

Access to justice for women and girls in Latin America and the Caribbean

Regional consultation prior to the seventieth session of the Commission on the Status of Women, held within the framework of the sixty-seventh Meeting of the Presiding Officers of the Regional Conference on Women in Latin America and the Caribbean

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This document was prepared jointly by the Regional Office for the Americas and the Caribbean of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), under the leadership of Bibiana Aido, and the Division for Gender Affairs of the Economic Commission for Latin America and the Caribbean (ECLAC), under the leadership of Ana Gúezmes García. The preparation of the document was coordinated by Leah Tandeter, Policy Specialist on Ending Violence against Women at the UN Women Regional Office for the Americas and the Caribbean, with the collaboration of María Florencia Sotelo, Policy Analyst on Ending Violence against Women, Barbara Ortiz, Programme Specialist at the same Office, and Diana Rodríguez, Social Affairs Officer in the Division for Gender Affairs of ECLAC, with the collaboration of Marisa Weinstein, Research Assistant in the same Division. Gabriela Kletzel and Laura Toker, consultants in the UN Women Regional Office for the Americas and the Caribbean, also contributed in the preparation of the document.

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This document brings together the contributions from the region arising from the regional consultation prior to the seventieth session of the Commission on the Status of Women, whose priority theme is: "Ensuring and strengthening access to justice for all women and girls, including by promoting inclusive and equitable legal systems, eliminating discriminatory laws, policies and practices, and addressing structural barriers."

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I.

Introduction

This document has been prepared as part of the process leading up to the seventieth session of the Commission on the Status of Women (CSW70), whose priority theme is ensuring and strengthening access to justice for all women and girls. The report contributes to regional and global debates with information on progress, obstacles, and trends in Latin American and Caribbean countries, and the contributions of the special regional consultation session prior to the seventieth session of the Commission on the Status of Women, which was held within the framework of the sixty-seventh Meeting of the Executive Committee of the Regional Conference on Women in Latin America and the Caribbean.¹

More than thirty years after the adoption of the Beijing Declaration and Platform for Action, the commitments relating to equality before the law and access to justice remain fully valid. The Platform recognized, in line with international human rights law, access to justice as a fundamental right and a condition for substantive equality, urging the elimination of discriminatory laws, the strengthening of judicial institutions, the guarantee of effective legal assistance, and the assurance of mechanisms for redress and protection. Three decades later, despite progress, significant structural gaps and institutional obstacles remain that limit the effective exercise of this right. Reaffirming the centrality of access to justice is therefore a necessary step to ensure the full exercise of the rights of women, adolescents, and girls in all their diversity.

In Latin America and the Caribbean, there is a consolidated framework that defines clear standards to guarantee access to justice with a gender perspective, intersectionality, and due diligence. The region enters this discussion with a significant track record, robust legal norms, and pioneering policies that place access to justice at the center of human rights guarantees. At the same time, it faces persistent challenges. Despite advances, formal equality, inequality, and in particular gender inequality, continue to be a structural phenomenon that is reproduced and reinforced over time.² Discrimination and violence against women and girls are not isolated incidents, but expressions of the structural challenges of gender inequality. There is a continuum between inequality, discrimination, and violence, in which these processes feed and perpetuate each other, systematically limiting the effective exercise of rights, including access to justice.³

From a regional perspective, these structural challenges have been identified and agreed upon by the States of Latin America and the Caribbean within the framework of the Montevideo Strategy⁴ for the Implementation of the Regional Gender Agenda in the framework of Sustainable Development towards 2030, a product of the XIII Regional Conference on Women in Latin America and the Caribbean organized

¹ Special consultation session prior to CSW70 of the 67th Meeting of the Executive Committee of the Regional Conference on Women in Latin America and the Caribbean, Santiago, Chile, December 2, 2025. The video is available at: https://www.youtube.com/watch?v=_74ltpeh9T4&t=404s

² In this regard, see Economic Commission for Latin America and the Caribbean. (2025). *Social Panorama of Latin America and the Caribbean, 2025*. (LC/PUB.2025/23-P), chapter III.

³ Presentation by UN Women and ECLAC at the Special Consultation Session prior to CSW70 of the 67th Meeting of the Executive Committee of the Regional Conference on Women in Latin America and the Caribbean, Santiago, Chile, December 2, 2025.

⁴ The Montevideo Strategy for the Implementation of the Regional Gender Agenda in the Framework of Sustainable Development towards 2030 was approved at the XIII Regional Conference on Women in Latin America and the Caribbean organized by ECLAC and the Government of Uruguay in October 2016.

by the Economic Commission for Latin America (ECLAC).⁵ Specifically, four structural challenges of gender inequality have been defined within this framework:

- i) socioeconomic inequality and persistent poverty, which disproportionately affect women and girls and are expressed, among other things, in limited economic autonomy—one in four women in the region does not have her own income;
- ii) the sexual division of labor and the unfair social organization of care, which assigns women a disproportionate burden of unpaid work, reflected in the fact that women spend between twice and three times as much time on unpaid domestic and care work as men and in the greater prevalence of women in the informal sector of the care economy;
- iii) the persistence of discriminatory patriarchal cultural patterns, which reproduce inequality, gender-based violence, and harmful practices such as child marriage and early unions, which continue to affect one in five girls under the age of 18 in the region; and
- iv) the concentration of power and hierarchical relationships in the public sphere, along with women's limited participation in politics and decision-making.

These challenges are unfolding in a highly complex global context, marked by emerging trends that directly affect the exercise of women's and girls' rights. These include the rise of conservative positions that challenge already recognized rights; the proliferation of multiple and interrelated crises—such as the care crisis, armed conflicts, humanitarian emergencies, forced displacement, and human mobility; the growing impacts of disasters and climate change and high levels of public debt; and the persistence of gaps that particularly affect women, adolescents, and girls who face multiple and intersectional forms of discrimination. This landscape is further affected by tensions within the multilateral system, including challenges to international cooperation spaces and restrictions on available resources, which pose additional challenges to the effective implementation of commitments made to gender equality.⁶

This scenario coexists, however, with the transformative power of the Mechanisms for the Advancement of Women, as well as women's and feminist organizations and movements, whose collective struggles and strategies have been fundamental in expanding the field of justice, promoting regulatory reforms to guarantee women's rights, and strengthening democracies in Latin America and the Caribbean.

Within this context, the region has formulated a proposal for profound transformation, aimed at advancing toward substantive equality, which is expressed in the call to action on behalf of the countries participating in the XVI Regional Conference on Women in Latin America and the Caribbean, which approved the Tlatelolco Commitment in August 2025, which establishes a decade of action from 2025 to 2035 to accelerate the achievement of substantive gender equality and a caring society through

⁵ The Regional Gender Agenda is a comprehensive roadmap that guides countries' public policies to achieve gender equality, guarantee the rights of women, adolescents, and girls in all their diversity, exercise their autonomy, and promote sustainable development in the region. The Agenda is expressed in a framework of regional consensus, plans, and commitments progressively adopted by States within the framework of the meetings of the Regional Conference on Women in Latin America and the Caribbean, held between 1977 and 2025. It currently consists of the Regional Plan of Action for the Integration of Women into the Economic and Social Development of Latin America (1977), the Regional Program of Action for Women in Latin America and the Caribbean 1995–2001 (1994), the Santiago Consensus (1997), the Lima Consensus (2000), the Mexico Consensus (2004), the Quito Consensus (2007), the Brasilia Consensus (2010), the Santo Domingo Consensus (2013), the Montevideo Strategy for the Implementation of the Regional Gender Agenda in the Framework of Sustainable Development towards 2030 (2016), the Santiago Commitment (2020), the Buenos Aires Commitment (2022), and the Tlatelolco Commitment (2025).

⁶ Economic Commission for Latin America and the Caribbean (ECLAC), Action for equality, development, and peace in Latin America and the Caribbean: regional report on the review of the Beijing Declaration and Platform for Action 30 years after its adoption in synergy with the implementation of the Regional Gender Agenda (LC/MDM.66/5), Santiago, 2025.

transformations in the political, economic, social, cultural, and environmental spheres.⁷ The commitment also underscores the centrality of access to justice as an indispensable condition for guaranteeing the exercise of all human rights, preventing setbacks, and advancing toward societies free of discrimination and impunity. It expresses the will to project these regional consensuses onto the global stage. In the agreement, the countries recognize that the care society proposal that Latin America and the Caribbean brings to the world is a new paradigm for sustainable development, equality, and peace, which prioritizes the sustainability of life and the care of people and the planet, and commit to promoting measures to overcome the sexual division of labor and move toward a just social organization of care, recognizing the human right to care, a central contribution of the region. In this regard, the representatives welcomed Advisory Opinion 31/25 of the Inter-American Court of Human Rights (IACHR), which recognizes the existence of an autonomous human right to care in its three dimensions—being cared for, caring for others, and self-care—while urging governments to respect and guarantee this right and to adopt legislative and other measures to ensure its full effectiveness.

Within this framework, this report addresses a series of substantive issues that are central to understanding the state of access to justice for women and girls in Latin America and the Caribbean, based on an analysis of progress and challenges in areas where this right is particularly compromised: gender-based violence; violence against women in contexts of organized crime; gender-based violence in the context of serious human rights violations and crimes against humanity; the guarantee of sexual and reproductive rights; the right to care; environmental justice with a gender perspective; and the enforceability of women's political rights (section III.a). The document also examines the progress and challenges—linguistic, territorial, cultural, and legal—that affect indigenous and Afro-descendant women, women human rights defenders and journalists, women with disabilities, migrant and refugee women, LGBTIQ+ persons, and women deprived of their liberty (section III.b). These are situations in which historical inequalities, structural violence, and institutional barriers converge, and where state action and regional cooperation are crucial to guaranteeing rights.⁸

The report draws on a review of regulatory frameworks, public policies, and national and regional experiences shared during the special consultation session prior to CSW70, held at the sixty-seventh Meeting of the Executive Committee of the Regional Conference on Women in Latin America and the Caribbean. It also incorporates an analysis of information from institutional sources and specialized studies. Finally, it presents a set of recommendations to strengthen policies and justice systems and close the gaps in women's and girls' access to effective judicial protection (section IV).

As in previous exercises, this report contributes to the positioning of Latin America and the Caribbean in multilateral debates on gender equality, offering a synthesis of progress and challenges that reflects the region's diversity and richness of experience.

⁷ ECLAC (2025), *Tlatelolco Commitment. A decade of action for the achievement of substantive gender equality and the care society*. XVI Regional Conference on Women in Latin America and the Caribbean. Mexico City, August 15, 2025.

⁸ Presentation by UN Women and ECLAC at the Special Consultation Session to CSW70 of the 67th Meeting of the Presiding Officers of the Regional Conference on Women in Latin America and the Caribbean, Santiago, Chile, December 2, 2025.

II.

International and regional framework on access to justice for women and girls

Access to justice encompasses the real, timely, effective, safe, and non-discriminatory possibility of resorting to judicial and administrative mechanisms to obtain protection, truth, comprehensive reparation, and guarantees of non-repetition in the face of human rights violations. It also implies the State's obligation to remove structural barriers—legal, institutional, economic, sociocultural, linguistic, territorial, and technological—that have historically prevented its exercise on an equal basis.⁹

In particular, the International Covenant on Civil and Political Rights (ICCPR) establishes the obligation to guarantee an effective remedy for violations of rights. At the same time, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires the adoption of measures for the effective judicial protection of women against acts of discrimination, in accordance with the principle of substantive equality.

For their part, in interpreting the instruments of the universal human rights system, the Treaty Bodies have developed standards to ensure effective access to justice. Thus, in its General Recommendation No. 33, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee) has established that justice systems must be accessible, independent, impartial, expeditious, transparent, and free from gender stereotypes, eliminating regulatory, institutional, economic, territorial, cultural, and linguistic barriers¹⁰ that prevent women from claiming their rights. The Committee has emphasized that access to justice requires ensuring the effective participation of women and girls in all stages of proceedings, including the right to be heard, to receive timely information, to present evidence, and to challenge decisions.

On this basis, the CEDAW Committee has identified specific obligations for States, including: ensuring free and specialized legal assistance; guaranteeing comprehensive services—such as medical and psychological care and protective measures—; removing laws and practices that limit women's legal capacity, the value of their testimony, or their autonomy; applying intersectional approaches that respond to the aggravated barriers faced by indigenous, Afro-descendant, rural, disabled, migrant, refugee, and/or girls; and training justice officials to eradicate stereotypes, discriminatory practices, and revictimizing treatment.

The CEDAW Committee's other general recommendations further elaborate on these standards. In this regard, General Recommendation No. 40 formulates comprehensive guidelines for States to ensure the equal and inclusive representation of women in all decision-making systems, including the judiciary.¹¹ For its part, General Recommendation No. 39 recognizes that indigenous women and girls face structural

⁹ In this regard, see, among others, the Universal Declaration of Human Rights (arts. 7 and 8); the International Covenant on Civil and Political Rights (arts. 2, 9, 14, and 16); the International Covenant on Economic, Social, and Cultural Rights (arts. 2(2) and 3); the Convention on the Rights of Persons with Disabilities (art. 13.1); the Convention on the Elimination of All Forms of Discrimination against Women (arts. 2, 3, and 15); the International Convention on the Elimination of All Forms of Racial Discrimination (arts. 5 and 6); the Convention on the Rights of the Child (arts. 12, 23, 37, and 40); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (arts. 16–20); the Convention on the Rights of Persons with Disabilities (arts. 12 and 13). At the regional level, see the American Convention on Human Rights and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women.

¹⁰ CEDAW Committee, *General Recommendation 33 on women's access to justice*, CEDAW/C/GC/33, August 3, 2015.

¹¹ CEDAW Committee, *General Recommendation 40 on women's equal and inclusive representation in decision-making systems*, CEDAW/C/GC/40, October 25, 2024.

barriers to accessing justice and equality, including discriminatory norms that restrict their legal capacity.¹² In turn, General Recommendation No. 35 reaffirms that gender-based violence must be addressed through effective legal frameworks that guarantee access to justice and adequate remedies. The Recommendation also refers to the allocation of specific funds for reparations and specifies that priority should be given to the autonomy, dignity, and integrity of victims¹³. In parallel, General Recommendation No. 34 urges States to guarantee rural women's access to justice by reviewing and reforming laws to eliminate discrimination; providing affordable legal aid; adopting measures to ensure physical access to courts; and training judicial officials and community leaders on women's rights¹⁴. Along the same lines, General Recommendation No. 32 specifies how to ensure that refugee and stateless women have fair and non-discriminatory proceedings.¹⁵

In addition, the Human Rights Committee, in its General Comment No. 28, has emphasized that States must eliminate customary, religious, or traditional practices that limit women's access to judicial proceedings.¹⁶ In line with this, the Basic Principles and Guidelines on the Right of Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law to Remedy and Reparation establish that States must ensure expeditious, accessible, and adequate remedies, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.¹⁷

Furthermore, in recent decades, Latin America and the Caribbean have also made significant progress in the judicial enforceability of economic, social, cultural, and environmental rights (DESCA), at both the national and regional levels. Various national courts have expanded the recognition of these rights as justiciable, enabling individual and collective actions aimed at guaranteeing access to health, education, housing, social security, work,¹⁸ water, and a healthy environment, as well as remedying structural violations that disproportionately affect historically discriminated groups. These developments have had a significant impact on women and girls, as they have made visible how gender inequalities affect the effective enjoyment of ESCR and condition access to effective judicial mechanisms.

These advances have not been limited to the formal recognition of DESCAs, but have also involved the development of judicial standards to examine the reasonableness of public policies and compliance with the obligations of progressivity and non-regressivity. Within this framework, various courts in the region have begun to systematically consider how deficiencies in health, education, housing, social protection, and care systems generate differentiated impacts on women, in close connection with the social organization of care and the persistence of structural gender inequalities.

At the same time, the jurisprudence of the inter-American system has consolidated a robust normative framework for the judicial protection of ESCR, reaffirming their enforceable nature and specifying state

¹² CEDAW Committee, *General Recommendation 39 on the rights of indigenous women and girls*, CEDAW/C/GC/39, October 31, 2022.

¹³ CEDAW Committee, *General Recommendation 35 on gender-based violence against women*, updating General Recommendation 19, CEDAW/C/GC/35, July 26, 2017.

¹⁴ CEDAW Committee, *General Recommendation 34 on the rights of rural women*, CEDAW/C/GC/34, March 7, 2016.

¹⁵ CEDAW Committee, *General Recommendation 32 on the gender dimensions of refugee status, asylum, nationality, and statelessness of women*, CEDAW/C/GC/32, November 14, 2014.

¹⁶ Human Rights Committee, *General Comment 28, Equal rights of men and women (Article 3)*, HRI/GEN/1/Rev.9 (Vol. I), March 29, 2000.

¹⁷ *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, UN General Assembly Resolution A/RES/60/147, March 21, 2006.

¹⁸ With regard to substantive equality in access to and enjoyment of economic, social, cultural, and environmental rights, the international labor regulatory framework is particularly relevant. In particular, Convention No. 100 on Equal Remuneration and Convention No. 111 on Discrimination in Employment and Occupation establish specific obligations to ensure equality between women and men and to eradicate discrimination in the workplace. Both instruments are part of the fundamental labor standards recognized by the International Labor Organization and have been widely ratified by the States of Latin America and the Caribbean, constituting core standards for the realization of the right to work in conditions of equality and non-discrimination. Their effective implementation is key to addressing the structural gaps that differentially affect women in access to employment, remuneration, social security, and other core dimensions of DESCAs. For more information, see ILO, *Achieving Gender Equality at Work*, Report of the Committee of Experts on the Application of Conventions and Recommendations (Articles 19, 22, 23, and 35 of the Constitution) Report III (Part B), 2023.

obligations in terms of access to justice, equality, and non-discrimination.¹⁹ However, these advances coexist with persistent obstacles to access to justice in matters of ESCR. These include economic and territorial barriers, excessive evidentiary requirements, limited specialization among judicial officials, and restrictive use of standing mechanisms.

The region also has a treaty that specifically regulates access to justice in environmental matters. Indeed, the Regional Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean, known as the Escazu Agreement, establishes that States Parties must guarantee due process and ensure the existence of competent authorities with adequate capacities in environmental matters, as well as effective, timely, public, transparent, and non-prohibitively costly judicial and administrative procedures. Within this framework, the Agreement promotes mechanisms that facilitate access to environmental justice, such as broad standing and measures to alleviate the burden of proof, which are essential to removing the barriers faced by women. Likewise, the Agreement explicitly recognizes the vulnerability of certain groups and grants enhanced protection to environmental defenders, including women defenders, who face differentiated risks and multiple forms of violence and criminalization²⁰. It is the only binding agreement to emerge from the United Nations Conference on Sustainable Development (Rio+20), the first regional environmental agreement in Latin America and the Caribbean, and the first in the world to contain specific provisions on human rights defenders in environmental matters.

It should also be noted that global political commitments reinforce standards relating to women's and girls' access to justice. Thus, the Beijing Declaration and Platform for Action constitutes the most comprehensive global intergovernmental commitment to gender equality and reaffirms that access to justice is an indispensable condition for the guarantee of the human rights of women and girls. In the areas of particular concern, "Violence against women" and "Women and armed conflict," States commit to ensuring effective legal remedies, eliminating impunity, and strengthening gender-sensitive judicial institutions. The Platform calls for the repeal of discriminatory laws, the adoption of comprehensive standards against violence, the training of justice officials, and access to legal aid services and redress mechanisms. It also demands the removal of structural knots—including stereotypes and customary practices—that perpetuate inequalities.

In the same direction, the 2030 Agenda for Sustainable Development sets specific goals related to gender equality and the rule of law. SDG 5 (achieve gender equality) and SDG 16 (promote peaceful societies, access to justice, and effective institutions) urge States to guarantee equal access to justice and eliminate all forms of violence and discrimination against women and girls. Thus, the 2030 Agenda reaffirms that there will be no sustainable development without gender equality, without redress for victims and survivors of violence, and without accessible judicial systems.

Within the framework of the Inter-American Human Rights System, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) recognizes the right of women to access timely, effective, and adequate judicial and administrative remedies. It establishes the State's duty to act with due diligence to prevent, investigate, punish, and redress gender-based violence. The Committee of Experts of the Follow-up Mechanism for the Implementation of the Convention of Belém do Pará (CEVI of MESECVI) has affirmed that the state's obligation is both negative and positive: not only must it refrain from tolerating violence, but it must also remove all obstacles that impede access to justice. This standard requires guaranteeing women's autonomy in decision-making,

¹⁹ Inter-American Court of Human Rights, *Case Law Booklet of the Inter-American Court of Human Rights No. 22: Economic, Social, Cultural, and Environmental Rights*, 2nd edition, Costa Rica, 2025.

²⁰ Regional Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazu Agreement), adopted in Escazú, Costa Rica, on March 4, 2018, which aims to ensure the full and effective implementation in Latin America and the Caribbean of the rights of access to environmental information, public participation in environmental decision-making processes, and access to justice in environmental matters, as well as the creation and strengthening of capacities and cooperation.

the right to effective participation in all processes, free legal assistance, specialized services appropriate to their diversity, and protective measures for them and their families.²¹

The CEVI has emphasized that the right to participation implies that victims have ample opportunities to be heard, to intervene in all stages of the proceedings, and to access clear and timely information. It has also reiterated that judicial systems must incorporate gender and intersectional perspectives across the board, and that States must adopt protocols, guidelines, and tools to guide their actions to avoid revictimization and guarantee impartial, independent, and expeditious proceedings. In accordance with Article 9 of the Belém do Pará Convention, States must adopt specific measures for groups of women who face multiple forms of discrimination, including women with disabilities, indigenous women, women of African descent, migrants, refugees, and girls, ensuring reasonable accommodations, accessibility, and cultural relevance.²²

For its part, the jurisprudence of the Inter-American Court of Human Rights has consolidated standards on enhanced due diligence. In this regard, the Court has held that States must initiate investigations *ex officio*, immediately, impartially, exhaustively, with a gender perspective, without stereotypes, within reasonable time frames, and with the effective participation of victims, and that comprehensive reparation includes measures of restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.²³

At the same time, the Brasilia Rules on Access to Justice for Persons in Vulnerable Situations reinforce the duty of States to ensure accessible, inclusive, and culturally appropriate justice systems.²⁴ These rules emphasize the obligation to ensure clear and understandable information, eliminate physical and geographical barriers, guarantee free legal assistance, and promote specialized training for judicial officials, especially when dealing with women in situations of vulnerability due to ethnicity, territory, disability, age, socioeconomic status, or any other intersectional factor.

Finally, as already mentioned, the States of Latin America and the Caribbean have consistently reaffirmed their commitment to international standards on access to justice for women, adolescents, and girls through agreements approved within the framework of the Regional Conference on Women since 1977. These agreements have expressly incorporated the State's obligation to eliminate all legal and institutional barriers that limit women's effective, equal, and non-discriminatory access to justice, and to guarantee legal and institutional conditions that ensure effective participation, transparency, independence, timely and quality care with specialized personnel, as well as comprehensive reparation for damages in cases of rights violations. At the same time, they have reaffirmed the obligation to provide gender-sensitive training to judicial and security personnel and to incorporate specific measures to prevent, investigate, punish, and eradicate violence against women.²⁵

Ahead of CSW70, Latin American and Caribbean States have consolidated standards to strengthen justice systems with a gender and intersectionality perspective, remove structural knots, ensure the effective participation of women and girls, and obtain truth, protection, comprehensive reparation, and guarantees of non-repetition.

²¹ In this regard, see MESECVI, *IV Report, Latin America Chapter on the implementation of the Belém do Pará Convention. Access to justice, truth, and reparation: structural challenges and institutional progress*, January 24, 2025.

²² *Ibid.*

²³ See, in this regard, Inter-American Court of Human Rights, *Campo Algodonero v. Mexico*, judgment of November 16, 2009; Inter-American Court of Human Rights, *Fernández Ortega et al. v. Mexico*, judgment of August 30, 2020; Inter-American Court of Human Rights, *Velásquez Paiz et al. v. Guatemala*, judgment of November 19, 2015; Inter-American Court of Human Rights, *Atala Riffo and Girls v. Chile*, February 24, 2012; Inter-American Court of Human Rights, *López Soto et al. v. Venezuela*, judgment of September 26, 2018; among other decisions of the Inter-American Court.

²⁴ *Brasilia Rules on Access to Justice for Persons in Vulnerable Situations*, approved by the Ibero-American Judicial Summit at its 14th edition (Brasilia, March 4–6, 2008).

²⁵ In this regard, see: XVI Regional Conference on Women in Latin America, *Tlatelolco Commitment, A decade of action for the achievement of substantive gender equality and the care society*, para. 15. See also: Economic Commission for Latin America and the Caribbean (ECLAC), *45 years of the Regional Gender Agenda (LC/MDM-E.2022/4/Rev.1)*, Santiago, 2023.

III.

Main advances and challenges in women's and girls' access to justice in the region

a) Thematic areas and regional trends

1. Access to justice in cases of gender-based violence

In general, Latin American and Caribbean countries have made progress in building an increasingly comprehensive and protective legal and institutional framework to guarantee the right of women and girls to live a life free of violence and to receive a timely and effective judicial response. In fact, all countries have laws to prevent and eradicate violence against women. While some of these laws focus on violence within the family, 14 countries have enacted comprehensive laws that address manifestations of violence in the various settings in which they occur. Likewise, the region has enacted regulatory frameworks aimed at addressing specific manifestations of gender-based violence, thereby providing greater tools to advance the elimination of its different manifestations.

In Latin America, the crime of femicide, femicide, or gender-based killing of women has been incorporated into the legal systems of 20 countries. In some cases, it has been legislated as a criminal offense. The criminalization of femicide provides a legal framework that allows justice systems to investigate, prosecute, and punish these crimes with a gender perspective and more effectively, in addition to promoting the creation of prevention and education programs to address the structural causes of this form of violence.

At the same time, 17 countries have established regulations to eliminate the harmful practice of child marriage and early and forced unions, which affect 1 in 5 girls and adolescents.²⁶ These regulations are essential, as girls and adolescents who are in unions and married suffer a higher rate of violence than their unmarried peers.²⁷ A recent study by the World Health Organization (WHO) shows persistent prevalence rates: in Latin America and the Caribbean, between 17% and 28% of girls aged 15 to 19 have suffered physical or sexual violence from their partner during their lifetime.²⁸

In this process of regulatory expansion, several countries have also made progress in criminalizing other forms of gender-based violence and incorporating new types, such as vicarious violence, into their legal frameworks. In some cases, these developments have been accompanied by the creation of specialized prosecutors' offices, courts, and agencies, the development of gender-sensitive investigation protocols, and the strengthening of care and support services for women in situations of violence.

²⁶ Seventeen countries in the region have approved the absolute prohibition, without exceptions, of child marriage, which constitutes a significant advance. However, informal unions that have similar effects to marriages and are linked to teenage pregnancies still predominate in the region. In this regard, see: Economic Commission for Latin America and the Caribbean (ECLAC), *Action for equality, development, and peace in Latin America and the Caribbean: regional report on the review of the Beijing Declaration and Platform for Action 30 years after its adoption in synergy with the implementation of the Regional Gender Agenda (LC/MDM.66/5)*, Santiago, 2025, p. 48.

²⁷ Economic Commission for Latin America and the Caribbean. (2025). *State action to eliminate child marriage and early unions, and to prevent teenage pregnancy in Latin America and the Caribbean: 30 years after the Beijing Declaration and Platform for Action and the Cairo Program of Action, in synergy with the Regional Gender Agenda and the Montevideo Consensus*. Project Documents (LC/TS.2025/100).

²⁸ LynnMarie Sardinha, Ilknur Yüksel-Kaptanoğlu, Mathieu Maheu-Giroux, Claudia García-Moreno, *Intimate partner violence against adolescent girls: regional and national prevalence estimates and associated country-level factors*, *The Lancet*, July 29, 2024.

In addition, public policies have been implemented to strengthen institutional capacities and promote gender training for judicial and police personnel. Taken together, these efforts reflect a willingness to translate international commitments into concrete protection mechanisms.²⁹ Even so, significant gaps remain in ensuring effective responses to victims, which even translate into the consolidation of patterns of violence and impunity.³⁰

At the same time, in recent years, some countries in the region have seen regressive trends that have led to the dismantling of specialized agencies. These setbacks have reduced the recognition and protection of women's and girls' right to a life free of violence, creating disparate scenarios in which significant legal advances coexist with worrying institutional weaknesses.

1.1. Differentiated approaches to different forms of violence

In this heterogeneous landscape, some countries have concentrated their efforts on specific areas of intervention. Thus, some regulatory frameworks and judicial policies have focused on addressing violence in the family sphere. This focus has made it possible to highlight and address one of the most widespread and serious expressions of gender-based violence. However, the emphasis placed on this sphere has not always been accompanied by equally robust strategies to address other forms of violence that affect women and reveal its structural and cross-cutting nature in social life—, such as institutional, electoral, digital, or workplace violence³¹ or violence in education³²—which has led to fragmented responses and limitations in advancing toward truly intersectional and comprehensive policies.

However, even with regard to addressing violence in the family sphere, structural challenges persist, such as insufficient monitoring and control of protection measures, which weaken their effectiveness and contribute to impunity,³³ revictimization, and failure to comply with due diligence. Added to this are other obstacles, such as legislative proposals introduced in the region that seek to focus on and criminalize so-called "false accusations."³⁴ This approach is particularly alarming in that it seeks to cast doubt on women's words and delegitimize their claims, when the available evidence shows exactly the opposite: thousands of women and people of diverse backgrounds experience situations of violence

²⁹ MESECVI, IV Report, Latin America Chapter on the implementation of the Belém do Pará Convention. *Access to justice, truth, and reparation: structural challenges and institutional progress*, January 24, 2025, chap. 3.

³⁰ Economic Commission for Latin America and the Caribbean (ECLAC), *Action for equality, development, and peace in Latin America and the Caribbean: regional report on the review of the Beijing Declaration and Platform for Action 30 years after its adoption in synergy with the implementation of the Regional Gender Agenda (LC/MDM.66/5)*, Santiago, 2025.

³¹ Violence and harassment in the world of work are a persistent expression of gender-based violence and pose specific challenges in terms of access to justice. In this context, regulatory advances are noteworthy. These include the ratification by 12 countries in Latin America and the Caribbean of Convention No. 190 of the International Labor Organization, which establishes an international framework to guarantee the right to work environments free of violence and harassment, including gender-based violence. Likewise, all countries in the region have legal provisions aimed at preventing and punishing violence, harassment, or sexual harassment in the workplace, either through comprehensive protection laws or through reforms to labor or criminal legislation. In this regard, see *Presentation by Ana Gúezmes García*, Director of the Gender Affairs Division of the Economic Commission for Latin America and the Caribbean (ECLAC) at the Special Consultation Session prior to CSW70 of the 67th Meeting of the Bureau of the Regional Conference on Women in Latin America and the Caribbean, Santiago, Chile, December 2, 2025. In this context, Antonia Orellana, Chile's Minister of Women and Gender Equality, reported on the enactment of the "Karin Law," which establishes a clear legal framework for preventing and punishing workplace harassment, sexual harassment, and violence in the workplace.

³² In its ruling in the case of *"Guzmán Albarracín et al. v. Ecuador"*, the Inter-American Court of Human Rights established standards to prevent and protect girls and adolescents from sexual violence in educational settings. See Inter-American Court of Human Rights, case of *Guzmán Albarracín et al. v. Ecuador*, judgment of June 24, 2020, paras. 118 and 120.

³³ MESECVI, IV Report, Latin America Chapter on the implementation of the Belém do Pará Convention. *Access to justice, truth, and reparation: structural challenges and institutional progress*, January 24, 2025, chap. 3; paras. 238 and 239.

³⁴ In this regard, see *Julissa Mantilla Falcón's presentation* at the special consultation session prior to CSW70 of the 67th Meeting of the Executive Committee of the Regional Conference on Women in Latin America and the Caribbean, Santiago, Chile, December 2, 2025. See also UN Women, *Study: Are there false reports of gender-based violence in Uruguay?*

that are never reported or prosecuted, whether out of fear, mistrust of institutions, or the persistence of structural barriers to access to justice.³⁵

In this regulatory and institutional scenario, the process of progressively adopting comprehensive protection laws that address gender-based violence takes on special relevance. As mentioned in the previous section, 14 countries in the region currently have such laws,³⁶ which, in addition to defining different forms and types of violence, differentiate between perpetrators and possible settings beyond the family, while establishing prevention, protection, and care policies, as well as institutional coordination mechanisms at the national and subnational levels. These laws also tend to mandate the development of national action plans, along with instruments to produce statistics and data that allow for the analysis of both the prevalence of violence and the cases handled by state agencies.³⁷

Notwithstanding these regulatory advances, and even though comprehensive protection laws expressly recognize different forms of violence—including physical, psychological, sexual, and patrimonial or economic violence—significant obstacles remain to its proper identification, care, and judicial response. In particular, those who suffer psychological violence continue to face serious limitations in accessing justice, linked to difficulties in providing evidence, the persistence of stereotypes that downplay its severity, and the absence of specialized institutional responses. These barriers often result in delays, premature closure of cases, or failure to adopt timely protective measures, reinforcing impunity and the revictimization of affected women and girls.

One area that presents growing challenges is digital violence, which includes practices such as online harassment, the non-consensual dissemination of intimate images, digital extortion, and harassment based on gender stereotypes. These types of attacks are intensified by the malicious use of technology, weak regulation of platforms, and the presence of misogynistic discourse in digital environments. Although this is a growing phenomenon, the underlying legal and procedural frameworks do not yet guarantee an effective response, and many victims encounter obstacles in reporting, identifying perpetrators, and obtaining redress.³⁸ It is therefore a priority to recognize digital violence as a form of gender-based

³⁵ See, for example, the results of the Spotlight Initiative's *Survey on the Prevalence of Violence against Women in Argentina in 2022*. See also Economic Commission for Latin America and the Caribbean (ECLAC), *Femicide Violence in Figures. Acting with a Sense of Urgency to Prevent and End Femicide*, Bulletin 3, November 2024.

³⁶ Argentina, Bolivia, Chile, Colombia, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela have comprehensive laws on violence against women. In Brazil, the *Maria da Penha Law* was a regional milestone in recognizing violence against women as a human rights violation and establishing a robust framework of protection measures, victim services, and obligations for public institutions. While its full implementation throughout the country remains a challenge, subsequent reforms have helped strengthen its application at the subnational level. Similarly, Costa Rica has made significant progress since the reform of the *Law on the Criminalization of Violence against Women* in 2021, which broadened the recognition of different manifestations of violence, extended its scope to various types of relationships, and strengthened protection measures and sanctions, consolidating the state's response framework to gender-based violence. See: Economic Commission for Latin America and the Caribbean (ECLAC), *Action for equality, development, and peace in Latin America and the Caribbean: regional report on the review of the Beijing Declaration and Platform for Action 30 years after its adoption, in synergy with the implementation of the Regional Gender Agenda (LC/MDM.66/5)*, Santiago, 2025, p. 47.

³⁷ Economic Commission for Latin America and the Caribbean (ECLAC), *Action for equality, development and peace in Latin America and the Caribbean: regional report on the review of the Beijing Declaration and Platform for Action 30 years after its adoption in synergy with the implementation of the Regional Gender Agenda (LC/MDM.66/5)*, Santiago, 2025; UN Women, *Legal Overview for the Elimination of Violence against Women in Latin American and Caribbean Countries*, Regional Office for Latin America and the Caribbean, 2025.

³⁸ Given this scenario, civil society in the region has developed various tools to strengthen the digital security of feminist and human rights organizations. In this regard, see, for example, Latin American Justice and Gender Team (ELA), FunDheg, and Fundación Siglo 21, *Strengthening Resistance: Suggestions for Self-Protection and Digital Security in Risky Contexts*, 2025. Other relevant initiatives worth mentioning for their agenda related to gender-based violence in the digital sphere are the *Red de Defensoras Digitales de México* (Network of Digital Women Defenders of Mexico), the *Alianza Regional por la Libre Expresión e Información* (Regional Alliance for Free Expression and Information), made up of 17 non-governmental organizations from 12 countries in the region, and *Equality Now*.

violence, improve digital investigation capabilities, and develop adequate mechanisms for the protection and redress of victims and survivors.³⁹

In this context, it should be noted that in December 2025, the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) completed the process of adopting the Inter-American Model Law to Prevent, Punish, and Eradicate Gender-Based Digital Violence against Women.⁴⁰ This instrument positions the region at the forefront of the response to these forms of violence that particularly affect women and girls, by establishing obligations for States, duties for internet intermediaries, and principles of governance for violence-free digital environments.⁴¹

1.2. Effective access to justice: participation, specialization, and production of reliable information

The various manifestations of violence and discrimination reveal a broader problem: when mapping the difficulties in accessing justice for victims of gender-based violence, it is important to pay special attention to the limits on the recognition of women as subjects of law. This principle implies that their active and informed participation must be ensured at all stages and instances of the processes that involve them.

Several countries in the region have incorporated provisions that recognize this right, as well as institutional mechanisms to guarantee it. However, women's effective participation in judicial proceedings continues to face obstacles. These include a lack of accessible information; the absence of comprehensive, quality coverage or specific training in public legal aid services. These limitations reproduce inequalities between those who can access private representation and those who depend on state assistance.

In response to these gaps, specialized services for women in situations of violence have been developed in recent years, aimed at providing legal advice⁴², psychological care, and social support. Among these, the Women's Justice Centers in Mexico, the Women's Emergency Centers (CEM) in Peru, and the Violeta Centers in El Salvador stand out, integrating comprehensive care, protection, and coordination with the judicial systems in a single space. Similarly, in Brazil, the Brazilian Women's Houses provide care in settings such as police stations, courts, and public defenders' offices, reducing the risk that victims will have to tell their story several times in different institutions.⁴³ Also noteworthy are the shelter programs in Chile, Uruguay, and Paraguay, aimed at high-risk victims who require urgent intervention. All these experiences

³⁹ See, for example, [Report of the Special Rapporteur on violence against women, its causes and consequences on violence against women and girls online from a human rights perspective](#), A/HRC/38/47, June 18, 2018. In turn, the [bodyright](#) campaign, launched by the United Nations Population Fund (UNFPA), promotes the recognition of digital violence as a human rights violation and urges States to adapt their regulatory frameworks to recognize and criminalize these violations. For its part, UN Women Latin America and the Caribbean launched a campaign in 2025 to raise awareness of digital violence called "PING – The destructive power of a sound."

⁴⁰ MESECVI, [Inter-American Model Law to Prevent, Punish, and Eradicate Gender-Based Digital Violence against Women](#), December 2025.

⁴¹ MESECVI, [Latin America and the Caribbean adopt an Inter-American Model Law to address digital violence against women](#), December 2025.

⁴² At the special consultation session prior to CSW70 of the 67th Meeting of the Executive Committee of the Regional Conference on Women in Latin America and the Caribbean, the recent implementation of a network of women's lawyers in Mexico was highlighted, which seeks to accompany, represent, and engage in strategic litigation for the protection and access to justice of women, adolescents, and girls.

⁴³ MESECVI, [IV Report, Latin America Chapter on the implementation of the Belém do Pará Convention. Access to justice, truth, and reparation: structural challenges and institutional progress](#), January 24, 2025, para. 355.

reflect important advances in the institutionalization of a coordinated response, although they still face challenges in terms of scope, sustainability, and territorial coordination⁴⁴.

Significant progress has also been made in creating and implementing decentralized programs that bring services closer to rural or indigenous communities, as well as in establishing telephone and digital hotlines for immediate assistance⁴⁵.

Furthermore, incorporating a gender perspective into the administration of justice is essential to guarantee substantive equality and effective access to justice. In this context, the strengthening of specialized justice appears to be a key tool for structurally and transversally incorporating a gender perspective into judicial systems. The creation of specialized courts, prosecutors' offices, and units has improved care for victims, promoted more gender-sensitive interventions, and reduced revictimization. However, their implementation still presents challenges: in many countries, territorial coverage is limited, budgets are insufficient, coordination with the ordinary justice system is not always efficient, tensions and disputes over jurisdiction between courts and jurisdictions persist, and in some cases, specialization has been restricted to domestic violence.

In turn, although most States have developed training programs and protocols for action, their application remains fragmented and depends, to a large extent, on the willingness of judicial officials.⁴⁶ Decisions that reproduce gender stereotypes and prejudices about the credibility or behavior of victims persist, resulting in impunity and mistrust of institutions, which negatively affects the willingness of many victims and survivors of gender-based violence to report incidents and resort to the justice system.⁴⁷

Furthermore, access to justice is not only limited by deficiencies in the judicial response, but also by the lack of adequate legal channels to address certain forms of violence.⁴⁸ The absence of specific mechanisms

⁴⁴ MESECVI, IV Report, Latin America Chapter on the implementation of the Belém do Pará Convention. *Access to justice, truth, and reparation: structural challenges and institutional progress*, January 24, 2025, pp. 41–43 and 78–79 IACHR, *Violence and Discrimination against Women and Girls in the Americas*, 2019, pp. 170–172. See also, Economic Commission for Latin America and the Caribbean (ECLAC), *Action for equality, development, and peace in Latin America and the Caribbean: regional report on the review of the Beijing Declaration and Platform for Action 30 years after its adoption in synergy with the implementation of the Regional Gender Agenda (LC/MDM.66/5)*, Santiago, 2025, chap. 2. On this issue, within the framework of the Special Consultation Session prior to CSW70 of the 67th Meeting of the Executive Committee of the Regional Conference on Women in Latin America and the Caribbean, Colombia reported on a series of initiatives aimed at addressing impunity in cases of gender-based violence. Among other measures, it indicated that it plans to expand the capacity of the judicial system to grant, from the preliminary hearing, timely and forceful measures aimed at eliminating the risk to victims. It also proposes to expand the concept of advance reporting so that, in cases of domestic violence, sexual violence, and attempted femicide, among other situations, women need only give a single valid interview, thus avoiding repeated statements and revictimization. Finally, it promotes the creation of comprehensive care centers in areas with limited state presence.

⁴⁵ MESECVI, IV Report, Latin America Chapter on the implementation of the Belém do Pará Convention. *Access to justice, truth, and reparation: structural challenges and institutional progress*, January 24, 2025, para. 358. On this point, at the special consultation session prior to CSW70 of the 67th Meeting of the Executive Committee of the Regional Conference on Women in Latin America and the Caribbean, Costa Rica reported on the launch of a web application that allows for the immediate activation of protection mechanisms. This initiative is particularly relevant for women and girls with disabilities, as well as for girls and boys in contexts of vicarious violence. In this same area, Uruguay shared information on the "Élida 360" program, a mobile application to provide immediate and comprehensive assistance to victims of gender-based violence. This application also allows complaints to be filed from a cell phone.

⁴⁶ MESECVI, IV Report, Latin America Chapter on the implementation of the Belém do Pará Convention. *Access to justice, truth, and reparation: structural challenges and institutional progress*, January 24, 2025, chap. 3, pp. 60–63 and 84–86; and IACHR, *Violence and Discrimination against Women and Girls in the Americas*, 2019, pp. 157–160.

⁴⁷ In the region, there is a wide gap between the severity and persistence of the problem of gender-based violence and the quality of the public response to it. One expression of this gap can be found in various surveys on the prevalence of gender-based violence conducted in different countries in recent years, which show the low percentages of victims who turn to public authorities, as well as those who file complaints to access justice. In this regard, see Economic Commission for Latin America and the Caribbean (ECLAC), *Femicide Violence in Figures: Acting with a Sense of Urgency to Prevent and End Femicide*, Bulletin 3, November 2024.

⁴⁸ For an example of how the lack of recourse hinders women's access to justice in cases of obstetric violence, see: Committee on the Elimination of Discrimination against Women (CEDAW), *C.S.F. v. Argentina*, Communication No. 164/2021, March 6, 2025.

to deal with violence, such as obstetric⁴⁹ or institutional violence, among others, means that victims often do not have effective legal tools to channel their complaints.

At the same time, it is important to highlight the importance of reliable data, a fundamental and cross-cutting dimension of the entire cycle of care programs and judicial policies on violence. The collection and production of disaggregated statistical information are key tools for designing effective, context-specific policies. The data should reflect not only the phenomenon of violence, but also the functioning of the State and its actions in prevention, investigation, redress, and punishment, so that regulations, plans, programs, and actions related to access to justice can be evaluated. In this regard, the region has made significant progress, as most States have legislation that expressly stipulates the obligation to produce and collect information and statistics in accordance with Article 8, paragraph h) of the Belém do Pará Convention, while periodic surveys on violence have been conducted and information-gathering functions have been assigned to specialized agencies, beyond national statistical institutes. However, there are still gaps in key areas. A critical gap is the lack of common criteria for integrating information from different administrative records, which deepens revictimization and impedes adequate protection. In this same vein, there is also fragmentation of investigations among multiple institutions (police, prosecutors, courts), which often results in contradictory information and a lack of centralization and/or interoperability. Furthermore, even more limiting for policy design is the lack of disaggregation of data by type of violence, level of risk, stage of the judicial process, and, crucially, by the specific characteristics of victims (such as age, ethnic-racial affiliation, area of residence, migration status, disability, sexual orientation, and gender identity). This shortcoming limits the States' ability to identify the specific barriers faced by women in all their diversity and to formulate evidence-based policies with an intersectional perspective for effective prevention and protection.⁵⁰

1.3. Comprehensive reparation

Access to justice includes the duty to ensure victims' right to comprehensive reparation. In accordance with the principles and standards of international law, this right encompasses individual and collective measures and involves actions in the areas of restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. From this perspective, comprehensive reparation also implies modifying the structural conditions that gave rise to the violence, through institutional reforms, equality policies, memory actions, and collective measures aimed at eliminating the patterns of discrimination that enable and reproduce it.⁵¹

Although the region has made significant progress in this area, both at the regulatory level and through the development of public policies, the scope of reparatory measures remains limited in most cases. Interventions focused on financial compensation or symbolic individual measures predominate, with little coordination with structural and gender-equality policies.⁵²

⁴⁹ In its *Advisory Opinion No. 29/22*, the Inter-American Court of Human Rights referred for the first time to the concept of obstetric violence, which was later elaborated upon in its judgment in the case of *Britez Arce et al. v. Argentina*. There, the Inter-American Court established that obstetric violence constitutes a form of gender-based violence perpetrated by health care providers against pregnant women during their access to services during pregnancy, childbirth, and the postpartum period. See, in this regard, Inter-American Court, judgment in the case of *Britez Arce et al. v. Argentina*, November 16, 2022, para. 75.

⁵⁰ MESECVI, IV Report, Latin America Chapter on the implementation of the Belém do Pará Convention. *Access to justice, truth, and reparation: structural challenges and institutional progress*, January 24, 2025, chap. 4.

⁵¹ UN Women and MESECVI (2022), *Comprehensive Reparation in Cases of Femicide and Femicide in Latin America: Progress, Challenges, and Recommendations*, pp. 21–22.

⁵² UN Women and MESECVI (2022), *Comprehensive Reparations in Cases of Femicide and Femicide in Latin America: Progress, Challenges, and Recommendations*, p. 26.

However, there are national experiences that have sought to go beyond this limited approach. The legislation of Colombia⁵³ and Mexico,⁵⁴ for example, expressly recognizes the right of victims of gender-based violence to comprehensive reparation, with individual and collective measures that include guarantees of non-repetition. In turn, decisions at the national and international levels have provided for symbolic or structural measures, such as public apologies, training, and institutional reforms.

In this context, a relevant example is the friendly settlement agreement reached before the CEDAW Committee in a case involving the lack of protective measures and institutional fragmentation in response to an attempted femicide in Argentina.⁵⁵ The implementation of this agreement prompted measures not only to provide individual redress but also to adopt institutional reforms to strengthen judicial standards and accountability, and to mainstream gender perspectives. Thus, the implementation of the commitments made in the agreement involved measures such as: the development of an official act of apology;⁵⁶ the creation of a Public Registry of complaints against magistrates for situations related to gender-based violence;⁵⁷ the incorporation of gender perspective assessment in competitions for the judiciary;⁵⁸ and the issuance and dissemination of guidelines aimed at specifying the duties and obligations of magistrates in these cases.⁵⁹ These actions were complemented by the inclusion of mandatory content on gender-based violence in police training, the establishment of reciprocal access between civil and criminal courts to files related to cases of gender-based violence,⁶⁰ and the satisfaction of individual financial reparations.⁶¹

These types of experiences highlight that addressing femicide from a perspective of access to justice does not end with criminal classification or investigation of the facts, but rather requires comprehensive responses that combine prevention, punishment, and reparation, as well as the removal of structural obstacles that perpetuate violence and impunity.

1.4. Access to justice in the face of extreme violence: addressing femicides

Within this general overview, it is essential to focus specifically on femicides, as they are a widespread phenomenon in the region that represents the most extreme form of gender-based violence. In this regard, it should be noted that in recent years, most countries in Latin America and the Caribbean have criminalized femicide, while also creating specialized judicial units and protocols to guide investigations in accordance with the enhanced due diligence standards required by international law for these cases. This regulatory and institutional development has enabled prioritizing this issue on the public agenda, highlighting the problem's magnitude, generating statistics, and strengthening judicial systems' response capacity.

⁵³ In this regard, see Law 1719/2014.

⁵⁴ Cf. General Victims Law, 2013.

⁵⁵ CEDAW Committee, *Decision adopted by the Committee regarding communication No. 127/2018*, CEDAW/C/86/D/127/2018, November 6, 2023. The full text of the friendly settlement agreement is available at the following [link](#).

⁵⁶ The video of the public act of international recognition of responsibility and apology by the Argentine State to Olga del Rosario Díaz can be accessed at the following link: <https://www.youtube.com/watch?v=OTVmcJoFnA0>

⁵⁷ For more information, see the Argentine National Council of the Judiciary, *Public Registry of complaints filed against judges for situations related to gender-based violence*, 2021.

⁵⁸ See in this regard: <https://www.argentina.gob.ar/normativa/nacional/resoluci%C3%B3n-4-2020-334847/texto>

⁵⁹ Supreme Court of Justice of Argentina, *General principles for action in cases of domestic violence against women*, 2021.

⁶⁰ In light of this case, at the request of the Domestic Violence Office (OVD) of the Supreme Court of Justice of the Nation of Argentina, common access to family violence files was approved for the LEX100 system of courts with criminal and correctional jurisdiction, and civil courts with family jurisdiction. In this way, all proceedings can be consulted by the civil and criminal courts involved in the cases. More information on the actions taken by the CSJN in compliance with the agreement reached in the case of Olga del Rosario Díaz before CEDAW can be found at the following [link](#).

⁶¹ In 2023, after verifying the full implementation of the agreement, the CEDAW Committee highlighted this case as a relevant example of transformative reparation, capable of strengthening the judicial response to gender-based violence. See, CEDAW Committee, *"Argentina: UN Committee welcomes friendly settlement with victim of domestic violence"*, November 30, 2023. At the same time, the following [link](#) provides access to the statement from the Office of the National Public Defender on full compliance with the agreement.

However, these advances have not been uniform. On the one hand, as already mentioned, 20 countries in the region have incorporated femicide, feminicide, or the violent death of women based on gender into their legal systems, either as a separate criminal offense, as in Mexico, or as an aggravating circumstance of homicide, as in Argentina.⁶² In this context, the classification of femicide varies significantly depending on the scope of the criminal offense concerning the relationship between the victim and the perpetrator. There are countries where the criminal offense is limited to intimate partner relationships, while others have adopted broader definitions based on gender, regardless of any pre-existing relationship. These legal asymmetries condition both the criminal response and the comparability of data, posing challenges for statistical and regional analyses of the phenomenon.⁶³

In this process of regulatory consolidation, relevant judicial rulings have helped to clarify the standards that should guide the state's response to femicides. As early as 2015, the Mexican Supreme Court affirmed that all violent deaths of women must be investigated from a gender perspective, recognizing women's right to a life free of violence and discrimination, as well as the obligation of justice systems to act with due diligence and to adopt structural measures aimed at preventing the recurrence of such acts.⁶⁴

In turn, many countries have developed specific protocols to guide the criminal investigation of femicides. These tools are based on the Latin American Model Protocol for the Investigation of Violent Deaths of Women due to Gender-Based Reasons (Femicide/Feminicide), developed by the Regional Office for Central America of the United Nations High Commissioner for Human Rights with the support of the Regional Office for the Americas and the Caribbean of UN Women.⁶⁵ This instrument has been implemented mainly by prosecutors and public ministries, which have undertaken national adaptation processes, adjusting the model protocol's standards to the specific needs of each national context.

In turn, Argentina, Bolivia, and El Salvador have specialized investigation units. For their part, Mexico and Guatemala have strengthened their femicide prosecution offices with interdisciplinary teams. In Chile, the Intersectoral Femicide Circuit (CIF) coordinates the state's response to femicides and other cases of gender-based violence, while also collecting information and producing statistical analyses aimed at formulating prevention measures. In Uruguay, the Observatory on Gender-Based Violence⁶⁶ was created to collect and analyze data and produce studies that inform policy on the issue.⁶⁷

These initiatives demonstrate a growing commitment by States to improve the criminal justice response to lethal violence against women. However, their impact is still limited by, among other things, structural factors in the justice system, such as the persistence of gender stereotypes, the lack of ongoing training, and weak inter-institutional coordination. Along the same lines, a significant challenge to effectively addressing femicides is the lack of a consistent and sustained response to situations of risk, such as the failure to implement protective measures and the resulting limitations on deploying timely responses

⁶² Economic Commission for Latin America and the Caribbean (ECLAC), *Femicide Violence in Figures: Latin America and the Caribbean*, Bulletin No. 4, 2025; UN Women, *Legal Landscape for the Elimination of Violence against Women in Latin American and Caribbean Countries*, Regional Office for Latin America and the Caribbean, 2025.

⁶³ MESECVI, IV Report, Latin America Chapter on the implementation of the Belém do Pará Convention. Access to justice, truth, and reparation: structural challenges and institutional progress, January 24, 2025, pp. 23-25.

⁶⁴ Supreme Court of Justice of Mexico, *Amparo in review 554/2013*, decided in session on March 25, 2015. Complainant Irinea Buendía Cortez (mother of Mariana Lima Buendía).

⁶⁵ Regional Office for Central America of the United Nations High Commissioner for Human Rights and the Regional Office of UN Women for the Americas and the Caribbean, *Latin American Model Protocol for the Investigation of Gender-Related Violent Deaths of Women (Femicide/Feminicide)*, 2014.

⁶⁶ More information at: <https://www.gub.uy/ministerio-desarrollo-social/observatorio/violencia-genero>

⁶⁷ At this point, it is also worth mentioning the Inter-institutional Protocol for Action against Femicide, Attempted Femicide, and High-Risk Partner Violence, developed by Peru's Ministry of Women and Vulnerable Populations (MIMP) and the United Nations Population Fund (UNFPA). This is a national intersectoral instrument that coordinates actions for the comprehensive treatment of the problem of femicide. It was updated by Supreme Decree No. 004-2018-MIMP in order to adapt inter-institutional intervention procedures for the comprehensive, effective, and timely treatment of cases of femicide, attempted femicide, and high-risk intimate partner violence, in accordance with Law No. 30364, the Law to Prevent, Punish, and Eradicate Violence against Women and Family Members.

and saving the lives of victims. It is therefore particularly important to consider cases in which previous complaints of gender-based violence were made, or precautionary measures were issued to protect women who were victims of femicide or femicide, as they demonstrate the importance of strengthening protection measures, assessing the risk of femicide, and implementing protection protocols when it is determined that a woman is at risk of suffering femicide.

This brief overview illustrates that even with solid legal frameworks and notable experiences, the absence of diligent and coordinated action continues to favor impunity and hinder redress for victims and their families.

2. Access to justice for women and girls in contexts of organized crime

The growth and consolidation of organized crime networks in Latin America and the Caribbean have led to serious human rights violations.⁶⁸ This is a complex phenomenon, characterized by the proliferation of groups operating outside institutional and legal frameworks, with varying degrees of collusion or acquiescence from state, business, and financial actors. These structures operate within transnational networks, making them difficult to detect, dismantle, and investigate. In addition, these organizations exercise control over areas of territory and coordinate multiple illicit economies—including drug trafficking, human trafficking and smuggling, illegal mining, arms trafficking, extortion, kidnapping, and money laundering—which generate sustained flows of violence.⁶⁹

These dynamics disproportionately affect individuals and groups in situations of particular vulnerability, such as indigenous women and girls, migrants and refugees, rural women and girls, and those living in extreme poverty, who face specific forms of gender-based violence, sexual and labor exploitation, kidnapping for ransom, cruel and humiliating treatment, forced displacement, disappearances, and severe restrictions on their safety in communities under the influence or permanent presence of criminal groups.⁷⁰

The judicial systems in Latin America and the Caribbean have persistent structural and operational limitations that hinder their response to organized crime. Among the main challenges are the lack of analytical tools, technical resources, and coordination capabilities to understand and effectively address this type of criminal activity. Case overload, weak coordination between prosecutors, security forces, and protection systems, and the lack of effective safeguards for those involved in judicial proceedings hinder the investigation and punishment of crimes and contribute to high levels of impunity in the region.⁷¹

⁶⁸ The figures illustrating violence are striking. Indeed, Latin America and the Caribbean have some of the highest levels of lethal violence associated with organized crime worldwide. Approximately half of the homicides recorded in the region are linked to criminal networks, compared to a global average of around 24%. Eight of the ten countries with the highest homicide rates on the planet are located in this region, where the average rate reaches 18 homicides per 100,000 inhabitants, more than three times the global average. UNODC, *Global Study on Homicide 2023: Homicide and Organized Crime in Latin America and the Caribbean*, Vienna, 2023.

⁶⁹ IACHR, *Impact of organized crime on the rights of women, girls, and adolescents in the Northern Triangle of Central America*, 2023, paras. 4 and 48–49, 215.

⁷⁰ The IACHR has highlighted that in the Northern Triangle of Central America—El Salvador, Guatemala, and Honduras—the actions of gangs and maras result in systematic sexual violence, forced recruitment, human trafficking, and internal displacement, while victims face serious obstacles in reporting crimes and obtaining effective protection. Although the three countries have adopted advanced regulatory frameworks and created specialized prosecutors' offices, courts, and units to address gender-based violence, institutional and operational deficits persist that limit or erode the effectiveness of these structures. See, in this regard, IACHR, *Impact of Organized Crime on the Rights of Women, Girls, and Adolescents in the Northern Triangle of Central America*, 2023, pp. 109–118. In turn, according to the IACHR, in Colombia, the reconfiguration of the armed conflict and the dispute over illicit economies have increased sexual violence and the recruitment of children and adolescents—particularly in indigenous and Afro-descendant communities. See IACHR, *Preliminary Observations Following the On-Site Visit to Colombia*, 2024, pp. 11–13. In Mexico, violence linked to drug trafficking and human trafficking disproportionately affects women, especially in border regions. In this regard, see Regional Program of the Spotlight Initiative for Latin America, *Violence against women and girls in contexts of organized crime*. Central America, Colombia, Mexico, and the Dominican Republic, 2021.

⁷¹ IACHR, *Impact of Organized Crime on the Rights of Women, Girls, and Adolescents in the Northern Triangle of Central America*, 2023, pp. 109–115.

In this scenario, women and girls face additional and, in many cases, heightened obstacles to accessing justice, given the structural difficulties they encounter in obtaining judicial protection in cases of gender-based violence. Indeed, serious limitations remain due to the absence of a strengthened institutional framework to assist and protect victims and survivors of violence. At the same time, the organs of justice have not incorporated, in a cross-cutting and effective manner, a gender and intersectional perspective that would enable them to investigate with the due diligence required by international law.⁷²

Added to this, in the specific context of organized crime, is the fact that threats and attacks perpetrated by criminal groups not only deter victims from reporting crimes but also target human rights defenders, lawyers, and justice officials, affecting judicial independence and the continuity of investigations. The lack of effective protection and security protocols, including confidentiality measures, safe relocation, and institutional protection, exposes both survivors and state personnel to serious and persistent risks.⁷³

At the same time, State responses in these scenarios remain fragmented and predominantly punitive, failing to comprehensively address the structural causes of violence or the specific conditions faced by victims in territories affected by organized crime.⁷⁴ In this regard, security policies often have a differential impact on women and girls.⁷⁵

In most cases, female detainees are linked to nonviolent, low-level crimes within organized crime structures, especially in subordinate or instrumental roles—such as transporting substances ("mules"), microtrafficking, logistical intermediation, or the cultivation and storage of narcotics—functions that are often carried out under coercion, threats, or economic dependence, and without significant financial benefit. Although in some cases women have held higher-level or leadership roles, their participation is generally concentrated in the most precarious stages of criminal activity, where they are most exposed to criminal charges.⁷⁶

These forms of involvement are characterized by the co-opting of women and adolescents into subordinate or support positions, often through direct pressure or coercion. Policies of persecution against organized crime, focused on tougher criminal penalties, have tended to criminalize these women rather than recognize them as victims of structural violence, deepening their exclusion and exposure to institutional violence⁷⁷.

Furthermore, the lack of a gender perspective in investigations and the administration of justice contributes to the invisibility of contexts of coercion, exploitation, or subordination, and reinforces stereotypes that discredit the credibility and legitimacy of women on trial. In many cases, defendants are perceived as "manipulative," "untrustworthy," or "defiant of authority," leading to prejudgment of their guilt and the imposition of harsher penalties, in open contradiction of the guarantees of the presumption of innocence, impartiality, and the motivation of judicial decisions.⁷⁸ These practices reveal how the use of gender stereotypes in criminal proceedings constitutes a violation of the right to access to justice and due process.

⁷² In this context, it is worth referring to the Guidelines for Prosecutorial Action for the Investigation, Prosecution, Punishment, and Redress of Violent Deaths of Women Committed (or Allegedly Committed) in Contexts of Organized Crime, which were approved by the Ibero-American Association of Public Prosecutors (AIAMP) on November 8, 2021.

⁷³ *Ibid.*, para. 199.

⁷⁴ IACHR, Impact of Organized Crime on the Rights of Women, Girls, and Adolescents in the Northern Triangle of Central America, 2023, pp. 109–111; UNODC, Global Study on Homicide 2023: Homicide and Organized Crime in Latin America and the Caribbean, Vienna, 2023.

⁷⁵ IACHR, Women Deprived of Liberty in the Americas, OEA/Ser.L/V/II Doc. 91/23, March 8, 2023, paras. 27–29, 75–79; Regional Program of the Spotlight Initiative for Latin America, Violence against Women and Girls in Contexts of Organized Crime. Central America, Colombia, Mexico, and the Dominican Republic, 2021. See also: Regional Program of the Spotlight Initiative for Latin America, Violence against Women and Girls in Contexts of Organized Crime. Central America, Colombia, Mexico, and the Dominican Republic, pp. 34–35.

⁷⁶ IACHR, Women Deprived of Liberty in the Americas, 2023, paras. 83–86; Regional Program of the Spotlight Initiative for Latin America, Violence against Women and Girls in the Context of Organized Crime. Central America, Colombia, Mexico, and the Dominican Republic, pp. 34–35.

⁷⁷ IACHR, Violence and Discrimination against Women and Girls in Latin America and the Caribbean, 2019, para. 191; IACHR, Impact of Organized Crime on the Rights of Women, Girls, and Adolescents in the Northern Triangle of Central America, 2023, para. 114.

⁷⁸ IACHR, Impact of Organized Crime on the Rights of Women, Girls, and Adolescents in the Northern Triangle of Central America, 2023, paras. 198 and 204.

This scenario of criminalization highlights the importance of reviewing drug and public security policies from a human rights and gender perspective.⁷⁹ In this context, various mechanisms of the Inter-American Human Rights System have documented the impact of organized crime on the rule of law and the protection of human rights in the region. In 2024, the Inter-American Commission on Human Rights held a regional hearing on organized crime and justice systems, convened at the request of various civil society organizations. On that occasion, a joint assessment was presented on the effects of criminal networks on judicial independence, the functioning of institutions, and structural violence, as well as proposals aimed at strengthening cooperation among States and promoting the adoption of a thematic resolution on this issue, which would address this phenomenon strategically and comprehensively and promote effective actions to prevent, investigate, and punish organized crime, while ensuring the inclusion of a gender perspective, respect for human rights, and due process guarantees in all criminal and security policies.⁸⁰

3. Sexual and gender-based violence in contexts of serious human rights violations and crimes against humanity

Some countries in the region have notable experience in the design and implementation of transitional justice mechanisms in relation to crimes against humanity and serious human rights violations perpetrated in dictatorial contexts or in the context of armed conflicts. Indeed, a range of measures, varying in scope and complexity, has been designed and implemented in the areas of justice, truth, memory, and comprehensive reparation, including guarantees of non-repetition.

However, in their early stages, these processes rendered invisible the violations of rights committed against women and girls, in particular, sexual violence and other forms of gender-based violence⁸¹. Criminal investigations into these crimes were generally delayed, and only in recent decades have some judicial systems made progress in identifying and punishing those responsible.⁸²

Justice officials began to recognize these forms of violence in a differentiated manner following the struggle of feminist and human rights movements, and in parallel with the progressive international recognition of the rights of women and LGBTIQ+ persons, and the prosecution of gender-based crimes by international courts—in particular, the International Criminal Tribunals for the former Yugoslavia and Rwanda, and the International Criminal Court (ICC).⁸³ In the latter case, the Rome Statute expressly provides for the ICC's jurisdiction to prosecute acts of sexual violence that constitute crimes against humanity or war crimes, including rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, and other forms of sexual violence of comparable gravity.⁸⁴ Along the same lines, the organs of the inter-American system also contributed to raising awareness of gender-based violence in contexts of serious human rights violations. Thus, the Inter-American Court of Human Rights has ruled on the specificity

⁷⁹ The United Nations Office on Drugs and Crime (UNODC) highlighted the differential impacts of security and organized crime policies at the global level and emphasized the importance of these policies having a human rights and gender focus. See, among others: UNODC, *Toolkit on Mainstreaming Gender and Human Rights in the Implementation of the United Nations Convention Against Transnational Organized Crime*, Vienna, 2023. See also: Regional Program of the Spotlight Initiative for Latin America, *Violence against women and girls in contexts of organized crime*. Central America, Colombia, Mexico, and the Dominican Republic, 2021, p. 45.

⁸⁰ IACHR, *Regional Hearing: Challenges for Justice Systems in Organized Crime Investigations*, July 23, 2024.

⁸¹ MESECVI, *IV Report, Latin America Chapter on the implementation of the Belém do Pará Convention. Access to justice, truth, and reparation: structural challenges and institutional progress*, January 24, 2025, pp. 44–46.

⁸² United Nations, *Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence*, Report A/75/174, General Assembly, *Gender perspectives in transitional justice processes*, July 17, 2020, chap. IV.

⁸³ United Nations, *Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence*, Report A/75/174, General Assembly, July 17, 2020, chap. IV. It should also be noted that, in the field of international law, specific instruments have been adopted to support the inclusion of a gender perspective in transitional justice processes, such as *General Recommendation No. 35 on gender-based violence against women* by the CEDAW Committee.

⁸⁴ Rome Statute of the International Criminal Court, arts. 7 and 8.

of acts of sexual violence, in particular on forced nudity against women deprived of their liberty in the context of crimes against humanity committed during the internal armed conflict in Peru.⁸⁵

In this process of progressive recognition of the specificity of gender-based violence, the Women, Peace, and Security agenda promoted by the United Nations Security Council, initiated by Resolution 1325 (2000), which recognizes the differentiated impact of armed conflicts on women and girls, as well as their central role in conflict prevention and resolution and in peacebuilding. This framework was subsequently developed by resolutions such as 1820 (2008), which identified sexual violence for the first time as a weapon of war and a threat to international peace and security, and expressly stated that rape and other forms of sexual violence may constitute war crimes, crimes against humanity, or acts of genocide, depending on the circumstances of the case. Related resolutions reinforced these standards, promoting state obligations regarding prevention, investigation, punishment, and accountability for these crimes.⁸⁶

Historically, national courts and prosecutors subsumed sexual crimes under general categories such as torture or torment, without considering their specificity as a form of gender-based violence perpetrated systematically. According to the Follow-up Mechanism of the Belém do Pará Convention, "The failure to recognize sexual violence as a crime against humanity or a war crime prevented its investigation and punishment for decades. The most recent trend in the region is the adoption of judicial criteria that classify it as an autonomous crime, in accordance with the obligations of the Rome Statute and international jurisprudence."⁸⁷

In Argentina, this process of recognition was gradual and linked to the expansion of the justice process for crimes of State terrorism, in a context of growing visibility of gender-based violence. The first rulings that classified sexual offenses as autonomous crimes against humanity date back to the late 2000s and were consolidated during the following decade. Federal courts began to recognize that sexual violence was not a component of torture, but rather a systematic practice of repression and domination of women deprived of their liberty.

The first precedent in which an Argentine court expressly recognized sexual violence as a crime against humanity was in 2010. In this precedent, it was considered that the rapes committed against women detained in a clandestine center during the military dictatorship constituted autonomous crimes and crimes against humanity, and that they could not be subsumed under the generic category of torture.⁸⁸ Similarly, subsequent rulings have confirmed that the rapes committed during the dictatorship constitute crimes against humanity.⁸⁹

These decisions consolidated the judicial recognition of sexual violence as an autonomous crime. This criterion was subsequently reinforced by a series of instruments adopted by the Office of the Attorney General of the Nation aimed at guiding the actions of prosecutors involved in cases of crimes against humanity that include acts of sexual violence, to promote a gender-based approach in criminal prosecution,

⁸⁵ In a case of sexual violence against women deprived of their liberty in the context of the armed conflict in Peru, the Inter-American Court of Human Rights stated that "(...) forcing the inmates to remain naked in the hospital, guarded by armed men, in the precarious state of health in which they found themselves, constituted sexual violence." In this regard, see: Inter-American Court of Human Rights, *Case of Miguel Castro Castro Prison v. Peru*, judgment of November 25, 2006 (Merits, Reparations, and Costs), para. 308.

⁸⁶ Security Council, *Resolution 1325 (2000)*, October 31, 2000. See also related resolutions at: <https://www.unwomen.org/es/what-we-do/peace-and-security/global-norms-and-standards>

⁸⁷ MESECVI, IV Report, *Latin America Chapter on the implementation of the Belém do Pará Convention. Access to justice, truth, and reparation: structural challenges and institutional progress*, January 24, 2025, para. 46.

⁸⁸ Federal Criminal Court of Mar del Plata, Case No. 9400 "Molina, Jorge Antonio et al. on illegal deprivation of liberty, torture, and homicide" (known as Naval Base II), Judgment of November 26, 2010.

⁸⁹ For example, Federal Criminal Oral Court No. 1 of Córdoba, La Perla–La Ribera Case, Judgment of August 25, 2016.

reinforcing due diligence in these cases, and highlighting these crimes as serious, autonomous, and paradigmatic of what state terrorism was in Argentina.⁹⁰

According to the Office of the Prosecutor for Crimes Against Humanity of the Public Prosecutor's Office of Argentina, as of March 2025, 338 sentences had been issued for crimes against humanity, of which 58 (17%) included sexual crimes, with 170 people convicted for these acts.⁹¹

In Colombia, since its creation, the Special Jurisdiction for Peace (JEP) has included the investigation of sexual, reproductive, and other gender-based violence as part of its judicial mandate. This early inclusion represented a significant change from other justice processes in the region, as it expressly recognized the obligation to guarantee access to criminal justice for victims of these crimes. The Colombian case has been proposed as a model for the region insofar as it has developed differentiated procedures to guarantee the effective participation of victims and apply international standards in the investigation of sexual and gender-based crimes committed in the context of armed conflict.⁹²

Macrocase 11, opened in 2021, investigates more than 2,000 acts of sexual and reproductive violence that occurred during the armed conflict, based on reports submitted by women's organizations, LGBTIQ+ communities, and state entities.⁹³ This process has made it possible to highlight patterns of structural violence and create safe spaces for victims to come forward, establishing itself as one of the most advanced experiences in terms of access to criminal justice in transitional justice contexts.

Likewise, in Colombia, ordinary courts also have jurisdiction to investigate sexual violence committed in the context of the armed conflict. Law No. 1719 has been in force since 2014, introducing amendments to various criminal laws to guarantee victims' access to justice and to promote protection measures, comprehensive health care, reparation, and guarantees of non-repetition. This law gives special priority to women, girls, boys, and adolescents, and provides for the creation of an information system for monitoring cases and strengthening criminal investigations.

In this context, the case of Marco Tulio Pérez Guzmán, alias "El Oso," is illustrative. After being excluded from the Justice and Peace process for denying his responsibility in serious acts of sexual violence, he was tried by an ordinary court, which convicted him of multiple crimes, including violent sexual assault, torture, kidnapping, human trafficking, and forced displacement in relation to systematic sexual violence and sexual violence against women, including girls, committed in a context of paramilitary territorial control. The ruling recognized the crimes against humanity nature of these acts and constitutes a relevant example of the prosecution of crimes of sexual violence in the ordinary justice system.⁹⁴ At the same time, the jurisprudence of the Inter-American Court of Human Rights has contributed significantly to raising awareness of sexual violence committed in the context of the Colombian armed conflict. In the Bedoya Lima case, the court described a context of sexual violence against women and a widespread climate of

⁹⁰ In fact, the document "Considerations on the prosecution of sexual abuse committed in the context of state terrorism" outlines the problematic aspects of judicial practice when dealing with crimes of sexual violence in the context of crimes against humanity and offers different guidelines for action to avoid or mitigate their revictimizing effects. In turn, the Public Prosecutor's Offices of the region adopted the "Guide for Public Prosecutor's Offices in the criminal investigation of cases of sexual violence perpetrated in the context of international crimes, in particular crimes against humanity" within the framework of the XVIII Specialized Meeting of Public Prosecutor's Offices of Mercosur and Associated States (REMPM).

⁹¹ Office of the Prosecutor for Crimes against Humanity, *Infographic March 8 on crimes of sexual violence in judgments for crimes against humanity*, Buenos Aires, March 2025.

⁹² United Nations, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Report A/75/174, General Assembly, July 17, 2020, chap. IV.

⁹³ Special Jurisdiction for Peace, Order 033 of 2021, Chamber for the Recognition of Truth, Responsibility, and Determination of Facts and Conduct, March 5, 2021.

⁹⁴ Single Specialized Criminal Court of the Circuit of Sincelejo, conviction of August 31, 2018, against Marco Tulio Pérez Guzmán, alias "El Oso," for crimes of sexual violence, kidnapping, torture, human trafficking, and forced displacement committed in the village of Libertad, municipality of San Onofre (Sucre), in the context of the armed conflict.

impunity, noting that the violence perpetrated in the armed conflict had a differential and aggravated impact on women, insofar as the conflict exacerbated and deepened the discrimination, exclusion, and gender-based violence that already existed in the country.⁹⁵ In this and other relevant precedents, the Court classified sexual violence and other gender-based violence as autonomous human rights violations, integrated into dynamics of control and domination in the armed conflict. It consolidated reinforced standards of due diligence for their investigation, prosecution, and punishment.

In addition to the cases in Argentina and Colombia, other Latin American countries have made partial progress in the criminal investigation of sexual violence in contexts of dictatorship or armed conflict, although to a more limited extent.

In Guatemala, the 2016 Sepur Zarco case was the first in which a national court convicted former military personnel for sexual and domestic slavery against Q'eqchi indigenous women, setting a regional precedent on the right of victims to be heard and obtain justice.⁹⁶

In Peru, the 2023 ruling in the Manta and Vilca case marked a milestone by recognizing the rape of Quechua peasant women by army personnel during the internal conflict as a crime against humanity, after almost three decades of impunity. The court assessed the victims' testimony in their own language and ordered reparations and guarantees of non-repetition.⁹⁷

In Chile, in recent years, the process of justice for crimes against humanity perpetrated by the dictatorship has advanced with the first investigations and convictions of military and police personnel for sexual crimes against political prisoners.⁹⁸

In Uruguay, the justice process relating to crimes against humanity committed during the civil-military dictatorship has also incorporated the issue of sexual violence in recent years, based on an initiative by the survivors themselves. In 2011, for the first time, twenty-eight former political prisoners filed a collective criminal complaint for rape and other forms of sexual violence perpetrated in detention centers, highlighting its systematic nature and its specificity as violence against women in the context of State terrorism. This process took place in a context of more recent limited progress in prosecution, and has faced obstacles related to the lack of a gender perspective and the slow pace of investigations. Although no specific convictions have been issued for these acts to date, it is estimated that nearly 200 cases are pending for crimes against humanity, several of which include allegations of sexual violence, and evidence of a progressive judicial recognition of these practices in the country.⁹⁹

These experiences reflect a regional trend toward the progressive recognition of sexual violence as an international crime. However, they also reveal persistent inequalities in access to criminal justice, especially in countries where democratic transition processes did not incorporate a gender perspective early on.

In most States, structural deficits persist in terms of judicial and prosecutorial specialization, institutional resources, and territorial coverage. Except for a few notable experiences, such as the existence of specialized

⁹⁵ Inter-American Court of Human Rights, *Bedoya Lima et al. v. Colombia*, judgment of August 26, 2021 (Merits, Reparations, and Costs).

⁹⁶ High Risk Court A, Judgment of February 26, 2016; UN Women, "The Sepur Zarco case: justice for Mayan women," 2016.

⁹⁷ DEMUS, "Sexual Violence in Armed Conflicts: The Manta and Vilca Case," Lima, 2023; Inter-American Commission on Human Rights, Press Release No. 108/23, "IACHR Welcomes Judgment in the Manta and Vilca Case in Peru," May 10, 2023.

⁹⁸ On August 29, 2023, the Supreme Court of Chile condemned for the first time the sexual violence perpetrated during the last dictatorship. The court upheld the ruling issued by the Santiago Court of Appeals and confirmed the conviction of three agents of the former National Intelligence Directorate (DINA) for their responsibility in the kidnappings, torture, and sexual violence committed against women deprived of their liberty in a clandestine detention center. The ruling is available at: <https://www.humanas.cl/wp-content/uploads/2023/08/CAMPILLOYBASTIDASSUPREMA.pdf>

⁹⁹ Álvarez, Victoria (2024). Sexual violence in trials for crimes against humanity in Argentina and Uruguay: A journey through two connected stories, *Sortuz Oñati Journal of Emergent Socio-legal Studies*, vol. 14, pp. 245-264.

prosecutorial units in Argentina or the Gender Section of the Special Jurisdiction for Peace in Colombia,¹⁰⁰ training in human rights and differential approaches to sexual violence remains limited.¹⁰¹

Even so, the trials conducted in some countries in the region have helped to transform the legal and evidentiary standards applied in cases of sexual violence, setting precedents that expand access to criminal justice for women and girls who are victims of serious human rights violations. The independent investigation of these crimes allowed survivors to be heard, their testimonies to acquire evidentiary value, and their experiences to no longer be considered collateral damage in trials for crimes against humanity. These processes, therefore, constitute a substantive advance toward the recognition of the right of women and girls to obtain justice for the violations they have suffered.

4. Access to justice for the guarantee of sexual and reproductive rights

Guaranteeing access to justice in matters of sexual and reproductive rights is essential to advancing substantive equality in the region. In recent years, Latin America and the Caribbean have made significant progress through agreements adopted under the Regional Gender Agenda,¹⁰² regulatory frameworks, public policies, and jurisprudence that recognize sexual and reproductive health as part of the right to health, life, autonomy, and non-discrimination. However, this progress has not been uniform.

In a context of uneven progress and fragmented regulatory frameworks, structural challenges persist that limit the full exercise of these rights, especially among women and girls who face poverty, exclusion, and/or intersectional discrimination. Without accessible, independent, and gender-sensitive judicial and administrative mechanisms, violations of these rights—through denial of sexual and reproductive health services, sexual violence, forced motherhood, criminalization of abortion, or obstetric violence—remain unpunished and are perpetuated. The degree of access to justice in this area reflects the real scope of equality before the law and the possibility of exercising physical autonomy.

Girls and adolescents are among the groups most affected by the intersection of sexual violence, lack of protection and access to services, and denial of justice. Teenage pregnancy reproduces intergenerational inequality, as it affects the life plans of adolescents by negatively impacting their years of schooling, forcing them into the labor market earlier, generally in more precarious jobs,¹⁰³ and generating an excessive burden of unpaid domestic and care work.¹⁰⁴

The absence of age-appropriate judicial protocols, specialized advocacy services, and confidential health services prevents many girls from reporting their aggressors or accessing effective protection and redress measures. In turn, although many states have policies to prevent teenage pregnancy, in recent years,

¹⁰⁰ In Argentina, the Office of the Prosecutor for Crimes against Humanity of the Public Prosecutor's Office has guidelines for the investigation and prosecution of crimes of sexual violence in crimes against humanity, in particular guidelines for taking testimony and evaluating evidence with a gender perspective. In Colombia, the Special Jurisdiction for Peace (JEP) has a Gender Section and technical teams made up of legal, psychosocial, and forensic personnel dedicated to investigating sexual and reproductive violence in the armed conflict.

¹⁰¹ MESECVI, IV Report, Latin America Chapter on the implementation of the Belém do Pará Convention. *Access to justice, truth, and reparation: structural challenges and institutional progress*, January 24, 2025, para. 46; United Nations, Report A/75/174, para. 44.

¹⁰² In this regard, see A. C. González Vélez, "Women's physical autonomy in the Regional Gender Agenda and the Montevideo Consensus on Population and Development: a virtuous thread," Gender Issues series, No. 163 (LC/TS.2023/164), Santiago, Economic Commission for Latin America and the Caribbean (ECLAC), 2023.

¹⁰³ UN Women, *Regional Profile of Gender Equality for Latin America and the Caribbean*, RCP LAC, 2024, p. 50.

¹⁰⁴ Pan American Health Organization (PAHO), *Latin America and the Caribbean have the second highest rate of teenage pregnancies in the world*, February 28, 2018.

there has been a significant decline in the number of countries that guarantee comprehensive sexuality education in the educational curriculum.¹⁰⁵

Added to these limitations are unequal and often restrictive access to contraceptive methods, adequate information, and timely, quality sexual and reproductive health services. In several countries in the region, regulatory, administrative, and practical barriers persist, such as the requirement of undue authorizations, lack of territorial availability, shortages of supplies, or refusal by health personnel, which disproportionately affect girls and adolescents. Denial or limited access to contraception constitutes a violation of the right to health, reproductive autonomy, and non-discrimination. It exposes women and girls to unintended pregnancies, forced motherhood, and greater risks to their lives and health, deepening existing structural inequalities.

These barriers to access to contraception not only limit the prevention of unintended pregnancies but also reflect a restrictive understanding of the physical and reproductive autonomy of women and girls. In this regard, the way in which States regulate and guarantee access to sexual and reproductive health services is closely linked to the way in which justice systems conceive and apply the notion of consent, particularly in contexts of sexual violence and relationships marked by power inequalities.

In this scenario, it is essential to review how justice systems conceptualize and apply the notion of consent in cases of sexual violence. As noted in General Recommendation No. 3 of MESECVI, a significant portion of these abuses occurs in contexts marked by power asymmetries—institutional, occupational, or educational—that undermine the possibility of free decision-making.¹⁰⁶ Conceiving of consent as a free and voluntary expression of sexuality is essential for identifying and adequately punishing these acts of violence and for ensuring judicial responses that are in line with international standards.

In this context, obstetric violence constitutes a specific form of gender-based violence that remains largely invisible in the region and poses significant challenges in terms of access to justice. Practices such as unnecessary medical interventions, humiliating or dehumanizing treatment, performing procedures without informed consent, denying support during childbirth, or failing to provide clear and understandable information violate women's rights to dignity, personal integrity, autonomy, and health. The absence of effective reporting mechanisms, the normalization of these practices in health services, and limited coordination with the judicial system contribute to impunity and discourage the pursuit of redress.

On the other hand, while some countries—such as Argentina, Colombia, Cuba, Guyana, Mexico, and Uruguay—have taken significant steps toward expanding legal frameworks on abortion or judicial protection of sexual and reproductive rights, others continue to uphold restrictive regulations that limit their exercise.¹⁰⁷ Further compounding this is the uneven implementation of existing regulations, which highlights the persistence of barriers to effective access to these rights and the need to strengthen more coherent and effective approaches at the regional level.

¹⁰⁵ UN Women, *Regional Profile on Gender Equality for Latin America and the Caribbean*, p. 50. See also Economic Commission for Latin America and the Caribbean. (2025). *State action to eliminate child marriage and early unions, and to prevent teenage pregnancy in Latin America and the Caribbean: 30 years after the Beijing Declaration and Platform for Action and the Cairo Program of Action, in synergy with the Regional Gender Agenda and the Montevideo Consensus*. Project Documents (LC/TS.2025/100), pp. 26 and 27.

¹⁰⁶ MESECVI, *General Recommendation of the MESECVI Committee of Experts (No. 3): The concept of consent in cases of gender-based sexual violence against women*, 2021.

¹⁰⁷ MESECVI, *IV Report, Latin America Chapter on the implementation of the Belém do Pará Convention. Access to justice, truth, and reparation: structural challenges and institutional progress*, January 24, 2025, para. 141.

High rates of maternal mortality and unsafe abortions demonstrate the persistence of significant barriers to the effective exercise of these rights in the region.¹⁰⁸ In several countries, abortion remains criminalized even in cases of rape or health risks, leading to fear, stigmatization, and self-censorship. Justice systems often lack training in gender and sexual and reproductive health, leading to revictimizing practices and mistrust of institutions.

Faced with this situation, United Nations treaty bodies have established decisive standards. In 2023, the Committee on the Rights of the Child declared that denying a 13-year-old girl who was the victim of rape access to a therapeutic abortion constituted a violation of the Convention on the Rights of the Child.¹⁰⁹ The Committee understood that the lack of information about voluntary termination of pregnancy services and effective access to such services exposed her to a real, personal, and foreseeable risk to her life and health. It further considered that the lack of access to a safe abortion constituted in itself differential treatment based on her gender, punishing her for not conforming to stereotypes about her reproductive role. In terms of comprehensive reparation, the Committee required Peru to decriminalize abortion in all cases of pregnancy in minors and to guarantee pregnant girls access to safe abortion services and post-abortion care.¹¹⁰

Finally, the Committee urged Peru to adopt comprehensive measures of reparation and non-repetition. It recommended reforming legislation to guarantee access to safe, legal, and effective abortions, especially in cases of sexual violence or risk to life or health; eliminating existing barriers in the health system; strengthening education and training for health and justice professionals on sexual and reproductive rights; and provide adequate reparations to survivors, including financial compensation, educational support, and psychological counseling, with a view to rebuilding their lives.¹¹¹

At the national level, the region has also seen jurisprudential and regulatory advances that consolidate the understanding of sexual and reproductive rights as issues of justice, equality, and non-discrimination. Among these, precedents in Colombia and Mexico stand out.

In Colombia, Constitutional Court Ruling C-055/2022—in response to the lawsuit and momentum of the *Causa Justa* movement¹¹²—marked a regional milestone by recognizing abortion as a fundamental right up to the 24th week of pregnancy.¹¹³ In that decision, the Court determined that absolute criminalization violates the rights to life, health, equality, freedom of conscience, and non-discrimination, and that the criminal justice system cannot be used to regulate intimate decisions or perpetuate inequalities. It emphasized that women must have access to effective, confidential, and stigma-free health services and judicial resources.

The ruling ordered the State to formulate and implement a comprehensive public policy on sexual and reproductive rights that, without leading to setbacks, protects women's rights and creates regulations outside the criminal sphere.¹¹⁴

¹⁰⁸ Every year, some 8,400 women die from preventable causes related to pregnancy, childbirth, or the postpartum period. At the same time, access to abortion in Latin America and the Caribbean is highly unequal. As of 2022, abortion was regulated in only 31% of the countries in the region, and post-abortion maternal care in only 75% of the countries. See UN Women, *Regional Profile on Gender Equality for Latin America and the Caribbean*, RCP LAC, 2024, pp. 48 and 51.

¹⁰⁹ United Nations Committee on the Rights of the Child, *Press Release, Peru violated the rights of a girl who was a victim of rape by failing to guarantee her access to abortion and prosecuting her for self-induced abortion*, June 13, 2023.

¹¹⁰ United Nations Human Rights Committee, *Press Release, Ecuador and Nicaragua: The UN Human Rights Committee concluded that forced pregnancy and forced motherhood violated the rights of girls who were victims of rape*, January 20, 2025, and United Nations Human Rights Committee, *Press Release, From rape to lost childhood: Guatemala is responsible for forcing girl into unwanted pregnancy and motherhood, UN Committee concludes*, June 5, 2025.

¹¹¹ See in this regard, Center for Reproductive Rights: *Girls, Not Mothers: Preventing Forced Pregnancy in Latin America and Beyond*, October 2025.

¹¹² The *Causa Justa* movement is made up of more than 200 organizations and activists.

¹¹³ See: <https://derechoalaborto.com/conoce-las-sentencias/sentencia-c-055-de-2022/>

¹¹⁴ See <https://despenalizaciondelaborto.org.co/wp-content/uploads/2023/03/informe-primer-ano-del-fallo.pdf>

Meanwhile, in Mexico, the Supreme Court of Justice of the Nation (SCJN) consolidated a historic line of jurisprudence in 2023 by declaring the criminalization of abortion in the Federal Criminal Code unconstitutional. Specifically, the First Chamber of the SCJN ruled that the section of the Federal Criminal Code that criminalizes abortion will no longer be effective.¹¹⁵ At the same time, the SCJN ordered Congress to repeal the provisions that criminalize voluntary abortion in the Federal Criminal Code.

The decisions of the courts in Colombia and Mexico promote regulatory harmonization with international standards and open up a constructive horizon for the consolidation of public policies that guarantee the effective exercise of the sexual and reproductive rights of women and girls in Latin America and the Caribbean.

Beyond the criminalization of abortion and the denial of services, the region also experiences serious violations of sexual and reproductive rights resulting from coercive reproductive practices carried out by the State itself. For this reason, the recent public hearing held before the Inter-American Court of Human Rights on the practice of forced sterilizations under the National Reproductive Health and Family Planning Program in Peru, which particularly affected indigenous and rural women, is especially relevant.¹¹⁶

5. Judicial protection of the right to care in the region

In recent years, the recognition and protection of the right to care have advanced significantly both in international human rights law and in the agreements adopted at successive meetings of the Regional Conference on Women in Latin America and the Caribbean.¹¹⁷ In fact, the Brasilia Consensus (2010) recognized the right to care for the first time in an intergovernmental agreement, and this issue has since been taken up and further developed in the Buenos Aires Commitment (2022) and the Tlatelolco Commitment (2025).

The content of this right has been defined with increasing precision, and specific obligations have been identified for States, covering legislative, judicial, and administrative measures. These include the allocation of specific budgetary items and other fiscal policies aimed at guaranteeing the effective exercise of the right to be cared for, to care for others, and to exercise self-care. A recent milestone in this process has been Advisory Opinion 31 of 2025 of the Inter-American Court of Human Rights, which, based on a systematic, evolutionary, and pro persona interpretation of the rights enshrined in the American Convention on Human Rights and the American Declaration of the Rights and Duties of Man, established the existence of an autonomous right to care. The Inter-American Court of Human Rights defined its essential contents and reinforced state obligations, giving greater legal weight to this right. In this regard, the Court specified that, when resolving disputes and legal issues that may arise in the area of care, the competent authorities—including the judicial authorities—must carry out the necessary review of conformity with the standards developed by the Inter-American Court in its jurisprudence and, in particular, in that Advisory Opinion, to ensure adequate protection of rights.¹¹⁸

¹¹⁵ See <https://abortomexico.gire.org.mx/el-aborto-y-la-scnj-linea-de-tiempo/>

¹¹⁶ In this regard, see Inter-American Court of Human Rights, Public Hearing in the case of Celia Ramos v. Peru, May 23, 2025.

¹¹⁷ Economic Commission for Latin America and the Caribbean (ECLAC), United Nations Entity for Gender Equality and the Empowerment of Women, and International Labor Organization. (2025). *The right to care in Latin America and the Caribbean: regulatory advances. Observatory on Gender Equality in Latin America and the Caribbean, Studies (4) (LC/PUB.2025/9-P)*, chaps. I and II.

¹¹⁸ Inter-American Court of Human Rights, Advisory Opinion 31/25 on the Content and Scope of the Right to Care and its Interrelation with Other Rights (Interpretation and scope of Articles 1, 2, 4, 17, 19, 24, 26, and 29 of the American Convention on Human Rights; 34 and 45 of the Charter of the Organization of American States; I, II, VI, XI, XII, XIV, XV, XVI, XXX, and XXXV of the American Declaration of the Rights and Duties of Man; 7, 8, and 9 of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women; Articles 1, 2, 3, 6, 7, 9, 10, 11, 13, 15, 16, 17, and 18 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights; 6, 9, 12, and 19 of the Inter-American Convention on Protecting the Human Rights of Older Persons, and III of the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities). Advisory Opinion OC-31/25, June 12, 2025. In particular, see para. 124 and operative paragraph 5.

Moreover, in that precedent, the Inter-American Court takes up the standards developed by various ILO instruments, such as Convention 156 on Workers with Family Responsibilities (1981), Convention 183 on maternity protection (2000), and Convention 102 on social security (minimum standards) (1952), to strengthen the link between care and work, which contributes to the recognition and protection of the labor rights and social security of persons who perform care work.

These developments have been mirrored in various countries in the region, which in many cases have strengthened their domestic legal frameworks by expressly recognizing the right to care and unpaid domestic work in their constitutions and/or in specific national and subnational laws and regulations.¹¹⁹ In fact, eight countries have passed laws establishing national care policies and systems, most are moving forward with policy design, and others have made progress in extending maternity, paternity, and parental leave as part of strategies aimed at redistributing care responsibilities and promoting social and gender co-responsibility.¹²⁰

Furthermore, significant progress has been made in the production of statistical information for the design and monitoring of public policies, with 24 countries having official measurements of time use, 18 calculating the Sustainable Development Goals indicator on unpaid domestic and care work, and five that have developed official satellite accounts for unpaid household work, which helps to highlight the economic and social value of care.¹²¹

However, these processes are not homogeneous and exhibit significant differences in institutional scope, territorial coverage, service availability, and financial support, reflecting a diversity of national trajectories and varying levels of consolidation of care policies and systems in the region.

In this context, recent years have also witnessed a progressive judicial enforcement of the right to care in Latin America and the Caribbean. This progress is largely based on the virtually universal ratification of the main human rights treaties, whose content allows for the derivation of state obligations related to care and affirms their enforceability.

Thus, national courts have begun to interpret care as an autonomous right and to establish specific State obligations in areas such as inclusive education, the protection of older persons or persons in situations of dependency, the provision of support, shared responsibility, and the adequacy of services.

For example, in 2020, Ecuador's Constitutional Court analyzed the scope of pregnant women's rights in public administration. The Court highlighted the importance of social co-responsibility for care and considered that the National Assembly should legislate to extend paternity leave towards a progressive scheme comparable to maternity leave, as well as to extend leave for adoptive mothers and fathers. It

¹¹⁹ Article 338 of the Political Constitution of the Plurinational State of Bolivia establishes that "the economic value of domestic work as a source of wealth [should] be recognized and quantified in public accounts." Similarly, Article 333 of the Constitution of the Republic of Ecuador recognizes unpaid self-sustaining and human care work as productive labor and promotes a labor regime that functions in harmony with human care needs, encouraging shared responsibility between men and women. Likewise, the constitutions of the Bolivarian Republic of Venezuela and the Dominican Republic recognize the productive value of domestic work as a generator of wealth and social welfare. At the subnational level, the Political Constitution of Mexico City (2017) expressly establishes care as a fundamental right and mandates the creation of a care system with universal, quality public services. See ECLAC, *The Right to Care in Latin America and the Caribbean: Regulatory Advances*, Gender Equality Observatory for Latin America and the Caribbean, Studies No. 4 (LC/PUB.2025/9-P), pp. 24 and 25.

¹²⁰ Economic Commission for Latin America and the Caribbean (ECLAC), *Action for equality, development, and peace in Latin America and the Caribbean: regional report on the review of the Beijing Declaration and Platform for Action 30 years after its adoption*, in synergy with the implementation of the Regional Gender Agenda (LC/MDM.66/5), Santiago, 2025. In January, Chile unanimously approved the bill creating the National Support and Care System, *Chile Cuida*, thus completing its legislative process. It is currently awaiting enactment.

¹²¹ Economic Commission for Latin America and the Caribbean (ECLAC), *Action for equality, development and peace in Latin America and the Caribbean: regional report on the review of the Beijing Declaration and Platform for Action 30 years after its adoption in synergy with the implementation of the Regional Gender Agenda (LC/MDM.66/5)*, Santiago, 2025.

also held that the State should universalize the exercise of the right and obligation to care, so that men and women can exercise it on equal terms.¹²²

Along similar lines, in 2023, the Constitutional Court of the Dominican Republic urged Congress to review the legislation on paternity leave, establishing that its duration should be adjusted to the principles of equality and reasonableness and periodically updated until it reaches a period that guarantees responsible fatherhood under conditions of gender equality.¹²³

In turn, the Constitutional Court of Colombia recognized the right to care and the rights of caregivers in a case involving 24 women in vulnerable situations who were excluded from the Solidarity Income Program. Subsequently, in ruling T-446/24, the Court analyzed the duty to guarantee a caregiver who would allow children and adolescents with disabilities to receive rehabilitation treatment and the necessary home care, beyond the requirements of medical certainty and the inability of the family unit to provide care, since the mother works to support herself and her income does not cover the cost of the service. Furthermore, in her case, it is not possible to speak of a redistribution of care responsibilities, since she does not have a partner with whom to share these burdens.¹²⁴ For its part, the Supreme Court of Justice of the Nation of Mexico affirmed that women and girls should not be forced to assume care responsibilities under gender mandates. It recognized that, under international law, all persons have the right to care, to be cared for, and to self-care, and that older persons or persons with disabilities must have access to adequate care without compromising the health or life plans of their caregivers. This decision was particularly significant, as it sets a binding precedent for all courts in the country.¹²⁵

In the area of access to care services, the Supreme Court of Justice of Argentina ruled on a case challenging the lack of regulation of an article of the Employment Contract Law that requires employers to provide maternity rooms and daycare centers. The Court ordered the State to establish minimum conditions for its implementation, noting that the regulatory omission—which had lasted more than 47 years—affected "the exercise of a specific right of workers to access a support service for their family care tasks."¹²⁶

Finally, Brazil's Federal Supreme Court has developed a consistent and increasingly robust body of case law on the right to care. Its decisions cover various aspects of protection, including the needs of children and adolescents, older persons, and persons with disabilities. At the same time, the disproportionate distribution of care work that falls on women—particularly black women and women in vulnerable situations, such as those deprived of their liberty—has been addressed with special emphasis by the Court, which has underscored the need for redistributive public policies.¹²⁷

These precedents reflect the consolidation of judicial standards that recognize various dimensions of the right to care and expand the possibilities for effective judicial protection, particularly for women and girls, who are disproportionately affected by the region's unequal care system.

¹²² Constitutional Court of Ecuador, ruling 3-19-JP/20 and related cases.

¹²³ Constitutional Court of the Dominican Republic, ruling TC/0901/23. This ruling declared Article 54 of the Labor Code – Law 16-92 unconstitutional.

¹²⁴ Economic Commission for Latin America and the Caribbean, United Nations Entity for Gender Equality and the Empowerment of Women, and International Labor Organization. (2025). *The right to care in Latin America and the Caribbean: regulatory advances*. Latin American and Caribbean Gender Equality Observatory. Studies (4) (LC/PUB.2025/9-P).

¹²⁵ Direct amparo ruling No. 6/2023. In this regard, see ECLAC, *The right to care in Latin America and the Caribbean: regulatory advances*. Gender Equality Observatory for Latin America and the Caribbean. Studies (4) (LC/PUB.2025/9-P), p. 27.

¹²⁶ Supreme Court of Justice of the Nation of the Argentine Republic, CAF 49220/2015/1/RH1 Etcheverry, Juan Bautista et al. v. EN s/ amparo law 16.986, ruling of October 21, 2021.

¹²⁷ In this regard, in 2025 the Federal Supreme Court of Brazil (STF) published a Jurisprudence Notebook selecting paradigmatic cases in the area of care, which allows us to see the multiplicity of dimensions it addresses and the dialogue between the STF and international and regional human rights protection bodies. In this regard, see: STF, *Jurisprudence Notebooks of the Federal Supreme Court: Realizing Human Rights – Right to Care*, 2025.

6. Access to environmental justice with a gender perspective

Guaranteeing access to environmental justice is a central component of the enforceability of economic, social, cultural, and environmental rights. However, significant gaps remain in the availability and effectiveness of judicial and administrative remedies for environmental damage and for the prevention of future harm. Economic barriers and barriers to access to information, coupled with the lack of specialized technical bodies with a gender focus, limit the effective exercise of these rights and reinforce patterns of structural inequality in the region.

In this regard, the Regional Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean, known as the Escazú Agreement, is a pioneering legal instrument that includes the world's first binding provision on human rights defenders in environmental matters. The Agreement also recognizes that access to environmental justice comprises a set of essential procedural guarantees. These include timely, comprehensive, and understandable access to environmental information—including assessments of environmental impacts, climate risks, and mitigation and adaptation plans—as well as effective public participation in decision-making processes that may affect the environment. In turn, the nature of environmental and climate damage poses specific challenges for justice systems, as it often involves collective, diffuse, and structural impacts that are not always individualizable or immediate.

This requires procedural frameworks that recognize broad standing, enable collective action, and allow the adoption of structural measures to remedy systematic violations and modify state and private practices that reproduce patterns of environmental degradation and inequality. In this context, women often appear before the justice system not only as individual victims but also as members of communities affected by socio-environmental conflicts, reinforcing the need for judicial responses appropriate to this collective dimension.

Access to environmental justice includes a central preventive dimension, particularly relevant given the risks associated with the climate crisis and the possibility of serious or irreversible damage. The effectiveness of this right depends on the availability of timely precautionary and preventive measures, the possibility of early judicial review of public and private decisions with potential environmental impact, and the relaxation of evidentiary standards when scientific uncertainty exists. The lack of effective judicial tools for the prevention of future harm disproportionately affects women, as it increases their care burdens, deepens food and water insecurity, and limits their capacity to respond to contexts of increasing environmental vulnerability.

Thus, limitations in access to environmental justice are not gender-neutral but translate into differentiated material impacts on the daily lives of women and girls, particularly in contexts affected by the climate crisis and environmental degradation. As recognized in the Belém Gender Action Plan, adopted within the framework of COP 30 of the UNFCCC, environmental and climate crises have differentiated impacts on women and girls, which interact with and deepen pre-existing structural inequalities¹²⁸. These effects are further exacerbated by the recurrence and intensity of disasters, which place extreme pressure on state capacities to respond and protect rights. Especially in rural areas, the livelihoods of many women in the region depend directly on natural resources and sectors such as agriculture and fisheries, which are highly vulnerable to the effects of climate change, biodiversity loss, and pollution.¹²⁹ Women also play a central

¹²⁸ Belém Gender Action Plan (GAP) adopted within the framework of the 2025 United Nations Climate Change Conference (COP30), Brazil, November 21, 2025. On this topic, see also UN, Women and girls and the right to a clean, healthy and sustainable environment Report of the Special Rapporteur on the issue of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment, A/HRC/52/33, January 5, 2023, para. 55.

¹²⁹ UN Women, *Regional Profile on Gender Equality for Latin America and the Caribbean*, RCP LAC, 2024, p. 56.

role in managing water for domestic and community activities, meaning their workload—including unpaid care work—and their food and water security are particularly affected by environmental degradation.

Women's limited access to land and natural resources, and their limited participation in decision-making about their use and management, not only affect their economic autonomy, but also their ability to implement sustainable practices and adopt climate-resilient technologies. In this context, lack of access to environmental justice has direct effects on the social organization of care, as water scarcity, pollution, and the impacts of climate change significantly increase the care burdens that fall disproportionately on women. In this context, ensuring effective access to environmental justice is essential to addressing these inequalities and strengthening the sustainability of state responses to ecological crises and disasters.¹³⁰

In a scenario where structural barriers to access to justice particularly affect women and communities facing socio-environmental conflicts, the recent Advisory Opinion No. 32/25 of the Inter-American Court of Human Rights is particularly relevant. This ruling establishes the dimensions of the right of access to justice that States must guarantee in the context of the climate and environmental crisis, reinforcing regional standards for responding to these challenges.¹³¹

In particular, the Inter-American Court emphasizes that, given the complexity of climate litigation and its differentiated impacts, States must adopt procedural and substantive regulations that ensure continuous training of judicial officials; the incorporation of an intercultural and interdisciplinary approach; the allocation of sufficient resources to the institutions responsible for resolving these cases; timely access to the best available scientific knowledge; and the guarantee of equal access to justice for all persons in vulnerable situations, including free legal proceedings, where appropriate.

In turn, concerning comprehensive reparation, the Advisory Opinion highlights the need for restitution measures aimed at restoring the climate system and ecosystems by increasing mitigation commitments, as well as financing and implementing conservation or restoration actions and plans; compensation measures based on appropriate methodologies for assessing the losses suffered in this context; and guarantees of non-repetition aimed at reducing circumstances of vulnerability, monitoring compliance with existing obligations, and strengthening the resilience of natural and human systems within the framework of sustainable development.¹³²

7. Access to justice to guarantee women's political rights

In terms of women's political rights, international and regional standards have consistently affirmed that full and equal participation in political and public life, as well as equal access to public office and decision-making spaces, are essential conditions for substantive and effective democracy.¹³³

In this regard, the Beijing Declaration and Platform for Action states that achieving equality between women and men in decision-making spaces is necessary to strengthen democracy and promote its proper functioning. Similarly, the 2030 Agenda for Sustainable Development establishes, in target 5.5 of Sustainable Development Goal 5, the commitment to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life.

¹³⁰ This approach is particularly relevant in light of current international discussions on the development of a new convention on the protection of persons in the event of disasters.

¹³¹ Inter-American Court of Human Rights, Advisory Opinion No. 32, *Climate Emergency and Human Rights*, May 29, 2025.

¹³² Inter-American Court of Human Rights, Advisory Opinion No. 32, *Climate Emergency and Human Rights*, paras. 556-559.

¹³³ In the field of international human rights law, in addition to the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women, it is important to mention General Recommendation No. 40 of the CEDAW Committee on the equal and inclusive representation of women in decision-making systems, both in the public and private spheres.

The Regional Gender Agenda has reaffirmed these commitments in the Quito Consensus (2007), the Santo Domingo Consensus (2013), the Santiago Commitment (2020), the Buenos Aires Commitment (2025), and most recently in the Tlatelolco Commitment (2025), which recognize parity democracy as a determining condition of the democratic system, a central objective for eliminating the structural exclusion of women, and a key element for strengthening their autonomy. These principles have been ratified and updated more recently in the Tlatelolco Commitment (2025), which consolidates the equal representation of women at all levels of the State as a pillar for protecting and deepening democracy.

In line with these standards, in recent decades the region has made significant progress at the constitutional, legal, and institutional levels to guarantee substantive equality in the exercise of political rights. In particular, some countries have incorporated the principle of parity into their constitutions and electoral frameworks, strengthened quota systems, and adopted specific regulations on political financing with a gender perspective, as well as administrative and jurisprudential criteria to ensure their effective application.¹³⁴ Along these lines, in terms of measures aimed at ensuring parity, the constitutional reform carried out in Mexico in 2019, known as "Parity in Everything," stands out. This reform elevated the obligation to observe the principle of parity to constitutional status at all levels of government, including the legislative and judicial branches, at the federal, state, and municipal levels.

At the same time, there are notable initiatives aimed at strengthening women's access to justice in the face of violations of their political and electoral rights, such as the "Guide for Judging with a Gender Perspective in Electoral Matters" adopted by the Electoral Tribunal of the Judicial Branch of the Mexican Federation.¹³⁵

However, regional evidence shows that these advances remain uneven and that parity has not been achieved in most countries, as significant gaps persist in women's representation in decision-making spaces, linked to factors such as political violence and funding deficits, among others, for which there are no effective avenues allowing them to access justice. This situation highlights the gap that persists in the region's countries between formal recognition of political rights and their effective exercise.

In this regard, the progressive recognition of women's political rights and the development of regulatory and institutional mechanisms to ensure their enforcement have contributed to broadening the basis for their effective protection and enforceability before administrative and judicial bodies, including electoral bodies and courts with jurisdiction over constitutional and electoral matters. Access to justice is thus an indispensable condition for challenging discriminatory practices, correcting persistent exclusions, and ensuring the effective application of equality and parity standards. However, significant challenges remain regarding the availability of adequate judicial remedies, the institutional capacity of the competent bodies,

¹³⁴ In this regard, examples include the incorporation of the principle of parity in the constitutional and electoral frameworks of Mexico and Bolivia; legal and administrative reforms in Chile aimed at strengthening balanced representation in elected office; and regulatory and jurisprudential developments in Argentina in the area of gender parity and political financing, which have contributed to consolidating standards for guaranteeing women's political rights.

In particular, at the special regional consultation session prior to CSW 70 of the 67th Meeting of the Executive Committee of the Regional Conference on Women in Latin America and the Caribbean, it was highlighted that, in the case of Mexico, in 2021, the Federal Electoral Tribunal ordered that parity be ensured in the Congress of the Union—both in the Chamber of Deputies and in the Senate—through an interpretation that weighed the democratic principle and the principle of gender parity, requiring the alternating composition of lists to guarantee effective parity.

Along the same lines, a year later, case law advanced in its interpretation of the principle of parity in relation to the composition of the Judiciary, establishing the application of gender alternation to comply with the constitutional principle of parity in the election of judges to the Federal Judiciary. Subsequently, in the area of the right to care and political participation, specific measures were ordered to facilitate the exercise of the right to vote by persons with disabilities and their primary caregivers, including modalities such as electronic voting via the internet, early voting, and the provision of differentiated routes or mechanisms during the 2023–2024 electoral process. These measures, adopted by a ruling of the Superior Court, were extended to residents throughout the national territory, reinforcing an approach of accessibility, care, and non-discrimination in the exercise of political rights.

¹³⁵ See, for example, Gender Equality Observatory of the Global Network for Electoral Justice and Electoral Tribunal of the Federal Judiciary of Mexico, *Guide to Judging with a Gender Perspective in Electoral Matters*, 2023.

and the removal of procedural and structural barriers that continue to limit the full exercise of these rights on an equal basis, particularly for women who face multiple and intersectional forms of discrimination.¹³⁶

b) Access to justice from an intersectional perspective

1. Intercultural justice and non-discrimination for indigenous and Afro-descendant women

Indigenous and Afro-descendant women face specific and persistent obstacles to accessing justice as a result of multiple forms of intersectional discrimination based on gender, ethnic or racial origin, and socioeconomic status.¹³⁷ In addition to the structural inequalities that have historically affected their communities, geographical, linguistic, cultural, and economic factors further deepen their exclusion.¹³⁸

In many rural or hard-to-reach areas, indigenous women must travel long distances—sometimes for days by land or water—to reach the cities where the courts or prosecutors' offices are located. This situation not only makes it difficult to report acts of violence but also limits the possibility of providing evidence, attending hearings, and pursuing legal proceedings. Language barriers exacerbate this situation: most judicial officials are monolingual, and the available translations and interpreters are partial, leading to mistrust, revictimization, and procedural errors.

Once in the judicial system, women face institutional discrimination and racial and gender stereotypes, as well as a lack of financial resources to pay for legal representation or transportation. Many do not have identity documents or information about their rights. In urban contexts, women of African descent, especially those living in conditions of economic marginalization, suffer discrimination based on skin color and ethnic origin, which hinders their access to effective judicial remedies.

Access to justice for indigenous women involves both the possibility of resorting to the state judicial system and the recognition, respect, and strengthening of indigenous justice systems.¹³⁹ Both systems must function in a complementary manner and be compatible with international human rights standards. This involves, among other measures, raising awareness and supporting indigenous authorities by providing them with resources, guidelines, and protocols, as well as strengthening the participation of indigenous women in the ordinary justice system to implement an intercultural approach.¹⁴⁰

In this regard, the United Nations Declaration on the Rights of Indigenous Peoples establishes that indigenous peoples have the right to "equitable and fair procedures for the settlement of conflicts and

¹³⁶ See, among others, the Economic Commission for Latin America and the Caribbean (ECLAC), *Action for Equality, Development, and Peace in Latin America and the Caribbean: Regional Report on the Review of the Beijing Declaration and Platform for Action 30 Years After Its Adoption in Synergy with the Implementation of the Regional Gender Agenda (LC/MDM.66/5)*, Santiago, 2025, especially chapter II (pp. 58–61); the Tlatelolco Commitment, adopted at the XVI Regional Conference on Women in Latin America and the Caribbean (2025), para. 15; and the Montevideo Strategy for the Implementation of the Regional Gender Agenda in the Framework of Sustainable Development toward 2030 (2016), in particular axes 7 (institutionality) and 9 (monitoring and accountability).

¹³⁷ In this regard, see IACHR, *Access to Justice for Women Victims of Violence in the Americas*, OEA/Ser.L/V/II.Doc. 68, January 20, 2007, paras. 195–216.

¹³⁸ In its judgment in the case of *Rosendo Cantú et al. v. Mexico*, the Inter-American Court of Human Rights established that the State failed to fulfill its obligation to guarantee, without discrimination, the right of access to justice with respect to Ms. Rosendo Cantú, an indigenous woman who was the victim of sexual violence by a group of soldiers. In that case, the regional court highlighted, among other issues, that "Ms. Rosendo Cantú did not have an interpreter provided by the State when she required medical attention, nor when she filed her initial complaint, nor did she receive information in her language about the proceedings arising from her complaint. In order to inform the authorities of the crime that had affected her and to access information, she had to resort to her husband, who spoke Spanish." *Inter-American Court of Human Rights, Case of Rosendo Cantú et al. v. Mexico*, judgment of August 31, 2010, para. 185.

¹³⁹ CEDAW Committee, *General Recommendation 39 on the rights of indigenous women and girls*, CEDAW/C/GC/39, October 31, 2022.

¹⁴⁰ Statement by Norma Don Juan Pérez, Continental Network of Indigenous Women of the Americas (ECMIA), at the Special Consultation Session prior to CSW70 of the 67th Meeting of the Executive Committee of the Regional Conference on Women in Latin America and the Caribbean, Santiago, Chile, December 2, 2025.

disputes with States or other parties, and to a prompt decision on such disputes, as well as to effective redress for any injury to their individual and collective rights.¹⁴¹ It also stipulates that, in resolving such disputes, due consideration shall be given to the customs, traditions, norms, and legal systems of the indigenous peoples concerned, as well as international human rights standards.

At the same time, ILO Convention 169 on Indigenous and Tribal Peoples, which 15 countries in the region have ratified, recognizes and protects the collective identity of indigenous peoples and guarantees free, prior, and informed consultation, while establishing a series of state obligations directly aimed at ensuring the protection of the rights of indigenous women.

For its part, the CEDAW Committee has highlighted that indigenous women and girls face structural barriers to access to justice and equality, including discriminatory norms that restrict their legal capacity or property rights. It has therefore emphasized the need to guarantee access to both indigenous and non-indigenous justice systems, ensuring that they are inclusive, culturally competent, and accessible. This involves providing interpreters, trained personnel, free legal aid, disseminating information on rights in indigenous languages, and developing intercultural models of protection, punishment, and redress that are consistent with their worldviews and framed within their human rights.¹⁴²

At the regional level, there are judicial and methodological instruments that have been fundamental in advancing indigenous women's access to justice:

- Protocols for judging with a gender and intercultural perspective, such as those developed by the Supreme Court of Justice of Mexico, which guide judges in assessing the cultural context and structural inequality faced by indigenous women¹⁴³.
- Strategic litigation, promoted by indigenous and human rights organizations, has made it possible to highlight patterns of structural discrimination and obtain judicial decisions with transformative effects¹⁴⁴.
- Anthropological-cultural expertise is recognized in several countries as an essential evidentiary tool for understanding the norms, practices, and values of indigenous peoples and for avoiding biased judicial interpretations.¹⁴⁵

In cases of sexual, domestic, or institutional violence, impunity often persists due to a lack of cultural understanding on the part of judicial officials, a shortage of interpreters, evidentiary deficiencies, and a scarcity of free legal services tailored to the needs of these populations. In response to this, MESECVI General Recommendation No. 5 on violence against women of African descent emphasizes the need to strengthen reporting mechanisms from an intercultural perspective, eliminating structural discrimination and ensuring the accessibility of justice services. It also recommends implementing training programs for public officials—including judicial, police, and prosecution personnel—and promoting the participation of women of African descent in the prevention, investigation, and punishment of violence.¹⁴⁶

¹⁴¹ United Nations General Assembly, Resolution 61/295, United Nations Declaration on the Rights of Indigenous Peoples, September 13, 2007.

¹⁴² CEDAW Committee, General Recommendation No. 39 on the rights of indigenous women and girls, CEDAW/C/GC/39, October 31, 2022.

¹⁴³ SCJN, Protocol for Judging with an Intercultural Perspective: Indigenous Persons, Peoples, and Communities, November 2022.

¹⁴⁴ See, for example, Inter-American Court of Human Rights, *Case of Fernández Ortega et al. v. Mexico. Preliminary Objection, Merits, Reparations and Costs*, judgment of August 30, 2010.

¹⁴⁵ See, in this regard, UN Women, *Indigenous Women, Human Rights and Access to Justice*, September 2015.

¹⁴⁶ MESECVI, General Recommendation No. 5, Gender-based Violence against Women of African Descent, MESECVI/CEVI/doc.284/23. rev2, November 28, 2023.

Barriers to access to justice and ethnic-racial discrimination are also reflected in the overrepresentation of indigenous and Afro-descendant women in prison.¹⁴⁷ The available information, although scarce, shows that this phenomenon is due to both socioeconomic conditions of exclusion and to prejudice and discriminatory practices during judicial proceedings.¹⁴⁸ Among the factors that explain this situation are discrimination based on ethnic origin and gender, which leads to more severe penalties, and the absence of specialized interpreters or defenders, which compromises due process.

Only through intercultural, inclusive justice with a human rights approach will it be possible to advance toward substantive equality for indigenous and Afro-descendant women in Latin America.

2. Challenges in access to justice for women human rights defenders and journalists

In Latin America and the Caribbean, women human rights and environmental defenders face specific and differentiated forms of violence and discrimination, as well as particular obstacles to accessing justice. Often, the risks they face can be exacerbated when additional factors linked to discrimination in specific contexts converge, such as their age, race, sexual orientation, nationality, immigration status, and/or economic situation.¹⁴⁹ These factors are intersectional and "reflect ingrained gender stereotypes and deeply held ideas and norms about who women are and how they should be."¹⁵⁰ Certain groups of women defenders, particularly women of African descent or indigenous women, face multiple risks and discrimination because of their gender, their membership in an ethnic and racial group, and their environmental advocacy work.¹⁵¹

It is undeniable that women and girls play a leading role in environmental advocacy in the region. Their leadership in environmental protection and climate action initiatives is key to the sustainability of territories and communities. Many women defenders have stood up to extractive projects with severe human rights impacts.¹⁵² However, this active participation exposes them to greater risks, as many face violence, stigmatization, and criminalization for the work they do.¹⁵³ In contexts of socio-environmental conflict, illegal economies, and institutional weakness, barriers to access to justice are exacerbated. Women who defend territories face threats, harassment, sexual violence, criminalization, and stigmatization of their leadership. The lack of judicial responses with a gender and intersectionality approach not only violates their individual rights but also weakens the protection of the environment and the rule of law. As noted by the United Nations Special Rapporteur on the situation of human rights defenders, women defenders, including environmental defenders, are more likely to suffer gender-based violence, which is driven by discriminatory social and cultural norms.¹⁵⁴

For their part, women's rights defenders who promote gender equality and sexual and reproductive rights also often face recurring incidents of criminalization.¹⁵⁵ By challenging sociocultural norms, defenders

¹⁴⁷ See [presentation by Paola Yáñez](#), Coordinator of the Network of Afro-Latin American, Afro-Caribbean, and Diaspora Women (RMAAD) at the Special Consultation Session prior to CSW70 of the 67th Meeting of the Executive Committee of the Regional Conference on Women in Latin America and the Caribbean, Santiago, Chile, December 2, 2025.

¹⁴⁸ IACHR, [Women Deprived of Liberty in the Americas](#), OEA/Ser.L/V/II Doc. 91/23, March 8, 2023, paras. 58 and 59.

¹⁴⁹ IACHR, [Report on Northern Central America: Environmental Defenders](#), OAS/Ser.L/V/II Doc. 400/22, December 16, 2022, para. 5.

¹⁵⁰ UN, Human Rights Council, [Situation of Women Human Rights Defenders: Report of the Special Rapporteur on the situation of human rights defenders](#), UN Doc. A/HRC/40/60, January 10, 2019, para. 6.

¹⁵¹ IACHR, [Northern Central America: Environmental defenders](#), Op. Cit. para. 69.

¹⁵² UN, Human Rights Council, [Situation of women human rights defenders: Report of the Special Rapporteur on the situation of human rights defenders](#), UN Doc. A/HRC/40/60, January 10, 2019, para. 33.

¹⁵³ See in this regard, Economic Commission for Latin America and the Caribbean (ECLAC), ["Report of the Second Annual Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean,"](#) Seminars and Conferences series, No. 108 (LC/TS.2024/22), Santiago, 2024.

¹⁵⁴ UN, General Assembly, [Situation of human rights defenders: Report of the Special Rapporteur on the situation of human rights defenders](#), UN Doc. A/71/281, August 3, 2016, paras. 54–55.

¹⁵⁵ IACHR, [Criminalization of the Work of Human Rights Defenders](#), OEA/179 Ser.L/V/II Doc. 49/15, December 31, 2015, para. 52.

of sexual and reproductive rights are at increased risk of facing specific acts of violence. Thus, "they are particularly vulnerable to being delegitimized, attacked, and physically and verbally assaulted, to receiving threats, and to being criminalized through improper prosecutions and investigations."¹⁵⁶

The situation of women journalists, who face heightened risks linked to their work of reporting and exposing abuses, should also be highlighted. The attacks they suffer constitute specific forms of gender-based violence aimed at silencing their voices in the public sphere.¹⁵⁷

Women defenders and journalists are commonly victims of crimes and acts of intimidation of a sexual nature, stigmatization, digital violence, and *doxing*, among others.¹⁵⁸ Threats are often directed against their personal lives, their families, their marital status, and their lifestyle, among other things.¹⁵⁹ This violence can take the form of femicide, death threats, harassment, and physical assault, and is framed by the lack of effective protection from the authorities and the impunity that prevails in many of these cases.¹⁶⁰ Women commonly face justice systems that discriminate against them and fuel gender stereotypes against them.¹⁶¹ Therefore, it is not possible to guarantee the right to defend human rights without also guaranteeing the right to access justice.

According to the IACHR, factors such as the lack of diligent investigation and political will further exacerbate the impossibility of effectively accessing justice in these cases. Complaints are often dismissed or, if convictions are issued, the sentences refer only to the perpetrators, without investigating and punishing those responsible for the intellectual authorship.¹⁶² Another clear challenge is the lack of momentum in investigations into threats against women defenders.

The first obstacles to access to justice are observed in the early stages of investigations and when obtaining evidence. This situation has led to the termination of investigations without establishing the truth of the facts or punishing those responsible. At the same time, the absence of official statistical records with accurate information on these crimes makes it impossible to ascertain the magnitude of the violence and the patterns of attacks. Without systematic data, common connections cannot be identified.

Furthermore, a lack of trust in the justice system has contributed to many cases of attacks against women environmental defenders going unreported. In several countries, there is fear of reporting incidents due to reprisals.¹⁶³

A prominent example of the fight against impunity for violence against women defenders is the case of Berta Cáceres. In 1993, the indigenous leader and human and environmental rights defender founded the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH) to confront the advance of extractivism in the country. For years, she denounced the death threats, harassment, attacks, stigmatization campaigns, and criminalization she was subjected to for her work defending the Lenca territory and the Gualcarque River, which were at risk due to the unconsulted granting of an administrative concession to

¹⁵⁶ IACHR, *Third Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser.L/V/II Doc. 119/25, April 15, 2025, para. 85.

¹⁵⁷ Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression (RELE), *Women Journalists and Freedom of Expression: Discrimination and Gender-Based Violence against Women Journalists for the Exercise of Their Profession*, OEA/SER.L/V/II. CIDH/RELE/INF.20/18, October 31, 2018; Inter-American Court of Human Rights, *Case of Bedoya Lima et al. v. Colombia*, judgment of August 26, 2021; Report of the Special Rapporteur on violence against women, its causes and consequences, "Eradication of violence against women journalists," A/HRC/44/52, May 6, 2020.

¹⁵⁸ UN, Human Rights Council. *Situation of women human rights defenders: Report of the Special Rapporteur on the situation of human rights defenders*, para. 42.

¹⁵⁹ UN, Human Rights Council. *Final warning: human rights defenders, victims of death threats and killings: Report of the Special Rapporteur on the situation of human rights defenders*, UN Doc. A/HRC/46/35. December 24, 2020, paras. 65–66.

¹⁶⁰ IACHR, *Third Report on the Situation of Human Rights Defenders in the Americas*, OAS/Ser.L/V/II Doc. 119/25, April 15, 2025, para. 56.

¹⁶¹ IACHR, *Northern Central America: Environmental defenders*, paras. 7 and 74.

¹⁶² IACHR, *Third Report on the Situation of Human Rights Defenders in the Americas*, para. 195.

¹⁶³ IACHR, *Third Report on the Situation of Human Rights Defenders in the Americas*, para. 195.

a company to establish the Aguas Zarca Hydroelectric Project in Lenca territory.¹⁶⁴ In 2009, the IACHR granted her precautionary measures, given the situation of risk in which she was living.¹⁶⁵ During the process of implementing the precautionary measures, it was repeatedly reported that the protection measures provided to Berta were neither adequate nor effective. Despite this, Berta was killed in March 2016. From the moment of the crime, COPINH stressed the need to identify and punish all those responsible, both materially and intellectually.

After years of exchanges between the applicants for precautionary measures and the State of Honduras, in 2025, the IACHR announced the establishment of the Interdisciplinary Group of Independent Experts (GIEI) for the case of Berta Cáceres.¹⁶⁶ In January 2026, the GIEI presented its final report, which includes findings on responsibilities for the crime, as well as recommendations to guarantee justice and comprehensive reparation for the defender's family, the communities affected by the Agua Zarca project, and other associated impacts, marking a significant step in clarifying the case and the State's obligations to ensure truth, justice, and non-repetition.¹⁶⁷

At the regional level, the Escazú Agreement establishes specific obligations to protect environmental defenders. It stipulates that States must guarantee a safe and enabling environment so that any person, group, or organization promoting environmental protection can act without threats, restrictions, or insecurity.¹⁶⁸ Recently, the States Parties to the Agreement reaffirmed this commitment by adopting the Decision on Mainstreaming Gender Perspectives, which highlights the urgent need to integrate and strengthen gender perspectives and the full and effective participation of women in all their diversity, including indigenous women, as well as to prevent discrimination and gender-based violence against women defenders.¹⁶⁹ Similarly, the States also adopted an Action Plan on Human Rights Defenders in Environmental Matters in the Region, which includes specific provisions relating to women defenders' access to justice.¹⁷⁰

In keeping with this, the Tlatelolco Commitment recognizes the need to provide a specific institutional response and to create safe and enabling environments for women defenders to carry out their work, as well as to strengthen the investigation of human rights violations committed against them, to prevent impunity and guarantee effective access to justice.¹⁷¹

¹⁶⁴ COPINH, Honduras failed in its enhanced duty to protect Berta Cáceres, February 26, 2021.

¹⁶⁵ On June 29, 2009, the IACHR granted precautionary measures in favor of Berta Isabel Cáceres in Honduras within the framework of MC-196-09.

¹⁶⁶ This mechanism was created through an agreement signed by the IACHR, the State of Honduras, and the representative party, in order to strengthen the investigation into the killing of the human rights defender and other related crimes, as well as to propose measures of reparation and guarantees of non-repetition. IACHR, IACHR announces the establishment of the Interdisciplinary Group of Independent Experts for the case of Berta Cáceres, February 14, 2025.

¹⁶⁷ IACHR, GIEI Honduras submits Final Report on the Berta Cáceres case, January 12, 2026.

¹⁶⁸ Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), ECLAC, 2018, Art. 9. In this regard, see Economic Commission for Latin America and the Caribbean (ECLAC), Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean: Implementation Guide (LC/TS.2021/221/Rev.2), Santiago, 2023.

¹⁶⁹ For more information, see ECLAC, COP 3 reinforced the commitment to mainstreaming a gender perspective and the full and effective participation of women in the implementation of the Escazú Agreement, April 25, 2024.

¹⁷⁰ In this regard, see the Action Plan on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean, which was approved within the framework of the Third Meeting of the Conference of the Parties to the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean, COP 3, held in Santiago, Chile, from April 22 to 24, 2024.

¹⁷¹ Tlatelolco Commitment, A Decade of Action for Substantive Gender Equality and the Care Society, para. 29.

3. Equality and access to justice for women with disabilities

Access to justice for women and girls with disabilities is an essential dimension of the right to equality and non-discrimination. Throughout history, women with disabilities have traditionally been assigned a subordinate role, often as caregivers within their families or communities.¹⁷² This social construction of gender roles has reinforced their exclusion from the public sphere and their invisibility in policies on access to justice. However, advances in international human rights law—in particular the Convention on the Rights of Persons with Disabilities (CRPD)—have consolidated their recognition as full holders of rights, with equal opportunities to access education, health, work, justice, and political and social participation.¹⁷³

Despite this regulatory framework, girls, adolescents, and women with disabilities face persistent obstacles in accessing justice and quality health services—especially in the area of sexual and reproductive health—as well as in obtaining effective protection from situations of sexual abuse or violence. Judicial officials often tend to question their credibility or their ability to testify, which constitutes a form of multiple discrimination based on gender and disability.¹⁷⁴ In addition, many justice centers lack accessible infrastructure and staff trained in intersectional approaches and the rights of persons with disabilities, resulting in prevailing stigmas and prejudices that lead to revictimization and systematic exclusion from reporting and redress systems. At the same time, in many cases, the specific forms of violence that affect women with disabilities have not been criminalized, making it difficult to highlight and prosecute these acts.

The lack of records disaggregated by disability prevents the problem's magnitude from being assessed. The available information suggests that there is considerable underreporting of cases of violence against women with disabilities that reach the justice system. Individuals who are Indigenous, of African descent, migrants, refugees, or part of the LGBTIQ+ population encounter heightened forms of discrimination that demand targeted and culturally sensitive measures.

The right to legal capacity is an indispensable prerequisite for access to justice. According to Article 12 of the CRPD and the interpretation developed by the Committee on the Rights of Persons with Disabilities, all persons have the right to recognition of their legal personality and capacity on an equal basis with others, as well as to the necessary support measures for its exercise.¹⁷⁵ Its restriction—through measures such as interdiction—deprives persons with disabilities of the opportunity to participate fully in legal proceedings, to choose representatives, to offer testimony, or to file complaints.

In turn, the International Principles and Guidelines on Access to Justice for Persons with Disabilities, developed under the direction of the United Nations Special Rapporteur on the Rights of Persons with Disabilities, summarize international standards in this area. Among other things, they establish that no one may be denied of access to justice based on disability; that services and facilities must be accessible and free of barriers; that procedural accommodations and accessible formats of information must be provided; and that persons with disabilities have the right to participate actively in the administration of justice.¹⁷⁶

¹⁷² IACHR, *Situation of the Human Rights of Persons with Disabilities in the Americas*, OEA/Ser.L/V/II, Doc. 1/25, January 31, 2025, para. 73.

¹⁷³ United Nations Committee on the Rights of Persons with Disabilities, General Comment No. 3 on women and girls with disabilities, CRPD/C/GC/3, adopted on November 25, 2016. In this regard, see Economic Commission for Latin America and the Caribbean. (2025). *Persons with Disabilities: From Statistical Visibility to the Exercise of Rights*. Accessible version (LC/A.2025/2-LC/MDP.6/3), Chapter 1.

¹⁷⁴ IACHR, *Situation of the Human Rights of Persons with Disabilities in the Americas*, para. 139.

¹⁷⁵ Committee on the Rights of Persons with Disabilities, General Comment No. 1 (2014), "Equal recognition before the law (Article 12 of the Convention)," CRPD/C/GC/1, adopted on April 11, 2014.

¹⁷⁶ OHCHR, *International Principles and Guidelines on Access to Justice for Persons with Disabilities*, August 2020.

Compliance with these principles in Latin America and the Caribbean faces multiple and structural challenges. First, many national regulatory frameworks still contain provisions that are incompatible with the CRPD, such as interdiction or legal incapacity regimes that restrict the rights of women with disabilities.

Added to these limitations are physical and geographical barriers: distance from justice services, lack of accessible transportation, and architectural barriers within institutions prevent women with disabilities from effectively appearing in court or accessing services.¹⁷⁷ Communication barriers are also common, as judicial information and procedures are rarely available in accessible formats—Braille, easy-to-read language, sign language, audio description, or others—limiting their understanding of their rights and their ability to participate in cases.

At the same time, there is a persistent institutional culture that delegitimizes the words of women with disabilities or questions their autonomy and decision-making capacity. In many cases, they are required to prove their ability to exercise rights such as parenting or reporting abuse, leading to double victimization. The scarce presence of persons with disabilities in judicial services reinforces these attitudes. Finally, economic and dependency barriers remain decisive: the absence of independent living support systems and economic or physical dependence on family members—who in some cases are also perpetrators—prevent women with disabilities from reporting abuse or pursuing legal proceedings.

Despite existing barriers, several countries have adopted legislative and policy reforms that reflect significant progress. Bolivia, Brazil, Chile, Colombia, Costa Rica, El Salvador, Mexico, Nicaragua, and Panama have incorporated provisions into their general disability laws that expressly recognize the right of access to justice and prohibit the restriction of legal capacity based on disability. These regulations also establish the state's obligation to train judges, prosecutors, public defenders, and other officials on the rights of persons with disabilities and the necessary procedural adjustments.¹⁷⁸

In Chile, legislation requires courts to take specific measures to ensure communication and procedural understanding for persons with sensory disabilities.¹⁷⁹ In Colombia, Law 1996 promotes the autonomy of persons with disabilities, mandates awareness campaigns, and requires the inclusion of these issues in law school training programs.¹⁸⁰ In El Salvador, the Special Law on the Inclusion of Persons with Disabilities expressly recognizes the right to legal capacity and autonomy of will. It imposes on judicial authorities the obligation to make reasonable procedural adjustments, such as the use of sign language interpreters and Braille documents.¹⁸¹ In Mexico and Nicaragua, national laws provide for similar measures and training programs for justice officials.¹⁸²

The Caribbean Court of Justice developed a practical guide for judicial officials on access to justice for persons with disabilities in 2023, highlighting the importance of physical, communicational, and attitudinal accessibility at all levels of the judicial system.¹⁸³ Similarly, the Supreme Court of Justice of Mexico has developed institutional instruments—such as its Manual on Justice and Persons with Disabilities and its

¹⁷⁷ Spotlight Initiative, UNFPA, and Humanity & Inclusion, *Promising Practices in Access to Justice for Girls and Women with Disabilities in Latin America and the Spanish-speaking Caribbean*, 2021.

¹⁷⁸ See, in this regard, Bolivia, Law 223/2012, art. 38, and General Law for Persons with Disabilities of 2012; Brazil, Law 13,146, arts. 79 to 83, and Law on the Inclusion of Persons with Disabilities of 2015; Chile, Law 20,422 of 2010, arts. 57 to 59; Colombia, Law 1618 of 2013, art. 21; El Salvador, Law Decree 672 of 2020 enacting the Special Law on the Inclusion of Persons with Disabilities, arts. 33 and 34; Mexico, General Law for the Inclusion of Persons with Disabilities, arts. 28 to 31; Nicaragua, Law 763 of 2011, arts. 4 and 33; Panama, Law 42 of 1999, arts. 48 to 53, which modifies the Rules of Criminal Procedure of the Judicial Code to consider the accessibility measures required by persons with disabilities.

¹⁷⁹ See Law 20,244 of 2010 establishing Standards on Equal Opportunities and Social Inclusion for Persons with Disabilities, art. 59.

¹⁸⁰ IACHR, *Situation of the Human Rights of Persons with Disabilities in the Americas*, paras. 404 and 441.

¹⁸¹ El Salvador, Legislative Decree No. 672, Special Law on the Inclusion of Persons with Disabilities, Official Gazette No. 76, Volume 427, April 22, 2020.

¹⁸² IACHR, *Situation of the Human Rights of Persons with Disabilities in the Americas*, para. 442.

¹⁸³ Caribbean Court of Justice, *Disability and Inclusion Awareness Guidelines for Judiciaries and Judicial Officers*, February 2023.

Protocol for Judging with a Disability Perspective—that include actions on accessibility, training of judicial personnel, and inclusive communication.¹⁸⁴

Effectively guaranteeing access to justice for women and girls with disabilities requires a structural transformation of the judicial system to ensure their full and autonomous participation.

4. Inclusive justice and non-discrimination based on sexual orientation and gender identity

Structural inequalities and persistent violence based on sexual orientation, gender identity, or gender expression continue to limit effective access to justice for LGBTIQ+ individuals, especially transgender individuals, in Latin America and the Caribbean¹⁸⁵.

Despite regulatory advances and growing recognition of their rights, LGBTIQ+ individuals face contexts of violence, exclusion, and stigmatization that permeate all stages of the judicial system. Among other specific barriers they face are: the lack of legal recognition of gender identity; inadequate attention when reporting crimes; negligent and prejudiced attitudes on behalf of police officers; stereotypical assumptions in the investigation of crimes; fear of reprisals that inhibits reporting; and the lack of specialized legal counseling programs. When crimes are not investigated diligently, impartially, and with a gender and identity perspective, impunity sends a social message of tolerance and normalization of violence.¹⁸⁶

Compounded to this is a recurring practice: killings and assaults motivated by sexual orientation or gender identity are often misclassified, obscuring their nature as hate crimes. This classification shifts the blame onto the victim and justifies violence based on homophobic or transphobic stereotypes, which fuels impunity. In this context, the lack of disaggregated data makes it impossible to gauge the scale of the problem and hinders the design of effective justice policies.

The United Nations High Commissioner for Human Rights has urged States to promptly investigate all reports of killings and serious acts of violence motivated by sexual orientation or gender identity, to hold perpetrators accountable, and to establish adequate recording and reporting systems.¹⁸⁷ The duty of due diligence imposes on States the obligation to prevent, investigate, punish, and redress acts of violence against LGBTIQ+ persons, ensuring their safety and protection.¹⁸⁸

In recent years, some countries in Latin America and the Caribbean have incorporated sexual orientation and gender identity as aggravating circumstances or as specific categories in hate crime legislation. For example, Uruguay amended its Criminal Code to punish with imprisonment the incitement or commission of acts of hatred, contempt, or any form of moral or physical violence against persons, including on the grounds of sexual orientation or gender identity.¹⁸⁹

¹⁸⁴ See in this regard, Supreme Court of Justice of the Nation (SCJN), Manual on Justice and Persons with Disabilities, Mexico City, 2021; Supreme Court of Justice of the Nation (SCJN), Protocol for Judging with a Disability Perspective, 2022. Both available at: <https://www.scjn.gob.mx>

¹⁸⁵ IACHR, *Advances and Challenges in the Recognition of the Rights of LGBTI Persons in the Americas*, OAS/Ser.L/V/II.170 Doc. 184, December 7, 2018.

¹⁸⁶ See in this regard, IACHR, *Violence against Lesbian, Gay, Bisexual, Trans, and Intersex Persons in the Americas*, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015.

¹⁸⁷ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Discriminatory laws and practices and acts of violence committed against persons on the basis of their sexual orientation and gender identity*, A/HRC/19/41, November 17, 2011, para. 84(d).

¹⁸⁸ For their part, the Yogyakarta Principles +10 reaffirm the need to ensure mandatory training for justice officials and law enforcement officials on sexual orientation, gender identity, gender expression, and sex characteristics, so that public institutions act free of prejudice. *Yogyakarta Principles Plus 10*, September 20, 2017.

¹⁸⁹ In this regard, see <https://www.gub.uy/ministerio-desarrollo-social/sites/ministerio-desarrollo-social/files/documentos/publicaciones/1771.pdf>

However, the implementation of these norms is often deficient due to structural deficiencies in justice systems: lack of training for police, prosecutors, and judges; absence of investigation protocols with an intersectional approach; and persistent prejudice in investigations.

Despite these limitations, significant progress has been made in some States. In Mexico, the Supreme Court of Justice of the Nation has approved two valuable instruments: the Protocol for those who administer justice in cases involving sexual orientation or gender identity and the Protocol for judging with a gender perspective, which guide judicial action and promote decisions free of stereotypes¹⁹⁰. Similarly, the Attorney General's Office has adopted a Protocol for Action in Cases Involving Sexual Orientation or Gender Identity, which establishes guidelines to guarantee equal and respectful treatment, avoid revictimization, and ensure confidentiality.¹⁹¹

Guaranteeing access to justice for LGBTIQ+ individuals also requires access to adequate and inclusive public defense services, the development of ongoing training programs for judges, prosecutors, defense attorneys, and police personnel, and the guarantee of accessible, confidential, and secure reporting mechanisms.

Beyond the existence of advanced regulatory standards and the design of policies aimed at ensuring effective access to justice, many countries in the region continue to face serious problems in the practical application of regulations and the implementation of such policies, which are intensified in contexts that are hostile to progress in the recognition and protection of human rights and gender identity.

5. Access to justice for women and girls in contexts of human mobility

In recent decades, Latin American and Caribbean countries have seen a steady increase in migration flows, marked by the growing participation of women, adolescents, and girls in regional displacement. Driven by the search for economic opportunities, for protection, or to maintain family unity, many move independently in groups of women, or as heads of households to escape situations of violence, persecution, or insecurity,¹⁹² or as a result of disasters. According to specialized international organizations, women currently make up almost half of the migrants and refugees in the region, with a particular concentration in short-range intraregional and cross-border movements. This process of feminization of mobility has become consolidated and not only transforms the migratory profiles of the region but also poses new challenges regarding access to rights and justice, highlighting the structural gaps faced by migrant women.

While displacement can offer many women and girls opportunities for economic autonomy and protection from violence, the conditions in which they move and settle in transit or destination countries often reproduce pre-existing structural inequalities. Irregular migration status and concentration in feminized and poorly protected occupations restrict effective access to essential rights and services—including decent work, health, education, and social protection—and increase exposure to multiple forms of violence and exploitation, including trafficking and harassment in the workplace.¹⁹³

In this context, the possibility of obtaining residence in the destination country or recognition of refugee status is the starting point for exercising rights and international protection, including protection from

¹⁹⁰ Supreme Court of Justice of the Nation, Protocol for those who administer justice in cases involving sexual orientation or gender identity, Mexico, 2014; Supreme Court of Justice of the Nation, Protocol for judging with a gender perspective. Making the right to equality a reality, Mexico, 2015.

¹⁹¹ Attorney General's Office, Protocol for PGR personnel in cases involving sexual orientation or gender identity, Mexico, 2017.

¹⁹² United Nations and RCP LAC, Regional Profile of Gender Equality for Latin America and the Caribbean, 2024, p. 73.

¹⁹³ See, among others: IOM, Regional Office for Latin America and the Caribbean, *Gender and Migration*.

abuse or expulsion. Hence, the persistence of legal and factual obstacles to obtaining or maintaining residence or refugee status and to challenging decisions by immigration authorities is one of the main factors of exclusion. At the same time, insufficient knowledge and the absence of targeted protection measures for migrant and refugee women further aggravate existing barriers to access to justice. In this context, such limitations may lead, for instance, to the return of trafficked women and girls to their countries of origin, where their safety and integrity are endangered.

The administrative procedures involved in obtaining, renewing, or reviewing residence permits are not always clear, accessible, or affordable. Regulatory, linguistic, technological, and socioeconomic barriers that limit access to regular migration status persist in the region.

In addition to the limits on access to documentation that arise from the categories for granting residence (by nationality, work, family unity, etc.) and the obstacles to activating international protection through access to the asylum system, other factors make it difficult in practice to regularize the migrant population in general and women in particular. The digitization of migration procedures, while it can streamline processes and reduce processing times, also widens access gaps: in some countries, applications are initiated through online portals that require email, scanners, or smartphones, which excludes people with low digital literacy or without stable connectivity, particularly women in vulnerable situations.¹⁹⁴

The limited availability of early guidance services exacerbates existing barriers, as many women are unaware of the requirements or lack technical support or legal assistance to initiate their procedures. Thus, having public defense or legal assistance from the outset of any procedure is essential to guarantee real access to administrative justice and to prevent prolonged irregularity.

These limitations run counter to the duty to ensure that administrative mechanisms are physically, economically, and culturally accessible, guaranteeing information in understandable formats and free legal assistance or specialized support.¹⁹⁵

At the same time, access to justice in immigration and refugee status determination proceedings includes the right to appeal decisions by administrative authorities—including denials or cancellations of residence, detentions for the purpose of removal, and removals—with due process guarantees and the right to defense.¹⁹⁶ In practice, the right to challenge a negative decision is often difficult to access: deadlines are short, and information on available remedies is limited. In many countries, individuals must file complaints in writing and without legal assistance, which makes it particularly difficult for migrant women, who, in many cases, lack legal representation, to exercise their right to appeal effectively.

Expulsion decisions pose an additional dimension of risk and inequality. In several States, administrative appeals do not have a suspensive effect, allowing the measure to be enforced before it is reviewed.¹⁹⁷ This impacts the right to due process, the principle of non-refoulement, and the right to family unity. In the

¹⁹⁴ Four out of ten women in the region are "not connected" and are overrepresented in lower-income households with limited access to the Internet. For more information on this topic, see: ECLAC, *Gender equality and the empowerment of women and girls in the digital age: contributions of education and digital transformation in Latin America and the Caribbean*, 2023.

¹⁹⁵ CEDAW Committee, General Recommendation 33, Women's access to justice, CEDAW/C/GC/33, 2015.

¹⁹⁶ With regard to the guarantees applied to immigration procedures, the Inter-American Court of Human Rights has established that the right to due process must be recognized and guaranteed to all migrants, regardless of their immigration status. Inter-American Court of Human Rights, *Legal Status and Rights of Undocumented Migrants*, Advisory Opinion OC-18/03, September 17, 2003, paras. 124-127. At the universal level, the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)* guarantees migrant workers and their families the right to due process in administrative and judicial proceedings, ensuring that they are not subject to arbitrary detention or expulsion.

¹⁹⁷ The Inter-American Court of Human Rights has indicated that the remedy of review or appeal must have suspensive effect and that the applicant must be allowed to remain in the country until the competent authority has decided the case. In this regard, see: Inter-American Court of Human Rights, *Rights and guarantees of children in the context of migration and/or in need of international protection*, Advisory Opinion OC-21/14 of August 19, 2014.

latter case, States may apply exemptions for family or humanitarian reasons, assessing the differentiated impacts on women and children before issuing a deportation order. Failure to conduct this assessment and the lack of effective remedies may constitute a form of indirect discrimination, as it disproportionately affects women who are responsible for children, elderly persons, or dependent family members.

Several countries in the region have promoted initiatives to strengthen access to justice for migrants and refugees, with approaches that are gradually becoming more sensitive to gender and human rights. Initiatives have been promoted, including free legal aid programs, legal guidance mechanisms, and inter-institutional cooperation between migration authorities and women's protection agencies. Likewise, progress has been made in training officials and adopting protocols for assisting migrant and refugee women who are victims of violence or trafficking during administrative proceedings. In turn, several countries have implemented specific actions to promote access to asylum and justice for women and girls seeking international protection, such as the recognition in national legislation of gender as a reason for persecution that may lead to the recognition of refugee status, as well as the adoption of differentiated treatment by asylum authorities, including guidelines and protocols for dealing with cases of gender-based persecution (gender-sensitive interviews, accelerated procedures, specialized teams, staff training, among others). Likewise, there is evidence of the application of differentiated approaches and the prioritization of cases of women and girls who are victims or survivors of gender-based violence during the displacement and asylum application processes. These actions, although sometimes incipient and of uneven scope, show that there are foundations on which to move toward more inclusive and gender-sensitive models of migration management, asylum procedures and the recognition of refugee status.¹⁹⁸

On the other hand, effective judicial review remains one of the weakest elements in the protection of migrants and refugees in the region. In certain countries, judicial remedies do not carry suspensive effect, thereby permitting expulsions to be executed prior to the issuance of a final decision. At the same time, the absence of automatic review mechanisms and procedural complexity (sometimes exacerbated by a lack of specialized public defense and interpreters) particularly affects migrant or refugee women in situations of violence or who are dependent on third parties to obtain migration status or refugee status, exposing them to additional difficulties in filing appeals.¹⁹⁹ There is also a lack of specific protocols in the judicial sphere to adequately address situations of gender-based violence in relation to the immigration status of victims.²⁰⁰

Although there is notable protective jurisprudence and positive initiatives such as specialized public defense, the systematic incorporation of gender and intersectionality approaches into judicial decisions is a pending issue in the region, making it difficult to consider the multiple forms of discrimination that affect migrant women, for example, motherhood, intimate partner violence, or documentary dependence on a spouse.

Finally, barriers persist in the criminal justice system, both when migrant and refugee women are victims of crimes—such as sexual violence, trafficking, labor exploitation, or institutional abuse—and when they are charged or detained. In both cases, irregular migration status, the absence of support networks, language and cultural barriers, the limited availability of specialized services, and the lack of free or

¹⁹⁸ ECLAC, *Migration processes in the incidence of violence against women and girls in contexts of mobility*, Gender Equality Observatory for Latin America and the Caribbean (ECLAC, UN Women, UNDP, UNFPA, and SEGIB), Santiago, 2022; IACHR, *Human mobility and protection obligations*, 2023.

¹⁹⁹ IACHR, *Human Mobility and Protection Obligations*, 2023; ECLAC, *Migration Processes and the Incidence of Violence against Women and Girls in Contexts of Mobility*, 2023.

²⁰⁰ UNHCR statement at the special consultation session prior to CSW70 of the 67th Meeting of the Bureau of the Regional Conference on Women in Latin America and the Caribbean.

adequate legal defense reinforce their vulnerability and limit their access to effective mechanisms for reporting, defense, and reparation²⁰¹.

6. Women deprived of liberty: justice, dignity, and human rights

Over the last two decades, the number of women in prison has grown steadily and disproportionately compared to the general population. Between 2000 and mid-2022, the percentage of women in prison increased by approximately 60%, while the total prison population increased by 30%.²⁰² In the Americas, the growth was even more pronounced: the percentage of women deprived of liberty increased by 56.1%, compared to an increase of 24.5% in the total population.²⁰³

Women now account for about 8% of the prison population in the region, with a rate of 30 per 100,000 inhabitants, the highest in the world.²⁰⁴ This phenomenon is particularly evident in Argentina, Brazil, Colombia, El Salvador, the United States, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, and Uruguay, countries where the female prison population has doubled or tripled in recent years.²⁰⁵

The disproportionate and automatic use of pretrial detention against women is one of the main causes of the increase in the female prison population and a serious restriction on access to justice. In several Latin American countries, the rates of application of this measure are higher among women than among men, even though most of the crimes they are charged with are nonviolent.²⁰⁶

Several interrelated factors can explain this phenomenon. On the one hand, many judicial officials automatically impose pretrial detention without analyzing its specific requirements—risk of flight or obstruction of the investigation—even though national legislation does not establish it as mandatory. At the same time, the lack of judicial training in gender perspectives perpetuates discriminatory practices and reinforces stereotypes about motherhood or the "moral danger" of women in conflict with the law.

Incarcerated women share structural characteristics: most come from contexts of poverty, exclusion, and violence, and many are heads of households or primary caregivers for children.²⁰⁷

The incorporation of a gender perspective in the regulation and application of alternatives to prison remains limited. Although several States have adopted regulations prioritizing alternatives for pregnant women, mothers, or caregivers, their effective application is impeded by restrictive and moralizing judicial criteria.

The IACHR has documented that courts often deny alternative measures—such as house arrest or electronic monitoring—when women cannot prove that they have previously cared for their children or do not have an "adequate" home.²⁰⁸ Such requirements introduce a discriminatory bias that favors women with economic resources and support networks and excludes those living in poverty or marginalized areas.

²⁰¹ International Committee of the Red Cross (ICRC), *Access to justice for migrants, refugees and others in need of international protection in the Americas*, Geneva, 2021, paras. 39–41.

²⁰² Institute for Criminal Policy Research at Birkbeck (University of London), *World Prison Brief: World Female Imprisonment List*, 5th edition, October 19, 2022, p. 2.

²⁰³ Institute for Criminal Policy Research, *World Prison Brief: World Female Imprisonment List*, p. 14.

²⁰⁴ The prison population rate in a region or country is obtained by calculating how many persons are deprived of their liberty per 100,000 inhabitants. On this point, see: UNODC, *Custodial and Non-Custodial Measures - Instruction Manual for the Evaluation of Criminal Justice*, 2010, p. 6.

²⁰⁵ IACHR, *Women Deprived of Liberty in the Americas*, OEA/Ser.L/V/II, Doc. 91/23, March 8, 2023.

²⁰⁶ *Ibid.*

²⁰⁷ In this regard, see Report of the Office of the United Nations High Commissioner for Human Rights, *Accelerating efforts to eliminate all forms of violence against women and girls: preventing and combating all forms of violence against women and girls deprived of liberty in the criminal justice system*, A/HRC/59/31, April 14, 2025.

²⁰⁸ IACHR, *Report on Women Deprived of Liberty in the Americas*, Op. Cit.

In addition, stereotypes about the maternal role affect judicial assessment.²⁰⁹ Women who commit a crime are often labeled "bad mothers" or "irresponsible," which morally disqualifies them in the criminal justice system and limits their access to alternatives to incarceration.

Women deprived of their liberty face specific conditions and challenges that exceed those of the general prison population and that directly impact their access to justice. In this context, compliance with the relevant provisions of the Bangkok Rules²¹⁰ is essential to protect the rights of women in detention within the criminal justice system and to guarantee their continued access to equitable justice.²¹¹

Gender-based violence within detention centers—whether physical, sexual, or psychological—persists in the absence of effective prevention and reporting mechanisms.²¹² Abuses committed by prison officials or other persons deprived of their liberty are often not investigated with due diligence, and victims face reprisals, threats, or isolation if they attempt to report them. The lack of female staff to conduct body searches or provide medical care increases exposure to sexual violence. When women are victims of sexual violence during detention, the absence of effective mechanisms for accessing justice is compounded by the denial of essential sexual and reproductive health services, which exacerbates the violation of rights.²¹³

At the same time, in many facilities there are no accessible or confidential mechanisms for filing complaints or petitions with the judicial authorities. Women often depend on prison officials to file documents or communicate with public defenders, which compromises their privacy and creates risks of reprisals. This forced mediation violates the right to legal representation and restricts the possibility of seeking judicial remedies in cases of ill-treatment, arbitrary sanctions, or rights violations.

The lack of accessible information and the scarcity of interpreters for indigenous or migrant women exacerbate inequality before the law. These factors intersect with gender discrimination, poverty, and institutional exclusion.

In addition, economic discrimination exacerbates this exclusion. Most women lack the resources to pay for legal defense, fines, or the bail required to obtain their freedom.²¹⁴ Free legal aid systems are often based on income criteria, which particularly affects those who are financially dependent on others or cannot prove formal income. This situation has a particular impact on young women, single mothers, and migrants, and leads to unequal judicial proceedings and the inability to challenge arbitrary or abusive decisions.²¹⁵

The effects of these barriers are not limited to women deprived of their liberty. In its recent Resolution 2/25, the IACHR highlighted the need to prevent, eradicate, investigate, and punish all forms of violence and discrimination faced by family members in their interaction with places of detention.²¹⁶ In most cases, it is women—mothers, daughters, sisters, or partners—who take on the tasks of accompanying,

²⁰⁹ IACHR, Report on Women Deprived of Liberty in the Americas, para. 204.

²¹⁰ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), A/RES/65/229, March 16, 2011.

²¹¹ UNODC, "Access to justice for women and girls alleged or recognized as having infringed criminal law," Observer paper prepared by the United Nations Office on Drugs and Crime (UNODC), September 2025.

²¹² Report of the Office of the United Nations High Commissioner for Human Rights, Accelerating efforts to eliminate all forms of violence against women and girls: preventing and combating all forms of violence against women and girls deprived of their liberty in the criminal justice system, paras. 7, 20, and 21.

²¹³ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, Rule 38.

²¹⁴ Report of the Office of the United Nations High Commissioner for Human Rights, Accelerating efforts to eliminate all forms of violence against women and girls: preventing and combating all forms of violence against women and girls deprived of their liberty in the criminal justice system, para. 22.

²¹⁵ In this regard, see Report of the United Nations High Commissioner for Human Rights, Non-discrimination and protection of persons who are most vulnerable to the administration of justice, in particular those in situations of deprivation of liberty, taking into account the causes and effects of excessive recourse to deprivation of liberty and prison overcrowding, A/HRC/36/28, August 21, 2017.

²¹⁶ IACHR, Resolution 2/25, The rights of family members and persons with emotional ties to persons deprived of liberty, July 24, 2025, para. 16.

caring for, and managing daily interactions with the prison system, which also exposes them to situations of institutional violence, harassment, and degrading treatment during visits, checks, or administrative procedures. Recognizing this gender dimension is essential to understanding the full impact of deprivation of liberty and to ensuring effective access to justice for both detainees and their families.

IV. Final observations. Guaranteeing access to justice for all women and girls: A decade of action to achieve substantive equality and a care society.

States across Latin America and the Caribbean have adopted an increasingly robust legal framework and implemented a broad range of public policies to strengthen women's and girls' access to justice, particularly for those facing heightened vulnerability or risk.

Access to justice entails the effective, timely, and safe ability to seek judicial and administrative remedies to obtain protection, full reparation, truth, and guarantees of non-repetition in cases of human rights violations. It also implies the State's responsibility to dismantle structural barriers—legal, institutional, economic, sociocultural, linguistic, territorial, and technological—that have historically hindered the equal exercise of this right.

This right is grounded in the obligations undertaken by States Parties to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará, 1994), as well as other treaties and conventions that establish an international legal framework to protect, respect, and fulfill the human rights of all women, adolescent girls, and girls, based on the principles of equality and non-discrimination.

At the regional level, this framework has been further strengthened by new instruments such as the Escazú Agreement—the only treaty in the world with specific provisions for environmental human rights defenders—as well as by the commitments adopted by Member States of the Regional Conference on Women in Latin America and the Caribbean, which together form the Regional Gender Agenda since 1977. Among these, the recently adopted Tlatelolco Commitment (2025) stands out, establishing a decade of action to advance substantive equality and the care society, in synergy with the Beijing Declaration and Platform for Action and other international and regional commitments on women's human rights. These advances are complemented by recent jurisprudential developments of the Inter-American Court of Human Rights, which have further clarified and expanded States' obligations related to access to justice. In particular, Advisory Opinion OC-31/25 on the right to care and Advisory Opinion No. 32 (2025) on climate emergency and human rights broaden the scope of judicial guarantees in response to structural violations that disproportionately affect women and girls.

It is important to underscore that countries in Latin America and the Caribbean have advanced constitutional, legislative, and institutional reforms that have helped dismantle discriminatory structures. Legal equality has become firmly established across the region, and significant progress has been made in adopting comprehensive laws to address violence against women and to promote their participation in public life. However, progress has been uneven across countries and has not always translated into substantive equality. Persistent implementation gaps demonstrate that strong normative frameworks are insufficient without institutional capacity, adequate resources, and effective accountability mechanisms.

Access to justice is strategically significant, as it is the mechanism through which rights formally recognized in law become effective in practice. Strengthening coordination among services, improving information systems, and consolidating comprehensive reparation schemes are interrelated components necessary to ensure effective judicial protection and to advance toward substantive equality in the face of new forms of violence, including political, digital, and those linked to economic and technological dynamics.

The Tlatelolco Commitment adopted at the XVI Regional Conference on Women in Latin America and the Caribbean calls for “eliminating all legal and institutional barriers to women’s effective and equal access to justice, without discrimination, ensuring participation, transparency, independence, and timely, high-quality attention by specialized personnel, as well as full reparation for harm in cases of rights violations, to put an end to impunity” (paragraph 15). It also promotes the application of non-custodial measures for women who are primary caregivers, in line with the Bangkok Rules (paragraph 16). The Commitment further stipulates the creation of safe environments for civil society participation and the protection of women human rights defenders—especially those working on environmental issues and territorial defense—ensuring the investigation of violations committed against them and their full access to justice (paragraphs 28 and 29). Finally, it calls for the implementation of comprehensive laws and plans to prevent, punish, and eradicate all forms of violence and discrimination, including digital violence, femicide, and harmful practices, thereby strengthening effective judicial protection throughout the region (paragraph 14). It also recognizes the human right to care—including the right to provide care, to receive care, and to practice self-care—as a State obligation (paragraph 4), welcomes Advisory Opinion No. 31 (2025) issued by the Inter-American Court of Human Rights recognizing care as an autonomous human right, and encourages governments to respect and guarantee this right and to adopt legislative and other measures to ensure its full realization (paragraph 6).

In line with the commitments adopted at the international and regional levels, the following recommendations are presented to consolidate the institutional conditions necessary to ensure effective access to justice for women and girls:

1. Legal Framework, Institutional Architecture, and Strengthening State Capacity

1.1. Normative Alignment and Legislative Reform

Effective access to justice requires a robust, continually updated legal framework aligned with international standards on women’s human rights. Ratifying and implementing international instruments entails reviewing—and where necessary amending—laws, policies, plans, programs, and protocols to ensure full consistency with those standards.

A solid gender institutional architecture is essential to ensure that public policy design, implementation, and evaluation systematically incorporate a gender equality perspective. Without coherent institutions backed by adequate resources, legal advances risk remaining largely symbolic. Advancing toward gender parity in democratic participation is equally critical, creating the conditions necessary to guarantee the autonomy of women, adolescent girls, and girls in all their diversity.

In a region shaped by multiple and intersecting forms of violence, comprehensive legal frameworks are indispensable to prevent, protect against, sanction, and eradicate gender-based violence and discrimination. This includes the explicit criminalization of all manifestations—including political and digital violence—and the availability of effective judicial remedies to ensure investigation, accountability, and full reparation.

In the criminal justice sphere, revisiting legal frameworks related to drug policy and organized crime is necessary to ensure proportional sentencing, taking into account women’s levels of participation, degrees of coercion, and conditions of vulnerability.

Guaranteeing bodily autonomy requires reviewing and repealing provisions that criminalize abortion or unduly restrict access to health services, and adopting legal frameworks that recognize sexual and reproductive rights and reproductive autonomy as integral to the rights to health, equality, and non-discrimination.

Sexual orientation and gender identity should also be explicitly recognized as protected categories in anti-discrimination legislation, and hate crimes should be criminalized in accordance with international standards.

Advancing toward substantive equality and a care society requires consolidating legal frameworks, policies, and comprehensive systems that recognize and guarantee the human right to care and ensure its effective enforceability.

Consistent with recent normative developments, environmental and climate justice policies must incorporate a gender-responsive and intersectional approach, acknowledging the differentiated impacts of climate change on women and the structural inequalities that shape those impacts.

Ensuring effective judicial and administrative mechanisms for comprehensive reparation for women and girls who are victims of human rights violations remains essential. Transformative approaches should be integrated to address the structural roots of discrimination and inequality.

Finally, due process and the right to defense must be guaranteed in migration and asylum proceedings, including effective judicial review of decisions affecting the entry, stay, or removal of migrant and refugee women.

1.2. Specialized Institutions and Strengthening the Judicial Response

1.2.1. Comprehensive Specialized Services and Access to Justice

Strengthening specialized institutions with adequate technical capacity and resources is essential to ensure comprehensive services with territorial reach, cultural relevance, and effective coordination with the justice system. This includes guaranteeing universal, free, and specialized legal representation, as well as sustained protection mechanisms, risk assessment systems, and inter-institutional coordination.

Women's meaningful participation in all stages of criminal proceedings that affect them is a core component of access to justice. This requires ensuring timely and accessible information, as well as psychosocial support before, during, and after proceedings. For women with disabilities, the necessary supports must be provided to ensure autonomy and informed decision-making.

Safe, accessible, and effective reporting mechanisms for gender-based violence and discrimination are also indispensable to ensure genuine access to justice.

In line with paragraph 13 of the Tlatelolco Commitment, States must guarantee universal, safe, and timely access to comprehensive health services –including sexual and reproductive health– and access to safe, timely, and quality abortion services where permitted by law. This includes preventing and responding to obstetric emergencies and unsafe abortions and addressing their consequences for women's health and lives. States are further encouraged to strengthen legal and policy frameworks promoting women's comprehensive health in accordance with international human rights commitments.

Integrating a care perspective into specialized legal assistance services further helps remove structural barriers to justice, particularly when it includes support in administrative procedures and litigation related to violations of the right to care.

1.2.2. Strengthening the Justice System and Criminal Prosecution

The effectiveness of the criminal justice system depends on the existence of specialized courts and prosecutorial units addressing gender-based violence, equipped with adequate resources and interdisciplinary teams with specialized training and technical expertise.

In this regard, institutional capacities must be strengthened to investigate and prosecute gender-based violence in contexts of serious human rights violations, crimes against humanity, and organized crime, ensuring sufficient human, technical, and financial resources.

The capacity of judicial and administrative systems to investigate with due diligence and provide comprehensive reparation for violations of sexual and reproductive rights must also be reinforced. This includes cases involving denial of services, obstetric violence, criminalization of abortion, and forced pregnancy. Judicial specialization and targeted training are particularly important to ensure appropriate responses for girls and adolescents who are victims of sexual violence.

With respect to women's political rights, effective administrative and judicial mechanisms must be established to ensure compliance with equality and parity standards. This includes establishing clear and accessible procedures to challenge discriminatory practices and to guarantee effective and timely decisions by electoral authorities and competent courts.

1.2.3. Enhanced Due Diligence Protocols and Standards

States should adopt mandatory, gender-sensitive judicial protocols to ensure enhanced due diligence in cases of gender-based violence. These protocols should establish clear standards for assessing victims' testimony, contextualizing statements, preserving evidence, and prohibiting revictimizing practices or reasoning based on gender stereotypes.

Specialized investigation and litigation protocols should also be adopted for cases of sexual violence and other forms of gender-based violence committed in contexts of serious human rights violations or organized crime, ensuring that such crimes are investigated independently and as a matter of priority.

Judicial interpretation of consent must be grounded in the understanding that it constitutes a free and voluntary expression of will, taking into account power asymmetries and excluding interpretations based on gender stereotypes.

States must also ensure prompt, impartial, and gender-responsive investigations of attacks against women human rights defenders and journalists, including the identification and prosecution of those who ordered or orchestrated such crimes.

Incorporating intercultural approaches is equally necessary, through the adoption of investigation and judicial intervention protocols that guarantee effective protection for Indigenous, Afro-descendant, migrant, and refugee women and girls.

1.2.4. Differentiated Protection and Access to Justice

States must guarantee free, specialized, and culturally appropriate legal assistance for Indigenous women, Afro-descendant women, migrant women, and refugee women, including access to interpreters, bilingual staff, and information in accessible formats.

Comprehensive care and protection programs for women and girls facing violence in territories affected by organized crime or under its influence should be strengthened, ensuring physical safety, confidentiality, relocation when necessary, legal and psychosocial support, risk assessment mechanisms, and effective inter-institutional coordination.

Preventive measures and early warning systems must also be established to address risks of violence and repression against women and communities defending the environment, ensuring comprehensive protection and safeguarding territorial rights.

2. Financing and Cooperation

2.1. Sustainable and Adequate Financing

Adequate and sustainable financing is a structural prerequisite for ensuring effective access to justice.

The allocation of sufficient, sustained, and appropriately targeted budgetary resources must support the functioning and expansion of comprehensive care services, including legal, psychological, and social assistance, the development of specialized units addressing gender-based violence, the protection of women and girls in territories under the control or influence of organized crime, the implementation of comprehensive reparation measures, and the effective realization of the right to care. This includes consolidating national care systems with dedicated resources for services and support mechanisms.

Funding must also be allocated to targeted policies and measures addressing the needs of women and girls requiring special or heightened protection, taking into account their particular contexts of vulnerability.

Equally essential is sustainable financing for women's organizations, given their strategic role in supporting survivors, facilitating access to justice, and coordinating with institutional systems.

2.2. Regional and International Cooperation

Regional and international cooperation is critical in addressing challenges that transcend national borders.

Strengthening operational coordination among judicial authorities and other competent bodies across the region enhances the investigation and prosecution of gender-based violence, particularly in border areas and in cases involving transnational organized crime.

In the field of environmental justice, the development of joint protection mechanisms, early warning systems, and cross-border cooperation frameworks (consistent with the Escazú Agreement) strengthens the protection of affected women and communities and reinforces guarantees of access to justice.

3. Information Systems, Technology, Monitoring, and Accountability

3.1. Information and Data Systems

The development of interoperable and disaggregated information systems on gender-based violence is a priority. Such systems enable monitoring of care pathways, the evaluation of judicial responses, and the design of evidence-based public policies.

This requires strengthening the collection and analysis of disaggregated data on victims' characteristics and the contexts in which violence occurs, in order to identify risk situations and define tailored or

reinforced protection measures. Relevant variables include territory, age, ethnic and racial background, migratory status, gender identity, and other pertinent factors.

Official registries documenting violence in contexts of organized crime and attacks against women human rights defenders must also be consolidated, ensuring mechanisms for documentation, traceability, and institutional follow-up.

3.2. Communication, Access to Information, and Technology

Modernizing justice systems requires the development of secure digital mechanisms for reporting violence and accessing protection services, incorporating strong safeguards for confidentiality, data protection, and information security.

Universal accessibility –physical, communicational, and digital– must be guaranteed through accessible formats, plain language, Braille, easy-to-read materials, assistive technologies, and trained interpreters, ensuring the effective participation of women with disabilities.

Ensuring access to clear, understandable, and culturally appropriate information for Indigenous women and other historically marginalized groups is also central to advancing access to justice through an intercultural approach.

3.3. Monitoring, Evaluation, and Accountability

Permanent mechanisms for monitoring and evaluating the State's response to gender-based violence should be strengthened, including assessments of the quality and coverage of specialized legal representation and the effectiveness of protection measures.

Systematic evaluations of the implementation of investigation and response protocols are necessary, along with the development of indicators to measure compliance with enhanced due diligence standards and the clear assignment of institutional responsibilities for prevention, investigation, sanction, and reparation.

Periodic assessments of the accessibility of judicial and administrative services, together with the allocation of dedicated resources for their adaptation, form part of the State's obligations of continuous improvement and accountability.

Conclusion

Ensuring effective access to justice for women and girls is not only fundamental to the rule of law, but also a cornerstone of substantive equality in the region.

The decade of action established under the Tlatelolco Commitment represents a strategic opportunity to consolidate structural transformations strengthening institutions, securing adequate and sustained resources, and deepening regional cooperation. These measures are essential to ensure that normative advances translate into tangible, lasting improvements in the lives of women and girls.

V. Main normative, jurisprudential, and documentary sources consulted

Regional and international instruments

- [Universal Declaration of Human Rights](#)
- [United Nations Declaration on the Rights of Indigenous Peoples](#)
- [International Covenant on Civil and Political Rights](#)
- [International Covenant on Economic, Social, and Cultural Rights](#)
- [Convention on the Rights of Persons with Disabilities](#)
- [Convention on the Elimination of All Forms of Discrimination against Women](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination](#)
- [Convention on the Rights of the Child](#)
- [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#)
- [Rome Statute of the International Criminal Court](#)
- [ILO Convention No. 100 on Equal Remuneration](#)
- [ILO Convention No. 111 on Discrimination in Employment](#)
- [ILO Convention No. 190 on violence and harassment](#)
- [American Convention on Human Rights](#)
- [Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women](#)
- [Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean \(Escazú Agreement\)](#)
- [United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders \(Bangkok Rules\)](#)
- [Basic Principles and Guidelines on the Right of Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law to Remedy and Reparation](#)

- Agreements adopted at the Regional Conference on Women in Latin America and the Caribbean that constitute the Regional Gender Agenda:
 - Tlatelolco Commitment (2025)
 - Buenos Aires Commitment (2022)
 - Santiago Commitment (2020)
 - Montevideo Strategy (2016)
 - Santo Domingo Consensus (2013)
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This document was developed in preparation for the seventieth session of the Commission on the Status of Women (CSW70), whose priority theme is "*ensuring and strengthening access to justice for women and girls by promoting inclusive and equitable legal systems, eliminating discriminatory laws, policies, and practices, and addressing structural barriers that limit the effective exercise of their rights.*" The process took place within the framework of the sixty-seventh Meeting of the Executive Committee of the Regional Conference on Women in Latin America and the Caribbean.

The objective of this document and its recommendations is not only to advance toward the achievement of gender equality and the empowerment of women in the region, but also to contribute substantively from Latin America and the Caribbean in the area of access to justice, placing substantive equality, autonomy, and the right of women and girls to live free from violence at the center.



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