



No more!

The right of women to live a life free of violence
in Latin America and the Caribbean

October 2007

LC/L.2808
October 2007

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Particular thanks are due to the United Nations Children's Fund (UNICEF), the United Nations Development Fund for Women (UNIFEM) and the Joint United Nations Programme on HIV/AIDS (UNAIDS), as well as the other organizations, funds and programmes that currently make up the Inter-Agency Working Group on Violence against Women in all its Manifestations, which is coordinated by the Economic Commission for Latin America and the Caribbean (ECLAC): Office of the High Commissioner for Human Rights (UNHCHR), United Nations Population Fund (UNFPA), United Nations Educational, Scientific and Cultural Organization (UNESCO), International Labour Organization (ILO), Pan American Health Organization (PAHO), International Organization for Migration (IOM), United Nations Development Programme (UNDP), and the Inter-American Institute for Cooperation on Agriculture (IICA).

Thanks are also given to UNICEF, UNIFEM and UNAIDS for their financial contribution.

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Presentation

The report *No more! The right of women to live a life free of violence in Latin America and the Caribbean*¹ is the result of a joint effort by specialist United Nations organizations and entities in Latin America and the Caribbean. To fulfil this mission inspired by resolution 58/185 of the United Nations General Assembly of December 2003,² the organizations represented in the thirteenth meeting of specialist bodies and other organizations of the United Nations system on the advancement of women in Latin America and the Caribbean (Mar del Plata, Argentina, September 6, 2005) agreed to implement an inter-institutional study on violence against women in all its forms under the coordination of ECLAC. In the same manner as the Secretary General's report relating to the in-depth study of all forms of violence against women,³ the eradication is sought of one of the most widespread crimes along with an end to the accompanying impunity. Its dissemination and debate throughout all levels of society will help to raise social awareness providing authorities with the resources and instruments needed for its elimination.

Just like the Secretary General's report, the regional report will make it clear that to eradicate violence it must unequivocally become a central objective of public agendas: as a human rights issue in the first place, and as an obstacle to development in the second. Advances must be made toward public policies which underline the States's duty of diligence to protect women from violence. The political will must be accompanied with sufficient human, technical and financial resources to articulate and deepen existing efforts for prevention, attention and sanction alike.

It is not lack of experience, lack of models or social indifference that explains the weaknesses analyzed in the present document. The principal obstacles lie in the vacillating will of the institutional sphere. The three powers of the State show weakness and a lack of technical, financial and human resources. Secondly, there is the persistence of cultural factors which invade all the spheres of social life, legitimating violence.

The negative synergy between institutional violence and the patriarchal culture encourage and promote situations of impunity. These factors are both cause and consequence of the lack of power of women, adolescent girls and female children. Good practices identified in the region show that this circle of impunity can be broken thanks to the establishment of multi-sectoral strategies and with the full participation of women as citizens. The exponential growth of reports, the greater social visibility of forms of violence – including gender violence – added to the low legitimacy of the public institutions mean the programmes that were successful in the early stages of the battle against violence, today require a firm change of direction based on a strong political commitment to bring about institutional reforms in the realms of justice and security and public policies framed in the international legislation on the human rights of women.

¹ This document has also been circulated under the title "Not one more! Women's right to a life free of violence in Latin America and the Caribbean".

² Resolution 58/185 requested that the Secretary General's office complete an in-depth study to all forms of violence against women, according to that established in the Beijing Declaration and Platform of Action, approved in the Fourth World Conference on Women and the final document of the 23rd extraordinary sessions of the General Assembly 'The Woman in the year 2000: Gender Equality, Development and Peace in the XXI Century'.

³ A/61/122/Add.1 and Add.1/Corr.1.

Introduction

One condition for serial killings to stop happening is that we stop being a series, lacking synthetic vision and start to empower ourselves. We have to build female individuality

Celia Amorós

If we take 10 representative women, aged over 15 years-old, in each country of Latin America and the Caribbean we would see that four Peruvian women and four Nicaraguan women would have suffered physical violence at the hands of their husbands; in Mexico, three women would have been victims of emotional violence and two more of economic violence; three Brazilian women would have suffered extreme physical violence and two Haitian women physical violence.

Between 1990 and 2007, more than 900 Chilean women were murdered, the vast majority by their partners or former partners. Similar situations occur in the Bahamas, where femicide represented 42% of all murders in 2000, 44% in 2001 and 53% in 2002; in Costa Rica, femicides represent 61% of all murders of women; in El Salvador, where half of all cases reported by the press in 2005 ended in homicide; in Puerto Rico, where 31 women were killed as a result of domestic violence in 2004; and in Uruguay where a woman dies every nine days as a result of domestic violence. In all cases, more women die at the hands of their partners than from action by strangers. These figures produce strong reactions amongst the public as is shown by the Latinobarometro 2006 survey, where 90% of those surveyed considered domestic violence to be a serious problem (Lagos, 2007).

The figures that appear in the regional report, *'No More! The Right of Women to Live a Life Free of Violence in Latin America and the Caribbean'*, are just the tip of an iceberg which is hidden behind the statistical silence, social toleration and impunity of gender violence – today one of the most widespread forms of human rights violation.

Women's voices, which have been working for more than 30 years to bring this problem out from the darkness of private lives into an issue for social debate – challenging, anachronistic, regulatory frameworks and openly naming physical, sexual and psychological violence – have made an impression on legislators. These have gradually eliminated the legislative obstacles that prevented sanction and adopted regulations inspired by the Convention of Belem do Pará,⁴ which means that this region now has one of the best legislations in the world.

This study aimed to reveal the specifics of gender violence in the region, as a complementary contribution to the in-depth study of all forms of violence against women presented to the General Assembly by the United Nations Secretary General's Office in October 2006. At the end of the study, more similarities than differences were seen in relation to other continents. Women in Latin America and the Caribbean are no more nor less victims than women in other parts of the globe. Violence threatens everyone – regardless of social, racial or ethnic origins – and bears the same fundamental traits here as in other parts of the world. Certainly, some groups are more vulnerable and face greater obstacles in accessing the protection of the state and justice systems (OAS/IACHR, 2007), having to deal with an extra form of violence resulting from the failure to apply the law: Institutional violence.

What makes the difference in Latin America and the Caribbean is related to the conditions of development in the countries of the region. The expressions and circumstances of violence against women are affected largely by democracy being generally in force, the state of institutional and legislative development and the tradition of the freedom of worship which characterizes most of the countries. However, while the adoption of legislation and the creation of institutions are necessary conditions for the eradication of violence, Latin

⁴ Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women, signed in the XXIV Sessions of the OAS General Assembly, Belém do Pará, Brazil, 6 to 10 June 1994.

American and Caribbean societies have not managed to remove the influence of the patriarchal culture. This operates within people's mentalities, rooted since its inception in a deeply violent colonial blueprint - both in ethnic and gender terms - as well as in the beliefs and practices of broad sectors of society and its institutions, like the police, the health services, the legal system and the media. In extreme situations, like war or internal conflict - political or criminal - women become the target of rape and sex crimes which are unleashed cruelly upon them as a means by which men can inflict defeat on their enemies, whether these be politicians, the military, drug traffickers or gangs. It is in the face of extreme cases like that of the Mexican women of Juárez that these pernicious conducts come to light.⁵

Prevalent traditions in general do not operate as protective factors, more so they tend to reinforce the subordination of women resting on behaviours and customs which legitimate discrimination. The persistence of traditions, certain religious values and others that establish the inferior status of women, but above all institutional weakness and the low priority assigned in public budgets which are presented in most of the countries prove obstacles to the eradication of this serious problem. Although noxious practices like infanticide, the prenatal selection of the foetus, female circumcision and dowry-related violence seen in other parts of the world are not seen here, Latin America and the Caribbean also present situations that are not made public enough and threaten more basic rights, like the trade and trafficking of people, incest and the abuse of working girl children, amongst others.

The coexistence of innovative norms and mechanisms like the Convention of Belem do Pará and its follow-up mechanism along with the impunity the victims face - 'survivors' in the terms of the Secretary General - it is frequently the anteroom of femicide behind which is discovered a long chain of indolence, ineffectiveness and impunity which puts an end to the lives of many women. Even though many countries have adopted new laws in accordance with the Convention, as will be seen further on, there is still much to do before the justice system can be considered adequate. This means harmonizing all legislation with human rights principles, eliminating in some cases the legacy of a patriarchal legislation or adequately defining all forms of violence; new investments are needed in sectoral policies like education, health, citizen security and employment, as well as an integration of the international agreements on foreign policy of States such that the protection of the rights of women forms part of the backbone of State action.

Institutional transformations carried out in the last decade in the executive, legislative and judicial powers have not kept abreast of the rate of social and regulatory changes. This contrasts with increasing social awareness of the seriousness of this problem. When asked whether domestic violence is an important problem or issue, some 90% of Latin Americans stated that they felt it was. This perception fluctuates between 97% of people in Chile and 80% in the Dominican Republic (Lagos, 2007). The magnitude of the data on the prevalence of domestic violence and citizen perception on the seriousness of this contrast with the slight presence of this issue on the political agendas, the scarcity of resources and the behaviour of the judicial system. This demonstrates the breach between citizen demand and State response.

This report is a call to attention, firstly to the government authorities for them to adopt with speed all the measures necessary for the region to move on from proud words and laws to the protection and eradication of all forms of violence against women. It is also aimed at international organisations, civil society organizations and the media to promote a broad consensus in favour of the eradication of violence and impunity.

The report is presented in four parts. The first defines and contextualises violence against women in Latin America and the Caribbean, while the second offers a diagnosis based on available sources, analysis is made of the state of the information and the effects and costs of violence are enumerated. The third section highlights existing advances, initiatives and good practices, and the fourth sets out the challenges facing governments and society, along with possible measures to be taken, including a proposal for a proven model for dealing with the issue and a regional Observatory for the permanent monitoring of violence against women. The annexes provide a summary of the information available for the countries of the region, their laws on violence against women, policies, programmes and budgets, and the international instruments for combating violence against women.

⁵ See Chapter II, section 4b, on femicide in the public sphere.

The information provided comes from bibliographical sources, material published on the Internet, government reports, research by non-governmental organizations and academic centres, as well as documents released by organizations within the United Nations system up until July 2007. There is also analysis of responses to the 'Questionnaire for the organisations of the United Nations system on activities related to violence against women', supplied by the Division for the Advancement of Women (DAW) in January 2005 and to two questionnaires supplied to organisations within the United Nations system and offices for the advancement of women within the countries in January 2006.



Chapter I

How violence is experienced in Latin America and the Caribbean

How violence is experienced in Latin America and the Caribbean

A. Violence against Women in a context of social inequality

Latin America and the Caribbean are characterized by high levels of inequality and poverty where various forms of discrimination are practiced, with gender inequality being one of the most persistent. The link between gender violence and discrimination is indissoluble and must be taken into account in order to understand violence against women.

There are nearly 600 million people in Latin America and the Caribbean.⁶ Between 2002 and 2005, poverty in Latin America reduced by 4.2 points from 44% to 39.8% and extreme poverty also fell by 4 points, from 19.4% to 15.4% (ECLAC, 2006b). Inequality measured by the Gini index – which measures inequality in income distribution – showed that between 1998-1999 and 2003-2005 countries like Brazil, El Salvador, Paraguay and Peru saw an appreciable reduction in inequality. Nonetheless, if inequality in income between 1990 and 2005 is analyzed, it is seen that in the last 15 years only two countries have achieved a large improvement in distribution: Uruguay and Panama with an 8% reduction in the Gini coefficient,⁷ followed by Honduras, with a reduction of 4%. In contrast, in Ecuador and Paraguay⁸ the indicator increased by around 10%, which represents a notable increase in the concentration of income. Argentina,⁹ Costa Rica and the Bolivarian Republic of Venezuela also show a significant reduction, from 4% to 7%. Furthermore, the female poverty index¹⁰ in 2002 was 1.02 in the urban area and 1.04 in the rural area, which shows that women are over-represented amongst the poor. In the Caribbean, studies of poverty carried out through the Surveys of Living Conditions are very limited, but the data available for some countries show the female poverty index varied from 1.04 to 1.36 in the years around 2000, showing an even greater over-representation of women.¹¹

The rate of female participation in the workforce in Latin America around 2004 varied between 45% and 57% while that for men over the same period varied between 71% and 83%.¹² In the Caribbean, around 2000 in selected countries the rate of female participation represented even larger variations of between 40.7% and 67.5% whilst that of men was similar to that of their peers in Latin America with figures fluctuating between 66% and 81%. However, the average rate of female unemployment in Latin America is 12.7%, while for men

⁶ According to demographic projections by ECLAC Population Division-CELADE, the population of Latin America and the Caribbean are estimated at 563,886,000 and 12,120,000 people respectively for 2005 and 603,162,000 and 12,496,000 for 2010 (ECLAC, 2004a).

⁷ Only urban areas.

⁸ Metropolitan area of Asunción.

⁹ Gran Buenos Aires.

¹⁰ Adjusted index. The female index indicates the relationship between the number of women and the number of men in a given population. Equality between the numbers of both sexes is given with values equal to one, while a greater female presence is shown by values above one. This indicator is used to analyze population distribution by sex.

¹¹ Information from special tabulation of the 1990 and 2000 censuses in some Caribbean countries by ECLAC Women and Development Unit (Belize, Grenada, Saint Kitts and Nevis, Saint Vincent and the Grenadines and Saint Lucia).

¹² Information from special tabulation of the surveys of homes in Latin America by the ECLAC Women and Development Unit. Data available online in Spanish on the Gender Statistics site, http://www.eclac.cl/mujer/proyectos/perfiles/comparados/t_trabajo2.htm.

it is 9.2%; in the Caribbean, the unemployment rate for women in 2000/2001 varied between 6% and 33.2% while that of men fluctuated between 5.9% and 17%.¹³

Meanwhile, average income for employment for women in Latin America is equal to 69% of the average earnings of men. Even so, in 34% of urban homes women are the main wage earners, while only 28% of homes recognize a woman as head of household. It is thanks to this second income that poverty is not greater in the countries of the region.¹⁴

Amongst poor homes, the percentage of married women with no income of their own fluctuates between 45% and 78% depending on the country. If non-poor homes are studied, between 33% and 54% of married women have no independent income which reflects the high degree of vulnerability of women in the face of any change in the family situation.

Both birth and death rates have reduced in recent years. The regional average for global fertility level is 2.6%, which is even lower in Argentina, Brazil, Chile, Costa Rica, Cuba and Uruguay which are countries in advanced transition while the Bolivarian Republic of Venezuela, Bolivia, Colombia, the Dominican Republic, Ecuador, El Salvador, Haiti, Honduras, Mexico, Nicaragua, Panama and Peru are considered countries in full transition with fertility rates of between 2.7% and 4%. Only Guatemala is in a stage of moderate demographic transition and therefore has a higher rate of 4.4%. However, specific rates of teenage pregnancy remain high, reaching a regional average of 75.65 per 1,000 in 2007: It is therefore not surprising that 18% of all live births are to teenage mothers.¹⁵

Levels of unwanted pregnancy also remain high. In those countries where information is available the rates range between 8.9% in Nicaragua and 49.8% in Costa Rica. Another important aspect worth mentioning are the different birth rates between indigenous and non-indigenous groups. In Bolivia, Brazil, Ecuador, Guatemala and Panama, the average number of children for indigenous women or those of African descent aged between 25 and 29 years-old ranges between 1.8 in Brazil and 3.3 in Panama, while that of women not from these groups has an average of between 1.3 in Brazil and 1.5 in Panama.¹⁶

Urban women aged between 15 and 24 years-old have an average of 9.7 years of education, while men have 9.3. On another front, in rural areas the average number of years of education for women in this age group is 7.0, while for men it is 6.8. In the case of women aged between 25 and 59 years-old, the average number of years of education is 7.8, while for men it is 8.4. Women in this group in rural areas have 3.9 years of education and men 4.3.

Despite the advances recorded – women today have higher levels of education than men, they are drawing even on participation in the workforce and the pay gap has begun to reduce in some occupational sectors – women are still over-represented amongst the poor and indigent. Their representation in the decision-making spheres is extremely low and most are almost exclusively occupied in labour associated with care and reproduction. The situation is even more serious for most women who are poor, indigenous or of African descent due to the high level of vulnerability they experience. Gender violence, however, knows no social boundaries, and although it is empowered by poverty, it is a universal evil crossing all educational and social levels.

The culture of inequality which harbours violence is inscribed in the already violent inequality of opportunities, unequal access to resources and justice services, discrimination in employment and pay as well as the unequal distribution of power and time between women and men. Inequality is also expressed in the inequitable access of women to justice, disparity in treatment by public services and the evidence of impunity indicated in the in-depth study by the Secretary General's office and regional studies by human rights bodies.

¹³ Information from special tabulation of the 2000/2001 round of censuses in some Caribbean countries by ECLAC Women and Development Unit (Antigua and Barbuda, Barbados, Belize, Saint Vincent and the Grenadines, Saint Lucia and Trinidad and Tobago).

¹⁴ ECLAC estimates show that poverty would increase 10 points without the contribution of women's income from work (ECLAC, 2005a).

¹⁵ Estimated specific fertility rate for 15 to 19 year-olds in 2007. See <http://www.un.org/esa/population/unpop.htm> cited in ECLAC/UNICEF (2007).

¹⁶ On the basis of special tabulations of the censuses for Bolivia (2001), Brazil (2000), Ecuador (2001), Guatemala (2002) and Panama (2000) processed by the ECLAC Women and Development Unit.

Box 1 **A long way to go**

A summary of violence against women carried out in 2002 concluded that despite large advances in the 1990s, several urgent challenges still remained, the most important of these being to:

- Generate a non-violent culture, which questions norms and customs, the language and the various expressions of a patriarchal society based on the use of power, repression, terrorism, war and the extermination of persons for gender, ethnic or religious reasons.
- Overcome the failure to apply the Belém do Para Convention.
- Improve dissemination strategies which allow exchange between various countries and agents to be maintained, such that joint strategies and activities may be defined.
- Ensure the adequate application of the law, through the provision of necessary resources and the standardization of criteria in this respect and not so much on the approval of new legislation.
- Reinforce awareness-raising and training aimed at male and female politicians, judges and other staff working within the judicial power in order to promote the appropriate application of the law.

Source: United Nations Development Fund for Women (UNIFEM), on the basis of Elizabeth Guerrero Caviedes, *'Violencia contra las mujeres en América Latina y el Caribe Español 1990-2000: balance de una década'*, Santiago, Chile, ISIS International/UNIFEM, April 2002 and Comité Latinoamericano para la Defensa de los Derechos de la Mujer (CLADEM), *'Dossier sobre violencia doméstica en América Latina y el Caribe'*, Lima, October 2005.

B. Violence: A human rights violation

It is in the context of inequality, discrimination and impunity that gender-based violence appears out as a systemic and systematic violation of human rights and as an obstacle to economic, social and democratic development in all countries.

The philosopher Celia Amorós (1991) and other feminist authors refer to the violence which is exercised over women, just because they are women, as 'sexist violence' or 'patriarchal violence', pointing out that the probability of this form of violence being exercised is one of the main mechanisms for perpetuating the subordinate position of women in the patriarchal order that still predominates in our culture. In this sense, more than an 'abuse' (a term which suggests that violence is an exception), this would be a politico-cultural device for domination (Provoste and Valdebenito, 2006). Gender violence is based on the preconception of the inferiority of women which sustains the culture of inequality and discrimination which governs most societies in the region. It is this notion that underlies impunity and prevents women from deploying all their abilities and fully exercising their rights. The victims of violence generally experience distrust, they tend to be blamed when they report offences and the aggressors go unpunished – amongst other things because of the high level of social tolerance toward what tends to be considered a private problem in spite of the laws. Violence against women is the clearest indicator of the social and cultural backwardness of any society.

The international community has responded in various ways: On the one hand it has adopted treaties specifically directed toward eliminating gender discrimination – including the appointment of a Special Rapporteur on violence against women, its causes and consequences (see Box 2)- and, therefore, has integrated the principle of non-discrimination into other instruments. The evolution of both processes has been unequal on the international level and its impact in the countries varies. In both cases, the women's movement has played a significant role developing strategies of impact on two fronts: raising the visibility of the specific rights of women and their integration into mainstream human rights issues. It is in this latter sphere where the main challenges lie.

Box 2 **Special rapporteur on violence against women**

Current rapporteur: Mrs. Yakin Ertürk (Turkey)

The Office of the High Commissioner for Human Rights (UNOHCHR) provides services and support to the mandate of the Special Rapporteur on violence against women, its causes and consequences. The mandate of the Special Rapporteur was created in 1994 to compile and analyse broad information and to recommend measures aimed at eliminating violence on international, national and regional levels, based on the description of the phenomenon of violence which figures in the United Nations Declaration on the elimination of violence against women.

The Special Rapporteur carries out her investigation on the basis of a confidential information form on violence against women, which in turn allows for determination of whether the victim is prepared for their case to be transferred on to the interested Government.

The form also allows for the collection of any information that indicates: i) that the Government has not exercised due diligence in prevention, investigation, punishment and compensation for violations and ii) that the Government has not exercised due diligence in prevention, investigation, punishment and compensation for violations, along with information on the steps taken by the victims or their families to obtain reparations with inclusion of the demands presented to the police, other officials or independent national human rights institutions.

Information is also included on: i) the reasons for having or not having presented a complaint; ii) the measures taken by officials to investigate the alleged violation (or threat of violation) and to prevent the committing of similar acts in the future; iii) the measures taken by the authorities; iv) the status of the investigation when the communication was presented; and v) where the outcome of the investigation is inadequate, the reasons for this.

The name and address of the person or organization which supplies the information is kept confidential.

Source: United Nations Office of the High Commissioner for Human Rights (UNOHCHR), [on line] <http://www.ohchr.org/english/issues/women/rapporteur/>.

1. The Convention on the Elimination of All Forms of Discrimination against Women

The Convention on the Elimination of All Forms of Discrimination against Women adopted in 1979 and in operation since 3 September 1981, is constituted as an international statute on women's rights and an obligatory source of reference on the matter of equality between men and women.¹⁷ This Convention offers an indispensable framework for understanding the link between discrimination and violence. Where a State ratifies or adheres to this, they are legally obliged to adopt all suitable measures - including special temporary laws and measures so that women will have the full enjoyment of all their human rights and basic freedoms. Similarly, it creates the Committee on the Elimination of Discrimination against Women, with the aim of examining all progress made in applying the dispositions of the Convention. States Parties must present periodical reports on the legislative, judicial, administrative or other measures adopted in order to make the convention effective on a national level. These reports are examined by the Committee, which emits conclusions and recommendations, which are known as 'concluding observations'.¹⁸

On October 6, 1999 - some 18 years later - in its 54th period of sessions, the United Nations General Assembly adopted the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against Women placing it on a par with other international human rights treaties. The Convention does not refer specifically to violence but the definition it gives of discrimination makes the link between discrimination and violence clear. It defines discrimination against women as 'all distinction, exclusion or restriction based on sex, which has as the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by women, of human rights and basic freedoms in the political, economic, social, cultural and civil or in any other

¹⁷ See UNOHCHR, '*Discrimination against Women: The Convention and the Committee*', Fact Sheet, No. 22 [online] <http://www.ohchr.org/english/about/publications/docs/fs22.htm>.

¹⁸ See Concluding Observations of the Committee on the Elimination of Discrimination against Women on countries of Latin America and the Caribbean (1982-2005), published by the United Nations High Commissioner for Human Rights Latin America and the Caribbean Regional Office and ECLAC Division for the Advancement of Women, September 2005.

field.’ This definition is based on the international Convention on the elimination of all forms of racial discrimination (1965), as Article 1 already incorporates the notion of discrimination by outcome, which enriches the doctrine of rights as it transcends the classic idea of equal opportunities to emphasize equality of outcomes.¹⁹ It also breaks with one of the classic frontiers of the doctrine which limited the exercising of rights to the public sphere. On another front, it can be said that more than 30 years later the mainstream human rights movement has taken on board the key notion of the specific nature of women’s rights, recognizing that they belong substantively to the category of human rights.

General Recommendation 19 of the Convention on the Elimination of All Forms of Discrimination against Women explicitly refers to violence against women as a form of discrimination that seriously impedes their enjoyment of rights and freedoms on an equal footing with men. It recognizes that women ‘are little served by the proclamation of their civil and political liberties, their right to education or health, if they are not previously guaranteed their right to life, to liberty and to physical and psychological integrity’. Hence, the Committee defines violence as an exacerbated expression of discrimination (Castressana, 2006), making patently clear the integral and interdependent nature of the various rights won by humanity and the way in which gender violence prevents women from exercising them all.

The Convention incorporates contributions from the international women’s movement captured for the first time in the Declaration on the Elimination of Violence against Women (1993).²⁰ Here it is recognised that violence against women constitutes a manifestation of the historically unequal power relations between men and women, affirming that this is a violation of human rights and basic freedoms that totally or partially impedes women from enjoyment of their rights and freedoms.²¹ Furthermore, it establishes that ‘for the purposes of this Declaration, ‘violence against women’ means 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 the arbitrary deprivation of liberty, whether occurring in public or private life’.²²

The Optional Protocol, which came into power on 22 December 2000, introduces the procedure of individual petitions or communications, through which individuals or groups can present the Committee with complaints of violations of rights recognized by the Convention, where they fulfil a series of requirements (articles 1 to 7). It also has access to a procedure for the investigation of serious or systematic violations of women’s rights in a State Party (articles 8 and 9), which converts the Committee into a body with the capacity to make effective the rights enshrined in the Convention.

¹⁹ See International Convention on the Elimination of all Forms of Racial Discrimination, adopted and opened for signature and ratification by the General Assembly in resolution 2106 A (XX), 21 December 1965 [on line] <http://www.ohchr.org/spanish/law/cerd.htm> (see annex 4).

²⁰ General Assembly Resolution 48/104 of 20 December 1993 [on line] .<http://www.un.org/documents/ga/res/48/a48r104.htm>

²¹ See General Assembly Resolution 48/104, article 1.

²² See General Assembly Resolution 48/104, article 2.

Box 3 The importance of the Optional Protocol

The Optional Protocol introduces new women's rights protection procedures. From when it comes into power, the Committee on the Elimination of All Forms of Discrimination against Women has competence to:

- **Receive, consider and revise communications:** Any victim, 'individual or group of individuals' (art. 2), of a violation of the rights established in the Convention can appeal to the Committee so that this can determine whether the State has really infringed the Convention. The Committee emits its conclusions and recommendations to the State in question. The State must respond in writing to the Committee, within a period of six months, reporting all the measures adopted in response to the recommendations.
- **Initiate investigations:** The Committee can initiate investigations in those countries where there are suspicions of serious or systematic violations of the women's rights recognised by the Convention. The investigation can include a visit by one or more members of the Committee to the country in question, always considering there is justification and the 'consent of the State Party' has been received. States that do not submit to investigation by the Committee can, by virtue of art. 10, declare this at the time when they ratify, sign or adopt the Protocol.

By establishing a procedure of individual communications, the Optional Protocol places the Convention on the Elimination of All Forms of Discrimination against Women on an equal status with other International Treaties on human rights approved under the auspices of the United Nations.

Source: Haydée Birgin (2006b), 'Análisis de las recomendaciones del Comité para la Eliminación de Todas las Formas de Discriminación contra la Mujer de América Latina y el Caribe 1982-2005', Santiago, Chile, Economic Commission for Latin America and the Caribbean (ECLAC), unpublished.

Even though the Convention has been adopted in all the countries of Latin America and the Caribbean and forms part of the legislation in each of the States, by the beginning of 2007, only 17 of the 33 countries had ratified the Optional Protocol: Antigua and Barbuda, Argentina, Belize, the Bolivarian Republic of Venezuela, Bolivia, Brazil, Colombia, Costa Rica, the Dominican Republic, Ecuador, Guatemala, Mexico, Panama, Paraguay, Peru, Saint Kitts and Nevis, and Uruguay. Meanwhile, the States of Chile, Cuba and El Salvador signed the Optional Protocol between 1999 and 2001, although none of them has yet ratified this. The remaining 15 countries of the region have neither signed nor ratified the Convention. This would indicate that the States recognize the rights of women but are not willing to adopt the instruments necessary to make these effective.

The Committee makes observations and recommendations to the States, which identify the factors and obstacles which, if not rectified, could prevent the Convention from being applied. Hence the importance of making the Convention into an active tool for the exercising of rights, endowing public officials, legal personnel, social associations and women's organisations with the instruments they need for the rights enshrined in the Convention to become reality. Only then, will advances be made to eliminate discrimination.

2. The Convention of Belém do Pará

International law contains a series of instruments that guide the action of States in order to guarantee the full exercising of rights and equality between women and men.²³ ²⁴ Throughout history, application of the principles of human rights has suffered from gender biases which have led to discrimination of the form indicated by the Convention on the Elimination of All Forms of Discrimination against Women. The supposed neutrality of regulations was translated into exclusions from the judicial system, legislative discrimination and cultural practices that made violence against women invisible. The Inter-American Convention to Prevent, Sanction and Eradicate Violence Against Women (Belém do Pará, 1994) was adopted by countries within the Inter-American system precisely to tackle this situation, distinguishing it from other regions which have no such

²³ The American Convention on Human Rights (Pact of San José) covers all human rights (integrity, freedom, life) and incorporates the principle of non-discrimination and in Article 11 states that 'no one may be the object of arbitrary or abusive interference with his private life, his family', 'Article 11. Right to Privacy', par. 2 [on line] <http://www.oas.org/juridico/english/Treaties/a-52.html>

²⁴ See United Nations (2006b) and the collection of international instruments for combating violence against women in annex 4 of this document.

instruments.²⁵ Ratified by all the countries of the region, the Convention defines violence against women as ‘any act or conduct, based on gender, which causes death, or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere’. According to this Convention, ‘violence against women shall be understood to include physical, sexual and psychological 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, amongst 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 educational institutions, health facilities or any other place; and
- That is perpetrated or condoned by the State or its agents, regardless of where it occurs.²⁶

It is important to point out that, even if the Convention outlines the areas in which violence takes place for analytical purposes, it is very careful to indicate that violence is not defined by the physical space in which it takes place – but by the power relations produced and the nature of interpersonal relations between victims and perpetrators. Thus, in order to be considered gender violence, domestic violence must take place within the framework of the subordinate relationships characteristic of the patriarchal relationships between women and men.

New national laws have been drawn up on the basis of the Belém do Pará Convention recognising the various forms violence can take and its public nature (see annex 2). These reveal that simply belonging to the female gender is a risk factor in relation to violence in the family and social space. The Convention grants the Inter-American Commission of Women (CIM) the right of appeal to the Inter-American Court of Human Rights to obtain a consultative opinion on the interpretation of this Convention where there may be controversy with national legislation. This right of appeal is a key element in correct application of the law for- as has been pointed out by several women writers - even where laws against violence pick up on substantive aspects of the Belém do Pará Convention, they do not legislate on all of the forms of violence defined there, and, in some cases, even go against its principles.

²⁵ Adopted and opened for signature, ratification and adhesion by the OAS General Assembly at its 24th sessions on 9 June 1994 in Belém do Pará, Brazil. Comes into force 5 March 1995, in accordance with article 21 [on line] http://www.hrcr.org/docs/American_Convention/oashr.html.

²⁶ Chapter I, Definition and Scope of Application, Article 2.

Box 4

Follow-up to the Convention of Belém do Pará by the Organization of American States (OAS)

The Convention of Belém do Pará presents important challenges, as it demands that States implement legislative measures, state programmes, training and reforms in the justice administration sphere, and others, accompanied by public campaigns to contribute to the cultural change needed for the eradication of violence against women.

There was a recognized need for a mechanism to guarantee constant, specialised and permanent monitoring of this human rights instrument, and on 26 October 2004 - a decade after the ratification of the Belém do Pará Convention, and following a consultation process run by the Inter-American Commission of Women (CIM) - the OAS Secretary General's Office called a Conference of States Parties to approve the statute of the 'Mechanism to Follow-Up on Implementation of the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women *Convention of Belém do Pará* (MESECVI).

MESECVI was designed to follow-up on the commitments made by States Parties and to help achieve the mandates contained in the Convention to facilitate technical cooperation between States Parties, as well as with other OAS member States and Permanent Observers.

MESECVI has two organs: The Conference of the States Parties, which is a political organ made up of representatives of the States, and the Committee of Experts on Violence or CEVI, which is a technical body made up of specialists in gender violence, who are appointed by the governments but who complete their function independently, autonomously and in their own name.

The first CEVI meeting was held in August 2005, with the attendance of specialists who in many cases formed part of the Women's Movement in their respective countries and who have long experience in the promotion and defence of women's rights, as well as in the prevention and eradication of violence against them. CEVI will function with rounds lasting three years each. In this first round, work and government consultation will be focussed on the following issues:

- Current legislation and norms and National Plans.
- Access to justice for women who are targets of violence.
- Statistics to measure the extent of the problem.
- State budgeting to work on this issue.

Articulating the work of the Follow-Up Mechanism with other OAS bodies, like the Inter-American Commission on Human Rights and the Office of the Women's Rapporteur, as well as specialised instances from the United Nations universal human rights system, like the Special Rapporteur on Violence against Women, the Division for the Advance of Women and the Committee for the Elimination of all forms of Discrimination against Women, will allow for coordinated efforts as well as the sharing of conceptual developments encouraging the promotion of and respect for the human rights of women in the region and the eradication of violence.

The Conference of States Parties to the Convention will meet in ordinary sessions every two years and in extraordinary sessions as often as is considered necessary in order to receive, analyze and evaluate reports and recommendations from CEVI, which will be presented to the CIM Assembly of Delegates once approved by the Conference. CEVI will establish those means necessary to provide follow-up on fulfilment of recommendations.

Source: Contribution to this report by Susana Chiarotti, Human Rights lawyer and Interim Coordinator of the Committee of Experts for the Mechanism for Follow-Up of the Convention against Violence (CEVI/MESECVI), 2006 and presentation by Marta Beltrán-Martínez (2005), Specialist from the Inter-American Commission of Women in the PAHO meeting '*Validación del Modelo de Leyes y Políticas sobre Violencia Intrafamiliar*', (Validation of Model Laws and Policies on Domestic Violence), Washington, September 6-9, 2005 [on line] <http://www.paho.org/Spanish/AD/GE/LeyModeloSept05-CIM.ppt>

A report recently published by the Inter-American Commission of Human Rights of the Organisation of American States on 'Access to Justice for Women Victims of Violence in the Americas' provides a great contribution on the issue, as the analysis and recommendations contained in its pages are mainly based on regional human rights obligations voluntarily assumed by the American States in the Convention of Belém do Pará (OAS/IACHR, 2007).

Box 5

Access to Justice: The Situation of Women Victims of Violence

A recent report from the Rapporteur on the rights of Women of the Inter-American Commission on Human Rights (IACHR) reveals that women victims of violence frequently do not obtain timely and effective access to resources, guarantees and legal protection. After reporting the facts they commonly suffer from discriminatory treatment by the legal authorities and cases mostly end with no sanctions imposed, in a common climate of impunity. Also many countries lack effective preventive protection mechanisms which should react urgently at the first signs of alert anticipating violent behaviours in the family or social ambits. In many cases women are fatally attacked after having sought State protection, some of whom were actually under inadequately implemented and unsupervised protection measures at the time.

The Rapporteur's office considers there is a wide breach between the incidence and seriousness of the problem of violence against women and the quality of the political and legal response offered in the countries. Even though the Rapporteur's office recognizes efforts made by the States in adopting a legal and political framework to tackle gender violence - including a range of resources and legal protection authorities - an enormous gap exists between the formal availability of certain resources and their effective application.

The Rapporteur's Office has stated that in many countries on the continent there is a pattern of systematic impunity in legal process and in action taken in relation to cases of violence against women. Most of the cases are not formally investigated, judged and sanctioned by the justice administration systems, which results in a feeling of insecurity amongst women and a lasting distrust of the legal system.

Similarly, serious problems have been identified in the action of justice system staff, including: an absence of gender perspective in the interpretation and application of the law; the existence of prejudices and discriminatory attitudes toward victims of sexual violence; a lack of consistent follow-up on rulings; deficient police implementation of protection orders; a lack of appropriate treatment and due protection of victims and witnesses; a tendency to observe cases of violence as domestic conflicts which should be resolved without State intervention.

Other problems in access to justice, consist of: an absence of authorities to administer justice in rural, poor and marginal areas; a lack of human and financial resources to deal with persistent and structural problems; the weakness of the public ministries investigating the crimes, an absence of special attorney units with technical skill and specialist knowledge, and the lack of free or accessible legal advice for victims of violence who do not have the economic resources to pay for this. Another relevant obstacle is the precariousness and lack of coordination between systems for collecting data and calculating statistics on incidents and cases of violence against women, indispensable in examining possible causes and observing tendencies.

The Rapporteur's office has also observed problems in civil and criminal law which help promote violent practices and cultural patterns that favour discrimination. For example, several legal systems still contain regulation that institutionalize inequality for women before the law, in matters like the administration of conjugal goods, family rights, employment and social security rights. Also unreasonable rules enshrined in the penal code that exempt from penalties sexual aggressors who marry their victims, or that consider sexual assaults to be honour crimes, leading some judges to investigate the private lives of the victims.

Source: Contribution of Víctor Abramovich, Human Rights Professor at the University of Buenos Aires, on the report on the Rights of Women by the Inter-American Commission on Human Rights published in the report '*Access to Justice for Women Victims of Violence in the Americas*' (OAS/IACHR, 2007).

3. The Rome Statute²⁷

The Rome Statute, that was adopted in 1998 by the International Criminal Court (ICC) and which came into force in 2002, is an international legal instrument which allows all nations of the world to rely on a permanent, independent and impartial court to judge those accused of genocide, war crimes or crimes against humanity - thus arousing hopes an end to impunity for crimes which are a threat to our humanity. The ICC is one of the mechanisms 'most developed in the ambit of international law' from the point of view of gender justice since it has complementary jurisdiction, respecting the right of States to exercise their preferential jurisdiction. Hence it only takes action when States are unable or lack the will to investigate and judge crimes committed after 1 July 2002.

²⁷ According to the contribution from the Regional Centre for Human Rights and Gender Justice of Corporación Humanas, Chile, 2006. See also Lorena Fries (2003) and Birgin and Kohen (2007).

The Rome Statute recognizes sexual and gender violence as crimes. It also establishes: norms on procedure and evidence in relation to victims and witnesses of this type of violence; the protection and participation of victims and witnesses; the incorporation of a gender definition; the access of women to spaces of power and in the personnel of the International Criminal Court; and the incorporation of the principle of non-discrimination on the basis of gender. Also, Article 7 of the Statute indicates that crimes against humanity can be committed both in the contexts of armed conflict and peace and no longer need to be linked to contexts of armed conflict (Fries, 2003).

Advances on justice and gender matters driven by the International Criminal Court have led to institutional impacts including a balanced participation of men and women – both in terms of judges in the Court and court officials - and the inclusion of specialists in sexual violence, gender violence and violence against children amongst the judges and in the public prosecutor's office.

Box 6 **The state of play in Chile**

Chile is the only country in Latin America which has not yet ratified the International Criminal Court Statute of Rome, despite having signed it along with the other 119 States at the United Nations Diplomatic Conference of Plenipotentiaries in 1998. In general terms, the Constitutional Tribunal resolved that constitutional reform was required before ratification of the Statute could go ahead. This has not been possible because of the high quorum required for this type of process and underlying considerations and debates to this reform.

Legislative Process for Ratification

The bill for ratification of the Statute was approved by the Chamber of Deputies in January 2001 by 67 votes to 35. However, the debate stalled in the Senate following the Constitutional Tribunal, when a group of deputies obtained a ruling in 2002 that the Political Constitution of the country would need to be amended before ratification of the Statute could go ahead.

This debate was reopened in 2005, and on 10 October the Senate Commission on Constitution, Legislation, Justice and Regulation achieved a cross-party agreement to approve the proposed constitutional reform. However, the constitutional reform bill is still awaiting a vote by the Senate, in spite of the October 2005 agreement.

According to an interpretative declaration presented by a group of parliamentarians, Chile is exercising its preferential jurisdiction above and beyond the International Criminal Court norms of competence. In simple terms, the State is choosing when to allow the International Criminal Court to investigate, judge and rule on crimes within its competence and when not, even though the Statute dictates that ICC bodies should be making these decision. This means that essential norms of the Statute of Rome do not apply to the State in Chile. As such, this interpretation could be classed as a reservation – something that would run counter to Article 120 of the Statute of Rome which prohibits the presentation of reservations.

Obstacles to Ratification of the Statute of Rome by Chile

Chile opposes ratification of the ICC Statute of Rome on the basis that human rights crimes should be tried within the framework of national sovereignty, a view directly opposed to that expressed in international criminal and civil law. In fact, in the fields of international criminal law, Human Rights and Human Rights Law, certain crimes or serious violations are deemed to require investigation, trial and sanction when States are unable or unwilling to do this.

On the other hand, there is also ignorance in some political and social sectors of the advance in terms of international justice, human rights, women's human rights and gender justice represented by ratification of the Statute of Rome. Citizen efforts to pressurize the government and legislative authorities into accelerating debate and ratification are hobbled by this lack of understanding.

People are also unaware of the opportunity ratification of the Statute of Rome offers for updating national legislation with new regulations on human rights, human rights law, international crimes and, above all, international standards of protection against sexual violence.

Source: Contribution from the Regional Centre for Human Rights and Gender Justice of Corporación Humanas, Chile, 2006; information on the Bilateral Immunity Agreements [on line] <http://www.cajpe.org.pe/RIJ/bases/dpi/acuerdos.htm>.

Before norms could be established, a great deal of work was undertaken in the identification and definition of the various forms of gender-based violence against women, understood as abuses of power sustained by the

gender hierarchies present in our society.²⁸ On this basis, violence against women, girls and adolescents must be tackled from a broad and integrated perspective making plain the virtuous circle between the elimination of gender violence and the defence of human rights, respect and non-discrimination. Sexist violence is not simply one of the many human rights problems, but rather a barrier to the full enjoyment of human rights as a whole. Following this analytical line, gender violence must also be seen as a failure of democracy and citizenship, sustained by the hierarchical relationships between genders. As Birgin states, 'analysis of the issue [...] in citizenship terms, allows us to discover the very foundation of violence, which resides in the exclusion of women and the fragmentation of their citizen rights, as well as the manner in which women are involved in the political order'. The author argues that violence against women has been maintained invisible for centuries only through 'reduced citizenship that denies women the condition of being subject of rights' (Birgin, 1996).

In the context of concern for citizen security, the Costa Rica National Human Development Report of 2005 links the issue of violence with development. By defining citizen security as 'the personal, objective and subjective condition of being free of violence or threat of violence or intentional injury by others', allowed for investigation into aspects previously overlooked by literature on the issue, and showed that social violence and citizen insecurity become an obstacle to human development where they limit individual possibilities to conceive and develop a life plan, that is, where they limit the rights and freedoms of people and restrict their choices (eg freedom of movement, community participation etc.). The report of the United Nations Development Programme shows that violence against women is the most widespread sign of insecurity in Costa Rica and that even though it is a problem shared by all members of society, men and women experience this insecurity in different forms – both objectively and subjectively (UNDP-Costa Rica, 2005).

In conclusion, sexist violence may occur in public or private spaces and can occur within the framework of intimate relationships, and be perpetrated by known or unknown individuals. Sexist expressions of violence include: employment discrimination, sexual harassment, rape, trafficking of women, economic violence and forms of physical, social and sexual mistreatment suffered by women of all ages in the family environment or in sexual and emotional relationships at the hand of their partners. In recent years the term 'femicide' or 'femicide' has gained common usage in designating the murders of women for gender reasons, although this is a debated issue and consensus has not yet been reached on use of the term for legislative ends. Agreement has been reached, however, that this form of violence - seen at its most terrifying in Mexico and Guatemala - must be eliminated.

As was said above, applying a human rights perspective to laws and policies on gender violence in order to ensure their effectiveness, implies the consideration of various aspects, amongst which the Pan American Health Organization (PAHO/WHO, 2004) lists:

- Incorporation of measures targeted on defending the right of victims and women in general, to a life free of violence;
- Recognition of the autonomy of women and their citizen rights and therefore, of their specific needs and interests;
- Systematic transformation processes in the various institutions and the belief system, in order to confront elements which reaffirm and perpetuate the problem.
- Interventions involving the empowerment of women and their participation in decisions and actions which concern them, changing their role from that of recipients or 'users' of such services and interventions.

To sum up, using a human rights and citizenship perspective implies that all public agents active in this field will have knowledge and understanding of the current international instruments, meaning they will apply them in a permanent and full manner in their work.

As violence against women is structural in nature, its eradication requires an integrated approach, which is possible with the adoption of certain key measures. Individual, family, social, cultural and institutional factors must be taken into account from a multidimensional perspective. In order to achieve this, States must make a full commitment, providing everything from support services for victims of violence to preventive measures aimed wherever the situation of violence is being maintained. This requires action on legal, economic and

²⁸ See, among others, Corsi (2003) and Larrain (1999).

educational fronts, amongst others. This proposition means every country and every State must respond in an integrated effort to overcome the issue of sexist violence: the three State powers must coordinate their capabilities, along with those of the various sectors of government, social institutions and actors in an articulated campaign.



Chapter II

Violence in numbers

Violence in numbers

The task of providing a full, up to date diagnosis of the nature, prevalence, causes, consequences and repercussions of violence against women has not yet been produced, whereby a full understanding of the effects of these on them and society as a whole has not yet been achieved. No baseline has been established from which to monitor and evaluate the effect of policies, legislations, plans and programmes. There is still no information available on the true extent of the various types of violence against women. Many countries in Latin America and the Caribbean do not have even basic data with which to measure the extent of the problem and construct indicators. In those countries where surveys have been carried out and where data are available, the indicators available do not show the extent of the violence on a standardized and comparable basis in time, within and between the countries.²⁹

This report seeks to provide just such a baseline, allowing for the evaluation of the legislative frameworks and other strategies applied, and to assess the impact of plans and programmes implemented for the prevention of violence to women, attention to victims and the sanctioning of perpetrators. In general, data collected on violence against women rest on the definitions given in national laws. These include physical, psychological and sexual violence, as well as economic or patrimonial violence in some legal codes – a form of violence which consists of depriving women and their children of the economic means for subsistence, or affecting their property.³⁰ Economic violence is based on control mechanisms exercised by men – generally the women’s partners – over the economic behaviour of women, and these include depriving them of the basic resources needed for their maintenance or well-being, which results in social isolation and deprives them of their freedom of movement and autonomy.

The various expressions of physical, sexual and psychological violence against women, girls and female adolescents, as well as femicide – the last link in a long chain of violence suffered by women – can be differentiated on the basis of conditional elements including situations of greater vulnerability (HIV/AIDS, female migration, trafficking of girls, adolescents and women, poverty, the ethnic dimension, amongst other forms), the relationships with the perpetrator (domestic violence, incest) and also position in the life cycle (violence against girls, adolescents, adult women and elderly adults). In all cases, institutional violence by action or omission cloaks the issue in a blanket of impunity, which in itself forms part of the widespread perception of violence against women.

In this regional report, these forms of violence were analyzed within the framework of the Convention of Belém do Pará, where violence is examined in three sections as a) that takes place within the family or in any interpersonal relationship; b) that which takes place in the community; and c) that which is perpetrated or tolerated by the State or its agents.

A. Violence in Intimate Spaces

As indicated in the United Nations Secretary General’s in-depth study on violence against women (2006b) women are victims of violence throughout their lives. What is frequently known as ‘domestic violence’ includes physical violence and other forms of discrimination such as rape within marriage, sexual violence and infanticide. This chapter will focus on violence against women within the couple and other forms within the family environment.

²⁹ For more information on the methodological aspect of measuring gender violence taken into consideration in preparing this report, see annex 1 on the information available in the countries of Latin America and the Caribbean.

³⁰ Countries which have defined economic or patrimonial violence in their legislations are: Costa Rica (*Ley Contra la Violencia Doméstica* N° 7.586 of 1996); Dominica (Domestic Violence (Amendment) Act of 2002); El Salvador (*Ley contra la Violencia Intrafamiliar* of 1996); Guatemala (*Ley para Prevenir, Sancionar y Erradicar la Violencia Familiar* of 1996); Guyana (Equal Rights Act N° 19 of 1990); Honduras (*Ley para la Prevención, Sanción y Erradicación de la Violencia contra la mujer* of 1997 and *Ley contra la Violencia Doméstica* of 1998); and Uruguay (*Ley de Prevención, Detección Temprana, Atención y Erradicación de la Violencia Doméstica* of 2002).

1. Violence against women within the couple

Violence against women within the couple is associated with the domestic environment, and is traditionally considered as 'private' in the sense of being an area inaccessible to the laws and the State. The terms 'private' or 'domestic' do not necessarily refer to the physical space, although this aspect is included. Domestic violence against women, specifically that inflicted by her partner, has been interpreted as a functional instrument of power in the dominant gender system which is used to reinforce male authority and to ensure that women fulfil the roles attributed to them within the family and the home (Rico, 1996).

Rates of violence against women, perpetrated by their partner, are consistent in all countries of the region, showing that violence against women has similar characteristics in Latin America and the Caribbean: Women mainly experience violence at the hands of their partners or intimate partners, former partners or other male family members or acquaintances.

a) Latin America: Most physical abuse comes from husbands

Although the figures presented below come from different studies, and they are not comparable from a methodological point of view, they do show similar tendencies in each of the countries covered. In Peru, the Demographic and family health survey (ENDES, 2000)³¹ revealed that 41% of women had suffered physical abuse by their husbands and 28% by other men. In Nicaragua data presented by the World Health Organization showed a similar percentage (Asling-Monemi et al, 2003), with 40% of women of reproductive age suffering physical violence from their partners. In 70% of cases, this violence was severe. Some 31% of women were beaten during at least one of their pregnancies.

In Mexico, 35.4% of women aged 15 years-old and older, in a couple and cohabiting with their partners, suffered emotional violence from by their husband or partner; 27.3% suffered economic violence; 9.3% physical violence and 7.8% sexual violence. Only 56.4% of all women interviewed in the national survey on relationship dynamics in the home (ENDIREH, 2003) stated they had suffered no type of violence.³²

In Brazil, in a 2001 study by the Perseu Abramo Foundation,³³ one in every five women declared they had suffered some form of violence from a man. When asked on the nature of the aggression, 43% of those interviewed confirmed they had been victims of forms of violence that could be considered gender violence. Some 33% admitted suffering forms of physical violence involving armed weapons, aggression and rape within marriage.

In Colombia, data from the National Institute of Legal Medicine and Forensic Sciences (INMLCF, 2000), showed that from 1996 to 2000 the number of reports of domestic violence nationally went from 51,451 to 68,585, that is, there were 17,134 more reported cases in 2000. Women were the victims in 79% of all the cases of domestic violence reported. The study also showed that women between 25 and 34 years-old experienced the highest rate of violence within the couple.³⁴

In Bolivia, the Ministry of Health and Sports and the Pan American Health Organization carried out two studies of the prevalence of domestic and domestic violence (the first was applied in 1997-1998 in three municipal areas - Viacha, Mizque and Ribalta; the second in 2003 in six municipal areas including a comparative analysis between the three aforementioned municipal areas and those of La Paz, Cochabamba and Santa Cruz).³⁵ The conclusions indicate a prevalence of 68.2% in the 1997-1998 period, which means that 7 in every 10 people were victims of violence within their own family, and in 2003 the prevalence was 55.4%, or 5 in every 10 people were victims of intra-family violence. Although the percentage lowered by 10

³¹ Cited in Flora Tristán Peruvian Women's Centre, 2005, p. 13.

³² Data from the National Institute of Statistics, Geography and Informatics (INEGI) and the National Institute for Women (INMUJERES), National Survey of Relationship Dynamics in the Home (ENDIREH) (United Nations, 2005d, p.138.

³³ Study on a sample of 2,502 women in 187 municipal areas; see United Nations, 2004c, p. 36.

³⁴ ISIS Internacional, 'Violencia contra la mujer. Datos y Estadísticas' (Violence against Women. Data and Statistics) [on line] <http://www.isis.cl/temas/vi/dicenque.htm#col>.

³⁵ 'Estudio de prevalencia doméstica e intrafamiliar en 6 municipios de Bolivia' (Study of the prevalence of domestic and intra-family violence in 6 municipal areas of Bolivia) (see Arauco, Mamani and Rojas, (2006: 10-11)).

points, the amount of women victims of violence is still very high. Meanwhile, the National plan of public policies for the full exercising of women's rights 2004-2007 produced by the Bolivian ministry for women (2005), indicates that around 75% of cases of violence in this country are not reported by the victims (Arauco, Mamani and Rojas, 2007). Out of those women who did declare having suffered violence in their home, 53% took no action and little more than 17% made a report to the *Brigadas de Protección a la Familia* (Family Protection Brigades), the integrated legal services or the legal system; the remaining 30% opted to seek solutions within the framework of their own family groups.

In Chile a sustained increase in reports of domestic violence is observed, both at a political and legal level and in the health services. Meanwhile, police reports show that in 2004 there were 86,840 complaints lodged, which represents approximately 20% of crimes with a more serious social impact, and a remarkable 90% of reports were lodged by women.³⁶ In 2005, 93,404 reports were made to the police nationally. In the civil courts, in 2004, 106,000 charges of domestic violence were made, and in the first three weeks of the new Family Courts being in action (October 1-24, 2005) 5,570 cases were initiated, a figure equivalent to 22% of the total. In the health services, 51.4% of women with a partner who participated in a programme for the treatment of depression, declared they had experienced violence in the two months prior to consultation. On the basis of this information, prevalence estimates indicate that 336 of every 1,000 women aged between 15 and 65 years-old treated for depression had suffered some degree of violence.

Table 1 shows national figures for various forms of violence suffered by women at the hands of their partners or former partners - that is, the universe considered is one of victims who are together or who had been for some time. As is expected of studies with different sample groups applied in different years, it is not possible to confirm whether the figures relating to sexual violence are effectively lower than those of physical and emotional violence. Meanwhile, it is the figures for emotional violence that maintain the highest levels across countries and years. It can be assumed that the low percentage of sexual violence registered is due to the fact that this type of violence is not always reported to the authorities. This often occurs as a result of cultural conditioning and prejudices, which include the moral burden implicit in reporting a partner, as well as the fear and shame before family and community.

Table 1
Women 15 to 49 years-old victims of physical, sexual or emotional violence by a current or previous partner
(In percentages)

Country	Physical violence	Sexual violence	Emotional violence
Bolivia, 2003	52.3	15.2	53.8
Colombia, 2005	39.0	11.5	65.7
Dominican Republic, 2002	21.7	6.4	67.5
Ecuador, 2004	31.0	12.0	41.0
Haiti, 2000	18.2	17.0	27.3
Mexico, 2003	9.3	7.8	38.4
Peru, 2004	42.3	9.8	68.2

Source: Bolivia [online], <http://www.measuredhs.com/pubs/pdf/FR159/12Chapter12.pdf>, 2003.

Colombia [online], http://www.measuredhs.com/pubs/pdf/toc.cfm?ID=282&PgName=country.cfm0ctry_id=6, 2005.

Dominican Republic [online], <http://www.measuredhs.com/pubs/pdf/FR146/12Capítulo12.pdf>, 2002.

Ecuador [online], ENDEMAIN 2004, 2005.

Haiti [online], <http://www.measuredhs.com/pubs/pdf/FR121/17chapitre.pdf>, 2000.

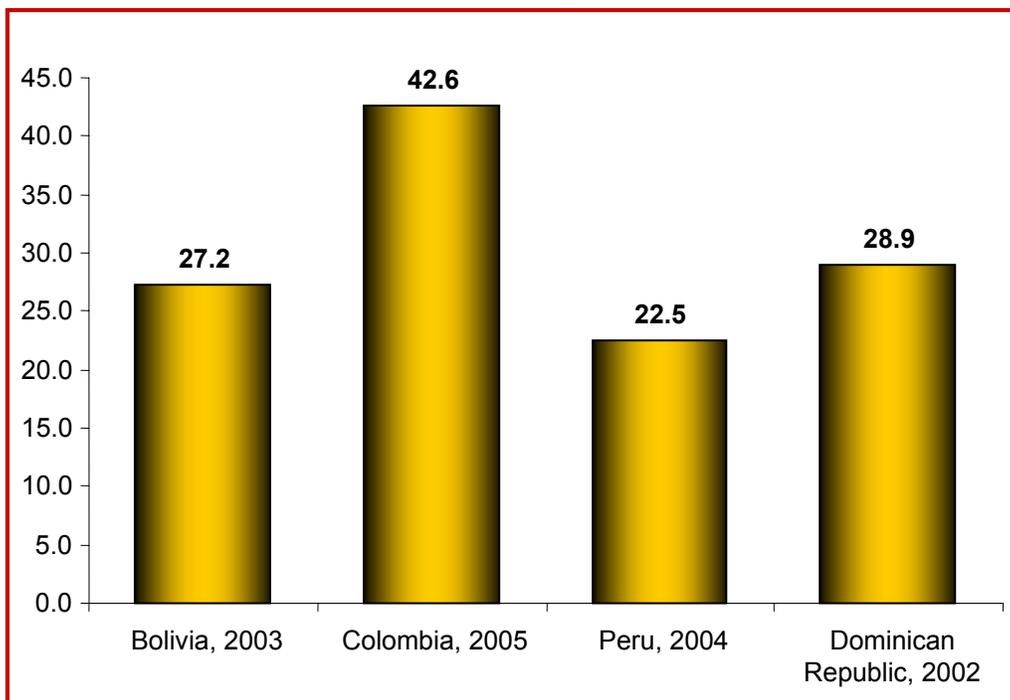
Mexico [online], ENDIREH 2003, 2003.

Peru [online], <http://www.measuredhs.com/pubs/pdf/FR120/12Chapter12.pdf>, 2004.

³⁶ Reports of domestic violence on a national level, 2000 to 2004 (Carabineros de Chile) cited in the paper: 'Género y seguridad ciudadana. Perspectiva de la División de Seguridad Ciudadana, Ministerio del Interior', (Gender and citizen security. The perspective of the Citizen Security Division, Interior Ministry) *Seminario Sur*, 26 July 2005 (see Provoste and Valdebenito, 2006, pp.9-10).

The degrees in which physical violence can take place can vary from simple blows to severe violence with death threats, at times occurring alongside strong psychological violence and, often, with sexual violence. Without a doubt, the fear of violence and harassment is a constant obstacle to the mobility of women which limits their access to a range of functions and activities beyond the private world, which then prevents them from having an independent life and enjoying their full rights. In many cases, poverty and the lack of protection due to their distance from support networks, along the influence of traditional gender models, lead to situations of even greater vulnerability. With emotional violence, the aggressor may employ different strategies to control the time, freedom of movement, social contact and networks of the victim, limiting her participation in activities beyond the domestic environment (see figure 1).

Figure 1
Women 15 to 49 years old victims of emotional violence by a current or previous partner, who experience limitations on contact with family and friends
(In percentages)



Source: Bolivia [online], <http://www.measuredhs.com/pubs/pdf/FR159/12Chapter12.pdf>, 2003. Variable considered: attempts to limit contact with family.

Colombia [online], http://www.measuredhs.com/pubs/pdf/toc.cfm?ID=282&PgName=country.cfm0ctry_id=6, 2005. Variable considered: impedes contact with friends and limits contact with family.

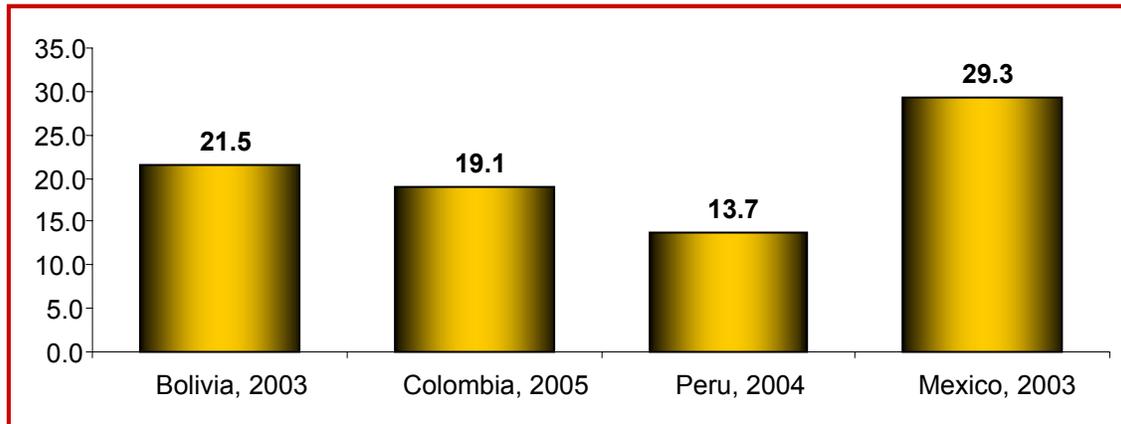
Dominican Republic [online], <http://www.measuredhs.com/pubs/pdf/FR146/12Capítulo12.pdf>, 2002, Variable considered: impedes contact with friends and limits contact with family.

Peru [online], <http://www.measuredhs.com/pubs/pdf/FR120/12Chapter12.pdf>, 2004. Variable considered: impedes visits to friends.

Economic violence translates into a series of control mechanisms and monitoring of the behaviour of women in terms of the use and distribution of money and the constant threat of denying economic resources. Both strategies, the monitoring and the threats, reinforce dependency (or power) ties in keeping with the traditional figure of the man as 'provider' in charge of bringing the food into the home and the figure of the passive woman in the domestic space. The constant threat of having no independent income – aggravated in situations of poverty – encourages situations of economic uncertainty, limiting the freedom of movement of women and the availability and accessibility of resources and services. Figures on economic violence (see figure 2) are relatively low when compared with those of other forms of violence (physical, emotional, sexual).

Information relating economic violence with other variables like socioeconomic or educational level, occupation or employment – amongst others – is not available, obscuring the broader view of the effects of economic violence on the various groups of women.

Figure 2
Women 15 to 49 years-old victims of economic violence by a current or previous partner
(In percentages)



Source: Bolivia [online], <http://www.measuredhs.com/pubs/pdf/FR159/12Chapter12.pdf>, 2003. Variable considered: threatened withdrawal of economic support.

Colombia [online], http://www.measuredhs.com/pubs/pdf/toc.cfm?ID=282&PgName=country.cfm0ctry_id=6, 2005. Variable considered: monitoring of spending.

Dominican Republic [online], <http://www.measuredhs.com/pubs/pdf/FR146/12Capítulo12.pdf>, 2002. Variable considered: monitoring of spending.

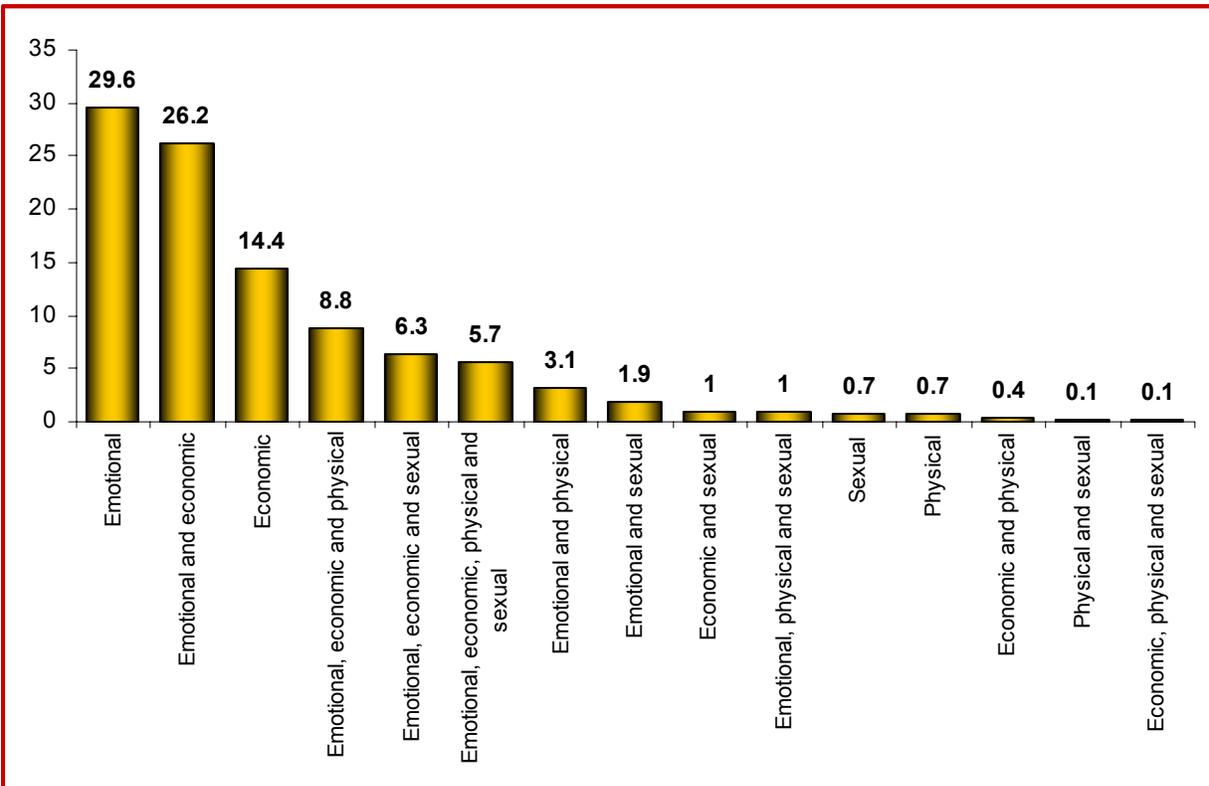
Peru [online], <http://www.measuredhs.com/pubs/pdf/FR120/12Chapter12.pdf>, 2004. Variable considered: lack of trust with money.

The broadest studies in the region on violence against women have been carried out in Mexico. They are a good example of the importance of realizing specific measurements to unveil the reality of violence. Figure 3 shows percentages for the various types of violence against women in Mexico, revealing that emotional violence has the highest incidence and that economic violence occurs in relation with all the other forms of violence. It is especially significant that 26.2% of women were affected by the interaction between economic and emotional violence in 2003. These figures could indicate the existence of a close relationship between the various mechanisms of psychological abuse (shouting, insults, threats, control over support networks, amongst others) and the mechanisms of economic violence (monitoring, mistrust and threats related to money) that would reinforce male power.

It is clear that women face a combination of forms of violence at work in all these cases, on the common basis of the subordination of women justified by their non-fulfilment of socio-cultural ‘mandates’ prescribing certain behaviours. When women break these restrictions, while living under such power relations, they come up against the aggression of partners and former partners.

Figure 3
Percentage distribution of women who experience one or more types of violence in Mexico, 2003

(In percentages)



Source: National Institute of Statistics, Geography and Informatics (INEGI), National Survey of Relationship Dynamics in the Home (ENDIREH), 2003, México, D.F.

The routes followed by women to report violence take many paths, although in the majority of cases they show a preference for family, neighbourhood and community support networks. Meanwhile, two types of behaviour are seen before public services: either mistrust at the loss of confidentiality and prejudicial behaviours; or recognition of those public or non-governmental services which adopt protocols or methodologies with a gender perspective – as is shown in case studies for Bolivia and Chile.

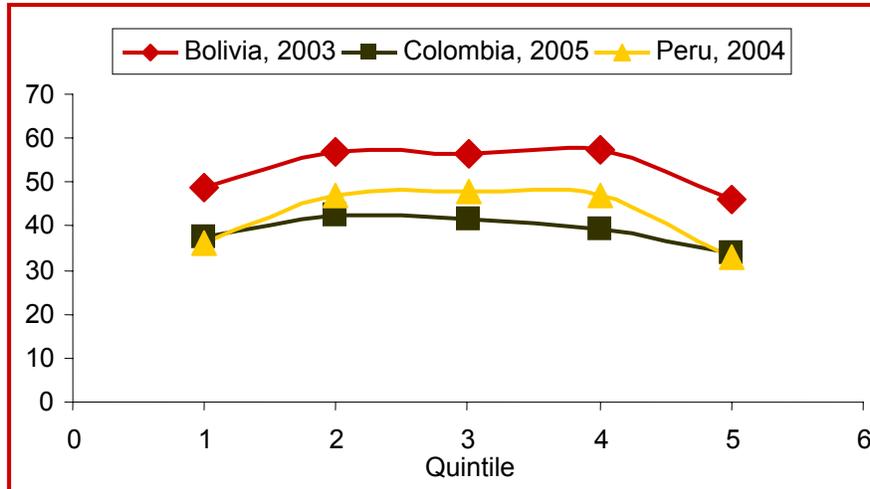
According to the Pan-American Health Organization (Sagot and Carcedo, 2000), women affected by domestic violence generally survive through the support of people close to them and institutions. Silence in some cases responds to the lack of effectiveness of social responses and the particular characteristics of each victim. Although the individual paths of these women are different, they occur in similar institutional and social contexts: family, friends, neighbours, health services, justice administration, churches, educational centres and community services. Results indicate that women who suffer most from physical abuse tend to report this more quickly than those who suffer psychological abuse. Their search for help depends on information available, the knowledge they have of their rights and support resources, their perceptions and attitudes, the resources available in their community for dealing with the problem and their previous experiences.

Most women who would not consider recourse to public or private services make this decision on the basis of previous negative experiences with service providers, a perceived low capacity for resolution, their incapacity to satisfy the urgent needs of the women or their reluctance to do so. Also, they report a lack of understanding by service providers which is interpreted as indifference, questioning, taunting and attempts to inspire a feeling

of guilt in the women. Similarly, the lack of follow-up on cases or inadequate referrals to other services are considered inappropriate by these women.

Several studies confirm a marked regularity for occurrences of domestic violence in the region. The data in general indicate that, despite the heterogeneity of studies, violence against women in the home, especially that perpetrated by partners, is taking place in all social, economic and educational groups in the region. The following section presents some statistics which allow us a clearer view of these situations.

Figure 4
Women 15 to 49 years-old, victims of physical violence, per income quintile
(In percentages)

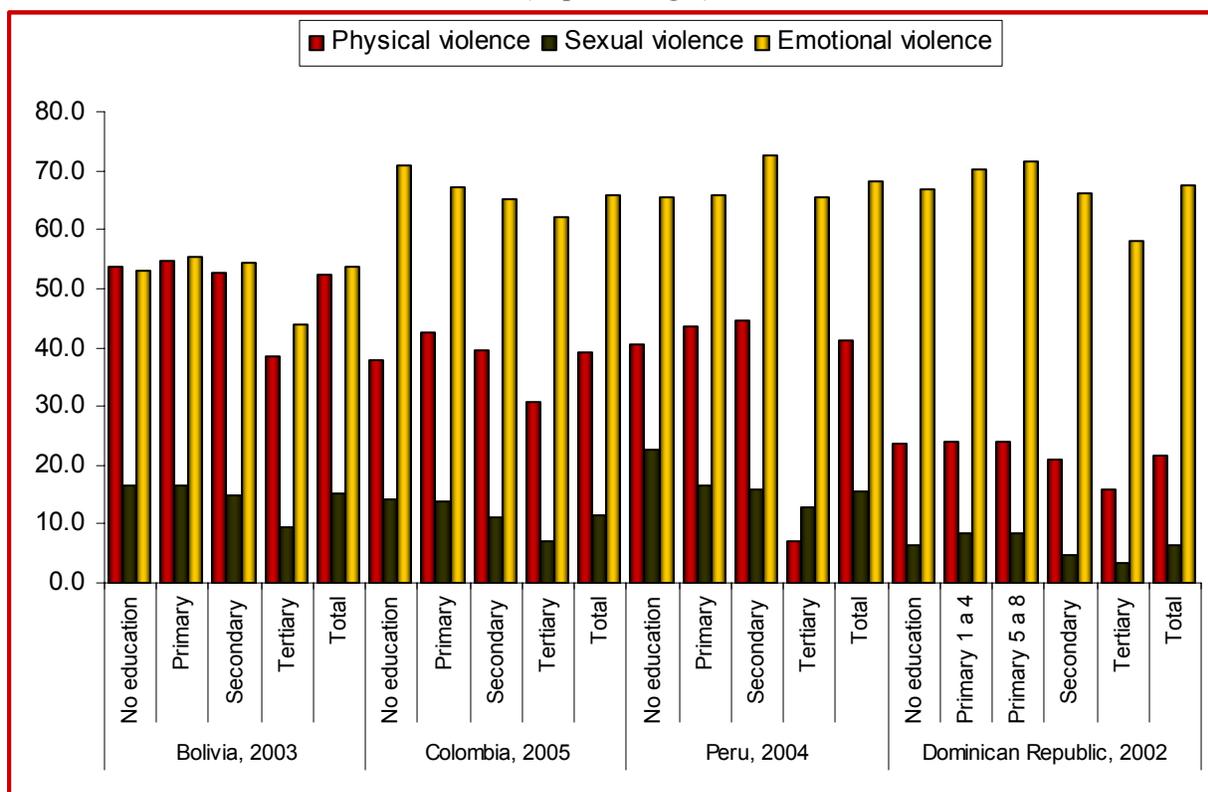


Source: Bolivia [online], <http://www.measuredhs.com/pubs/pdf/FR159/12Chapter12.pdf>, 2003.
 Colombia [online], http://www.measuredhs.com/pubs/pdf/toc.cfm?ID=282&PgName=country.cfm0ctry_id=6, 2005.
 Peru [online], <http://www.measuredhs.com/pubs/pdf/FR120/12Chapter12.pdf>, 2004.

One of the myths surrounding violence states that it is a poverty-related evil, and information from many studies shows poor women are more exposed to violence. However, the fact that violence exists in all social groups – including the high-income bracket – could suggest that access or lack of access to independent income by women is more important than the socio-economic bracket of their household, that is, the economic independence/vulnerability dichotomy prevails. As is shown in figure 4, violence has similar characteristics in the three countries analyzed, independent of the income level of the victims. Rates of physical violence are relatively higher amongst women in the middle quintiles (2, 3 and 4), but large differences are absent. In fact, it is worth asking exactly what message can be taken from these data. For while they show the worrying extent of global violence, they do not show that any specific type of violence is greater than any other, or that this is necessarily associated with higher levels of poverty. Figure 4 also shows physical violence dropping off noticeably at the two extremes. This could be interpreted as being due to the low levels of information and access to services of the poorest sector or the tendency to hide violence, and the fear of ‘dishonour’ amongst the most well off – both of which elements remain to be studied.

A far greater relationship is seen between violence and education. Violence against women is higher amongst the less educated levels, but it is possible even here that social fear has an impact on these figures as better educated sectors may find it difficult to recognise violence as part of their daily life. Taking variations into account, both the literature and figures agree that violence is transversal across all groups in society.

Figure 5
Women between 15 and 49 years-old, victims of physical, sexual or emotional violence by a partner, by educational level
(In percentages)



Source: Bolivia [online], <http://www.measuredhs.com/pubs/pdf/FR159/12Chapter12.pdf>, 2003.
 Colombia [online] http://www.measuredhs.com/pubs/pdf/oc.cfm?ID=282&PgName=country.cfm0ctry_id=6, 2005
 Dominican Republic [online] <http://www.measuredhs.com/pubs/pdf/FR146/12Capitulo12.pdf>, 2002
 Peru [online], <http://www.measuredhs.com/pubs/pdf/FR120/12Chapter12.pdf>, 2004

Figure 5 shows a high prevalence of physical violence in all the countries where DHS surveys were applied. In Bolivia, levels stood at 52.3% in 2003, in Colombia, it was 39% in 2005 and in Peru, 41.2% in 2004, while in the Dominican Republic this was 21.7% in 2002. Physical violence is experienced by all women, irrespective of their educational level; although, rates are higher amongst the least educated. This said, the percentage is still high amongst women with higher education.

Sexual violence exceeds 10 percentage points in the four countries, with the exception of the Dominican Republic and women with higher education in Colombia. Emotional violence is above 50% in all countries – with a slightly lower level amongst Bolivian women with higher education – reaching a peak in Peru (2004) where 68% of women state they have suffered this type of violence, irrespective of educational level.

In general, the women who suffer most physical violence are those with only primary level studies – except for Peru, where women with secondary education are the main victims, with a gap of 37 percentage points between them and women with higher education (44.7% compared with 7.1%).

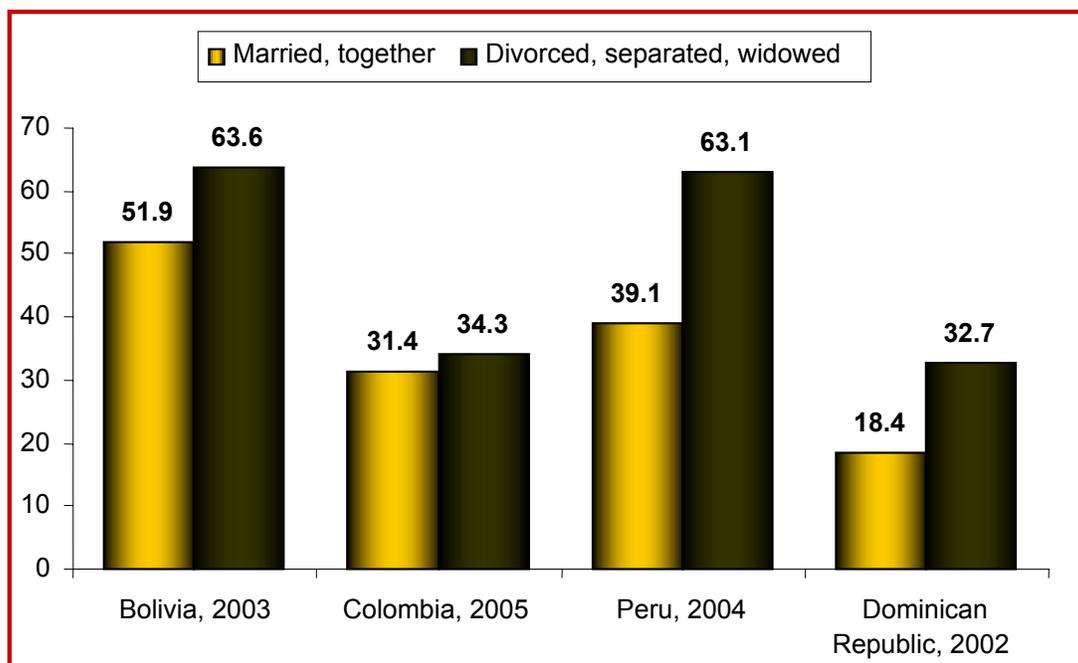
As for sexual violence, there is a clear tendency for a reduction as educational level rises; however, the differences between the percentages for each educational level are very small, above all between primary and secondary levels, meaning no relationship can be stated to exist between higher educational level and lower levels of sexual violence. The figures for women with higher education are only slightly lower than those for other categories.

In summary, despite broadly disseminated opinions to the contrary, the data suggest that education is not a protection factor against violence even though the magnitude of physical violence diminishes with more learning. When considering the importance of education in the transmission of values, the data available leads to conclusions that education in the region has not managed to modify models of patriarchal domination and the widespread idea of male superiority. Moreover, if we consider the information presented in Graphs 4 and 5, violence against women in its various expressions affects all educational levels and all income quintiles.

Meanwhile, differences can be seen for women once in couples, who recognise themselves as victims of violence, according to their marital status. Graph 6 shows that in the Dominican Republic (2002), Bolivia (2003) and Peru (2004) divorced, separated or widowed women recognised they had been victims of sexual violence by at least 11% more than those who were married or in couples. In the case of Peru, the figures show a difference of 24 points. For physical violence, preliminary data from the demographic, maternal and child health survey (ENDEMAIN, 2004) in Ecuador show a difference of 19 percentage points between women 14 to 49 years-old currently married/in couples, at 28%, and those previously married/in couples, at 47% (Ecuador, 2005).

However, it is worth pointing out that data available in Demographic and Health Surveys (DHS) do not allow for cross-relation between the numbers of women who recognise they have been victims of sexual violence and those who have taken legal action, as these are two completely separate sources of information.

Figure 6
Women aged 15 to 49 years old, victims of sexual violence by a partner, by marital status
(In percentages)



Source: Bolivia, ENDSA [online], <http://www.measuredhs.com/pubs/pdf/FR159/12Chapter12.pdf>, 2003.
 Colombia, ENDS [online], http://www.measuredhs.com/pubs/pdf/toc.cfm?ID=282&PgName=country.cfm0ctry_id=6, 2005.
 Dominican Republic [online], <http://www.measuredhs.com/pubs/pdf/FR146/12Capitulo12.pdf>, 2002.
 Peru [online], <http://www.measuredhs.com/pubs/pdf/FR120/12Chapter12.pdf>, 2004.

b) Caribbean: statistical invisibility

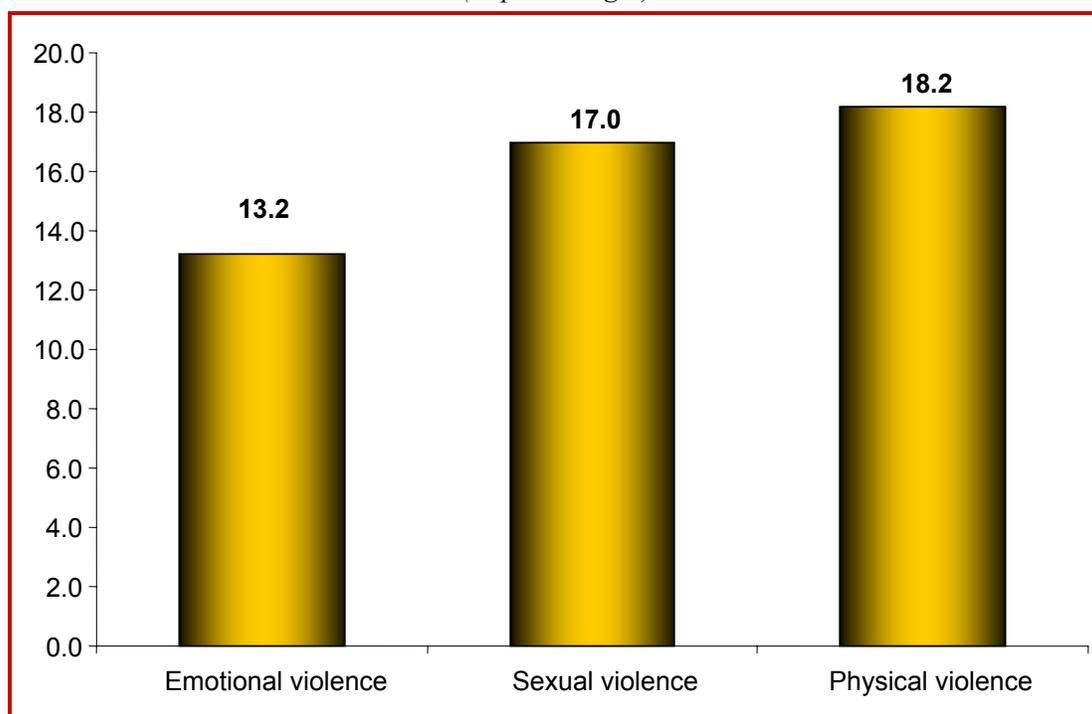
Gender violence in the countries of the Caribbean has similar characteristics to that of Latin America, although records are poorer and sources of information more scarce. Due to the paucity of records produced with standardized methodologies and the almost total absence of coordination between reliable sources of data (health services, legal system, police system, amongst others), it is not possible to compare the extent of the various expressions of violence against women in countries of the Caribbean. However, available statistics do allow us to examine some of the main characteristics.

In Antigua and Barbuda, and Barbados, a study published by the World Bank indicated that 30% of adult women suffered psychological violence in their intimate relationships (Heise, Pitanguy and Germain, 1994). In the British Virgin Isles a study from 1998 showed that 25.5% of women had been physically attacked.³⁷ In Trinidad and Tobago, a study by the Caribbean Association for Feminist Research and Action (CAFRA, 1998) stated that 30% of women in the sample had suffered from domestic violence. This study also added that 76% of the victims had been in positions of economic dependence, being housewives or unemployed. In Guyana, a study by the United Nations Development Fund for Women (UNIFEM) and ECLAC (2005) showed that one in every four women in a couple had suffered physical violence. The same study showed that in Suriname 69% of women in conjugal relationships were affected by violence. Regarding Dominica the report included the results of a qualitative study which reported that 32% of those interviewed had been victims of violence by their spouse or partner. Two thirds of this group were women, and while the men stated they had suffered verbal violence, most of the women had been physically assaulted.

Figure 7 shows the percentage of women from 15 to 49 years-old who have suffered emotional, physical and sexual violence according to data collected in Haiti in 2000. These percentages are very similar in all three forms of violence, with a greater percentage of sexual than emotional violence reported – a situation very different from that of the other countries where data is available.

³⁷ This study included a sample of approximately 6% of women aged 15 to 44 years old. See Haniff (1998) cited in UNIFEM/ECLAC (2005: p.4).

Figure 7
Women between 15 and 49 years-old, victims of emotional, physical, or sexual violence by a partner, Haiti, 2000
(In percentages)



Source: Haiti [online], Survey on Mortality, Morbidity and Use of Services (EMMUS-III), <http://www.measuredhs.com/pubs/pdf/FR121/17chapitre17.pdf>, 2000.

Table 2
Women between 15 and 49 years-old, victims of physical, sexual or emotional violence by a partner, by age group, Haiti, 2005-2006
(In percentages)

Age group	Emotional violence	Physical violence	Sexual violence	One or more forms of violence
15-19	18.6	21.1	10.8	28.1
20-29	16.4	16.8	10.8	25.8
30-39	18.0	15.8	12.4	28.6
40-49	16.3	12.5	10.8	23.6

Source: Haiti 2005-2006, Survey on Mortality, Morbidity and Use of Services (EMMUS-IV), Preliminary version, 2007.

Preliminary data from the Survey on Morbidity, Mortality and Use of Services (EMMUS-IV, 2005-2006) do not allow comparison with the 2000 data relating to all women aged 15 to 49 years-old who once had a partner, but they do allow for the observation that those aged 15 to 19 years-old are more likely to suffer emotional violence, 18.6%, and physical violence, 21.1%, while the rate of sexual violence is higher amongst women aged from 30 to 39 years-old, 12.4% - with the latter group being those most likely to suffer from some form of violence, closely followed by the younger women.

2. Violence against girl children, boy children and adolescents

Research revised by UNICEF (2006) suggests that worldwide 20% of women and between 5% and 10% of men suffered sexual abuse during childhood, while the World Health Organization (2006) estimates that 150 million girl children and 73 million boy children below 18 years-old have been victims of some form of sexual violence and that around 53,000 child deaths worldwide in 2002 were homicides (WHO, 2006; United Nations, 2007). In Latin America and the Caribbean in 2002, the homicide rate for girl children aged between 0 and 17 years-old was 2.21 per 100,000 while that of boys in the same age group was 8.11 per 100,000 - the highest in the world.³⁸ Violence within the couple also increases the risk of violence against children within the family: Studies in China, Colombia, Egypt, Mexico, the Philippines and South Africa show there is a close relationship between violence against women and violence against children (WHO, 2002a; Pinheiro, 2006).

In violence against girl children and adolescents (UNICEF, 2005b and 2005c) the discriminatory patterns for gender and age are combined, sustaining the figures which show they are twice as likely to be the victims of sexual violence. Girls are particularly vulnerable to violence by adults who can combine the cultural undervaluation sustained in gender relations with abuse of their greater physical strength, authority, economic capacity or social position, as well as trust, to produce cases of physical and sexual abuse in the home and at school. The situation of violence against girl children, boy children and adolescents is heterogeneous, fed by a combination of high levels of inequality and discrimination, poverty and social violence. Both in Latin America and the Caribbean, the relationship of violence against girl children with poverty and the lack of social protection results in the denial or limitation of opportunities for the full development of their potential from very early age (UNICEF, 2004a).

According to research by UNICEF, hundreds of thousands of boys and girls all over the world fall victim to exploitation, abuse and violence each year, and are dragged into prostitution circles by trafficking networks, forced to work in conditions of servitude.³⁹ Moreover, different forms of physical abuse are seen, above all in the family ambit. Millions of girls and boys live in fear of becoming the victims of violence in spaces like the family, school, community, institutions - like children's homes and custody centres or prisons related to the penal systems -⁴⁰ and work - abuse and exploitation through child labour - amongst others.

a) Girls in Latin America: between sexual violence and domestic labour

In all the countries, girls and boys are working in conditions of exploitation and danger: the *jornaleros* (daily agricultural labourers) of Mexico; miners in Bolivia, Brazil, Colombia, Paraguay and Peru; those working in the banana plantations of Ecuador; and, particularly, children working in the marshes of Honduras, Nicaragua and other Central American countries. The problem is considered serious above all for the size of the population and the seriously noxious conditions of the work they carry out (Regional Secretariat for the Study of Latin America Cuba and the Dominican Republic, 2005). Sex specific data are not available, although girls are generally in a minority in the type of activities listed. Conversely, girls abound amongst both paid and unpaid female domestic workers.

According to the International Labour Organization, estimates for 2005 show that at least 19.7 million girls, boys and adolescents aged from 5 to 17 years-old (that is, 14.7% of the population of this age) from 19 countries of the region, were economically active.⁴¹ Other data on this phenomenon in Latin America from the International Programme on the Elimination of Child Labour (IPEC) (ILO, 2005) show that 12.6 million are

³⁸ According to the WHO (2006) study, it is Africa where rates for homicides of girls and boys aged from 0 to 17 years old are most similar (5.30 and 5.85 per 100,000 respectively) and Latin America and the Caribbean where it is most disparate. These results are mainly influenced by the rate of homicides of boys aged 15 to 17 years-old, which stand at 37.66 per 100,000, more than double the closest rate in the rest of the world for the same population group (15.64 in Africa).

³⁹ UNICEF, Press Centre, Data on Childhood [on line] http://www.unicef.org/media/media_fastfacts.html.

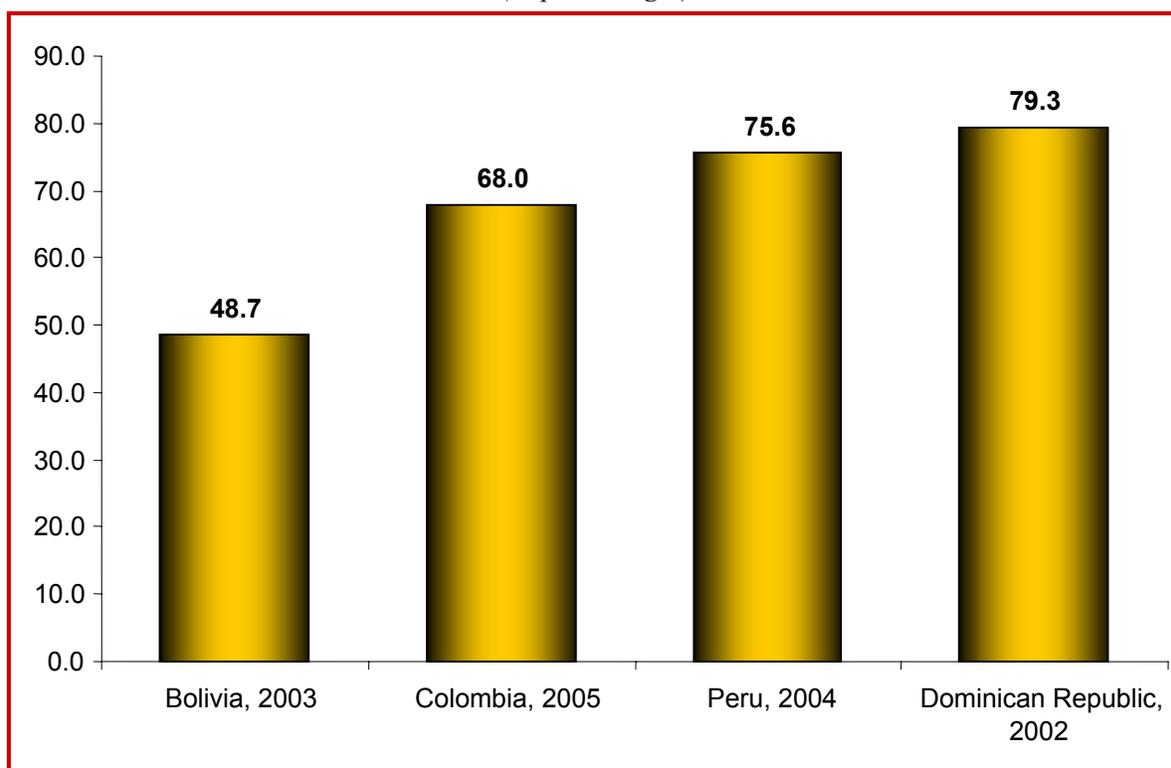
⁴⁰ There is much public debate relating on crime and citizen security relating to the age of criminal responsibility and awareness in boys and girls charged with crimes ranging from crimes against property to those against people. It is important for public debate on crime to consider the aspects of violence (social as well as physical and sexual) suffered by these boys, girls and young people, before, during and after they break the law.

⁴¹ These figures coincide generally with those obtained by the International Labour Organization on a world level: one in every six boys and girls in the world is affected by child labour in its various forms.

working at tasks prohibited for their age group, tasks which rank amongst those forms of child labour considered in need of immediate eradication as they imply economic exploitation and violence.

There is also a worrying element of social tolerance for violence against boys and girls, especially in cases of child abuse which occur in private and which are linked to crime and corruption. This includes children becoming victims of sexual exploitation, forced prostitution, labour exploitation (generally in the informal market), sexual assault and violence, above all in domestic service. This is frequently privately tolerated and publicly denied, an attitude that translates into impunity for the perpetrators. Although the available statistical data do not provide detailed information on these forms of violence, they do offer a panorama of the worrying situation of emotional, physical and sexual violence facing girls, boys and adolescents in each country.

Figure 8
Young women aged 15 to 19 years-old victims of emotional violence
(In percentages)



Source: Demographic and Health Surveys (DHS):

Bolivia [online], <http://www.measuredhs.com/pubs/pdf/FR159/12Chapter12.pdf>, 2003.

Colombia [online], http://www.measuredhs.com/pubs/pdftoc.cfm?ID=282&PgName=country.cfm0ctry_id=6, 2005.

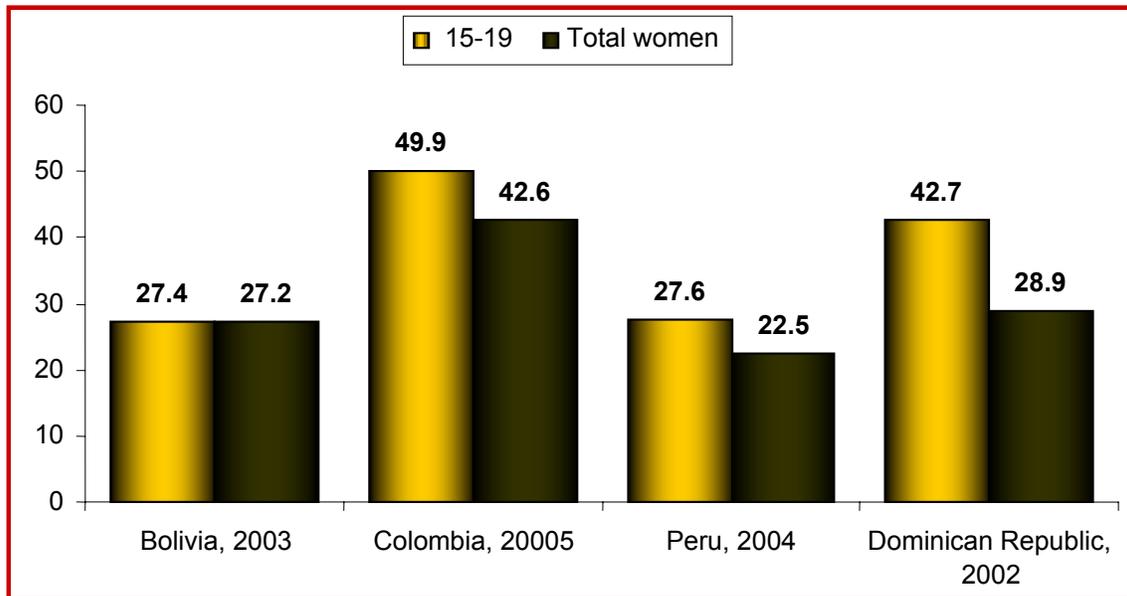
Dominican Republic [online], <http://www.measuredhs.com/pubs/pdf/FR146/12Capítulo12.pdf>, 2002.

Peru [online], <http://www.measuredhs.com/pubs/pdf/FR120/12Chapter12.pdf>, 2004.

As can be seen from figure 8, emotional violence against young women aged between 15 and 19 years-old is a constant in the countries studied, with a minimum level of 48.7% for girls in Bolivia and a worrying 79.3% in the Dominican Republic. More specifically, figure 9 shows the percentage of young girls once in a couple who have suffered from control over their time and restricted freedom of movement at the hands of their partner, as well as limits imposed on the development of their social networks. These behaviours constitute psychological violence in that they lead to isolation, a lack of protection, a lack of communication and emotional development in relation to their loved ones and family, as well as disinformation and a lack of participation in the public arena. Thus, emotional violence against women not only affects their mental health

and their social networks, but also deprives them of opportunities for future personal, social and economic development. It is also clear that young women in a couple are more vulnerable to this type of emotional violence than those who have never formed a couple. This type of violence is more difficult to identify, more subtle and operates in circumstances where the girls have a lack of experience of how to tackle the fear, report the behaviour or seek help.

Figure 9
Young women aged 15 to 19 years-old, who had limits placed on contact with family or friends by a current or previous partner
(In percentages)



Source: Demographic and Health Surveys (DHS):

Bolivia [online], <http://www.measuredhs.com/pubs/pdf/FR159/12Chapter12.pdf>, 2003. Variable considered: attempts to limit contact with family.

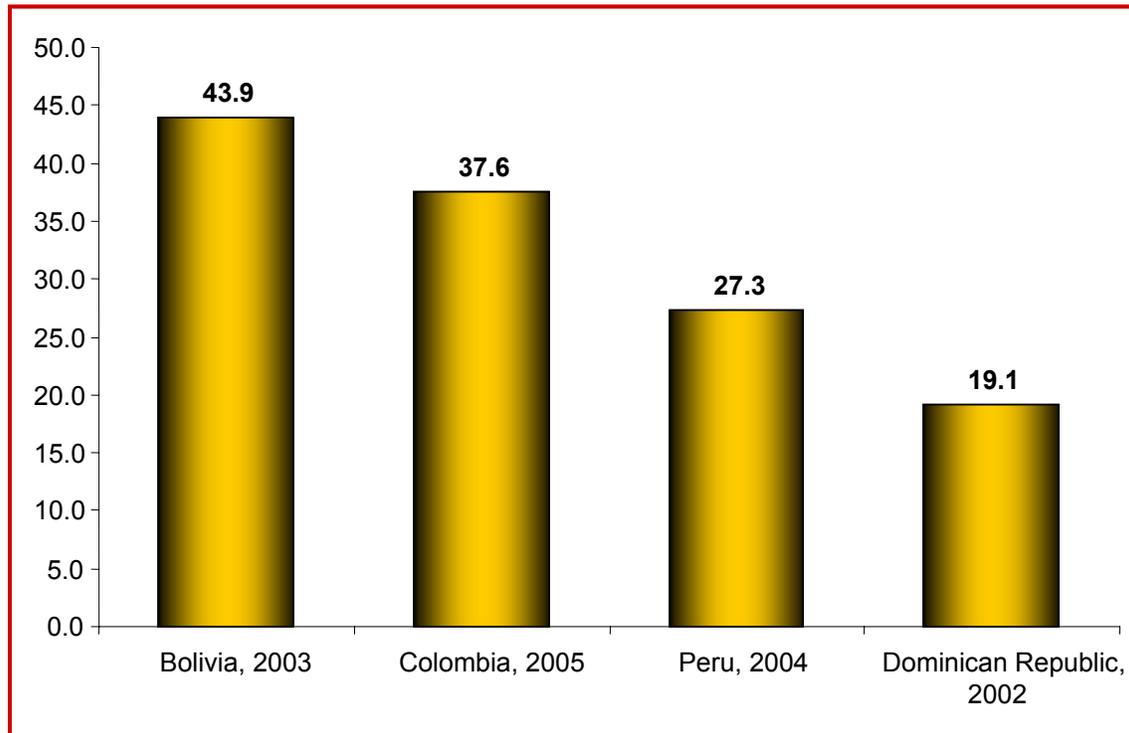
Colombia [online], http://www.measuredhs.com/pubs/pdf/oc.cfm?ID=282&PgName=country.cfm0ctry_id=6, 2005. Variable considered: impedes contact with friends and limits contact with family.

Dominican Republic [online], <http://www.measuredhs.com/pubs/pdf/FR146/12Capítulo12.pdf>, 2002. Variable considered: impedes contact with friends and limits contact with family.

Peru [online], <http://www.measuredhs.com/pubs/pdf/FR120/12Chapter12.pdf>, 2004. Variable considered: impedes visits to friends.

Difficulties in discerning the frontiers between physical and emotional violence, the tendency to minimize light violence or the fear of recognizing the seriousness of physical violence, could explain the lower percentage of victims declaring physical violence compared with psychological violence (see figures 8 and 9).

Figure 10
Young women aged 15 to 19 years-old victims of physical violence
(In percentages)



Source: Bolivia [online], <http://www.measuredhs.com/pubs/pdf/FR159/12Chapter12.pdf>, 2003.

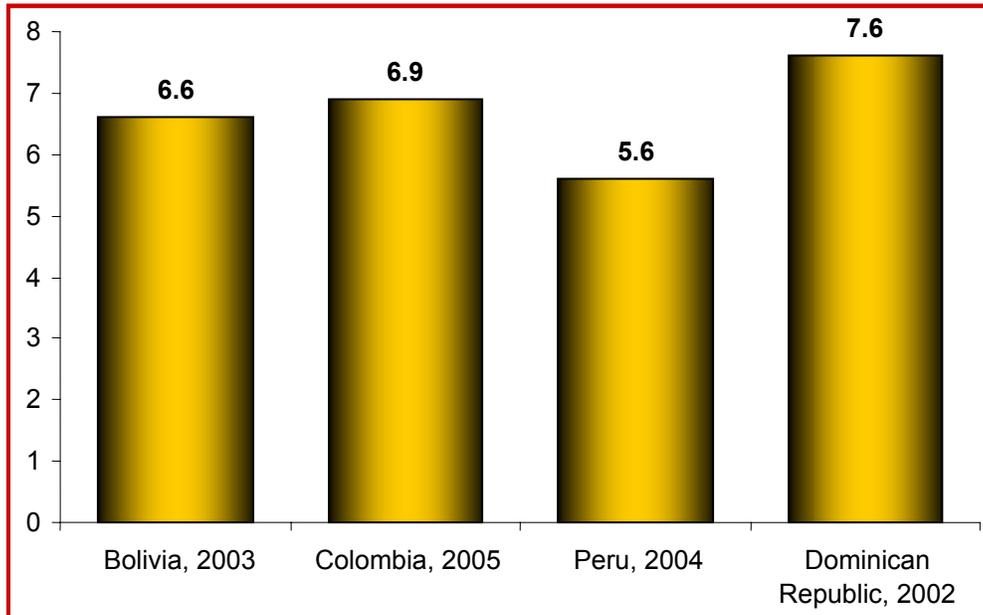
Colombia [online] http://www.measuredhs.com/pubs/pdf/toc.cfm?ID=282&PgName=country.cfm0ctry_id=6, 2005.

Dominican Republic [online], <http://www.measuredhs.com/pubs/pdf/FR146/12Capítulo12.pdf>, 2002.

Peru [online], <http://www.measuredhs.com/pubs/pdf/FR120/12Chapter12.pdf>, 2004.

Comparisons between figures 10 and 11 shows the percentages of young women victims of physical violence and also the high number who say they have suffered assaults with death threats: ranging from severe physical violence, attempted strangulation and burns to armed attacks. These high levels stress the importance of counting on institutional and legal mechanisms that guarantee prompt attention, the just application of sanctions on perpetrators and reparations to the victims.

Figure 11
Percentage of young women aged 15 to 19 years-old victims of physical violence, who have received death threats



Source: Bolivia [online], <http://www.measuredhs.com/pubs/pdf/FR159/12Chapter12.pdf>, 2003. Variable considered: attempted strangulation/burning.

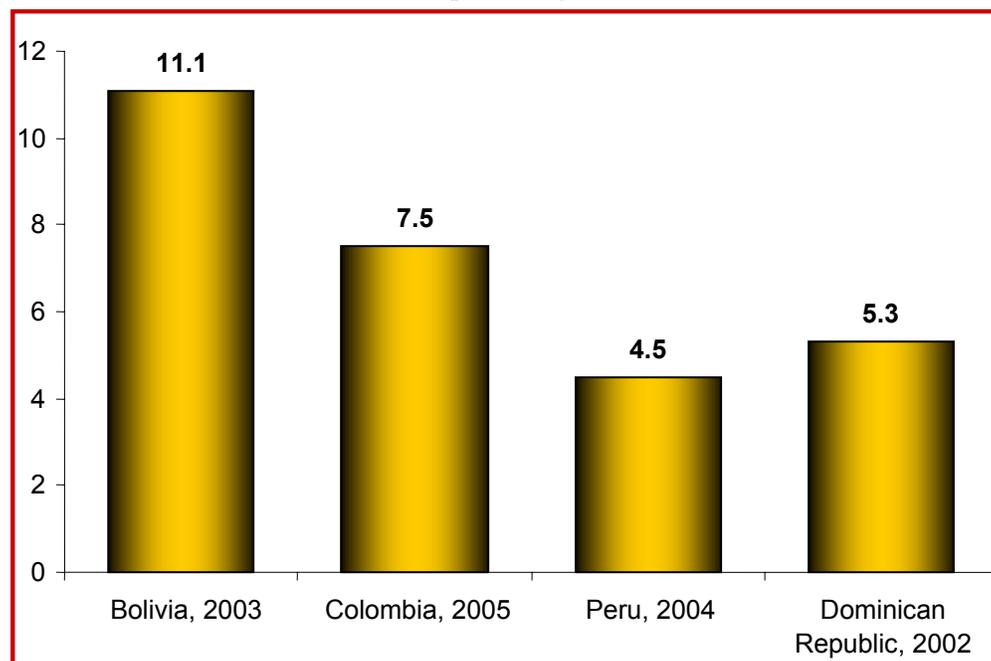
Colombia [online], http://www.measuredhs.com/pubs/pdf/toc.cfm?ID=282&PgName=country.cfm0ctry_id=6, 2005. Variable considered: attempted strangulation/burning/armed attack.

Dominican Republic [online], <http://www.measuredhs.com/pubs/pdf/FR146/12Capítulo12.pdf>, 2002. Variable considered: severe physical violence.

Peru [online], <http://www.measuredhs.com/pubs/pdf/FR120/12Chapter12.pdf>, 2004. Variable considered: attempted strangulation/burning/armed attack.

Figure 12 shows the percentage of adolescents aged 15 to 19 years-old victims of sexual violence from their partner to range between 4.5% in Peru, through 5.3% in the Dominican Republic and 7.5% in Colombia, and on up to 11.1% in Bolivia. Sexual violence is committed more frequently by acquaintances of the young women – that is, partners, fathers, family members or other men in their closest social environment – who abuse the fearful and defenceless state of their victims. This situation is compounded by a lack of information on mechanisms and channels to follow, the lack of accessible social networks and their frequent economic dependence on the perpetrator.

Figure 12
Young women aged 15 to 19 years-old victims of sexual violence by their partner
(In percentages)



Source: Bolivia [online], <http://www.measuredhs.com/pubs/pdf/FR159/12Chapter12.pdf>, 2003.

Colombia [online], http://www.measuredhs.com/pubs/pdf/toc.cfm?ID=282&PgName=country.cfm0ctry_id=6, 2005.

Dominican Republic [online], <http://www.measuredhs.com/pubs/pdf/FR146/12Capítulo12.pdf>, 2002.

Peru [online], <http://www.measuredhs.com/pubs/pdf/FR120/12Chapter12.pdf>, 2004.

In Costa Rica, for example, the national report that followed-up the World Summit for Children (Costa Rica, 2000) revealed that 62.3% of victims of aggression are young women, and that 14.4% and 16.4% are girls and boys respectively; the profile of the perpetrators showed that 45% are husbands, 22.9% are fathers, 13.1% other family members, 8.9% mothers and 5.7% sisters.

The Demographic and Health Survey (DHS, 2000) in Colombia showed that 42% of women stated that their husbands or partners punished their children by striking them.⁴² Moreover, the women recognized that they also hit their children in 47% of cases. In terms of the sexual abuse of children – boys and girls-, national statistics for Peru like the demographic and family health surveys (ENDES, 2000) quote studies where 8 of every 10 cases of sexual abuse are committed by a member of the victim's family circle and that 6 of every 10 pregnancies in girls aged 11 to 14 years-old are the product of incest or rape.

The Regional Secretariat for the Study of Latin America Cuba and the Dominican Republic (2005) collected information relating to school surveys completed in Chile, Costa Rica, Panama and Peru, which revealed that between 5% and 40% of female adolescents had experienced sexual abuse at least once in their lives. This report stated that in Chile, according to the Centre for attention to victims of sexual abuses (CAVAS), a Police dependency, there are 20,000 reports of sexual abuse per year, with the main victims being girls and boys aged less than 11 years-old. Only 10% of these cases are promptly dealt with by the courts and only 3% receive a sentence.

Children are also facing violence at school and in formal education centres, where it is difficult to determine the extent of the use of corporal punishment. This is a human rights violation, but there is insufficient information for assessing its seriousness and frequency. According to preliminary assessment by the Regional

⁴² Data presented in Muñoz et al, 2004, quoted in Regional Secretariat for the Study of Latin America Cuba and the Dominican Republic, 2005, p.28.

Secretariat for the Study of Latin America, Cuba and Dominican Republic, there are significant differences between countries in terms of psychological violence against children, situations where corporal punishment is common practice amongst educators or violence perpetrated by other children.⁴³

Another phenomenon registered by the same study is the increase in urban youth violence and the importance of youth and adolescent gangs in poor urban neighbourhoods, constituting permanent hotspots of violence. Insufficient studies have been carried out on the position of girls and female adolescents within these groups, many of which are linked to drug trafficking and the use of weapons, extortion and other serious crimes. The widespread adoption of violent behaviours and the presence of authoritarian symbolism amalgamated with symbols of a religious, xenophobic and fascist origin tend to be features of the adolescent groups joined by girls, even when it is known that their female condition exposes them to high risk trials and sexual conducts. Not all youth groups practice harmful rituals or conducts and those that constitute criminal gangs like the *bandas*, *maras*, *galeras* or *quadrilhas* have not been studied from a gender relations perspective.

b) Girls in the Caribbean: a diagnosis under construction

Information gathered in Latin America shows that violence against adolescents, boys and girls is manifest in all socio-economic groups and family structures. Greater vulnerability is seen in those from the lower socio-economic groups, who live in areas in the centre of cities, and who live in a family environment with problems of alcohol and drug addiction (UNICEF/PIOJ, 2000; Cabral and Speck-Warnery, 2005). The lack of comparable and consistent data on the prevalence of violence toward children in the countries of the Caribbean does not provide a clear picture but available figures raise suspicions of situations similar to those in Latin American countries.

According to data compiled by the World Health Organization (1999), 30% of women interviewed in Barbados had suffered sexual abuse in childhood – figures similar to those available for Latin America (with 32% in Costa Rica and 26% in Nicaragua). Other sources for Dominica revealed a significant increase in child abuse in the 1990s; though it is important to point out that these figures could simply reflect an increase in numbers of reported cases rather than actual increases in the various forms of violence examined (see table 3).

Table 3
Child abuse in Dominica

Year	Sexual	Physical	Neglect	Other	Total
1989	15	17	7	32	71
1990	11	23	20	73	127
1991	35	25	66	41	167
1992	70	42	55	39	206
1993	123	31	42	59	255
1994	135	34	58	188	415
1995	82	38	66	74	260
1996	95	21	64	69	239
1997	—				267
1998					303
Total	566	231	378	575	1 750

Source: Economic Commission for Latin America and the Caribbean (ECLAC) on the basis of G. Benjamin et al, 'Risk factors for child abuse in Dominica', 2001 [on line] www.uwichill.edu.bb/bnccde/dominica/conference/papers/benjamin.html and United Nations Development Fund for Women/Economic Commission for Latin America and the Caribbean (UNIFEM/ECLAC), 'Eliminating gender-based violence, ensuring equality. Regional assessment of actions to end violence against women in the Caribbean', Working Paper, Barbados, 2005.

⁴³ The analysis includes Argentina, Brazil, Bolivia, Chile, Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay and Uruguay.

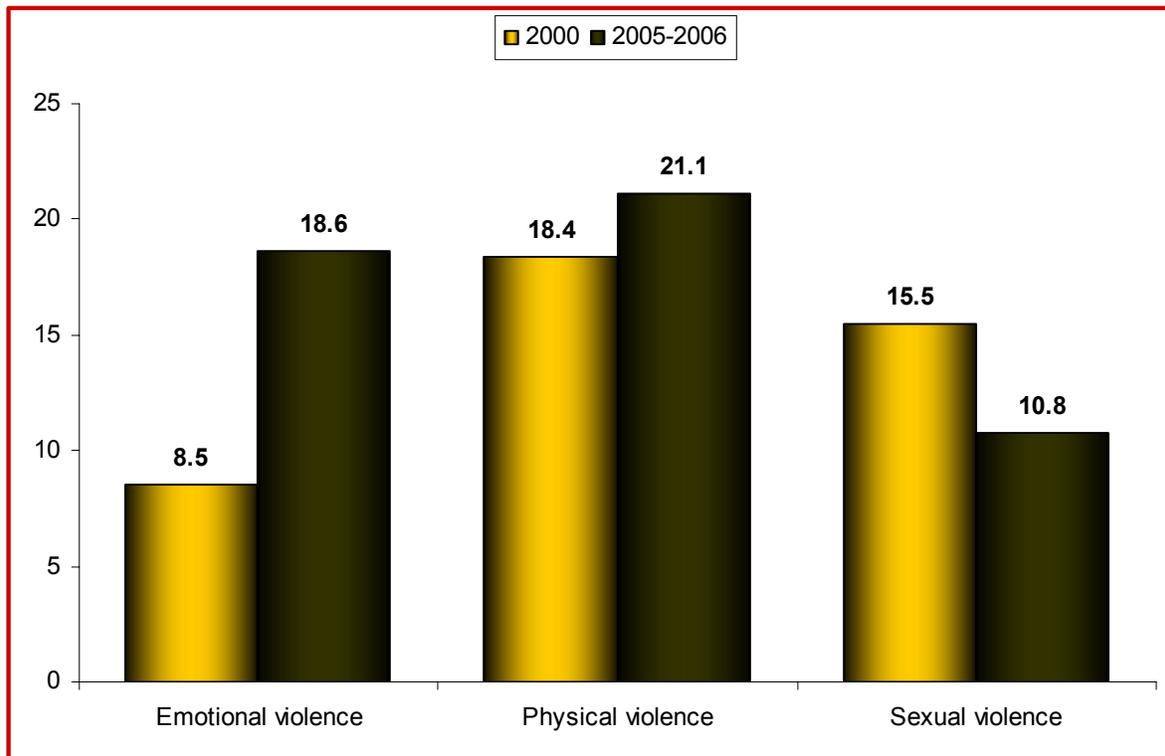
In a study by the University of the West Indies in 2000, it was revealed that 78.5% of students had suffered violence in the community, 60.8% in school and 44.7% at home. Moreover, 29% of students had caused wounding to other people (Soybo and Lee, 2000; UNICEF, 2005d). The social legitimacy of this phenomenon is shown in the study carried out by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2005, which showed that in the Caribbean, 96% of interviewed people working with children believed that corporal punishment reflected that the fathers and mothers were 'attentive enough to invest time in adequately training their children' (UNICEF, 2006).

In Guyana, data collected by UNICEF indicate that 92% of middle class and working class women were beaten when they were children (Red Thread, 1998; Cabral and Speek-Warnery, 2005). Similarly, researches published by the Pan-American Health Organization and UNICEF-Guyana (Mohamed 2000; Cabral and Speek-Warnery, 2005) have estimated that between 8% and 10% of girl children and adolescents, and 2% and 5% of boy children and adolescents have suffered sexual abuse. Most of this is not reported, and it is commonly perpetrated by fathers, step-fathers or other close family members.

Figure 13 shows percentages of emotional, physical and sexual violence against young women aged 15 to 19 years-old in Haiti, according to the EMMUS-III survey of 2000 and IV of 2005-2006, where physical violence shows the largest total level, even though it is matched by levels of emotional violence in the second period measured. Analysis of the data compiled by EMMUS-IV is still at the preliminary stage, but a marked change can be seen in the 10 percentage point increase in emotional violence and the almost 5 point fall in sexual violence.

Figure 13
Young women aged 15 to 19 years-old victims of emotional, physical and sexual violence, Haiti, 2000 and 2005-2006

(In percentages)



Source: Haiti, Survey on Mortality, Morbidity and Use of Services (EMMUS-III) [online], <http://www.measuredhs.com/pubs/pdf/FR121/17chapitre17.pdf>, 2000. Haiti, Survey on Mortality, Morbidity and Use of Services (EMMUS-IV), Preliminary version, 2007.

B. Violence within the community

The Secretary General's in-depth study indicated that women suffer from violence in local neighbourhoods, on public transport, in the workplace, schools, hospitals and other public institutions. This situation is due not only to power relationships between men and women but also to the 'historical deficit' of female participation in urban design, leading to the proliferation of parking lots, tunnels, bridges, narrow passages or alleys and public transport centres where women are placed in dangerous situations on a daily basis (Massolo, 2005). The Declaration of Bogota adopted by the Second International Conference on Safe Cities for Women and Girls (2004) observes that 'the traditional focus given to urban violence and its costs does not incorporate a gender equality perspective, therefore, the risks and damages incurred by women and girls in the context of urban violence has not been adequately recognized or addressed'.⁴⁴

Recent studies in the Central American region clearly indicate that femicide is not linked only with domestic or sexual violence and that in some countries, mainly El Salvador, Guatemala and Honduras, 'they are also linked to the development of youth gangs or *maras*, where women have begun to appear on the scene as murder victims' (CCPDH, 2006). Where the issue of citizen security is a broader matter, this chapter looks at the information available on violence in these spaces, that is, in relation to attacks by third parties, sexual harassment at work and the trafficking of women. Particular attention is also given to violence in the context of HIV/AIDS.

1. Sexual violence in the public sphere or the discomfort of women

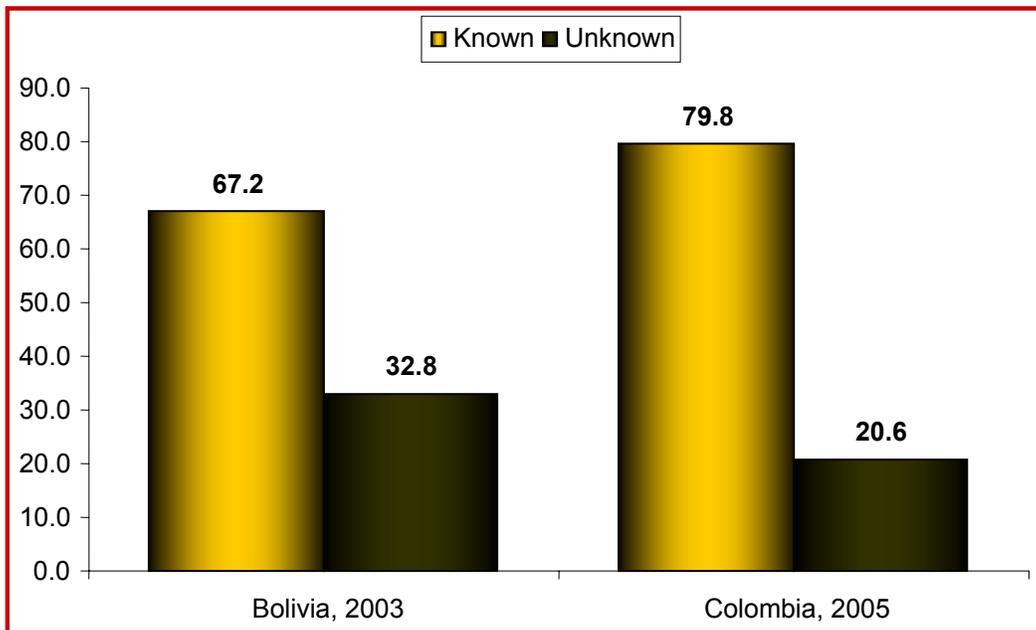
Sexual violence attacks the right to sexual freedom, to autonomy, to control, to integrity and security, as well as the right to experience pleasure and to have a healthy, free and satisfying sex life. At the same time, these rights are intimately related to reproductive rights, like the freedom and autonomy to decide when to have children, which contraceptive methods to use and how many children to have.

Sexual violence against women in the public arena and outside the couple – rape in the street, forced prostitution, sex tourism, the symbolic undervaluing that accompanies pornography – is an increasing problem in many countries and is directly related to the processes of social disintegration, loss of social capital and the weakening of community networks, as well as the lack of public order institutions able to contain outbreaks of social violence. While available data show that violence within the couple is most widely recognized, no analogous data are available for acts of sexual violence in the public sphere.

Even though most recognised acts of aggression occur within the family, in Colombia, 20.6% of women state they have been attacked by a stranger in 2005, while in Bolivia this percentage reached 32.8% in 2003 (see figure 14). These data show that women are at risk within the family, but that the public space also presents an additional group of dangers, including the threat of sexual violence – which permeates everywhere. Exposure to public insecurity is particularly serious when it is combined with poverty and precariousness, as is the case in poor neighbourhoods and unlit settlements, with no public transport and insufficient police protection. The big cities hide large territories taken by violence, where female victims must face street gangs and mafias of all types.

⁴⁴ See [on line] <http://www.iigov.org/ss/article.drt?edi=148554&art=148563>.

Figure 14
Women 15 to 49 years-old victims of sexual violence, once in a couple, by relationship with the perpetrator
(In percentages)



Source: Bolivia, ENDSA [online], <http://www.measuredhs.com/pubs/pdf/FR159/12Chapter12.pdf>, 2003.
Colombia ENDS [online], http://www.measuredhs.com/pubs/pdftoc.cfm?ID=282&PgName=country.cfm0ctry_id=6, 2005.

When analyzing the role of the community in violence, it is also necessary to consider the lack of adequate health services to meet the protection and confidentiality needs of victims of sexual violence. This shortfall has repercussions on the woman's intimate space, because this form of violence is frequently perpetrated by known men, family members and close associates in the victim's surroundings. This increases the chances of reincidence – and the measures needed to prevent this are not always taken. Furthermore, even where health, medical and legal services do exist in the region, they still do not provide a close, efficient and immediate service for the victims of sexual violence (see box 7).

Box 7 **Forensic services: a pending issue**

A study in Belize, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua provided comparative data of medical and legal services available to victims of sexual violence in Central America. Some of the findings were:

- In deciding where to go first, dependent on their perception of service providers, victims used the criteria of: those closest to their homes (36.5%), the specialty of the service provided (31.5%), legal requirements for cases of sexual violence (13%) and the reputation of the service (3.5%).
- Some countries had an average of 1 forensic examiner per 100,000 inhabitants. In Costa Rica the rate is 1.9 forensic doctors per 100,000 inhabitants, while in Nicaragua it is 1 forensic doctor per 250,000 inhabitants.
- Most State health services are free and run with State funds, however, due to the lack of forensic examiners in public institutions, victims have to use private services in some cases (Belize and Nicaragua). The cost of a forensic examination varies widely in the region, from US\$ 20 to US\$ 200.
- The waiting time varies, but on a subregional level the maximum waiting time is 24 hours depending on the service provider.
- DNA tests to support the victim's case are practically non-existent in the countries studied.
- Tests to detect and treat sexually transmitted infections are not carried out in 21% of services, and 34% provide no treatment for these.

Source: Pan American Health Organization (PAHO), on the basis of María Claramunt et al, Situation Analysis of medico-legal and health services for victims of sexual violence in Central America San José, Costa Rica, 2003.

In the Caribbean countries, scarce and deficient records show that a million children a year enter the world sex trade - an illegal business with multimillion dollar profits. Many of these boys and girls are victims of coercive sexual exploitation, others are abducted, sold on and become the victims of international trafficking (UNICEF, 2001).

A recent UNICEF study on violence against children in the Caribbean indicates that there is an increasing number of boys and girls falling victim to sex trade activities in countries like Jamaica and Trinidad and Tobago, running a high risk of infection with sexually transmitted diseases, including HIV/AIDS. Girls entering the labour market tend to be vulnerable to various forms of violence. This situation is serious in countries like Guyana, Haiti and Jamaica, where the economic crisis has encouraged education drop out, exclusion, abandonment and children's subsequent entry into informal or illegal work (UNICEF, 2005d) In Haiti, it is estimated that 67,000 girls work in domestic service and suffer rapes, assaults, malnutrition and negligence (Merveille, 2002; UNICEF, 2005d). These situations occur in a context of high indices of social violence, which have risen steeply in the region and are directly linked to poverty, the lack of educational and employment opportunities and crime - mainly drug trafficking.

Sexual violence against women and girls is still cloaked in silence and impunity, given the lack of necessary legal protection. Box 8 discusses the situation in Haiti, where judicial and legal mechanisms drastically stall the application of legislation to punish these types of violence.⁴⁵

⁴⁵ A first step toward the end of impunity was taken on 26 November 2006 with the signing of a protocol on free medical certification for sexual assaults between the Ministry of Women's Conditions and Rights (MCFDF), the Ministry of Justice and the Ministry of Public Health. Even though demands for biological evidence still stands in the way of punishment for all forms of violence, the MCFDF and leading women's organizations have celebrated the public launch of the International Day for the Elimination of Violence against Women (see <http://www.mediatorre.org/caraibes/actu,20061201134344.html>) - a process which has been made possible through work with the Medico-Legal Research and Action Unit (URAMEL).

Box 8 The impunity of the Zenglendos in Haiti

The Minister of Women's Affairs and Women's Rights of Haiti stated that rape was common, not only in Port au Prince but also, increasingly, in the provinces. In a recent case of rape of minors in the Central Plateau region, the perpetrators were not punished until the Minister brought the issue to the attention of the Justice Minister. The *zenglendos*, or armed gangs, who break into houses at will to rape and beat women, began under the Cedras regime as a form of applying political pressure. However, this has now become the common practice of criminal gangs who terrorize the entire population. Although rape is a crime under the Haiti Penal Code (article 229), it is not considered a serious offence and does not require trial by jury. Also, rape is classified as a crime of honour (*atteintes aux bonnes moeurs*). Hence, cases of rape are mostly resolved with out of court settlements. Even where a girl is raped by her teacher, the rapist will generally be expected to marry his victim and no criminal charges would be made.

Source: Office of the United Nations High Commissioner for Human Rights (OHCHR), on the basis of United Nations 'Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, in accordance with Commission on Human Rights resolution 1997/44. Addendum: report on the mission to Haiti (E/CN.4/2000/68/Add.3), 27 January 2000.

2. Sexual Harassment at Work

Women face sexual harassment in the workplace. Although definitions can vary, this implies at least three components which can be extrapolated to any social arena:

- a) Unreciprocated sexual action, understood to be unwelcome verbal and physical conducts containing aspects related to sexuality - these actions are repeated, seen as premeditated and although they pursue a sexual exchange, they do not necessarily achieve this;
- b) Sexual coercion, understood as the intention to cause someone either injury if they reject or benefit if they accept proposed sexual actions - this demonstrates a clear asymmetric relationship, and is identified more precisely with work or educational situations, and
- c) Feelings of displeasure, which include the unease produced by the experience, feelings of humiliation, personal dissatisfaction, annoyance or depression, as a consequence of unreciprocated sexual actions (Bedolla and García 1989).

Sexual harassment in work relations implies any intentional sexual conduct which influences possibilities of employment, permanency of employment, performance and conditions or the atmosphere of the work environment. This also includes threats or pressure occurring directly or indirectly, in acts ranging from very subtle behaviours to sexual aggression (Delano and Todaro, 1993; Rico, 1996).

The International Labour Organization (ILO) Conference recognized in 1985 that sexual harassment at work is damaging for those who suffer it.⁴⁶ Since then, the ILO has adopted two resolutions, calling first on governments to formulate policies to help on matters of equality, including measures to combat and prevent sexual harassment. In its second resolution, it defined this form of violence which is generally exercised against female workers, as a violation of basic workers rights amounting to discrimination, a risk to health and safety at work, and unacceptable working conditions. Sexual harassment negatively affects productivity and business affairs while being ethically and socially unacceptable.

Sexual harassment contravenes Agreement 111 on discrimination at work - one of the pillars of the ILO Declaration on basic principles and rights at work agreed unanimously by the international community and representatives of the labour sector. A few countries of the region have amended their laws in order to cover sexual harassment and they are taking administrative measures to prevent and sanction this type of violence at work. A self-teaching manual has been developed for work inspectors on the matter. This manual provides the necessary technical tools for a full investigation of sexual harassment, to apply rearguard measures and to decide on appropriate sanctions.

⁴⁶ For more information, see [online] <http://www.ilo.org> or <http://www.oitchile.cl>.

A far greater obstacle in the fight against sexual harassment is the lack of available data. To date, the only information gathered, came from an opinion poll carried out in Chile by the National Women's Service (SERNAM) in 2001. This showed that 11.8% of women and 3.8% of men had suffered sexual harassment at work, and amongst the women: 33.3% of office workers, 24.9% of industrial workers, 20% of service and commercial employees and 15% of unqualified workers said they had been harassed. It is also worth pointing out that less than a year after the implementation of the sexual harassment law (2005) in Chile,⁴⁷ the number of cases reported increased from 79 to 264 - up 335%. The victims were men in only 10 of the cases, the other 254 were women (Government of Chile, Department of Employment, in Mejías, 2006). Despite the negative consequences of sexual harassment, social representations of traditional gender roles still help cover-up these acts of violence by raising doubt and throwing suspicion on the guilt of the victim.

3. Trafficking in women

Violence and trafficking in women (IOM, 2006d and 2006c) violate the physical and psychological integrity of women and girls by commercialising and profiting from their bodies in different circumstances related to the marriage market, cheap labour and the sex trade (UNFPA, 2005; United Nations, 2005d). This implies uprooting the victims, thereby making them more vulnerable to traffickers.

In the region, trafficking includes movement from one region to another within the country (generally from poor and rural areas to big cities) and the transferral of victims to a country other than their country of origin. The transfer abroad may be legal or illegal. In the first case the victim arrives at the destination country with the required migratory documents and certificates, while in the second case they resort to fraudulent means and the victim becomes an irregular immigrant. In both cases, the traffickers tend to keep control of the victim's documents, transforming her into a clandestine immigrant (IOM, 2006b). Main victims are children - boys and girls-, adolescent women and women.

The clandestine and illegal nature of this activity results in there being a lack of reliable data and general information on this type of violence. However, research carried out by UNFPA (2005) indicate that this is an illegal business which is growing faster even than drug smuggling.⁴⁸ An estimated 600,000 to 800,000 people fall victim to trafficking each year, ending up in forced labour - mostly commercial sexual exploitation. Some 80% of these are women and girls, more than half of them minors (United Nations, 2006b).⁴⁹

In Latin America, trafficking mainly occurs through the transferral of victims to countries with higher standards of living. Networks in Asia, Europe and the United States have their major operational and recruitment points in Brazil and Colombia; trafficking corridors also extend from Nicaragua to Belize, El Salvador, Guatemala and Honduras. The United States and Mexico are the main destination of international trafficking for sexual ends. Nicaragua receives a flow of people from South America and marks the starting point for routes to Costa Rica, in the south, and Honduras, in the north.

Colombia is an important origin and transit point for trafficking. According to the International Organization for Migration (IOM), most Colombians exploited by prostitution networks end up in Japan at 65%, followed by Spain (8%), Hong Kong (5%), Italy (4%), Jamaica (2%) and the remaining 16% to other countries. Sources like the Colombian Administrative Department of Security (DAS/INTERPOL) and the National Police agree with IOM that the two main destination countries are Japan and Spain. However, Colombia itself is becoming

⁴⁷ In Chile, on 8 March 2005, the President of the Republic announced the *Ley de Acoso Sexual* (Sexual Harassment Law) N°20,005. This law states that, amongst other conducts, sexual assault - defined as a person imposing undue, non consensual sexual demands of any nature on another person and where this threatens or harms their work situation or opportunities at work - is illegal. For the full text of the law in the National Congress Library, see [on line] http://www.consejoneacionaldeseguridaddechile.cl/legislacion/ley_20005.pdf.

⁴⁸ See also United Nations (2005d, p.66). Data provided by BBC News (2002) and the United States Department of State (2005).

⁴⁹ The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children which complements the UN Convention against Transnational Organized Crime, many studies and new strategies for prevention and support have led to a broadening of the concept of trafficking and include much more than sexual exploitation - as is the case of women and girls recruited for domestic work, who are often moved from rural to urban areas where they end up in situations of true modern slavery, forced to work with neither pay nor rest and, often, submitted to physical and psychological violence. See the international instruments for combatting violence against women listed in annex 2.

the country of destination for indigenous Ecuadorians who fall victim to forced labour and begging once in the country (IOM, 2006b).

According to data from the National Observatory on Migration and Trafficking in Women and Girls, the Dominican Republic is one of the four countries of the world with the highest levels of women trafficked for sexual exploitation, and it is estimated that 50,000 Dominican women work in the sex industry mainly in Europe (DVCN, 2007). Traditional destinations for trafficking have included the various Caribbean Islands, Belgium, the Bolivarian Republic of Venezuela, Greece, Italy, the Netherlands, Panama, Puerto Rico, Spain, Switzerland and the United States. However, in recent years these routes have diversified and broadened to other destinations like Argentina, Australia, Colombia, Costa Rica and the Czech Republic. The Dominican Republic itself is now the destination for victims from the Bolivarian Republic of Venezuela, China, Colombia, Eastern Europe, Haiti and Peru. (IOM, 2000b).

Trafficking is a crime which affects countries with different levels of development, converting it into a deep-seated problem which affects a large number of Latin American women.

Box 9 **Prevention of trafficking in women**

Data from the region show that action aimed at the prevention of trafficking must be based upon real needs. In order to effectively prevent the trafficking of women and to optimize resources full understanding is needed of the factors which make some people more vulnerable than others. In order to do this, the perspective must extend beyond the traditional vulnerable social groups: sex workers and those in the poorest sectors. It would be pertinent to ask why all sex workers and all poor people do not become victims of trafficking. In order to answer these and other questions, in 2005, the Colombian office of the International Organization for Migration conducted a study which provided a basis for profiling potential victims of trafficking. The victim could be someone:

- Who is prepared to accept high levels of risk when offered a job, marriage or a proposed change.
- Who wants to achieve a high position in a short period of time.
- Who is influenced by her family, social network and context to improve her economic position.

The conclusions of this study were used for the most recent prevention campaign run by Colombia's International Organization of Migration '*Que nadie dañe tus sueños*' (Don't let anyone wreck your dreams). The plan was designed to provide all Colombians – children, adolescents, women and men – with an emergency hotline to support informed decision-making and to minimize the risks of falling into trafficking networks when offered a suspicious job - most of which are aimed at women. The success of the campaign was shown in the increasing number of calls received: there was a monthly average of 355 calls in 2005, compared with a monthly average of 1,354 calls after the campaign was launched in February 2006.

Source: International Organization for Migration (IOM), Mission in Colombia, 'Dimensiones de la trata de personas en Colombia', 2006.

Trafficking of women in the Caribbean has increased due to high levels of poverty in the region. Irregular migrants join the formal or informal workforce and criminal networks which capitalize on the vulnerability of the poorest women. Trafficking networks include stop-over points in various countries of the subregion, including Costa Rica, Panama and the tourist centres of Aruba, the Dutch Antilles, Saint Martin and Curacao (Thomas-Hope, 2002). Some centres of operation are strategically located in the Dominican Republic and Suriname where a large number of Brazilian, Colombian and Dominican women are brought together and then moved on to Belgium, Germany, Greece, the Netherlands and Spain to work in prostitution.

It is also important to mention that trafficking in the Caribbean region is intimately linked to other forms of violence like sex tourism. This, in turn, is reinforced by the lack of social protection and serious economic inequalities which provide openings for international criminal trafficking organizations.

4. Violence against women and HIV/AIDS

To examine the relationship between violence against women and HIV/AIDS is of primary importance, as violence increases chances of contracting the virus, through either rape or forced sex. Some behaviours which govern couple relations limit or impede autonomous and informed sexual and reproductive decisions. It is common for partners or spouses to decide when, how and with whom a woman will have sexual relations - making it difficult for women to negotiate risk-free practices and to access means of contraception and protection from infection.⁵⁰ This situation is compounded by factors like poverty, unemployment and exclusion from goods and services which prevent women from gaining economic and social autonomy. Thus, women and young people who use prostitution as a survival strategy, offer transactional sex – that is, sexual relations for money or other resources- or fall victim to sexual exploitation, are at serious risk of contracting the illness. This has serious consequences for female morbidity and mortality.

The Global Coalition on Women and AIDS (GCWA, 2005) indicated that women who have contracted the virus have a greater probability of suffering violence and, also, that women who have experienced violence run greater risks of contracting HIV/AIDS. Hence there is a direct and reciprocal relationship between violence and increased probabilities of contracting the virus, which affects women not only in terms of physical, mental and reproductive health, but also drives discrimination and stigmatization as carriers.

a) AIDS on the increase amongst women of Latin America

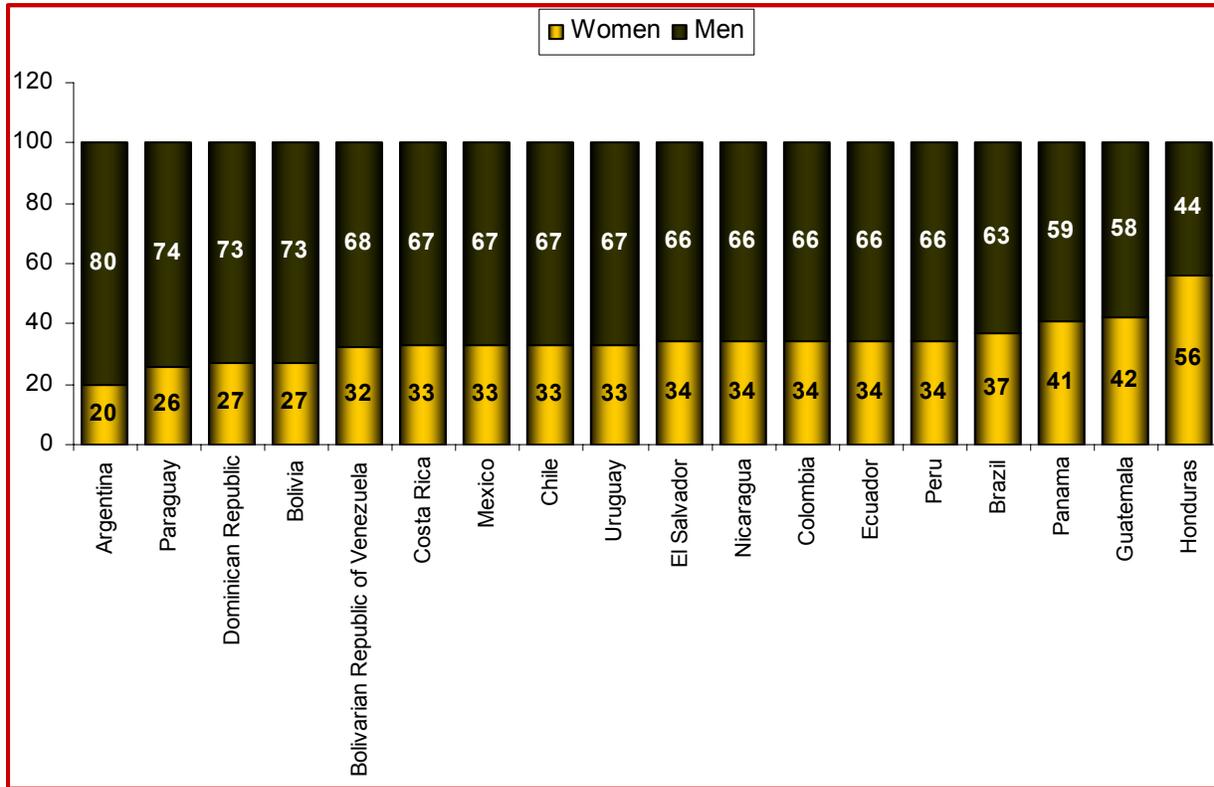
Although HIV profiles in some countries of Latin America are changing, epidemics in the region as a whole remain stable. The latest Joint United Nations Programme on HIV/AIDS (UNAIDS) and World Health Organization (WHO) reports estimate there were a total of around 140,000 new infections with HIV in 2005 and that 65,000 people had died of AIDS. Two thirds of the estimated 1.7 million people with HIV in Latin America at the end of 2005 lived in the four largest countries: Argentina, Brazil, Colombia and Mexico. Estimated prevalence of HIV is greatest in the smallest countries of Central America, where it is slightly higher than 1% in El Salvador, Guatemala and Panama; 1.5% in Honduras, and 2.5% in Belize.

The gender distribution of HIV/AIDS in Latin America shows that men are most affected by the virus, with percentages ranging from more than 40% in Honduras to 80% in Argentina. Women show lower percentages, although levels top 40% in Brazil, Guatemala and Panama and 56% in Honduras (see Graph 15). While unprotected sexual relations between men are recognized as the main factor of infection, the absolute number of women affected continues to rise gradually, from an estimated total of 450,000 in 2003 to 510,000 in 2005. One evident growth factor – linked to the sexual conduct of men – is seen in levels of HIV infection in female sex workers, which vary widely from one country to another. Prevalence of the virus is very low in some South American countries, like Chile and Venezuela, but rates of between 2.8% and 6.3% are seen in cities in Argentina. Levels of 6% have been reported amongst sex workers in certain parts of Brazil and this increases to 12.5% in Honduras (UNAIDS/WHO, 2006a and 2006b).

⁵⁰ According to data published by PAHO (2005), sexual violence is an important risk factor of infection with HIV/AIDS, as more than 36% of girls and 29% of boys in the region have suffered from child sexual abuse (PAHO/WHO, 2003) and up to a third of adolescents in the region have suffered forced sexual initiation (PAHO, 2005). The trafficking of women and girls for sexual exploitation is a factor in the propagation of HIV/AIDS, with the sexual exploitation of girls, adolescent girls and young women being one of the most widespread forms of gender violence (see Regional Secretariat for the Study of Latin America, Cuba and the Dominican Republic, 2005, p.53).

Figure 15
Distribution of HIV/AIDS cases amongst people aged 15
to 49 years-old in 18 countries

(In percentages)



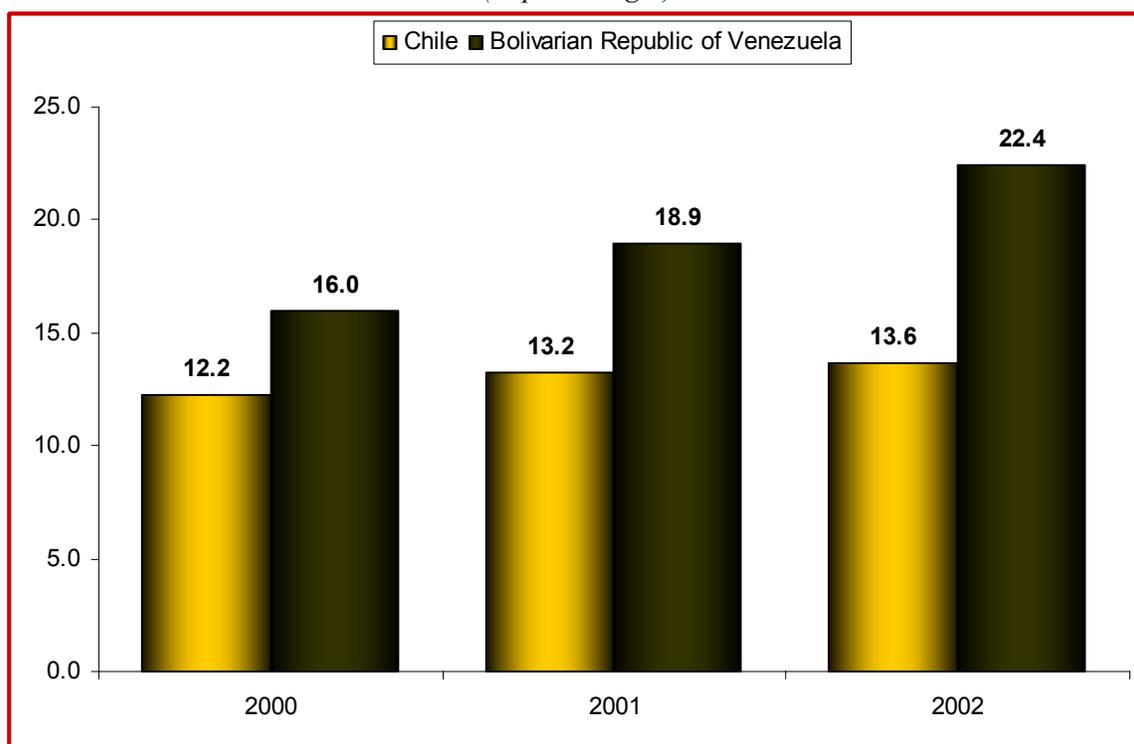
Source: Joint United Nations Programme on HIV/AIDS (UNAIDS), Report on the Global AIDS Epidemic 2004 (UNAIDS/04.16E), Geneva, 2004.

HIV/AIDS is transmitted sexually but also from mother to foetus or new born, meaning that the epidemic primarily has an impact on sexual and reproductive health. This, in turn, affects the general health of individuals, families and communities. Data from the El Salvador Ministry of Health and the Salvadoran Social Security Institute (ISSS) indicate there were six new infection cases of HIV per day in 2004, while there were two HIV positive pregnant mothers per 1,000 pregnancies in 2005. As of July 2005, 36% of HIV/AIDS carriers in El Salvador were women.⁵¹ The most up to date information published by the United Nations Population Fund shows that, over the last three years, infections with HIV amongst women in Latin America have seen an increase of 10%, showing a change in the characteristics of the epidemic (UNFPA, 2007).

Figure 16 shows the percentage of deaths due to HIV/AIDS in Chile and in the Bolivarian Republic of Venezuela. This clearly shows that deaths by HIV/AIDS amongst women in the Bolivarian Republic of Venezuela have seen an increase of 6.4% between 2000 and 2002; whilst in Chile the increase was 1.4% over the same period.

⁵¹ Figures provided by the Prudencia Ayala Feminist Coalition of El Salvador in their campaign on 8 March 2007 ‘¡Ni una muerte más!’ (Not one more death!).

Figure 16
Women infected with HIV/AIDS who died from this syndrome
(In percentages)



Source: Chile: Ministry of Health; Bolivarian Republic of Venezuela: Ministry of Health.

The age profile of the epidemic is also changing. In the early 2000s, half of all new cases of HIV/AIDS occurred in people aged between 15 and 24 years-old, a change from the tendency in the mid 1990s, where new infection was mainly seen in people aged 30 to 39 years-old. This phenomenon has been termed the 'rejuvenation' of the epidemic, with adolescents currently ranking amongst the highest-risk groups (ECLAC, 2000). By the end of 2005, prevalence in young people of both sexes was already estimated at 0.3% for women aged 15 to 24 years-old and 0.5% for men, reaching the 0.5% rate of men aged 15 to 49 years-old (UNAIDS/WHO, 2006a).

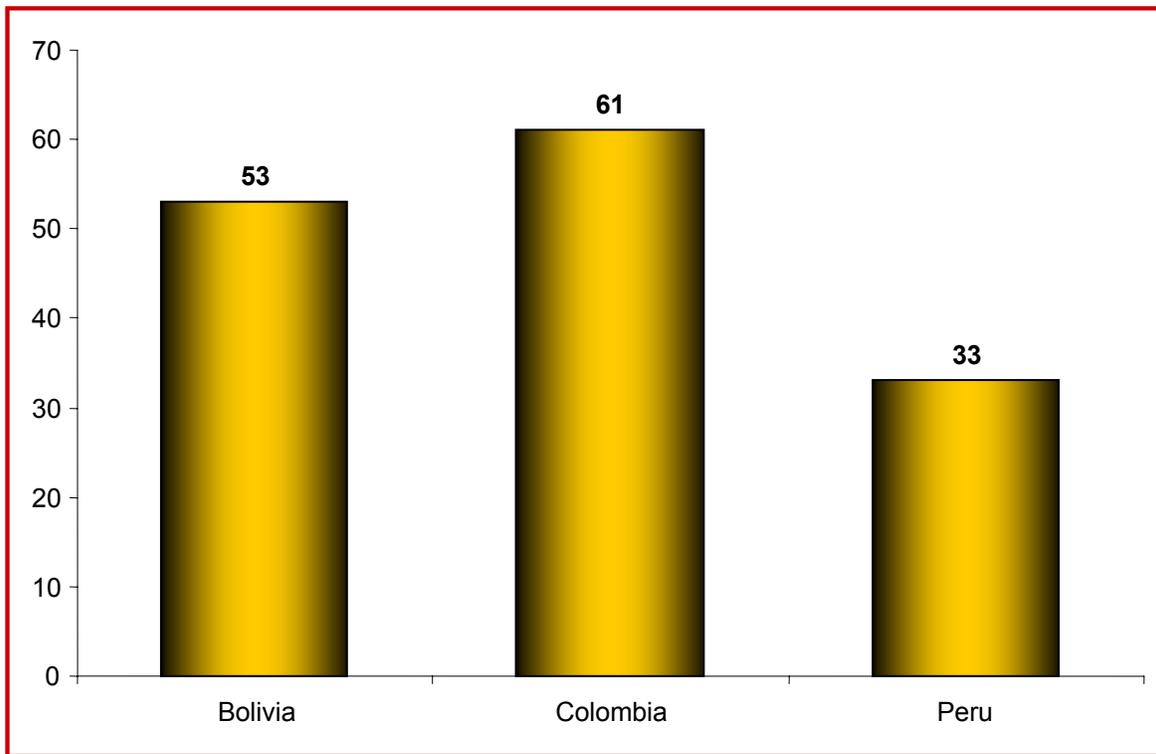
There is a large breach between general knowledge of the existence of the virus and illness and a more accurate and adequate understanding which would form the basis for informed decisions. Figure 17 shows the percentage of women informed on condom use in 2000. In the three selected countries, Colombia showed the highest percentage, 61%; Bolivia registered 53% and Peru the lowest level, at 33%. However, this knowledge does not necessarily guarantee condom use. Picking up on the case of Bolivia again, figures collected six years later by UNAIDS/WHO show that only 20% of women aged from 15 to 24 years-old used a condom the last time they had sexual relations with a casual partner. This percentage can similarly be compared with the situation in Nicaragua (17%) and the Dominican Republic (29%) - the other two countries of Latin America where this information is available. Another noteworthy fact is that condom use is far higher amongst men than women in each of these few cases (37% in Bolivia and 52% in the Dominican Republic).⁵²

Condom use is considered the best form of avoiding infection, whereby misinformation and limited use appear to be aggravating factors which have an impact on efforts to prevent and contain the epidemic. Where violence occurs in the couple relationship, women have less power to decide on sexual relations and condom use; hence their ability to protect themselves from HIV is significantly reduced. In the Dominican Republic,

⁵² The information is not available for boys in Nicaragua (see UNAIDS/WHO, 2006a).

where documentary evidence is available on the relationship between violence in the couple and Sexually Transmitted Infection (STI), 3.7% of women who had suffered violence had contracted an STI during the 12 months previous to the survey, whilst the level was 1% for those who had not. This means that survivors of violence had almost four times more probability of having an STI than women who did not report abuse (Alba, 2007).

Figure 17
Women informed on the condom as a mode of protection
(In percentages)



Source: Bolivia, National survey of multiple indicators by amalgamation, 2000; Colombia, National Demographic and Health Survey, results 2000; Peru, Demographic and Family Health Survey, 2000.

The Pan American Health Organization has stated that the epidemic could be controlled in most countries of the region, but up until recently there have been only limited efforts to adopt HIV prevention measures in many of these,⁵³ with the exception of Brazil. While this country has high levels of infection, it is also exceptional in the large reduction seen in transmission of the virus from carriers to other sectors of the population. This is due to the political will shown in the distribution and preventive use of the condom, added to the highest regional rate for access to antiretroviral treatments amongst carriers. Fortunately, access to treatment and care has increased significantly in recent years, although this started from a very low level in many countries. The benefits, however, have been remarkable, since antiretroviral treatment is estimated to have earned an extra 834,000 years of life since 2002 (UNAIDS/WHO, 2006b).

⁵³ See study by García Abreu, Moguer and Cogwill (2004) based on new research supported by the World Bank, secondary information and data on 17 countries: Argentina, the Bolivarian Republic of Venezuela, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay.

Box 10 **Evolution of the HIV/AIDS epidemic in Brazil**

To begin with in Brazil, the epidemic mainly affected men who had sexual relations with other men and intravenous drug users. However, the epidemic has become more heterogeneous, and heterosexual transmission is the cause of an increasing number of infections with an ever greater number of women affected.

The Brazilian government began to offer universal and free treatment with antiretroviral drugs in 1996. Today, around 160,000 people receive such treatment through the public health system. Brazil freely distributes 17 anti-AIDS drugs, eight of which are generic versions of imported branded drugs. In 2004, the Brazilian government spent US\$ 260 million on antiretroviral drugs and this is expected to increase to US\$ 400 million in 2005.

The government estimates that early access to suitable treatment has saved the country more than US\$ 2 billion in health costs since the beginning of the epidemic. Broad-based efforts in HIV prevention -including the distribution of condoms, needle exchanges and testing campaigns-, have implied additional savings. In 2004, the Brazilian government pulled together various non-governmental organizations and distributed more than 150 million condoms throughout the country.

Source: International AIDS Society (IAS) (2005), 'HIV/AIDS in Brazil and Latin America', document from the Third IAS Conference on HIV Pathogenesis and Treatment, [on line] <http://www.ias-2005.org/admin/images/upload/535.pdf>.

Persistence of inequities in access to education and information is a factor of primary importance in prevention and the empowerment of women to improve their living conditions. The spreading epidemic amongst women affects girls and female adolescents in a special way, while it also generates rapid growth in the number of orphans living in poverty and without parents to provide care and education. This results in abandonment, a lack of protection and discrimination. These and other adverse factors mean that children, orphans and those affected by HIV/AIDS often suffer from marginalization and can become the most vulnerable members of society. Stigmatization of the illness and misinformation are key factors of the rejection by both family members and society as a whole.

b) The Caribbean: a widespread epidemic

The Caribbean has the highest levels of HIV/AIDS amongst adults and young people after Sub Saharan Africa,⁵⁴ with an estimated rate of 1.6% in 2005 for adults aged from 15 to 49 years-old and women from 15 to 24 years-old. This latter figure shows that most new cases of HIV/AIDS occur amongst women aged 15 to 49 years-old, becoming the leading cause of death. Whilst propagation of the epidemic has been stabilized through the use of antiretroviral treatments, the number of people infected has continued to increase. In 2005, estimates stated there were 2 million infected people in Latin America and the Caribbean, more than 12% of these were resident in the Caribbean region (United Nations, 2005d). This figure is worth special consideration given that projections of the total population of the region give a lighter weighting of 2.1% to the population of the Caribbean subregion (ECLAC, 2004a, table 1).

According to the latest data from UNAIDS/WHO (2006b), nearly three quarters of the 290,000 HIV carriers in the Caribbean live in the Dominican Republic and Haiti. However, the national prevalence of HIV in adults is high throughout the region: 1-2% in Barbados, the Dominican Republic and Jamaica, and 2-4% in the Bahamas, Haiti and Trinidad and Tobago. Cuba is the exception, with a prevalence of less than 0.1%. Altogether, it is estimated that 27,000 people were infected with HIV in 2005. Although levels of infection have remained stable in the Dominican Republic and have fallen in urban regions of Haiti, more localized tendencies appear to indicate that both countries should take precautions against possible resurgences of the epidemic.

Several countries are making progress in the battle against their epidemics, reaping the benefits of improved access to antiretroviral treatment, especially in the Bahamas, Barbados, Cuba and Jamaica. In spite of this,

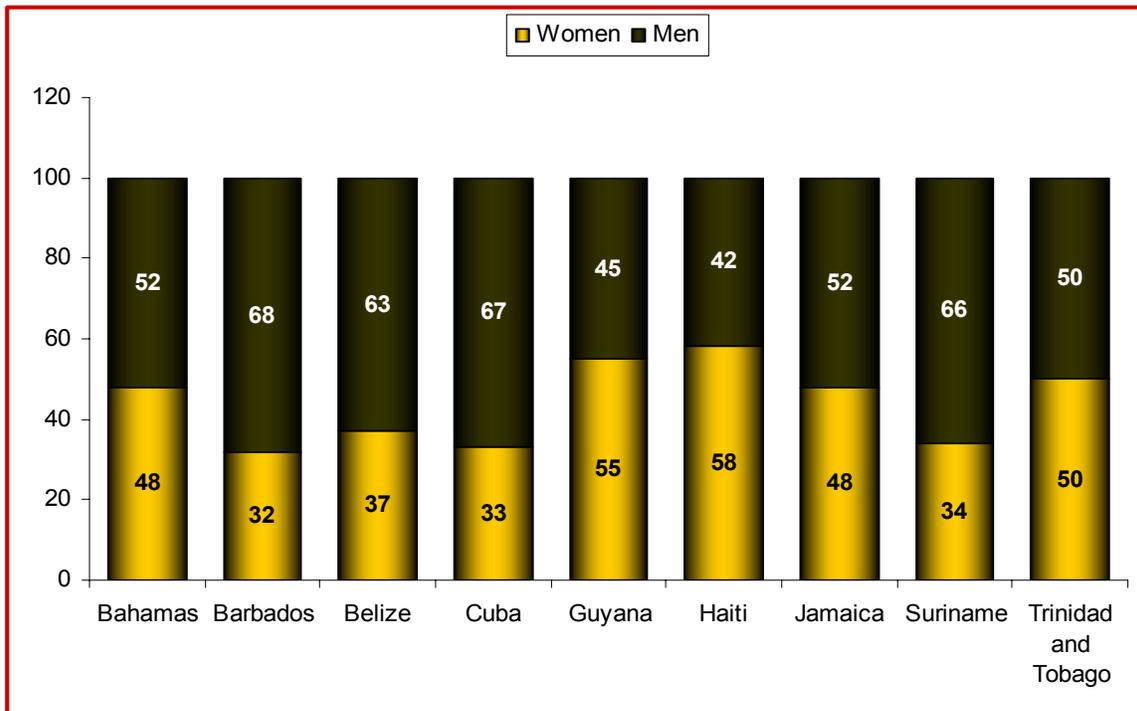
⁵⁴ According to figures from the United Nations Joint Programme on HIV/AIDS (UNAIDS). UNAIDS defines the prevalence of HIV as the total number of people living with the virus in a population. Prevalence includes new cases and old (accumulated number at a given time). See glossary on this matter [online], http://data.unaids.org/pub/MediaAdvisory/2007/20070328_unaids_terminology_guide_en.pdf.

AIDS took more than 19,000 lives in the Caribbean in 2005, becoming one of the leading causes of death amongst adults aged 15 to 44 years-old (UNAIDS/WHO, 2006b).

The same study observes that the epidemics are essentially heterosexual in the Caribbean, and that they occur within the context of flagrant gender inequalities, driven by a prosperous sex industry, which serves both local and foreign clients. This is considered the leading source of infection in countries like the Dominican Republic and Guyana. In fact, the prevalence of the virus amongst sex workers is far higher than amongst the rest of the population. Figures for 2006 show there was an oscillation of between 2.5% to more than 12% according to location in the Dominican Republic, through 9% in Jamaica to an extremely high 31% amongst sex workers in Georgetown, Guyana.

The estimated total average of new cases of HIV between 2004 and 2006 was 10,000, corresponding to the increase in cases amongst women aged between 15 and 49 years-old in the same period. Propagation of the virus is much faster amongst women, confirming that transmission is mainly through heterosexual relations. Figure 18 shows the percentage of people aged 15 to 49 living with HIV/AIDS in 2004 was similar for both sexes in Trinidad and Tobago. In Guyana and Haiti, the percentage of women with the virus is now higher than the percentage of men, while in the Bahamas and Jamaica the percentage of women is drawing even to that of men (United Nations, 2005d). In Haiti and Guyana, the situation is growing even more serious, as the percentage of women already exceeded that of men in 2004 by 16% and 10% respectively, reflecting the feminization of the illness in these countries. Conversely, in Barbados, Belize, Cuba and Suriname there is an even broader gap between percentages of women and men affected, showing an epidemiological pattern similar to that of most of the countries in Latin America. Despite this tendency, it is important to point out that the number of men living with HIV/AIDS is still higher than that of women in several countries of the subregion.

Figure 18
Gender distribution of HIV/AIDS amongst people aged 15 to 49 years-old in some Caribbean countries
(In percentages)



Source: Joint United Nations Programme on HIV/AIDS (UNAIDS), Report on the Global AIDS Epidemic 2004 (UNAIDS/04.16E), Geneva, 2004.

There is also a higher incidence in lower age groups, where female adolescents of 15 to 19 years-old and young women from 20 to 24 years-old face increasing vulnerability compared with males in the same groups (ECLAC, 2005a). According to figures for 2005, women aged 15 to 25 years-old have an estimated prevalence of 1.6% whilst men of the same age have one of 0.7%, a situation totally opposite to that of Latin America and closer to that of Sub Saharan Africa (UNAIDS/WHO, 2006a). Low and high estimates for groups of women and men aged from 15 to 24 years-old extrapolated from the latest available figures for 2001 (see table 4) give higher levels for women than men in most of the selected countries, confirming the vulnerability of women, and especially young women, to HIV/AIDS. The incidence of conditioning factors like the lack of access to information and adequate sexual and reproductive health services, amongst others, could be highlighted. In this context, the early start of sexual relations has emerged as a predictive indicator of HIV-1 status amongst adolescents.

Table 4
Estimated number of persons aged 15 to 24 years-old living with HIV/AIDS, at the end of 2001, selected Caribbean countries

(In percentages)

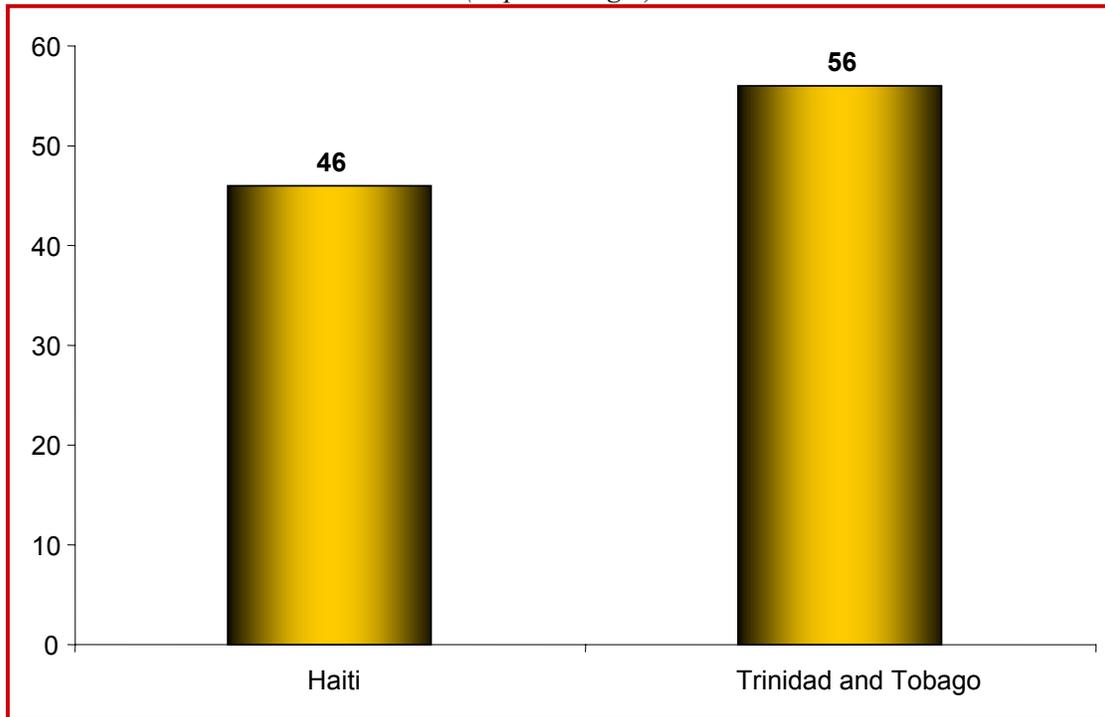
Country	Low estimate in prevalence rates, women from 15 to 24 years-old	High estimation in prevalence rates, women from 15 to 24 years-old	Low estimate in prevalence rates, men from 15 to 24 years-old	High estimation in prevalence rates, men from 15 to 24 years-old
Bahamas	1.97	4.09	1.72	3.56
Belize	1.59	2.39	0.88	1.32
Cuba	0.03	0.06	0.06	0.12
Dominican Republic	2.22	3.30	1.69	2.51
Guyana	2.60	5.41	2.13	4.43
Haiti	3.22	6.69	2.64	5.48
Jamaica	0.69	1.03	0.66	0.98
Suriname	0.99	2.05	0.79	1.64
Trinidad and Tobago	2.09	4.37	1.56	3.27

Source: Economic Commission for Latin America and the Caribbean (ECLAC), *Reproductive health and rights: HIV/AIDS and gender equality* (LC/CAR/L.79), Port of Spain, subregional ECLAC headquarters in the Caribbean, December 2005.

Gender inequities allow us not only to understand the vulnerability of women to the epidemic, but also the falling coefficient between men and women infected by HIV/AIDS. This phenomenon is known as the 'feminization' of the epidemic. In a chronological overview, in 1985, there were four men with HIV/AIDS to every infected woman in the Caribbean (UNAIDS/OMS, 2000a). In the early 1990s, just five years later, the ratio of infection between men and women in the Caribbean was 2:1. In 1996, it fell to 1.7:1 (ECLAC, 2005a) and in 2005, in countries like the Dominican Republic, Haiti, Jamaica and Saint Lucia, it was nearly 1:1 (United Nations, 2005d).

The progressive propagation of HIV/AIDS in the subregion is explained, amongst other factors, but serious deficiencies in preventive programmes and information on means of protection. Condom use is considered one of the most effective ways of avoiding infection, but its use is still limited, even in high-risk relations with casual partners, in countries with the highest prevalence of HIV/AIDS. Given the high levels of prevalence and the number of absolute cases in Haiti and Trinidad and Tobago, it is surprising that the average percentage of women obtaining information on condom use was just as deficient as that of Latin American countries observed over the same period (see figures 17 and 19). It is also clear, just like in these countries, that data for 2006 shows condom use rates far higher amongst men than women. Hence, in Barbados, 77% of males aged 15 to 24 years-old used a condom the last time they had sexual relations with a casual partner compared with only 33.3% of women in the same group.

Figure 19
Women informed on the condom as a means of protection
(In percentages)



Source: Trinidad and Tobago, Demographic and Health Survey, 2000; Haiti, Survey on Mortality, Morbidity and Use of Services (EMMUS-III), 2000. Variable considered: has access to information on condom use.

Even if these data only provide information on two countries – which precludes generalization – the information received does suggest that many women are unaware of information on condom use in most countries of the region. However, one good example of recent efforts to correct this can be seen in that 98% of women sex workers surveyed in Port au Prince in 2005 reported have used condoms the last time they had commercial sexual relations (UNAIDS/WHO, 2006b).

Data on the development of HIV/AIDS in the region is inconclusive. Although prevalence is on the increase in all countries, no reliable information is available to show the same is occurring with incidence. The recent UNAIDS report for the Caribbean mentions tendencies indicating that at least two countries of the Caribbean – Bahamas and Barbados – would have reduced levels of infection thanks to active HIV/AIDS prevention campaigns implemented since the late 1990s (UNAIDS/WHO, 2006b, United Nations, 2005d). In five other countries, measures are underway to provide HIV positive pregnant women with a therapeutic cycle of antiretroviral treatment in order to reduce the risk of materno-infantile transmission. However, the percentage of women receiving the full cycle in 2005 was uneven: 100% in the Dominica, 90% in Barbados, 71.4% in Trinidad and Tobago, 61.6% in Saint Vincent and the Grenadines, 50.2% in Antigua and Barbuda and 20% in Saint Lucia. These figures are slightly ahead of prevention initiatives in Latin America, where the percentage of women accessing such schemes is 87% in Argentina, 73.3% in Belize, 57.9% in Brazil, 19.3% in Uruguay, 3.4% in Honduras and 2.1% in Paraguay.

However, in the highest prevalence countries, like Haiti, deaths from AIDS represent a reduction of nearly eight years in life expectancy. In the Bahamas, Guyana and Trinidad and Tobago, the loss is more than four years. In the other countries affected, life expectancy lost as a consequence of HIV/AIDS range between 2 and 3.5 years. Putting this situation to rights is a complex challenge for most countries with high levels of infection, unless they resort to extraordinary measures in terms of prevention and treatment (UNAIDS/WHO, 2006b).

C. Violence Perpetrated or Tolerated by the State or its Agents

According to the aforementioned Secretary-General's study, State agents can include 'all people empowered to exercise elements of State authority – members of the legislative, executive and judicial branches, as well as law enforcement officials, social security officials, prison guards, officials in places of detention, immigration officials and military and security forces' (United Nations, 2006b). This section will highlight institutional violence as a result of the low priority given to fighting violence, and will throw light on to forms of violence tolerated by the State and its agents against migrants, indigenous peoples and Afro-descendants and violence against women in armed conflicts. It is important to state that each of these forms of gender violence especially impacts on the daily life of women and girls in rural regions, having direct and indirect costs which not only affect the victims, but also feed the cycle of poverty, prevent productive development and throw national development off balance.

1. Institutional violence

In most countries of Latin America and the Caribbean, concern with violence has arisen from non-governmental organizations – groups which have designed models for attending to the issue and have gone on to inspire the implementation of government programmes and international cooperation. The Women's Legal Office and the Center for Women's Information and Development (CIDEM) in Bolivia, the Corporation Casa de la Mujer in Colombia, the Ecuadorian Centre for Women's Advancement and Action (CEPAM) in Ecuador, the Flora Tristán Peruvian Women's Centre in Peru and the Research Centre for Feminist Action (CIPAF) in the Dominican Republic are some examples of experiences aimed at providing quality services to victims of violence. In Brazil, women from the feminist movement in the *Conselho de la Mulher* (women's council) were behind the creation of the first police stations specialized in dealing with cases of violence in the 1980s.

More than 20 years after these pioneering events, most governments have public plans and programmes in various spheres, particularly health, the police and refuges. However, these services do not have a strong structure. The move from experimental and pilot projects by civil society groups to mass government initiatives has not been handled with sufficient human, financial and technical resources, and the warmth and commitment of the initiators has often been lost along the way. These deficiencies are worsened by persistent discriminatory practices in the police force, health services and refuges – either because demand outstrips capacity or because the authorities in charge do not pay enough attention to the problem.

Box 11 shows the ethical and legal dilemmas facing medical-legal services in identifying, recording and proving cases of sexual violence. It is common for the victim to be victimized all over again in very important legal cases like these, where their female condition renders them suspect. There are several critical moments for victims which discourage them from exercising their rights, preferring not to report crimes in order to avoid repeating the trauma and facing the incompetence of the institutions. These include: complicated procedures to certify the crime, the high administrative costs of procedures, lack of confidentiality, fear and even resistance from professionals – especially in the health sector – to investigate the causes of lesions or trauma, distrust of officials and ignorance of the laws which benefit them (Arauco, Mamani and Rojas, 2007).

A case study into health services in Chile shows that care given to victims is not specialized, nor does it occur in good conditions. No efforts are made to contain the situation, no psychological support is provided, and nor is any legal or other guidance. Public health staff lack of procedural guidelines or suitable training in dealing with the problem makes it easy for secondary victimization to occur, and also allows gender violence to establish itself within the health services. An additional factor of institutional violence is the low priority given to follow-up programmes – these come under the Mental Health sector, which obtains little funding. This position in the public health structure implies important limitations despite the fact that this step has been classed as 'fundamental in giving violence against women the status of a health problem' (Provoste and Valdebenito 2006).

Box 11 The case of Rosa

Rosa was an eight year-old girl, the only child of illiterate Nicaraguan migrants who moved to Costa Rica to work in the agricultural sector. Toward the end of 2002, Rosa was raped by a neighbour. Ten weeks later she was diagnosed with a sexually transmitted disease and was also found to be pregnant. Doctors considered this to be a case of extreme risk and forced her to remain in hospital to protect her health and that of the foetus.

Costa Rican law allows abortion when the pregnancy represents a risk to the life or health of the mother, however, her family was not informed of the possibility of a legal termination, as it was decided that both she and the foetus were in good health and therefore the procedure should not take place (Legislative Assembly of Costa Rica, 27 March 2003). The media published Rosa's story and Human, Women's and Children's rights groups in Nicaragua called for intervention from the Human Rights Ombudsman's Office. This entity provided legal support for the girl, affirming that an act of discrimination, abuse and lack of information on the risk to her life was being committed.

Rosa's family returned to Nicaragua where, under national law, they asked for a medically approved abortion. However, the panel of doctors decided abortion was not appropriate, considering the process to present a risk to the life and health of the girl. Finally, the girl received an illegal abortion. Just like the panel, both the Health Ministry and the Ministry of the Family (MIFAMILIA) were opposed to the medical termination, arguing that national laws protected life from the moment of conception and that all abortion constituted a crime. MIFAMILIA even proposed removing the parents' parental authority to decide on the abortion and the Public Ministry stated this was beyond their jurisdiction. Later, the Attorney General's Office launched a criminal investigation, dealing with a complaint from conservative religious groups who indicated that the abortion carried out was illegal. The investigation ruled that the actions of Rosa, her parents and the doctors involved were in accordance with the law on the basis of documentation which confirmed the risk to the life of the girl, given her age and the fact that the pregnancy was the outcome of a rape (Public Ministry of Nicaragua, Department of Managua, Resolución sobre el caso de la 'menor Rosa', 3 March 2003).

This case clearly demonstrates the complexity and ambiguity inherent in using the human rights framework as a tool to defend the girl who had been raped and her right to legal abortion. It reveals contradictions in the compliance with international commitments acquired by the State under a set of treaties, agreements and conventions, which are, moreover, backed by national laws.

Various treaties and international conventions on the human rights of the child and women protect girls like Rosa and oblige signatory States to guarantee the rights of all their citizens. For example, Article 12 of the International Covenant on Economic, Social and Cultural Rights (United Nations, 1976) states that 'States Parties in the present pact recognise the right of all persons to enjoyment of the highest possible level of physical and mental health,' and this was ratified by Costa Rica and Nicaragua. Paragraph 22 of General Recommendation 24 of the Committee for the Elimination of Discrimination against Women declares that the States must take preventive measures in relation to coercion in reproduction and must ensure that women are not forced into seeking insecure medical procedures, such as illegal abortions (general recommendation No 24, article 12). In General Observation No 28 to Article 3 on equal rights between men and women in the International Covenant on Civil and Political Rights, the Human Rights Committee dictates that 'States Parties should give information on any measures taken by the State to help women prevent unwanted pregnancies, and to ensure that they do not have to undertake life-threatening clandestine abortions' (United Nations, 2000c). Also the Committee on the Rights of the Child declared in General Observation No 4 that States should take measures to prevent maternal morbidity and mortality caused by early pregnancy; similarly it calls on them to implement programmes which offer access to sexual and reproductive health services, which include risk-free abortion practices when abortion is not prohibited by law (United Nations, 2003c, par.31).

The laws of Costa Rica and Nicaragua recognize the special vulnerability of children and call on State institutions to take into account the greater interests of the boy or girl. In Costa Rica the Code on Children and Adolescents recognizes the right to life from conception until 12 years of age.^a Hence, the Costa Rican authorities interpreted that the girl and the foetus had equal rights, while in Nicaragua the authorities from the Attorney General's Office for Human Rights, according to its laws, decided that the family had the right to decide on how to protect the well-being and life of their daughter.

Source: Pan American Health Organization (PAHO), on the basis of the Republic of Costa Rica, Legislative Assembly Special Commission for Women, 'Testimonio de Dr. Eliseo Vargas García, Presidente de la Caja Nacional de Salud de Costa Rica', (Testimony of Dr. Eliseo Vargas García, Director of the National Health Service of Costa Rica), *Acta de la sesión ordinaria N° 29 of 27 March 2003*, p. 7; Health Ministry of Nicaragua, Hospital Vélez País, Scientific-Technical Report ('Rosa' case), 18 February 2003.

^a Republic of Costa Rica, Código de la Niñez y la Adolescencia (Childhood and Adolescence Code), law N° 7739 of 6 January 1998, art. 12: 'Minors have the right to life from the moment of conception itself. The State must guarantee and protect this right, with economic and social policies which ensure decent conditions for pregnancy, birth and integral development' [on line], <http://www1.umn.edu/humanrts/hrcommittee/Sgencom28.html>.

Institutional violence is definitively expressed through criminalization of the victim by the police or courts, negligence in investigating the underlying causes of the case by health services, the trauma to victims in repeating the experience throughout the legal processes, the slowness and complexity of administrative procedures and the low priority given to these services in government policies and budgets. In Bolivia, the Family Protection Brigades are in some cases placed in the hands of police officers on disciplinary charges. Many of them feel joining the Brigades is a punishment or an impediment to their career and promotion up the ranks. In many cases they lack even the minimal resources required, with police officers having to perform as psychologists, lawyers and even putting their hands into their own pockets for the resources needed to protect women. Institutional violence is also expressed in the language gap between women who speak indigenous languages and authorities who ignore these languages, further complicating communication.

2. Violence against migrant women

Research into female migration has found that gender differences are related to segregated employment and the predomination of precarious employment. In terms of violence, women migrants are at risk of confronting dangers linked to prostitution and the illegal nature of domestic service, as well as suffering greater vulnerability whilst travelling (Staab, 2003). This greater vulnerability of women can be explained by a group of conditioning factors surrounding migration circuits. Many of the migrating women come from rural areas, cross international frontiers - often without the necessary documentation or any support network, exposing themselves to various forms of sexual violence in exchange for protection. The acts become more serious in proportion to the women's inability to speak the language of the authorities, as they have access to neither legal help nor interpreters in the majority of cases. It is important to point out that cases of rape in custody and other forms of sexual violence against undocumented women, as well as the lack of reports of these rapes, are key issues in illustrating the common roots between violence against women and forms of discrimination and intolerance.⁵⁵

On the southern frontiers of Mexico, 70% of migrant women are victims of violence and 60% suffer some kind of sexual abuse during the journey, ranging from coercive sex to rape.⁵⁶ In fact, the Mexican frontier with the United States is one of the most dangerous places, where women are subjected to sexual violence, forced prostitution, trafficking and femicide. International irregular migrants cross frontiers without the necessary documentation and with no social support or protective network (Obando, 2003).⁵⁷ This increases their chances of falling into illegal traffic of migrants, traffickin in women, commercial sexual exploitation or forced prostitution, which in turn makes it more difficult for migrant women to access social security and legal systems and care services (see box 12).⁵⁸ Other obstacles can arise when permission for the migrant to remain in the country depends on maintaining a marriage with the perpetrator - a situation aggravated by the fact that most migrant women do not have the social support networks they would have at home.

⁵⁵ International Organization for Migration (IOM), on the basis of United Nations, Migrant Workers. Report of the Special Rapporteur, Ms. Gabriela Rodríguez Pizarro, submitted pursuant to Commission on Human Rights resolution 2003/46 (E/CN.4/2004/76), January 2004; Human Rights of Migrants. Report prepared by Ms. Gabriela Rodríguez Pizarro, Special Rapporteur, in pursuance of resolution 2001/52. Addendum: Mission to Ecuador (E/CN.4/2002/94/Add.1), February 2002; Report by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/PC.2/23), 18 April 2001.

⁵⁶ According to a study by the United Nations Population Fund (UNFPA) (see Mora, 2006).

⁵⁷ 'Irregular migration' covers migration carried out beyond the bounds of official procedures, that is, without the required permits and documentation. The International Labour Organization (ILO) states that migrations and migrants can never be termed illegal, as freedom of movement is a basic human right. This report will therefore use the term 'irregular migrants'.

⁵⁸ This offence is defined in Article 3 of the Protocol against the Smuggling of Migrants by Land, Sea or Air, complementary to the UN Convention against Transnational Organized Crime (adopted in 2002 and came into force 2004), and proposes that: "Smuggling of migrants" shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident', [online] http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_smug_eng.pdf.

Box 12

The underwear tree: women victims of violence on the Mexico – United States frontier

Sexual assaults and multiple rapes are experiences unavoidably faced by undocumented women on their journey to the United States. In Baja California two particular places are identified as scenes of rapes in the mountainous area of the state, known as underwear trees. One of these is found in the municipal area of Tecate, in the La Rumorosa mountains and the other, known as Mezquite, is in the Villa Zapata commonland of Mexicali, both in clearings in the mountains. These are places where the migrants, exhausted after long walks and hard climbing in the mountains, stop to rest, and it is then that the bandits pounce, attacking women and assaulting groups.

These points on the frontier are sites of high vulnerability for women, a situation which forces them into strategies for their own protection and survival. They often accept offers of sexual relations, even with their rapist, in exchange for escaping abuse from other men. Others may take a temporary partner for the duration of the journey, in exchange for sexual favours and the payment of a certain amount of money for the protection they are given.

This is considered an 'inevitable' risk. Their undocumented state compels the women to remain in hiding without reporting these rapes. Even though the authorities are aware of the existence of certain places on the frontier where such cases of violence occur, no measures have been taken to stop the violence against migrant women.

Source: Guillermo Alonso, 'La dimensión femenina del cruce clandestino de la frontera México-Estados Unidos', document presented to the international symposium *Mobilités au Féminin*, Tânger, 15-17 November 2005.

3. Violence against indigenous and afro-descendant women

Some 80% of indigenous people live in Central America and the central Andes, an area which covers Bolivia, Ecuador, Guatemala, Mexico and Peru. Not all countries of the region have been willing to recognize and respect their characteristic ethnic and cultural diversity. Historically, this has been translated into the exclusion of indigenous peoples from economic and political development, as well as persistent discrimination accompanied by significant levels of social inequality.

In regions like the Andes, Central America and Mexico, there is a very high percentage of indigenous population, but insufficient research has taken place. Some studies have approached the human rights situation of indigenous women and gender relations in their communities, and the first analyses of violence within the couple in specific indigenous communities are being published.⁵⁹ Research into ethnicity, gender and poverty agree that women of indigenous or African descent are those most affected by exclusion and various forms of discrimination, which usually result in highly marginal situations in the work market and low levels of education. In the United States, data from the Justice Department indicate that indigenous women have 2.5 times more probability of being raped or suffering sexual aggression than the other women in the country, meaning that more than one in every three indigenous women will be raped at some point in their life (Amnesty International, 2007b).

A study into the situation of indigenous people in Bolivia, Brazil, Ecuador, Guatemala and Panama implied that there were generally higher rates of illiteracy and lower educational levels amongst these groups, than in non-indigenous populations. Meanwhile, being an indigenous women in any of the five countries implies an even worse situation of illiteracy and insufficient education than that seen amongst indigenous men and non indigenous women – a factor which has implications on vulnerability to violence, especially physical violence, even though it is not a determining factor (Calla, 2007).

Indigenous women face additional barriers when they seek help from institutions and health services. Recent research has reported cultural and linguistic exclusion and discriminatory treatment, a situation which is even worse for women from a rural and poor background. This means women will generally first resort to a traditional healer, only later seeking help from the formal health service when the seriousness of the violence overwhelms the protection strategies available in their closest social networks. However, cultural exclusion from these institutions and the lack of satisfactory response means that many women return to their situation of violence at an even greater risk to their health and life (Arauco, Mamani and Rojas 2007).

⁵⁹ On a world level, see the recent report from the International Forum of Indigenous Women (FIMI, 2006). Meanwhile, Amnesty International (2007b) is giving increasing attention to the issue in all the countries of the world, in addition to having published the first important studies on indigenous communities in Australia, Canada and the United States.

The dilemma facing indigenous women victims of violence is especially alarming to the International Indigenous Women's Forum (FIMI), given that separating the victims from the perpetrators brings with it a whole group of threats not taken into account by protection programmes. For most indigenous women, leaving an abusive partner means leaving their community, which also involves the loss of culture and identity. They are then forced to assimilate into social contexts where they encounter a high risk of discrimination and racist violence, simply for being indigenous (FIMI, 2006).

Another very worrying situation is that of the enforced displacement of indigenous communities (Colombia, Guatemala, Mexico and Peru) and the conflicts causing these, which lead to an exponential increase in levels of physical and sexual violence, fundamentally against girls and female adolescents. These displacement brings family and community disintegration, which has harmful consequences in access to health services, education, housing and, on the well-being of children and adolescents.

Box 13 **Abuse of the state of exception in Mexico**

The 'Miguel Agustín Pro Juárez' Human Rights Centre reported the rape of a 73 year-old woman in the community of Tetlalzingo in the municipality Soledad Atzompa de Veracruz by members of the armed forces on the morning of 25 February 2007.

The Centre had previously documented at least four similar cases – one of which included three sisters. In all the cases the victims were of indigenous origin and had been attacked by members of the military in areas of high marginalization and poverty in Guerrero Province – where mixed military holding facilities and bases have been established since 1995 under the *Ley General que Establece las Bases de Coordinación del Sistema Nacional de Seguridad Pública*.

The common factor in all these cases is that, to date, those responsible have avoided coming to justice. The perpetrators are always dealt with under article 57 of the Code of Military Justice which applies military jurisdiction to all crimes and offences committed by serving members of the armed forces or those with a military motive. This procedure is now seen to promote impunity in human rights violations committed by elements within the army.

This situation has drawn recommendations from various international human rights entities, including the Inter-American Commission on Human Rights who stated in a report on the situation in Mexico that in a democratic system, each one of the security bodies must have clearly delineated and defined spheres of action, with national defence the exclusive competence of the armed forces, and internal security that of the police services. The body also affirmed that State authorization is granted for the military to intervene in security matters, confusing the concepts of public security and national security. Neither abuse of 'exceptional circumstances' nor extraordinary growth in crime can justify military intervention in questions linked to internal security.

Source: Red Solidaria por los Derechos Humanos (Human Rights Network) (REDH), Mexico City, 2 March 2007, [online], <http://www.redh.org/content/view/983/1/>.

The International Indigenous Women's Forum states that measures established to penalize sexual violence must tackle the problem of how to make States fulfil their obligations of due diligence toward members of communities oppressed by the State itself. In Australia and the United States, for example, policies of preventive detention in cases of domestic violence have meant increased state intervention and control over indigenous women and their families (as with other groups of black women, immigrant and poor women) (Alemán, 2007).

The situation of people of African descent as a social group is very different in Latin America than in the Caribbean, where they form the majority and participate actively in all the decision-making processes. Even where they form a very significant part of the population, representing at least 30%, information on Afro-descendants is very scarce in Latin American countries. In the 2000 census, five countries identified having a population of African descent: Brazil, Costa Rica, Ecuador, Guatemala and Honduras. Apart from Costa Rica, they all have large racial inequalities, especially Brazil and Ecuador (Rangel, 2006). In Brazil in 2001, 62% of the white population were above the poverty line, compared with 37.5% of those of African descent (United Nations, 2005d). In Ecuador, 7 of every 10 Afro-descendants are poor and indicators on education, employment, income and access to health services show a situation of vulnerability close to that of indigenous people, and even greater in the case of unemployment: 12% for Afro-Ecuadorians compared to 3% for

indigenous groups (Sanchez, 2006). In Colombia, indicators on living conditions, like average overcrowding in homes, average educational levels, school desertion and lines of indigence and poverty display a pattern of regional inequality dependent on the racial origin of populations – conditions are worse in the three regional areas with a large black and mixed race population compared with national rural and urban averages – and for the Afro-Colombian population of Cali compared with non Afro-Colombians.⁶⁰

Box 14

National survey on racism and racial discrimination in Ecuador

In September 2004, in response to demands from civil organizations and the mandate of the Plan of Action of the Third World Conference against Racism and Racial Discrimination, Ecuador carried out the first national survey in Latin America and the Caribbean on racism and racial discrimination, completed by the Technical Secretariat of the Social Front in agreement with the National Institute of Statistics and Census (INEC) and financial support from the Inter-American Development Bank (IDB).

The survey collected data which showed that racism generates conflicts of identity, impedes establishment of multiculturalism as a national project and above all becomes an obstacle for Afro-Ecuadorians to overcome in order to leave poverty behind. The data are contradictory: although 62% of Ecuadorians admit there is racism and discrimination in the country, only 10% consider themselves openly racist, Whites being the most racist with 14%, and Afro-Ecuadorians the least racist with 5%.

In accordance with the socio-racial situation, the data confirmed that Afro-Ecuadorians, who were freed from slavery barely 154 years ago, are the group who fall most victim to racism (88%), followed by indigenous people (71%). In addition, these groups are the poorest in Ecuador regarding unsatisfied basic needs (70.1% and 90.1% respectively), they also have illiteracy rates of 10.2% and 28.1% respectively – the highest in the country – and they earn lower incomes than white and mixed race people.

Source: Jhon Antón Sánchez (2006), 'Afroecuatorianos: exclusión social, pobreza y discriminación racial' in ECLAC (2006), *Pueblos indígenas y afrodescendientes de América Latina y el Caribe: información sociodemográfica para políticas y programa*, Santiago de Chile, ECLAC/ UNFPA/Fondo indígena/Centre Population et Développement/ Ministère des Affaires étrangères de la République Française (LC/W.72).

While there are no specific data on gender violence against women of African descent in Latin America, debate of the issue is on the increase in meetings of grass roots African descendent groups. The absence of information in some way reflects a denial of the discrimination and the racism illustrated in box 14, it is precisely this denial which contributes to the perpetuation of racial discrimination and that impedes implementation of specific programmes built on the basis of indicators on the afro-descendant population.⁶¹ According to the national office of the Ethnic movement of black women of Colombia), the consequent exclusion and absence of intercultural policies concerned with violence against afro-descendant women reflects this same violence in the State itself (Actualidad Étnica, 2006).

4. Violence against women in armed conflicts

Although war was not invented this century, it has made most of its victims from amongst the non-combatant, civilian population, in all armed conflicts, national or international. This majority is dramatically formed by women, children and the elderly. What the XX century also brought was sexual violence as an instrument of terror and ethnic cleansing used fundamentally, although not exclusively, against women and girls, in national, regional or international ambits (Odio, 2004).

⁶⁰ See Urrea-Giraldo (2006), on information collected by an integrated programme of various researches completed between 1996 and 2004 in south-eastern Colombia and some of the home surveys by the Department of National Statistics (DANE) which introduced a module on ethnicity and race in 2000 and 2004.

⁶¹ See the report from the Encuentro Internacional Mujer y Familia Afrovenezolana (International Meeting for Afro-Venezuelan Women and family) organized by the Cumbre de Mujeres Afrodescendientes and the Red de Organizaciones Afrovenezolanas (Summit of Afro-descendant Women and the Network of Afro-Venezuelan Organizations), held on 29 June to 1 July 2007 [on line], <http://redafrovenezolana.com/nfoentromujeres.html>.

Latin America has a history of violence and political and social conflicts which have helped form various backdrops against which women have fallen victim to systematic violence. During armed conflict, many women are submitted to mechanisms of repression which range from detention to systematic psychological, physical and sexual abuses – sometimes with the consequence of enforced pregnancy – coercive displacement, as well as forced labour which often includes sex work. These situations multiply risks of contracting HIV/AIDS, as well as other sexually transmitted diseases, due to the systematic use of rape as a weapon of war.⁶²

Militarized civilian zones become transformed into an ideal place for exercising violence and the abuse of power by armed individuals. In such contexts, another form of violence entails forcing women to undertake armed action in the group – although some volunteer as a reaction to the abuses they have suffered – either as combatants or on suicide missions.

In studies realized by United Nations Development Fund for Women and United Nations Development Programme to research the situation of women displaced during conflict with the Shining Path terrorist group in Peru, high levels of malnutrition were documented along with the deterioration of reproductive health and damage caused by rape and sexual aggression. According to the WHO world report on violence (2002b), in Colombia a woman dies every two days as a result of the armed conflict. Meanwhile, Amnesty International state that the sectors most at risk in this country are: those of African descent and indigenous people, the displaced, peasant farmers and people living in poor neighbourhoods on the edge of cities, many of them already suffering from displacement (Amnesty International, 2004a).

Women and adolescents become victims of coercive displacement, prostitution, sexual assault and enforced abortion, and intimidation relating to political participation.⁶³ According to estimates by the Social Solidarity Network (RSS), between January and June 2002, 47.6% of displaced people were women and 44.3% were younger than 18 years-old.

Meanwhile, women who have enlisted in armed groups, either by their own free will (generally in reaction to some previous attack against them or their families) or under coercion, have had to suffer similar forms of violence within these groups. Military, hierarchical and disciplinary logic places them in inferior positions by virtue of their gender, suffering a high risk of suffering emotional, physical and sexual violence (see box 15).

⁶² The report by Amnesty International (2005) on violence against women in armed conflicts cites details of the forms of abuse faced by women in armed conflicts, which go from the most recognized forms of sexual, physical and psychological violence to threats to abduct their children, enforce public nakedness to gender based denial of refugee status.

⁶³ See Anfossi, (2005). According to data from Radio Internacional Feminista, in 2005 in the Chocó region of Colombia, mass displacements took place in the municipal areas of Bajo Baudó, Bojayá, medio Atrato, Río Sucio and Quibdó where 1,204 families were forced to leave their land. See <http://www.radiofeminista.net/dic05/notas/choco/ruta.htm>. A plan of action is in place for the prevention of and attention to enforced displacement, without taking into account a gender perspective, whereby programmes and projects concentrate on providing help to the family unit, which prevents displaced women from independently accessing state services (Women and Armed Conflict in Colombia, 2001).

Box 15 Control over the bodies of women combatants in Colombia

The International Organization for Migration (IOM) mission to Colombia offers technical assistance to the Government of Colombia for demobilization and reinsertion through the Interior and Justice Ministry Programme for Reinsertion to Civil Life or PRCV.^a

Statements taken from demobilized women indicate that the use of contraceptives in armed groups does not lead to empowerment nor to free enjoyment of their sexuality, but converts women's bodies into one more object in the logic of war. The most commonly used contraceptives are under skin implants, contraceptive patches, intrauterine devices or injections, avoiding the use of daily pills which are difficult for the armed groups to control. Some women have reported afterward difficulties in getting pregnant or that they have been left sterile as a consequence of using contraceptives from a very young age.

The general ban on motherhood and its penalization, along with enforced abortions, makes difficult for these women to have a positive perception of maternity. Meanwhile, enforced abortions often take place in unhygienic conditions and data are not available on the number of deaths caused to women in those conditions. The recovery of these women is blocked by the characteristic silence of a military hierarchy, guilt, low self-esteem, relocation in unknown cities where they lack support networks and where the receiving community stigmatizes, criminalizes and excludes them.

One of the great challenges facing the reinsertion programme supported by the International Migration Organization in Colombia is – through a differentiated perspective – to provide assistance and provisions for integrated attention to demobilized women, in order to ensure their sustainable reinsertion to civilian life.

Source: International Organization for Migration Mission in Colombia, 'El control ejercido sobre el cuerpo de la mujer combatiente dentro de grupos armados al margen de la ley', Bogota, August 2006.

^a Support is focussed on three interrelated but independent areas of work, which provide integral cover of the most relevant aspects in dealing with the demobilized population in reinsertion to civilian life, which are: accompaniment, monitoring and evaluation system (SAME), the Reference and Opportunity Centres (CRO) and psycho-social care for demobilized persons.

In spite of the serious violence suffered by Colombian women as a result of the armed conflict, it is important to point out that it is women's organizations which have best managed to analyze the roots and consequences of the conflict and the militarization of their territories and, at the same time, have structured their work around the organization of centres for action in several cities in the interior of the country. The most well known of these is the *Ruta Pacífica de las Mujeres* (Peaceful Path of Women), which has persistently reported on the ravages of armed conflict and has called for a definitive end to the war.

The armed uprising in Chiapas (Mexico) since 1994 has seen women transformed into targets of war, especially indigenous women and adolescent girls, who have their human rights violated by being victims of terrorism, genocide and ethnocide, enforced sterilization, physical and psychological torture, disappearances, rape and daily enforced displacements which cause social and psychological trauma, above all in young women, adolescents and girls. In 2003, a group of feminist and human rights lawyers from several countries in the region presented the Inter-American Commission on Human Rights (IACHR) with a series of cases of human rights violations of women, including the murder of 268 women in Ciudad Juárez, and the torture and rape of indigenous women from the Tzeltal ethnic group, committed by members of the Mexican army in Chiapas.

In spite of complaints by indigenous women against members of the military for sexual assaults, mainly in Veracruz, Oaxaca, Guerrero and Chiapas, the perpetrators have so far gone unpunished. This constitutes a violation of the specific recommendations of IAHCR,⁶⁴ the National Commission on Human Rights (CNDH), and other institutions like the Truth Commissions in Argentina, Chile, El Salvador, Guatemala and Peru.⁶⁵ It is worth mentioning that General Observation No 28 of the Human Rights Committee observes that 'women are particularly vulnerable in times of armed internal or international conflict' and declares that 'States Parties

⁶⁴ International human rights law applies to external armed conflict and international wars against States, but also to internal armed conflicts between governments and armed groups, or between armed groups, providing specific protection for the special circumstances of armed conflict, like, for example, enforced displacement.

⁶⁵ For more information on the impact of the Truth Commissions in Latin America, see Cuya (2005).

should inform the Committee of all measures taken during these situations to protect women from rape, abduction and other forms of gender-based violence' (United Nations, 2000c, par. 8).

D. Femicide

The final link in the various forms of violence against women is selective murder for gender reasons, otherwise known as femicide. Femicide is an expression of violence which takes different forms depending on the social space in which it occurs and the features of the perpetrator, whether this is a partner or former partner in a private space or as the final act of sexual violence in the public sphere. Marcela Lagarde explains that, for an event to be classed as femicide, 'silence, omission, negligence and the collusion of authorities in charge of preventing and eradicating these crimes must occur together in a criminal manner.' Femicide occurs when the State fails to provide women with guarantees and conditions of security for their lives in the community, at home, in the workplace, whilst travelling or in leisure facilities. This is even more the case, when the authorities fail to complete their functions efficiently'.⁶⁶

1. Intimate femicide

Intimate femicide (Radford and Russell, 1992) has been described as the death of women in private space at the hands of their husbands, partners, former partners or intimate friend and is associated with a history of domestic violence (García-Moreno, 2000), in other words: homicides based on power relations between men and women and which could be foreseen.

A European study from 2003 asserts that the main cause of death of young women in Europe is domestic violence at the hands of their boyfriends, husbands, fiancés or former partners (Odio, 2004). Meanwhile, in Mexico, the Femicide Commission of the Chamber of Deputies states that an estimated 6,000 girls and women were killed between 1999 and 2005 - two thirds as a consequence of domestic violence according to the special prosecutor for cases of violence against women.⁶⁷

A similar situation exists in Costa Rica. According to research from 2001, femicides represent an increasing number of all homicides of women: 56% in the first half of the 1990s and 61% in the second. In these cases, the partners or former partners of the women were responsible for 61% of the femicides (Carcedo and Sagot 2001).

In El Salvador, 134 women were murdered between September 2000 and December 2001, and the murderer was a current or previous partner in 98.3% of cases (CEMUJER, 2002). According to data from the Association of Women for Dignity and Life (Las Dignas), released by the Prudencia Ayala Feminist Coalition, analysis of violence against women published in the press in 2005 showed that half of all reported cases of violence ended in homicide and more than 40% were rapes and other sexual assaults. In 65% of all cases, the perpetrators were family members and familiar males, and in almost half of all cases the victims were minors. The press reported 45 cases of the homicide of women due to domestic violence in 2004, 30 of which were committed by male partners, 9 by the father or step-father, and six by other family members.⁶⁸ Information from the press states that an average of 35.7 women are murdered each month, but that the authorities lack the information they need to determine whether there are specific patterns to the phenomenon.⁶⁹ According to figures from the Institute of Legal Medicine reported by the Prudencia Ayala Feminist Coalition, 316 women were reported murdered in 2006.

Data released by the women's groups of El Salvador show greater wealth than official data available for countries of the region. This point was observed by the Central American Council of Human Rights Ombudsmen in their first report on the situation of femicide in the subregion, published recently despite 'the

⁶⁶ See Marcela Lagarde *¿Qué es el Femicidio?* (What is Femicide?) [on line] www.isis.cl/Femicidio.

⁶⁷ See the report from the Chamber of Deputies Special Commission on Femicide published in 2006 [on line] http://www3.diputados.gob.mx/camara/005_comunicacion/a_boletines/2006.

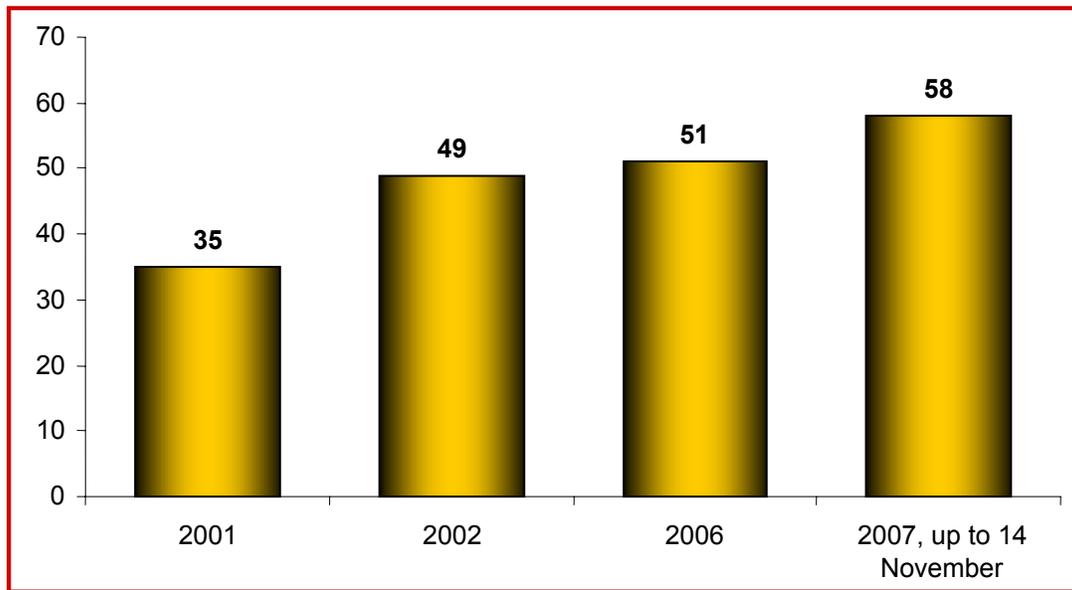
⁶⁸ 'La Violencia contra las Mujeres a través de la Prensa', (Violence against Women through the Press) January-December 2004, Las Dignas, 2005 cited in the 8 March 2007 campaign by the Prudencia Ayala Feminist Coalition '¡Ni una muerte más!' (Not one more death!).

⁶⁹ Agencia Informativa Púlsar (Púlsar press agency), 30 November 2006, <http://www.agenciapulsar.org/nota.php?id=9112>.

paucity of heterogeneous information on victims and even more so on the perpetrators and the type of relationship between them'. The Council concluded that 'the little information available is quite general whereby this topic becomes a challenge for research and records in the future' (CCPDH, 2006).

Figures 20 and 21 show worrying figures, but also form a far from complete record of cases with information on the relationship between victims and perpetrators. National data - which allow this problem to be observed over a period of time- were only available for Chile and Puerto Rico. These reflect relatively similar figures for the two countries and an upward tendency, especially in Chile, where more recent figures show that between January and November 2007, 58 women have already been murdered by a partner or former partner.⁷⁰

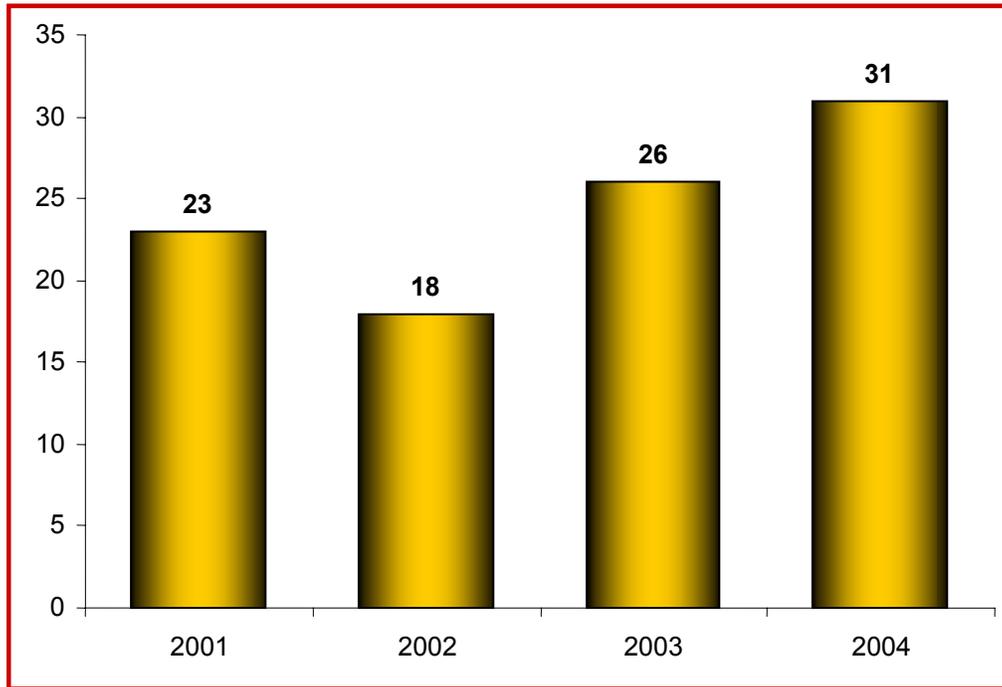
Figure 20
Intimate femicide, Chile
(Number of annual cases)



Source: Chilean Network against Domestic and Sexual Violence, *Femicidio en Chile (Femicide in Chile)*, 2004; Dossier Informativo de la Red Chilena contra la Violencia Doméstica y Sexual (Informative Dossier of the Chilean Network against Domestic and Sexual Violence), July 2007; Listado feminicidios (Femicide listings), November 2007, <http://nomasviolenciacontramujeres.cl/cms/>.

⁷⁰ See Chilean Network against Domestic and Sexual Violence, 14 November 2007, <http://nomasviolenciacontramujeres.cl/cms/?q=node/304>.

Figure 21
Women killed by domestic violence, Puerto Rico
(Numbers of annual cases)



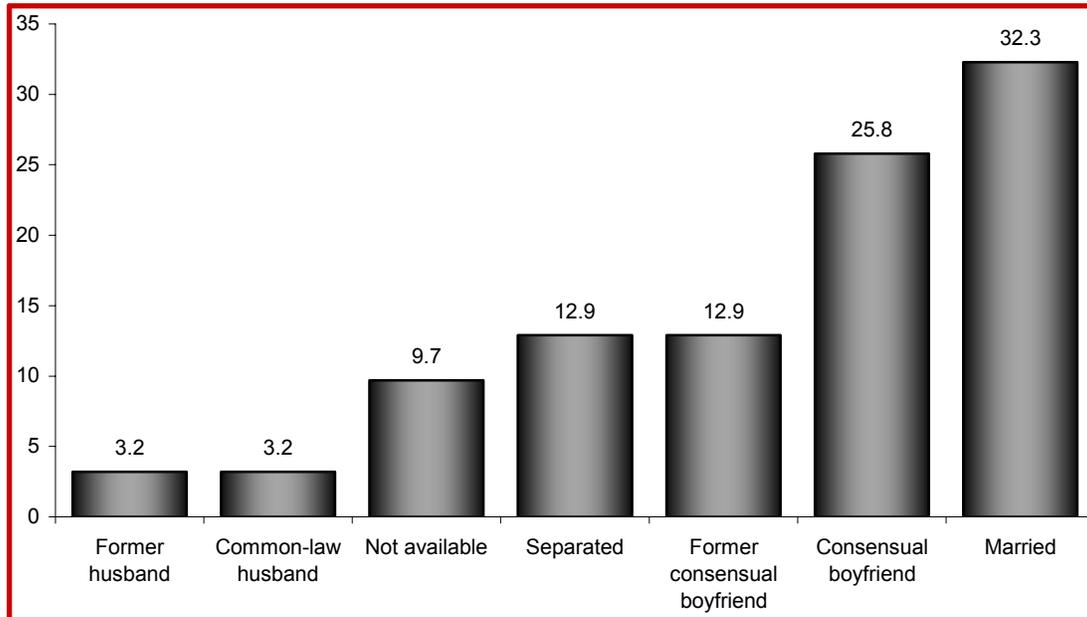
Source: Statistics from the Puerto Rico Office of the Ombudsman for Women, 2005.

In Uruguay, according to the National Department of Social Prevention of Crime, an Interior Ministry dependency, one woman dies every nine days as a consequence of domestic violence.⁷¹

The marital status of women does not appear relevant as a determining factor in femicide, although the information given in figure 22 shows the number of cases of femicide by relationship of the victim to the perpetrator at the time of death is higher where marriage has occurred, followed by cases of consensual partners. Given the number of former husbands or partners, there is a clear indication that intimate femicide can also occur long after the relationship has ended.

⁷¹ See *El Nuevo Diario*, Managua, Nicaragua, 27 November 2006 at <http://www.elnuevodiario.com.ni/2006/11/27/ultimahora/2374>.

Figure 22
Femicide by victim relationship with perpetrator at time of death, Puerto Rico
(In percentages)



Source: Statistics from the Office of the Ombudsman for Women Puerto Rico, 2005.

One positive change in the perception of gender violence is the recognition of femicide as a crime in its own right, which is no longer watered down in consideration of the relationship between the perpetrator and the victim as was the case in so-called ‘honour crimes’. Femicide is a specific form of aggravated crime against women, categorised separately precisely because it is perpetrated by husbands, former husbands or boyfriends, even when the relationship ended a long time previously.⁷²

It is also important to note that the media has given the issue more critical treatment in recent years, alongside the classic tabloid coverage these women’s deaths have traditionally received. For example, in Puerto Rico, the Office of the Ombudsman for Women has collected information which shows that more than half of victims are married or in consensual relationships, 32.3% and 25.8% respectively, although those who are separated or were formerly partners in consensual relationships account for 12.9% each – making up a total 25% of all victims. The same figures show an increase in this form of violence, which has risen from 23 cases in 2001 to 31 in 2004.

In the English-speaking Caribbean, various studies have shown intimate femicide increased in Jamaica and the Bahamas (UNIFEM/ECLAC, 2005). Data from the same sources shows that, in 1997, 21% of reported murders in Jamaica had some link with domestic matters. Figures for this category went to 33% in 2000 and 28.7% in 2001.

In Belize, femicide is recognized as an important issue due to the large amount of protection orders sought in the Family Courts. The annual Ministry of Health report on domestic violence announced an increase in cases in the last three years. In 2005, 8 of the 81 murder victims in the country were women but it is not clear whether these cases were strictly femicide (CCPDH, 2006).

⁷² Even though it has improved, the panorama is still unacceptable. Only mentioning here the crime of rape, it is worth remembering that before the 1990s it was i) considered a crime against family honour or public morals; ii) sanctions depended on whether a woman were a virgin, married or a prostitute; and iii) evidence was required that the victim had given resistance – as mentioned by Cecilia Medina, Judge at the Inter-American Court of Human Rights (Odio, 2004).

According to more recent data presented at the regional conference on gender violence and the administration of justice organized by ECLAC and the Canadian International Development Agency (CIDA) in the Bahamas, murders of women related to domestic violence represented 42% of all homicides in 2000, 44% in 2001 and 53% in 2002 (ECLAC-CDCC/CIDA, 2003). However, the seriousness of this crime is not only related to the increase in figures – given that most of the countries lack adequate registers – but also to the methodology of *ensañamiento* or cruelty.⁷³ Which has a differentiated impact on women who suffer enforced pregnancies, social stigma, expulsion from their family, ethnic group or community, and finally death (Birgin and Kohen, 2007).

2. Femicide in the public sphere

Femicide can also take place in the public sphere (non-intimate femicide), following the rape of a woman by a stranger, the murder of a sex worker by a client, the death of a woman in armed conflict or contexts of military or police repression. Similarly, it is possible to identify mass femicide, which is defined as the mass death of women, girls and adolescent women, also as the result of behaviours expressing power and domination (Radford and Russell, 1992) operating like a social control mechanism on women to maintain the patriarchal status quo (Birgin and Kohen, 2007)

The World Health Organization report (2002a) stands out amongst the other research, showing that the region of Latin America has the second highest indices of death of women by violence, both in rural and urban situations. National registers confirm the existence of this problem in several countries of the region.

According to figures from the National Criminal Policy Department of the Ministry of Justice and Human Rights in Argentina, women represented 13% of murder victims in 2004, of which only 6% lead to homicide trials. This is ‘not a numerical issue’, rather that murders of women are ‘crimes marked by gender,’ the outcome of sexual violence that leaves bodies violated, alive or dead. Birgin and Kohen (2007) report that the most important cases of executions of women investigated by the Argentine justice system uncovered networks of complicity which linked crimes against women and violations with individuals in the spheres of political, police and judicial power – especially at a local level. All these crimes are marked by a code of sadism against women: in life as in death, they are victims of horrible cruelty to their bodies, which suffer disfigurement through the intent of making them disappear.

In El Salvador, the United Nations Rapporteur on violence against women Yakin Ertük reported 194 crimes against women in 2004 (Amnesty International, 2004b). More specifically, in 2005 the Flor de Piedra Women’s Association recorded 13 murders of female sex workers; 11 of them in their workplace. This figure only includes women that could be confirmed to be sex workers: ‘However, the real number of sex workers who may have been murdered is unknown. It is difficult to know, as many crimes against women do not make the news, these are not disaggregated by occupation of women murdered and sex working often takes place in a clandestine manner’.⁷⁴

⁷³ Article 139.3 of the Spanish Legal Code refers to cruelty (*ensañamiento*) as a specific aggravating factor in murder in terms of “aumentando deliberada e inhumanamente el dolor del ofendido” (deliberately and inhumanly increasing the pain of the injured party).

⁷⁴ Press release, November 2005, Flor de Piedra, cited for the 8 March 2007 campaign of the Prudencia Ayala Feminist Coalition ‘¡Ni una muerte más!’ (Not one more death!).

Box 16 The case of female sex workers - Argentina

A separate chapter is deserved for the 23 female sex workers who disappeared and were murdered in the beach resort of Mar del Plata. From mid-1996 to early 1998, 13 women disappeared - victims of a prostitution network run by Buenos Aires civilians and police officers. This much became clear in the course of the legal investigation - 11 police officers were arrested and four, who were in connection with members of judicial and political circles, are fugitives from justice. No public support was given to the sex workers as it was given over other crimes in the resort.

Attempts were made to blame the murders on a *loco de la ruta* (madman of the road) also known as the *loco de la yuta* - a play on words using a slang term for the police. The murdered women were sex workers who refused to pay the police the bribes and shares they demanded to let them work. A whole background was set in place to make this appear to be the work of a serial killer. Only a few women could be identified from the body parts that were found on the verges alongside the highways of the province. The other bodies have never been discovered.

Four years after the first disappearances, points arising from the investigation led a judge to rule that there were connections between these crimes and politicians and officials within the Judicial Power. Investigations into judicial links soon showed there had never been a *loco de la ruta*, but that these crimes were the work of an organization of Buenos Aires civilians and police officers running a prostitution network. The judge initially issued warrant for the arrest of a group of police officers who worked together to commit 'an indeterminate number of crimes, particularly in relation to prostitution, its promotion and protection' (report of the Centre of Legal and Social Studies, CELS) According to this ruling 'during 1997 and the early months of 1998, at least 8 patrolling police officers from Regional Unit IV in Mar del Plata, operated in a coordinated manner to commit an indeterminate number of criminal acts, particularly in reference to prostitution.'

The Asociación de Mujeres Meretrices de la Argentina (Association of Women Sex Workers of Argentina or AMMAR), which forms part of the Argentine Trades Union structure, marched in several towns along the coast calling for an explanation of the cases of the 23 murdered women. They presented a petition signed by members of the community which was delivered to the Courts in Mar del Plata. The Multisectoral de la Mujer (Multisectoral Women's Action Coalition) - made up of various human rights and women's rights entities - presented the Prosecutor with a document calling for reopening of the case and a clarification.

Source: Haydée Birgin and Beatriz Kohen (2007), *Acceso a la justicia como garantía de igualdad*, Madrid, Colección Identidad, Mujer y Derecho, Editorial Dykinson.

Murder of women has been on the increase in countries like Guatemala and Mexico without the perpetrators of most of the crimes being brought to justice. According to an exhaustive analysis by Amnesty International in Mexico (2007a), approximately 400 young women have been murdered or abducted in the cities of Juárez and Chihuahua in Mexico since 1993, victims of rapes, mutilations, strangulations, cuts, burns and the later incineration of their bodies (Zermeño, 2004a). Under Mexican President Vicente Fox, a special federal prosecutor revised 205 cases in Ciudad Juárez and confirmed findings from Amnesty International stating there had been negligence on the part of local officials. The report recommended that the Chihuahua state prosecutor should consider administrative or criminal prosecutions of 177 state officials who had been negligent in the handling of these cases. Warrants were issued for the arrest of only two officials and these were also revoked later (Amnesty International, 2007a).

In Guatemala, according to the latest report from Amnesty International (2007a), more than 2,500 women and girls have been brutally murdered since 2001. Up to 665 cases were reported in 2005, 527 in 2004, 383 in 2003 and 163 in 2002. Between January and May 2006, 299 cases were reported, showing that the number of cases is increasing faster than in 2005 (Amnesty International, 2006). In 2003, the United Nations rapporteur on violence against women had already raised questions about the ability of the Public Ministry, National Civil Police and the government institutions charged with criminal investigations to clarify the cases and to pursue those responsible through the court (Amnesty International, 2004b).

In Peru, data supplied by the non-governmental organization Institute for the Defence of Women's Rights (DEMUS) show that in the 2002-2004 period there were 278 cases of femicide reported in the press.⁷⁵ Other data indicated 1,501 deaths of women reported in the 2000 to 2004 period and, in the Dominican Republic,

⁷⁵ Femicide database [on line in Spanish] <http://www.isis.cl/Feminicidio/festadistica.htm>.

the Secretary of State's Women's Office stated there were 128 femicides between January and October 2005.⁷⁶

The seriousness of these events lies in the fact that, most often, femicide is simply the final and most serious consequence of a long trail of tolerated and silenced violence. A report from the Inter-American Commission on Human Rights concludes that 'State authorities, and in particular the police, do not fulfil their duty to protect women victims of violence against imminent acts' and states that 'in many cases, women end up becoming the victims of fatal assaults even after having sought preventive protection from the State; all too often protective measures may be ordered on a woman's behalf only to be improperly implemented or monitored' (OAS/IACHR, 2007). In the words of Elizabeth Odio (2004), judge of the International Criminal Court, the idea 'that wars are made to protect us from 'enemies' and that home is the safest place for women, has turned out deep down to be one and the same myth.'

Box 17 **Civil society and femicide in Latin America**

Civil society organizations are working to get the serious issue of femicide onto the public agenda with the support of UNIFEM. These efforts include:

- The production of a database on femicide at ISIS International, a regional non-governmental organization with experience in documentation, the management of databases on violence and the dissemination of this information to non-governmental women's organizations, governments, United Nations entities and the media.
- Cooperation between ISIS and the Special Commission for Follow-up on the Murders of Women in Ciudad Juárez, Chihuahua allowed for the collection of systematic and up-to-date information to be produced on femicide in Latin America. ISIS provided the Commission with the database on Femicide in Latin America and the Spanish-speaking Caribbean to be used in its work.
- Organization of the International Parliamentary Dialogue between Guatemala, Mexico and Spain on violence against women, which led to the establishment of the Inter-Parliamentary Network for the Right to a Life free from Violence against Women, created to work on the issue of femicide.
- The presentation of a report on femicide coordinated by a special Commission of the Mexican Congress which included a study carried out in 10 states with the objective of empirically demonstrating the relationship between discrimination, the exclusion of Mexican women and the reigning impunity dominating the femicide issue.
- Research aimed at action on the incidence and characteristics of femicide, directed by the Feminist Information and Action Centre (CEFEMINA). The objective is to generate comparable data for the countries of Central America allowing national and regional recommendations to be drawn up for States to implement.
- The Regional Office for Mexico, Central America, Cuba and the Dominican Republic supported the *Oportunidades* (opportunities) programme of the Social Development Office in Ciudad Juárez which established links between the victim's families and bodies working with them. This office also participated in research of femicide carried out by a special Commission.

Source: Contribution to this report from the United Nations Development Fund for Women (UNIFEM), Regional Office for Mexico, Central America, Cuba and the Dominican Republic, 2006.

⁷⁶ National Institute of Statistics, 'El feminicidio en Guatemala' (Femicide in Guatemala) [on line] <http://www.terrelibere.it/counter.php?riga=208&file=208.htm#inizio>; Monitoring and Evaluation Department on the basis of data from national newspapers [on line] http://www.sem.gov.do/index.php?option=com_content&task=view&id=62&Itemid=50.

E. Effects and Costs of Violence

The consequences of violence against women are many, the human and social costs must be considered alongside the economic costs. The associated features of violent behaviour constantly cross frontiers between the individual, the family and society. The personal costs (physical, psychological and social) have a considerable effect in terms of disabling women, which can result in insufficient social or labour participation, or both, low productivity and mental health problems. This, in turn, reduces their participation in decision-making, limits interpersonal networks and relationships, reduces geographical mobility and self esteem, and, generally leads to a deterioration in the quality of life of the victim, affects her opportunities to choose and exercise control over her own life and resources.

This reduced economic, political and social participation of women victims of violence constitutes a barrier to enjoyment of their economic and social rights, This has collateral effects on economic and social development, given that it produces negative impacts on the labour market, on women's capacity to escape poverty, the operation of democratic institutions and the success of expensive programmes and projects. Such an erosion of existing social and human capital, as well as its accumulation rate, has multiplying negative consequences both for development – increasing inequality and reducing economic growth – and for the formation of institutions leading to a better socio-economic climate. This only feeds a vicious circle of erosion of forms of 'capital' that paves the way for greater violence in the future (Buvinic, Orlando and Morrison, 2005).

Violence also leads to great economic expenditures in healthcare to cover the costs of medical attention and the loss of years of healthy life (AVISA). Account must also be made of security and justice expenses of the public and private sectors, along with the indirect costs in investment, productivity and consumption. In Nicaragua, for example, infant mortality is six times higher if the mother is the victim of physical or sexual violence. On the economic front, at the end of the 1990s, domestic violence had produced annual salary losses equivalent to 2% of GDP in Chile and 1.6% of GDP in Nicaragua. More recently, the Colombian government spends US\$ 73.7 million per year to prevent, detect and deal with domestic violence within couples (Morrison and Orlando, 1999 and 2006).

Even where more recent studies are not available, the information provided by the Inter-American Bank at the end of the 1990s can still be a valuable resource. Some of this information shows that women workers affected by physical violence earned 40% less than their peers who were free of violence, and those who suffered sexual and/or psychological violence earned 50% less than women free of the problem – this without taking into account that the women who lost nearly half of their earnings also lost their capacity to access goods and services (Morrison and Orlando, 1999; Fernández et al, 2005).

From an analytical point of view, the socio-economic effects can be classified as: i) direct costs - the loss of lives, the value of goods and services employed in the treatment and prevention of violence, including expenditure on health, legal and police services and on advisers, training and social services, assumed by the victim themselves, or by the community as a whole; ii) indirect costs - including the highest abortion rates, losses in economic productivity and those derived from the lack of female participation in the political, social and economic development processes; and iii) intangible costs -like the intergenerational transmission of violence through learned behaviours, which are not accounted for as they are so difficult to measure.

The social costs associated with the generational transmission of violence have very profound impacts. From a gender perspective, the impact of witnessing violence in the home shows that girls learn to tolerate and accept abusive behaviours, while boys learn that they 'can' behave in such a manner. Impunity and a lack of social sanctions for abusive conducts form the basis of the perpetuation of violence (Fernández et al, 2005).

Few studies consider the indirect costs, and even those analyses which limit themselves to the direct costs tend to take a strict outlook, only considering the injuries inflicted and services offered. However, as has been shown, the negative effects of violence in economic and social development are not limited merely to direct high monetary costs to governments of the region (losses related to health and material goods) but also have repercussions in reduced productivity of the workforce, lost productive potential and accumulation of human and social capital, generating 'an intertemporal impact, which adds to the financial and social burden of present and future generations' (Buvinic, Orlando and Morrison, 2005).



Chapter III

Laws, programmes and good practices

Laws, programmes and good practices

The last decade has witnessed one of the most important transitions in public policy ever, for there has been no precedent of a citizen demand moving over into a matter of State in such a clear and definitive manner. If we consider that prior to the Fourth World Conference on Women (Beijing, 1995), the countries of Latin America and the Caribbean had neither laws nor specialist services or institutions to deal with abused women – except for Brazil with its special police commissaries –, we can appreciate the magnitude of recent progress. The Convention of Belém do Pará is the only binding international instrument specifically targeted against gender violence and has served as the framework for amendments to the penal codes and the formulation of laws against violence toward women in the region.

Other important advances have been made in national programmes, regional campaigns and joint actions between various actors - that even include organized groups of men against violence. Judges and magistrates have played an increasing role and the issue has gradually moved onto the electoral agendas of presidential candidates. These government activities are complemented by the action of United Nations entities and other international bodies which have played a decisive role in technical assistance, training and the supply of technical and financial resources at national and local level. The mainstreaming of the issue of violence into public policies has been particularly evident in the health sector, as a result of efforts by the Pan American Health Organization (PAHO) in conjunction with Health Ministries. These activities and successive evaluations have led to proposals for integrated models that are being applied in a flexible manner in some countries.

A. Legislation against violence

The Committee on the Elimination of Discrimination against Women, at global level, and the Follow up Mechanism of the Convention of Belém do Pará (MESECVI), in the inter-American sphere, are two very important mechanisms for the following-up of the human rights of women. In the region, MESECVI seeks to monitor the fulfilment of the Convention by Member States through the analysis of existing legal frameworks and other measures oriented toward the application of pertinent dispositions, and to provide an initial evaluation of their results and progress (see box 4). Evaluation of the first round of selected Convention dispositions considered: legislation, access to justice, national budget and the availability of information and statistics (FIFCJ, 2006) In the succeeding rounds, the Committee will determine the thematic areas that should be examined (MESECVI/CEVI, 2005).

At national level, in most of the countries of the region, “first generation” laws have been put in place that were mainly aimed at confronting domestic violence and penal codes have been reformed⁷⁷ to combat some sexual offences. In many countries, there is a continuous debate on the most suitable methods for improving current laws, which in the cases of the Bolivarian Republic of Venezuela, Brazil, Chile, Costa Rica and Mexico has led to the adoption of new “second generation” laws that have taken into account the lessons learned in the previous stage. These new laws have sought to correct procedural and normative aspects which favour impunity and the lack of protection for the victims (see annex 2).

⁷⁷ See report by the report of the Inter-American Commission on Human Rights (IACHR, 2007).

Box 18 'María da Penha' law against violence in Brazil

Law 11.340 is known in Brazil as the 'Maria da Penha' Law in honour of the protagonist of a symbolic case of domestic and family violence against women. In 1983, she survived two murder attempts by her husband and continued to fight against violence in the women's movement. Adopted by the government of Brazil on 7 August 2006, the law defines domestic violence as a form of human rights violation and establishes significant changes both in the definition of the acts of violence against women and in the legal, police, judicial and assistance mechanisms aimed at prohibiting and preventing domestic and family violence against them.

Amongst other integrated prevention measures, law 11.340 modifies the Penal Code, authorizing the judge to use preventive imprisonment when there are risks to the physical or psychological integrity of women. It changes the law on the application of criminal penalties, allowing the judge to order the perpetrator to attend recovery and re-education programmes, and also determines the creation of special courts for domestic and family violence against women. These have both civil and criminal competence to deal with family matters derived from such violence.

The new legal text is the outcome of a long discussion process on the basis of a proposal drawn up by a group of non-governmental organizations (Advocacy, AGENDE, CEPIA, CFEMEA, CLADEM/IPE and Themis). This proposal was analysed and reformulated by an inter-ministerial working group, coordinated by the *Secretaria Especial de Políticas para as Mulheres* (Special Secretariat for Women's Policies) and was sent to National Congress by the Federal Government.

The processing of the law reform bill led in 2005 to public hearings in the legislative assemblies of the five regions in the country. These were attended by a large number of civil society entities and resulted in a new text agreed between the committee responsible for the report to the Congress, the group of non-governmental organizations and the federal executive. The bill was unanimously approved in the National Congress and was sanctioned by the Presidential Office.

Source: Presidência da República, Casa Civil, Subchefia para Assuntos Jurídico, Lei Nº 11.340 de 7 de agosto de 2006 [on line] https://www.planalto.gov.br/ccivil_03/_Ato2004-2006/2006/Lei/L11340.htm; Federal Government of Brazil, Special Secretariat for Women's Policies, Ley Maria da Penha. Lei Nº 11.340/2006 [on line] <http://www.mujeresporunmundomejor.org/portals/0/Documentos/Legislacion/Ley%20Maria%20da%20Penha%20BRASIL.pdf>.

In almost all of the countries, special laws have been approved or the penal codes have been amended to sanction domestic violence and some sexual offences. At present, most of these laws grant powers to request and provide protection measures, or to open a court case or proceedings that lead to sanctions. Most contemplate physical, psychological and sexual violence, but only a few consider economic or patrimonial violence.⁷⁸

Names of the laws in most of the countries refer to domestic, family or intrafamily violence. This denomination – and in some cases the legislation itself – stress protection of the family institution, casting a shadow on the protection of women as valid subjects. Lately, additional legal dispositions have been ordained related to issues of sexual harassment, child sex trade, trafficking in persons and violence against women in situations of armed conflict,⁷⁹ that establish protection mechanisms for victims and their families, through precautionary or protection measures. Such reforms represent a great step forward in efforts to strengthen the rights of women; the States thus undertake a commitment to guarantee the legal goods protected by these laws.

Where there have been amendments to penal and criminal codes, countries of the region have tended to classify violence against women as a crime, producing a progressive scale of penalties for the various forms of violence, especially sexual violence. While States have been adopting the Statute of Rome, the classification of gender violence has broadened and deepened, so that it is no longer seen as a simple fault or offence and, has even been classified, in some cases, as a war crime or a crime against humanity - as is the case for rape as an instrument of genocide during international or local armed conflicts. Under certain circumstances, the Statute of Rome recognizes rape, sex slavery, forced prostitution, enforced pregnancy, enforced sterilization, gender-based persecutions, trafficking and other forms of sexual violence as crimes against humanity, war crimes and as elements of genocide.

⁷⁸ See note 29 in Chapter II 'Violence in Numbers'.

⁷⁹ See annex 2 'Laws on violence against women'.

This whole process presents challenges to the harmonization of national and international legislation and to the improvement of policies, programmes and services, and their implementation and operation. Even though several countries are running successful programmes – which will be examined further on – the report by the Inter-American Commission on Human Rights (IACHR) on the access to justice for women victims of violence in the Americas ‘is deeply troubled by the inefficacy of the justice systems in prosecuting and punishing the perpetrators of acts of violence committed against women,’ with the result that ‘the majority of acts of violence against women are never punished, which perpetuates the social acceptance of such acts’.⁸⁰

Box 19 **Law reform project in the eastern Caribbean states**

Since 2003, the Organization of Eastern Caribbean States (OECS) has been working on a reform project for Family Law and Domestic Violence in all member States. The objective of the initiative is to revise laws related to marriage, children, maintenance, domestic violence, divorce, support of the partner and other family-related matters in order to develop modern legislation in accordance with international treaties in all the countries of the OECS and the Turks and Caicos Islands – with special consideration for the Convention on the Elimination of all forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of violence against Women.

With the process coming to an end, in March 2007, the OECS organized a working meeting with the main parliamentary legal advisers to support the final editing of the four law models involved in the reform (Domestic Violence, Adoption of Children, Care and Protection of Children and Juvenile Justice). These models seek to replace existing laws in the Member states and will help promote a modernized judicial and legislative system with the capacity to resolve problems arising from family life in an integrated manner and to ensure equitable access to justice and to social services to all members of families in the subregion.

Once this revision is completed, the projects will be sent to the Attorneys General for presentation and approval in parliaments.

Sources: Economic Commission for Latin America and the Caribbean (ECLAC), Domestic violence and the law in the Turks and Caicos Islands: Directions for law reform, (LC/CAR/G.741) Port-of-Spain subregional ECLAC headquarters in the Caribbean, 2003, [on line] <http://www.cepal.org/publicaciones/xml/2/12532/lcarg741.pdf>; Organization of Eastern Caribbean Status (2007), ‘OECS Project moves closer to reforming four “touchy” Bills’, [on line] http://www.oecs.org/Press/news_drafters_review_family_bills.html.

It is just exactly these structural problems that have mobilized civil society to initiate various legal and symbolic processes like the tribunals of conscience, which contribute to the dissemination of national and international regulations. Such tribunals have been created in Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Peru and Uruguay. In this last country, the Tribunal for Sexual and Reproductive Rights allowed documentation of the experiences of a group of women victims of mistreatment and sexual assault by medical personnel for the first time. In Guatemala, the tribunal heard witness statements from 200 indigenous and rural women, victims of the internal armed conflict. Both events took place in 1998 in commemoration of the 50th anniversary of the Universal Declaration of Human Rights. In Mexico, in 2004, the first Tribunal of Conscience on Violations of the Human Rights of the Women of Ciudad Juárez and Chihuahua was opened in the presence of women’s organizations, human rights entities and international observers. These tribunals of conscience count on the participation of lawyers and legal experts on the matter, who issue a verdict and recommendations based on the corresponding national and international instruments. These activities have had a remarkable effect on the media and have been warmly welcomed by public opinion.

B. Government policies and programmes

Besides the adoption of legislation, most countries of the region have formulated plans and programmes oriented toward the prevention and eradication of violence against women, boys, girls and adolescents (see annex 3). Argentina, the Bolivarian Republic of Venezuela, Brazil, Chile, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Puerto Rico and Uruguay in Latin America, and Aruba, Barbados, Dominica,

⁸⁰ See paragraphs 8 of the Executive Summary of the report and 294 of the Conclusions and Recommendations (OAS/IACHR, 2007).

Saint Kitts and Nevis in the Caribbean have national programmes on violence against women – most of which are decentralized at the local level.⁸¹

In most countries, these programmes are run under the gender mechanism which coordinates their implementation with the health, justice, police and education sectors. There are also inter-institutional committees and commissions on violence in some ministries. In Latin American countries like Colombia, Costa Rica, El Salvador, Guatemala, Mexico, Puerto Rico and Uruguay other governmental entities also take part: National Defence (El Salvador), Work and Social Welfare (Costa Rica, El Salvador, Mexico), Children and Adolescents (Costa Rica, El Salvador, Uruguay), Family (Colombia, Mexico, Puerto Rico), Human Rights (El Salvador, Mexico, Puerto Rico), Indigenous Peoples (Mexico) or Culture (Costa Rica), amongst others. In some countries – the Bolivarian Republic of Venezuela, Chile, Colombia, Uruguay – the implementation of these programmes is tightly coordinated with the local governments, mayor's offices, municipal authorities and governments. In countries with decentralized federal organization, like Argentina, provinces have their own laws on violence at local level, which can generate some coordination problems. Another important sphere of coordination is formed by the networks of non-governmental organizations,⁸² since the relationship between mechanisms for women and civil society is clearly a key factor in the effectiveness of plans and programmes.

There are many examples of programmes and services in the countries, although these are often dispersed, with no policy providing a broader vision to bring them together. More than 20 years ago, Brazil opened the Special Commissaries for Attention to Women, a model which was replicated in many countries – for example, the Nicaraguan Police notably introduced a gender-focussed management model with support from the German Technical Cooperation Agency (GTZ). These services have multiplied over time, and many of them still exist today or are undergoing renovation and modernization. Such is the case for programmes offering psycho-social care to women victims of violence by their partner in the 29 Women's Centres established in Chile, the National System for Attention to and the Prevention of Domestic Violence in Colombia, the integrated legal services of Bolivia, the local networks against violence in Costa Rica and the National Programme for a Life without Violence in Mexico made up of eight strategic lines (prevention, attention, detection, regulation, communication and institutional relations, coordination and relations with civil society, information and evaluation, follow-up to the fulfilment of the Convention of Belém do Pará) amongst others.

There is growing awareness of the need to develop integrated attention models at national, local and community levels, something that will only be possible through joint efforts between government entities, women's organizations, non-governmental organizations and United Nations organisms. One good example of this is the promotion work carried out by the Pan-American Health Organization with various health sectors, aiming to prevent and mitigate violence (see box 20).⁸³ However, there are still no policies in place to approach violence against women in a coherent and complete manner, intending to concretely integrate all the rights of women in one institutional, social or sectoral field - family, work, health, education, political system - and promoting anti-violence practices in school, the health sector, police, courts, employment programmes, as well as local political bodies (Provoste and Guerrero, 2004).

⁸¹ The information comes from responses received by the countries who responded to the questionnaire sent by ECLAC in early 2006 as part of preparations for the present report. See annex 3 on the implementation of policies, programmes and budgets.

⁸² Ibid.

⁸³ On the issue of legislation and policies, in 2003, PAHO/WHO, in coordination with UNIFEM, the Inter-American Commission of Women (CIM-OAS), the United Nations Population Fund (UNFPA) and regional non governmental organizations like the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM), IPAS, ISIS International, the International Parliamentary Group and the Centre for Reproductive Rights, prepared a proposal of fundamental components that should figure in all legislation and public policy to overcome domestic violence against women in all its forms and other forms of gender violence.

Box 20

A model for integrated attention to violence against women

In 1993, PAHO defined violence against women as a health problem and approved a resolution in which it recommended that member States formulate policies and plans for the prevention and control of the problem.

Since 1994, the PAHO Programme on Women, Health and Development, in coordination with national partners in the health sector and civil society organizations, has designed a model for integrated attention to violence against women based on analysis of the association between violence against women and risks and problems associated with reproductive health, chronic illness, psychological consequences, injuries and death. This served as a basis for strengthening the health sector role in developing policies and offering services. The model operates on national, sectoral and community levels and is based on the values of gender equity, social participation and alliances between social actors.

At national level, key actors build alliances in order to design, coordinate the application and monitor laws as well as national and local policies. At the sectoral level, action is aimed at strengthening healthcare systems to provide an integrated approach to the problem of violence against women. This includes designing guidelines and attention protocols, registration systems, reference and cross-referencing systems, follow-up of cases and staff training. On the community level, activities focus on developing networks to prevent and detect violence against women through campaigns, the dissemination of information and the provision of support to affected families, referral of cases to specialist centres, training activities and the formation of support groups and groups of men against violence.

Priority interventions of the model

- **Detection of women who have survived:** This is the first step in breaking the cycle of violence and preventing it from continuing into the future. Approaches to detection vary according to the country and geographical zone. In some countries, a history of violence is requested by every health programme and every health consultation, while others only include the question in cases where violence is suspected or as a routine in priority services where there is a greater probability of identifying cases.
- **Care and assistance:** This includes the medical, psychological and social care required to meet the challenges facing women and their children, based on effective policies, training guides, protocols and care procedures, efficient registration and reference systems and the institutional support needed to guarantee the quality of specialist care.
- **Promotion and prevention:** Prevention is centred on creating greater awareness of the social, community, family and personal causes and consequences of violence against women, as well as the promotion of existing laws and care services. Campaigns undertaken within the framework of the model also promote gender equity, the legal rights of women and conflict resolution as essential entry points in establishing a culture of mutual acceptance and self-esteem for women and men.
- **Achievements:** By the end of 2002, a total of 10 countries had applied this proposal and 16 had received training, 10 of them with the support of PAHO and six with the support of the Inter-American Development Bank. The Governments of Norway and Sweden sponsored PAHO work in the Central American countries, while the Government of the Netherlands supported work in Bolivia, Ecuador and Peru. From 2002 on, the scope of the model was broadened and consolidated, incorporating specific elements on sexual intrafamily violence based on care protocols and training of human resources.

Source: Pan American Health Organization (PAHO), *Violence against Women: the Health Sector Responds*, Washington, DC, 2003.

There are three factors which may especially contribute to reducing the impact of existing plans, which all come down to the de facto absence of coherent and complete policies. These are: i) the lack of political will, which translates into low budgets, excessive dependence on donations and a lack of continuity; ii) weak institutional commitment from courts and police services, which transforms into institutional violence and generates mistrust of those responsible for offering protection; and iii) weak inter-institutional articulation between ministries and services and the lack of decentralisation with due coordination between national and local levels (see box 21).

En relation to these difficulties, in Aruba, Chile and Guatemala the following problems have been highlighted respectively:⁸⁴ i) the lack of power of women in decision-making; ii) the need to negotiate budgets every two years and difficulties in getting the conceptual framework of gender violence to be used in coordination instances; and iii) a lack of sensitivity on the issue of the human rights of women and the prevalence of patriarchal cultural patterns. This situation was summed up in few words by the Office of the Women's Ombudsman for Puerto Rico:⁸⁵ 'Despite us being successful in approving laws, there is still great resistance from government officials (Police, Judges and Public Prosecutors amongst others) in complying with the laws and public policies currently in place'.

Lastly, when it comes to assigning resources for programmes, the State is still the main entity responsible. However, cooperation and international organizations act as important providers.

Box 21 **The family protection brigades in Bolivia**

The Family Protection Brigades – the body providing attention to domestic violence – are highly recognized by the society in Bolivia. However, despite the performance of their staff, several aspects of their work are marked by institutional weakness:

- The Police provide insufficient training on gender violence. Although it forms part of the training curriculum for their staff and the police service, the level is considered insufficient by women's organizations.
- While its mission, according to the law, is to offer immediate help, protection and prevention in cases of family violence, this function is diluted by the multiplicity of tasks they are asked to undertake, such as patrolling, presence in primary schools, banks and other administrative tasks. On another front, being a Brigade member is known to bring neither prestige nor career opportunities for those appointed.
- The Brigades receive most of the cases of domestic violence, but they lack even the minimum conditions in which to do this. They have neither resources nor infrastructure. They have no computers on which to register, handle and follow-up cases more efficiently. Police officers state they have nowhere to give temporary shelter to victims, there are neither toilets nor space for their children who often end up spending the night in the precarious offices. These deficiencies have been criticised by women's organizations, who recognize that they need more and better human and financial resources. The lack of resources often forces them to use improvised strategies to cover the shortcomings, like collecting clothing and food for the children and women they must attend to. This situation is compounded by the fact that the rest of the Police force do not pay them sufficient attention nor are they given any priority in their actions.

Source: Economic Commission for Latin America and the Caribbean (ECLAC), *Respuesta de los servicios de salud para atender la violencia contra la Mujer*, (LC/L.2721-P), Santiago, Chile, April 2007.

C. Protagonists in the fight against violence

1. Civil society and women's organizations

Civil society organizations have been pioneers in the defence of women's rights, offering legal advice to victims of violence and running campaigns to change existing legislation. They have played an active role in providing information, raising awareness and denouncing the systematic and structural violence that affects women in both public and private spheres. In addition, they have investigated and unveiled government failure to fulfil commitments. All of this has led to the development of various strategies and activities, the most notorious being the regional campaigns.

In Brazil, the National Campaign to End the Exploitation and Sexual Violence against Girls and Adolescents and Sex Tourism has been adopted by leaders of public opinion and members of parliament from 1994 onwards. In Chile, the Chilean Network against Domestic and Sexual Violence keeps the issue on the public agenda and organizes marches and activities every year on November 25 - including since acts of symbolic

⁸⁴ See countries information reported in annex 3.

⁸⁵ Ibid.

reparation for women victims of femicide since 2004. In El Salvador, the Association of Women for Dignity and Life (Las Dignas), a non-governmental feminist group, and the Network for Action against Gender Violence launched a campaign entitled 'Nothing justifies sexual violence. Respect my body!' while the Prudencia Ayala Feminist Coalition organized the campaign 'No to violence against women. Not one more death!' for the 2007 International Women's Day. In Mexico, campaigns have been launched to denounce the lack of answers provided for the murder of women in Ciudad Juárez, entitled 'Stop the list, Not one more'. In Nicaragua, the Meeting Points Foundation organized a campaign 'The next time they raise their voice to you, let it be for congratulations'. In Peru, the Flora Tristán Peruvian Women's Centre and the National Commission on Human Rights launched a campaign called 'Let's live without torture', to call attention to domestic violence, which is considered a form of torture. In Puerto Rico, the Casa Pensamiento de Mujer Women's Centre organized an educational campaign against domestic violence directed at the community; which led to formation of the Communitarian Front against Domestic Violence, integrated by representatives of social organizations from various cities in the interior of the island. Finally, in Uruguay, within the framework of the regional campaign 'For the life of women, Not one more death' promoted by the Latin American and Caribbean Feminist Network against Domestic and Sexual Violence, the Women's Commission of Zone 9 of Montevideo, with support from the Women's Commission in the Municipal Authority of Montevideo, launched the campaign 'We are mourning, domestic violence killed another woman'.

Box 22

The 16 days of activism against gender violence campaign

The 16 days of activism against gender violence is an international campaign originated in 1991 in the Women's Global Leadership Institute. Participants chose November 25 as the International Day for the Elimination of Violence against Women and December 10 as the International Human Rights Day, in order to form a symbolic link between both and stress that such violence constitutes a human rights violation. This period of 16 days also casts light on other significant dates like December 1, World AIDS Day, and December 6 which marks the commemoration of the Montreal massacre.^a Approximately 1,700 organizations in 130 countries have participated in the 16-day campaign since 1991.

In 1998, on the 50th anniversary of the Universal Declaration of Human Rights, the United Nations Development Fund for Women (UNIFEM) launched an inter-institutional campaign to end gender based violence in Latin America and the Caribbean, Africa, and Asia and the Pacific. This was organized with contributions from United Nations organizations, governments and non-governmental organizations in developing media strategies aimed at installing the issue of violence against women in national and international agendas. In 1999, the United Nations General Assembly approved resolution A/RES/54/134, by virtue of which November 25 was declared the International Day for the Elimination of Violence against Women.

UNIFEM continued its campaign for 'A World Free of Violence' in Latin America and the Caribbean, in association with ISIS International, a Chilean-based organization, as well as other United Nations bodies -UNICEF, PAHO, UNFPA, United Nations Development Programme (UNDP), United Nations International Research and Training Institute for the Advancement of Women (INSTRAW)- and other entities as it converged with the 16-day campaign. The themes of the latest campaigns were 'For the Health of Women, for the Health of the World. No More Violence' (2004/2005); 'Celebrating 16 Years of the 16 Days: Advance Human Rights; an End to Violence against Women' (2006); 'Demanding Implementation, Challenging Obstacles: End Violence against Women!' (2007).

Source: United Nations Development Fund for Women (UNIFEM), on the basis of information on the 16 Days Campaign [on line] <http://www.cwgl.rutgers.edu/16days/kit07/profilespan.pdf>.

^a The Montreal Massacre is the name used to remember 6 December 1989, when 14 women students at the Polytechnic School of Montreal were systematically murdered by a lone gunman for the 'crime' of being women.

Great efforts have been made to gain media presence, such as the production of radio programmes and television spots, as well as the choreographing of newsworthy events to arouse interest in the media (see box 23). The 'Press Prize: for the Right of Women to a Life Free of Violence' has been created with the support of UNIFEM, to stimulate contributions from journalists in America and the Caribbean toward the eradication of violence against women. In Mexico and Central America, this award was organized by the Women's Communication and Information organization (CIMAC), while the Latin American and Caribbean Feminist Network against Domestic and Sexual Violence and ISIS International coordinated the prize at regional level.

Box 23

The 'silent witness' campaign against femicide in Saint Kitts and Nevis

During March 2007, the Gender Affairs Department of the Saint Kitts and Nevis government organized a 'Silent Witness' campaign against femicide with the help of the Peace Corp. This involved producing and disseminating silhouettes of all the women killed by their intimate partners in the past 15 years. The purple coloured silhouettes were shaped like women and bore an inscription with the year of birth and death of the woman represented and the way in which each of them died. They were placed in strategic locations – on main streets, at national festivals, outside government headquarters – to remind the public of the costs of intimate partner violence and to galvanize support for non-violent conflict resolution.

The response to this initiative has been overwhelming. People on talk shows commented on them, and members of the public were visibly moved as they witnessed the exhibits. At a beauty pageant contest, participants used the silhouettes in a collective presentation on the issue of domestic violence. Gender violence is no longer a private women's issue, but a national issue that needs a national response.

Source: Saint Kitts and Nevis, Directorate of Gender Affairs (2007), National report of follow up to the Mexico Consensus presented at the Tenth session of the Regional Conference on Women in Latin America and the Caribbean, Quito, 6 to 9 August 2007, [on line], <http://www.eclac.cl/mujer/noticias/paginas/4/29404/InformeSaintKittsyNevis.pdf>.

In several countries non-governmental organizations have taken part in inter-sectoral commissions to design national plans for violence prevention (see box 24). They have also exerted pressure on governments to implement policies guaranteeing attention to women and access to services along with evaluation of this implementation. An active role has also been taken in training public officials and police, health and justice service personnel, with activities undertaken independently or in agreement with the governments. It is also important to highlight the training of women in the community, who act as “multipliers”, “monitors” or “facilitators” and guide women victims of violence toward the specialist services to which they can turn, as well as to deal with legal matters.

The Network for the Prevention and Attention to Intrafamily Violence in the city of El Alto, Bolivia is one key example of a follow-up, checking and monitoring entity. This group has worked for seven years on monitoring the application of legislation against intrafamily and domestic violence, achieving local recognition and presence through its labours. The Network is built on the basis of Law 1674 and brings together 30 public, private and social organizations, whose coordinated efforts have opened spaces for negotiation with municipal and institutional authorities. It has taken on a guiding role in training and awareness-raising with health personnel, the Family Protection Brigades, legal, police and municipal authorities and in coordinating meetings with local authorities. It also monitors institutions which offer integrated care services to women victims of domestic violence, including the health services.

Box 24

Beneficial alliances

Joint efforts between civil society organizations and the State are generally successful and have a positive social impact.

In Peru, one outstanding example is the National Multi-sectoral Board for Attention to and Prevention of Family Violence. This Board, promoted by the Flora Tristán Peruvian Women's Centre and the Pan-American Health Organization, is made up of non-governmental women's organizations, ministerial offices and international bodies, like UNFPA.

In Ecuador, non-governmental women's organizations have worked together in the direct application of some government policies or measures, like the Neighbourhood Commissaries or Itinerant Commissaries, which form part of a strategy developed by the Ecuadorian Centre for the Action and Promotion of Women (CEPAM), with participation of government and non-governmental actors to confront the issue of violence.

In Nicaragua, the non-governmental Integral Services for Women (SI MUJER) took part in the creation of the Women and Children's Commissary through a pilot project.

Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of Elizabeth Guerrero Caviedes, *Violence against Women in Latin America and the Caribbean 1990-2000: Assessment of a Decade*, Santiago, Chile, ISIS International/UNIFEM, April 2002.

The Women's Legal Office (OJM) in Cochabamba, Bolivia, which has been training women from popular sectors – more than 700 in the last five years – is an example of how non-governmental organizations have worked to democratize knowledge regarding human rights and how they can be exercised. This has led to changes in the private and family life of participants, but evaluations by the OJM also show that a large number of the trained women have seen the experience as a useful tool in their later roles as councillors, deputies and members of the Constituent Assembly.

Nevertheless, in some cases, the work of civil society organizations has been blocked by political and social circumstances. For instance, in zones of armed conflict, women are not only the direct victims of armed groups, but their organizations are also persecuted and displaced. Examples of tenacity of women's struggle in adverse conditions, are the Peaceful Route of Women in Colombia, the activities of Women for Dignity and Life (Las Dignas) in El Salvador and the Women's Group of San Cristóbal de las Casas in Chiapas, Mexico.

Table 5
Some strategies of civil society eradicate violence against women in Latin America

Strategy	Organization
Promote legal reform (penal codes and special laws against violence)	Uruguayan Network against Domestic and Sexual Violence (Uruguay), Venezuelan Association for an Alternative Sexual Education (AVESA) (Bolivarian Republic of Venezuela), Corporación Humanas (Chile)
Promote the design and application of national plans against violence	Venezuelan Network on Violence against Women (REVIMU), Venezuelan University Network of Women's Studies (REUVEM) and Women's Studies of the Institute of Philosophy and Law at the University of Zulia (Bolivarian Republic of Venezuela)
Ensure access to justice for abused women in contexts of both peace and war	Ecuadorian Centre for Women's Advancement and Action (CEPAM) Quito and CEPAM Guayaquil (Ecuador) Human Rights Commission (COMISEDH), Manuela Ramos Movement and Centre for the Defence of Women's Rights (DEMUS) (Peru), Institute of Women and Society (Uruguay); Corporación Humanas (Chile)
Encourage cooperation between lawyers and doctors in giving support to victims regarding legal framework, medical certificate, training, participation in legal processes	Medico-Legal Research and Action Unit (URAMEL) (Haiti)
Train staff of women's commissaries and legal operators, offer integral services and training of community defence volunteers	Women's Institute (Chile), Entre Mujeres Foundation (El Salvador), Legal Defence Institute (IDL) (Peru) ^a
Strengthen citizen monitoring to guarantee the fulfilment and due diligence of the State in the protection of women and girls against people trafficking.	Women's Initiative Group (Chile); Aquelarre Support Centre (CEAPA) and Development Connections (DVCN) have worked together to create the National Observatory on the Migration and Trafficking of Women and Girls (Dominican Republic)
Create and support networks for attention to and prevention of violence against women	CEPAM Guayaquil (Ecuador), Network of Women Against Violence (El Salvador), National Network against Violence towards Women and the Family (Panama); La Unión Women's Centre (Uruguay)
Place the issue of violence against women on public agendas related to citizen security	Flora Tristán Peruvian Women's Centre (Peru), Chilean Network against Domestic and Sexual Violence (Chile)
Carry out prevention activities with specific groups ^b	Gregoria Apaza Women's Centre for the Promotion of Women (Bolivia), CoEscucha Community and the Puntos de Encuentro (Meeting Points Foundation) (El Salvador)
Carry out mass campaigns to raise awareness and disseminate information	Institute of Gender, Law and Development; Institute for Women's Social and Legal Studies INDESO-Mujer (Argentina); Corporación Humanas (Colombia); Association of Women for Dignity and Life – Las Dignas (El Salvador), Chilean Network against Domestic and Sexual Violence (Chile)
Introduce consideration on the violence issue in indigenous communities	Flora Tristán Peruvian Women's Centre (Peru)
Relate the HIV issue to violence as a cause and consequence	Minga Perú (Peru), Open Forum on Reproductive Health and Rights (Chile)

Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of information from the United Nations Development Fund for Women (UNIFEM), Andean Region; Development Connections (DVCN), Bulletin DVCN, March 2007, Vol.1, N°1 [on line], www.dvcn.org; United Nations Development Programme (UNDP), National organizations working on the issue of violence against women and girls [on line], <http://www.undp.org/rblac/gender/campaign-spanish/natorg.htm>; Medico-Legal Research and Action Unit (URAMEL) (2006) [on line], 'L'URAMEL dans la construction de l'état de droit en Haïti', Press release, 30 November 2006; see also [on line], http://www.simas.org.ni/_experiencia/CasosLas_Dignas.pdf.

^a This initiative won the first prize in the 2006 ECLAC-Kellogg Foundation contest 'Experiences in social innovation in Latin America and the Caribbean' which seeks to promote simple and inexpensive strategies, which in this case allow the justice system to reach very distant places that would be beyond their reach.

^b More information on actions by men's organizations will be covered in the next section.

Non-governmental organizations and women's and feminist organizations have used their power for articulation and coordination to gain political influence with national governments, international cooperation entities and with public opinion. This has earned them the position of valid interlocutors in processes such as the adoption of legislation, the outline of plans to counter violence and the monitoring of the fulfilment of international commitments accepted by the States. These NGOs set themselves up as national and regional networks focussed not only on violence against women but also on a series of gender issues such as sexual and reproductive rights and human rights from a broader perspective.

Box 25

Advances made against gender-based violence in 10 countries, 1995-2002

Regional level

- Symposium 2001: Gender violence, health and rights in the Americas: 300 representatives of distinct entities, governments and non-governmental organizations from 27 countries agreed to plan measures to mobilize the health sector and tackle gender violence.
- Technical exchanges: Exchanges were facilitated between countries of Central America and the Caribbean in order to extend their strategy against gender violence to five Caribbean countries. Several exchanges were arranged between the 10 countries already included in the project on the issues of policy development, training of health personnel, and creation of support groups and networks as well as monitoring and information systems.
- Political commitment: The prevention of gender violence featured on the agenda of various regional and subregional policy forums and summits.

National level

- Political impact: Inter-sectoral coalitions were formed in 10 countries to advocate policies and laws against gender violence.
- Legislation: Laws against gender violence were approved in 10 countries and monitoring groups were set up in six Central American countries.
- Research: The results of the study 'Critical Route' were published in 10 countries; a research in Bolivia looked into the prevalence of gender violence and the role played by men, and a study was carried out regarding knowledge, attitudes and practices in Peru.
- Campaigns for the prevention of gender violence: Campaigns were held in 10 countries.
- Health sector reforms: The detection of and attention to gender violence and prevention policies were incorporated to reform processes within the health sector in five countries.
- Education: The study of violence was introduced as an element in research of primary education in Belize and Peru and in plans for university research in Belize, Costa Rica, El Salvador, Nicaragua, Panama and Peru.

Sectoral level

- Capacity strengthening: Instruments and systems were created and applied (norms and protocols in 10 countries, monitoring systems in five countries and training modules in 10 countries); more than 15,000 representatives of the health sector and other sectors have been trained each year throughout the period.

Community level

- Community networks: More than 150 community networks were formed by health, education, legal, police and religious representatives along with community leaders and women's organizations.
- Support groups: Support groups for men and women were formed in five countries and mutual aid community groups in eight countries.
- Zero tolerance campaigns: Zero tolerance campaigns and other activities were encouraged to promote non-violence in a great number of communities.

Source: Pan American Health Organization (PAHO), *Violence against Women: the Health Sector Responds*, Washington, DC, 2003.

Women defenders of human rights throughout Latin America work tirelessly for the protection and defence of their rights. They are especially at risk of confronting harassment, abuse and marginalization by State and non-State agents alike – as well as their own families and communities – in response to their questioning and defiance of cultural, religious or social norms on the role of women, their condition and their place in society.⁸⁶

⁸⁶ Amnesty International, European Union – Latin America and the Caribbean Summit, Vienna, Austria – May 2006 [on line], <http://web.amnesty.org/library/Index/ESLIOR610102006?open&of=ESL-390>.

2. The voice of men

The incipient solidarity of men with women who have suffered violence is slowly growing as part of an increasing rejection of 'sexist' and 'heterosexist masculinity' (wherein heterosexuals are considered "normal" in relation to homosexuals) (Olavarria, 2006). Men's capacity to exercise physical violence because of the strength of their bodies is denounced as a resource of power granted by the hegemonic model of patriarchal masculinity: 'Bodies of males are – potentially – aggressive in the various public and private spaces where women and the 'weak' move about: in their homes, with their partners and children, boys and girls; in the street, with women out 'alone' unaccompanied by adult males, with children, old people and homosexuals; at work, sexually harassing women; at war, as trophies of war, in mass rapes, gender 'cleansing' and genocides' (Olavarria, 2006).

Male condemnation formed the roots of a movement initiated in 1991 with the White Ribbon Campaign. This was launched in Canada following the Montreal Massacre, and spread across many countries under the banner of 'Men working to end men's violence against women' (Flood, 2001).⁸⁷ In Latin America and the Caribbean, the campaign has been publicly supported by groups in Argentina, the Bolivarian Republic of Venezuela, Brazil, Colombia, El Salvador, Mexico, Nicaragua, Panama, Peru and Trinidad and Tobago (see box 26),⁸⁸ while similar events have occurred in other countries like Costa Rica, Honduras, Uruguay and Saint Kitts and Nevis in the Caribbean. Since 2002, many of them have signed the Manifesto of Latin American Men Against Violence towards Women, which aims to make men aware of the role they play in this problem, to foster respectful relationships between men and women and to encourage active participation in the campaign (see box 27).

These campaigns have achieved increasing mass visibility in recent months. In early 2007, in Argentina, television spots were broadcast featuring 'famous men' from the government of the City of Buenos Aires as part of the 'All men for all women. Male commitment to gender equality campaign'.⁸⁹ On 27 November 2006, the government of Montevideo, Uruguay, staged a march by 500 men who had signed a Letter of Agreement against domestic violence circulated by the Women's Secretariat – in which the city mayor was joined by ministers, senators, deputies and councillors from various political parties, as well as artists and businessmen.⁹⁰ On the following 29 March, the Department of Culture, the Women's Secretariat and the Gender and Equity Commission of the Municipal Authority of Montevideo invited men of the city to take part in the 2007 City Hall meeting (Cabildo 2007) - 15 years after the first City Hall meeting for men in Uruguay, entitled 'Questioning violence: Montevideo men in City Hall', to create a forum for discussion of the role of men and their personal and institutional commitment to the fight against domestic violence from a gender perspective, with emphasis on the cultural and educational processes.⁹¹

⁸⁷ The campaign calls on men to wear a white ribbon in a visible place and to initiate talks with other men, in workplaces, schools, universities, etc., in order to raise awareness amongst men of the issue of violence against women and to gain more adhesion to the campaign. See the campaign website at <http://www.whiteribbon.ca/>.

⁸⁸ Information provided by Todd Minerson, Executive Director of the White Ribbon Campaign at global level, 19 March 2007.

⁸⁹ "Did you believe her when she said that she had hit herself or that she had burnt herself while cooking?" asked the head of the city government. For more information see Veronica Engler, 'Cosas de varones' in the online edition of the *Página/12* newspaper for Saturday 17 February 2007 [on line], <http://www.pagina12.com.ar/diario/suplementos/las12/13-3188-2007-02-17.html>.

⁹⁰ Uruguay. Intendencia Municipal de Montevideo/ Secretaría de la Mujer (2006), 'Marcha de los varones contra la violencia doméstica. Sistematización del proceso', *mimeograph*. Adhesion to the Letter of Agreement is open at marchavarones2006@gmail.com.

⁹¹ According to information provided by Carlos Güida, member of the advisory team for the 2º Plan de Igualdad de Oportunidades y Derechos para la ciudad de Montevideo, a dependency of the Secretariat of Women.

Box 26

Nicaragua: first Latin American experience

In Nicaragua, a group of men and women created in 1991 the Fundación Puntos de Encuentro (Meeting Points Foundation) to work for the human rights of young women and men and gender equity, with special emphasis on violence against women.^a

Then, in 1993, the Group of Men Against Violence (GHCV) began to form under the banner of 'Violence impoverishes the lives of men' to work for 'change in male chauvinistic attitudes, values and behaviours of men'.^b

The first collective group was formed in Managua and others began to appear across the country. In 1997, a national meeting was held to discuss masculinity and the GHCV groups participated from 1997 to 1998 in research entitled 'Swimming Against the Current', which sought ways to prevent male violence within the couple to be used in an educational campaign aimed at men to prevent and counter violence in their couple relationships with women.

During 1999, the campaign 'Violence against women: a disaster that men YES we can avoid', planned and coordinated by Puntos de Encuentro (Meeting Points), was the first mass action in Central America which aimed to raise men's awareness of the issue of intrafamily violence as well as their consciousness of their responsibility.

Since these first initiatives, Puntos de Encuentro has developed a large range of activities on awareness-raising and communication – including a television series and a radio programme, as well as publications, workshops, conferences, debates, cultural promotion days and contributions to the media.

Sources: Ernest Cañada, Los grupos de hombres contra la violencia de Nicaragua: aprendiendo a construir una nueva masculinidad [on line], <http://www.sodepaz.org/nicaragua/GHCV.htm>; Puntos de Encuentro website at <http://www.puntos.org.ni/default.php>.

^a See <http://www.puntos.org.ni/default.php>.

^b According to an interview with Jairo Sequeiro, coordinator of the Group of Men against Violence [on line], <http://www.undp.org/rblac/gender/campaign-spanish/hombres.htm>.

Box 27

The manifesto of Latin American men against violence toward women

Every day we see and hear that:

- Women are constantly abused at home, at work, or in public places by men, and that we men do nothing to change this.
- Women who are very close to us are in danger of being abused.
- Girls and boys are also the object of different forms of mistreatment and violence.
- Thousands of men suffer injuries or die violently at the hands of other men. Many others end up alone or in prison.

All of this turns violence into a serious social and public health problem with grave consequences for the physical and emotional welfare of all men and women.

For these reasons we invite you to reflect on the fact that:

- We are behaving violently when we hit someone, but also when we scream, mock, depreciate, sexually aggress or when we oblige women to do something they don't want to do.
- Violence from men toward women is not natural.
- As men we have the capacity to relate to women in a respectful, democratic and non-violent manner, seeking responsible ways to resolve conflict through dialogue and negotiation.
- A life without violence is healthier and more enjoyable.

We invite you to join the campaign 'men against violence towards women', adhering to the following agreements:

- I renounce all forms of violence against women and I commit to establishing equal relations with women as well as with other men.
- I commit to breaking the silence and the complicity with other men who behave violently against women.

Participate in this campaign with the following actions:

1. Pass along this manifesto on to other men and institutions and comment on it.
2. Look for outlets and ways to transmit this manifesto by means of fliers, pamphlets or anything else.
3. Organize activities that support and strengthen non-violence against women in: your house, school, work or group of friends, especially during the last week of November.
4. Collaborate with the initiatives of other groups or institutions in favour of non-violence against women.

Source: United Nations Development Programme (UNDP) [on line], <http://www.undp.org/rblac/gender/mens.htm>.

3. National Human Rights Institutions

The action and competences of the National Human Rights Institutions (INDH) dealing with gender violence in Latin America (Ombudsmen, Human Rights Ombudsmen or National Commissions on Human Rights) vary according to the specific nature of the national law that created them and how the issue manifests itself in each country. However, they all perform the essential function of overseeing the fulfilment of the human rights of citizens, men and women, as well as playing a role in individual accusations or complaints. They are also responsible for monitoring whether other State institutions fulfil their mandate in terms of the protection and guarantee of human rights.

Over the last 20 years, the institution of the 'Ombudsman' or 'Human Rights Ombudsman' has become an important benchmark of the degree of respect and protection for human rights provided to the inhabitants of Latin America. Such an institution is already stipulated in the legal systems of Argentina, the Bolivarian Republic of Venezuela, Brazil (at both State and municipal levels), Bolivia, Colombia, Costa Rica, Ecuador, El

Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay and Puerto Rico. In Chile and Uruguay, meanwhile, various initiatives are underway to incorporate such a role (Maiorano, 2001).

Box 28

National institutions for human rights and violence against women

The National Human Rights Institutions (INDH) in Latin America have taken action in the following areas:

Reception of complaints and advice to victims

In Colombia, the Ombudsman signed an inter-institutional agreement for the formation of a centre for integrated responses to domestic violence. It has stated its commitment from the outset to the establishment and functioning of the Centre, as well as to take a part in its development and execution, in order to provide direct and effective attention to people involved in behaviours which threaten family harmony and unity, in a quest for adequate and timely protection and reestablishment of their rights. Activities included the designation of five public attorneys for the attention centre, and 1,010 municipal staff were provided nationwide with training on domestic violence, sexual violence and human rights of victims of human trafficking in coordination with the United Nations and the Ombudsman's office.

In Argentina, in order to provide a tool which would allow an adequate fight against gender violence, the Human Rights Adjunct of the Attorney General in the City of Buenos Aires organized in 2003 the production of a guide book listing resources for attention to gender-based violence, compiled together with the Public Prosecutor's offices of Avellaneda and Vicente López, supported by the British Council of Argentina..

Recompilation of data and preparation of studies/research

In Guatemala, the Human Rights Ombudsman has created a statistical register of violent deaths amongst women. Since 2003, it has published an annual report containing figures of deaths for the year, which cite the age, form of death, occupation and nationality of the victims, amongst other data.

Monitoring/Evaluation of the application of legislation and actions of public institutions in dealing with cases of violence and formulation of recommendations

In Panama, in 2005, the Ombudsman monitored application of Law 38 on Domestic Violence through the public prosecutor's offices in six of the nine provinces of the country. This process provided information on ignorance of the law amongst the authorities; conflicts between the Public Ministry and administrative authorities; conciliation between aggressors and victims - which is not contemplated in the legislation; the dropping of cases; the failure to remit cases to the competent authorities; the failure to apply protection measures and the lack of attention protocols.

In Mexico, the National Commission for Human Rights (CNDH) examined elements contained in all the records it could obtain on cases of murder or disappearance of women within the municipal area of Juárez (Chihuahua) from 1993 to June 2003. A special report was presented to public opinion due to the importance and seriousness of the case.

Counsel for the formulation of laws, programmes and policies on gender violence

In Bolivia, the Ombudsman ran an official investigation into the operation of the Family Protection Brigades (BPF) in relation to domestic violence. The investigation covered 14 major cities in the country and culminated in the *Resolución Defensorial* (Ombudsman's Ruling) RD/LPZ/87/2001/AP 18, which formulates a series of recommendations for the Police, the Ministries of Sustainable Development and Planning and Justice and Human Rights. The institution continued to monitor the situation until October 2003, when many of the recommendations had been fulfilled. For example, the Police assigned greater resources to the Brigades, increased the number of female police officers, and, from 2002, included domestic violence within the training curriculum.

In Costa Rica, the Ombudsman actively participated in production of and lobbying for approval of the Law against Domestic Violence, as well as the Law for the Criminalization of Violence against Women.

Sources: Central American Council of Human Rights Ombudsmen (CCPDH)/Technical Secretariat, Inter-American Institute of Human Rights (IIHR), Regional Report: Situation and Analysis of Femicide in the Central American Region, August 2006; Ibero-American Ombudsman Federation (FIO), *Second Report on Human Rights* (Women's Rights), 2004.

4. The International Community

In support of government and civil society efforts, most of the organizations in the United Nations system have contributed to the strengthening of mechanisms for the application, follow up and evaluation of policies, programmes and projects related to violence against women. They have also encouraged research, driven the application of surveys, the production of indicators, the collection of statistics, training and campaigns for awareness-raising and prevention in the media.

Box 29 **Support to tripartite platforms**

The United Nations Population Fund (UNFPA) has brought about strategic actions in the international and regional spheres establishing tripartite platforms against gender violence (government, civil society and international cooperation organizations) and supporting the development and application of projects and programmes seeking to mainstream the gender perspective and the prevention of violence against women, in association with various Women's Offices. Foremost amongst these are:

- Support to IPAS in the production of an integrated model for the prevention of sexual violence which has been applied in selected countries of the region (Bolivia, Brazil, Mexico and Nicaragua).
- Support to the University of Central American (UCA) of Managua in the realization of a regional study on Masculinities and Paternity in Central America (Costa Rica, El Salvador, Honduras and Nicaragua) which integrates a research crux on matters of gender violence.
- In association with the German Technical Cooperation Agency (GTZ), support was provided for a webpage on public budgets and gender in Latin America and the Caribbean ^a, which gathers regional experiences related to public budgets and prevention of domestic violence and violence against women.

Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of responses sent by ECLAC to organizations within the United Nations system, December 2005 and January 2006.

^a <http://www.presupuestoygenero.net/s28/index.htm>.

Box 30 **Fiduciary fund to support measures to eliminate violence against women**

In 1996, the General Assembly of the United Nations created the Fiduciary Fund to support global, regional, national and local efforts aimed at eliminating violence against women. The most important projects recently approved in Latin America and the Caribbean include:

- In Brazil, Criola Iyà Àgbá, the Network of Black Women against Violence and Racial Discrimination will support the access of Afro-descendant women to new measures of legal protection in Brazil.
- In Dominica, the Women's Office and the National Women's Council will develop a coordinated multi-sectoral perspective to apply laws against violence in the home.
- In Haiti, Vizyon Dwa Ayisyen (Vision of Haiti's Rights), a network of Haitian non-governmental organizations and its subsidiary, Komisyon Fanm Viktim Pou Viktim, (Commission of Women Victims for Victims), will incorporate education on HIV/AIDS and create community committees to tackle the problem of HIV/AIDS and its relationship with violence.
- In Mexico, the Comitán Health Research Centre (CISC) will support an evaluation to measure the perception of violence based on violence and HIV/AIDS in young people living in rural areas of the state of Chiapas, in order to identify socio-cultural attitudes which could make women more vulnerable to HIV/AIDS.
- In Peru, Minga Perú, a non-governmental organization dedicated to promoting social justice and human dignity, will raise awareness in communities of the Loreto region on the relationship between violence and HIV/AIDS through radio programmes, involving radio workers and primary school teachers.
- A regional programme in Central America and the Dominican Republic coordinated by the Justice and Gender Foundation, a non-governmental organization aiming to improve the administration of justice and human rights, will analyze legislation on domestic violence in seven countries to monitor its application in courts from the human rights perspective.

Source: Contribution to the present report from the United Nations Development Fund for Women (UNIFEM).

The good practices of governments and civil society, in many cases aided by United Nations entities, are aimed not only at violence against women, but at a wide range of issues related to violence. These include: discrimination, lack of power and autonomy for women, lack of economic and educational opportunities, citizen insecurity, needs for peace education for girls, youths and adolescents as well as misinformation on sexual and reproductive rights and HIV/AIDS (see boxes 31 to 33).

Box 31 **Human development: a factor of citizen security**

In 2007, the World Human Development Award was incorporated into the National Human Development Report 2005: '*Venciendo el temor: Inseguridad ciudadana y desarrollo Humano en Costa Rica*' (Overcoming Fear: Citizen (In) security and Human Development in Costa Rica), which managed to get violence against women viewed as a key problem for national development. Since its publication, UNDP has supported the government in drawing up a framework for citizen security and violence prevention policies that respond to the different needs of women and men in the country, so they can be effectively applied by the corresponding institutions and called upon by the people. On a local level, a human development index was drawn up for each canton with correction for security.

Source: Contribution to the present report from the United Nations Development Fund (UNDP), July 2007; see also [on line], <http://www.nu.or.cr/indh/pdf/summary.pdf>.

Box 32 **Creation of a culture of non-violence in the Caribbean countries**

In March 2005, UNICEF joined with XTATIK and Island People in supporting a regional concert held in Trinidad and Tobago to mark the creation of the 'XChange' project - a movement to promote positive changes amongst young people and adults. The concert was preceded by a training workshop for youth leaders, which was attended by 40 young people from vulnerable communities of seven countries of the Caribbean who had taken part in the consultation of the United Nations Secretary General on violence.

'XChange' aims to create a safe and protective environment for children in the home, school and community, using education - including music, art, sport, theatre and other cultural means of expression - to reach young people and transmit information to them which could encourage alternative behaviours and life styles and a reduction in violence. In order to join the movement, 'XChangers' formally promise to follow a positive lifestyle and become role models to emulate for others of their age. XChange is currently run by young people from Barbados, Belize, Grenada, Guyana, Haiti, Jamaica and Trinidad and Tobago. It has become a regional movement seeking to influence culture and social life on several levels: at home, at school, in social services for youth and adolescent boys and girls, in the formulation of programmes and policies and in social mobilization.

The project is noted for its great potential, given the fact that Prime Minister Moussa of Belize gave the project his full support and has stressed his government's participation in the regional project through the Education Ministry in his Report on the State of the Nation of September 2005.

Source: United Nations (2007), The United Nations Secretary General's Study on Violence Against Children [on line], <http://www.violencestudy.org/r27>; Organization of American States (2006), 'XChange, it begins with you' [on line], <http://www.educadem.oas.org/boletin2/contenidos/xchange.doc>; UNICEF (2006), 'La violencia contra los niños y las niñas, Hojas informativas sobre la protección de la infancia' [on line], http://www.unicef.org/spanish/protection/files/La_violencia_contra.pdf; UNICEF (2006), '15 years after the CRC: 'XCHANGE' is building democracy, human security and a network of young social entrepreneurs in the Caribbean and Central America' [on line], <http://www.unicef.org/lac/xc.pdf>

Box 33

Good practices: eradication of violence against women

According to the United Nations Joint Programme on HIV/AIDS (UNAIDS), a good practice forms the basis for the generation, dissemination and application of a local response, where lessons learned on HIV/AIDS are turned into action through activities like workshops, training clinics, exchange visits, and the like. The main principle for considering these publications as good practice is the fact that they are valid instruments which help strengthen local initiatives in response to violence against women. UNAIDS has a list of good practices on the issue of violence against women from a gender perspective.^a

Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of responses sent by ECLAC to organizations within the United Nations system, January 2006.

^a Publications of good practices on the issue include: Women and AIDS: UNAIDS Point of View (1997); Facing the Challenges of HIV AIDS and STDs. A Gender-Based Response (1996); Gender and HIV/AIDS: Taking Stock of Research and Programmes (1999); these documents can be accessed on line at <http://www.unaids.org/DocOrder/OrderForm.aspx?Language=english>.



Chapter IV

Toward a life free of violence

Toward a life free of violence

This section reaffirms the recommendations of the Secretary General's in-depths study on all forms of violence against women (United Nations, 2006b) and presents short and long term proposals considered necessary to respond to the challenges faced in Latin America and the Caribbean. These recommendations are aimed at ensuring gender equality and seek to protect the human rights of women, assuming leadership in the battle against violence and supporting initiatives to close the gap between international standards, national laws, policies and practices. Furthermore, they aim to broaden the knowledge base for the design of public policies and to develop multi-sectoral strategies on a national and international level.

This report also echoes the recommendations of the Inter-American Commission on Human Rights (IACHR) concerning access to justice for women victims of violence. These include specific proposals related to investigation, trial and punishment of acts of violence against women; preventive custody and precautionary measures; the treatment of victims by legal protection entities and justice administration bodies; the special needs of indigenous women and Afro-descendant women; and government legislations, policies and programmes (OAS/IACHR, 2007).

A. Challenges to prevent, sanction and eradicate violence against women

1. The legal framework

There is sufficient legislation in Latin America and the Caribbean to confront gender violence. Despite the present debate on the need to improve existing national norms and harmonize them with conventions and treaties, it is mainly the sphere of fulfilment of these laws - including the material conditions that surround them, the incomprehension of the authorities and even their complicity with perpetrators - that require greater attention. To this end, empowerment of the Follow-up Mechanism of Belém do Para (MESECVI) must be assumed as a task by all countries and social organizations (see box 4).

One of the problems identified in various studies is the lack of independence of some judicial powers which ignore complaints or slow down proceedings - for instance, in the case of political or social leaders accused of gender violence. In other cases, there has been excessive prolonging of trials, revealing a de facto legal inequality which works against the victims. The lack of independence of judicial powers and the political influence over them threaten the application of international conventions and national laws. Although there are increasingly more judges and magistrates who apply laws on violence, it is clear that many are unaware of the conventions protecting the human rights of women. This was recognized by the magistrates participating in the Judicial Symposium on the application of international human rights norms in internal systems held in Santiago, Chile on 25 to 27 May 2005.⁹² Here, magistrates highlighted the lack of training in and awareness of the human rights of women amongst justice system personnel as obstacles to law implementation. They also recognized that it is not common practice for the international human rights norms to be applied in judicial decisions made by courts in the region. The authorities participating in the symposium also mentioned a lack of sensitivity to the persistence of violence against women in its various forms and a consequent lack of attention to gender factors in the consideration of cases. Finally they stated that, despite existing legislation on domestic violence, there are still formal, parallel, tedious and inefficient procedures which do not allow judges - women and men - to respond in an adequate and timely manner when faced with a case of violence against a woman.

These problems are emphasized by the lack of institutional and inter-sectoral coordination, which should include the judicial power as well as criminal and civil courts. Similarly, at times police and legal officials are not sufficiently inclined to process complaints of violence and follow up on these, to guarantee that women

⁹² See [on line] http://www.cepal.org/mujer/noticias/noticias/9/21379/Informe_Final.pdf.

access the necessary services and to grant protection orders for victims and warrants for the arrest of perpetrators in a timely manner. Another important factor is that, in many places, violence is still considered a 'private' problem, in accordance with traditional and patriarchal models. In many countries, violence is still not considered a criminal offence and, therefore, is not linked to punishments similar to those foreseen for the violation of other human rights. In certain cases, rape within marriage is not considered a crime, nor are violent sexual assaults within the home; sexual aggression is considered a serious moral crime but not a crime of aggression which outrages the integrity of the victim, and sexual assault and harassment are not recognized as serious offences. This is compounded by the lack of appropriate institutions to ensure fulfilment of the law.

All these factors work against solving the problem. They stand in the way of women who report their situation as victims of violence to the authorities, and block procedures to punish the perpetrators. There are still many women who fail to access the legal system or who drop the charges when they find they do not believe in the impartiality and effectiveness of the justice systems. Many fear that once the complaint is lodged they will face renewed aggression, if adequate protection measures are not put in place. Others simply do not have the means to start legal action: time, access to or knowledge of the free legal support that they are entitled to receive from the State. It is important to remember that women are submitted to uncomfortable interrogations and medical examination (in most cases of sexual violence) - often carried out in inadequate conditions with no privacy - as part of the legal process. Similarly, women are forced to face alone an intricate procedural labyrinth, in a long process which starts when they first report the offence and continues through validation, requests for protection measures, complicated proceedings, the adoption of provisional measures and, finally, sentencing. Neither do the victims have access to integrated support networks solid enough to accompany them on the journey. This results in secondary victimization, a process whereby the women suffer further violence and discrimination during the legal, judicial, police and health procedures (Guerrero, 2002).

In theory at least, large advances have been made in the legal system, above all on criminal matters and in the adoption of international treaties. This means that violence against women has now been defined either as an offence in some cases or as a crime in others, and sanctions of varying seriousness have been established in both situations. However, in countries where laws against violence establish no sanctions, the perpetrators enjoy impunity. Some prosecutors are even reluctant to take cases of violence against women to trial, a situation complicated even further by the over saturation of the courts.

In a few countries, special laws have been adopted - mainly on protection - and violence has been incorporated into the penal code as a criminal behaviour. Most national legislations have adopted cautionary measures granted by administrators of justice, which allow judges to impose protection measures - even when there is not sufficient evidence -, according to the urgency and credibility of the complaint. Fulfilment of these requires efficient coordination between police and judges, something that does not always happen. In general, laws establish the procedures necessary for the imposition of precautionary measures, but only in a few cases do they stipulate prevention, attention and rehabilitation support activities. However, while civil justice can provide women with immediate responses - like removing the perpetrator from the house and allowing them to return if they have had to leave - there is a broad consensus that violence against women should be judged in criminal not civil tribunals, never forgetting that there are other forms of violence that are neither dealt with nor covered by the legislation. These include the trafficking of women, girls and adolescents, femicide and violence against migrant women.

In summary, reforms in the judicial sector must include all the technical, normative, legal, training, and budgetary tools available on the international level. Cooperation must be strengthened between the police, the legal sector, health sector, women's organizations, civil society, social programmes and all measures that bring women victims into the public space - including the labour market.

2. Access to Justice

In spite of being a recognized right under national and international law which satisfaction represents a State obligation, access to justice is still not guaranteed to women victims of violence. There are several aspects to this which are different but complementary (Birgin and Kohen, 2007):

- a) Access to justice proper, meaning the possibility of accessing the justice system with the representation of a lawyer, forms the basis of turning a problem into a legal complaint;

- b) Being able to rely on a good justice service, that is, that the system offer the possibility of obtaining a fair legal ruling within a reasonable timescale;
- c) Having guaranteed support throughout the entire process, especially for women accompanied by their children and who have difficulties with travel and lost work days – situations which present significant obstacles; and lastly,
- d) Knowledge of their citizen rights as well as of the means by which to exercise these and get them recognized. More specifically, awareness that access to justice is a right with the consequent obligation of the State to offer free legal services for both criminal and civil cases.

Access to justice has a double meaning: in a broad sense, it is understood as a guarantee of equality of opportunities to access the institutions, organs or powers of the State which generate, apply or interpret the laws and regulate the norms of special impact on social and economic well-being. This means equal access without discrimination on an economic basis, linked to economic well-being, the distribution of income, goods and services. It also means equal access to social change and even participation in civil and political life. Strictly speaking, this includes the group of measures adopted for people to resolve their conflicts and protect their rights before the courts. Although the two perspectives are not mutually exclusive, the focus of this chapter relates to the strict sense of access to justice, covering the need for women to access qualified advice and free legal support. The effectiveness of the laws depends to a large extent on these services. When women arrive at the court alone by themselves, they cannot always present their testimony in an orderly manner, nor are they aware that evidence in civil or family courts work on the principle of presumption, which means that witnesses need not be present – for these are scarce in cases of family violence.

3. Plans, programmes and strategies executed by sector and territory

The most important difficulties facing such plans are the lack of financial resources and, when they do exist, they are generally not included in national budgets. Most national plans depend on funding from international cooperation. These shortcomings translate into a lack of continuity which threatens the sustainability of programmes.

Judges, lawyers, judicial officials, staff in the public prosecutor's offices and other professionals within public entities who are part of the 'critical route' travelled by women victims of violence, have generally not received adequate training from the perspective of women's human rights. Resolution of this deficiency is even more pressing in countries where reforms are being made to the judicial power.

There is a notable lack of even minimal infrastructure in all services. In almost all countries, women are dealt with in improvised locations, with extreme cases even lacking sanitation.⁹³ Refuges and advice centres are scarce, and often have to house women accompanied by their children. Nor are there sufficient women's commissaries and special units of attention within police delegations.

Another problem is the absence of administrative records and the consequent lack of regular and periodic statistics that would be useful for crime prevention, the formulation of public policies and to guarantee prompt attention. Qualitative investigation in certain forms of violence is scarce, with special need for those linked to HIV/AIDS, trafficking in women, commercial sexual exploitation, violence against migrant women in irregular situations (paying particular attention to the effects of migration policies), violence against indigenous women, femicide and revictimisation as a form of institutional violence.

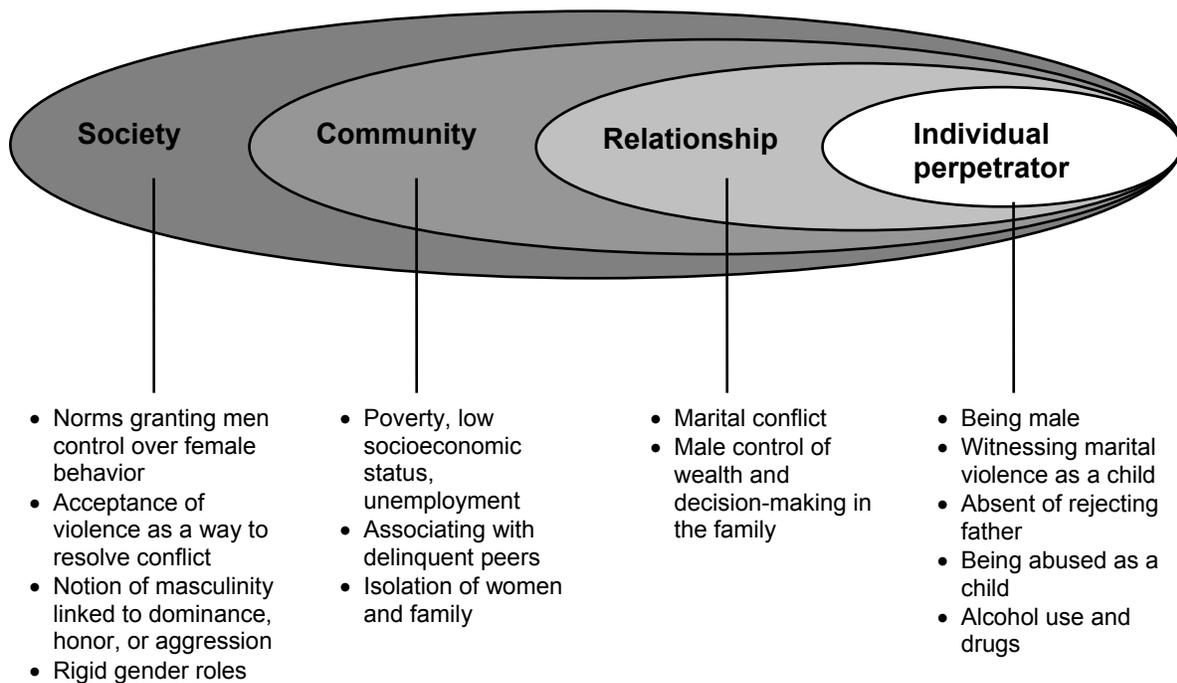
B. Promotion of an integral intervention model

Tackling gender violence requires a management model which can integrate analysis of the distinct spheres involved and their interrelations into planning and execution. The individual level, relations within the couple and the family, community and social life, the socio-economic context as well as education and employment policies must form part of the diagnosis and be targeted by integrated institutional responses.

⁹³ See interview with the Family Protection Brigades in Arauco et al. 2007.

Diagram 1 illustrates the factors linked to a greater prevalence of violence on four different levels. The first level refers to the characteristics of the individuals and their life history, which may increase their chances of becoming a victim or perpetrator of violence. The second level describes how their closest social relationships - including friends, partners and the family - can increase the risk due to their potential for shaping the behaviour of an individual and the range of her/his experiences. The third level of the ecological model deals with the community context in which social relationships occur and states the characteristics which are linked with becoming the victim or perpetrator of violent acts. Lastly, the fourth level covers more general social factors that determine violence rates, including those that create and reinforce a climate of acceptance of gender violence.

Diagram 1
Ecological model of factors associated with violence against women



Source: L. Heise, M. Ellsberg y M. Gotemoeller, 1999 highlighted in PAHO, *Violence against Women: the Health Sector Responds* [on line], <http://www.paho.org/English/AD/GE/VAWChapter1.htm>

The model above has been shown to inspire good practices that link together and produce synergies between initiatives for the prevention, attention and containment of gender violence. However, more studies are needed of actual experiences in order to understand how the different factors interact in different contexts. Two decades of work have left the region with a vast baggage of experiences and models that have not been systematized.

C. Constructing a regional Observatory on gender violence

The United Nations institutions that have prepared this report are committed to the establishment of a regional Observatory for the elimination of violence against women. This forms part of their commitments to provide governments, social and community organizations with the tools needed in order to permit timely diagnosis and the flexible circulation of good practices. This will also provide encouragement for the development of public voices which can look to the observatory for support in backing their demands with arguments, formulate projects on the basis of good practices and feed the Observatory with their doubts and questions.

Such a project implies strategy proposals in the following fields:

1. Application of international instruments on violence against women

- a) Disseminate and promote ratification of international instruments to protect the rights of women, girls and adolescent women. Unreserved ratification of all human rights treaties and instruments requiring the active commitment and coordination of all State powers (legislative, executive and judicial).
- b) Encourage States Parties to inform the citizenry on their achievements and tasks in a systematic manner.
- c) Support fulfilment and follow-up of instruments signed and ratified by the States. In the majority of countries, the hierarchy of these institutional gender mechanisms is recognized at least on the discourse level. However, achievements have been unequal across countries, and there has not always been coherent application of the international instruments for human rights in the judicial sphere.
- d) Encourage follow-up and implementation of recommendations formulated by international human rights mechanisms.
- e) Develop common indicators to evaluate and monitor fulfilment of international agreements in the countries.

2. Execution of policies, plans and programmes

- a) Adopt integrated, inter-institutional and multi-sectoral, decentralized and participatory policies, with long-, medium- and short-term objectives.
- b) Ensure and strengthen coordination between State powers.
- c) Define plans and programmes with positive action measures to approach the structural causes of violence against women. Precise indicators and monitoring and evaluation systems are needed to allow for measurement of fulfilment of targets, the definition of priority areas for intervention and for understanding the effects of activities carried out.
- d) Increase and guarantee the coverage, access and use of existing services.
- e) Ensure the sustainability and continuity of plans and programmes.
- f) Broaden the availability of resources (human and financial) to guarantee adequate funding.
- g) Develop specific strategies for the various age and social groups, through integrated plans which combine preventive and control measures.
- h) Reinforce services offering assistance and support to groups dependent on risk factors.
- i) Promote and support the creation of integrated services and articulate the various spaces of social interaction.
- j) Decentralize gender policies and the execution of plans and programmes.

3. Legislative dispositions and law reforms

- a) Promote new legislation to approach forms of violence not yet covered, making up for deficiencies and legal voids. Ensure that legislation adequately covers all forms of violence.
- b) Gain greater specificity in legal dispositions.
- c) Promote and support the harmonization of national legal frameworks to international conventions and treaties, given that not all internal laws are being interpreted and applied in accordance with the obligations established in these legal instruments.
- d) Enhance the integrated nature of legislative dispositions, to pay attention jointly to prevention, training, assistance to victims and their rehabilitation, as well as offering necessary support services.
- e) Develop follow-up mechanisms for the application of legal frameworks that evaluate their effectiveness and identify their weaknesses.
- f) Strengthen institutionalality.

4. Establishment of alliances and cooperation networks

- a) Promote inter-institutional dialogue and alliances.
- b) Promote multi-sectoral dialogue and alliances.
- c) Strengthen work in networks with specific and complementary functions at each level of action and coordinated on a national, regional, local and community level.
- d) Strengthen strategic inter-institutional alliances in matters of technical advocacy, research and cooperation projects.
- e) Generate funding alliances which consider human and financial resources.

5. Production of Statistics

- a) Produce systems of statistical records on the incidence of violence against women, with data disaggregated not only by sex, but also by ethnicity, age and geographical location, amongst other pertinent factors, allowing for the quantification of its magnitude.
- b) Construct indicators comparable between countries regarding the prevalence and incidence of all forms of violence against women.
- c) Improve and coordinate systems for registering cases of violence.
- d) Develop unified and standardized methods for data collection, which guarantee the validity and reliability of the information.
- e) Identify and establish alternative and complementary forms of measurement of the magnitude of the various forms of violence. Design specialized surveys or specific modules in already existing population and household surveys.
- f) Consolidate databases on all forms of violence against women with current, coordinated and accessible information.

6. Information and Dissemination

- a) Develop activities for awareness-raising and information.
- b) Support education, training, information and communication plans.
- c) Encourage the organization and realization of information seminars and campaigns on human rights and on the various forms of violence against women.

- d) Promote studies on the social and economic costs of violence against women.
- e) Strengthen knowledge on all forms of violence against women, developing integral and comparative qualitative studies.
- f) Promote the economic independence of women as a key element for eradicating gender violence.
- g) Optimize the exchange of information and replicate and disseminate good practices and successful projects.

D. Promote mechanisms for supervision and follow up

1. Promote the Follow-up Mechanism of the Convention of Belém do Pará

In the second meeting on the follow-up mechanism for the Convention held in July 2006, the Committee of Experts on Violence of the MESCEVI highlighted some areas of great importance to substantiate its impact in countries of the region:

- a) Work together with other entities of the Organization of American States (OAS) and coordinate activities with women of the region, especially to establish a homogenous work methodology in the various countries and to obtain complementary information to fill the gaps in reports by national authorities. This effort to unify the reports of the Committee of Experts on Violence (CEVI) aims not only at reinforcing the collection of information but also at strengthening the legitimacy of MESCEVI as a follow-up mechanism for the Convention before States Parties – also giving special attention to its dissemination so that the Mechanism ‘be known, be credible and have prestige’ (MESECVI/CEVI, 2006).⁹⁴
- b) Integrate general recommendations to their reports based on the dispositions of the Convention, along with specific recommendations that take into account the information presented by the country, the feasibility of its fulfilment by governments and the follow-up they will undertake.
- c) Encourage civil society participation in CEVI and invite organizations with experience on violence against women to contribute support documents, information, statistics and case studies in addition to present alternative reports based on the questionnaire sent to governments. The importance of such participation will be considered within the evaluation process, in order to give the process visibility and transparency and to disseminate information on the operation of CEVI. It was also agreed they would be given a half day prior to Committee sessions dedicated to discussions on specific issues.
- d) Exhort governments of the region to support the operation of MESECVI, for example by providing staff to work in the mechanism, as was the case with the Mexican government (MESECVI/CEVI 2006).

Complementary to the aforementioned recommendations of CEVI to strengthen the follow-up of the Convention of Belém do Pará, empirical research is urgently needed on the degree of efficacy of laws and penal systems in order to broadcast widely their results.

⁹⁴ See the final report on line at <http://www.oas.org/cim/Documentos/MESECVI/MESECVI-CE-doc.66%20esp.rev.1.doc>.

2. Disseminate the Convention and implement the recommendations of the Committee on the Elimination of All Forms of Discrimination against Women⁹⁵

The Convention on the Elimination of All Forms of Discrimination against Women is not commonly used as a basis for the exercising of rights on a national level, unlike other treaties (American Convention on Human Rights, International Pact on Economic Social and Cultural Rights, International Pact on Civil and Political Rights and its Optional Protocol, the Convention on the Rights of the Child, etc.). This is a trait shared by the countries of Latin America and the Caribbean and, as the Committee points out, the Convention is not frequently invoked by lawyers in national tribunals and does not appear amongst those considered when passing sentence. An observation made in almost all reports, is the scarcity or often total lack of dissemination of the contents of the Convention - a fact which could explain the absence of recognition given to it in legal proceedings. Hence, the Committee recommends setting up dissemination programmes, along with awareness-raising campaigns amongst policy-makers and amongst law operators (lawyers, judges and legal personnel) in order to guarantee knowledge of the Convention and to assure its use in legal process.

The Committee insistence on dissemination of the Convention is worth stressing, as the document cannot be converted into an instrument of action if the content is not known. Only then the Convention can be used to acquire recognition of rights and can be called upon before national, regional and international tribunals. Similarly, it emphasises the need for States to comply with the commitments made to adapt national legislations to the Convention postulates and eliminate discrimination, for while many have ratified the Convention, discrimination against women still subsists in several legislations.

In general, the Committee is concerned by the lack of an integrated policy that institutionalizes the gender perspective as a principal axis within the strategic priorities of the States Parties. It also highlights the lack of coordination which in practice is presented by many of the national mechanisms for the advancement of women as well as the scarcity of statistical information disaggregated by sex. This situation restricts not only the capacity of the States to measure the impact of programmes and policies developed but also limits the design and management of actions promoted. Policies aimed at women share one common trait with public policies in the region in general: the absence of impact evaluations.

In a review of the situation of women of the region, the Committee observed with concern that most reports showed high levels of domestic and sexual violence against women in the countries of Latin America and the Caribbean. Amongst its recommendations, it calls on States to reinforce measures to guarantee awareness-raising amongst public servants on all types of violence against women, in particular amongst staff in the judicial power, health sector workers, police personnel and social workers. Systematic information based on data for all types of violence against women is crucial when developing policies and programmes targeted on the problem, as well as in measuring the results of actions undertaken. The Committee particularly highlighted the lack of data disaggregated by sex and pointed out that the information on the sexual exploitation of street children and adolescents is insufficient.

In the cases of countries suffering armed conflict like Colombia, the Committee observed that they constitute a case apart given that women are the main victims of the conflict. Meanwhile, there are tens of thousands of displaced women and women heads of households who are short of the resources they need to subsist, whilst assuming greater responsibilities, both reproductive and productive toward their families and communities. In this context, the Committee recognizes the difficulties faced by the Government of Colombia in imposing public law and order in a situation of internal conflict and paramilitary violence, including abductions and disappearances.

Within the framework of these observations of the Committee on the Elimination of All Forms of Discrimination against Women and considering the analysis presented in this report, it must be recognised that, in spite of the efforts made, the governments of Latin America and the Caribbean do not have sufficient capacity to strive for fulfilment of regulations that punish violence in the home. Meanwhile, family commissaries and other services attending to the victims do not have the human and financial resources they

⁹⁵ The information supplied in this section comes mainly from the study by Haydée Birgin (2006).

need to fulfil their mandate, nor are they systematically supervised by competent government entities. As a consequence of this, attention to victims is insufficient.

The governments must not only intervene to reduce violence against women, investigate cases and try to provide support to victims of violence, but they must also make the problem visible as a human rights issue which is profoundly affecting the rights of women and all society and which requires an integrated and conclusive response. Therefore, important contributions can be made by all strategies aimed at sharing best practices and mechanism adopted in the countries of the region.

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Related websites

CLADEM (Latin American and Caribbean Committee for the Defense of Women's Rights)

<http://www.cladem.org/>

CIM/OAS (Inter-American Commission of Women/Organization of American States)

Derechos humanos de las mujeres

<http://www.oas.org/cim/>

DAW (United Nations Division for the Advancement of Women)

<http://www.un.org/womenwatch/daw/cedaw/index.html>

ECLAC (Economic Commission for Latin America and the Caribbean)

www.eclac.org

<http://www.eclac.cl/mujer/proyectos/perfiles/comparados/violencia1.htm>

FAO (Food and Agriculture Organization of the United Nations)

http://www.fao.org/index_es.htm

<http://www.rlc.fao.org/>

IICA (Interamerican Institute of Cooperation for Agriculture)

<http://www.iica.cl/>

<http://www.iica.org.mx/>

ISIS International (Information and Communication Service for Women)

www.isis.cl

OAS/IAHCR (Organization of American States/Inter-American Commission on Human Rights)

<http://www.cidh.org>

<http://www.oas.org/CIM/Spanish/MESECVI-indice.htm>

OIM (International Organization for Migration)

www.iom.int

www.oimconosur.org

www.oim.org.co

PAHO/WHO (Pan American Health Organization/World Health Organization)

www.who.org

www.paho.org

UNAIDS (Joint United Nations Programme on HIV/AIDS)

<http://www.onusida.org.co/>

UNDP (United Nations Development Programme)

www.undp.org

UNESCO (United Nations Educational, Scientific and Cultural Organization)

http://portal.unesco.org/en/ev.php-URL_ID=29008&URL_DO=DO_TOPIC&URL_SECTION=201.html

UN-HABITAT (United Nations Human Settlements Programme)

www.unhabitat.org

UNHCHR (Office of the United Nations High Commissioner for Human Rights)
<http://www.ohchr.org/english/>

UNHCR (Office of the United Nations High Commissioner for Refugees)
www.unhcr.org
www.acnur.org

UNICEF (United Nations Children's Fund)
<http://www.unicef.org/>
www.uniceflac.org
www.unicef.org

UNIFEM (United Nations Development Fund for Women)
<http://www.unifem.org/>
<http://www.unifemandina.org/>
<http://www.unifem.org.mx/>

United Nations
<http://www.un.org/english/>

World Bank
www.worldbank.org



Annexes

Annex 1

Information available in the countries of Latin America and the Caribbean

Measurements of violence against women available for Latin America and the Caribbean use different criteria according to the country, making it difficult to compare results. These differences could be explained by the methodologies used to make these measurements, along with the lack of national entities to centralize, systematize and consolidate the existing information.⁹⁶ In order to obtain precise and measurable indicators, specific surveys are required as well as information that can be collected from administrative records. At present, initiatives are underway to create standardized information systems with single format forms or registration sheets in Bolivia, Chile, Colombia and Brazil amongst other countries. Special mention is due to the efforts made by ORMUSA - the Organization of Salvadoran Women for Peace - who published in November 2006 an extensive analysis of the record-protocols used by various health, police and justice services in order to contribute to the systematization and increased visibility of femicide.

Specialized surveys are a very effective method for measuring the prevalence and incidence of various forms of violence against women, but as these are relatively onerous to produce, it is often preferable to include specific modules on violence into population surveys. Taking a representative sample of women victims of violence through population surveys is a reliable manner of compiling information on the prevalence and types of violence. Another possible source of very useful data would be the police, judicial and penal statistics records system and the institutional records in the health sector, along with those from non-governmental victim support organizations.

In order to systematize and process databases and recorded statistics, a search was made for comparable data on gender violence and HIV/AIDS between countries of the region. From the comparability perspective, the best source available are the Demographic and Health Surveys (DHS). The Demographic and Health Surveys Programme (MEASURE DHS +) offer assistance to governmental and private institutions in the implementation of national surveys in developing countries. The objective of this programme is to supply databases and analysis tools to executive bodies in charge of population issues in order to: facilitate consideration of alternatives and well informed decision-making, expand the international data base in the areas of population and maternal and infant health, provide advances in sampling survey methodology, and consolidate technical capacity and resources for complex demographic surveys in participant countries. ORC Macro implements MEASURE DHS + with funding from the United States Agency for International Development (USAID).

Most countries do not yet have a system for statistics on violence against women and there is no official regional system to compile data on this issue. Although advances have been made on statistics relating to violence within the couple, reliable figures on many other forms of violence against women are still scarce. There are no regularly applied national surveys on violence against women in countries of the region that could ensure national coverage and allow for the standardization of methods for the collection of comparable statistical data, which has negative repercussions on the development of programmes to combat the problem of violence.

This report gathers data from surveys carried out from the year 2000 which include a gender violence module. Information was available for the following countries:

Bolivia: National Demographic and Health Survey (ENDSA, 2003) (MEASURE DHS+), where 17,654 women aged 15 to 49 years-old were interviewed in October 2003. The sample was designed to provide analysis adjusted to different levels of geographically disaggregated data and to supply a probabilistic national sample drawn by a multistage design, that included stratification and clustering; this was carried out with technical and

⁹⁶ ECLAC elaborated a proposal for two types of indicators: the first on the basis of information provided by surveys, and the second on the basis of information provided by administrative records (Alm eras et al, 2002).

financial help from the Ministry of Health and Sport through the Health Reform Programme and with funding from the World Bank; help was also provided by the United States Agency for International Development (USAID), the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF), the World Food Programme (WFP), the FORSA-CANADA Health Fund and the Integral Health Project (PROSIN). This survey was performed within the fourth phase of the Demographic and Health Survey (DHS) programme run by ORC Macro in various developing countries. ORC Macro offered technical assistance and support in all phases of the survey.

Colombia: National Demographic and Health Survey (ENDS, 2005). This is the fourth of a series of surveys applied since 1990. Profamilia has carried out case studies every 5 years to analyze different aspects related to sexual and reproductive health in Colombia.

Chile: Data on femicide gathered by the Chilean Network against Domestic and Sexual Violence.

Dominican Republic: National Demographic and Health Survey (ENDESA, 2002).

Ecuador: National Demographic, Maternal and Infant Health Survey (ENDEMAIN, 2004) where data were collected on intrafamily violence on a national level. In total, 9,576 Ecuadorian women aged between 15 and 49 responded to the questions on violence.

Haiti: Survey on Mortality, Morbidity and Use of Services (EMMUS-III, 2000 and EMMUS-IV, 2005/2006): EMMUS are applied periodically by the Haitian Children's Institute (IHE) and include a module that is one of the main sources of specific information on the situation of women in Haiti.

Mexico: National Survey on the Dynamics of Household Relationships (ENDIREH, 2003), applied by the National Institute of Statistics, Geography and Informatics (INEGI).

Peru: National Demographic and Family Health Survey (ENDES, 2004).

Puerto Rico: Statistics of the year 2005 from the Office of the Women's Ombudsman on femicides.

Annex 2

Laws on violence against women

Country	Laws
Argentina (national level only)	Decreto sobre acoso sexual en la administración pública (1993) Ley de protección contra la violencia familiar (Nº 24.417) (1994) Ley de aprobación de la Convención interamericana para prevenir, sancionar y erradicar la violencia contra la mujer (Convención de Belem do Pará) (Nº 24.632) (1996) Decreto 254/1998. Reglamenta la Ley Nº 24.632 y aprueba el Plan para la igualdad de oportunidades entre varones y mujeres en el mundo laboral (1998) Ley de modificación del Código Penal (Nº 25.087) (1999) Ley de violencia contra la mujer (Nº 25.632) Ratificación de la Convención contra la Delincuencia Organizada Transnacional y el Protocolo para reprimir y sancionar la trata de personas, especialmente mujeres y niños (2002) Proyecto de ley de modificación del Código Penal penando el acoso sexual en el trabajo que ha sido aprobado por el Senado (2007)
Bolivia	Ley contra la violencia en la familia o doméstica (Nº 1.674) (1995) Ley de modificación al Código Penal sobre delitos de violencia sexual (1997) Ley 2033 de protección a víctimas de delitos contra la libertad sexual (1999)
Brazil	Constituição Federal Art 7º XXX, proibição de diferença de salários, de exercício de funções e de critério de admissão por motivo de sexo, idade, cor ou estado civil Constituição Federal Art 226 § 5º, os direitos e deveres referentes à sociedade conjugal são exercidos igualmente pelo homem e pela mulher Constituição Federal Art 226 § 8º, o Estado assegurará a assistência à família na pessoa de cada um dos que a integram, criando mecanismos para coibir a violência no âmbito de suas relações Decreto legislativo 107, aprova o texto da Convenção Interamericana para Prevenir, Punir e Erradicar a Violência contra a mulher assinada em Belém-Pará (1994) Lei Nº 9.029, proíbe a exigência de atestados de gravidez e esterilização, e outras práticas discriminatórias, para efeitos admissionais ou de permanência da relação jurídica de trabalho, e dá outras providências (1995) Lei Nº 10.224, altera o Decreto-Lei nº 2.848, de 7 de dezembro de 1940 – Código Penal, para dispor sobre o crime de assédio sexual e dá outras providências (2001) Lei 10.778, estabelece a notificação compulsória, no território nacional, do caso de violência contra a mulher que for atendida em serviços de saúde públicos ou privados, de 24 de novembro de 2003. Lei Nº 10.886, acrescenta parágrafos ao art. 129 do Decreto-Lei nº 2.848, criando o tipo especial denominado "Violência Doméstica".(2004) Lei Nº11.340, cria mecanismos para coibir a violência doméstica e familiar contra a mulher (2006)
Chile	Ley sobre violencia Intrafamiliar (Nº 19.325) (1994) Ley que modifica el Código Penal en materia de delitos sexuales (Nº 19.617) (1999) Ley de creación de los Tribunales de Familia (Nº 19.968) (2004) Ley de acoso sexual (Nº 20.005) (2005) Ley de violencia intrafamiliar Nº 20.066 (2005) (reemplaza Ley Nº 19.325)
Colombia	Ley que aprueba la Convención interamericana para prevenir, sancionar y erradicar la violencia contra la mujer (Convención de Belem do Pará) (Nº 248) (1995) Ley para prevenir, remediar y sancionar la violencia intrafamiliar (Nº 294) (1996) Ley de delitos contra la libertad sexual y la dignidad humana (nº 360) (1997) Ley que modifica parcialmente la Ley 294 (Nº 575) (2000). Ley de actualización del código penal (Nº 599) (2000) sobre violencia contra la mujer, violencia sexual y violencia intrafamiliar doméstica Ley Código de Procedimiento Penal (Nº 600) (2000) Ley que modifica normas relativas la conciliación (Nº 640) (2001) Ley que aprueba Protocolo facultativo de la Convención sobre los Derechos del Niño (Nº 765) (2002) Ley que aprueba el Estatuto de Roma de la Corte Penal Internacional de 1998 (Nº 742) (2002). Ley de reformas y adiciones al código penal (Nº 747) (2002) sobre la ampliación del delito de trata de personas Ley de aumento de pena para el delito de violencia intrafamiliar (Nº 882) (2004) Ley de medidas especiales que garantizan la verdad, la justicia y la reparación en los procesos de reincorporación de los grupos armados organizados al margen de la ley y otras disposiciones (Nº 975) (2005). Ley de medidas contra la trata de personas y normas para la atención y protección de las víctimas (Nº 985) (2005). Ley que regula y sanciona conductas constitutivas de acoso laboral, entre las cuales se encuentra el acoso sexual (Nº1010) (2006).
Costa Rica	Ley de promoción de la igualdad social de la mujer (Nº 7142) (1990) Ley contra hostigamiento sexual en el empleo y la docencia (Nº 7.446) (1995)

Country	Laws
	Ley contra la violencia doméstica (Nº 7.586) (1996) Ley contra la explotación sexual comercial de personas menores de edad (Nº 7.599) (1999) Ley de penalización de la violencia contra las mujeres (2007)
Cuba	No hay normas legales sobre violencia doméstica. Se aplica el delito de agresión del Código Penal
Dominican Republic	Ley contra la violencia intrafamiliar (Nº 94-97) Propuesta de reforma al Código Civil que propone - entre otros - que la violencia de género sea una causa del divorcio (2007) La Oficina Nacional de Estadísticas ha incluido el término “feminicidio” en las estadísticas oficiales
Ecuador	Ley contra la violencia a la mujer y la familia (Nº 103) (1995) Ley que reforma la Ley Orgánica de la Función Judicial (1997) Resolución Nº 10.697 del Tribunal Constitucional (1997) en que se declara la inconstitucionalidad del primer párrafo del Artículo 516 del Código Penal que sancionaba la homosexualidad y suspende sus efectos Ley de enmiendas al Código Penal en delitos de violencia sexual (Nº 105) (1998). Ley que reforma el Código Penal en materia de delitos sexuales (Nº 106) (1998) Decreto Ejecutivo del Presidente de la República (Nº 1981) (2004), que declara como política prioritaria del Estado el combate al plagio de personas, tráfico ilegal de migrantes, explotación sexual y laboral y otros modos de explotación y prostitución de mujeres, niños, niñas y adolescentes, pornografía infantil y corrupción de menores Reforma del Código Penal para incorporar nuevas conductas punibles que constituyen violencia de género como la explotación sexual, el abuso sexual, la pornografía infantil entre otros (2005)
El Salvador	Ley contra la violencia intrafamiliar (Decreto Nº 902) (1996) Reforma del Código Penal (Decreto Nº 1030) (1998).
Guatemala	Ley para prevenir, sancionar y erradicar la violencia familiar (Decreto Nº 97-96) (1996). Decreto que contempla entre los delitos de acción pública “dependientes de instancia de parte” el estupro, el incesto, los abusos deshonestos y la violación de menores de 18 años (Nº 79-97) (1997) Ley de dignificación y promoción integral de la mujer (1999) Reglamento para operativizar la ley de violencia familiar (Decreto 831 y 868) (2000) Decreto Ley de reforma al Código Penal (Nº 57) (2002) sobre el delito de discriminación Decreto que reforma el artículo 194 del Código Penal (2005) sobre el delito de trata de personas Iniciativa de ley para regular la protección de la vida y la integridad de las mujeres, garantizar su seguridad y su derecho a una vida libre de violencia, la tipificación del delito de feminicidio, y reformar el Código Penal para la misoginia entre las agravantes (Nº3503-2007) Iniciativa de Ley Contra el Acoso y Hostigamiento Sexual (Nº3566) (pendiente de dictamen), Los acuerdos de paz contemplaron que se incluya el acoso sexual como delito y considerarlo agravado cuando la víctima sea mujer indígena
Honduras	Ley para la prevención, sanción y erradicación de la violencia contra la mujer (Decreto Nº 132-97) (1997). Enmienda al Código Penal (1997) sobre los delitos de violencia sexual Ley contra la violencia doméstica (1998) Reformas a 25 artículos de la Ley contra la violencia doméstica (1998) Decreto Ley de igualdad de oportunidades para la mujer (Nº 34-2000) (2000)
Mexico	Reforma al Código Penal (1989) para incrementar la sanción para el delito de violación Código Penal del Distrito Federal (1990) sobre el hostigamiento sexual Ley de asistencia y prevención de la violencia intrafamiliar (1996) Decreto para reformar el Código Civil y el Código Penal con referencia a la violencia intrafamiliar y la violación (1997) Ley para prevenir y sancionar la trata de personas (2005) Ley general de acceso de las mujeres a una vida libre de violencia (2007), en cumplimiento de la cual se suscribió el acuerdo de instalación del Sistema Nacional para Prevenir, Atender, Sancionar y Erradicar la Violencia Contra las Mujeres (abril de 2007)
Nicaragua	Ley de reformas y adiciones al Código penal (1996) Ley de creación de la comisaría de la mujer y la niñez expresada en la Ley orgánica de la policía nacional (1996) Ley para la prevención y sanción de la violencia intrafamiliar (Nº 230) (1996)
Panama	Ley sobre delitos de violencia intrafamiliar y maltrato de menores (Nº 27) (1995) Ley de igualdad de oportunidades para la mujer (Nº 4) (1999) Ley que reforma y adiciona artículos al Código Penal y Judicial sobre violencia doméstica y maltrato al niño, niña y adolescentes (Nº 38) (2001) Ley que dicta disposiciones para la prevención y tipificación de delitos contra la integridad y la libertad sexual (Nº 16) (2004) Reformas al código penal en relación a los delitos sexuales, homicidios y violencia doméstica (2007).
Paraguay	Reforma al Código Penal, por medio de la cual el acoso sexual quedó tipificado como delito (1998) Ley contra la violencia doméstica (Nº 1600/00) (2000)

Country	Laws
	Proyecto de modificación de la Ley del Código Penal y Procesal Penal, en relación al acoso sexual y la violencia doméstica (física, psicológica y económica) (en el Parlamento)
Peru	Nuevo Código Penal. Modifica el tratamiento a delitos de violencia sexual (1991) Ley sobre la política del Estado y la sociedad frente a la violencia familiar (Nº 26.260) (1993) Ley que reforma el Código Penal para considerar que la acción penal en los delitos contra la libertad sexual no se extingue por matrimonio (Nº 26.770) (1997) Ley que modifica la Ley Nº 26.260 (Nº 26.763) (1997) para ampliar los tipos de violencia Ley que establece la acción penal pública en los delitos contra la libertad sexual (Nº 27.115) (1999) Ley que modifica artículos del Código de los Niños y Adolescentes y del Código de Procedimientos Penales, derechos de las víctimas de violencia sexual (Nº 27055) (1999). Ley que modifica el Texto Único Ordenado de la Ley 26260 (Nº 27.306) (2000) Ley de prevención contra el hostigamiento sexual (Nº 27.942) (2003)
Uruguay	Ley de seguridad ciudadana (Nº 16.707) (1995). Incorpora al Código Penal el delito de violencia doméstica Ley de igualdad de trato y oportunidades y su decreto reglamentario (1997) Ley de prevención, detección temprana, atención y erradicación de la violencia doméstica (Nº 17.514) (2002) Ley de aprobación del Estatuto de Roma de la Corte Penal Internacional (Nº 17.510) (2002) Ley que faculta a la Suprema Corte de Justicia a transformar los Juzgados letrados de Primera instancia de Familia de la Capital en Juzgados letrados de Primera instancia de Familia con especialización en violencia doméstica (Nº 17.707) (2003) Ley que tipifica figuras penales relativas a la violencia sexual comercial o no comercial cometidas contra menores de edad o personas mayores de edad incapaces (Nº 17.815) (2004) Aprobación de la Convención de las Naciones Unidas contra la delincuencia organizada transnacional y sus protocolos complementarios para prevenir, reprimir y sancionar la trata de personas, especialmente mujeres y niños y contra el tráfico ilícito de migrantes por tierra o por aire (Nº 17.861) (2004) Ley que deroga el art. 116 del Código Penal "Extinción de determinados delitos por matrimonio del ofensor con la ofendida" (Nº 17.938) (2005)
Venezuela (Bolivarian Republic of)	Ley sobre la violencia contra la mujer y la familia (1998) Ley de igualdad de oportunidades para la mujer (1999) Ley Orgánica sobre el derecho de las mujeres a una vida libre de violencia (2006)
The Caribbean	
Anguilla	Domestic Violence Act reform (1996)
Antigua and Barbuda	Sexual Offences Act (1995) Domestic Violence Legislation (1999)
Aruba	Amendments to criminal law provisions on sexual offences (2003).
Bahamas	Sexual Offences and Domestic Violence Act (1991)
Barbados	Domestic Violence (Protection Orders) Act (1992) Sexual Offences Act (1992)
Belize	Domestic Violence Act (1992) Protection Against Sexual Harassment Act (1996) Domestic Violence Bill (2007)
British Virgin Islands	Domestic Violence Act (1995)
Dominica	Offences Against the Person Act (Capítulo 10:31 de 1990) Sexual Offences Act (1992) Domestic Violence Bill (Nº 77586) (1996) Sexual Offences Act (1998) Domestic Violence (Amendment) Act (2002).
Guyana	Equal Rights Act (No. 19) (1990) Domestic Violence Act (1996) Prevention of Discrimination Act (Nº 26) (1997) Criminal Law (Offences) Act (Capítulo 8:01) Combating of Trafficking in Persons Act No. 2 (2005)
Haiti	Décret modifiant le régime des agressions sexuelles et éliminant en la matière les discriminations contre la femme (2005)
Jamaica	Domestic Violence Act (1989) Domestic Violence Act (1996) Domestic Violence (Amendment) Act (2004) Project of Anti-Sexual Harassment Bill (2007) Trafficking in Persons Bill (2007)
Netherlands Antilles	Rape within marriage is considered a criminal offence (1999)

Country	Laws
Puerto Rico	Ley que elimina la evidencia de conducta previa o historial sexual de la perjudicada en caso de violación (Nº 6) (1979). Añadió la Regla 154 de Procedimiento Criminal. Ley de hostigamiento Sexual en el Empleo (Nº 17) (1988) Ley Prevención e Intervención en Violencia Doméstica (Nº 54) (1989) Ley de enmienda de la Regla 154 de Procedimiento Criminal (Nº 123) (1994) Ley de Creación del Registro de Personas Convictas por Delitos Sexuales Violentos y Abuso contra Menores (Nº 28) (1997). Ley de Enmienda del Código Penal (Nº 2) (1998) Ley de Hostigamiento Sexual en las Instituciones de Enseñanza (Nº 3) (1998) Ley de Enmienda las reglas de evidencia (Nº 16) (1998) Ley que incluye Artículo 142 y 146 del Código Penal sobre Agresión Sexual y Acoso Sexual respectivamente (Nº 149) (2004) Inauguración de la primera Sala Especializada de Violencia Doméstica del Tribunal Supremo (2007)
Saint Kitts and Nevis	Domestic Violence Act (2000) Domestic Violence (Amendment) Act (2005)
Saint Lucia	Domestic Violence Act (1994) Equality of Opportunity and Treatment in Employment and Occupation Act (2003)
Saint Vincent and the Grenadines	Domestic Violence and Matrimonial Proceedings Act (1984) Domestic Violence (Summary Proceedings) Act (1995)
Suriname	Draft Penal Code reform relating to violence against women and sexual harassment at work (2007)
Trinidad and Tobago	Sexual Offences Act No 27 (1986) Domestic Violence Act (1991) Domestic Violence Act (Nº 10) (1999) Sexual Offences Act No 31 (2000) Equal Opportunities Act (2000)

Sources: Inter-American Commission of Women, 'Legislación sobre violencia en los Estados miembros' [on line] <http://oas.org/CIM/Spanish/LeyesdeViolencia.htm>; Latin American and Caribbean Committee for the Defence of Women's Rights (CLADEM) [on line] http://www.cladem.org/espanol/regionales/monitoreo_convenios/ddhhbrasil.asp; Presidency of the Federative Republic of Brazil [on line] <http://www.presidencia.gov.br/legislacao/>; Presidential Office for Legal Affairs [on line] https://www.planalto.gov.br/ccivil_03/_Ato2004-2006/2004/Lei/L10.886.htm; Government of Chile [on line] http://www.gobiernodechile.cl/actualidad_legislativa/julio_septiembre2004.asp y http://www.bcn.cl/actualidad_legislativa/temas_portada.2005-10-20.9048178957; Government of Ecuador, Ministry of the Exterior, Press Bulletin, Nº 023, Quito, 21 January 2005 [on line] <http://www.mmrree.gov.ec/mre/documentos/novedades/boletines/ano2005/enero/bol023.htm>; information provided by the Inter-American Institute of Human Rights dated 18 April 2007; Mujeres hoy [on line] <http://www.mujereshoy.com/secciones/3496.shtml> and Inter-American Commission of Women, 'Legislación sobre violencia en los Estados miembros' [on line] <http://oas.org/CIM/Spanish/LeyesdeViolencia.htm>; Report of the Dominican Republic at the 39th meeting of the Board of Presiding Officers of the Regional Conference on Women in Latin America and the Caribbean, May 2006 [on line] <http://www.eclac.cl/mujer/noticias/noticias/1/24331/RepublicaDominicana.pdf>; L. Rioseco, 'Buenas prácticas para la erradicación de la violencia doméstica en la región de América Latina y el Caribe', Mujer y desarrollo series, No. 75 (LC/L.2391-P/E), Economic Commission for Latin America and the Caribbean (ECLAC), 2005, p. 70; national reports presented by Belize, Brazil, Colombia, the Dominican Republic, Ecuador, Guatemala, Jamaica, Mexico, Panama, Paraguay, Puerto Rico, Saint Kitts and Nevis and Suriname at the Tenth Regional Conference on Women, august 2007 [on line]: <http://www.eclac.cl/cgi-bin/getprod.asp?xml=/mujer/noticias/paginas/4/29404/P29404.xml&xsl=/mujer/tpl/p18f-st.xsl&base=/mujer/tpl/top-bottom.xsl>].

Annex 3

Plans and programmes against violence⁹⁷

Region/Country	Existing	Responsible Body	Participants in the coordination	Components	Origin of Budget	Main Difficulties
LATIN AMERICA						
Argentina National	Yes	National Council for Women (CNM), provincial and municipal women's areas and civil society organizations	Women's Office: CNM	Prevention, control and training, dissemination and awareness-raising and research	State, cooperation agencies, international organizations	No response
Local or regional	No					
Brazil National ⁹⁸	Yes	Health, Justice, Police, Education sectors and Women's Office	Special Secretariat for Women's Policy	Prevention, control and training, dissemination and awareness-raising, welfare and research ⁹⁹	State (26 States, the Federal District and 5,561 municipal areas)	Scarcity of resources, insufficient funding, lack of follow-up and evaluation mechanisms for plans and programmes ¹⁰⁰
Local or regional	Yes	Health, Justice, Police, Education sectors and Women's Office	Health, Justice, Police, Education sectors and Women's Office	Prevention, control and training, dissemination and awareness-raising, welfare and research and justice		
Chile National ¹⁰¹	Yes	National Women's Service (SERNAM)	Health, Justice, Police, Education sectors and Women's Office	Prevention, dissemination and awareness-raising, and psycho-social care for women victims of violence from their partner (spouse or live in partner) through 29 women's centres	State The greatest percentage of the budget is assigned to care services (29 centres)	

⁹⁷ According to information received up until 10 January 2006.

⁹⁸ Brazil: It is important to state that the actions undertaken as part of the national policy to confront violence against women in Brazil are under the control of two Ministries responsible for the area. Coordination of the Policy is the responsibility of the Special Secretariat for Women's Policy (Secretaria Especial de Políticas para as Mulheres).

⁹⁹ Brazil: Other: Justice in National Policy. One of the priorities of the Special Secretariat for Women's Policy is to guarantee access to justice for women victims of violence, with the creation of Public Attorneys for Women.

¹⁰⁰ Brazil: Great difficulties are posed by the size of the area covered by national territory, regional economic disparities, the diversity in socio-cultural settings and the administrative and political structure of a federation composed of 26 States, the Federal District and 5,561 municipal authorities. Special mention must be made of the resulting limitations of power in federal, state and municipal spheres.

¹⁰¹ Chile: The information provided refers to the SERNAM national programme for intrafamily violence prevention, which is applied in the 13 regions of the country and which has two types of intervention: attention (through 29 Women's Centres) and promotion and prevention, which are carried out fundamentally by using a strategy of inter-sectoral coordination. The Ministry of Health also runs a Programme that is being applied initially in 30 primary care centres.

Region/Country	Existing	Responsible Body	Participants in the coordination	Components	Origin of Budget	Main Difficulties
Local or regional ¹⁰²	Yes	At regional level, the regional departments of SERNAM; at local level, these regional departments establish cooperation agreements with municipal authorities, health services and NGOs amongst others	Health, Justice, Police sectors, Women's Office / municipal authorities, NGOs	Prevention, dissemination and awareness-raising, attention	The greatest percentage of the budget is assigned to the attention services (29 centres)	Insufficient funding, Lack of continuity of programmes, lack of follow-up and evaluation mechanisms for plans and programmes / Others: Budget has to be negotiated every two years; in inter-sectoral cooperation, it is difficult to prompt other sectors to assume the conceptual framework of Gender Violence'
Colombia National	Yes	Colombian Family Welfare Institute	Health, Justice, Police, Educational sectors and Women's office / Family Welfare, control organisms, Mayors' Offices, and Governors' Offices	Prevention, control and training, dissemination and awareness-raising	State, cooperation agencies, international organizations	Insufficient funding and lack of continuity of programmes
Local or regional	Yes	Justice sector / local governments, Mayors' Offices and Governors' Offices	Justice and police sectors / Local Family Welfare Offices, Mayors' Offices and Governors' Offices	Prevention, control and training, dissemination and awareness-raising	State and cooperation agencies	
Costa Rica National	Yes	Women's Office	Health, Justice, Police, Educational sectors and Women's Office / sectors of Employment, Children and Adolescents, non-governmental organizations, Disability, Senior Citizens, Culture, social services	Prevention, control and training, dissemination and awareness-raising, welfare	State	Scarcity of resources and insufficient funding
Local or regional	Yes	Women's Office, local networks against violence together with aforementioned institutions, as well as community groups and organizations	Health, Justice, Police, Educational sectors and Women's Office / municipal authorities, non governmental organizations, women's groups	Prevention, control and training, dissemination and awareness-raising, welfare	State	
El Salvador	Yes	Salvadoran Institute for the Advancement of Women (ISDEMU)	Health, Justice, economic and political sectors / through an inter-institutional agreement ,	Prevention, control and training, dissemination and awareness-raising, welfare, research and inter-institutional	State	Unsatisfied demand of part of the population which is not covered.

¹⁰² Chile: These programmes are an extension of the National Programme across the country.

Region/Country	Existing	Responsible Body	Participants in the coordination	Components	Origin of Budget	Main Difficulties
			also participate the Ministries of National Defence, Governance, Agriculture and Livestock, Employment and Welfare, Attorney General's Office, Public Prosecutors' Office, Salvadoran Institute for Municipal Development, Salvadoran Institute for the Integral Development of Children and Adolescents, Salvadoran Social Security Institute, Salvadoran Red Cross, Inter-American Commission of Women (CIM-OAS).	coordination		Scarcity of resources and insufficient funding.
Local o regional	Yes	Salvadoran Institute for the Development of Women (ISDEMU)	Same entities such as those mentioned at national level	Prevention, control and training, dissemination and awareness-raising, welfare	Ibid	
Guatemala	Yes	Health, Justice, Police, Education sectors and Women's office	Presidential Secretariat for Women	Prevention, control and training, dissemination and awareness-raising, welfare, research and others	State with specific support from International cooperation	Scarcity of resources, Insufficient funding, lack of continuity of programmes, lack of follow up and evaluation mechanisms for plans and programmes / Others: 'Lack of awareness of the human rights of women and the prevalence of the patriarchal culture model'
Honduras National	Yes ¹⁰³	Health, Education, Police sectors / monitored by the National Institute for Women (INAM)	Health, Education and Police sectors / monitored by the National Institute for Women (INAM)	Prevention, control and training and research / detection, prevention, attention, legislation, information and evaluation and research	State and cooperation agencies	
Local o regional	No	Each of the sectors will execute the corresponding actions in their geographical areas				

¹⁰³ Honduras: The National Plan addressing Violence against Women was adopted after information was received from the government on plans and programmes against violence (see note 97).

Region/Country	Existing	Responsible Body	Participants in the coordination	Components	Origin of Budget	Main Difficulties
Mexico National	Yes	National Institute of Women (INMUJERES)	Health, Justice, Police, Educational sectors, INMUJERES, various entities in the executive power and the Senate Commission on Equity and Gender	Prevention, dissemination and awareness-raising, research / attention, detection, regulation, communication and institutional links, coordination and links with civil society, information and evaluation, follow-up to the Convention of Belém do Pará	State	Unsatisfied demand, scarcity of resources, insufficient funding and lack of federal support to State entities
Local or regional	Yes	Health, Justice, Police and Educational sectors, State Council for Prevention and Attention to Family Violence / Social Development Council	Health, Justice and Educational sectors, Women's office and civil society representatives	Prevention, dissemination and awareness-raising, research, institutional detection	State	
Uruguay National	Yes	National Advisory Council on the Fight against Domestic Violence	Applied by the Health, Education and Police sectors and monitored by the National Women's Institute (INAMU) / Civil Society Organizations working on issues of domestic violence, the National Institute for Adolescents and Children (INAU), the Congress of mayors presided over by INAMU	Prevention, control and training, dissemination and awareness-raising	Cooperation agencies and international organizations	Unsatisfied demand, scarcity of resources, insufficient funding and lack of continuity of programmes.
Local or regional	Yes	Women's Office and municipal authorities of Montevideo	Health, Justice and Police sectors	Prevention, control and training, dissemination and awareness-raising, welfare	State (municipal authorities of Montevideo and Departmental Women's Commissaries)	
Venezuela (Bolivarian Republic of) National	Yes	National Institute for Women (INAMUJER)	Health, Justice, Police, Education sectors and Women's Office	Prevention, control and training, dissemination and awareness-raising	State and NGOs	Lack of follow up and evaluation mechanisms for the plans and programmes
Local or regional	Yes	National Institute for Women (INAMUJER)	Health, Justice, Police, Education sectors and Women's Office	Prevention, dissemination and awareness-raising, welfare	State	

Region/Country	Existing	Responsible Body	Participants in the coordination	Components	Origin of Budget	Main Difficulties
CARIBBEAN						
Aruba National	Yes	Justice sector	Police sector, the non-governmental organization 'Foundation for women in distress'	Prevention and assistance	State and private sector	Insufficient financing, discontinuation of programmes, lack of mechanisms for monitoring and evaluation of plans and programmes and 'lack of staff'
Local or regional	No					
Barbados National	No					Scarcity of resources, Insufficient funding, lack of mechanisms for monitoring and evaluation of plans and programmes
Local or regional	Yes	NGOs		Welfare	State, International organizations, NGOs	
Belize National	Yes	Women's Office	Health, Justice and Police sectors and National Women's Commission	Prevention, control and training, dissemination and awareness-raising	State	Lack of resources (specialists and/or infrastructure) and insufficient financing
Local or regional	Yes	Women's Office	Health, Justice and Police sectors and National Women's Commission	Prevention, control and training, dissemination and conscious awareness	State and NGOs	
Dominica¹⁰⁴ National	No	National Council for Women	Health, Justice, Police and Educational sectors, Women's office, NGOs and religious organizations	Prevention, dissemination, awareness-raising and research	State, international organizations	Unsatisfied demand, scarcity of resources, insufficient funding, Lack of mechanisms for monitoring and evaluation of plans and programmes
Local or regional	No	Health, Justice, Police and Education sectors	Health, Justice, Police, Education sectors and Department for Women	Control and training, dissemination and awareness-raising and research	State, international organizations	
Puerto Rico National	Yes	Office of Women's Ombudsman	Health, Justice, Police, Educational sectors and Women's Office / Housing Department, Family Department	Prevention, control and training, dissemination and awareness-raising, welfare, research and economic development	State and Federal Government	Insufficient funding / Others: 'Despite us being successful in the process of the approval of laws, there is still great resistance from the government officials (police, judges and

¹⁰⁴ The information supplied came from a two-year project on policies, laws and programmes on Violence against Women funded by UNIFEM and due to begin after the survey. On a local level, occasional activities are implemented by bodies like UNIFEM as part of a more general programme of activities.

Region/Country	Existing	Responsible Body	Participants in the coordination	Components	Origin of Budget	Main Difficulties
						public prosecutors amongst others) in the fulfilment of the laws and public policies currently in place'
Regional	No					
Saint Kitts and Nevis National	Yes	Bureau of Women's Affairs: Department of Gender Affairs	Health, Justice, Police, Education sectors and Bureau for Women's Affairs	Prevention, control and training, dissemination and awareness-raising, welfare	State and Cooperation agencies	Lack of follow up and evaluation mechanisms for the plans and programmes
Local or regional	Yes	Bureau of Women's Affairs	Bureau of Women's Affairs	Prevention, control and training, dissemination and awareness-raising	International organizations	

Annex 4

International human rights instruments related to fighting violence against women

At global level, various international instruments have been adopted that are divided between declarations and legally binding treaties which embody recommendations and obligations to overcome violence against women. These instruments have served as a basis for the formulation of legislation as well as national and regional plans. The following list enumerates the main instruments in the chronological order of their adoption by the international community:

1. Universal Declarations, Programmes of Action and Regional Agreements

- Universal Declaration of Human Rights, adopted and proclaimed by General Assembly resolution 217 (A) (III) of 10 December 1948, <http://www.unhchr.ch/udhr/lang/eng.htm>
- Declaration on the Elimination of Discrimination against Women, adopted and proclaimed by General Assembly resolution 2263(XXII) of 7 November 1967, <http://www.un.org/womenwatch/daw/cedaw/index.html>.
- Vienna Declaration and Programme of Action adopted by the by the World Conference on Human Rights held in Vienna (Austria) from 14 to 25 June 1993, [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23).
- Declaration on the Elimination of Violence against Women, adopted and proclaimed by General Assembly resolution 48/104 of 20 December 1993, http://www.ohchr.org/english/law/elimination_vaw.htm.
- Programme of Action of the United Nations International Conference on Population and Development, adopted at the Conference held in Cairo, Egypt, from 5 to 13 September 1994, <http://www.iisd.ca/Cairo/program/p00000.html>.
- Regional programme of action for the women of Latin America and the Caribbean, that was adopted by the member States during the sixth session of the Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean, held at Mar del Plata, Argentina, from 25 to 29 September 1994, <http://www.eclac.cl/publicaciones/xml/0/4710/index.htm>.
- Beijing Declaration and Platform for Action adopted by Fourth World Conference on Women held in Beijing, China, from 4 to 15 September 1995 in Beijing (China), <http://www.un.org/womenwatch/daw/beijing/platform/index.html>.
- Santiago Consensus, adopted at the Seventh Session of the Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean, held at Santiago, Chile, from 19 to 21 November 1997, <http://www.eclac.cl/publicaciones/xml/8/4968/ddr8i.pdf>.
- Lima Consensus adopted at the Eighth session of the Regional Conference on Women in Latin America and the Caribbean, held in Lima, Peru, from 8 to 10 February 2000, <http://www.eclac.cl/cgi-bin/getprod.asp?xml=/mujer/noticias/discursos/7/7277/P7277.xml&xsl=/mujer/tpl/p4f.xsl&base=/mujer/tpl/top-bottom.xsl>.

- Further actions and initiatives to implement the Beijing Declaration and Platform of Action, adopted by the General Assembly at its twenty-third special session on 10 June 2000, <http://www.un.org/womenwatch/daw/followup/ress233e.pdf>.
- United Nations Millennium Declaration adopted by the General Assembly resolution 55/2 of 8 September 2000, <http://www.ohchr.org/english/law/millennium.htm>.
- Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, adopted by the Conference held in Durban, South Africa, from 31 August to 7 September 2001, <http://www.un.org/WCAR/durban.pdf>.
- Plan of Implementation of the World Summit on Sustainable Development adopted at the Summit held in Johannesburg, South Africa from 26 August to 4 September 2002, http://www.un.org/esa/sustdev/documents/WSSD_POI_PD/English/WSSD_PlanImpl.pdf.
- Mexico Consensus, adopted at the Ninth session of the Regional Conference on Women in Latin America and the Caribbean, held in Mexico, D.F. in 2004, <http://www.eclac.cl/publicaciones/xml/1/15201/lcl2256i.pdf>.
- United Nations World Summit, held 14 - 16 September 2005, <http://unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN021752.pdf>.
- Quito Consensus, adopted at the Tenth session of the Regional Conference on Women in Latin America and the Caribbean, held in Quito, Ecuador, from 6 to 9 August 2007, <http://www.eclac.cl/publicaciones/xml/5/29555/dsc1i.pdf>.

2. Legally Binding International Treaties

- International Convention on the Elimination of All Forms of Racial Discrimination, adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965 (entry into force: 4 January 1969), <http://www.ohchr.org/english/law/icerd.htm>.
- International Covenant on Economic, Social and Cultural Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 (entry into force: 3 January 1976), <http://www.ohchr.org/english/law/cescr.htm>.
- International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 (entry into force: 23 March 1976) and its Optional Protocol, <http://www.ohchr.org/english/law/ccpr.htm> and <http://www.ohchr.org/english/law/ccpr-one.htm>.
- American Convention on Human Rights signed at the Inter-American Specialized Conference on Human Rights, San José, Costa Rica, on 22 November 1969 and its Additional Protocol in the Area of Economic, Social and Cultural Rights, http://www.hrcr.org/docs/American_Convention/oashr.html and <http://www.oas.org/juridico/english/Treaties/a-52.html>.
- Convention on the Elimination of All Forms of Discrimination against Women approved and opened to signature and ratification, or ratification, accession or succession, adopted by the General Assembly in its resolution 34/180 on 18 December 1979 (entry into force: 3 September 1981); recommendation N° 19 of the Committee on the Elimination of Discrimination against Women (CEDAW), published in 1992, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>, <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#rec19>, and <http://daccessdds.un.org/doc/UNDOC/GEN/N99/774/73/PDF/N9977473.pdf?OpenElement>.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 (entry into force: 26 June 1987), <http://www.ohchr.org/english/law/cat.htm>.

- Indigenous and Tribal Peoples Convention (Nº 169) adopted on 27 June 1989 by the General Conference of the International Labour Organisation at its seventy-sixth session (entry into force: 5 September 1991), <http://www.ohchr.org/english/law/indigenous.htm>
- Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 (entry into force: 2 September 1990), <http://www.ohchr.org/english/law/crc.htm>.
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by General Assembly resolution 45/158 of 18 December 1990 (entry into force in the year 2003), <http://www.ohchr.org/english/law/cmw.htm>
- Inter-American Convention on International Trafficking in Minors adopted at Mexico, D.F., Mexico, on March 18, 1994, at the Fifth Inter-American Specialized Conference on Private International Law (CIDIP-V), http://www.unicri.it/wwd/trafficking/legal_framework/docs/inter_american_convention_on_international_traffic_of_minors.pdf.
- Inter-American Convention on the prevention, punishment and eradication of violence against women, adopted by the General Assembly of the Organization of American States on June 1994 at Belém do Pará (Brasil), <http://www.oas.org/cim/English/About.htm>.
- Rome Statute of the International Criminal Court, adopted at the Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, held in Rome, Italy, from 15 June to 17 July 1998, [http://www.un.org/law/icc/statute/english/rome_statute\(e\).pdf](http://www.un.org/law/icc/statute/english/rome_statute(e).pdf).
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted by General Assembly resolution A/RES/54/263 of 25 May 2000 (entry into force on 18 January 2002), <http://www.ohchr.org/english/law/crc-sale.htm>.
- Resolution 1325 (2000) adopted by the Security Council at its 4213th meeting, on 31 October 2000, http://www.un.org/events/res_1325e.pdf.
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2003), opened for signature in Palermo, Italy in December 2000 (entry into force in 2003), http://www.unodc.org/unodc/en/trafficking_protocol.html

Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of information from the United Nations Development Fund for (UNIFEM), the United Nations Population Fund (UNFPA) and the Office of the High Commissioner for Human Rights (UNOHCHR).