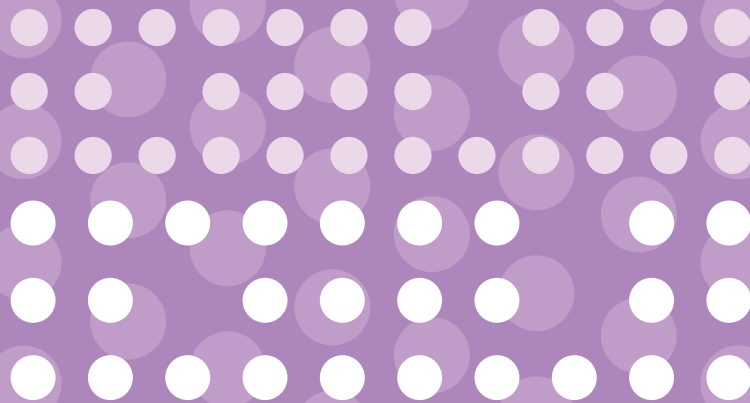


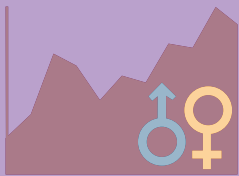


ANNUAL REPORT 2013-2014



Confronting violence against women in Latin America and the Caribbean





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Confronting violence against women in Latin America and the Caribbean



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Foreword

The efforts States in our region have made to eradicate violence against women have seen substantial headway on a number of fronts over the past 20 years. This calls for a look at how individual governments have responded and the wide variety of strategies followed. In this report, the Economic Commission for Latin America and the Caribbean (ECLAC) follows up on the Gender Equality Observatory for Latin America and the Caribbean commitment to analyse violence against women. It has been drafted by the Observatory's participating agencies and organizations: the Pan American Health Organization (PAHO), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women); the United Nations Population Fund (UNFPA), the Ibero-American Secretariat (SEGIB) and the Spanish Agency for International Development Cooperation (AECID). The focus is on the situation across the region, progress in meeting international recommendations, national public policies, and constraints and challenges.

One of the first questions addressed herein is whether enough —and everything possible— has been done at the global, regional and national levels to tackle the historically and culturally entrenched, cross-cutting issue of violence against women and whether in the process State actors and society as a whole have grown more aware of the problem. The report also seeks to determine whether progress to date, in addition to improving the lives of the women concerned, has made for better public institutions, contributed to the empowerment of women and furthered the building of more just, egalitarian and democratic societies.

A second, operational, question is whether country data on the violence that women in the region face on a daily basis can yield evidence leading to decisions. This ties into the third question: whether policies written into law (and their translation into plans and programmes) can drive progress in developing and managing them while providing information enabling decision-makers to broaden the scope of action.

Drawing on information from countries, agencies and institutions of the United Nations system and from follow-up mechanisms for international agreements such as the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) and the Convention on the Elimination of All Forms of Discrimination against Women, this report examines the international framework and the responses of States for defining and guaranteeing the right to a life without violence for the women of Latin America and the Caribbean.

Thanks to progress in the recognition of rights, legal reforms and implementation of promising policies, national legal systems have expanded the scope of State action, from a narrow focus on family and domestic violence to a broader one encompassing all forms of violence against women. They have cast light on the persistence of certain problems and the emergence of further issues, bringing new rights and challenges into play.

The first chapter of this report examines the situation of women on the basis of indicators prepared by the Gender Equality Observatory for Latin America and the Caribbean. As in prior reports (ECLAC, 2013a, 2011 and 2010a), they reveal persistent gender inequalities in physical, economic and decision-making autonomy that are correlates of the violence that women face.

The second chapter explains the policy framework and definitions of violence against women at the international level. This section illustrates how the issue of violence has moved up the work agenda of international agencies—and not just those devoted exclusively to women's rights. This chapter also discusses progress in the adoption of national laws, discussing those forms of violence that seem to be more extensively covered by local law while others are virtually ignored.

The third chapter reviews the information available for measuring violence, especially the data from the Gender Equality Observatory for Latin America and the Caribbean and recent regional studies, and attempts to systematize comparable data on the region that are very useful for putting into context the specific issues taken up in subsequent chapters. Despite the efforts of countries to collect survey data and improve administrative records, they are still not sufficiently developed and thus hinder national and international comparability.

The fourth chapter reviews progress in State policies, programmes and initiatives, finding that there are many efforts under way for government agencies to respond. But according to policy monitoring and follow-up studies, as well as expert opinions, challenges remain. They have to do with inter-agency coordination for developing comprehensive policies and correcting the narrow scope of national policies beyond large cities, the need for adding prevention to the mix (with a focus on education) and changing the reproductive role of the media. A particularly close look is taken at initiatives launched by the judiciary and organs of administration of justice (such as offices of public prosecutors and ombudsmen) to analyse the extent to which they meet the goals of prevention (where possible) or investigation, punishment and redress when acts of violence against women have already occurred.

Ongoing tension and debate among governmental actors, the oversight role of civil society and the contributions of academia to policy implementation have posed new policy challenges and forced governments to widen their scope of action. As with discussions in other areas of gender equality policy development, there is still a dichotomy between women as subjects of law and families as subjects of law. It is keeping the violence against women policy focus on intrafamily and domestic violence instead of expanding it to encompass a wider range of settings where it takes place and is reproduced.

This report, which seeks to measure progress over a short term (20 years) with a long-term perspective, shows significant gains in this brief period. One of the contributing factors is widespread ratification of Convention on the Elimination of All Forms of Discrimination against Women and the Belém do Pará Convention by the States of the region, reflecting their due diligence commitment for the prevention, investigation, punishment and redress of violence against women.

The availability of information and data to measure violence against women in a growing number of countries is another important factor in the progress made. Combined with the establishment of a legal framework and action plans to eradicate violence, they have led to a system that promotes an intersectoral approach to public policy and tends to encompass all branches of the State. In sum, there has been a judicial, legislative and cultural paradigm shift blurring the border between public and private settings and framing violence against women as a government and political issue.

Despite the many advances, challenges and unresolved issues remain. While the fight to eradicate violence against women involves prevention, care, punishment and redress, not all of these components are given equal importance in actions and strategies at the country level. While there has been progress in care thanks to the increasing availability of specialized centres, shelters and hotlines, efforts in the area of prevention and redress still fall short.

Addressing the many challenges and overcoming obstacles is an arduous task that requires both the commitment of the State and the conviction of society as a whole that building full democracies involves the participation of all on equal footing. Violence against women affects their bodies, their lives and their development potential, and it relegates them to the sidelines in a flagrant manifestation of inequality. By the same token, violence against women affects the body of society and prevents men and women from living in a fully democratic society that keeps progressing towards development through the contribution of all its members.

Alicia Bárcena
Executive Secretary
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and the Caribbean (ECLAC)

I. Women's autonomy

Progress towards more democratic societies requires participation and incorporation into the public discourse of broad, historically marginalized segments of society. As noted by ECLAC, this also means progress on ownership of economic, social and cultural rights and towards greater equality in access to education, health, employment, housing, basic services, environmental quality and social security—closing gaps in order to advance on equal terms. Bearing in mind the dialectical relationship between growth and equality, the structural change advocated by ECLAC as the path to equality calls for a new State-market-society equation. This in turn necessitates new social compacts encompassing a large number of sectors and actors and promoting and fostering the full exercise of citizenship.

This idea of equality springs in part from a fresh look at the thinking and demands of feminism, which have put on the table various aspects of gender inequality and discrimination against women. The conclusion is that the goal of equality will not be achieved as long as women do not possess autonomy in all areas. Gender autonomy refers to “women’s degree of freedom to act according to their own choices and not those of other people. There is therefore a close link between women’s autonomy and their individual and collective empowerment” (United Nations, 2005, p. 114).

Equality and the full exercise of the human rights of women hinges on women’s autonomy in private and in public life. Accordingly, the Gender Equality Observatory for Latin America and the Caribbean has since 2009 been working on three pillars representing those aspects of autonomy related to the ability to earn one’s own income and control assets (economic autonomy), control one’s own body (physical autonomy) and fully participate in decisions affecting their lives and society (decision-making autonomy).

These three pillars are grounded in the multidimensional nature of the inequalities to be addressed for women to fully exercise their rights. The fact that autonomy has separate dimensions should not obscure the fact that progress and setbacks in each one impact the others; they are interconnected and, together, they ultimately encompass all of the transformations needed.

The ability to make decisions concerning one’s own life is based on the fact that it is indeed possible for women to live a life free of violence, make decisions concerning their sexual and reproductive health, earn and freely dispose of income and fully exercise their right to participate in decision-making bodies. In other words, as spelled out in the Quito Consensus, equality is the result of a virtuous link between economic independence, reproductive rights, a life free of violence and parity in politics.

Achieving autonomy involves society creating a framework enabling women to participate in private and public life on equal terms with men, including, among others, such specific issues as sharing reproductive and care tasks instead of their being borne by women alone; ensuring the exercise of reproductive rights and a life without gender-based violence; promoting participation in the labour force and making sure that it provides enough income for autonomy; and defending and guaranteeing the full participation of women in decision-making at all levels.

Persistent inequality and discriminatory practices in different areas of women's lives have been and continue to be a central challenge that States face in their efforts to build more democratic and less unequal societies. They are also a key argument for the relevance of public policies aimed at achieving women's physical, economic and political autonomy.

Although decisive action by States and pressure from society have brought progress, it is still not enough. A review of the data available in the Gender Equality Observatory for Latin America and the Caribbean makes this very clear.

A. Economic autonomy

At present, in Latin America and the Caribbean, more than 100 million women (some 50% of the female working-age population) are part of the labour force.¹ Of that total, 22.8 million entered the labour market in the past 10 years; this is one of the most sweeping social and economic transformations in recent decades. But only 5 out of 10 working-age women participate in the workforce; the figure for men is 8 out of 10, indicating that much remains to be done.

Gains in the female labour market participation rate vary among and within countries —the latter according to age group, educational attainment and socioeconomic sector of the population. The highest labour participation rates are among women with a higher level of formal education and fewer family responsibilities or more resources to pay for care services (fifth quintile). For women living in situations of poverty, entering the labour market is more difficult because of their lower level of education and the obstacles they face in sharing or delegating domestic responsibilities and caring for children and dependants. This can be seen in a regional average labour participation rate of 62% among women in the wealthiest quintile and only 38.4% for women in the first quintile.

High female unemployment rates are also a major issue, especially for the poorest women in the first quintile. The difference compared with women in the wealthiest quintile can average as much as 19 percentage points in countries such as the Bolivarian Republic of Venezuela and Chile. While the gap between men and women at the regional level narrowed by almost one percentage point between 2000 and 2012, a breakdown by countries reveals marked differences. The gap has narrowed in some countries, (including Ecuador, Mexico, Panama and the Plurinational State of Bolivia), but widened in others (Chile, Brazil, Peru and Paraguay).

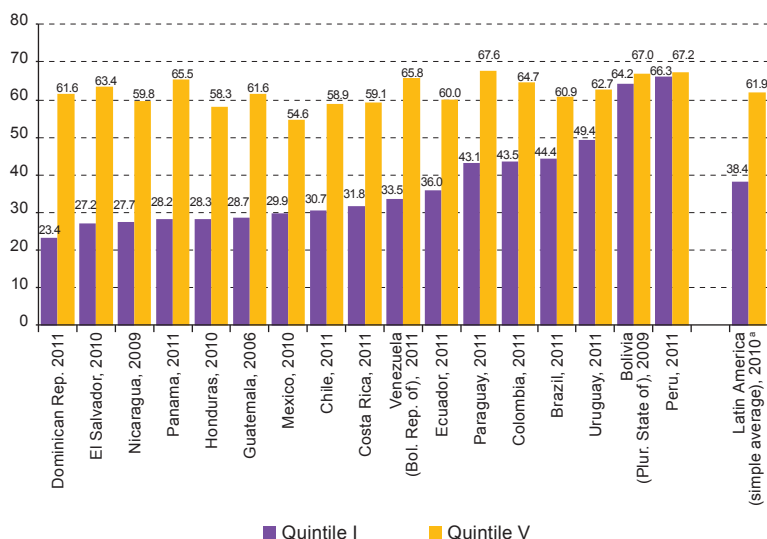
Countries with a smaller gender gap in terms of labour participation (such as Brazil and Uruguay) have larger unemployment rate gaps.

Women's autonomy is also threatened by the high proportion of the population with no own income, which in 2010 was 32.7% for women compared with 12.1% for men, despite this figure having declined since it was first measured in the late 1990s as the number of women in the labour market has grown.² This means that one third of women depend on others for subsistence, which makes them economically vulnerable and dependent on income recipients, usually men. This disadvantage is especially critical when violence is not reported because of economic dependence on the perpetrator, with results that are often fatal.

¹ According to data from the Latin American and Caribbean Demographic Centre (CELADE)-Population Division of ECLAC.

² The population with no own income is the proportion of the population aged 15 and older that is not studying and has no individual monetary income, as a percentage of the population aged 15 and older that is not studying. See [online] <http://www.cepal.org/oig/WS/getRegionalIndicator.asp?language=english&page=12>.

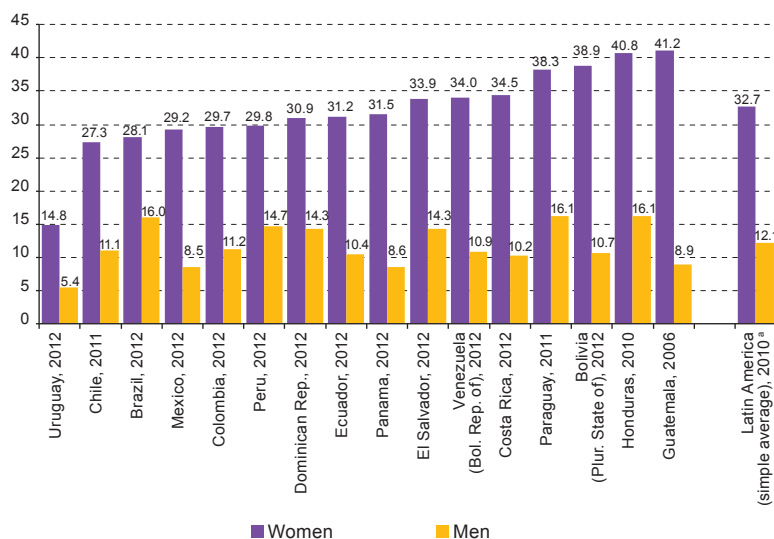
Figure I.1
Latin America (17 countries): economically active female population by income quintile, latest data available
(Percentages)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of special tabulations of data from household surveys conducted in the respective countries.

^a Simple average of the nearest year's data available for each country.

Figure I.2
Latin America (16 countries): population with no own income, by sex, latest period available
(Percentages)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of special tabulations of data from household surveys conducted in the respective countries.

^a Simple average of the nearest year's data available for each country.

A substantial percentage of women with no income of their own perform unpaid work, especially domestic and care work. But among employed women the number of hours of unpaid work is also very high—in some cases as much as four times the figure for men.³ This work overload among employed women, which comes to light only when unpaid work is discussed (and measured), underscores the inequitable distribution of unpaid work between men and women. This is key for explaining why women cannot participate in the labour market on an equal basis with men or access economic resources enabling them to achieve greater degrees of autonomy.

All told, attaining women's economic autonomy entails overcoming a number of obstacles, among which differences in monetary income and total work time are among the biggest.

B. Decision-making autonomy

Five women presidents currently hold office in Latin America and the Caribbean; in recent years the number of female legislators, judges and mayors has grown. Substantial progress has, then, been made over the past 20 years, but an examination of the various branches of government shows that women are just starting to enter the picture and that they are, overall, far from gender parity in most countries.

The make-up of ministerial cabinets, for example, has fluctuated widely from one presidential term to another in the countries, showing that progress in the number of women in cabinet positions has not been without setbacks and that the gains made are not guaranteed. According to information available to December 2013, 12 countries of Latin America and 5 in the Caribbean saw the proportion of female ministers decline compared with the previous presidential term (see figure I.3). Nicaragua remains at the top, with a 57% female cabinet. Colombia and Grenada come next, with 31%, a higher proportion than in the previous presidential term in both cases. Two Caribbean countries, Saint Lucia and Belize, went from having no female cabinet ministers, to 15.4% and 13.3%, respectively. Bahamas, Grenada, Haiti and Uruguay also saw significant rises—of around 10 percentage points—in the proportion of women in ministerial cabinets.

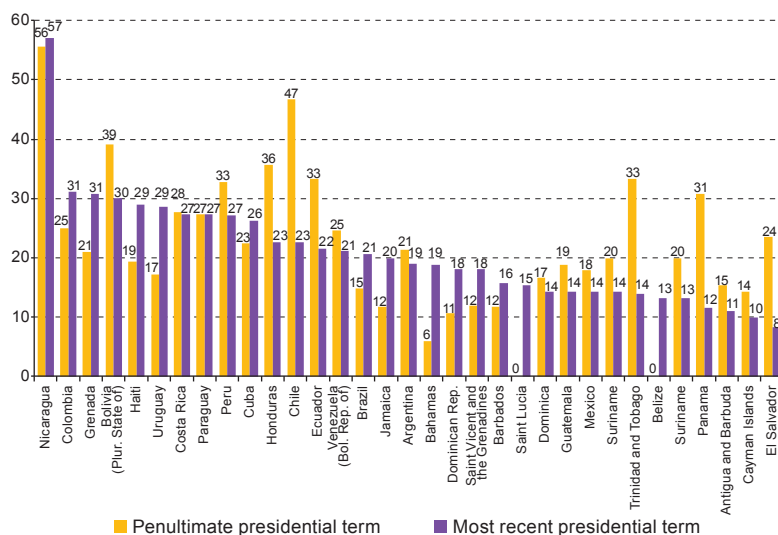
This shows that although executive branch affirmative action initiatives date back more than a decade, they are still subject to the political will of the president in office. Between 2003 and 2013, the proportion of women in legislative bodies in the region climbed from 19% to 26%. The differences among countries are striking: in a number of parliaments (including Argentina, Costa Rica, Ecuador, Mexico and Nicaragua) around 40% are women; in some (Brazil and Panama) they fall short of 10%.

Most of the countries with quotas or parity laws in place have seen a significant increase of women parliamentarians compared with the period before the quotas took effect. In Ecuador the proportion of women rose from 3.7% to the current 41.6%. In Costa Rica it went from 10.1% to 38.6%; in Mexico from 23.2% to 37.4% and in Argentina from 6.3% to 36.6%. Of the eight countries where the proportion of women tops 30%, four have quota systems. On the other hand, the average share of women parliamentarians in Latin America and the Caribbean has gone up by six percentage points over the past 10 years, meaning that in most countries of the region there have been no significant changes in the ratio of women in parliaments.

The increase in the proportion of female mayors has been smaller and progress slower, so most countries fall below 20% and the regional average is just 11.7%, only 1.7 percentage points higher than the average for 2011 (10.0%).

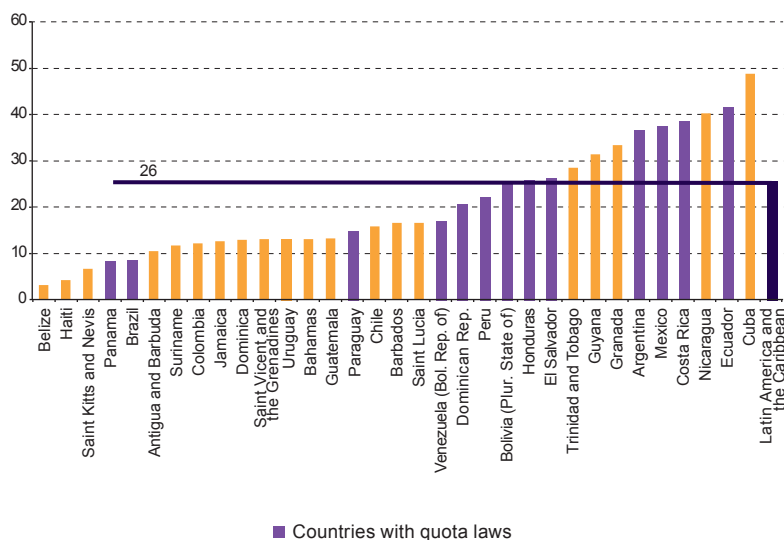
³ In 2011, the weekly time spent on paid work in Brazil was 42 hours for men and 34 hours for women. The number of hours of unpaid work was 20 weekly for women and 5 weekly for men. The pattern is the same in Colombia, Costa Rica, Ecuador and Mexico. The country with the most hours of unpaid work for the male population is Peru (15 hours per week), but for Peruvian women the number is more than twice as high, at 36 hours per week.

Figure I.3
Latin America (13 countries) and the Caribbean (5 countries): women in ministerial cabinets, penultimate and most recent presidential term
(Percentages)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of official sources.

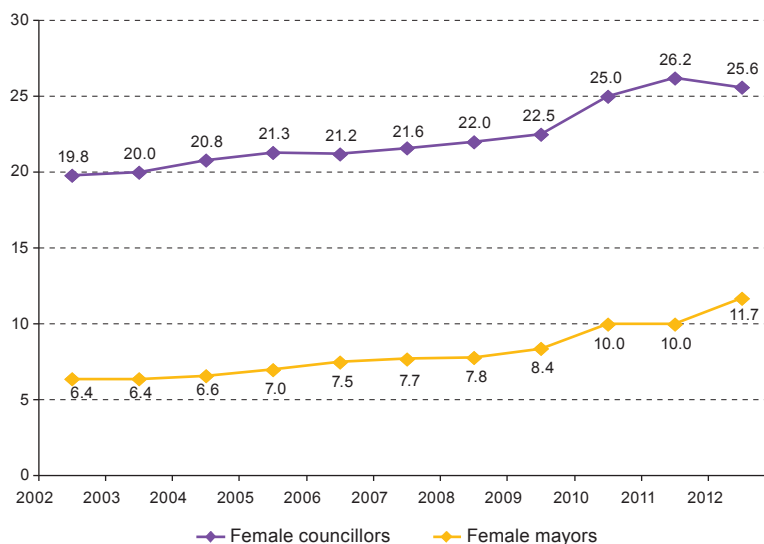
Figure I.4
Latin America (19 countries) and the Caribbean (14 countries): elected women in national parliaments, single house or lower house, by existence of quota laws, 2013
(Percentages)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of official sources.

As for female city council members, the regional average has risen over the past 10 years, from 19.8% in 2002 to 25.6% in 2012. The gap between the proportion of female councillors and mayors elected in the region has not changed much, holding steady at around 14 percentage points.

Figure I.5
Latin America and the Caribbean: elected women councillors and mayors, 2002-2012
(Percentages)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of official sources.

These data show that although quota laws have proven to be a successful strategy for breaking the trend and increasing the proportion of women in parliaments (changing their composition and making it possible to attain a critical mass of women within them), parity is still far on the horizon. Accordingly, it is important to emphasize the usefulness and relevance of quotas and take into account other relevant factors that, together with quotas, create favourable conditions for the full participation and representation of women.

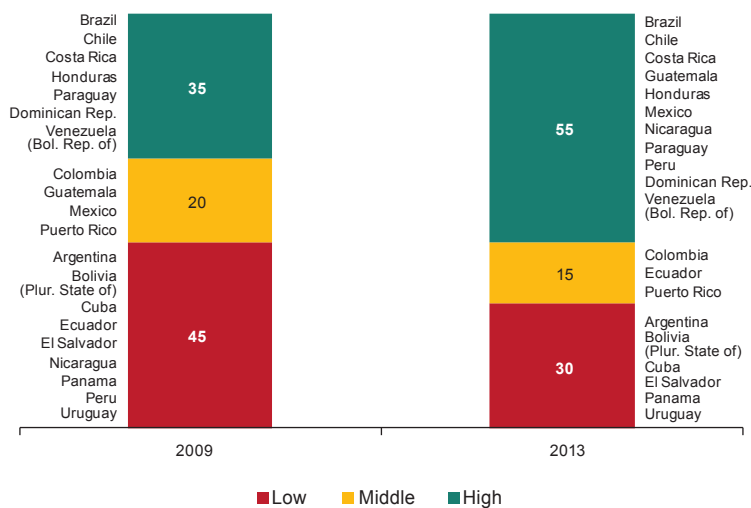
Equal representation of women in the political sphere is an achievement in terms of women's decision-making autonomy and is essential for equality. It is also a requisite for moving ahead, by discussing and adopting legislation and changing practices, customs and usages that (because they are "private") have remained invisible in society and are crucial for the empowerment of women. The presence of more women in decision-making areas has brought historically private matters into the public discourse. Among these are care of minors, the elderly and the ill, access to sexual and reproductive health, and gender-based violence and its relationship to physical and decision-making autonomy.

The changes brought about by affirmative action also have a strong symbolic component, which has been reinforced by the election of six women to the highest office in their countries in recent years: Bachelet in 2006 (re-elected in 2013); Simpson-Miller in 2006 (re-elected in 2012); Fernández in 2007 (re-elected in 2011); Chinchilla in 2010; Persad-Bissessar in 2010; and Rousseff in 2010. The fact that 40% of the population of Latin America and the Caribbean is, at the time of writing of this report, governed by a woman has permanent implications, both for the present of Latin American and Caribbean women and for their future, pushing back the boundaries of what is possible in the area of political representation and the exercise of power.

With regard to gender mainstreaming in the countries of the region, the Quito Consensus agreed: "To adopt measures in all necessary areas, including legislative and budgetary measures and institutional reforms, to reinforce the technical capacity of government machineries for the advancement of women and their ability to have an impact on policies, as well as to ensure that they attain the highest-ranking level in the structure of the State and that the gender-based institutional framework as a whole is strengthened so that they can fulfil their mandates." Since then a number of countries have made progress in expanding the

mandates of machineries for the advancement of women and moving them up the hierarchy. In 2009, 35% of the countries had such machineries with a ministerial rank; by 2013 the figure had climbed to 45%. This means that in absolute terms they are at cabinet level in nine countries —two more than in 2009.

Figure I.6
Latin America: rank of machineries for the advancement of women, 2009 and 2013
(Percentages)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of official sources.

As these machineries move up in the hierarchy, national laws for equality are being adopted, gender-based budgets are being passed and the gender perspective is being mainstreamed in State planning systems.

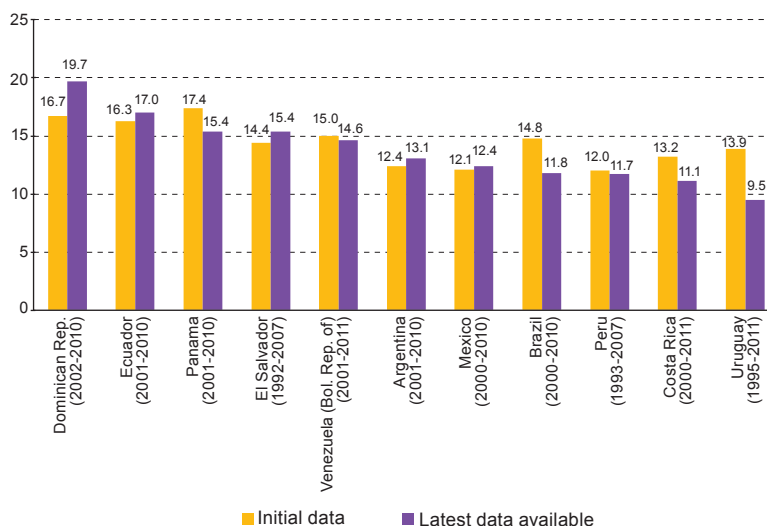
C. Physical autonomy

So, despite the difficulties, there has been progress grounded in a profound change that is not likely to be reversed. Gender equality goals have become part of the political agenda of governments.

The gains in this regard have meant acknowledging that violence against women is a threat to their autonomy and accepting State intervention. This entails moving away from society's notion that these are "private" issues. This shift has not taken place overnight, and it has been slower still in relation to sexual and reproductive health. Women's autonomy in this area still faces challenges that in a number of countries take the form of restrictions on access to fertility control for the population as a whole (such as barring the distribution of emergency contraception) or certain segments of the population (lack of appropriate and timely policies and measures aimed at adolescents). Other challenges are presented by the lack of education in this area and by the imposition of unwanted pregnancy.

These gaps have serious consequences. One of them is teenage pregnancy, which is still an unresolved knot that helps perpetuate the cycle of poverty because it can mean dropping out of school with the difficulties this poses in work life. In Latin America and the Caribbean, the adolescent fertility rate is among the highest in the world, surpassed only in the countries of sub-Saharan Africa. Observatory data show that although fertility rates for women overall are trending down, not only has there been no significant drop among adolescent women but some countries have seen an increase among lower-income, less educated adolescents.

Figure I.7
Latin America (11 countries): women aged 15-19 who are mothers, initial data
and latest data available
(Percentages)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of official sources.

Adolescent pregnancy and motherhood, which reflect the region's deep social, cultural, gender, race and ethnicity inequities, are more than a major barrier to overcoming poverty and to young women entering the workplace. They put girls and young women at greater risk of physical or sexual violence by their partners. Prevalence rates are two to three times higher for women who had their first child before the age of 17 than for women who became mothers after the age of 25, according to data from PAHO (2014).

Women in Latin America and Caribbean face another issue in connection with their sexual and reproductive rights: the persistence in several countries of measures punishing women who have undergone abortion. This is a violation of their human rights despite the commitment taken on by States under the Brasilia Consensus to “review laws that punish women who have undergone abortions, [...] and ensure that abortions are performed safely where authorized by the law”.

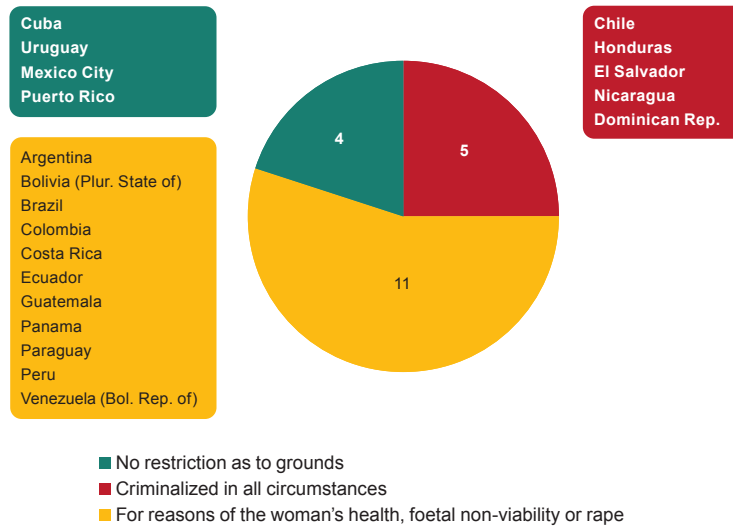
Three Latin American countries, as well as Mexico City, now have legislation that allows abortion. In five countries abortion is illegal in all its forms, including when the woman's life is in danger. Of the 11 countries that permit abortion in certain circumstances, 2 of them do so only when the woman's life is in danger.

Those countries where the voluntary interruption of pregnancy is allowed, either without restrictions or in certain circumstances, still need to ensure or improve access to timely, safe services. This entails developing enforceable regulations, standards and protocols for care. Further progress is needed in policies to reduce the impact of unsafe abortion in countries with partial or outright bans.

Implementing measures to improve conditions for sexual and reproductive health for women and the population in general (especially policies concerning sex education and sexual and reproductive health care) is essential for furthering the physical autonomy of women and is a commitment taken on by States under the fifth Millennium Development Goal, which calls for improving maternal health by, among other things, achieving universal access to reproductive health.

These issues are only a part of the long list of problems yet to be addressed and that more or less directly impact the gender-based violence situation in Latin America and the Caribbean.

Figure I.8
Latin America: legislation on abortion and voluntary interruption of pregnancy
(Absolute numbers)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of official sources.

II. Violence against women is a violation of their rights

A. International and regional normative framework

Acts of violence against women are a human rights violation, giving rise to specific obligations of States under international law. The public transcendence of the various manifestations of violence against women, such as extreme gender discrimination and unequal power relations between men and women, has become a public concern and led to the obligation of States to ensure conditions for a life without violence. The States of Latin America and the Caribbean have made commitments to the international community as spelled out in human rights instruments such as the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the American Convention on Human Rights; and specific treaties concerning women. Among the latter, the Convention on the Elimination of All Forms of Discrimination against Women, its Optional Protocol and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Belém do Pará) are particularly relevant. Treaties are complemented by a large and growing jurisprudence on gender-based violence from both the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights.

In addition to this body of regulations and legislation there are a number of politically significant non-binding instruments such as the Beijing Declaration and Platform for Action and subsequent follow-up processes, resolutions of the United Nations General Assembly and Human Rights Council (HRC) and general recommendations adopted by human rights bodies of the United Nations as tools for authoritative interpretation of the respective conventions. In some of the countries of the region, constitutional reforms incorporating international human rights treaties that outrank or are of equal rank to the laws of the nation make it easier for courts of justice to enforce them in keeping with the standards set by the bodies charged with their interpretation and application.

These instruments have become a body of strategies recommended to governments, State agencies and civil society in order to guarantee the human rights of women who are victims of violence

Since the World Conference on Human Rights held in Vienna in 1993 and the Fourth World Conference on Women in Beijing in 1995, violence against women has gradually but steadily come to inform the international human rights agenda.

Box II.1 Defining violence

The United Nations defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

Source: United Nations, “Declaration on the Elimination of Violence against Women”, General Assembly resolution 48/104, 20 December 1993.

Table II.1
Main relevant legal instruments in the international and regional human rights regulatory framework

	International legal framework	Regional legal framework
Human rights instruments	International Covenant on Civil and Political Rights International Covenant on Economic, Social and Cultural Rights Convention on the Rights of the Child Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Rome Statute of the International Criminal Court	American Convention on Human Rights
Specific treaties concerning women	Convention on the Elimination of All Forms of Discrimination against Women Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	Inter-American Convention to Prevent, Punish and Eradicate Violence against Women (Belém do Pará)
Non-binding instruments	Vienna Declaration and Programme of Action World Conference on Human Rights (1993) Declaration on the Elimination of Violence against Women (1993) Beijing Declaration and Platform for Action (1995) Resolutions adopted by the United Nations General Assembly (resolution 65/228) Resolutions of the Security Council of the United Nations on women, peace and security (resolutions 1325/2000, 1820/2008, 1888/2009, 1889/2009, 1960) Agreed conclusions on the elimination and prevention of all forms of violence against women and girls. Commission on the Status of Women (CSW57)	XI Regional Conference on Women in Latin America and the Caribbean: Brasilia Consensus, 2010 Twelfth session of the Regional Conference on Women in Latin America and the Caribbean: Santo Domingo Consensus, 2013

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of official sources.

Recognition of violence against women as a relevant issue on the international human rights agenda is expressed in action by the committees charged with monitoring the Convention on the Elimination of All Forms of Discrimination against Women and the Convention of Belém do Pará as they follow up and evaluate the steps taken by States towards the prevention, punishment and eradication of violence against women. It is also a prominent theme in the vast majority of the interventions of other bodies such as the Committee on Civil and Political Rights,⁴ the Committee on Economic, Social and Cultural Rights⁵ and the Committee against Torture.⁶

⁴ The Committee on Civil and Political Rights is the body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights by its States parties. All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Covenant and then whenever the Committee requests (usually every four years).

⁵ The Committee on Economic, Social and Cultural Rights monitors compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, as well as the degree of realization of the rights and obligations in question.

⁶ The Committee against Torture is the independent expert body that monitors implementation by the States parties of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The final recommendations emerging from sessions held by these committees in 2012 and 2013 for the specific evaluation of States extensively covered the issue of violence against women (regardless of whether this was defined as gender-based violence, family violence, domestic violence, sexual violence, human trafficking or harmful traditional practices).⁷

In addition to these recommendations, alternative reports submitted by civil society organizations (specifically in this case, the feminist and women's movement) have spurred progress because of their impactfulness.

The information set out in table II.2 shows the relevance of violence against women in the work of human rights monitoring bodies that do not specifically target women's rights, and bears eloquent witness to the extent of this scourge in all of the countries.

Table II.2
Violence against women in the recommendations of the Committee on Civil and Political Rights, the Committee on Economic, Social and Cultural Rights, and the Committee against Torture, 2012 and 2013

Body	Countries examined that received specific recommendations on violence against women	Specific recommendations in relation to the total number of countries examined
Committee on Civil and Political Rights	104th, 105th and 106th sessions (2012): Portugal, Turkey, the Philippines, Bosnia and Herzegovina, Germany, Iceland, Kenya, Maldives, Lithuania, Malawi, Yemen, Dominican Republic, Guatemala, Turkmenistan	Specific recommendations included for 13 of the 14 countries examined ^a
	107th, 108th and 109th sessions (2013): Angola, Hong Kong (Special Administrative Region of China), Macau (Special Administrative Region of China), Paraguay, Peru, Albania, Czech Republic, Finland, Indonesia, Tajikistan, Ukraine, Plurinational State of Bolivia, Djibouti, Mauritania, Mozambique, Uruguay	Specific recommendations included for all of the countries examined (16)
Committee on Economic, Social and Cultural Rights	48th and 49th sessions (2012): Equatorial Guinea, Ecuador, Tanzania, Iceland, Bulgaria, Mauritania, Slovakia, Spain, New Zealand, Ethiopia, Peru, Cameroon	Specific recommendations included for all of the countries examined (12)
	50th and 51st sessions (2013): Azerbaijan, Denmark, Islamic Republic of Iran, Jamaica, Japan, Rwanda, Togo, Albania, Austria, Belarus, Belgium, Bosnia and Herzegovina, Djibouti, Egypt, Gabon, Kuwait, Norway	Specific recommendations included for 14 of the 17 countries examined
Committee against Torture	48th and 49th sessions (2012): Norway, Mexico, Russian Federation, Togo, Czech Republic, Armenia, Albania, Syria, Greece, Rwanda, Canada, Cuba	Specific recommendations included for 11 of the 12 countries examined ^b
	50th and 51st sessions (2013): Plurinational State of Bolivia, Estonia, Guatemala, Japan, Kenya, Mauritania, Netherlands, Netherlands Antilles and Aruba, United Kingdom, Andorra, Belgium, Burkina Faso, Kyrgyzstan, Latvia, Mozambique, Poland, Portugal, Uzbekistan	Specific recommendations included for 15 of the 18 countries examined

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of information provided for the Office of the United Nations High Commissioner for Human Rights.

^a Excludes Turkmenistan.

^b Excludes Syria.

⁷ Even within the same body, recommendations define violence quite differently. They can refer to gender-based violence, violence against women, or family or domestic violence, presumably in keeping with the laws of the individual country and the terms of national alternative reports received for each case.

The growing calls for the right to a life free of violence within the framework of a review of the implementation of other rights in a number of contexts are indicative of the practical application of the principles of universality, indivisibility, interdependence and non-regressivity of human rights. Because the principle of non-discrimination cuts across the entire system, the indivisibility and interdependence of rights means that they are all equally important and should be equally respected since they are all essential for human life. Violating one of them undermines the others. In addition, according to the principle of progressivity, both the interpretation of human rights and the machineries for their realization should make steady progress without losing ground already gained.

The observations and recommendations delivered by the treaty committees after the review process provide a road map for pinpointing unresolved issues in the field of human rights standards. These recommendations are geared towards legal reform, establishment of effective machineries for the investigation of acts of violence, compliance with due diligence processes for investigation and punishment, creation of mechanisms for redress and budget allocation for agencies for the advancement of women and other institutions for effective enforcement. Improving enforcement of existing legislation and identifying better sources of information for adequate follow-up of obligations are two recommendations that apply across the countries of the region.

Box II.2

Implementing international recommendations in national legislation

In 2012, the Regional Office for Central America of the Office of the United Nations High Commissioner for Human Rights issued a publication compiling the observations and recommendations of treaty bodies and special procedures on violence against women in El Salvador, providing an overview that is relevant to all of the countries. According to the introduction, “read as a whole, the recommendations and observations provide an indispensable guide for understanding progress and challenges, recalling the obligation to exercise due diligence in investigating facts (violence in couples, sexual violence, trafficking, child prostitution), reforming judicial systems and legislative frameworks, strengthening and developing institutional capacities in the agencies charged with response and care and allocating the necessary resources to work towards the elimination of violence against women”. The report includes recommendations and observations of treaty bodies (Human Rights Committee, Committee on the Rights of the Child, Committee on the Rights of the Child under the Optional Protocol, Committee against Torture, Committee on the Protection of the Rights of All Migrant Workers and Members of their Families and Committee on the Elimination of Discrimination against Women), recommendations emerging from special procedures (Special Rapporteur on the sale of children, child prostitution and child pornography; Special Rapporteur on violence against women, its causes and consequences) as well as the Universal Periodic Review. One of the consequences of this important survey work was the development of a protocol for the investigation and punishment of femicide in El Salvador, drafted jointly with the National Public Prosecutor’s Office.

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of Office of the United Nations High Commissioner for Human Rights (OHCHR), *Report on creating and/or strengthening synergies and linkages on violence against women and girls (A/HRC/23/25)*.

The Universal Periodic Review (UPR) is the Human Rights Council mechanism for assessing the human rights situation in the 193 Member States of the United Nations.⁸ In its second cycle of evaluations undertaken in 2012, it was noted that violence against women in its various forms was present in most cases examined, with specific recommendations addressed to specific aspects of the problem.⁹

⁸ The system provides for reporting by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the participation of civil society through alternative reports. However, the evaluation itself is carried out among States, that is, between peers.

⁹ According to the information in the UPR Info database, 39 of the 48 States examined in the second evaluation round received specific recommendations on the situation of violence against women. See [online] <http://www.upr-info.org>.

Throughout 2009-2012 the Human Rights Council and its mechanisms conducted an in-depth examination of the dimensions of violence and laid out States' obligations stemming from the rules of due diligence, successful strategies and current obstacles.¹⁰ Owing to the importance of this assessment among countries as peers, the report notes that examinations and recommendations should be fully integrated into the Council's efforts for States to be accountable and fulfil their obligations. To this end it suggests a number of recommendations such as promoting discussion of the issue in special sessions on specific countries, following up on its resolutions, promoting incorporation into resolutions of commissions of inquiry and fact-finding missions, fostering dialogue and the exchange of information between bodies of the human rights protection system and encouraging cooperation among them.

Gains in the international arena in addressing violence against women repeatedly come up against the gap between legally enshrined rights and their effective exercise. This is a concern that has been brought to the countries of the region within the framework of the regional system of protection of human rights, such as the mechanism for monitoring the Convention of Belém do Pará, as will be seen below.

The first intervention of the Inter-American Commission on Human Rights (IACHR) was in 2001, to hear a case of alleged violation of the Convention of Belém do Pará. In the landmark *Maria da Penha Maia Fernandes v. Brazil* case, the State was held accountable for impunity in the face of violence suffered by the petitioner at the hands of her former partner, noting that that situation was part of a systematic pattern of judicial ineffectiveness that not only violated the obligation to prosecute and convict the aggressor but —by sending a message of impunity— failed to fulfil the duty to prevent such degrading practices (IACHR, 2001). A few years later, IACHR published a study documenting the main obstacles confronting women in Latin America and the Caribbean in accessing the legal protection tools available in their countries, identifying the gaps in punishing the acts of violence they are subject to in various areas of their lives (IACHR, 2007). This study was followed by other interventions based on IACHR¹¹ and Inter-American Court of Human Rights¹² rulings in specific cases, such as studies that have helped to document the challenges faced by the countries of the region in addressing violence in its various manifestations.¹³

With a number of countries posting substantial improvements, the regional system has contributed to the systematization of legal standards with which States parties must comply, not only at all levels of government, but primarily in justice administration bodies as the ultimate guarantors of respect for rights and redress for violations.¹⁴ The judiciary has gained importance in recent years and drawn the attention of civil society, governments and international agencies with regard to initiatives aimed at ensuring enforcement of women's rights and standards for guaranteeing protection against violence and discrimination. The third chapter of this report reviews the efforts made by the judiciary in particular and the State in general.

¹⁰ The *Report on creating and/or strengthening synergies and linkages on violence against women and girls* includes a review of resolutions of the Human Rights Council, commissions of inquiry and fact-finding missions, the Advisory Committee, the Expert Mechanism on the Rights of Indigenous Peoples and the Forum on Minority Issues, the Universal Periodic Review, other special procedures and other relevant intergovernmental processes (OHCHR, 2013).

¹¹ The substantive decisions made by the Inter-American Commission on Human Rights on the topic of violence against women include *Maria da Penha Maia Fernandes v. Brazil* (involving the State's obligations in the face of situations of violence, discrimination and the duty of due diligence) and the *Raquel Martín de Mejía v. Peru* ruling on sexual violence and access to justice.

¹² Landmark Inter-American Court of Human Rights cases include *Castro-Castro Prison v. Peru* (defining sexual violence and its link to the integrity of women); *González et al. ("Cotton Field") v. Mexico* (crucial for advancing the standard of State due diligence in relation to acts committed by individuals); and *Fernández Ortega et al. v. Mexico* (involving sexual violence and specific barriers to access to justice for indigenous women).

¹³ Worthy of note are the following studies and thematic reports issued by IACHR over the past few years: *Access to Maternal Health Services from a Human Rights Perspective* (2010); *The Work, Education and Resources of Women: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights* (2011); *The Road to substantive democracy: Women's political participation in the Americas* (2011); *Access to Justice for Women Victims of Sexual Violence in Mesoamerica* (2011); and *Access to Justice for Women Victims of Sexual Violence: Education and Health* (2011).

¹⁴ These standards are gathered together in the IACHR publication *Legal Standards Related to Gender Equality and Women's Rights in the Inter-American Human Rights System: Development and Application* (2011).

Since 1994, the inter-American system has made significant gains in the legal standards applicable to violence against women. Encouraged by wide ratification of the Convention of Belém do Pará, this progress is reflected in statements by inter-American human rights system mechanisms, including substantial IACHR rulings and IACHR judgments and thematic reports. Some of the legal standards were recently systematized to provide guidance for assessing the judiciary's degree of compliance with its obligations. They can be summarized as follows (IACHR, 2011, p. 6).

- The close connection between the problems of discrimination and violence against women;
- The immediate obligation of the States to act with due diligence to prevent, investigate, and punish swiftly and without delay all acts of violence against women, committed by State and non-State actors;
- The obligation to ensure the availability of effective, adequate, and impartial judicial mechanisms for victims of violence against women;
- The consideration of sexual violence as torture when it is perpetrated by State agents;
- The obligation of States to implement actions to eradicate discrimination against women and the stereotyped patterns of behavior that promote their treatment as inferiors in their societies;
- The duty of legislative, executive, and judicial organs to analyse, with strict scrutiny, all the statutes, regulations, practices, and public policies that establish differential treatment based on sex, or that may have a discriminatory impact on women in practice;
- The duty of States to consider, in the policies they adopt to promote gender equality, the particular risk of human rights violations that women may face due to factors combined with their sex, such as age, race, ethnicity, and economic position, among others.

B. Recognition of different forms of violence against women. Challenges for national legislation in the region

International and regional instruments providing a framework for national legislation differentiate between various forms of violence against women. The *In-depth study on all forms of violence against women. Report of the Secretary-General* (2006) identified and described a wide range of modalities in which violence takes place, differentiating the settings in which it happens.

In Latin America and the Caribbean, the Belém do Pará Convention also sets out key definitions of the different manifestations of violence against women in the region. The Convention, ratified by 32 Member States of Latin America and the Caribbean, provides a framework for national standards. Article 1 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”.

Article 2 further describes behaviours that constitute manifestations of physical, sexual and psychological violence. It provides the clearest parameters to date for examining the nature of all legal definitions and policies that have been implemented in national laws. The three types of violence defined encompass all kinds of offences in force and thus provide a comprehensive and exhaustive definition, avoiding a case-based approach. It is also specified that violence against women is violence that occurs “within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse; that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in education institutions, health facilities or any other place and that is perpetrated or condoned by the State or its agents regardless of where it occurs”.

Table II.3
Forms and manifestations of violence against women in various settings as classified by the United Nations (2006)

Violence scenario	Setting in which it takes place	Description of acts of violence
Violence against women within the family	Intimate partner or ex-partner violence	Sexually, psychologically and physically coercive acts used against adult and adolescent women by a current or former intimate partner, without her consent
	Harmful traditional practices	Female infanticide and prenatal sex selection Early marriage Dowry-related violence Female genital mutilation/cutting Crimes against women committed in the name of “honour”, and maltreatment of widows
Violence against women in the community	Femicide/feminicide	Gender-based homicide of a woman
	Sexual violence by non-partners or non-ex partners	Violence by a relative, friend, acquaintance, neighbour, work colleague or stranger Includes forced sexual initiation and dating violence
	Sexual harassment and violence in the workplace, education institutions and in sport	Sexual harassment or unwanted sexual behaviour Sexual exploitation and harassment from coaches, spectators, managers and family or community members
	Trafficking in women	Involves many actors including families, local brokers, international criminal networks and immigration authorities May be for purposes of sexual or labour exploitation
Violence against women perpetrated or condoned by the State	Custodial violence against women	Sexual violence, harassment, shaming Inappropriate surveillance of women in custody during showers or undressing Verbal sexual harassment Torture, cruel, inhuman or degrading treatment or punishment
	Forced sterilization	Use of sterilization to control the reproductive behaviour of the female population or a particular subgroup
Violence against women in armed conflict	Physical, sexual and psychological violence perpetrated by both State and non-State actors	Murder, torture and other cruel, inhuman or degrading treatment or punishment Abductions, maiming and mutilation Forced recruitment of women combatants Sexual violence, rape, sexual slavery, sexual exploitation Involuntary disappearance, arbitrary detention Forced marriage, forced prostitution, forced abortion, forced pregnancy and forced sterilization
Violence against women and multiple discrimination	Factors that can determine multiple discrimination	Race, ethnicity, caste, class Migrant or refugee status Age, religion, sexual orientation, marital status, disability HIV status

Source: Natalia Gherardi, “La violencia contra las mujeres en la región”, *Si no se cuenta, no cuenta. Información sobre la violencia de las mujeres, Cuadernos de la CEPAL*, No. 99 (LC/G.2510-P), Diane Almeras and Coral Calderón (coords.), Santiago, Chile, Economic Commission for Latin America and the Caribbean (ECLAC), 2012. United Nations Publication, Sales No: S.12.II.G.8.

The Convention not only strengthens the right of women to be free from violence in both the public and private spheres (article 3), but also recalls that this right includes the right to be free from all forms of discrimination (article 6). Acknowledging the link between violence and human rights can show how violence against women affects their most basic rights: the right to life, to equality before the law and in the family, to physical and mental health, to just and favourable conditions of employment, to not be subjected to torture or cruel, inhuman or degrading treatment or punishment, to protection under conditions of equality in accordance with humanitarian standards in times of international or internal armed conflict, to freedom and personal safety (ECLAC, 2009).

In Latin America and the Caribbean, the Belém do Pará Convention has been the basis for laws and has been explicitly incorporated into national legislation, ranking above the law (as in Argentina, Brazil and the Plurinational State of Bolivia) or equal to it (as in Chile). In accordance with the procedures for the ratification of treaties, the provisions of the Convention take precedence over domestic legislation (in Colombia, Guatemala and Paraguay) and are directly applicable (as in Ecuador, Mexico and Peru). There is less information concerning the countries of the Caribbean.

Despite the comprehensive description of the various manifestations of violence against women in international and regional instruments, progress by the States of the region in addressing the issue by means of laws and policies is not as broad and tends to focus on certain forms of violence. These are generally related to violence in interpersonal relations (particularly by an intimate partner or former partner) and overlook other settings such as sexual harassment at work, in education institutions or health facilities and violence in situations of conflict.

Blanket legislation on violence is seen as the most appropriate way to address the various manifestations of violence against women in a unified, consistent way. But the existence of laws is not enough to eradicate violence against women. Among the challenges that arise in practice is the tension between different policy frameworks (some designed to protect the family or domestic unit and others specifically aimed at protecting women and girls). If at the drafting stage the complementarity of their goals is not taken into consideration, there can be uncertainty as to the applicable rules and standards of protection available. Something similar occurs with respect to sexual violence in marriage, where there can be contradictions between comprehensive standards of protection and specific penal standards (OAS, 2012a).

The *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)* sets out, in addition to general recommendations, specific recommendations to countries as an outcome of the examination of national reports. Reports to the Caribbean countries tend to include recommendations to amend legislation broadening the legal framework concerning “domestic violence” so that it encompasses the range of manifestations of violence against women, urging States to enact national plans for combating violence.

While the existence of comprehensive legislation does not ensure the eradication of various forms of violence, the lack thereof diminishes the potential to pursue a life free of violence against women. This explains the concerns expressed by MESECVI regarding the absence, in most countries of the region (with the exception of Chile and Colombia), of laws against sexual violence perpetrated by State agents or in contexts of armed conflict.

The recommendations of this body urge the countries of Latin America to:

- Develop better sources of information for proper follow-up and evaluation of the initiatives undertaken in recent years;
- Implement national action plans to combat violence against women in a comprehensive manner allowing for coordination and systematization across sectors;
- Allocate resources for the full implementation of the National Plan for Violence (Plurinational State of Bolivia);
- Develop mechanisms for coordination among the machineries for advancement for women and public entities that produce official statistics (Argentina); to step up efforts to ensure that progress in the policy sphere is fully implemented;

- Monitor the implementation of protection measures in the justice system and the quality of the judicial system;
- Implement specific measures to ensure respect for the autonomy of and access to justice for rural and indigenous women;
- Take urgent measures to ensure due diligence in investigating, punishing and eradicating violence against women in armed conflict and post-conflict situations, and
- Take measures to eliminate reconciliation mechanisms for cases of violence.

Box II.3 Banning reconciliation

An important step towards commitment to guarantee a life without violence for women is the express prohibition of reconciliation, mediation or other procedures that seek out-of-court resolution. Such bans tend to bolster the effectiveness of guaranteed access to justice and so highlight the importance of ensuring that all forms of reconciliation are eliminated, not only in legislation but also in judiciary conduct and practice. The focus should be on judicial practices that, according to the data set out in the *Second Hemispheric Report on the Implementation of the Belém do Pará Convention*, show that alternative conflict resolution is still being used despite being prohibited by law. The report to Costa Rica (MESECVI-IV/doc.76/12) recommends “issuing rules that clearly prohibit alternative means (reconciliation, mediation, criterion of opportunity) in cases of violence against women”. The Guatemala report (MESECVI IV/doc.80/12) notes that “although reconciliation or mediation is an alternative prohibited by law, it continues to prevail in the cultural and social imaginary of the implementers of justice and service providers in cases of violence against women. This results in revictimization and prevents access to justice for women victims and survivors”. This highlights the complexity of implementing advances in legislation.

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean.

The mechanisms and systems for monitoring and follow-up of commitments made by States at the regional and international levels are in addition to a major initiative launched in 2008: the United Nations Secretary-General’s “UNiTE to End Violence against Women” campaign, which aims to raise public awareness and boost political will and resources for preventing and ending all forms of violence against women and girls in all parts of the world. The campaign is structured around five specific objectives to be attained by 2015, coinciding with the target date for States to fulfil the Millennium Development Goals.

One of the work strategies for the Secretary-General’s campaign is the establishment of regional chapters. The chapter for Latin America and the Caribbean has three regional pillars corresponding to the objectives of the global campaign. The first pillar, “No more impunity”, focuses on care, protection, punishment and redress for victims and survivors. The second pillar, “No more victims” concerns prevention and is running the “Brave is not violent” campaign in a number of countries in the region to involve men and boys in eradicating violence, including activities to involve the education system in the region. The third pillar, “It’s everybody’s responsibility” seeks awareness and impact and has brought influential actors from the arts, the media and the private sector into the campaign.

In the context of the “UNiTE to End Violence against Women” campaign, the United Nations High Commissioner for Human Rights and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) have backed the drafting of a *Model Latin American protocol for investigating violent deaths of women for reasons of gender (femicide/feminicide)*.¹⁵ The aim is to

¹⁵ For further information, see [online] http://www.oacnudh.org/wp-content/uploads/2014/08/Modelo_de_Protocolo.pdf.

promote effective investigation and compliance with the duty of due diligence regardless of national regulations on femicide/feminicide. This means that whether or not any given country provides for a specific criminal offence, the obligation of States is always to act with due diligence in investigating, punishing, redressing and preventing femicide in accordance with the terms of the Committee on the Elimination of Discrimination against Women.

Box II.4

UNiTE to End Violence against Women Campaign and Orange Day

Every year from 25 November to 10 December (Human Rights Day), the *UNiTE to End Violence against Women Campaign* holds 16 days of activism. Since 2013, “Orange Day” is celebrated on the 25th of each month with the goal of putting an end to violence against women and girls.

Orange Day is a day to raise awareness and prevent violence against women and girls. The campaign calls for activists and United Nations partners to mobilize people and discuss issues related to the prevention and elimination of violence against women and girls, not just once a year on 25 November (International Day for the Elimination of Violence Against Women), but every month.

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean.

Box II.5

International Day for the Elimination of Violence against Women

Every 25 November is a call to commemorate the Mirabal sisters, who were murdered in the Dominican Republic in 1960 under the Trujillo dictatorship. It is also an opportunity to remember that around the world women continue to suffer violence just because they are women.

Since 1981, when feminists in Latin America and the Caribbean first revived their memory, these sisters from the Dominican Republic have become a symbol of the call to fight to end violence against women around the world. This call was taken up by the United Nations, which in 1999 chose 25 November as the International Day for the Elimination of Violence against Women.

On 25 November each year, Governments, international organizations and non-governmental organizations have the opportunity to renew their commitment to women and girls, reporting on the progress made by individual countries and setting in motion further actions and initiatives for the right of women and girls to live a life free from violence.

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean.

III. The magnitude of the problem: measuring violence against women

Although the past two decades have seen growing public awareness of violence against women as well as advances in public policy-making in this sphere, this has not gone hand-in-hand with progress in the production of quantitative data that would show the magnitude of the problem. The information gaps in the region become obvious whenever the countries draft follow-up reports on international treaties or conventions, as in the case of reports to the Committee on the Elimination of Discrimination against Women or MESECVI or regional consensus reports.¹⁶

There are two types of instruments for measuring violence against women: (a) surveys, which gauge the incidence and prevalence of violence against women; and (b) administrative records, which yield information on incidents that have taken place and have been entered in the information systems of public services (health, police, justice, Ministry of the Interior) as well as information on State resources available. These are methods that should be complementary, because it is the only approach that can provide a picture of the scope and nature of violence (ECLAC, 2012).

The process of documenting data on violence against women can be described as a pyramid. At the base are all of the incidents with information on what happened and where. This information can be estimated only on the basis of representative surveys of events in society at large.

At the second level of the pyramid are acts of violence for which there is an actual administrative or service-provider record, either because they were reported or because the victims sought medical care. The challenge here is to improve records at institutions and build consensus as to their use; new technologies and monitoring initiatives implemented by countries can help move this process forward.

At the third level are cases entering the justice system through public prosecutor's offices and the judiciary, which keep a record of new cases and monitor the flow of cases and legal action outstanding. And at the apex of the pyramid are cases that are resolved, with measures taken to protect victims and sentences handed down and completed. These are part of court and prison records.

¹⁶ ECLAC (2012) noted that the lack of information on violence and sex-disaggregated data was mentioned in most of the specific recommendations of the Committee on the Elimination of Discrimination against Women to States that were examined in 2010. The same is true for subsequent Committee sessions.

The absence, heterogeneity and dispersion of information on violence against women have been tackled by a number of actors, international organizations and State entities. Among them are the Working Group on Gender Statistics of the Statistical Conference of the Americas of the Economic Commission for Latin America and the Caribbean.¹⁷ Since its establishment at the fourth meeting of the Conference in 2007, this working group has promoted the coordination of inter-agency efforts and encouraged initiatives for the production and analysis of gender statistics in the countries of the region, as well as their use in public policies geared towards gender equality.

Another goal is to progress in the harmonization of gender statistics in national statistical offices. One of the core strategies is to foster joint work between national statistical institutes and machineries for the advancement of women at the country level. This strategy is also identified as a priority by MESECVI in its Second Hemispheric Report.

Box III.1

International meetings on gender statistics in Aguascalientes

Improving information on violence against women is on the agenda of the international meetings on gender statistics organized yearly by the National Institute of Statistics and Geography (INEGI), the National Women's Institute (INMUJERES), the Division for Gender Affairs of ECLAC and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). These meetings are essential for developing gender statistics in the region and strengthening the commitment of and communication among national statistical offices and machineries for the advancement of women. They provide a forum for dialogue for reflection, sharing good practices and building networks and a community of ideas in order to step up the pace so that statistics with a gender perspective can serve their original purpose as essential input to support the actions of the State (see [online] <http://www.cepal.org/deype/ceacepal/gt-genero.htm>).

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean.

In addition to the lack of information, there are data complementarity issues at both the national and the international level. Within individual States it is seldom possible to reconcile the information gathered by different institutions (police, health services, judicial institutions, agencies for the advancement of women) and in different geographic areas (cities, regions, country). Efforts to conduct region-wide analyses of trends and developments in the area of violence against women are progressing slowly.

But the countries of the region are working to harmonize data on violence against women and gender-based violence, generate information according to dimensions of violence and build single records systems or observatories to report on the situation.

A. Surveys

Since the 1990s, a number of Latin American and Caribbean countries have been collecting data by means of violence-against-women modules in household surveys, reproductive health surveys, demographic and health surveys, victim surveys and, more recently, national surveys on violence. These tools tend to use questions concerning violence perpetrated by intimate partners or former partners, violence against girls, boys and adolescents, and sexual violence. The resulting data have been useful as a basis for public policymaking.

¹⁷ The member countries of the Working Group on Gender Statistics of the Statistical Conference of the Americas of ECLAC are the Bahamas, the Bolivarian Republic of Venezuela, Brazil, Chile, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Panama and the Plurinational State of Bolivia.

Demographic and health surveys and reproductive health surveys were originally designed to research population and reproductive health issues, but many now include modules on violence against women. While these surveys differ in the questionnaires used and in some methodological aspects, their measurements of violence are similar enough for comparative analysis.¹⁸ The findings of these surveys show that these countries were right to increasingly include short modules on violence against women. This has yielded key data for identifying core issues for public policy geared towards effective and efficient measures for the prevention, punishment and eradication of sexual and physical violence, especially in partner relationships.

Table III.1
Latin America and the Caribbean: demographic and health surveys
and reproductive health surveys

	Demographic and health surveys	Reproductive health surveys
Bolivia (Plurinational State of)	1989, 1994, 1998, 2003, 2008	
Brazil	1986, 1991, 1996	
Colombia	1991, 1995, 2000, 2005, 2010	
Costa Rica		1986, 1992-1993
Dominican Republic	1999; 2002; 2007; 2007; 2013	
Ecuador	1987	1989, 1994, 1998-1999, 2004
El Salvador	1985	1975, 1978, 1988, 1993, 1998, 2002-2003, 2008
Guatemala	1995, 1997, 1998-1999	1978-1979, 1983, 2002, 2008-2009
Guyana	2009	
Haiti	2000; 2005-2006; 2012	1989
Honduras	2005-2006; 2011-2012	1987; 1991-1992; 1996; 2001
Jamaica		1989; 1993; 1997; 2002-2003; 2008-2009
Mexico	1987	
Nicaragua	1998; 2001	1992-1993; 2006-2007
Panama		1979; 1984-1985
Paraguay	1990	1977; 1987; 1995-1996; 2004; 2008
Peru	1986; 1991-1992; 1996; 2000; 2004-2006; 2007-2008; 2009; 2010; 2011; 2012	
Trinidad and Tobago	1987	

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean on the basis of Demographic and Health Surveys (DHS) [online] <http://www.measuredhs.com/> and Centers for Disease Control and Prevention.

As part of the statistics harmonization process, the General Assembly asked the Statistical Commission to develop and propose a set of indicators.¹⁹ To this end, the Friends of the Chair of the United Nations Statistical Commission on the indicators on violence against women²⁰ was established in 2008 to propose a list of basic indicators to facilitate regular, accurate and relevant statistical measurement of violence against women within national statistical systems and provide guidelines for

¹⁸ For Colombia, the Dominican Republic, Haiti, Honduras, Peru and the Plurinational State of Bolivia, demographic and health surveys were used. For Ecuador, El Salvador, Guatemala, Nicaragua and Paraguay information was obtained from reproductive health survey reports. The findings set out below relate to women's experiences over the past 15 years, with the exception of the Plurinational State of Bolivia (2008) and Honduras (2005 and 2011-2012), where women were asked about their most recent experiences, that is, over the past 12 months. All of the demographic and health surveys asked women of reproductive age (15-49) if they had ever been married or had a partner, as well as about their current or most recent relations, with the exception of Honduras, where they were asked about all their relations in the past year. The reproductive health surveys had questions concerning situations with any partner throughout the woman's life.

¹⁹ Resolution 61/143.

²⁰ Established by the Statistical Commission at its thirty-ninth session (decision 39/116), this group consists of representatives of Botswana, Bulgaria, Canada, Chile, Ghana, Italy, Mexico (the Chair) and Thailand.

producing statistics on violence against women. The Friends of the Chair identified the following basic indicators for surveys on violence against women:

- Total and age-specific rate of women subjected to physical violence during their lifetime by severity of violence, relationship to the perpetrator and frequency.
- Total and age-specific rate of women subjected to sexual violence in the past 12 months by severity of violence, relationship to the perpetrator and frequency.
- Total and age-specific rate of women subjected to sexual violence during their lifetime by severity of violence, relationship to the perpetrator and frequency.
- Total and age-specific rate of ever-partnered women subjected to sexual and/or physical violence by current or former intimate partner in the past 12 months by frequency.
- Total and age-specific rate of women subjected to sexual or physical violence by current or former intimate partner during their lifetime, by frequency.

To move ahead in developing these indicators at the national level, in 2013 the United Nations Statistical Commission adopted the *Guidelines for Producing Statistics on Violence against Women*²¹ to arrive at accurate data that are comparable across countries. Their goal is to assist countries in assessing the scope, prevalence and incidence of violence against women, and to meet the need to provide national teams in charge of statistics with methodological advice regarding selection of topics, sources of data, relevant statistical classifications, outputs, wording of questions and all other issues relevant for national statistical offices in their work on population-based surveys on violence against women.

The *Guidelines* lay out, in separate chapters, the need for and features of surveys on violence, concepts and definitions related to violence against women and the requirements for gathering data, the steps to take when planning surveys, how to design questionnaires, how to conduct surveys and train survey-takers, and directions for data processing, analysis and dissemination. In short, it is an important tool for advancing the measurement of violence against women—which continues to pose an enormous challenge in the region.²²

1. National surveys in Ecuador, Mexico and Uruguay

The *Guidelines* opened a methodological dialogue in devising surveys in Ecuador (2011), Mexico (2011) and Uruguay (2013) to obtain information for determining the prevalence of violence among women aged 15 and over. As well as yielding national information, these instruments offer an example for other countries in Latin America.

In late 2011, the National Institute of Statistics and Geography (INEGI) of Mexico joined with the National Women's Institute (INMUJERES) in conducting the National Survey on the Dynamics of Household Relationships (ENDIREH) and obtained information from a sample of 152,636 women aged 15 and over. Some 27,203 of them were married or in a relationship (17.8%); 87,169 (57.1%) were separated, divorced or widowed; and the remaining 38,264 (25.1%) were single women who had never been married or in a relationship.²³ This survey followed previous editions of ENDIREH in 2003 and 2006.

²¹ See [online] http://unstats.un.org/unsd/gender/docs/Guidelines_Statistics_VAW.pdf.

²² Discussing and designing this initiative took a long time and involved many technical and political consultations since the United Nations General Assembly, in resolution 61/143 of 2006 on intensification of efforts to eliminate all forms of violence against women, requested the Statistical Commission to develop and propose, in consultation with the Commission on the Status of Women, and building on the work of the Special Rapporteur on violence against women, its causes and consequences, a set of possible indicators on violence against women in order to assist States in compiling data on violence against women.

²³ INEGI [online] <http://www.inegi.org.mx/est/contenidos/Proyectos/encuestas/hogares/especiales/endireh/>.

In the private sphere it covers women who are married or in a relationship who had ever suffered violence perpetrated by their partner, women who had ever been married or in a relationship and suffered violence by a former partner, single women, and women aged 60 and over who had suffered violence in a family setting. In the public sphere it covers women victims of violence in community setting, in school or in the workplace.

The first *Survey of family relations and gender-based violence in Ecuador* was the first of its kind in Ecuador and the second in Latin America after the Mexican survey. It was conducted in 2011 by the National Statistics and Census Institute (INEC) and covered women over 15 years of age in 18,800 households at the national, urban and rural level, with the aim of generating data on the prevalence, incidence and magnitude of the various types of gender-based violence suffered by women both in private and in public, and on their knowledge of the justice system and their perceptions of the institutional response.²⁴

The overall goal of the Uruguay survey, conducted during the second half of 2013, was to quantify the extent of gender- and generation-based violence against women aged 15 and over perpetrated by their partners, former partners, relatives, acquaintances or strangers, both within and outside the home (school, workplace and social settings). The form for collecting information has different modules covering potential settings for violence throughout life and the different types of violence listed in Uruguay's Domestic Violence Act No. 17.514: physical violence, sexual violence, psychological violence and property violence.²⁵

Box III.2

Ecuador, Mexico and Uruguay survey findings

Surveys show that 63 out of every 100 women in Mexico and 60 out of every 100 women in Ecuador have suffered some form of violence, either by their partner or another person. They also show that violence against women occurs more frequently among women who have or have had a partner (married, in a relationship, separated, divorced or widowed): 48.7% in Ecuador, 47% in Mexico and 45.4% in Uruguay. In these countries, emotional or psychological violence at least once during the relationship is the most prevalent (43.4% in Ecuador; 43.1% in Mexico and 43.7% in Uruguay) and involves insults, threats, humiliation, intimidation and other psychological or emotional abuse. In Mexico and Uruguay this is followed by economic violence (24.5% and 19.9%, respectively), then physical violence (14% in Mexico and 14.8% in Uruguay) and sexual violence (7.3% in Mexico and 6.7% in Uruguay). By contrast, in Ecuador the next most frequent after emotional violence are physical violence (35%), sexual violence (14.5%) and property or economic violence (10.7%).

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean.

Other main findings of the Mexico survey have to do with settings (domestic or public).

- 14.7% of women who are married or in a relationship have suffered serious abuse.
- 43.6% of women aged 15 to 19 reported having suffered violence perpetrated by a partner during the relationship, compared with 46.9% of those aged 35 to 39 (the highest percentage for an age group). Of all women aged 15 and over 46.1% suffered partner violence during the current or most recent partner relationship.
- 27% of women speakers of indigenous languages reported partner abuse, compared with 34% of women who do not speak an indigenous language.

²⁴ Ministry of the Interior, INEC, Committee for Transition to the Council of Women and Gender Equity of Ecuador [online] http://www.inec.gob.ec/sitio_violencia/presentacion.pdf.

²⁵ The final results of Uruguay's survey will be available as of 25 November 2014.

The Mexico survey also provided information on violence against women in a public setting and showed the following:

In a community setting, 15.5% of women aged 15 and older have been victims of some kind of violence in public in the most recent 12 months (but not on a daily basis), ranging from insults to human rights violations. Of these women, 86.1% suffered intimidation, 18.2% were victims of sexual abuse and 15.8% suffered other forms of abuse.

In the workplace, the two types of violence highlighted in the survey are harassment (any kind of unwanted sexual advance or pressure, whether physical or verbal, resulting in a hostile work environment, making it difficult to perform tasks and impacting employment opportunities for the harassed woman) and discrimination (involving fewer options, promotions and benefits). At the national level, 22.6% of working women aged 15 and over suffered violence perpetrated by a colleague or superior in the workplace at some point during the year prior to the interview. Of these, 91.3% were victims of discrimination and 19.3% were victims of harassment.

In a school setting, violence refers to discrimination, bullying and sexual harassment and abuse in education establishments at some point over the lifetimes of the women interviewed, as well as relations and interactions in this environment. At the national level, 44.1% have been shunned, 24.9% have experienced humiliation or been teased, 24.2% have received sexual comments and 13.7% received proposals of a sexual nature in exchange for grades. Of the women who have suffered violence at school, 21.3% report that the perpetrators were teachers and 16.7% report that they were other school authorities. Schoolmates account for 70.8% of the cases of violence in schools.

The Ecuador survey found:

- By ethnicity, the indigenous population accounts for the highest proportion (67.8%) experiencing some form of violence, followed by Afro-Ecuadorian women (66.7%).
- Women who first married or entered a relationship between 16 and 20 years of age make up the highest proportion (70.5%), followed by women aged 21 to 25 (69.2%). The smallest proportion (51%) of women who have suffered violence are those who married between the ages of 26 and 30.
- More than 50% of the women with three or more children were victims of violence.
- Of women attending literacy centres, 70% had suffered some type of violence. Even though this percentage goes down as education attainment rises, it never falls below 50%.

B. Violence in health surveys

The World Health Organization (WHO) and the Pan American Health Organization (PAHO) recently joined forces to systematize information on violence against women in Latin America and the Caribbean so as to provide an overview of the situation, both worldwide and in the region.

For both organizations, framing violence against women not only as a flagrant violation of human rights but also as a public health problem further compels States to take effective, urgent measures to address it.

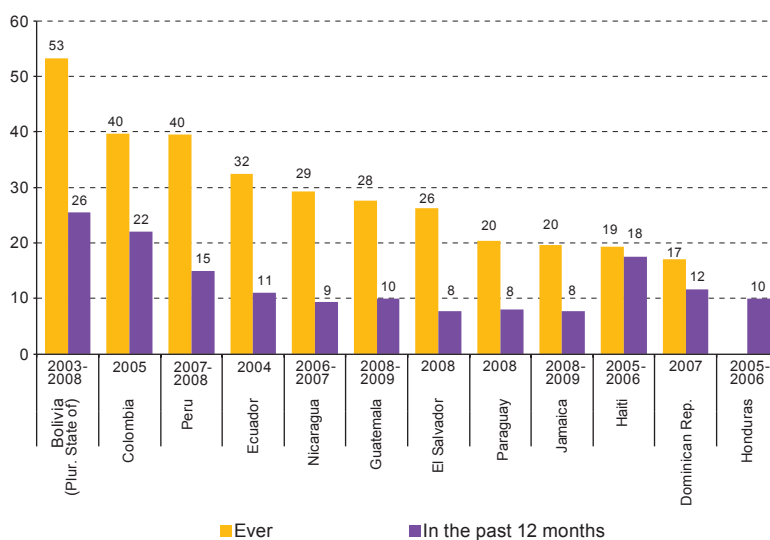
The 2013 WHO report, *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence*, provides a comprehensive picture of violence in the world. According to the report, 35% of women worldwide have experienced physical or sexual violence, or both, at the hands of their partner, or sexual violence perpetrated by a non-partner. While there are many other forms of violence that women may be exposed throughout their lives, this percentage alone represents an alarmingly large proportion of the world's women and hints at the dimension of a problem that is mostly hidden from view.

The WHO study is particularly interesting because it provides up-to-date information showing that violence is not inevitable but is preventable. This can be seen in the variations across countries, regions and contexts with different levels and kinds of violence, highlighting the need for further efforts to better understand the economic and sociocultural factors that foster the culture of violence against women, where their undervalued, dependent status is reinforced by social norms and practices. The health sector has a fundamental role to play here because it often provides the only opportunity to maintain contact with and build trust in women living in situations of violence, by supporting their first steps towards attention, containment and protection. WHO has issued a ringing call to make the new clinical guidelines and health sector response standards part of the clinical curriculum for health care staff and professionals so they understand the scope of their responsibility and the potential for proper care and referrals to comprehensive services.²⁶

At the regional level, the PAHO report *Violence against women in Latin America and the Caribbean: a comparative analysis of population-based data from 12 countries* (PAHO, 2012) provides comparative data on violence against women from 2003 to 2009 on the basis of the findings of demographic and reproductive health surveys in 12 countries of Latin America and the Caribbean. The surveys covered Colombia, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Nicaragua, Paraguay, Peru and the Plurinational State of Bolivia.

The PAHO report provides a comprehensive view of the situation and features of violence against women in the region. Figures III.1, III.2, III.3 and III.4 set out information from the PAHO report plus additional data prepared by the Gender Equality Observatory for Latin America and the Caribbean on the basis of the same surveys.

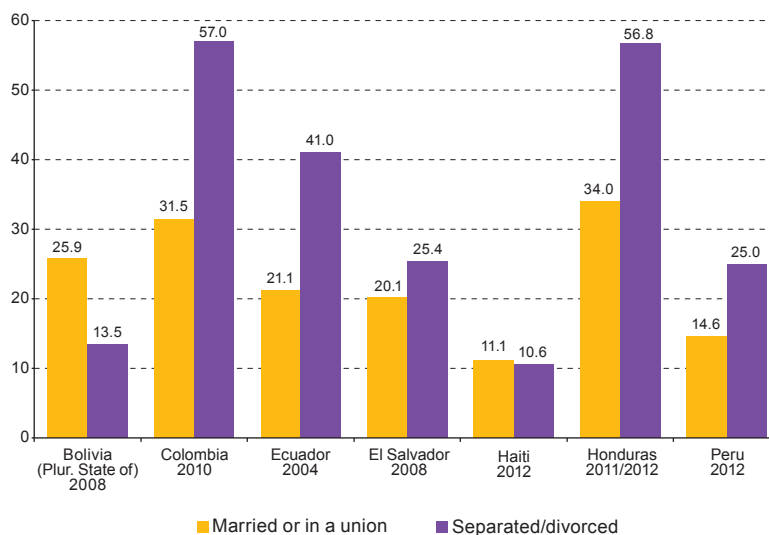
Figure III.1
Latin America (11 countries) and Jamaica: women reporting physical or sexual violence by an intimate partner or former intimate partner, ever and in the past 12 months, by survey year
(Percentages)



Source: Pan American Health Organization (PAHO), *Violence Against Women in Latin America and the Caribbean: A comparative analysis of population-based data from 12 countries*, Sarah Bott and others, Washington, D.C., 2012.

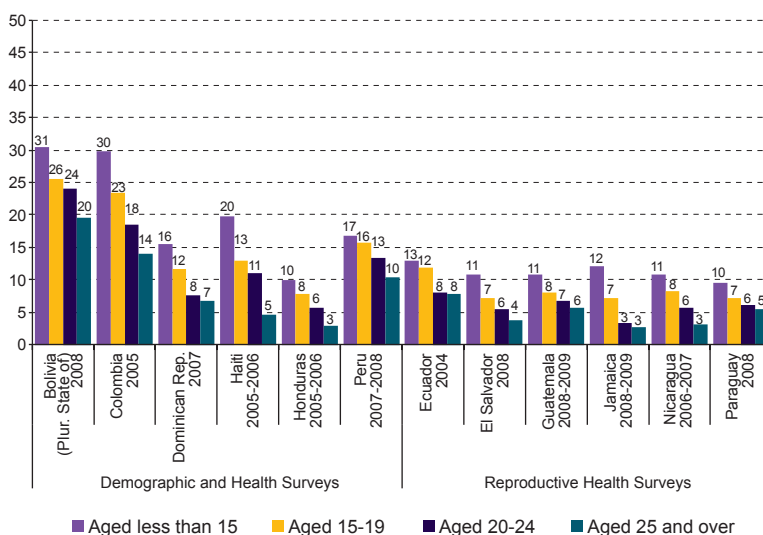
²⁶ Studies conducted in Argentina show how little public health professionals in the city of Buenos Aires know about the violence experienced by many women (Mejía and others, 2000; Majdalani and others, 2004; Mejía, 2005).

Figure III.2
Latin America (7 countries): women who have experienced some form of physical or sexual violence by their partner or former partner, by marital status
(Percentages)



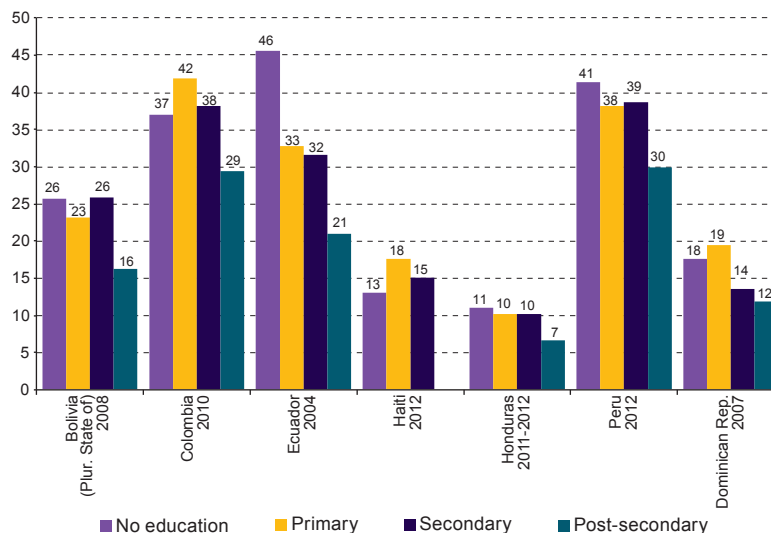
Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean on the basis of Demographic and Health Surveys (DHS) [online] <http://www.measuredhs.com/> and Centers for Disease Control and Prevention.

Figure III.3
Latin America (11 countries) and Jamaica: women who have experienced current or former-partner violence ever, according to age at first union.
Most recent survey data
(Percentages)



Source: Pan American Health Organization (PAHO), *Violence Against Women in Latin America and the Caribbean: A comparative analysis of population-based data from 12 countries*, Sarah Bott and others, Washington, D.C., 2012.

Figure III.4
Latin America (7 countries): women who had ever experienced intimate-partner or former-partner physical violence, by educational level, most recent survey data available
(Percentages)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean on the basis of Demographic and Health Surveys (DHS) [online] <http://www.measuredhs.com/> and Centers for Disease Control and Prevention.

First, the data show that physical and/or sexual violence against women by an intimate partner or former partner cuts across all subject countries and socioeconomic strata and is territorially diverse. The percentage of women who have ever been married or in a relationship who report having experienced physical or sexual violence by an intimate partner or former intimate partner ever may vary substantially from one country to another, but it is an issue in all of the countries. While it is to be hoped that the figures for physical and sexual violence over the past 12 months are lower than for any other period in time the prevalence is substantial across the region—running from 7.7% Jamaica in 2008-2009 to 25.5% in the Plurinational State of Bolivia in 2008.

The applied surveys cover from moderate or occasional physical violence to protracted and chronic situations, including severe beatings. According to the analysis, most women who had suffered some type of physical violence ever have reported serious acts such as punches or being threatened with a knife or other weapons. Many of these women also reported having been forced by a partner to have sexual intercourse.

In addition to physical and sexual violence, emotional abuse and controlling behaviours by a partner or former partner are also widespread across the survey countries. The behaviours included as emotional abuse include verbal abuse, humiliation, intimidation and threats of harm. The proportion of women who had a partner and reported suffering this type of abuse “ever” ranged from 17.0% (Haiti) to nearly half (47.8%) in Nicaragua. The findings are similar to the data gathered by national surveys on violence against women in Ecuador and Mexico, as summarized above. As for the prevalence of abuse “in the past 12 months”, “yes” responses ranged from 13.7% in Honduras to 32% in the Plurinational State of Bolivia. The behaviours identified as forms of emotional abuse include attempting to control women, isolating them from their families and friends or seeking to control their whereabouts or access to money. Such behaviours subsequently have specific impacts on the ability to turn to kinship networks or other relationships to overcome the situation of violence.

Emotional abuse and controlling behaviors are closely linked to physical and sexual violence against women by their partners. In the surveys analysed by PAHO, in all of the subject countries a majority of women who experienced physical violence “recently” (past 12 months) also reported emotional abuse (with percentages ranging from 61.1% in Colombia 2005 to 92.6% in El Salvador). Emotional abuse is clearly the gateway to physical violence in couples, along a continuum that affects the health and integrity of women.

Sociodemographic and socioeconomic factors do not determine the prevalence or likelihood of violence by a partner or former partner. The tendency to violence cuts across all socioeconomic strata and is territorially diverse. It happens in both rural and urban areas, among women currently or recently employed as well as unemployed women, and at different income levels. An examination of the data shows that the strongest and most consistent factors associated with intimate partner violence are being separated or divorced, the number of children and a family history of the father physically abusing the mother or stepmother. All of these conditions increase the vulnerability and dependence of women in the context of naturalization of violence.

In looking at how personal history is related to the incidence of violence, age at first union is an important factor for the likelihood of suffering violence. In all countries with such data available, women who were less than 15 years old at the time of their first union reported having been a victim of violence in a higher proportion than those who entered their first union at an older age. The difference compared with women who established their first union at age 25 or older is 11 percentage points in the Plurinational State of Bolivia, 16 percentage points in Colombia and 15 percentage points in Haiti.

The likelihood of intimate-partner violence is not always highest among women with the least wealth or education. On the contrary, in some countries the figure did not decline systematically in the highest income or education level quintiles. On the contrary, in intermediate sectors there were higher levels of reporting compared with the lower socioeconomic levels. The PAHO study findings suggest that traditional gender roles in Latin American societies are called into question as women gain greater access to resources and education, which can spark violent reactions by male partners in an attempt to maintain the “status quo” (PAHO, 2012, pp. 109-110). In this regard it is important to take action aimed at changing the values and attitudes that reinforce inequitable gender patterns and at empowering women economically, among other measures.

An analysis by educational level shows that having more years of education does not necessarily mean a significant decrease in violence. In some countries (such as Colombia, the Dominican Republic and Haiti) the percentage of women with basic education who are victims of violence is even greater than the percentage for women without education. In other countries (such as Ecuador, Honduras and Peru) women with no education show a higher incidence of violence. In fact, Ecuador is the country with the highest percentage of violence among women with no education and the largest gap between this group and all other women. In all of the countries the largest differences are between women with higher education and the rest.

Another important finding of the PAHO survey study is that the proportion of women facing situations of violence who look for help varies significantly by country. In Honduras, for example, 29.3% of the women who had experienced violence in the past 12 months sought help from relatives or friends, while in neighbouring El Salvador the figure was 65.5%.

One common trend is that in all cases, women first turn to persons within their closest circle, whether family members or friends, rather than institutions. In El Salvador 65.5% of the women turned to friends or relatives; only 36.0% turned to institutions. In Honduras nearly 60% sought help from friends or relatives; in Guatemala the figure was 58.5%, with only 30.7% turning to institutions.

Many young women and girls reported forced and unwanted sexual initiation. In all of the surveys, small but significant proportions of young women reported that their first intercourse was “forced” by husbands, boyfriends and partners. In surveys conducted in Brazil, Jamaica and Peru, when women were asked whether their first sexual intercourse had been “wanted” (without having to call it

“forced”, which has a more negative connotation) a substantial proportion of women responded “no”. These findings suggest that many young women feel pressured to have sexual intercourse before they are ready and show the need for “better research tools to understand the circumstances of first sexual intercourse and the experience of other coerced sexual activity at early ages” (PAHO, 2012, p. 113). They also highlight the importance of focusing attention on sex education for adolescents and young people, male and female alike, particularly within the framework of definitions of sexual initiation.

The widespread acceptance by women in the region of the norms that reinforce gender inequality discourage women from seeking help or downplay the duty of bystanders to intervene in situations of abuse. The report indicates that a significant proportion of women reported being in favour of the norms that reinforce inequality or discourage families and communities from responding to situations of violence in couples. These data go hand in hand with the proportion of women who agreed that a wife should obey her husband even if she disagreed with him, which ranged from just over one fourth of women in urban Paraguay to three fourths of women in rural Guatemala.

Several of the topics covered in the PAHO report provide extremely useful information for analysing the linkages between norms, policy implementation and ensuring access to justice.

First, it is useful to review the links between conditions of dependency and the exercise of women’s autonomy (in access to economic resources and decision-making or on the basis of the number of children, considering the absence of adequate and universal policies for their care) and the ability to escape situations of violence. The study recommends, among other things, more research to understand the risk factors associated with violence against women, rooted not only in the characteristics of individual women but also in the situation among their peers and in their communities in different social and cultural contexts.

Secondly, the reference to acceptability of norms and practices that reinforce women’s dependency and subordination underscores the need to discuss new initiatives aimed at changing the cultural patterns that underpin symbolic violence. One aspect that should be considered for the sake of prevention is the prevalence of violence in the group of women with medium levels of education who are employed and have access to economic resources. They are at particular risk of becoming victims as traditional gender roles blur, which can lead to tensions within couples.

Thirdly, the study findings suggest that institutions seem to be less trusted than acquaintances, relatives or friends as a source of help. The information does not allow for estimating the extent of knowledge and accessibility of institutions providing services to women victims of violence or other circumstances to test for possible explanations of why women often turn to personal relationships rather than institutional resources. But this data can be examined alongside the findings of studies showing the importance of having an emotional support network before thinking about reporting violence. Women might not seek help at all because they think that they can fix the problem by themselves, because they believe that help is unnecessary or that violence is “normal” or is not a major concern, because they fear the reaction of their partner, because they are ashamed or because they do not trust anybody. Other reasons given are not knowing where to go, believing that the partner will change or that the violence won’t happen again, thinking that nobody can help them or that telling what is happening will end the relationship, fearing losing the children and fearing not being believed, being blamed or criticized or damaging the family’s reputation.

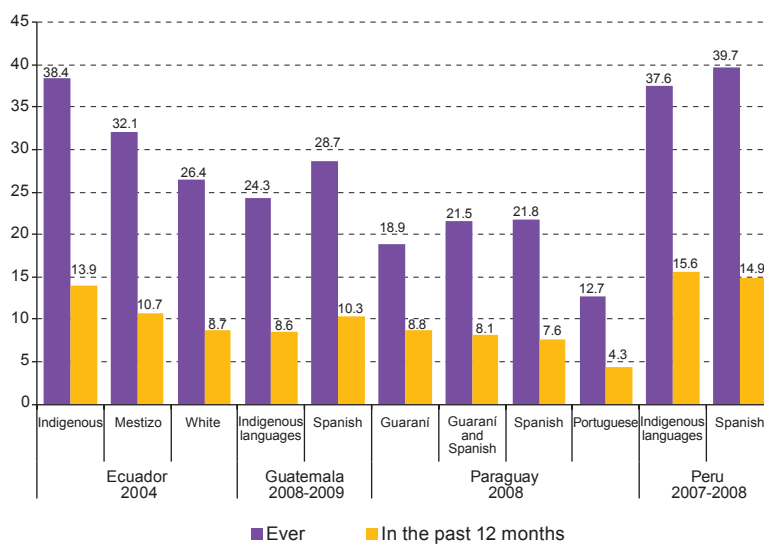
Some qualitative studies show that specialists and women who were themselves victims of partner violence believe that women should file complaints when they are emotionally and psychologically able to do so and follow through on them (ELA, 2009). It is likewise noted that any problems might be compounded if complaints are filed by third parties such as health or education system officials or personnel. Here, it is important to stress that WHO (2013a) recommends against it being mandatory for health care providers to notify the police. They should report the incident to the relevant authorities, including the police, if the woman so wishes. Conversely, child abuse and fatal incidents should always be reported.

When indigenous women are involved it is even harder to obtain reliable and timely information, because there are no ethnic identity questions in continuous registries or surveys, and because the statistical tools are not culturally appropriate (ECLAC, 2013b).

As reflected the report on indigenous women in Latin America, demographic and health surveys include questions that yield information identifying indigenous women. But the data are not comparable. For example, in Guatemala, Paraguay and Peru there are questions on the language spoken in the home, while in Ecuador a question on self-identification was used (ECLAC, 2013b).

Taking into account these differences, the data show that in Ecuador and Peru about 38% of indigenous women have ever experienced physical or sexual violence at the hands of a partner; this figure is estimated to be 24% of indigenous women in Guatemala and 20% in Paraguay.²⁷

Figure III.5
Latin America (selected countries): intimate-partner physical or sexual violence among women aged 15-49 who are married or in a union, by language spoken in the home, around 2010
(Percentages)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), “Mujeres indígenas en América Latina: dinámicas demográficas y sociales en el marco de los derechos humanos”, *Project Documents*, No. 558 (LC/W.558), Santiago, Chile, 2013.

The survey of violence conducted by Ecuador in 2013, which includes a self-identification question, provides data on gender violence perpetrated by any person or by a partner or former partner.

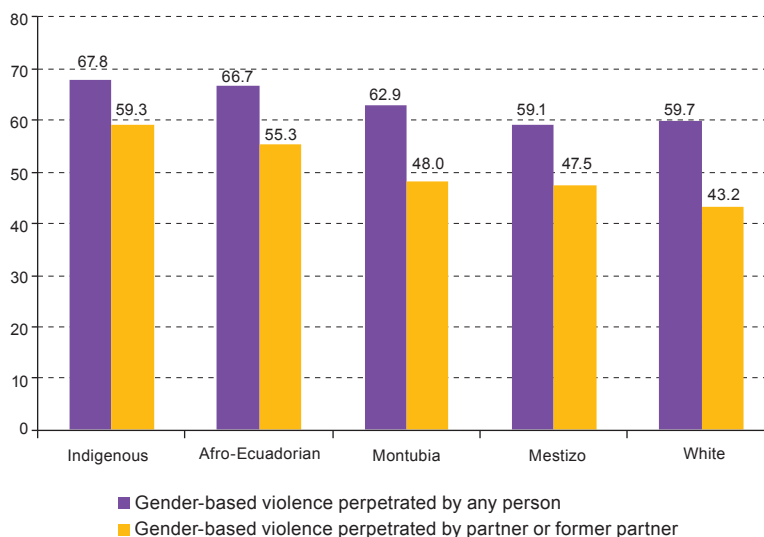
Gathering data on violence against women in general is already a difficult task. Compiling information on violence against indigenous women requires adding self-identification questions to records and surveys and ensuring that the instrument is culturally relevant overall. It also requires a deeper understanding of the specific cultural contexts that frame gender issues and of the associated systems of dominance and how they are related to violence in the group.

In short, while the information provided by the surveys is essential and yields greater knowledge and understanding of a complex issue, it must be complemented by specific data on care provided by public institutions and by the findings of qualitative and quantitative longitudinal studies that can capture the nuances involved.²⁸

²⁷ Because Guaraní is the official language of Paraguay, this criterion does not provide a good basis for measuring the prevalence of violence among indigenous women in Paraguay.

²⁸ Most quantitative studies available are transversal; it would be very useful to have qualitative and quantitative longitudinal studies.

Figure III.6
Ecuador: gender-based violence perpetrated by any person or by a partner or former partner among women aged 15-49, by ethnic self-identification, 2013
(Percentages)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of National Statistics and Census Institute of Ecuador (INEC), *Encuesta nacional de relaciones familiares y de violencia de género contra las mujeres*, 2013 [online] http://www.inec.gob.ec/sitio_violencia/presentacion.pdf.

C. Administrative records: strengths and limitations

The strategic relevance of administrative records lies in their ability to illustrate the scale of violence against women requiring a response from the care system as well as from health, safety, justice and social services (including the search for solutions involving housing, financial subsidies and access to shelters). Reliable administrative records also show the level of confidence of the population in those services and are an important input for planning and evaluating them.

In most countries administrative records kept by public service agencies, police, entities that take in complaints and health providers are a source of information on violence. But these are not always easily accessible and their homologation and availability pose significant challenges. As in the first round of examinations, MESECVI concludes that it is impossible to know the number of women who are victims of violence, judicial proceedings initiated or judgments handed down. Nor is it easy to obtain information in cases where the perpetrator killed a woman, even when standards of femicide apply. In a number of countries of the region, this information is still not formally compiled. In most of the countries of the region the best source of data on intimate-partner femicide is the information that the Gender Equality Observatory for Latin America and the Caribbean has been processing since 2010.

The strengths and limitations of the sources of data on violence against women need to be identified in order to improve the information and standardize the measurement of all its manifestations. The goal is to give policymakers a clear case for designing policies and programmes that help overcome discrimination and behaviours that see violence against women as a private matter, such that information on it cannot not be used for estimating the prevalence of violence against women.

Table III.2
Strengths and limitations of sources of data on violence against women

Source	Strengths	Limitations
Health services	Data can be used to identify women seeking help from health service providers, having suffered physical or sexual violence. Data is provided on the coverage and cost of health care, making it possible to design targeted programmes.	Universal surveillance raises ethical concerns if health services are absent or limited. Cases of violence against women do not always reach health services. Injuries may not be acknowledged as resulting from violence against women and may be recorded as trauma, dental or other services. No protocols for recording cases.
Civil and criminal justice systems	Data can be used to: Identify women seeking help from the police or other justice authorities after suffering physical or sexual violence. Evaluate police and court responses. In some countries, data are systematically collected in keeping with the law. Some justice entities and public ministries keep up-to-date records of violence against women in all its dimensions.	The majority of cases of violence against women are not reported to the police. Data may not be disaggregated by type of violence. Judicial system data are not always disaggregated by sex. Databases may not record the relationship between alleged perpetrator and victim. It is difficult to control the number of indicators and differentiate those resulting from prevalence according to targeted surveys or modules from those emerging from care and management records kept by each public entity or programme. Limited intra- and intersectoral coordination.
Other State agencies/ programmes/support services	Data can be used to identify victims of violence who come forward owing to other needs. Data can supplement police and health service data. These services can be a rich source of qualitative data.	Data are not always complete or in keeping with statistical parameters. Data are not representative at the subnational or national level.
Machineries for the advancement of women	Are users of data produced by the health system, and interior and justice ministry in the case of information systems with historical data on violence. Produce data from the records of programmes addressing violence against women implemented by these machineries.	Entities producing information do not always process and deliver it in the time periods defined by the tools generated by machineries for the advancement of women (records, indicator systems, observatories).

Source: Economic Commission for Latin America and the Caribbean (ECLAC), United Nations, Guidelines for Producing Statistics on Violence against Women (ST/ESA/STAT/SER.F/110), 2013. United Nations publication, Sales No. E.13.XVII.7 [online] http://unstats.un.org/unsd/gender/docs/Guidelines_Statistics_VAW.pdf.

The information collected routinely by public and private entities contributes to an understanding of the responses of individual institutions and the extent to which they meet the demand for care among women. And these data are useful for monitoring State policies and priorities, quantifying costs and helping to assess their impact. In all countries, the services provided inevitably outnumber those that are recorded and systematized. The problem underlying the lack of compiled data is the inability of public institutions to account for the use of technical, financial and human resources, which makes it impossible to measure, monitor and evaluate such services.

These challenges were identified in a recent study on sexual violence in Central America, which called for agreeing on definitions, data surveys and construction of sexual violence indicators for El Salvador, Guatemala, Honduras and Nicaragua (Luciano and Padilla, 2012). The report highlights the growing interest of Central American countries in providing a comprehensive response to sexual violence, addressing risk and associated factors as well as social and personal consequences. Doing so requires reliable and comparable data to improve the work of all the sectors that use them to inform decision-making and evaluate results.

According to the report, the surveys conducted in El Salvador, Guatemala, Honduras and Nicaragua revealed weaknesses in recording, analysing and disseminating data on the various forms of sexual violence because of a number of difficulties. First, there is a lack of consensus on the scope of the term “sexual violence” because the laws in each country, as well as each institution in practice, use different terms to describe the same acts and incidents. Secondly, many of the forms of sexual violence (in the workplace, in education and recreational centres or at public service facilities) have been insufficiently studied or are not properly recorded because the various sectors (health, justice, security) tend to prioritize two typologies to the detriment of others. They are: rape (usually defined as forced sexual intercourse by penetration) and sexual abuse of children. Thirdly, less (albeit increasing) importance has been attached to cases of trafficking in persons for sexual exploitation. This gap has led to many forms of sexual violence being grouped into one category, limiting the possibilities for analysing them. Fourthly, there is a consistent lack of information on the number of women affected by the various forms of sexual violence, making it impossible to determine the proportion of women affected, pinpoint the groups concerned or assess the consequences of sexual violence from a human rights standpoint and the particularities of violence in different population groups and contexts. Existing databases are for purposes other than monitoring gender-based violence (the justice sector for managing its caseload; the health sector for recording indicators such as mortality and morbidity), and the providers of services have no mechanisms that automatically flag sexual violence.

This lack of inter-agency coordination means that data on a single episode of sexual violence may appear in more than one information system (justice, health, police) or in just one. A person might be recorded as a victim of various forms of violence, or only one, leaving other equally important ones out. Poor coordination for analysing the data together and using them as an evidence base for developing policies and programmes also hampers the construction of baseline indicators and multisectoral decision-making (Luciano and Padilla, 2012, p. 9).

Box III.3

Inter-agency coordination efforts for producing gender statistics

A range of actors and forums have sought to address these issues, which cut across all of the countries of the region. Since its establishment at the fourth meeting of the Statistical Conference of the Americas of ECLAC in 2007, the Working Group on Gender Statistics has promoted the coordination of inter-agency efforts and encouraged initiatives for the production and analysis of gender statistics in the countries of the region, as well as their use in public policies geared towards gender equality.

Another objective is to make progress in the harmonization of gender statistics in national statistical offices. One of the core strategies is the promotion of joint work between these offices and machineries for the advancement of women in the countries. This strategy is also defined as a priority by MESECVI in its Second Hemispheric Report.

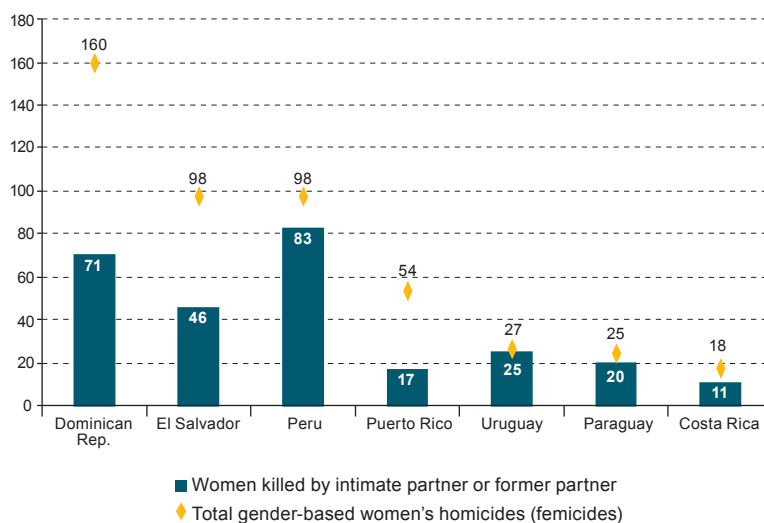
Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean.

Femicide is one of the areas where the information void is most apparent, since there are, among other issues, many different sources of information, substantial underreporting, a lack of methodological validation, no official figures and no agency assigned to generate them.

Now that femicide or feminicide is a criminal offence in 14 of the countries of the region, a region-wide comparison using official records can begin. But experience shows that criminalization alone is not enough to establish or improve records on femicide. This has been seen in the construction, by the Gender Equality Observatory for Latin America and the Caribbean, of the indicator of women killed by an intimate partner or former intimate partner. In some countries where it is a crime, information on aggravated homicide or femicide is not processed. By contrast, in the Dominican Republic, which is changing its penal code and adding femicide as a criminal offence, uninterrupted records date back to 2005 thanks to efforts by the National Institute of Forensic Sciences (INACIF), the Attorney General’s Office, the national police, the Ministry of Women and the National Statistical Office (ONE).

The Gender Equality Observatory for Latin America and the Caribbean gathers official information provided by the Governments of the region, facilitating progress in knowing how many women are killed by an intimate partner or former partner. Simultaneously, information on the total number of violent deaths of women (femicide) has been compiled on the basis of responses from seven countries.

Figure III.7
Latin America (7 countries): femicide or homicide of women for reasons of gender and women killed by a current or former intimate partner, latest data available



Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean.

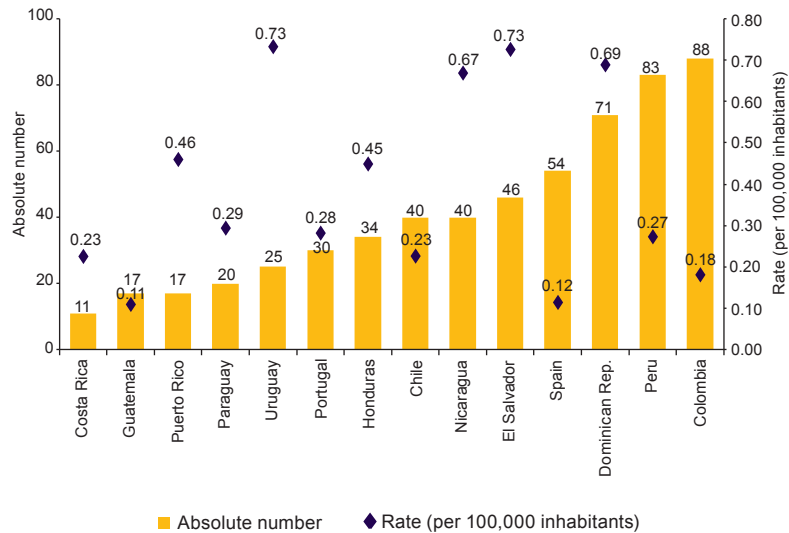
Disaggregating the total number of femicides (homicides of women for reasons of gender) by identifying the perpetrator shows the number of women killed by an intimate partner or former partner.

Countries are making significant efforts to compile this information and work towards devising more accurate indicators. In all of the countries except the Dominican Republic, total femicides are declining. The total number of murders of women is broader; it is urgent to continue to fine-tune the disaggregations in order to better address femicide in all its manifestations.

The processing of the indicator for deaths of women caused by a current or former intimate partner has improved substantially since 2010, when ECLAC began compiling data on seven countries in Latin America, two in the Caribbean and Spain. Currently, information is available for 12 countries of Latin America and 8 in the Caribbean, plus Spain and Portugal.

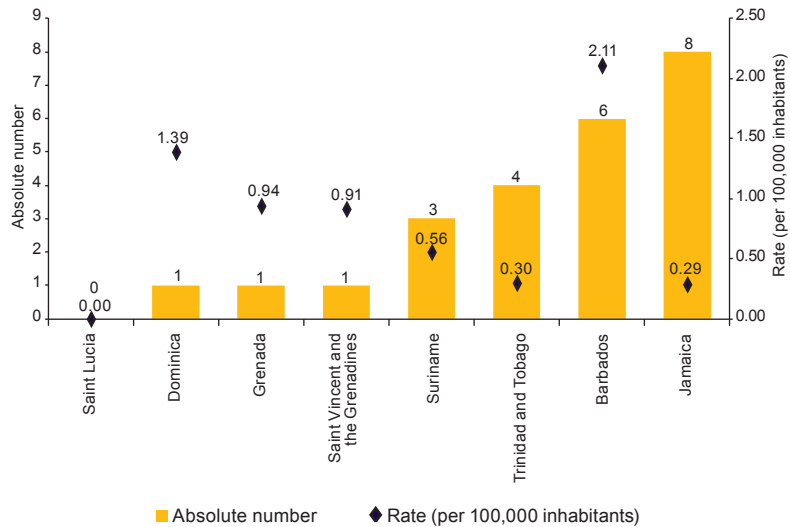
Yet there are still some methodological challenges hampering the development of this indicator, notably inconsistent input data from police records, public prosecutor investigations, forensic reports, vital statistics connected with the health system and civil registries. Successful experiences in the countries of Latin America and the Caribbean do not appear to indicate which of those bodies would be better placed to take charge of compiling these statistics. However, any of them would be subject to general considerations as to the importance of stability and institutional hierarchy, technical and financial capacity and institutional linkage with agencies responsible for designing and implementing public policies geared towards preventing violence against women.

Figure III.8
Latin America (12 countries) and Iberian Peninsula (2 countries): women killed by an intimate partner or former partner, latest period available
(Absolute numbers and rates)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, December 2013.

Figure III.9
The Caribbean (8 countries): women killed by an intimate partner or former partner, latest period available
(Absolute numbers and rates)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, December 2013.

Table III.3
Sources of information for recording deaths of women at the hands of an intimate partner or former partner

Country	Source (institution)	Area of Government
Chile	Office of the Attorney General, Special Sex Crimes and Intrafamily Violence Unit	Attorneys-General/ Prosecutors
El Salvador	Office of the Attorney General	
Peru	Observatory on Criminality of the Public Ministry of Peru	
Dominican Republic	Office of the Attorney General	
Spain	Ministry of Health, Social Services and Equality	Executive branch ministries
Grenada	Ministry of Social Development, Housing and Community Development, Division of Gender and Family Affairs, GBV Unit	
Guatemala	Judiciary and Public Prosecutor's Office	
Portugal	Annual Report on Internal Security / Observatory of Murdered Women (OMA) of the Union of Women for Alternatives and Answers (UMAR)	
Saint Vincent and the Grenadines	Ministry of National Mobilization, Social Development, Family, Gender Affairs, Persons with Disabilities and Youth	
Uruguay	National Observatory on Violence and Crime, Ministry of the Interior	
Costa Rica	General Secretariat of the Supreme Court of Justice, National Women's Institute (INAMU)	Agency for the advancement of women (independently or in coordination with one or more other institutions)
Paraguay	Communication and Democratic Culture Directorate of the Ministry of Women/National police	
Trinidad and Tobago	Ministry of Gender, Youth and Child Development	
Colombia	National Institute of Legal Medicine and Forensic Sciences	Forensic services
Honduras	University Institute for Democracy, Peace and Security (IUDPAS), National Autonomous University of Honduras (UNAH), Observatory of Violent Death of Women and Femicide	Universities
Barbados	Royal Barbados Police Force	Police forces
Jamaica	Research Planning and Legal Services Branch, Jamaica Constabulary Force	
Nicaragua	Women's Commissary of the National Police of Nicaragua	
Puerto Rico	Puerto Rico Police statistical reports	
Saint Lucia	Royal Saint Lucia Police Force	
Suriname	Criminal Information Service, Suriname Police Department	
Trinidad and Tobago	Crime and Problem Analysis Branch, Trinidad and Tobago Police Service	

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean.

D. Intersectoral coordination: essential for producing information

The countries of the region are taking different approaches to organizing, in a coordinated and comprehensive manner, scattered information from administrative records. In general, there has been substantial progress on intersectoral initiatives as gains are made in implementing legislation on violence against women.

In Guatemala, the national legal framework (the Act against Femicide and Other Forms of Violence against Women, adopted by Decree 22-2008 of the Congress of the Republic) provides a strong normative mandate for inter-agency coordination efforts led by the National Statistical Institute (INE) and the National Coordinator for the Prevention of Domestic Violence and Violence against Women (CONAPREVI). These agencies are charged with coordinating efforts to produce information from all the institutions involved.²⁹

²⁹ The National Information System on Violence against Women (SNICVM) was defined by article 20 of the Act against Femicide and Other Forms of Violence against Women, which provides for the establishment of the unified register coordinated by the National Statistical Institute (INE) and CONAPREVI (National Coordinator for the Prevention of Domestic Violence and Violence against Women). This point will be taken up again in the section on the establishment of centralized records.

The Secretariat for Women (SEPREM) contributed to the establishment of the National Information System on Violence against Women, holding technical meetings with the Public Ministry and the National Institute of Forensic Sciences of Guatemala (INACIF), and reviewing the conceptual framework.³⁰

El Salvador established the National System for Data, Statistics and Information on Violence against Women as part of a coordinated initiative between the Salvadoran Institute for the Advancement of Women (ISDEMU) as the enforcing agency for the Special Comprehensive Law for a Life Free of Violence for Women, the Ministry of Justice and Public Security, the Department of Statistics and Censuses (DIGESTYC) and the Technical Secretariat of the Presidency, with support from the United Nations Population Fund (UNFPA). The set of indicators is being developed for this tool, and a software platform is being designed that will generate reports on the situation of women in this regard.³¹

In a different approach, in Argentina an agreement between the National Women's Council (CNM) as the enforcing agency for the Law on Comprehensive Protection to Prevent, Punish and Eradicate Violence against Women in the Context of their Interpersonal Relations and the National Institute of Statistics and Censuses (INDEC) posed a challenge: having a single registry of complaints filed at public health institutions, social services, police forces and the courts. The agreement reached in November 2012 has led to a number of arrangements with national and provincial institutions for starting to reconcile databases. This is even more complex given that the Argentine Republic is a federal country with 24 local autonomous jurisdictions.³²

Costa Rica developed a Unified System for the Statistical Measurement of Gender-based Violence (SUMEVIG) involving a number of governmental institutions (the Supreme Court of Justice, the Ministry of Public Security, the Ombudsman Office, the National Institute of Women, the National Institute of Statistics and Census, the Justice and Gender Foundation, the 911 Emergency System and the Ministry of Justice and Worship) with the assistance of a Technical Committee coordinated by the National Institute of Women (INAMU). According to the report submitted to MESECVI, the purpose of this system is to define, build, maintain, improve and follow up on an information system starting with homologation of records and definition of key agreed indicators to show the extent of gender-based violence and institutional response to it (OAS, 2012b).

In its report to the twelfth session of the Regional Conference on Women in Latin America and the Caribbean, the Dominican Republic noted the establishment of the Observatory for Public Safety as one of its achievements in matters of domestic violence and violence against women. Established by the executive branch in 2012, the Observatory issues quarterly reports on official statistics for violent deaths and complaints reviewed by the National Police, the National Institute of Forensic Sciences (INACIF) and the Office of the Attorney General of the Republic.

Box III.4

The judiciary and the Public Ministry as sources of data

Among the many initiatives under way in the region, one that is drawing more and more attention is the creation of appropriate mechanisms for gathering data within the judiciary branch itself. In Costa Rica, Guatemala and Paraguay, with the support of normative structures and institutions charged with monitoring judicial public policy implementation, progress is being made in implementing single-registry systems to integrate follow-up of cases that have been prosecuted and care by specialized services.

No less important is the production of information by the National Prosecutor's Office or the Office of the Attorney-General; in Chile, the Dominican Republic and Peru they are responsible for validating data from the National Institute of Forensic Sciences.

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean.

³⁰ Guatemala report to the twelfth session of the Regional Conference on Women in Latin America and the Caribbean.

³¹ El Salvador report to the twelfth session of the Regional Conference on Women in Latin America and the Caribbean.

³² Work on this has been discussed in presentations and informal reports among personnel involved in the process, but there has been no official communication as to deadlines for completing the process.

IV. The State response: access to rights; access to justice

A. Towards a comprehensive approach to violence: the second generation of laws

The first legislative efforts in the countries of the region were aimed at creating streamlined mechanisms for responding to formal complaints of family (or domestic) violence and providing immediate protection. These laws created special civil and criminal court procedures for protecting victims. The 1990s therefore saw much new legislation on protection in situations of family or domestic violence. While it did not target women and girls, experience would come to show that they were its primary users. A review of the repository of laws on violence of the Gender Equality Observatory for Latin America and the Caribbean makes it clear that the trend in the 1990s was towards adoption of domestic violence legislation, in the form of specific laws or by adding offences to the relevant codes, along with the significant increase in legislation and national plans in all of the countries of the region.

The 2000s brought a surge in legislative initiatives designed to address violence against women. These “second-generation” laws focused not only on violence in interpersonal relations but also on the manifestations of violence set out in the Belém do Pará Convention, taking a comprehensive approach to defining violence, including the State’s duty of diligence to intervene in cases of violence against women in public and in private.³³

Even before the adoption and wide ratification of the specific regional convention, general recommendation 19 (1992) of the Committee on the Elimination of Discrimination against Women had outlined some relevant issues to be considered in terms of legal obligations that do not necessarily entail defining the criminal, civil or administrative nature of legislation that States should draft to address the various manifestations of violence. In line with the above recommendation, States parties should:

- Take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act.

³³ This comprehensive (“second-generation”) legislation was also driven by the recommendations of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI).

- Ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity.
- Provide appropriate protective and support services for victims.
- Train public officials.
- Take effective measures to ensure that the media respect and promote respect for women.
- Take effective measures to overcome attitudes, customs and practices that perpetuate violence against women.
- Take preventive and punitive measures to overcome trafficking and sexual exploitation.
- Provide effective complaints procedures and remedies, including compensation.
- Implement measures to protect women from sexual harassment and other forms of violence or coercion in the workplace.

In addition, measures that are necessary to overcome family violence should include:

- Criminal penalties where necessary and civil remedies in cases of domestic violence.
- Legislation to remove the defence of honour in regard to the assault or murder of a female family member.
- Services to ensure the safety and security of victims of family violence, including refuges, counselling and rehabilitation programmes.
- Rehabilitation programmes for perpetrators of domestic violence.
- Support services for families where incest or sexual abuse has occurred.

Along the same lines, article 7 of the Belém do Pará Convention defines the scope of the duties of the States parties:

- Apply *due diligence* to prevent, investigate and impose penalties for violence against women.
- Include in their domestic legislation *penal, civil, administrative* and *any other type* of provisions that may be needed to prevent, punish and eradicate violence against women and to adopt appropriate *administrative measures* where necessary.
- Adopt *legal measures* to bar the perpetrator from harassing, intimidating or threatening the woman or using any method that harms or endangers her life or integrity, or damages her property.
- Take all *appropriate measures, including legislative measures*, to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence and tolerance of violence against women.
- Establish *fair and effective legal procedures* for women who have been subjected to violence (...) which include protective measures, a timely hearing and effective access to such procedures.
- Establish the *necessary legal and administrative mechanisms* (...) to ensure effective access to *restitution, reparations* or other just and effective remedies.
- Adopt such *legislative or other measures* as may be necessary to give effect to this Convention.

In the same vein, ECLAC (2007) proposed a number of strategies needed for progress towards the goal of a life free of violence for women: support an integral model for intervention; establish continuous monitoring mechanisms; and strengthen mechanisms for monitoring and follow-up of specific conventions.

The breadth and variety of the measures recommended by the Committee on the Elimination of Discrimination against Women, as well as by the Belém do Pará Convention, reflect the need for a comprehensive approach spanning all State actors and areas and combining containment, investigation, punishment and compensation in all situations arising from the various manifestations of violence. The mandates emerging from international obligations allow for the flexibility needed for States to effectively respond to all forms of violence, following different approaches. So, criminal, civil, administrative and labour laws should mesh to provide targeted procedures for each situation.

Although international commitments require the development of appropriate responses, they do not define their nature; this will depend on specific assessments of effectiveness and relevance for each national context. The guidelines of the Committee on the Elimination of Discrimination against Women and of the Belém do Pará Convention provide broad discretion as to the choice of civil, penal, labour or administrative law frameworks.³⁴

The regional trend towards comprehensive legislation for a holistic approach to manifestations of violence against women began in 2007 in the Bolivarian Republic of Venezuela and Mexico. Subsequently, Colombia and Guatemala (2008), Argentina and Costa Rica (2009), El Salvador (2010), Nicaragua (2012), and the Dominican Republic and the Plurinational State of Bolivia (2013) enacted similar legislation. Other countries are following the same trend, with similar projects.

Table IV.1
Latin America (10 countries): comparison of comprehensive legislation on violence

Country and year enacted	Kinds of violence covered	Scope/application of alternative methods	Defines types of offence	Enforcing agency
Argentina (2009)	Types of violence: physical violence, psychological violence, sexual violence, economic and property violence, and symbolic violence. Modalities of violence: domestic violence, institutional violence, workplace violence, violence against reproductive freedom, obstetric violence and media violence.	Establishes principles for all legal jurisdictions and public policy guidelines for a variety of State departments. Expressly excludes mediation and reconciliation (art. 28).	Does not include offences or amend existing offences.	National Women's Council
Bolivia (Plurinational State of) (2013)	Types of violence: physical violence, foeticide, psychological violence, media violence, symbolic violence, violence against dignity, honour and reputation, sexual violence, violence against reproductive rights, economic and property violence, workplace violence, violence in the plurinational education system, violence in political participation and leadership of women, institutional violence and violence in the family.	Entails an integral approach that involves all branches of the State. Provides for the possibility of alternative conflict resolution methods (art. 76 and following articles).	Includes civil and criminal laws. Creates the offence of femicide.	Ministry of Justice

³⁴ Some of the provisions covered by comprehensive legislation have been challenged in court on the grounds that special protection for women is discriminatory. Precedents have been found in Brazil, El Salvador and Nicaragua.

Table IV.1 (continued)

Country and year enacted	Kinds of violence covered	Scope/application of alternative methods	Defines types of offence	Enforcing agency
Colombia (2008)	Includes psychological harm, physical harm or suffering, sexual harm or suffering and property damage.	Assigns actions to the national government, states and municipalities and defines protection measures under the criminal justice system. Does not mention alternative methods of conflict resolution.	Makes sexual harassment an offence and provides for punishment for aggravated assault and other crimes such as injury and homicide.	Not defined.
Costa Rica (2009) ^a	Physical violence, psychological violence, sexual violence, property violence against adult women as a gender-based discriminatory practice specifically in a marriage or de facto union whether declared or not.	Does not mention alternative methods of conflict resolution.	Does not add offences or amend existing offences.	Creates the National System for Addressing and Preventing Violence against Women and Family Violence, coordinated by the National Institute for Women.
El Salvador (2010)	Encompasses the following types of violence: economic violence, femicide, physical violence, psychological and emotional violence, property violence, sexual violence and symbolic violence. Modalities in which violence may take place are: community violence, institutional violence and violence in the workplace.	Establishes guidelines for public policies aimed at detection, prevention, care, protection, reparation and punishment, targeting various areas of the State. Prohibits mediation and reconciliation for all offences under the law.	Creates prosecutable offences and criminal penalties. These include adding femicide and incitement to femicide as offences.	Salvadoran Institute for the Advancement of Women
Guatemala (2008)	Ensure a life free of violence, especially from physical, psychological, economic and sexual violence, or contempt of women's rights.	Provides for preventive measures and obligations of the State, such as institution building, the training of officials, the provision of legal and care services and the establishment of specialized courts. Does not expressly mention mediation or reconciliation.	Creates the crimes of femicide and violence against women (physical, sexual or psychological) and economic violence against women. Prohibits invoking grounds of justification (art. 9).	National Council for the Prevention of Domestic Violence and Violence against Women (CONAPREVI).
Mexico (2007)	Types of violence: psychological violence, physical violence, property violence, economic violence, sexual violence and any other similar practices that can harm or damage the dignity, integrity or freedom of women. Modalities of violence: family violence, violence in the workplace and in education institutions, violence in the community, institutional violence and femicide.	Coordinates the Federation, the federated states, and municipalities; sets out guidelines for protection orders (preventive or emergency) and calls on State authorities and departments for action within their jurisdiction. Recommends avoiding reconciliation and mediation procedures.	The law does not create new offences because it lacks the authority to do so, but suggests that the competent authorities consider defining family violence offences.	The National Women's Institute (INMUJERES) serves as the Executive Secretariat of the National System to for the Prevention, Care, Punishment and Eradication of Violence against Women.

Table IV.1 (concluded)

Country and year enacted	Kinds of violence covered	Scope/application of alternative methods	Defines types of offence	Enforcing agency
Nicaragua (2012)	Types of violence: misogyny, physical violence, violence against women in the exercise of public functions, workplace violence, property and economic violence, psychological violence and sexual violence. Applies to individuals bound by kinship ties of consanguinity or affinity, and strangers, cohabiting or otherwise; applies to violence in the public sphere or in private.	Provides public policy protection and lists guiding principles to ensure the equality of persons before the law. Creates courts specialized in violence. Included express prohibition of mediation for offences under the law (art. 46). ^b	Creates the crimes of femicide; physical violence, psychological violence; property and economic violence; intimidation of and threatening women; abduction of children; violence against women in the exercise of public functions Also establishes penalties for those who fail to meet their obligation to report.	Inter-institutional Commission to Combat Violence against Women
Panama (2013)	Considers and defines the following forms of violence: sexual stalking, sexual harassment, psychological harm, femicide, bullying, judicial abuse, violence against reproductive freedom, violence in education and teaching, health-related violence, community-related violence, physical violence, institutional violence, employment and wage violence, media violence, obstetric violence, property and economic violence, political violence, psychological violence, sexual violence, symbolic violence.	Establishes public policies for providing protection and lists guiding principles to ensure the legal equality of persons. Creates measures for reparations to victims. Creates budgetary allocations. Creates specialized agencies to deal with violence in areas of their jurisdiction.	Adds the crimes of femicide, physical violence, psychological violence, economic violence, stalking, harassment, bullying, sexual discrimination.	National Commission to combat Violence against Women (CONVIMU), reporting to the National Women's Institute.
Venezuela (Bolivarian Republic of) (2007)	Considers the following forms of gender-based violence against women: psychological violence, harassment or bullying, threats, physical violence, domestic violence, sexual violence, violent sexual intercourse, forced prostitution, sexual slavery, sexual harassment, workplace violence, property and economic violence, obstetric violence, forced sterilization, media violence, institutional violence, symbolic violence, trafficking in women, girls and adolescents, and the smuggling of women, girls and adolescents.	Establishes mandatory public policies for the entire administration. Establishes training plans, projects and programmes for the judiciary and the Public Ministry. Does not mention alternative mechanisms for conflict resolution or mediation.	Criminalizes behaviours such as physical, sexual, and psychological violence, harassment and bullying. Establishes fines for other forms of violence, such as obstetric violence. Provides stiffer punishment for murder by a partner or former partner, with or without cohabitation.	National Women's Institute

Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of information contained in the legislative files of the Gender Equality Observatory for Latin America and the Caribbean.

^a This law can be considered “mixed” in that it addresses care and prevention of violence against women in general but focuses on domestic violence.

^b The law in Nicaragua was amended in 2013 to eliminate the absolute prohibition of mediation.

This kind of comprehensive legislation for protection against all forms of violence against women shares a common approach outlined in the Belém do Pará Convention, although laws differ in terms of the forms of violence covered, the comprehensive approach (involving the judiciary in a number of capacities or just the criminal justice system) and the position taken on the use of alternative means for conflict resolution. There are also differences in the scope of the law as well as enforcing agencies: the judiciary, the legislative branch or an inter-institutional coordination agency created by the legislation.

Even at the strictly legal level, comprehensive laws already in force do not always take up the promising practices listed in the *In-depth study on all forms of violence against women. Report of the Secretary-General* (United Nations, 2006). The study stresses the need for guiding principles and the application of international law by local courts; a legal framework including specific measures to ensure implementation, monitoring, periodic review and evaluation; trials, punishment and protection of victims in criminal proceedings; immediate protection and monetary reparation in civil cases; application of specialized laws and procedures where appropriate; and recourse to other areas of law (labour, administrative processes, child protection and divorce, among others) to expedite the settlement of cases in court.

B. Policies, plans and programmes

The nearly 20 years that have gone by since the Fourth World Conference on Women (Beijing, 1995) have seen enormous advances in legislation, plans and programmes to combat violence against women. Discussion and implementation of legislation addressing violence against women, and the launch of national plans that turn such legislation into objectives, decisions and action, have been firmly grounded in the Belém do Pará Convention. The Convention is a binding international instrument that has been key to the drafting of legislation in the region.

While only 10 countries in Latin America and the Caribbean have implemented comprehensive legislation, all of the countries of the region have laws against violence and most also have an action plan to combat violence against women. Table IV.2 provides information on the type of law in force in each country, as well as the type of plan.

Of the 10 countries with second-generation legislation, 4 (Costa Rica, Guatemala, Mexico and Nicaragua) reported having a specific national plan for addressing violence against women that had been formally adopted and implemented. Another four countries (Argentina, the Bolivarian Republic of Venezuela, Colombia and El Salvador) that also have comprehensive legislation on violence (enacted more than three years ago in some cases) reported that they are working on designing or adopting such a plan. The Dominican Republic and the Plurinational State of Bolivia (which adopted a comprehensive law more recently, in 2013) are among the countries that have drafted a national plan to address gender-based violence within the framework of a broad gender equality strategy. Among the Caribbean countries, only 2 have a plan in 2014, but 6 of the 12 that do not are developing one. In a number of countries the legislative framework is being expanded by successive reforms that should improve access to justice for women. In Colombia, for example, Law 1542 (which reforms article 74 of Law 906 of 2004, the Code of Criminal Procedure) was enacted to ensure protection and diligence by the authorities when investigating violent crimes against women. Under this law, domestic violence cases no longer rely on victim-initiated complaints, and the charges cannot be dropped. This initiative represents an innovative approach to victim protection that should be examined further in order to understand its advantages and disadvantages.³⁵

³⁵ National report of Colombia in the context of the twentieth anniversary of the Fourth World Conference on Women and adoption of the Beijing Declaration and Platform for Action.

Table IV.2
Latin America and the Caribbean: legislation and plans

	Comprehensive law on violence	Domestic violence law
Plan targeting violence against women	Costa Rica	Brazil
	Guatemala	Ecuador
	Mexico	Honduras
	Nicaragua	Peru
	Argentina ^a	Haiti
	Colombia ^a	
	El Salvador ^a	
	Venezuela (Bolivarian Republic of) ^a	
Non-targeted plan (domestic, family, gender-based violence)	Bolivia (Plurinational State of)	Chile
	Panama	Paraguay
		Dominican Republic
		Uruguay
		Antigua and Barbuda
	Belize	
No plan		Bahamas ^a
		Grenada ^a
		Guyana ^a
		Jamaica ^a
		Saint Kitts and Nevis ^a
		Saint Lucia ^a
		Anguilla
		Barbados
		Dominica
		Suriname
		Saint Vincent and the Grenadines
	Trinidad and Tobago	

Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of United Nations Development Programme (UNDP)/UN-Women, *El compromiso de los estados: planes y políticas para erradicar la violencia contra las mujeres en América Latina y el Caribe*, Panama, 2013 and data from the Gender Equality Observatory for Latin America and the Caribbean.

^a In development.

The existence of national action plans on violence against women in the region is an expression of the concern of States on the subject and a reflection of the commitments that States are willing to assume. While different countries have different policies, each represents a step towards actions that, to varying degrees, seek to ensure women's human rights and are beyond question a vast improvement over the status quo a few decades ago.

With regard to the goals under such plans, a 2013 study by the United Nations Development Programme (UNDP) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), on the commitments taken on by States in the form of plans and policies to eradicate violence against women in Latin America and the Caribbean, shows that all of the plans put in place in the countries of the region spell out objectives and strategies for prevention and care in cases of violence, but that not all include objectives relating to punishment and reparation: fewer than two thirds in the case of punishment and less than half when it comes to reparation. According to the study the main strategies are:

- Strategies for prevention include changing sociocultural, economic and political patterns in order to prevent violence; creating safe institutional contexts and changing practices at public and private organizations; building networks of social and political institutional actors engaging youth, men and boys; promoting community mobilization; identifying problems associated with violence against women (alcohol, drugs and the carrying of weapons, for example); setting up early intervention programmes targeting children; launching initiatives related to the safe cities and communities programme; establishing safe school environments; and promoting positive, non-violent parenting.

- Strategies for care include establishing victim-centred spaces for comprehensive care; developing job and housing assistance programmes; ensuring access to initial, crisis and emergency care services; developing comprehensive multisectoral care protocols; providing comprehensive care for children of victims and survivors; and setting up multisectoral support networks.
- Strategies for punishment include establishing multisectoral work agendas to review and harmonize legal frameworks; mainstreaming the gender perspective in policies; taking measures to ensure legal protection for victims and survivors; promoting stricter punishment of perpetrators; wording laws in a way that eradicates sexist bias; establishing or strengthening specialized police units, courts and judicial processes; building capacities among judicial system personnel and officials; coordinating the work of the police and prosecutor teams by means of intersectoral protocols, for example; ensuring the availability of effective protection orders for victims and survivors and legal processes, and implementing “intervention” programmes for perpetrators.
- Strategies for reparations include launching initiatives aimed at compensating victims and survivors for violated rights and moral damages; implementing intersectoral measures aimed at achieving economic empowerment of victims and survivors; providing psychological, legal, social and financial assistance to victims and survivors; prioritizing immediate access to health care, housing, medicine and other necessities for victims and survivors; and implementing measures for the social and occupational reintegration of victims and survivors.

1. What are countries doing?

Prevention and care are widespread goals, as seen in the high-profile campaigns conducted in the countries of the region, many of them associated with the Secretary-General’s initiative. The Latin American and Caribbean version of the campaign has three regional pillars reflecting the objectives of the worldwide campaign (these refer to prevention, awareness-building and the fight against impunity). It has had considerable impact in the countries of the region and on the action they have taken. For example, “Brave is not Violent” campaign has been launched in several countries in the region to involve men and boys in ending violence and conduct activities targeting the education system. Associated with the idea that violence occurs in a territory and considering the high incidence of violence and harassment in public places is the regional programme “Cities without Violence against Women, Safe Cities for All” carried out by the Women and Habitat Network of Latin America and the Caribbean with the support of UN-Women and AECID in Argentina, Chile, Colombia, El Salvador, Guatemala and Peru. The programme seeks to strengthen the exercise of women’s civil rights by reducing public and private violence against women in cities.

In addition to international campaigns, there is a wide variety of initiatives focused on various aspects of the fight against violence related to national and local realities. There are frequent campaigns aimed at disseminating anti-violence laws in force in each country, changing sexist cultural patterns and strengthening the idea of the right to live without violence as a human right. Other campaigns are geared towards preventing violence against specific groups (such as youth, indigenous peoples or older adults) or to draw attention to a particular form of violence, as in the case of femicide.

The dimension of support and care is addressed in systems focused on ensuring humane, qualified care for women. This entails establishing specialized services, including intake, the health care system, the court system and the police. As well as offering a new response for women, these numerous initiatives pose a challenge for training male and female professionals charged with policy implementation. One such initiative is the *Ciudad Mujer* (“City of Women”) programme created in 2011 in El Salvador, which has six centres in various administration departments. Fifteen public institutions are involved in providing services covering economic autonomy, violence against women, sexual and reproductive health and collective education. Services addressing violence against women provide psychological care, legal

advice, police assistance, justice and forensic medicine. In its first few years, *Ciudad Mujer* provided over 826,000 independent services to more than 338,000 women.

One notable measure is the increasing availability of safe houses or shelters for women victims of violence, which are intended to provide women with real options for getting out of the situation. While the scope of these initiatives is quite dissimilar across countries, their very existence is an unquestionable sign of public concern about an issue that not much more than 20 years ago was a strictly private matter.

Table IV.3
Latin America and the Caribbean: campaigns against violence against women

Country or territory	Campaign
Antigua and Barbuda	– The yearly 16 Days of Activism against Gender Violence campaign keeps this issue on the national agenda.
Argentina	– In the 260 Men against Machismo campaign, 259 well-known men in politics and the arts have signed a commitment to change their own sexist behaviour. – The Show a Red Card to Abusers campaign, Argentina Edition 2011/2015 under the auspices of the Spanish Agency for International Development Cooperation (AECID) and with the support of the President of Argentina, the National Women’s Council and the endorsement of the United Nations system in Argentina. Created by the Government of Spain, which authorized its implementation in Argentina. – The Brave are Not Violent campaign targeting young people. National Women’s Council along with the Federal Council of Youth in the campaign launched by the United Nations system. – Equality is a Right, Machismo is Not! was a 2011 campaign to reject gender-based violence, with posters in schools. National Institute of Men against Machismo, the National Elections Board, National Electoral Justice Council and the Women’s Office of the Supreme Court of Argentina.
Brazil	– Women: Live without Violence has five action strategies, one of which is continuous awareness-raising campaigns. – Broad public-awareness educational campaigns to put gender equality issues in the media, in conjunction with producers of television programmes and soap operas. This strategy is associated with the effort by Government communications teams to regulate the media and call attention to gender issues. – The Campaign against Violence against Older Persons was launched in May 2013.
Cayman Islands	– 16 Days of Activism against Violence against Women campaign, yearly. – Silent Witness March organized by the Cayman Islands Business and Professional Women’s Club (yearly).
Colombia	– National radio campaign under Law 1257: broadcast of 16 radio messages along with a summary of the most relevant aspects of the law and distribution of the booklet Guidelines for media treatment of violence against women.
Costa Rica	– It’s About Time, 2009: for cultural change towards equality between men and women. – Zero Abuse was a 2010 initiative, under the slogan “Of all the men in my life, not one is superior to me. Of all the women in my life, not one is inferior to me”. – UNiTE campaign (United Nations, 2011). – Join Up, It’s Time for Equality 2012, 2013 and 2014: Everyone is responsible, not just the State.
Cuba	– For Life campaign: audiovisual spots on a variety of issues including domestic and family violence.
Dominican Republic	– YOU CAN! campaign. Unite Now to End Violence against Women. Since 2011. – Hit the Wall campaign (2007). To raise awareness among perpetrators. – Zero Tolerance for Violence against Women (2008, 2009, 2011 and 2012) and Power and Control (2010) to raise awareness among victims. – Every Day Less, Until There Is None (2013) to encourage reporting. – Let’s Make a Deal for Respect and the Right to Life, Ministry of Education. Each year since 2011. For peace and coexistence in all education establishments. – 16 Days of Activism against Violence against Women.
Ecuador	– Heads Up, Ecuador, Machismo is Violence campaign: dissemination of messages in national and local mass media.
El Salvador	– “Violence against women is violence against society” campaign – “Trafficking women is a crime, speak up” campaign – Campaign to promote telephone number 126, a service for filing complaints and receiving information and guidance regarding violence against women
Guatemala	– For equal opportunities, unite to end violence against women (United Nations). – By and for Women – For all Women – Violence against Women is not Natural – Recognize and Respect the Rights of Indigenous Women
Guyana	– No More Black and Blue campaign against violence and White Zones in communities around the country, developed together with grassroots organizations.

Table IV.3 (concluded)

Country or territory	Campaign
Mexico	<p>Campaigns conducted by the Ministry of the Interior (SEGOB) National Commission for the Prevention and Eradication of Violence against Women:</p> <ul style="list-style-type: none"> – Promoting Women’s Human Rights, 2011. – Preventing Violence against Women, 2012 (two versions). Television, radio, and other broadcast media, and social networks. – Without violence (via social media such as Facebook and Twitter). – INMUJERES campaigns – One Day Changes Your Life. – Life without Violence is Your Right. – Women Speaking Up So Everyone Knows. – Men and Media against Violence and for Total Equality. – Human Rights of Women (Success Stories). – 25 November- International Day for the Elimination of Violence against Women. – Human Rights of Women. – For Women, All Rights, All the Time. – Men against Violence.
Panama	<ul style="list-style-type: none"> – Zero Abuse, 2010, aimed at young people in order to prevent gender-based violence. – Panama: Unite to End Violence against Women, 2010-2015. – Don’t Make it Pretty: Report It, 2010. – Don’t Hit Her, 2011. – Stop Femicide, 2012.
Paraguay	<ul style="list-style-type: none"> – Campaign against Sexual Harassment in the Civil Service. Building rights in the civil service. 2010. – SOS Women: Dial 137 and Ibero-American Zero Violence Campaign. 2011. – Turn off Violence against Women; Live a Life Free of Violence campaign; Ehechakuaáke. I Opened my Eyes campaign, Casual Friday. Supreme Court of Justice 2012. – Not Me, Not You, Not Her, 2013.
Uruguay	<ul style="list-style-type: none"> – Uruguay United to End Violence against Women, Girls and Adolescents for 2012-2014, aimed at preventing, punishing and eradicating gender-based violence and contributing to implementation of the national strategy for the eradication of gender-based violence.
Venezuela (Bolivarian Republic of)	<ul style="list-style-type: none"> – Education campaign to raise public awareness through the Bolivarian System for Communication and Information (SiBCI) radio broadcasting system, with posters at national and international airports (2014).

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of national reports on the implementation of the Beijing Declaration and Platform for Action+20.

Table IV.4
Latin America and the Caribbean: shelters and safe houses for women victims of violence

Argentina	<ul style="list-style-type: none"> – Shelters for women victims of violence at both the provincial and the municipal level, to cover specific demand in each jurisdiction (National Women’s Council).
Bolivia (Plurinational State of)	<ul style="list-style-type: none"> – Community Houses (CC) for Women (funded and operated by autonomous local governments). – Shelters and safe houses (CAR) (funded and operated by autonomous territorial agencies).
Brazil	<ul style="list-style-type: none"> – Safe houses, 72 nationwide. – Brazilian Women’s House (under construction in State capitals): public safety, justice, health, social assistance, intake and shelter services as well as job and income guidance (Secretariat on Policies for Women of Brazil).
Cayman Islands	<ul style="list-style-type: none"> – Safe house for abused women and their children (1). Created by the non-profit Cayman Islands Crisis Center.
Chile	<ul style="list-style-type: none"> – Shelters throughout the country. There are currently 23, with plans for 48 by 2017. National Women’s Service (SERNAM).
Dominican Republic	<ul style="list-style-type: none"> – Shelters (no information as to how many).
Ecuador	<ul style="list-style-type: none"> – Shelters and care centres for women victims of violence in coordination with civil society organizations. Inter-agency coordination (ministries and machineries for the advancement of women).
Mexico	<ul style="list-style-type: none"> – Shelters for women victims of violence and their children: 66 shelters in the 32 States. Thirty-four are run by civil society organizations, 31 are operated by State or municipal governments and one is mixed (run by an organization and the municipality together). These shelters are governed by the guidelines for care in shelters for women victims of violence and their children (National Women’s Institute, INMUJERES). – Indigenous Women’s Centres (21): governed by participatory model of care for sexual and reproductive health and gender-based violence among indigenous women.

Table IV.4 (concluded)

Paraguay	– Mercedes Sandoval House for women in situations of violence. Opened by the Ministry of Women in March 2014.
Suriname	– Shelter for abused women and children.
Uruguay	– Short-Stay House (CBE) in Montevideo, serving the entire country. – Shelters for women with children (5), in partnership with civil society organizations.
Venezuela (Bolivarian Republic of)	– Shelter Programme (6)

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of national reports on the implementation of Beijing Declaration and Platform for Action+20.

Another measure that is also on the rise is the set-up of emergency telephone lines for support and containment and to provide information on options open to women. In most cases they are available 24 hours a day, 365 days a year and are under the responsibility of the mechanism for the advancement of women, alone or in coordination with another entity. According to available information, the number of users is large. Peru reported that its Chat 100 service saw a 147% increase in use between 2011 and 2012. In Brazil, Call 180 receives an average of 2,000 calls a day (732,468 records in 2012). The Bolivarian Republic of Venezuela reported 56,163 calls received between 2009 and 2013. In Paraguay the SOS Women 137 line has taken 24,517 calls since it was set up in 2011.

Table IV.5
Latin America: helplines for victims of violence

Country	Helpline	Operated by
Argentina	144 Line	National Women's Council
	I'll Help You Line 4393-6464	Directorate General for Women of the City of Buenos Aires
	Toll-Free Line 0800-666-8537	Directorate General for Women of the City of Buenos Aires
Bolivia (Plurinational State of)	Emergency number (591) 663-8517	Comprehensive Women's Centre (CIM)
Brazil	Call 180	Women's Policy Secretariat of the Office of the President of the Republic (SPM)
Chile	Violence Helpline 800 104 008	National Women's Service (SERNAM)
Colombia	155 Line	National Police of Colombia, Ministry of Defence
Dominican Republic	Emergency Telephone Line	Ministry for Women's Affairs National Police Public Ministry
El Salvador	Guidance and complaint line 126	Salvadoran Institute for the Advancement of Women (ISDEMU)
Guatemala	Family Helpline 1515	Presidential Secretariat for Women (SEPREM) Program for the Prevention and Eradication of Domestic Violence (PROPEVI)
Honduras	114 "TO LIVE" Line	National Women's Institute (INAM)
Mexico	Talk Line 01800	Federal and State Public Administration Institutions Machineries for the advancement of women Civil society organizations
Paraguay	SOS Women Line 137	Ministry for Women's Affairs
Peru	100 Line	Ministry for Women's Affairs and Vulnerable Populations
Uruguay	08007272 Line	Ministry of Social Development (MIDES), Department of Gender-Based Violence
Venezuela (Bolivarian Republic of)	Service 0800-Women	National Women's Institute (INAMUJER)

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of official sources.

One of the most noteworthy initiatives is in Brazil, where the Maria da Penha Law is the cornerstone of the National Policy to Face Violence against Women. The National Pact for Addressing Violence against Women, launched in 2007, guides the implementation of policies dealing with violence against women. The Women: Live without Violence Programme, launched in 2013, is a set of actions to combat the various forms of violence against women and ensure and guarantee access to comprehensive, humane care. To fulfil the mandate of the Maria da Penha Law, the programme coordinates actions at the national, State, Federal district and municipal level and by non-governmental organizations in order to curb violence. It also coordinates judiciary branch and Public Ministry operations with areas of public safety, social welfare, health, education, work and housing. This programme has five strategies for action: create the Brazilian Women's House; expand the Call 180 Women's Hotline; open Women's Care Centres in dry border areas; organize and humanize care for victims of sexual violence, and run continuous awareness campaigns.

As well as campaigns, prevention actions have been undertaken by countries, such as that launched by Colombia under Decree 4798, which requires that the National Education Ministry, Education Secretariats of territorial entities certified in education, and education establishments meet certain obligations with regard to identifying, reporting, preventing and addressing violence against women in educational settings. It also regulates training and awareness actions for the education community to address violence against women and sets out strategies for creating school environments that protect against violence.³⁶

Other major prevention and care initiatives seek to involve and strengthen civil society initiatives in the fight against violence. A good example is Mexico's Programme to Support State Women's Institutions (PAIMEF), which implements and operates programmes to prevent violence against women. It promotes comprehensive local projects to prevent and address gender-based violence and has supported some 1,700 projects between 2006 and 2013. The Social Co-investment Programme supports projects by civil society organizations designed to curb violence against women.

Efforts to deepen and broaden the scope of policies in the countries are seen in the inclusion of programmes targeting specific populations. While in some countries the focus has always been on indigenous women, as in Guatemala or Mexico, this focus has sharpened in recent years. Between 2003 and 2013, Mexico opened 21 Indigenous Women's Centres (CAMI), governed by the Participatory Model of Care for Sexual and Reproductive Health and Gender-Based Violence against Indigenous Women. Also launched in 2013, the Action Programme for Gender Equality with Indigenous Populations provides financial support for social organizations that promote the exercise of rights and gender equality for indigenous women.

In 2007 the death of several girls from the Emberá community in Colombia as a result of genital mutilation set off alarms regarding a practice that was not known to the public. Under an existing national and international policy framework for the country, Colombia now has a national plan for identifying, reviewing and eradicating practices that affect the lives and health of indigenous women and girls. It was designed by the Colombian Family Welfare Institute (ICBF) and the National Indigenous Organization of Colombia (ONIC) in partnership with UNFPA. Within the framework of the National Sexual and Reproductive Health Policy, work has been under way since 2009 to ensure the rights of girls and women of the Emberá indigenous people against the practice of female genital mutilation and other forms of gender-based violence.³⁷ But mutilations continue. In October 2013, the United Nations Committee on the Elimination of Discrimination against Women expressed concern "at the practice of female genital mutilation in some indigenous communities, including the Emberá community, as well as at the tolerance of this practice by the

³⁶ National report of Colombia in the context of the twentieth anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration and Platform for Action.

³⁷ Ibid.

State party and its non-prohibition by law” and recommended that the Colombian State “undertake joint efforts with the indigenous authorities to eliminate FGM, including by raising awareness on its harmful effects for girls and women and by ensuring the implementation of the decisions taken by the [indigenous] Regional Council of Risaralda with regard to the practice of FGM; and prohibit FGM in its legislation”.

In Chile a valuable step forward has been the creation of an intercultural system whose guidelines include the worldview of the Mapuche in the Araucanía region for addressing gender-based violence in rural and remote areas inhabited mainly by the Mapuche. In 2014 a centre was opened in the Biobío region to care for Pewenche women victims of violence.

This trend for policies to focus on populations requiring targeted treatment is expected to continue to grow. The older population is a crucial area of concern. In 2011 Brazil opened a helpline for older persons as part of its Dial Human Rights (Dial 100) emergency service, provided by the Secretariat of Human Rights of the Presidency of Brazil. Besides being receiving complaints, this mechanism can flag situations of violence against older persons. In 2013 it received 38,976 complaints, compared with 8,224 in 2011. May 2013 saw the launch of the Campaign against Violence against Older Persons in order to make progress in prevention, care and shelters for victims of violence. A manual on handling violence against older persons has been available since April 2014.

The region still falls short in reparation measures. Not all of the plans provide for them explicitly, and there are few targeted policies. One important measure implemented by the Government of Brazil, which entered into force in July 2012, concerns collecting compensation from the perpetrator through the National Social Security Institute (INSS). This boosts the fight against domestic and family violence against women covered by Social Security; it decreases Finance Ministry expenses because the perpetrator must pay the Social Security system directly. The measure also contributes to the Brazilian Government’s continuous awareness-raising campaign carried out through the Secretariat of Women’s Policies.

Box IV.1

United Nations Security Council resolutions on women, peace and security

The relevance of the provisions of Security Council resolutions 1325, 1820, 1888, 1889, 1960, 2106 and 2122 (adopted between 2000 and 2013), even for countries not living in a situation of armed conflict, has led a number of countries of the region to implement actions in this regard. These resolutions promote women’s participation on equal terms in conflict prevention and resolution, peacebuilding and peacekeeping, and call for provisions to prevent violence against women in conflict and post-conflict situations.

Argentina has supported all the resolutions aimed at combating sexual violence in conflicts since resolution 1325. Since 2008 it has had a plan of action in the area of defence for the effective implementation of the gender perspective within the scope of international peacekeeping operations. In 2009, Chile laid out its first national action plan for implementation of United Nations Security Council resolution 1325/2000 on women, peace and security; the first of its kind in the region. Paraguay has had a national plan since 2013. Guatemala and Mexico are each developing one. Uruguay uses the text of resolutions to train personnel prior to deployment in peace mission areas.

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of official sources.

As for what countries have done to address violence, in the Second Hemispheric Report on the Implementation of the Convention of Belém do Pará, the MESECVI Committee of Experts had already warned of insufficient budget allocation for the prevention and punishment of violence against women. Despite urging by the Committee, most States have failed to fulfil their commitment to report their general budget figures over the past four years or the total allocated to machineries for the advancement of women. Neither have they provided breakdowns of the funding earmarked for the prevention and punishment of violence against women.

This problem persists in the country reports to Beijing, with the exceptions of Brazil, Colombia and Mexico. Among the countries of Latin America and the Iberian Peninsula, it is not yet possible to disaggregate the amount allocated to the fight against violence in the budgets of machineries for the advancement of women.

Box IV.2

Trafficking in persons: a form of violence against women

No country is immune to the growing phenomenon of trafficking in persons in the world, which has been described by the Secretary-General of the United Nations as modern-day slavery.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, defines trafficking in persons as the “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”.

Trafficking victims are persons who because of coercion, deception or abuse by traffickers are exposed to exploitation, through forced labour or sexual exploitation. The study *Human trafficking: basic aspects* prepared by the Mexico office of the International Organization for Migration (IOM) estimates that each year approximately 100,000 women and adolescents travel deceived by promises of work in Belgium, Germany, Israel, Japan, the Netherlands, Spain, the United States and other countries in Asia.

Many of these women will become victims of forced labour, but above all they will be victims of sexual exploitation. That is why the countries of the region, seeking to bolster the fight against this crime, have introduced new policies and laws, in addition to plans of action to curb such violence.

Eleven Latin American and four Caribbean countries have specific legislation to combat trafficking in persons.^a A number of them have developed plans of action; one of them is Brazil, which has implemented the National Border Strategy headed by the Secretariat for Addressing Violence under the Secretariat of Policies for Women. Intersectoral work in Brazil has also managed to disrupt criminal gangs originating in Spain, after complaints to the Call 180 hotline and action by the Federal Police.

Some countries have hotlines for seeking care and filing complaints, as well as shelters for victims. Mexico operates the Special Shelter for Comprehensive Care and Protection of Victims of Trafficking and Extreme Gender-based Violence, coordinated by the National Directorate for Centres for Comprehensive Care for Victims of Violence against Women and Trafficking of Persons. Mexico’s Attorney General’s Office operates the Complaints and Citizen Assistance Centre (CEDAC) in the areas under its purview. A Special Prosecutor’s Office was also established to deal with violence against women and trafficking, and which receives complaints concerning crimes within its jurisdiction and provides comprehensive services to victims.

The existence of centres and safe houses provides an opportunity to gather some data. For example, in Paraguay, between 2009 and 2013 the only temporary shelter for women victims of trafficking tended to 199 women affected by trafficking in persons.

There are also subregional initiatives, such as that of MERCOSUR, which under the Plan for Institution-building and Gender Mainstreaming has conducted assessments of trafficking and carried out awareness-raising campaigns. The Central American Integration System (SICA) and the Council of Central American Ministers for Women’s Affairs (COMMCA) are working on a project for Prevention of all Forms of Violence against Women, Trafficking and Femicide.

Of the 15 countries^a which have ratified anti-trafficking legislation, 9 have done so since 2010. The link between trafficking and violence against women provides an opportunity to build on the progress achieved, in particular with regard to intersectoral cooperation to more effectively address this problem.

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of official sources.

^a The Latin American countries are: Argentina, Chile, Colombia, Costa Rica, the Dominican Republic, Guatemala, Mexico, Panama, Paraguay, the Plurinational State of Bolivia and Uruguay. Those from the Caribbean are: Antigua and Barbuda, Barbados, Grenada and Guyana.

2. Femicide: different approaches to inclusion in national legislation

Femicide, defined as “the violent death of women based on gender, whether it occurs within the family, a domestic partnership, or any other interpersonal relationship; in the community, by any person, or when it is perpetrated or tolerated by the state or its agents, by action or omission”, has raised the alarm in various forums of the international community (OAS, 2008). Since this first came to light in Central American countries and in Mexico, a concept that was originally in the realm of the social sciences spilled over into public opinion and reached the legal system.

Since 2007, when the Bolivarian Republic of Venezuela and Costa Rica enacted specific legislation punishing the violent death of a woman at the hands of an intimate partner or former intimate partner, there has been debate as to the advisability of amending criminal laws to cover this new crime, either as a separate offence under the name of femicide or feminicide (a criminal offence that is different from others already covered by criminal law) or as an aggravating circumstance of the crime of homicide.³⁸ In addition, there are differences between countries on how to understand and address the homicide of women for reasons of gender discrimination. These differences range from a narrow definition of homicide in the context of marriage to broader ones that hold the State accountable for failure to protect victims. Now that some years have elapsed since adoption of the first laws making femicide a criminal offence, it is important to pause and assess how these laws are being implemented and how well they work.

Box IV.3

Special Rapporteur on violence against women, its causes and consequences: homicides of women on grounds of gender

The Special Rapporteur on violence against women, its causes and consequences, issued a thematic report on the homicides of women on grounds of gender (United Nations, 2012), which drew a distinction between direct killings by clearly identifiable perpetrators, and indirect killings. The former include homicide as an outcome of intimate-partner violence, for reasons connected with gender identity or sexual choices, those associated with accusations of witchcraft, or on grounds of safeguarding honour, as well as the killing of women in contexts of armed conflict.

In terms of female deaths from indirect causes, the report included those resulting from clandestine abortions performed in unhealthy conditions, maternal mortality, deaths resulting from practices that are harmful to women and girls, and those linked to trafficking in persons, drug trafficking or organized crime, among others. This distinction is useful for thinking about State accountability for institutional violence owing to State acts or omissions that block access to or enforcement of rights and public policies.

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of official sources.

Countries of Latin America and the Caribbean that have enacted legislation or specific criminal codes do not define just one type of femicide. By 2011, seven countries (Chile, Costa Rica, Guatemala, El Salvador, Mexico, Nicaragua and Peru) had criminalized femicide/feminicide; three had added aggravating circumstances for homicide (Argentina, the Bolivarian Republic of Venezuela and Colombia). As of 2014, four more countries (Ecuador, Honduras, Panama and the Plurinational State of Bolivia) have enacted legislation. By 2013 almost all of the countries had expanded their definition of this offence, ranging from the most restrictive (in Costa Rica) to the most extensive (the Plurinational State of Bolivia), as shown in table IV.6:

³⁸ Some authors such as Marcela Lagarde have framed the terms “femicide” and “feminicide” differently, including the component of State impunity in the second one. However, there is no agreement on this terminology difference, and the two words are used interchangeably in most cases. Some countries prefer the term “feminicide”, as may be confirmed by reviewing of legislation in place in each country.

Table IV.6
Legislation on femicide/feminicide in Latin America

Country	Year	Type of reform	Type of offence	Elements of the crime ^a	Punishment
Argentina	2012	Change to the penal code	Aggravated homicide	In all cases of homicide for reasons of gender-based violence	Jail or life imprisonment
Bolivia (Plurinational State of)	2013	Law 348 of 9 March 2013	Feminicide	Expanded by nine circumstances	30 years with no right to pardon
Chile	2010	Reform of the penal code and Law 20066 on domestic violence	Intimate-partner femicide	Is or has been spouse or cohabiter	Maximum degree rigorous imprisonment to qualified life imprisonment
Colombia	2008	Law 1257 reforming the penal code	Aggravated homicide	Homicide for being a woman	Imprisonment from 33.3 to 50 years
Costa Rica	2007	Reform of the penal code	Intimate-partner femicide	Related to marriage or a de facto union	Imprisonment from 20 to 35 years
Ecuador	2014	Reform of the penal code	Femicide	As a result of power relations in any form of violence, because the victim was a woman or because of gender	Imprisonment from 22 to 26 years
El Salvador	2010	Special Comprehensive Law for a Life Free of Violence for Women	Feminicide	For reasons of hatred or contempt for the victim as a woman	Imprisonment from 20 to 35 years for simple femicide and 30 to 50 years for aggravated femicide
Guatemala	2008	Law against Femicide and other Forms of Violence against Women	Femicide	Context of unequal power relationship between women and men, exercising gender power against women	Imprisonment from 25 to 50 years without the possibility of time off or substitute measures
Honduras	2013	Reform of the penal code	Femicide	For reasons of hatred or contempt for the victim as a woman	Imprisonment from 30 to 40 years
Mexico	2012	Reform of the penal code and General Law on Women's Access to a Life Free of Violence	Feminicide	For reasons of gender	Imprisonment from 40 to 60 years and a fine of 500 to 1,000 days
Nicaragua	2012	Law 779, Comprehensive Law against Violence against Women and reform of Law 641, the "Penal Code"	Femicide	Unequal power relationship in public or in private	Imprisonment from 15 years to maximum sentence
Panama	2013	Law 82 and reform of the penal code	Femicide	Due to discrimination or any other form of violence	Imprisonment from 25 to 30 years
Peru	2013	Change to the 2011 law on femicide and reform of the penal code	Feminicide	Killing a woman for being a woman. Expands restricted femicide to partner or former partner	Imprisonment from 15 years to life
Venezuela (Bolivarian Republic of)	2007	Organic Law on Women's Right to a Life Free of Violence	Aggravated homicide	Intimate partner or former partner	Imprisonment from 28 to 30 years

Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of Gender Equality Observatory for Latin America and the Caribbean.

^a For further discussion of the elements of the crime, see Garita (2011).

There are some relevant differences between the specific descriptions of criminal offences added or changed by each of the 14 countries listed in table IV.6. These differences are examined below.³⁹

³⁹ In general, this is modelled on the analysis set out in annex 1 of the Model Protocol for Investigating Gender-based Murders of Women in Latin America (femicide/feminicide).

National legislatures have made choices on criminal policy options. Some countries have classed femicide/feminicide as a separate offence. Among them are Chile, Costa Rica, Guatemala, Honduras, Nicaragua and Panama, which refer to “femicide”, and El Salvador, Mexico, Peru and the Plurinational State of Bolivia, which speak of “feminicide”. Some legislation adds a specific offence for civil servants who foster, encourage or tolerate impunity in such cases (Costa Rica, El Salvador and Mexico).

The second criminal policy approach involves changing existing criminal offences; a degree of progress has been noted in their classification. In Costa Rica, the law (2007) merely describes a crime of “intimate femicide” (“killing of a woman with whom there is a relationship of marriage, in a de facto union whether declared or not”). The organic law on violence against women in the Bolivarian Republic of Venezuela includes an aggravating circumstance of intentional homicide “when the offender (...) is the spouse, former spouse, partner, former partner, person with whom the victim had marital life, a stable de facto union or emotional relationship with or without cohabitation”. At the opposite end of the spectrum, the law recently adopted by the Plurinational State of Bolivia (2013) describes a substantially broader criminal offence: the killing of a woman is punishable in any of a number of circumstances that include if the perpetrator is or was the spouse or partner of the victim, whether or not they had been linked by an emotional or intimate relationship, with or without cohabitation; if the victim refused to establish with the perpetrator a relationship of husband and wife, love, affection or intimacy; if the victim was pregnant; if the victim was in a subordinate or dependent relationship with the perpetrator or was a friend, co-worker or colleague; if the victim was in a situation of vulnerability; if prior to the death of the woman she had been the victim of physical, psychological, sexual or economic violence at the hands of the perpetrator; if the offence had been preceded by a crime against personal or sexual freedom; if the death was linked to an offence of trafficking or smuggling of persons; or if the death was the outcome of rituals, group challenges or cultural practices.

A third kind of policy on crime entails adding a punitive aggravating circumstance. This is the case in Argentina and Colombia, where one of the aggravating circumstances of homicide is when the woman was killed because she was a woman or “when gender-based violence was involved”.

Some laws included objective elements in an offence, such as classifying homicide “in the context of unequal power relationships” (Ecuador, El Salvador, Guatemala, Nicaragua and Panama) or punishing homicide motivated by the victim’s condition as a woman (Colombia, Ecuador, El Salvador, Guatemala, Honduras, Panama and Peru). There are also objective elements of criminal offences “because of hatred of or contempt for women” (as in the laws of El Salvador and Honduras) or to punish “gender-based homicide” (Mexico and Honduras). Some aggravating circumstances involve alleged “hatred based on gender, sexual orientation, gender identity or gender expression” (as in Argentina).

In most of this legislation—as in Colombia, Guatemala and the Plurinational State of Bolivia—the perpetrator is referred to in generic terms. However, in some legislation the perpetrator is qualified when he is of necessity a man (as in the case of Nicaragua, Honduras and Argentina, in one type of offence) or when the femicide must have occurred in certain circumstances (for example, when the murder victim is a partner or former partner, as in Chile, Costa Rica and Peru). Other kinds of qualified perpetrators are seen in offences when the perpetrator is a public official, as in El Salvador. In other cases, there are other types of qualified perpetrators, for example with organized crime or group behaviours (as in Mexico and the Plurinational State of Bolivia).

The regional trend towards the inclusion of femicide has not been without controversy. Some authors such as Toledo (2009) discuss the conceptual difficulties of applying the offences defined in national systems, which can be grouped under the principle of legality (that is, that all

behaviours that are defined as crimes should be clearly identified by laws and described univocally); objections associated with perpetrator-based criminal law, which condemns acts committed by a group of individuals rather than the act itself (which would be the case, for example, if femicide were defined as a behaviour that can only be perpetrated by men against women, but not against women by other women even in the case of couples); and the potential for non-proportionality if the punishment for men killing women were far harsher than for women killing men (under similar circumstances). The principle of proportionality requires that similar acts receive similar punishments, so the punishment for killing a woman cannot be disproportionately harsher than for killing of a man in similar circumstances.

Promoting penal reform ties in with the need for better tools for punishing femicide, in view of the widespread impunity that is harmful not only to collateral victims' right to reparation but also to the rule of law in a democratic society.⁴⁰ In this connection, there is still no empirical research into the effectiveness of the legislation or, especially, into proper enforcement by the actors in the justice administration system: investigative police, prosecutors and the judiciary.

C. The role of the judiciary and judicial personnel

In recent years, justice administration systems in Latin America and the Caribbean have taken different approaches to fulfilling their mandate to ensure access to justice. Following the lead of supreme courts of justice and public prosecutors, they are making changes that are starting to shape institutional structures marked by the traditional patriarchal practices of a historically male profession.⁴¹ As women start to occupy the highest decision-making posts of the region's criminal justice systems, they are helping to consolidate this trend towards active judiciary involvement in the responses that the State must provide women. This process is being driven by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights as they spell out the scope of responsibilities for access to justice. Failure to effectively comply with the duty of due diligence and the resulting surge in new kinds of institutional violence towards victims of gender-based violence made the new responsibilities of the judiciary and the State crystal clear (Abramovich, 2012).

Multiple initiatives have been set in motion by the judiciary and other justice administration bodies such as prosecutors and public defenders' offices, and are geared towards greater prevention when possible and investigation and punishment when violence has already occurred. The agencies responsible for these initiatives depend on the institutional set-up of each country. Prosecutors and public defenders' offices are sometimes part of the judiciary; in other cases they are not accountable to the supreme court. Another significant difference between initiatives in individual countries has to do with the judiciary framework for gender policy matters. Some created special departments that are sometimes limited to violence against women;⁴² in other cases their scope is broader and seeks gender equity in the administration of justice for citizens as well as in the very structure of the judiciary.⁴³ The strength of these new structures and the sustainability of policies driving them

⁴⁰ See Toledo (2009) for a more in-depth discussion of the offence of femicide/feminicide in the region.

⁴¹ While the legal profession has been feminized in recent decades, power structures are still mostly male. On gender in the legal professions and the relevance of women's participation from an international perspective, see, for example, studies compiled by Schultz and Shaw (2003), and the "Women in the legal profession" project headed by Professor Deborah Rhode at Stanford University [online] <http://womenlaw.stanford.edu>. It is also interesting to review the statistical studies published annually by the American Bar Association (ABA) [online] www.americanbar.org.

⁴² As in the case of the Domestic Violence Office of the Supreme Court of Argentina (or similar offices at the provincial level).

⁴³ This is the case of the Women's Office attached to the Supreme Court of Argentina and the Gender Unit of the Supreme Court of Justice of El Salvador.

vary and may depend on the mandates of the male or female ministers of justice behind them. In some countries the top ranks of the judiciary, prosecutors' offices and public defenders' offices are lifetime positions. In other cases their terms are fixed, which can limit the chances that a policy will be successful because of the time it takes to design, implement, evaluate and, as the case may be, revise them. In justice administration systems, as in public policy, management changes can undermine policy continuity.

Beyond any differences, experience shows that there are certain essential guiding principles for promising practices in law and justice systems. These principles, listed in the Report of the Secretary-General of the United Nations (United Nations, 2006), are:

- Address violence against women as a form of gender-based discrimination, linked to other forms of oppression of women, and a violation of women's human rights.
- Make clear that violence against women is unacceptable and that eliminating it is a public responsibility.
- Monitor implementation of legal reforms to assess how well they are working in practice.
- Keep legislation under constant review and continue to reform it in the light of new information and understanding.
- Ensure that victims/survivors of violence are not "revictimized" through the legal process.
- Promote women's agency and empower individual women who are victims/survivors of violence.
- Promote women's safety in public spaces.
- Take into account the differential impact of measures on women according to their race, class, ethnicity, religion, disability, culture, indigenous or migrant status, legal status, age or sexual orientation.

Practices such as these were gradually incorporated into the policies of organs of justice in the region, creating spaces for sharing and disseminating achievements.⁴⁴

Table IV.7 below does not include all of the many and varied policies being implemented in the region, at different jurisdictional levels; rather it provides a snapshot of some high-profile initiatives as a starting point for thinking and learning, and for meshing effective empirical solutions, research and policies.⁴⁵

These initiatives, with their cross-cutting and intersectoral approaches and common goal of improving access to justice for women victims of violence, reflect the progress made in the region.

⁴⁴ Building on previous civil society initiatives (such as those fostered by the International Association of Women Judges (IAWJ) and meetings of women judges, defenders and prosecutors organized by the Regional Feminist Coalition for Human Rights and Gender Justice and meetings of women judges in the region (such as the Meeting of Women Judges in Latin America and the Caribbean held in Costa Rica in 2011), the Inter-American Commission of Women (CIM) of the Organization of American States (OAS) in collaboration with Argentina's National Supreme Court of Justice organized the "Hemispheric Workshop on Women's Human Rights: Good Practices in Gender Justice" in September 2013. For further information, see [online] <http://www.oas.org/es/cim/docs/Resumen-EncuentroJusticia-ES.pdf>.

⁴⁵ For reasons linked to decentralization of the judiciary, its jurisdictional anchor, the division of roles by competency (civil, criminal, administrative and labour) and governance of the judiciary in each country, policies can differ in scope in keeping with the national context. The following paragraphs describe policies put forth by national bodies of administration of justice, excluding others at the local level.

Table IV.7
Latin America: judiciary and justice administration body initiatives for access to justice for victims of violence

Country	Under the umbrella of	Year created	Institution and purpose
Argentina	National Supreme Court of Justice	2009	Office for Women (OM) To promote gender equality not only in the service of justice, but also among personnel, officials and magistrates themselves, both men and women. Its professionals provide ongoing training for the judiciary, based on national and international rules and standards disseminated through protocols for workshops and training for replicators, research on the integration of the judiciary and systematic review and dissemination of case law from a gender perspective [online] http://www.csjn.gov.ar/om/om.html . Domestic Violence Office (OVD) Available 24 hours a day, 365 days a year, the Office provides care, guidance and referral services to all victims of domestic violence in the city of Buenos Aires. It prepares risk assessments that are delivered to the courts, with the aim of facilitating access to justice for victims [online] http://www.ovd.gov.ar/ovd/ .
Costa Rica	Judiciary branch	2001/2003	Commission on Gender (2001) and Technical Secretariat for Gender Affairs (2003) Actions based on a comprehensive approach are carried out around an external axis for user services and an internal axis for human resources in the judicial branch [online] http://www.poder-judicial.go.cr/genero/ .
Guatemala	Supreme Court of Justice/Judiciary	2012	Control, Monitoring and Evaluation Unit for Agencies Specialized in the Crime of Femicide and other Forms of Violence against Women Secretariat for Women's and Gender Affairs Following legislative reforms and the establishment of specialized courts for violence, the Control, Monitoring and Evaluation Unit for Specialized Agencies was created to monitor the specialized courts and tribunals. The Secretariat for Women's and Gender Affairs was created to define and implement institutional policy on gender equity and advancement of women's human rights in the judiciary as well as monitoring compliance [online] http://www.oj.gob.gt/secretariadelamujer/ .
Mexico	National Supreme Court of Justice	2008	Gender Equity Programme of the National Supreme Court of Justice The Programme was created in order to raise awareness among and train those who deliver justice from a gender perspective to improve access to justice and encourage work environments free of violence and discrimination. To that end, the Programme's work is based on five strategies: research, training, linkage, dissemination and evaluation. Among the measures implemented is the drafting of a protocol for judging with a gender perspective in Mexico [online] www.equidad.scjn.gob.mx .
Paraguay	Supreme Court of Justice	2010	Gender Secretariat Operates the following in the framework of a strategic plan: the Judicial Branch's Justice and Gender Observatory, a system for gathering and compiling sex-disaggregated data for cases of violence by creating the Single Registry System for Services provided to Victims of Gender-Based Violence (RUVIG), an Office for Continuous Care for Victims and training for new trainers [online] http://www.pj.gov.py/contenido/136-secretaria-de-genero/136 .
Peru	Public Ministry	2009	Observatory of Crime Unit Established a femicide registry in order to record, systematize, process and analyse data on murders of women allegedly committed by their partners, former partners or any of the persons covered by laws on family violence, so as to enhance protection measures [online] http://www.mpf.gov.pe/boletinformativo/informaciongeneral .
Venezuela (Bolivarian Republic of)	National Judiciary	2010	National Commission on Gender Justice of the Judiciary Objectives include: develop and design judicial policies aimed at optimizing the gender justice system; design a judicial policy linking violence against women courts with community councils; compile case histories in the area of violence against women; work with the executive branch in planning and implementing public policies aimed at care for women victims of gender violence; and coordinate the courts charged with hearing and ruling on cases of violence against women [online] www.tsj.gov.ve .

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of official sources.

As can be seen, the judiciaries of the region are making strides in the design and promotion of various initiatives aimed at rectifying their shortcomings in addressing access to justice for women. Yet many of these initiatives face the same constraints as plans and programmes put forward by executive branches: weak mechanisms for monitoring, evaluating and disseminating information for gauging their actual impact and transformative potential.

Two important proposals for improving access to justice are the *Model Latin American protocol for investigating violent deaths of women for reasons of gender (femicide/feminicide)*, an initiative of the Office of the High Commissioner for Human Rights of the United Nations and the United Nations Entity for Gender Equality and the Empowerment of Women, and the initiative of the Ibero-American Judicial Summit (CJI),⁴⁶ *100 Brasilia Regulations Regarding Access to Justice for Vulnerable People*.

The *100 Brasilia Regulations Regarding Access to Justice for Vulnerable People* were approved in 2008 by the Ibero-American Judicial Summit (CJI)⁴⁷, a structure for cooperation and agreement among the judiciaries of the 23 countries of the Ibero-American Community of Nations. The “100 regulations” task the members of the judiciary with recognizing that age, disability, belonging to indigenous communities, deprivation of liberty, migration and internal displacement, poverty, gender, and minority status can put people in a more vulnerable situation, beyond the reach of the declaration of equality recognized by international, regional and national standards. These regulations are more than a declaration of principles; they establish specific mandates for bodies and institutions involved in the administration of justice as the starting point for designing public policies that guarantee access to justice for those who are vulnerable.⁴⁸ However, despite having been adopted at the regional level, countries are not systematically monitoring and reporting on their implementation. If they did, it would be easier to gather systematic information on State response and commitment to addressing violence against women based on a framework designed by the States themselves.

The absence of a single, systematic State response not only impacts the requisite interaction between the justice administration system and public policies, but also leads to problems of coordination among competencies within the judiciary itself.⁴⁹

The operating protocols drafted by institutions involved in the administration of justice seek to provide mechanisms for coordinated joint action. However, the success of these instruments lies in extensive knowledge by the actors involved in implementing them, so as to ensure that they are always followed. There is no systematic information to measure the degree of internalization of the modus operandi described in the protocols within these public actors, or the results achieved since—and if—they were put in place.

As with legislation and action plans, there is not enough information on the dissemination of these regulations by the authorities or on the use of these rights by citizens to demand compliance with these standards of care. Effective implementation of existing protocols is an unknown; this weakness should be remedied.

⁴⁶ According to the Summit website, the member States of CJI are Andorra, Spain and Portugal; Costa Rica, Cuba, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and Puerto Rico; and Argentina, the Bolivarian Republic of Venezuela, Brazil, Colombia, Chile, Ecuador, Paraguay, Peru, the Plurinational State of Bolivia and Uruguay. See [online] <http://www.cumbrejudicial.org>.

⁴⁷ For further information, see [online] <http://www.cumbrejudicial.org>.

⁴⁸ Under Regulation 24, “the addressees of the content of these Regulations are: (a) those responsible for designing, implementing and assessing public policy within the judicial system; (b) Judges, Prosecutors, Public Defenders, Attorneys and other civil servants who work in the Justice Administration system in accordance with the internal legislation of each country; (c) Lawyers and other Law professionals, as well as Societies and Associations of Lawyers; (d) people who work at Ombudsmen bodies; (e) prison and police officers and services; and (f) generally, all operators of the judicial system and those who take part in any way in its operation”.

⁴⁹ Initiatives for establishing specialized agencies to deal with all matters relating to violence against women (in particular, domestic violence) seek to tackle this problem. As yet, there are not enough empirical studies to assess the effectiveness of these measures.

D. Machineries for the advancement of women and their role in eradicating violence against women

The findings and recommendations of a number of studies stress that the success of policies for the prevention, punishment and eradication of violence against women depend to a considerable extent on the institutions behind them (United Nations, 2006; ECLAC, 2009; OAS, 2012a; Alméras and Calderón, 2012; UNDP/UN-Women, 2013). This is true not only because of the strength of initiatives developed by institutions with technical expertise, but also because their position in the organizational structure of the State shapes their ability to harness institutional and human resources by mainstreaming policies on two levels: involving public actors in addressing violence; and contributing a thorough understanding of the issue in all of its manifestations in the framework of efforts to achieve gender equality.

Rules in place at the national level tend to assign this role to machineries for the advancement of women. In Latin America, these machineries were created between the 1980s and early 1990s as institutions on a number of different levels (commissions, divisions and offices within ministerial structures responsible for social policies concerning the family, health care, education and other areas). Since the 1990s, almost all of the countries of the region have created executive-branch machineries in charge of policies related to the situation of women. These agencies draft and coordinate gender policies based on the agreements reached during the years when the gender agenda was being consolidated at the international level (Guzmán and Montaña, 2012).⁵⁰ As the authors note, these agencies maintain close—albeit not conflict-free—relationships with non-governmental organizations, social organizations, women’s movements, academic programmes and international cooperation organizations, which often confer their guiding principles, support and legitimacy (Guzmán and Montaña, 2012, p. 15).

However, these institutions and agencies fall at widely diverse levels within the hierarchy of the State bureaucracy. The Gender Equality Observatory for Latin America and the Caribbean classes machineries for the advancement of women at three different hierarchical levels: high, middle and low. This qualitative indicator describes the formal status that countries have given these machineries by means of laws, decrees and other official measures. In countries where they rank high in the hierarchy, these machineries are at the ministry level or the incumbent is a minister or has full participation in the cabinet. Mid-level machineries report to the office of the president and their incumbents are not part of the cabinet (offices reporting to the presidency, secretariats, national institutes and other offices).⁵¹ At the low level are machineries that are part of a ministry or a lower-ranking authority (vice-ministries, institutes, councils and other offices).⁵²

According to this classification, in Latin America fewer than half (45%) of machineries for the advancement of women rank high in the hierarchy and one third (35%) are in the middle. Two out of ten agencies for the advancement of women in Latin America rank low in the hierarchy and are part of a lower-level ministry or other authority. In the Caribbean subregion, an overwhelming majority (84.2%) of these machineries rank low in the hierarchy and are part of ministries or other institutions. Only 10.5% rank at the ministerial level or report directly to the prime minister (5.3%).

⁵⁰ The authors highlight two international milestones reached thanks to international efforts to establish machineries for the advancement of women in the countries of the region: the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace (Nairobi, 1985) and the Platform for Action adopted at the Fourth World Conference on Women (Beijing, 1995).

⁵¹ These machineries report to the prime minister, in the Caribbean countries with parliamentary systems.

⁵² The analysis by the Gender Equality Observatory for Latin America and the Caribbean noted that the institutional rank of a mechanism is merely a relatively simple proxy for the formal importance that gender equality has attained in each country. This analysis should be complemented by more detailed research on the patterns of gender institutions, their technical and budgetary resources and, especially, their influence on the global agenda and public policy design, as well as the government’s performance in reducing inequality between women and men in all areas. See [online] <http://www.cepal.org/oig/ws/getRegionalIndicator.asp?page=11&language=spanish>.

Guzmán and Montaña (2012, p.15) identified a step forward in the trajectories of the region's machineries for the advancement of women in recent decades as they shifted from low-authority positions (responsible for highly delimited actions) towards higher-ranking ones with greater authority mandated by law and roles ranging from lawmaker to coordinator. Since the 1990s, 10 countries of the region have raised the hierarchical level of machineries for the advancement of women, expanding their mandates from the traditional role of implementers of women's policy to regulatory bodies putting forth broader policies geared towards gender equality and human rights.⁵³

It is useful to explore the link between the institutional hierarchy of mechanisms for the advancement of women, their role as enforcers of legislation and policies for the prevention, punishment and eradication of violence against women, starting with adoption and implementation of action plans to that end.⁵⁴ Table IV.8 summarizes the information compiled by States parties to the Belém do Pará Convention, identifying the hierarchical rank of each mechanism for the advancement of women, its role as lead agency on violence against women and the existence of adequate legal and political resources in the country. This classification is based on considering comprehensive laws on violence as a second generation of legislation that builds on the first, and on a conviction of the need to have national plans adopted and under implementation to specifically address violence against women in a manner that cuts across inter-agency policy.

Table IV.8
States parties to the Belém do Pará Convention: rank of machineries for the advancement of women, adoption of comprehensive legislation and implementation of national plans

Country	Mechanism for the advancement of women/ lead agency on violence against women ^a	Rank of the mechanism ^b	Has comprehensive legislation on violence (year)	Has an approved and operating national plan ^c	
				Targeting violence against women	Non-targeted ^d
Anguilla	Department of Social Development and Gender Affairs (Ministry of Home Affairs, Natural Resources, Lands and Physical Planning)	Low	-	-	-
Antigua and Barbuda	Directorate of Gender Affairs (Ministry of Education, Gender, Sports and Youth Affairs)	Low	-	-	Yes
Argentina	National Women's Council	Low	Yes (2009)	e	-
Bahamas	Bureau of Women's Affairs	Low	-	-	e
Barbados	Bureau of Gender Affairs (Ministry of Youth, Family and Sports)	Low	-	-	-
Belize	Women's Department (Ministry of Human Development, Social Transformation and Poverty Alleviation)	Low	-	-	Yes
Bolivia (Plurinational State of)	Vice-Ministry of Equal Opportunity (Ministry of Justice)	Low	Yes (2013)	-	Yes
Brazil	Special Secretariat for Women's Policies	High	-	Yes	-
Chile	National Women's Service	High	-	-	Yes
Colombia	High Presidential Advisory Office for Women's Equality	Middle	Yes (2008)	e	-
Costa Rica	National Women's Institute	High	Yes (2009)	Yes	-

⁵³ In the Bolivarian Republic of Venezuela, Brazil, the Dominican Republic, Guatemala, Honduras, Mexico, Nicaragua and Peru these machineries gained ministerial rank. In Ecuador and Puerto Rico they went from reporting to a ministry to being part of the Office of the President of the Republic.

⁵⁴ The wide acceptance that violence against women constitutes a violation of their human rights, and the international commitments made by States to work towards its eradication, mean that targeted action in this area by machineries for the advancement of women will meet less resistance than where political agendas explicitly call for more structural, ambitious transformation. See the results of self-evaluations conducted in the Andean region (Rosero and Valdivieso, 2009 cited in Guzmán and Montaña, 2012).

Table IV.8 (concluded)

Country	Mechanism for the advancement of women/ lead agency on violence against women ^a	Rank of the mechanism ^b	Has comprehensive legislation on violence (year)	Has an approved and operating national plan ^c	
				Targeting violence against women	Non-targeted ^d
Dominica	Bureau of Gender Affairs (Ministry of Social Services, Community Development and Gender Affairs)	Low	-	-	-
Dominican Republic	Ministry of Women	High	-	-	-
Ecuador	Committee for Transition towards the Council of Women and Gender Equality	Middle	-	Yes	-
El Salvador	Salvadoran Institute for Development of Women	Low	Yes (2010)	e	-
Grenada	Division of Gender and Family Affairs (Ministry of Social Development)	Low	-	-	e
Guatemala	Presidential Secretariat for Women. National Council for the Prevention of Domestic Violence and Violence against Women	High	Yes (2008)	Yes	-
Guyana	Women's Affairs Bureau (Ministry of Labour, Human Services and Social Security)	Low	-	-	Yes
Haiti	Ministry of Women's Affairs and Women's Rights	High	-	Yes	-
Honduras	National Women's Institute	High	-	Yes	-
Jamaica	Bureau of Women's Affairs Office of the Prime Minister	Low	-	-	e
Mexico	National System for Prevention, Care and Eradication of Violence against Women (Executive Secretariat - National Women's Institute)	High	Yes (2007)	Yes	-
Nicaragua	Ministry of Family, Youth and Children	High	Yes (2012)	Yes	-
Panama	National Women's Institute (Ministry of Social Development)	Low	-	-	Yes
Paraguay	Ministry of Women	High	-	-	Yes
Peru	Ministry of Women and Vulnerable Populations	High	-	Yes	-
Saint Kitts and Nevis	Department of Gender Affairs (Ministry of Social and Community Development, Culture and Gender Affairs)	Low	-	-	Yes
Saint Lucia	Department of Gender Relations (Ministry of Health, Wellness, Human Services and Gender Relations)	Low	-	-	e
Saint Vincent and the Grenadines	Gender Affairs Division (Ministry of National Mobilization, Social Development, Family, Gender Affairs, Persons with Disabilities and Youth)	Low	-	-	-
Suriname	National Bureau for Gender Policy (Ministry of Home Affairs)	Low	-	-	Yes
Trinidad and Tobago	Gender Affairs Division (Ministry of Community Development)	High	-	-	-
Uruguay	National Women's Institute, presiding the National Advisory Council against Domestic Violence (Ministry of Social Development)	Low	-	-	Yes
Venezuela (Bolivarian Republic of)	Ministry of People's Power for Women and Gender Equality	High	Yes (2007)	e	-

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean and United Nations Development Programme (UNDP)/UN-Women, *El compromiso de los estados: planes y políticas para erradicar la violencia contra las mujeres en América Latina y el Caribe*, Panama, 2013.

^a According to the information in table A1, UNDP/UN-Women (2013).

^b As classified by the Gender Equality Observatory for Latin America and the Caribbean.

^c According to the information in table A2, UNDP/ UN-Women (2013).

^d Refers to plans that address gender-based violence or domestic or family violence, in a manner not specifically targeting violence against women.

^e The country reports that a plan is being drafted.

According to the data analysed, there seems to be no direct relationship between the position of machineries for the advancement of women in the hierarchy and the adoption of comprehensive legislation on violence against women. Of the nine countries with a comprehensive law, in four of them the machineries for the advancement of women ranked low in the hierarchy of State institutions (Argentina, El Salvador, Nicaragua and the Plurinational State of Bolivia) at the time when the law was passed. Two machineries are mid-ranking (in Colombia and Mexico); while only three rank in a high position (Bolivarian Republic of Venezuela, Costa Rica and Guatemala). Most countries that place machineries for the advancement of women high in the hierarchy do not have a comprehensive law on violence (Brazil, Chile, Dominican Republic, Haiti, Honduras, Paraguay, Peru, and Trinidad and Tobago).

In countries that have made progress towards the second generation of laws, high political participation of women in decision-making, particularly among parliamentarians, appears to have been more of a driver than the political rank of machineries for the advancement of women within the institutional framework. Argentina, the Bolivarian Republic of Venezuela, Costa Rica, Guatemala, Mexico and the Plurinational State of Bolivia are among the countries with comprehensive legislation on violence that have higher proportions of women in the national legislature. They are leveraging this position to drive a gender agenda that sees violence as an area of convergence for political forces.

According to the survey, there appears to be a stronger connection between the adoption of a comprehensive law and the operation of a national plan targeting violence against women. Of the nine countries with such legislation, four have national plans adopted and under implementation (Costa Rica, Guatemala, Mexico and Nicaragua), while a further four report that they are working on such plans (Argentina, the Bolivarian Republic of Venezuela, Colombia and El Salvador). Of the nine countries with national plans targeting violence against women adopted and under implementation, the vast majority have high-ranking machineries for the advancement of women (Brazil, Costa Rica, Guatemala, Haiti, Honduras and Peru). Two countries have mid-level machineries (Ecuador and Mexico), and only one has a low-ranking mechanism (Nicaragua).

This means that effective adoption of a specific plan for a coordinated national effort targeting violence against women relates to the institutional structure of machineries for the advancement of women. Women's access to, and presence in positions of authority created a favourable climate for expanding agendas and incorporating new concepts of gender across sectors, which in turn helped advance broad partnerships in response to pressure and support from women and women's organizations. Because women civil servants in machineries for the advancement of women belong to a hierarchical structure within the State bureaucracy, they are in a better position to carry out that lead function. In the less successful cases where these machineries rank low in the hierarchy, the ties have been weak and progress easily sidetracked, and although teams or commissions were composed of staff from different sectors charged with addressing violence, these efforts did not have good outcomes because of the lack of decision-making power to ensure that agreements were subsequently recognized by the authorities in each sector (Guzmán and Montaña, 2012, p. 26).

It seems clear that the potential for fostering long-term agreements that are duly observed is directly linked to the authority and legitimacy of the representatives of the sectors involved and to whether the priorities of machineries for the advancement of women mesh or clash with those of other offices of the State. An in-depth analysis of the effectiveness and scope of implementation of national plans to combat violence should not only look at their provisions but go beyond describing the legislation and review budget allocation and execution, implementation follow-up and outcome evaluation. Initiatives involving budgets and resource allocation often meet resistance from officials who are not willing to allocate funds to programmes and activities they regard as a low priority.

V. Conclusions and challenges

Latin America and the Caribbean has made great strides since the signing of commitments to the international community that have been the subject of regular follow-up through human rights protection machineries. International and regional treaty bodies of the United Nations and specialized machineries such as MESECVI have specific guidelines for compliance with standards for the protection of human rights and make specific recommendations for aspects on which States have not progressed sufficiently.

In just three short decades, this international framework, along with ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol, as well as the Belém do Pará Convention, have enabled progress in the legal framework, in the development of public policies and in national initiatives. Beyond any doubt, the greatest gains have been in enactment of laws criminalizing gender-based violence and violence against women. This political paradigm shift is challenging the public/private dichotomy and sparking legislative, judicial and cultural reforms.

The creation of these frameworks has not had the intended outcomes in all of the contexts of violence against women. There is evidence that the main problem is not linked to the design of legislation but to the lack of public policies and institutions that can ensure effective implementation. Moreover, these laws usually focus on punishment of offenders without tackling the factors that enable the continuum of violence or addressing the lack of comprehensive measures to change the culture of violence.

Despite progress on the legislative front, then, it is still difficult to create conditions enabling women to enjoy all of their rights and effective access to justice that does not necessarily begin with the filing of a complaint. If the priority strategy lies in recourse to criminal law and criminalization of behaviours that constitute forms of violence against women, this can mask other weaknesses, such as the absence of comprehensive social policies to combat violence against women. It is therefore important to remember that “the law is a tool within a policy framework. Its effectiveness depends largely on State action on social issues. Social policies in housing, education, health, emergency aid and containment networks are necessary for the law to be effective” (Birgin, 2003).

As noted by ECLAC (2014), violence against women cannot be analysed and addressed in isolation, but must be considered bound up with the factors of economic, social and cultural inequality that operate in the power relations between men and women, which are in turn mirrored in inequality of resources in the private and public domains and are directly related to the unequal distribution of labour, especially unpaid domestic work.

One emerging challenge is to assess whether the economic empowerment programmes being set up in a number of countries help eradicate violence and its causes over the short and long term. It would seem that linking violence and economic empowerment would enable progress across all fronts and reveal whether investing in gender equality does indeed help draw effective attention to the structural causes of inequality that perpetuate violence against women.

While recognizing the limitations of legislation and the need for a comprehensive response, existing legislation does provide tools that should be used. Despite the challenges posed by the sustainability of comprehensive services, prevention and reparation initiatives must be expanded. The pioneering studies conducted in the region on the costs and expense of violence against women need to be updated so that funding for public policies for eradicating violence can be debated as crucial for bolstering the systematic and transparent implementation of laws and plans.

Comprehensive laws passed in the countries of the region include new areas for public administration in general and for the administration of justice in particular. The only way to continue capacity- and competency-building to address the scourge of violence against women is for public officials in all of the departments involved (from operators of justice to those responsible for dealing with violence at the territorial level, to health officials and educators) to be familiar with them.

Knowledge based on an analysis of policies on violence against women has made it possible to take stock of shortcomings, expand the legislative framework and redouble efforts. Yet there is now a need for more and better tools to qualitatively and quantitatively assess policy management progress and outcomes. This examination should take place in the framework of the policy cycle as a whole, so that the evaluation of outcomes encompasses the range of public bodies and State levels in the region. The ultimate objective is to analyse the impact of these policies on women's lives and access to justice, as well as the ability of operators of justice to build an agenda for gender equality and non-discrimination against women into their practice.

Interaction prompted by the machineries for the advancement of women has boosted inter-agency and intersectoral coordination, making policies addressing violence more sustainable. This is one of the key factors in implementing such policies. New public intervention models (inter-agency round tables and working groups) bring in new perspectives and individual and collective actors, providing a fresh look at the agenda and policy management and building substantive partnerships. In a number of countries these encompass the academic and political spheres as well as feminist activism.

This complex agenda for achieving the political and financial sustainability of the institutional measures taken to combat violence calls for building stronger alliances between areas that are sometimes unfamiliar or resistant to change and do not always have the tradition of cooperating for a shared objective.

Another key factor is the availability of information in the form of statistical data or empirical information (even if limited, incomplete or difficult to access in many countries in the region) that has informed the shaping of public policy options in recent decades. The effort to ensure the availability of information and data for measuring violence against women in a growing number of countries has faced challenges, including addressing current weaknesses. It is still hard to obtain a regional overview of the magnitude of all the dimensions of violence against women. The statistical information gathered is scanty and heterogeneous (which hinders proper comparison between countries), and it focuses on violence within families, particularly in partner relationships.

Administrative records of government agency interventions tend to provide isolated data on certain services and do not allow for a comprehensive assessment. In line with the observations of international and regional human rights monitoring machineries concerning the need for reliable data on violence, progress is being made in building an inter-agency consensus on official figures in a number of countries of the region. It is therefore useful to compile information on national efforts that have furthered regional harmonization of data on violence against women.

The challenges of violence against women call for:

- Improved systems for the production of information that also consider the chronic lack of data on violence against indigenous and Afro-descendant women.
- Legal systems that guarantee access to public information.
- Legislative reforms, where necessary, with broad public debates on participatory processes, to give legitimacy to the laws.
- Forceful institutional coordination, with an institutional hierarchy, technical capacity, prestige and professional standing, capable of coordinating work within each institution, as well as with other executive branch institutions and other branches of government and across jurisdictions.
- A truly comprehensive care system that can coordinate social policies with judicial responses from the civil, criminal, labour, administrative and other competencies involved.
- More robust health care machineries, considering that in addition to being essential for ensuring the health and lives of women this sector is in an ideal position to identify cases, prevent recidivism and mitigate negative impacts.
- Adequate funding of public policies, institutions and sectors involved in initiatives to end violence against women.
- Transparent, regular and professional monitoring machineries for evaluation and review of the effectiveness of legal reforms and implementation of political, social and sectoral plans and projects.
- Independent, professional and diverse mechanisms for the participation of civil society.
- Support for better legal training, more activism, a more robust civil society that is better coordinated with gender-sensitive political actors with a common agenda, both at the legislative level and within the judiciary, as agendas grow increasingly complex.

Beyond individual cases of women in need of social, health and justice services, from an institutional policy standpoint the still-unfulfilled public policy promises of existing legislation leave a lot of room for promoting public-interest actions in pursuit of effective implementation. Efforts to fulfil the promise of equality are no longer confined to proper implementation of plans and programmes whose funding is far from ensured. They also encompass the legal framework built over time and involve a constitutional challenge that must be resolved by judiciaries that are not yet fully committed to an agenda of gender equality and non-discrimination against women.

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