal capacity. The Permanent Secretariat of CIM will serve as Secretariat for the Conference and the Committee, and will also serve as the headquarters of MESECVI. MESECVI should adopt a questionnaire for each evaluation round, with the selection of the provisions of the Convention to be evaluated. Based on the reports prepared by the states, and on information gathered, together with the participation of civil society organizations, MESECVI will make recommendations and follow up on their implementation.

Implementation of MESECVI

As a first step for implementing the Mechanism, on January 28, 2004, the President of CIM sent a note to the Ministers of Foreign Affairs of the Member States of the Convention, requesting them to inform the Secretariat of the Mechanism of the names of the experts of their countries appointed to represent them in the Mechanism.

In accordance with the mandates described further on (decisions adopted by OAS and CIM Assemblies), in the first four months of 2005, the first meeting of the Committee of Government Experts is to be convened to adopt the rules of procedure to be applied in evaluating the reports of the states parties and following up on the recommendations made.

In accordance with the mandate received from the Assembly of Delegates, the Permanent Secretariat has already begun operating as the Secretariat for the Mechanism, by drafting proposed rules of procedure to present to the Committee of Experts for its consideration and approval. It is also in the process of preparing a draft questionnaire for the same purpose.

1.2 Second Meeting of Ministers or Highest-Ranking Authorities Responsible for the Advancement of Women in the Member States (REMIM II), Washington, D.C., April 21-23, 2004

This was an extremely important meeting. It was the second one convened by the OAS Secretary General in accordance with resolution AG/RES. 1941 (XXXIII-O-03) on "Promotion of Women's Human Rights and Gender Equality and Equity," and showed the interest of governments in continuing these ministerial meetings.

With respect to the theme of this report, violence against women, the Declaration emanating from REMIM II expressed the need to redouble efforts to combat, prevent, punish, and eradicate gender-based violence and to provide continuous and systematic follow-up on implementation of the objectives of the Convention of Belém do Pará. In addition, it emphasized the urgent need to measure the incidence of violence using statistics that would show the severity of the problem and would allow for allocation of the funds required for these studies and their publication.

The Ministers also adopted a resolution inviting both the states party and the states not party to support the process of creating the mechanism to follow up on the Convention and to join in a coordinated effort to prevent, punish, and eradicate violence against women in both public and private spheres. Furthermore, they were invited to adopt concrete measures to ensure the effective enforcement of national legislation in force, in keeping with conventions already ratified to eliminate discrimination and eradicate violence against women, and to allocate more human and financial resources in national and regional budgets for the prevention, punishment, and elimination of all forms of violence and discrimination against women. The Ministers also invited the Secretary General to strengthen the CIM so that it can pursue its efforts to ensure full implementation of the Convention Belém do Pará.

1.3. XXXII CIM Assembly of Delegates, Washington D.C.- October 27-29, 2004

On the subject of violence against women, the XXXII Assembly of CIM Delegates accomplished the following:

It adopted the “Declaration of the Thirty-Second CIM Assembly of Delegates on adoption of the Statute of the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, Convention of Belém do Pará.” In that document, it expressed its satisfaction with the approval of the Statute of the Mechanism and it congratulated the Mexican Government on this initiative and on its support. It invited the States Parties to the Convention, in addition to non-party states, permanent observers, international financial institutions, and civil society organizations, to contribute to the specific fund established in the OAS for that purpose.

It adopted resolution CIM/RES.229 (XXXII-O/04) “Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, Convention of Belém do Pará,” which urged member states to take specific steps, if necessary, to ensure that their national legislation contains provisions on elimination of discrimination and violence against women, and invited them to make contributions to the specific fund created for MESECVI in the OAS. Moreover, it requested the CIM Permanent Secretariat to prepare proposed rules of procedure, a timetable, and working procedures for the mechanism, and to draw up a draft questionnaire on the provisions of the Convention of Belém do Pará, and to convene the first meeting of the Technical Committee of Experts for the Mechanism.

Finally, the Thirty-Second CIM Assembly reiterated that elimination of violence against women was one of the priority areas for action under CIM’s Biennial Work Program, and it recommended that CIM continue promoting activities in the area of prevention, punishment, and

eradication of violence against women and to pursue initiatives developed with the Pan-American Health Organization, UNIFEM, and the World Bank.

2. Resolutions adopted by the OAS Assembly

Once the Convention was approved, the OAS General Assembly proceeded to adopt the following resolutions to promote it: AG/RES. 1432 (XXVI-O/96), "Status of Women in the Americas," AG/RES. 1456 (XXVII-O/97) "Promotion of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, Convention of Belém do Pará," in which it instructed the CIM Permanent Secretariat to ensure follow-up on the Convention by submitting biennial reports on progress made in implementing it and on experiences and results achieved by member states in their efforts to combat violence against women.

In 1999, the General Assembly adopted resolution AG/RES. 1626 (XXIX-O/99) and the following year, resolution AG/RES. 1740(XXX-O/00) to urge governments that have not yet done so to ratify the Convention, and encourage them to continue promoting measures to eradicate violence against women in all its forms, in both public and private spheres.

In 2001, the General Assembly adopted resolution AG/RES. 1768 (XXXI-O/01) and finally, in 2003, the General Assembly adopted resolution AG/RES. 1942 (XXXIII-O/03). Among other decisions, it urged the Secretary General to convene, in coordination with CIM, the Conference of the States Parties to the Convention of Belém do Pará, in order to decide on the most appropriate way to follow up on that Convention. Accordingly, as stated earlier, the Conference was convened in October 2004 and adopted the Statute of MESECVI.

Finally, the General Assembly at its thirty-fourth regular session adopted resolution AG/RES. 2012 (XXXIV-O/04), "Violence against Women – Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, Convention of Belém do Pará," in which all states were urged to participate in the meeting of experts to study the mechanism to follow up on implementation of the Convention, and to continue supporting the efforts of CIM in establishing and implementing that mechanism. In addition, the CIM Permanent Secretariat was requested to include a special section devoted to fulfillment of that resolution in the biennial report on violence it will submit to the thirty-fifth regular session of the General Assembly.

3. Inter-American Commission on Human Rights – Rapporteur of the Inter-American Commission on Human Rights (IACHR) on the Status of Women in the Americas

Continuing the terms of the previous report, the IACHR and its Special Rapporteur maintained periodic contact with the Inter-American Commission of Women (CIM) to follow up on various topics. The IACHR played an active role in the Conference of the States Parties held in October 2004, and contributed comments and proposals on MESECVI.

4. Summit of the Americas

For the first time, the Plan of Action of the Third Summit of the Americas contains a chapter (15) devoted to "Gender Equality." In it, it recognizes the need for the full and equal participation [of women] in developing our societies and the need to promote gender equality to work towards eliminating the broad range of existing inequalities.

III. REPORT OF THE DELEGATES TO THE THIRTY-SECOND CIM ASSEMBLY OF DELEGATES ON VIOLENCE AGAINST WOMEN IN THE AMERICAS

CIM delegates to the Assembly presented their biennial national reports, which relate advances in women's affairs during that period. At the last Assembly held in 2004, reports on progress made in combating violence were received from 23 states. This information will be presented by regions (Northern, Caribbean, Central American, and Southern Cone), to facilitate the review. Each region has been further subdivided by thematic areas: *detection, care, prevention and training, and challenges.*

Northern region

In 2002-2004, Mexico and Canada made significant progress in the policies implemented, which in addition to benefiting various communities, focused on minority groups which have not traditionally had legislative support. Areas covered include exploitation of children through internet pornography, violence against refugees and immigrants, and violence against indigenous groups.

In the area of *detection*, in January 2003 Mexico put into operation a telephone line, called "Vida Sin Violencia" ["Life Without Violence"], for legal advice and psychological support. From January to August, 2004, 5,841 calls were answered, 98% of which were from women. Through the "2003 National Survey on the Dynamics of Household Relationships," the frequency and magnitude of domestic violence were identified in Mexican households. Out of 57,000 interviews, 38.4% involved emotional violence, 9.3% involved physical violence, 7.8% sexual violence, and 29.3% economic violence. The study demonstrated that young women are the ones most often harmed by physical violence, while women over 40 years of age are the most frequent victims of sexual violence.

In the area of *care* or treatment, Canada created "Courts for Violence" and implemented civil legislation on domestic violence. As for violence against indigenous women, it agreed to develop a work plan for their protection. In addition, it has worked on developing legislative processes which will both provide protection for women and cover cases involving violence against children, sexually-oriented cases, and cases of immigrants and refugees.

In the area of *prevention and training*, Mexico has been conducting a training program to strengthen women leaders and sensitize male leaders to combat domestic violence, through its program "Convive del Proyecto Generosidad." A manual entitled "Eduquemos para la Paz" was published at the end of 2003.

Caribbean Region

In 2003-2004, the Caribbean states, and primarily Barbados, Jamaica, Saint Kitts and Nevis, and Suriname, have registered advances through changes in their national legislation. In Jamaica, the greatest achievements are reflected in adoption of legal reforms, including the Decree against Offenses to Persons and Incest, the Domestic Violence Decree, and the Bill on Sexual Harassment. Although the reports refer to activities in the area of detection, it is possible to note innovations in the areas of care, prevention and training, and challenges.

In the area of *care*, mention should be made of the progress in Barbados, where the government has financed the operation of shelters for women who are victims of violence, with a capacity of 20 persons every trimester.

Saint Kitts and Nevis, Barbados, and Suriname achieved important results in the area of *prevention and training*. In Saint Kitts and Nevis, with the support of the Ministry of Social Development, Community, and Gender Affairs, “Consultation Clinics” were established, and personnel of the National Police Force was trained, in order to make these persons more sensitive in treating victims of violence. The joint work performed by government agencies and civil society in matters related to violence against women made it possible to sensitize a larger number of citizens than those identified through legal complaints. In Suriname, headway was made in 2003 and 2004 in the following areas, among others: 1. establishment of databases in police stations in Suriname as a mechanism for registering victims; 2. creation of the Domestic Violence and Sexual Abuse Unit in the Office of the Attorney General; 3. establishment of the Gender Committee; 4. establishment of the Committee on Trafficking in Persons. Barbados, for its part, was able to include a domestic violence module in its training program for the National Police.

In the area of *challenges*, general needs and problems in the Caribbean are for the most part related to a shortage of financial resources and to the low level of participation by government and civil society in this area. In Barbados, for instance, the few institutions existing to provide shelter for victims do not have an adequate infrastructure to accommodate all the persons seeking assistance. For Saint Kitts and Nevis, the greatest challenge is to be able to support victims of domestic abuse through the Department of Gender Affairs.

Central American Region

The countries of Central American have also made progress in their struggle against violence.

In the area of detection, Guatemala has achieved positive results through the National Coordinator for Prevention of Domestic Violence and Violence against Women (CONAPREVI). The Coordinator prepared a diagnosis and a national plan (PLANOVI 2004-2014). At the present time, the Guatemalan government is working to revise the “Boleta Única” for registering cases of domestic violence.

Turning to the area of *care*, in Nicaragua, the Nicaraguan Women’s Institute is planning to develop the Program for Care and Prevention of Domestic and Sexual Violence against Women, as part of the National Gender Program (Presidential Decree No. 40-2004). Under this program it plans to establish 12 shelters or residences, 4 maternity homes, one training center, and 48 specialized women’s care centers. In El Salvador, shelters established to handle cases of domestic violence, sexual aggression, and child abuse have provided safety and basic conditions for the recovery of victims. At present, they have cared for 1,660 victims of domestic violence, including 630 adult women, 576 girls, and 454 boys (including children and adolescents).

In the area of *prevention and training*, El Salvador has promoted equality among women, men, girls, and boys and heightened awareness of the problem of domestic violence, through its program entitled “Ferias Preventivas.” This program covers 44% of the country’s municipalities, and has managed to directly interview approximately 116,635 persons, who have in turn passed on the

message of prevention and eradication of violence. As for Nicaragua, it created the National Citizen Security and Co-existence Committee on July 28, 2004, to promote the inclusion of gender equity in programs for prevention, care, full reinsertion, and rehabilitation of groups in vulnerable conditions, at risk, and in conflict. At the same time, it promotes participation by Nicaraguan citizens in social crime prevention committees. In Costa Rica, progress has been made in institutionalizing public policies referring to domestic violence. In addition, it has created a system to facilitate coordination of the work of various state and civil society organizations to combat violence, and to encourage direct participation in prevention programs.

Despite significant advances in the Central American region, many challenges and needs still remain. Honduras especially would highlight the following ones:

- Collective perception that favors and tolerates gender and domestic violence.
- Limited capacity of state agencies to respond effectively to the problem of violence.
- Lack of national legal mechanisms in the area of prevention and protection of the rights of direct and indirect victims of violence.
- Lack of an operating network to facilitate coordination among national institutions, private entities, and nongovernmental organizations.
- Limited knowledge of legislation in force to protect women.
- Limited number of places that offer shelter to women survivors of violence.
- Little sensitivity to and training in gender matters on the part of workers in the justice system.

Southern Cone and Andean Regions

For the Southern Cone countries, it is important to mention the work done by Peru in the area of *detection* in 2003-2004. In 2003, it began implementing two pilot studies. The first one, on domestic and sexual violence among women and men between 15 and 59 years of age, in the districts of Puno, Tarapoto, and San Juan de Lurigancho, was designed to protect the rights of persons affected by family and sexual violence. The second one, on abuse of children and adolescents attending school in the districts of Cusco, Iquitos, and San Martín de Porres, investigated the severity of the problem and adopted adequate legal measures for the elimination of violence.

In the area of *care*, in Colombia Law 882 was adopted in 2004, amending Art. 229, on domestic violence, of the Colombian Criminal Code, to enhance the punishment of aggressors whenever the victim of the abuse is a minor or a woman. In addition, the Center for Full Care of Victims of Sexual Crimes was established, to deal with sexual and domestic violence. Programs to assist victims of violence were implemented. In Venezuela, “Las Casas de Abrigo para Mujeres en Peligro Inminente” [“Shelters for Women in Imminent Danger”], and the telephone line “0-800-Mujeres,” which offers psychological assistance to victims of violence, have made significant progress, since in 2003 and 2004, 4,514 women were served. In Ecuador, the Ministerio Público [Public Prosecutor’s Office] provided assistance, as follows: 1. creation of specialized units for sexual crimes and domestic violence, 2. approval and implementation of forensic protocols for all crimes; 3. creation of the School of Prosecutors of the Gender Committee; and 4. creation of the program for protection of witnesses, victims, and participants in trials, up to the fourth degree of consanguinity and second degree of affinity, when their lives or safety are at risk.

In Peru, access to specialized care services for persons affected by violence was expanded and facilitated. In 2003 alone, the number of persons provided treatment in the 39 centers rose to 28,053. Out of these, 25,155 were women, and of these women, 20,858 were 18 to 59 years of age, 802 were women over 60 years old, 1,378 were girls, and 2,117 were teenagers. Other significant achievements were as follows: 1. equipment of 24 shelters and 30 family violence sections in police stations; 2. creation of the national network against commercial sexual exploitation of children and adolescents; and 3. creation of the national network against abuse of children and adolescents.

In the area of *prevention and training*, Peru made an arrangement with 22 local radio broadcasters and two closed television stations to create opportunities to broadcast training and violence prevention programs. Nearly 500 women and men were trained as facilitators. In addition, three training modules for police and judicial personnel and leaders of grass-roots social organizations were created. The government in turn has signed an agreement with the National Assembly of Deans, with a view to including family and sexual violence in university curricula. Beginning in 2003, Peru had publications and material on domestic and sexual violence in Spanish, Quechua, and Aymara.

Both regionally and in general, there are major challenges. In Bolivia, there are still limitations on provision of public services to handle cases of violence, due to budgetary restrictions, a lack of knowledge of rules and regulations, prejudices, and cultural baggage, and to the lack of coordination among the different institutions in the area. Gender policies and efforts to combat violence against women are undergoing a difficult time in the countries of the region, with the profound economic, political, and social crisis which finds expression in social upheaval, with social movements and indigenous organizations demanding a say in government policies. The danger is that in a situation of social and political violence, violence against women becomes invisible and loses its place on the agenda of states.

In the area of *detection*, the National Department of Criminal Policy of the Argentine Ministry of Justice reported that the rate of sexual crimes against women rose to 33.75% of the cases reported by 100,000 inhabitants, while among men, the rate was 5.62% per 100,000 inhabitants.

Still in Argentina, but in the area of *care*, the government has succeeded in implementing a telephone exchange called "Línea Mujer" providing 24 hour service, 7 days a week, to assist and advise women who are victims of violence. Through the "Nueva Vida" program in Cordoba, which began operating in August 2003, victims of family violence are offered care. This program also provides assistance through teams of specialists, attorneys, psychologists, physicians, and social workers.

In the area of *prevention and training*, some of the major achievements have occurred in Brazil, Uruguay, and Chile. In Brazil, training has focused not only on including a "national curriculum matrix" to be implemented in police academies, but also on introducing prison policies to benefit women serving sentences. The curriculum matrix is designed to ensure respect and care for all sectors of Brazilian society, without distinction as to ethnicity, gender, or sexual orientation.

Uruguay has trained specialized police personnel, who, together with operators in the education and health systems, endeavor to coordinate efforts with public, private, and community institutions, to design strategies for protection of human rights in primary, secondary, and tertiary

prevention of family violence. As a result, the manual on violence and gender, human rights and police intervention has been recommended for use by police in Latin America and the Caribbean.

In Chile, the law establishing the new family courts provides for the elimination of conciliation, which is the mechanism used to close 92% of judicial proceedings. It contemplates various types of response depending on the seriousness of the case, strengthens protective measures, and reinforces the sphere of duties of policemen. In 2003, domestic violence prevention sessions were developed with representatives of civil society.

With regard to *challenges and needs*, regardless of the many important advances in combating violence against women, the countries of the region still need to get more directly involved in the various government women's initiatives and to achieve greater participation on the part of civil society. For instance, in Chile, because of limited resources, there are not enough shelters supported by the government for victims of domestic violence, and most of the existing ones depend on private and/or religious institutions. It is important to note that in Argentina and Chile, committees and commissions have been created to eradicate child labor and prevent child abuse. In addition, activities designed to get men involved in fighting violence against women have been carried out, under a program known as "Campaña del Lazo Blanco."

**INTER-AMERICAN CONVENTION ON THE PREVENTION,
PUNISHMENT, AND ERADICATION OF VIOLENCE
AGAINST WOMEN, "CONVENTION OF BELÉM DO PARA"**

PLACE AND DATE OF ADOPTION	Belem do Pará, Brazil June 9, 1994
ENTRY INTO FORCE	March 5, 1995, thirty days after the date on which the second instrument of ratification was deposited

STATUS OF SIGNATURES AND RATIFICATION OR ACCESSIONS

STATES	Signatures	Deposit of instruments of ratification or accession
	(25)	(31)
Antigua and Barbuda		*
Argentina	*	*
Bahamas, C.	*	*
Barbados	*	*
Belize	*	*
Bolivia	*	*
Brazil	*	*
Chile	*	*
Colombia		*
Costa Rica	*	*
Dominica, C.		*
Ecuador	*	*
El Salvador	*	*
Grenada		*
Guatemala	*	*
Guyana	*	*
Haiti		*
Honduras	*	*
Mexico	*	*
Nicaragua	*	*
Panama	*	*
Paraguay	*	*
Peru	*	*
Dominican Rep.	*	*
Saint Lucia	*	*
Saint Vincent and the Grenadines	*	*
Saint Kitts and Nevis	*	*
Surinam		*
Trinidad and Tobago	*	*
Uruguay	*	*

Venezuela

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Appendix II

CONFERENCE OF STATES PARTIES TO
THE FOLLOW-UP MECHANISM
Convention of *Belém do Pará*
October 26, 2004
Washington, D.C

OEA/Ser.L/II.7.10
CIM/MESECVI-II/doc.9/04
26 October 2004
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**CONFERENCE OF STATES PARTIES TO THE MECHANISM TO FOLLOW UP ON
IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION ON THE
PREVENTION, PUNISHMENT, AND ERADICATION OF VIOLENCE AGAINST WOMEN,
“CONVENTION OF BELÉM DO PARÁ”**

REPORT OF THE RAPPORTEUR

In my capacity as Rapporteur of the Conference of States Parties to the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, “Convention of Belém do Pará,” I have the honor to present this report on the meeting’s deliberations, which summarizes the basic and background information and the decisions taken by the States Parties.

The said meeting, convened by the Secretary General of the OAS, was held on October 26, 2004, in the Rubén Darío Room at OAS headquarters, to consider adoption of the Draft Statute of the Mechanism to Follow Up on Implementation of the Convention of Belém do Pará.

Participating in that meeting were the States Parties to the Convention and, as observers, states not party and the OAS Department of Legal Affairs and Services, in accordance with the list of participants published by the Secretariat, document CIM/MESECVI/doc.8/04.

I. BACKGROUND

In pursuance of the mandates issued in resolutions CIM/RES. 224/02 (XXXI-O/02), “Follow-up to the Convention of Belém do Pará”; AG/RES. 1942 (XXXIII-O/03); and CIM/REMIM-II/RES.6/04, “Violence against Women: Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, Convention of *Belém do Pará*,” the CIM carried out activities to prepare a draft mechanism to follow up on implementation of the Convention of Belém do Pará. The CIM Permanent Secretariat prepared a working document containing a proposed follow-up mechanism and conducted a process of prior consultation with the member states, specialized international organizations, and civil society. The results of these consultations are contained in document CIM/MESECVI/doc.3/04.

In furtherance of this process, in Note. No. 06-090/04 of June 18, 2004, a meeting of experts was convened. The said meeting was held on July 20-21, 2004 to review the proposed mechanism and make recommendations to the States Parties. Upon conclusion of the meeting, the experts declared that the mandate of the OAS General Assembly contained in resolution AG/RES. 2021 (XXXIV-O/04) had been fulfilled, and requested the rapporteur to present to the Conference of States

Parties to the Convention of Belém do Pará its recommendation regarding the Draft Statute of the Mechanism to Follow Up on Implementation of the Convention.

In accordance with the aforementioned resolution, the Secretary General of the OAS convened the Conference of States Parties for October 26, 2004.

II. PROCEEDINGS

The Conference opened at 9:30 a.m. The President of the CIM, Dr. Yadira Henríquez, opened the meeting, welcomed the participants, and invited them to work to adopt the Statute of the Mechanism to Follow Up on Implementation of the Convention, with a view to implementing it without delay.

The Chair placed before the meeting for its consideration the provisional agenda, contained in document CIM/MESECVI/doc.7/04, which was adopted without amendment. The meeting then took up consideration of agenda item 1, Election of the officers of the Conference. The following officers were elected: as Chair, Patricia Espinosa, Principal Delegate of Mexico to the CIM, nominated by Bolivia; as Vice Chair, Soledad de Ramirez, Principal Delegate of Honduras, nominated by Nicaragua; and as Rapporteur, Regina Bittencourt, representative of Brazil, and Advisor, Ministry of Foreign Affairs of Brazil, nominated by Argentina.

The Chair of the Conference took office. In taking up consideration of agenda item 2, the delegation of Brazil presented its Report of the Rapporteur of the Meeting of Experts on the Follow-up Mechanism to the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, "Convention of Belém do Pará," held on July 20 and 21, 2004.

When the presentation was concluded, the Chair thanked that delegation of Brazil and gave the floor to Dr. Reinaldo Rodriguez, representative of the OAS Department of Legal Affairs and Services, to present the Department's comments on the Draft Statute of the Mechanism, in particular, its conformity to the legal provisions in force pertaining to international instruments. Dr. Rodriguez indicated that the Mechanism fully conformed to the said legal provisions.

The meeting then took up consideration of agenda item 3, Consideration of the Draft Statute of the Mechanism to Follow up on the Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, "Convention of Belém do Pará."

To facilitate the work, Spanish and English versions of the Draft Statute were circulated, which contained amendments of form and, at the end, a proposed new procedural article, which was presented by the Department of Legal Affairs and Services.

In opening the discussion, the delegation of Canada reiterated that although its government was very interested in supporting initiatives to ensure implementation and follow-up of national, regional, and international actions to eliminate violence against women, it remained concerned that the proposed mechanism might have unintended negative impact on the human and financial resources of the CIM Permanent Secretariat. To ensure that the follow-up mechanism was sustainable and effective, Canada again indicated that possible ties should be explored between the CIM and the Inter-American Commission on Human Rights.

The delegations then began a paragraph-by-paragraph review and revision of the Draft Statute. Minor amendments were made to the preamble, Articles 1.b and 1.c, 6, and 8. The delegations of Argentina, Brazil, Bolivia, Chile, Mexico, Paraguay, and Uruguay proposed an amendment to Article 5.3 which, after an exchange of views, was adopted.

When the document had been revised, the Chair declared concluded the analysis of the Draft Statute of the Mechanism to Follow up on the Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, “Convention of Belém do Pará,” and the document was adopted by acclamation. This mechanism will be presented to the Thirty-second Assembly of Delegates of the CIM for its information.

At 1:00 p.m. on October 26, 2004, the Conference of States Parties was declared closed.

Regina Bittencourt
Advisor
Ministry of Foreign Affairs of Brazil

STATUTE OF THE MECHANISM TO FOLLOW UP ON IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION ON THE PREVENTION, PUNISHMENT, AND ERADICATION OF VIOLENCE AGAINST WOMEN, “CONVENTION OF BELÉM DO PARÁ”

PREAMBLE

Taking into account that the purpose of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, “Convention of Belém do Pará,” is to protect women’s human rights and eliminate violent situations that may affect them, because every woman has the right to a life free from violence in both public and private spheres, and that it is necessary to strengthen cooperation among the states parties to develop the necessary mechanisms, policies, programs, and plans to prevent, punish, and eradicate violence against women;

Recognizing that there has already been significant progress in the implementation of the provisions of the Convention of Belém do Pará, at both the international and national levels, through progress in the internal legal systems of the states parties and the development of policies, programs, and plans implemented by the national agencies for women and other state institutions and agencies;

Stressing that the existence of a mechanism to permit follow-up and analysis of the ways in which the Convention is being applied, and to facilitate cooperation among the states parties and among all OAS member states, would contribute to fulfillment of its objectives; and

Carrying out the mandates adopted by the Thirty-first Assembly of Delegates of the CIM [CIM/RES. 224 (XXXI-O/02)] to begin a process to establish the most appropriate way to follow up on the Convention of Belém do Pará, and by the General Assembly of the OAS in its “Third Biennial Report on Fulfillment of Resolution AG/RES. 1456 (XXVII-O/97), “Promotion of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, ‘Convention of *Belém do Pará*’”;

The Conference of States Parties agrees upon the following mechanism to follow up on implementation of the Convention of Belém do Pará:

Article 1

Purposes/objectives

- 1.1 The purposes of the mechanism shall be:
 - a. To follow up on the commitments undertaken by the states parties to the Convention and review how they are being implemented;
 - b. To promote the implementation of the Convention and contribute to achievement of the objectives established therein;
 - c. To establish a system of technical cooperation among the states parties, which shall be open to other member states and permanent observer states, for the exchange of

information, experiences, and best practices as a means to update and harmonize their domestic legislation, as appropriate, and attain other common objectives associated with the Convention.

Article 2

Basic principles

2.1 The mechanism to follow up on the commitments assumed by the states parties to the Convention will be developed within the framework of the purposes and principles established in the Charter of the Organization of American States. In this regard, the functions of this mechanism and the procedures used must take into account the principles of sovereignty, nonintervention, the juridical equality of states, and the need to respect the constitution and basic principles of the legal system of each state party.

Article 3

Nature

3.1 The Mechanism to Follow Up on Implementation of the Convention is intergovernmental, and has the following characteristics:

- a. It shall be impartial and objective in its functioning and in the conclusions and recommendations it issues.
- b. It shall guarantee fair application and equal treatment for the states parties.
- c. It may issue recommendations to the states parties and follow up on their implementation.
- d. It shall operate on the basis of consensus and the principle of cooperation among the states parties.
- e. It shall establish an appropriate balance between the confidentiality of the evaluation and the transparency of the process.

Article 4

Members

4.1 All the states parties to the Convention shall be members and shall be represented and participate in the follow-up mechanism. Member states of the OAS that are not parties to the Convention may take part as observers, if they so request.

Article 5

Structure

5.1 The follow-up mechanism shall consist of two organs: the Conference of States Parties (hereinafter “the Conference”) and the Committee of Experts (hereinafter “the Committee”).

5.2 The Conference is the political organ of the Mechanism, shall be comprised of representatives of all states parties to the Convention, and shall hold a regular meeting every two years and special meetings as often as it deems necessary.

5.3 The Committee is the technical organ of the Mechanism and shall be comprised of experts in the area covered by the Convention, who shall perform their functions in their personal capacity.

They shall be appointed by each state party to the Convention from among its nationals. The Committee shall meet in accordance with its own work plan and procedures.

5.4 The Secretariat of the Conference and of the Committee shall be the OAS General Secretariat, through the Permanent Secretariat of the CIM, and with advisory services, when appropriate, from the Inter-American Commission on Human Rights (IACHR).

Article 6

Responsibilities

6.1 The responsibilities of the Conference are:

- a. Establish overall guidelines for the work of the Committee and serve as its advisory body;
- b. Receive, analyze, and evaluate the reports of the Committee;
- c. Publish and disseminate the final report of the Mechanism, in coordination with the OAS General Secretariat;
- d. Settle any matter relating to the operations of the Mechanism.

6.2 The responsibilities of the Committee are:

- a. Draft its own rules of procedure;
- b. Define its working methods and work calendar;
- c. Receive and evaluate the reports of the states parties and issue its recommendations;
- d. Present its reports to the Conference.

Article 7

Headquarters

7.1 The follow-up mechanism shall have its headquarters at the Organization of American States, in the Permanent Secretariat of the CIM.

Article 8

Operations

8.1 Selection of provisions and methodology:

- a. The Secretariat shall submit to the Committee, for its consideration, a document in which it will select the Convention provisions whose application by the states parties could be the subject of the review and, in keeping with available financial resources, shall determine the duration of a session it will devote to this task--to be called a round--and the number of reports to be considered at each meeting.
- b. During each round, the Secretariat shall prepare a questionnaire on the provisions it has selected. The questionnaire, once approved by the Committee, shall be transmitted to the states parties, who undertake to reply to it by the deadline set

by the Committee. Replies to the questionnaire shall be circulated to all members of the Committee.

- c. At the start of each round, the Committee shall examine the information on each state party and establish a calendar for the review, in a predetermined, impartial manner, such as alphabetical order, the drawing of lots, or chronological order of ratification of the Convention. The Secretariat shall make this information public.
- d. In order to fulfill its functions, the Committee shall determine the appropriate method for carrying out its work plan.

8.2 Final report:

- a. After reviewing the reports of all the states parties in each round, the Committee shall issue a final report with the corresponding recommendations; this report shall include the observations of each state party that has been reviewed and shall be submitted to the Conference and, once published, to the Assembly of Delegates of the CIM.

8.3 Follow-up of recommendations:

- a. The Committee shall determine the necessary means to follow up on fulfillment of the recommendations made in the final report on each state party.

Article 9

Equal treatment

9.1 To ensure that the Mechanism is efficient and consists of an evaluation between equals, the objective of which is to strengthen communication and exchange of experiences among the states parties, the Committee shall take into account that:

- a. All states parties shall be reviewed in the framework of the round, in accordance with identical criteria and procedures.
- b. The same questionnaire shall be used for all states parties.
- c. All the reports presented by states parties shall have the same format.

Article 10

Intergovernmental cooperation and participation of civil society

10.1 The Conference of States Parties and the Committee of Experts of the Convention follow-up mechanism are intergovernmental in nature. The Conference and the Committee may invite to their plenary meetings states that are not parties to the Convention.

10.2 In order to secure more input for its reviews, the Committee shall include, in its rules of procedure, provisions that ensure participation by civil society organizations, in particular those that deal with the subject of the Convention of Belém do Pará, in keeping with the principles set forth in

the Guidelines for the Participation of Civil Society Organizations in OAS Activities [CP/RES. 759 (1217/99)] and the definition of civil society contained in resolution AG/RES. 1661 (XXIX-O/99).

10.3 Bearing in mind the objectives of the follow-up mechanism, and in the framework of the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality, the Committee shall cooperate with all OAS member states that so request, taking into account OAS activities in progress, and shall report to the Conference on this matter.

10.4 The states parties shall establish mechanisms that facilitate cooperation and technical assistance for the exchange of information, experiences, and best practices to bring about the implementation of the Convention.

Article 11

Resources

11.1 The activities of the follow-up mechanism shall be financed by a specific fund established for this purpose, consisting of contributions from states parties to the Convention, states that are not parties to the Convention, permanent observer states, and international financial agencies, other external resources, and any other contribution it may receive in accordance with the General Standards to Govern the Operations of the General Secretariat of the Organization of American States. These contributions may include offers from states parties to organize and host meetings of the Mechanism's organs.

11.2 The Conference of States Parties may establish criteria for determining regular contributions.

Article 12

Periodic review of the Mechanism

12.1 The Conference shall periodically review the Mechanism's operation, taking into account the observations of the Committee, and may introduce any changes it deems appropriate.

Article 13

Report to the OAS General Assembly

13.1 The Conference, in collaboration with the Secretariat, shall report every two years to the OAS General Assembly on work done during that period concerning progress, challenges, and best practices that emerge from the final reports and, if appropriate, shall issue general recommendations, if it sees fit.

Article 14

Transitory provision

14.1 This Statute shall enter into force on the date of its adoption by those states that have deposited their instruments of ratification of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, "Convention of Belém do Pará."