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CREATION OF A FOLLOW-UP MECHANISM FOR THE *CONVENTION OF BELÉM DO PARÁ*

(Item IV b. of the Dialogue of Heads of Delegation)

1. BACKGROUND ON INITIATIVES FOR IMPLEMENTATION AND FOLLOW-UP OF THE CONVENTION OF BELÉM DO PARÁ

1.1. The Convention

On June 4, 1994, the Twenty-Fourth Regular Session of the General Assembly of the Organization of American States, held in Belém do Pará, Brazil, adopted by acclamation the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, Convention of Belém do Pará. The entry into force of the Convention of Belém do Pará was a highly significant event for women that marked the start of a long and difficult process of change and entailed new commitments and challenges both for governments and for the CIM.

One of those commitments arose from Article 10 of the Convention which provides that, "**the States Parties shall include in their national reports to the Inter-American Commission of Women information on measures adopted to prevent and prohibit violence against women, and to assist women affected by violence, as well as on any difficulties they observe in applying those measures, and the factors that contribute to violence against women."**

Furthermore, Chapter III, Duties of States (Articles 7 and 8), sets out the obligations of the State and specific measures, including programs, to be progressively adopted by them in order to prevent, punish, and eradicate violence against women. These articles, which are not exhaustive, provide a foundation to prepare programs and design plans to meet the objectives of the Convention.

1.2. Strategic Plan of Action of the CIM

That year, 1994, the Assembly of Delegates of the CIM adopted the Strategic Plan of Action, which says in its introduction that violence against women is one of its priority areas. In the chapter devoted to this issue, the Plan establishes as its objective to promote programs to prevent, punish, and eradicate violence against women, and proposed, moreover, a number of strategies in order to achieve that objective. The CIM began immediately to apply those strategies in order to implement and accomplish the objectives of the Convention. It had great success, given that the following year, on March 5, 1995, the Convention entered into force.

This process of approval of new mandates and measures made it necessary to adapt the procedures in effect. Accordingly, in 1996 the XXVIII Assembly of Delegates of the CIM, adopted new standards for the presentation of Delegates' reports, requesting that in the preparation thereof they include a description of measures taken to implement the Convention [CIM/RES. 191/96 (XXVIII-O/96)].

1.3. Mandates of the OAS General Assembly

The 1997 OAS General Assembly showed great consistency with the initiative to adopt and later support the Convention. Bearing in mind the Plan of Action of the First Summit of the Americas–which agreed to encourage ratification of and compliance with the Convention of Belém do Pará–it instructed the Permanent Secretariat of the Inter-American Commission of Women, in order to ensure follow-up of that Convention, to report to the General Assembly every two years on

progress made in its application and on experiences and results achieved through the initiatives and programs pursued in the member states to combat violence against women. The CIM complied with this mandate and presented reports in 1999 and 2001.

1.4 Inter-American Commission on Human Rights

Report of the Special Rapporteur of the Inter-American Commission on Human Rights (IACHR) on the Status of Women in the Americas

Although the report that was presented by the IACHR to General Assembly of the OAS at its twenty-eighth regular session (it was recently updated) does not refer specifically to follow-up of the Convention, in its conclusions it makes recommendations aimed at: remedying instances of *de facto* and *de jure* discrimination which impede the ability of women to fully exercise their rights; addressing the consequences of such discrimination, and developing further initiatives in pursuit of these objectives within the regional system.

1.5 Project of the CIM

In 2000, five years after implementation of the various measures envisaged in the Convention, the CIM considered that it should examine in detail the achievements of that period, and what remained to be done. To that end, the CIM, with USAID funding, undertook an important project, "Violence in the Americas: A Regional Analysis," including a review of the implementation of the Convention. Its purpose was to examine national programs to prevent, punish, and eradicate violence against women in the Americas and to obtain a better understanding of progress made to date in implementing the *Convention*, obstacles encountered, and areas for further work.

This project showed that significant progress has clearly been achieved throughout the region in terms of promoting an understanding of violence against women as a violation of human rights. In terms of the immediate impact of the ratification of the Convention by various member states, it became clear during the review that some countries of the region have treated the ratification of the Convention as a "destination" and not as a "point of departure."

The implementation of the programs and measures called for by the Convention has met with considerable difficulties throughout the region. It is probably fair to say that the full implementation of the Convention has not yet been achieved in any one of the countries reviewed. Each country has had to face specific difficulties relating to its own politics and circumstances, its economy and level of development, it legal system and traditions, the size and diversity of its population, and its geography. There is however an emerging pattern of obstacles which have clearly diminished the efforts of many States Parties to live up to their commitments under the Convention.

Comment [SW1]: OK

1.6 Subregional Meetings on Violence against Women

After the project was complete, before its official launch the CIM held four subregional meetings of experts, with the participation of its principal delegates and civil society organizations with experience in this area, in order to obtain their comments and contributions to the development

of regional strategies that might contribute to accelerating implementation of the Convention's objectives. The four subregional meetings were as follows:

- Meeting of Experts of the MERCOSUR Subregion, Bolivia and Chile, Montevideo, Uruguay, December 7-8, 2000.
- Meeting of Experts of the Andean Subregion, Quito, Ecuador, June 21-22, 2001
- Meeting of Experts of Central America, Mexico, Panama, and the Dominican Republic, Panama City, August 27-28, 2001.
- Meeting of Experts of the Caribbean Subregion, Georgetown, Guyana, June 20-21, 2002

Comment [SW2]: OOK

The comparative results of the above meetings are found in the document prepared by the Permanent Secretariat for presentation at this Assembly (document CIM/doc.7/02).

To put into effect the results of these meetings the principal delegates of the host countries were requested to establish *pro tempore* secretariats responsible for follow-up and implementation of the measures adopted by consensus at each meeting.

1.7 Meeting of Ministers or of the highest-ranking authorities responsible for the advancement of women in the member states

Comment [SW3]: OK

The first **Meeting of Ministers or of the Highest-Ranking Authorities Responsible for the Advancement of Women in the Member States** was held at the headquarters of the CIM in Washington, D.C., on April 27 and 28, 2000. The results of this unprecedented ministerial-level meeting were very positive. First, in connection with violence against women, a resolution was approved that urges the governments of those member states that have not already done so to ratify the Convention of Belém do Pará. It expresses its recognition of those governments of the Hemisphere that have taken measures to strengthen and adapt their law for purposes of eradicating violence against women. It also encourages the member states to continue promoting measures to eradicate violence in all its forms, in the public and private arenas, in keeping with the objectives established in the Strategic Plan of Action of the CIM, in the Plans of Action of the First and Second Summit of the Americas, and of the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality. In addition, it approved the above Inter-American Program, which was subsequently adopted by the OAS General Assembly in 2000. The pertinent parts of the Program are detailed below.

Comment [SW4]: OK

1.8 Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality.

Among the specific objectives relating to the topic that concerns us are:

- To promote women's real and formal legal equality (paragraph 1); and
- Women's right to a life free of any form of abuse or violence, in both the public and private spheres (paragraph 7).

The Program recommends to the member states that they promote the study and, if appropriate, the revision, of national laws to ensure that they meet the obligations set out in the international conventions and treaties on women's human rights adopted and ratified by the member states, together with the adoption of measures to guarantee their effective enforcement. It also recommends that they seek, through all possible means, to achieve legal equality between men and women. To that end, efforts will be made to eliminate laws still in force that discriminate against women and to achieve real and effective application of laws already in force that establish equal rights for women. It also proposes that they study and, if applicable, revise national laws in order to encourage full compliance with other international commitments adopted by regional and global conferences in which the member states have participated, or which have been approved by their legislatures, with the objective of ensuring equality and gender equity.

Comment [SW5]: OK

1.9. Summit of the Americas

The Summits of the Americas, from the outset, took into account the issue of violence against women. The First Summit, in initiative 18 of the Plan of Action of Miami, "Strengthening the role of women in society," provides for states to adopt appropriate measures to address and reduce violence against women; and to encourage, as appropriate, ratification and compliance with the Convention of Belém do Pará.

Comment [SW6]: OK

In Chapter IV ("Eradication of poverty and discrimination") of the Plan of Action of the Second Summit, under the title "Women" the governments undertake to strengthen mechanisms for promoting legal equality and equality of opportunities between women and men, in order to enable them to promote, coordinate and carry out the commitments undertaken at international conferences and forums. They also undertake, whenever necessary, to promote reforms or create new laws to eliminate all forms of discrimination and violence against women.

Comment [SW7]: OK

Comment [SW8]: OK

The Declaration of the Third Summit of the Americas reiterates the commitment to combat new threats to the security of our societies, amongst which is the general problem of violence in our societies. In initiative 15 the governments endorse the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality and undertake to promote gender equity and equality and women's human rights.

Comment [SW9]: OK

2. PRELIMINARY CONSIDERATIONS

From this information, it is apparent that there has consistently been considerable interest in ensuring continued progress in combating violence against women and, in particular, in implementing the Convention of Belém do Pará. To date, initiatives have been pursued in different arenas under different mandates. However, these follow-up efforts have not been undertaken systematically, with a view to providing the process with an adequate framework to accomplish this objective.

It is clear from the foregoing that follow-up on the Convention requires a systematic approach, based on reports covering the same ground and determining priority areas, so that progress and setbacks can be measured and successful experiences shared at both the hemispheric and the subregional level.

3. FOLLOW-UP ON THE CONVENTION – PROPOSAL TO CREATE A FOLLOW-UP MECHANISM

The follow-up mechanism to be established for the Convention of Belém do Pará will be designed to provide a hemispheric panorama of the status of progress made in eliminating violence against women and in implementing the Convention.

The CIM Permanent Secretariat is bringing the following proposal for creation and operation of such a mechanism to the Assembly of Delegates for its consideration. This will provide a basis for an open dialogue among heads of delegations, leading to the determination of steps to be referred to the Executive Committee and the Permanent Secretariat of CIM, for implementation.

The Executive Committee for the 2002-2004 term is expected to report to the next Assembly of Delegates on the results achieved in fulfilling the mandates in this area emanating from this Assembly.

FIRST STAGE:

a. Available material would be identified, including: United Nations (UN) and OAS documents on follow-up mechanisms for other Conventions; follow-up activities or programs implemented by national women's groups in member states; the indicators prepared for Articles 7 and 8 of the Convention and the questionnaire used in preparing the CIM project on "Violence in the Americas"; other existing indicators, such as the ones used by ECLAC; and, material prepared by other inter-American organizations, such as the IACHR and the IIDH, which can be used for this purpose. This stage of research and compilation of data could be coordinated by the CIM, with the assistance of principal delegates and international and inter-American organizations.

b. Invitations to take part in this initiative would be extended to the Inter-American Commission on Human Rights (IACHR), through its Rapporteur on the Human Rights of Women, the Inter-American Institute of Human Rights (IIDH), and UNIFEM. The purpose of their participation would be to benefit from their views on the best procedure or practice for monitoring implementation of the Convention.

c. The Department of Legal Affairs of the OAS General Secretariat would be asked to submit an opinion paper on the most appropriate mechanism for monitoring the Convention of Belém do Pará, taking into account its previous experience with other conventions.

SECOND STAGE:

d. With the support of the Department of Legal Affairs of the OAS General Secretariat and the IACHR, a report on the material selected for inclusion in a working document for a meeting of experts would be produced.

e. A meeting of experts would be convened to draw up a preliminary draft follow-up mechanism. The experts may be representatives of organizations or institutions working in this area, if funds to finance their participation are available, or government experts designated by the member states of the CIM.

THIRD STAGE:

f. Once the preliminary draft has been prepared, it would be distributed to the states party to the Convention, to the CIM's principal delegates, and to national women's groups and nongovernmental organizations, for their comments.

FOURTH STAGE:

g. Once the comments on the preliminary draft are received, the final draft would be drawn up, and then submitted to the next Assembly of Delegates for its consideration.

In due course, a decision will have to be taken regarding the frequency with which the reports of the states and of the mechanism should be produced. Moreover, it will have to be established whether the mechanism reports are to be presented to the Assembly of Delegates of the CIM and to the General Assembly of the OAS, and whether that will replace the report presented by the CIM to the General Assembly every two years. [AG/RES. 1456 (XXVII-O/97)]

4. OPERATION – FINANCIAL RESOURCES

It is essential to identify funding sources to cover the cost of the process of preparing follow-up mechanisms, including consultations, meetings of experts, and special review meetings, and to determine how the follow-up mechanism itself will be financed.

In seeking potential sources of financing, the possibilities of technical and economic cooperation from OAS member states, and from organizations such as UNIFEM, CIDI, IDB, and the World Bank, should be explored.