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**FOURTH HEMISPHERIC REPORT**  
**Evaluation phase**  
**Latin America**

## Introduction

### **The Obligation to Ensure Access to Justice, Truth, and Reparation in Cases of Gender-based Violence against Women and Girls in States Party to the Belém do Pará Convention**

1. The Committee of Experts of the MESECVI (hereinafter referred to as the CEVI or the Committee) conducted the first phase of the Fourth Multilateral Evaluation Round, covering the period 2018–2022.<sup>1</sup> In this phase of evaluation, the Committee received responses to the indicators from 12 States Party to the Latin American Convention, resulting in the issuance of 12 national reports.<sup>2</sup> Additionally, the CEVI has opted to prepare and publish subregional reports, with this being the first report to evaluate the implementation of access to justice, truth, and reparation for women victims of gender-based violence in Latin American countries.
2. To this end, the CEVI experts selected 137 indicators<sup>3</sup> from the System of Progress Indicators for the Measurement of the Implementation of the Belém do Pará Convention in Latin America.<sup>4</sup> The selected indicators focus on Legislation, National Plans, Access to Justice, Information and Statistics, Budgets, and Diversity, and were analyzed in accordance with the duty of enhanced due diligence established in the Convention.
3. In accordance with the objectives set by this Committee, this report emphasizes an analysis of the capacities of States Party to integrate the precepts of the Convention into justice systems, specialized services, protection measures, the right to participation of women victims and survivors of violence, the presence of gender-based stereotypes in justice, and the rights to truth and reparation.
4. The CEVI expresses its gratitude to the States Party for their cooperation in providing the information requested in the Fourth Multilateral Evaluation Round of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI). Their contributions, along with those from civil society organizations and women's movements that submitted Shadow Reports in this phase, enabled an in-depth analysis of the policies, strategies, and actions reported by the States within the framework of this Round.<sup>5</sup> The CEVI reaffirms its commitment to supporting the strengthening of state capacities to collect information and implement the necessary measures to prevent, punish,

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<sup>1</sup> Due to its relevance, this report considers some advances and setbacks that occurred during the editing process between 2023 and 2024.

<sup>2</sup> The States Party to the Convention that participated in this Round are Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Paraguay, Peru, and Uruguay.

<sup>3</sup> MESECVI/CEVI. Agreements of the Seventeenth Meeting of the Committee of Experts, December 15, 2020, available at: [https://belemdopara.org/cim\\_mesecvi/wp-content/uploads/sites/2/2021/12/MESECVI\\_XVII\\_Cevi\\_doc.261.AcuerdosENG-1.pdf](https://belemdopara.org/cim_mesecvi/wp-content/uploads/sites/2/2021/12/MESECVI_XVII_Cevi_doc.261.AcuerdosENG-1.pdf)

<sup>4</sup> System of Indicators of Achievement. More information is available at: [https://belemdopara.org/cim\\_mesecvi/indicators/](https://belemdopara.org/cim_mesecvi/indicators/)

<sup>5</sup> The CEVI thanks the organizations Casa Hermana, CLADEM Argentina, ELA, CAREF, MEI, FEIM, Fundación Siglo XXI, Equality Now, Comunidad de Derechos Humanos, CLADEM Bolivia, CLADEM Brazil, Fundación Mujer y Futuro, CLADEM El Salvador, CLADEM Guatemala, CLADEM Mexico, CLADEM Nicaragua, CLADEM Peru, PROMSEX, and CLADEM Uruguay for their national and regional shadow reports for the Fourth Round of Multilateral Evaluation.

and eradicate violence against women and girls in the region, in accordance with the Belém do Pará Convention.

5. The Committee reaffirms that the rights to access justice, truth, reparation, and specialized services are enshrined in Article 7 (d), (f), and Article 8 (c) and (d) of the Convention, and have been extensively developed by the Inter-American Human Rights System, including the CEVI. The duty of due diligence, which is central to this issue, requires the organization of all state structures to respond effectively to violence against women and girls.<sup>6</sup> In this regard, it encompasses four<sup>7</sup> main obligations: prevention, investigation, punishment, and reparation of violations of the rights established therein. Thus, in accordance with the jurisprudence of the Inter-American Court of Human Rights (IACHR Court), States must: a. initiate investigations *ex officio*, immediately, within a reasonable time frame,<sup>8</sup> and in a proactive manner; and b. ensure that investigations are conducted independently, impartially, thoroughly,<sup>9</sup> and with the effective participation of victims.<sup>10</sup> These processes must aim to clarify the facts and hold all responsible parties accountable.<sup>11</sup>
6. Thus, as the CEVI has maintained, the State's obligation is not only negative but also positive, requiring the removal of all obstacles preventing women from accessing justice.<sup>12</sup> In this regard, the Committee emphasizes that, in accordance with Article 9 of the Convention,<sup>13</sup> the guarantee of the right to justice includes obligations to ensure service accessibility for women in all their

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<sup>6</sup>Inter-American Court of Human Rights. Case of Velásquez-Rodríguez v. Honduras. Judgment of July 29, 1988. (*Merits*) Series C No. 4. Cited by the IACHR (2007); IACHR. Access to Justice for Women Victims of Sexual Violence in Mesoamerica, December 9, 2011, available at <https://cidh.oas.org/pdf%20files/WOMEN%20MESOAMERICA%20ENG.pdf>, para. 40.

<sup>7</sup>MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemdopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf>, para. 232.

<sup>8</sup>Inter-American Court of Human Rights. Case of the “Mapiripán Massacre” v. Colombia. Judgment of September 15, 2005 (*Merits, Reparations, and Costs*) Series C No. 134, paras. 219 and 223.

<sup>9</sup>Inter-American Court of Human Rights. Case of Veliz Franco et al v. Guatemala. Judgment of May 19, 2014. (*Preliminary Objections, Merits, Reparations and Costs*) Series C No. 277, para. 185.

<sup>10</sup>Inter-American Court of Human Rights. Case of V.R.P., V.P.C. et al. v. Nicaragua. Judgment of March 8, 2018 (*Preliminary Objections, Merits, Reparations and Costs*) Series C No. 350, para. 293.

<sup>11</sup>Inter-American Court of Human Rights. Case of Rodríguez Vera et al. (The disappeared from the Palace of Justice) v. Colombia. Judgment of November 14, 2014. (*Preliminary Objections, Merits, Reparations and Costs*) Series C No. 28, para. 509.

<sup>12</sup>MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemdopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf>, para. 229.

<sup>13</sup>In implementing the measures outlined in this chapter, States Party shall give special consideration to the heightened vulnerability to violence that women may face due to factors such as race or ethnicity, migrant, refugee, or displaced status. Similarly, attention shall be given to women who experience violence when they are pregnant, disabled, minors, elderly, in adverse socio-economic conditions, or affected by situations of armed conflict or deprivation of liberty. See: [INTER-AMERICAN CONVENTION ON THE PREVENTION, PUNISHMENT AND ERADICATION OF VIOLENCE AGAINST WOMEN “CONVENTION OF BELÉM DO PARA” \(oas.org\)](https://www.oas.org/en/lr/doc/inter-am-convencion-preven-pun-erad-violencia-contra-mujeres)

diversity,<sup>14</sup> including women with disabilities, Afro-descendant women<sup>15</sup>, migrant women,<sup>16</sup> and others who face multiple barriers to accessing justice.<sup>17</sup>

7. First, the Committee asserts that, within the framework of the right to access justice recognized in Articles 7 (c), (d), (f) and 8 (c), (d), and (f) of the Convention, women victims of gender-based violence should be recognized as rights-bearing individuals within their own justice processes. This recognition entails affirming their autonomy and decision-making capacity with regard to investigations, procedures, and processes. The status of being rights-bearing individuals is closely connected to their right to effective participation, their right to free legal counsel and representation, access to specialized services, and, when appropriate, protective measures for themselves and their families.<sup>18</sup>
8. Women who are victims and survivors of gender-based violence, under their right to justice as enshrined in the Convention, are entitled to active participation as rights-bearing individuals in

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<sup>14</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemndopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 233.

<sup>15</sup> General Recommendation No. 5 of the CEVI/MESECVI (2024) on gender-based violence against Afro-descendant women states that: “(...) States should adopt intercultural and anti-racist approaches for the reporting of crimes to the police, which would facilitate access to justice for Afro-descendant women without discrimination. Training should be delivered to public servants, including health workers, teachers, administrative personnel and police and justice administration bodies. Programs for capacity building should be implemented among the media, journalists and opinion leaders, with a focus on their responsibility to contribute to the eradication of symbolic violence.” P. 13-14, Available in: <https://belemndopara.org/wp-content/uploads/2024/07/General-Recommendation-Violence-Afrodescendant-Women.pdf>

<sup>16</sup> The document titled “Lineamientos para la elaboración de un protocolo para la atención de mujeres migrantes, desplazadas y refugiadas, frente a la violencia y la explotación sexual” (Guidelines for Developing a Protocol to Support Migrant, Displaced, and Refugee Women Facing Violence and Sexual Exploitation), prepared by the OAS/CIM/MESECVI, OAS/DPS, and UK International Development (2024), concludes that: “Access to legal assistance must be guaranteed for migrant women who are victims of violence in both cross-border and national contexts. This assistance should include legal representation in judicial proceedings and guidance on their legal rights and available options. The support must cover the following aspects: i) Providing a detailed explanation of legal assistance and guidance services; ii) Conducting an in-depth interview to determine the most appropriate legal course of action for addressing the case and exploring the woman’s expectations; iii) Assessing the level of risk involved and, if necessary, preparing a request for protective measures to the appropriate court. In locations lacking legal representation, the case technician will prepare these requests; iv) Explaining the relevant legal procedures that may be pursued and, when needed, providing support in drafting communications to other institutions; v) Guiding women through hearings or other legal proceedings, ensuring they fully understand their rights, the nature of the proceedings, and the possible outcomes. In locations without female lawyers, this guidance will be provided by the case technician; vi) Attaching all necessary documentation to the file, with each document carefully numbered, signed, and stamped; vii) Drafting references, communications, and minutes necessary for follow-up on the case.” p. 37-38, Available at: <https://belemndopara.org/wp-content/uploads/2024/08/Informe-Panama-proyecto-UK-Lineamientos-Para-Protocolo.pdf>

<sup>17</sup> MESECVI. Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemndopara.org/wp-content/uploads/2023/05/Report-Violence-Disabilities.pdf>, p. 50.

<sup>18</sup> In this regard, Article 8.d of the Belém do Pará Convention states that States Party must: “(...) to provide appropriate specialized services for women who have been subjected to violence, through public and private sector agencies, including shelters, counseling services for all family members where appropriate, and care and custody of the affected children:”. Available at: <https://belemndopara.org/wp-content/uploads/2021/11/texto-de-la-convencion-INGLES.pdf>

The foregoing is also the basis from which Articles 9 and 10 of the Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-Related Killing of Women and Girls (Femicide/Feminicide) arise, which refer to the loss or suspension of parental authority for any parent subject to criminal proceedings for the crimes of femicide/feminicide, or completed or attempted suicide by induction. See: MESECVI. Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-Related Killing of Women and Girls (Femicide/Feminicide), 2018, available at: <https://belemndopara.org/wp-content/uploads/2021/11/LeyModeloFemicidio-EN.pdf>

their own legal proceedings. This entitlement obligates the State to guarantee their unrestricted access and capacity to engage at every stage of investigative processes. Furthermore, it mandates the establishment of mechanisms that facilitate their meaningful involvement in inquiries, as well as throughout all phases of judicial and administrative proceedings.<sup>19</sup> Victims must have "ample opportunities to participate and be heard",<sup>20</sup> and States must establish institutional frameworks that uphold victim's right to participation, removing all *de jure* or *de facto* obstacles that could render the right to truth "illusory".<sup>21</sup>

9. The CEVI underscores the imperative of ensuring sufficient, accessible, and effective specialized services to facilitate women's access to justice and its mechanisms.<sup>22</sup> These specialized services are essential for enabling women to exercise their right to meaningful participation, a fundamental aspect of their broader rights to justice, truth, and reparation as established under the Belém do Pará Convention. Such services must encompass shelters or safe houses, medical care, psychological health services, and other critical forms of support.
10. The CEVI further highlights free legal representation as a pivotal element of access to justice, recognizing its role in enabling women to pursue effective remedies and navigate the complexities of legal proceedings while minimizing the risk of revictimization.<sup>23</sup> Consequently, both specialized services and free legal representation are indispensable to safeguarding the right of participation for women victims of violence and ensuring their equitable access to justice.
11. On the other hand, the application of a **gender approach** in investigations and judicial proceedings requires justice system operators to implement it in: a. the overall perspective of the case; b. the lines of investigation; c. each interaction with women victims of violence; d. investigation plans; e. the legal classification of the facts; f. the analysis and evaluation of evidence; and g. a cross-cutting manner in the resolutions, opinions, and judgments issued in cases. Criminal, civil, administrative, and all other courts and tribunals competent to hear cases of gender-based violence against women must take appropriate measures to ensure that processes incorporate a gender-responsive approach and prevent the revictimization of women. As the CEVI has previously

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<sup>19</sup> Inter-American Court of Human Rights. Case of Ríos et al. v. Venezuela. Judgment of January 28, 2009. (*Preliminary Objections, Merits, Reparations, and Costs*) Series C No. 194, para. 284.

<sup>20</sup> Inter-American Court of Human Rights. Case of the "Mapiripán Massacre" v. Colombia. Judgment of September 15, 2005 (*Merits, Reparations, and Costs*) Series C No. 134, paras. 219 and 223.

<sup>21</sup> Inter-American Court of Human Rights. Case of the Rochela Massacre v. Colombia. Judgment of January 28, 2008. (*Interpretation of the Judgment on the Merits, Reparations and Costs*) Series C No. 175, para. 195.

<sup>22</sup> MESECVI. Second Hemispheric Report on the Implementation of the Belém do Pará Convention, 2012, available at: <https://belemdopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeHemisferico-EN.pdf>, p.74-81.

<sup>23</sup> MESECVI/UN Women. Servicios de asesoría legal para atención a la violencia de género contra las mujeres en México y Centroamérica (Legal Advisory Services for Addressing Gender-based Violence Against Women in Mexico and Central America), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Servicio-de-asesoria-legal-Version-WEB.pdf>, p. 11.

noted,<sup>24</sup> protocols, guides and manuals are among the tools that States can employ to fulfill this duty.

12. The CEVI recalls the importance of consistently applying an **intersectional approach** alongside a gender-responsive framework. This approach necessitates a thorough analysis of intersecting factors that collectively amplify the risk of experiencing violence.<sup>25</sup> In cases involving women with disabilities, Afro-descendant women, migrant women, and girls who are victims of violence, their compounded experiences of discrimination must be fully considered and addressed. This necessitates that States Party take these intersecting factors into account when formulating policies, programs, and protocols to address gender-based violence,<sup>26</sup> as mandated by Article 9 of the Belém do Pará Convention. Furthermore, States must implement the necessary adaptations<sup>27</sup> to guarantee that all women have equitable access to justice processes, legal assistance and representation services, specialized support services, and protective measures.
13. The CEVI has also defined **gender stereotypes** as generalized views or preconceptions about the attributes or characteristics that women and men possess, or are expected to possess, as well as the social roles they perform or are expected to perform. These stereotypes become harmful when they deny rights, impose burdens, or limit women's autonomy.<sup>28</sup> The Committee has noted that gender stereotypes, by perpetuating discriminatory social beliefs about women, are not only a cause and consequence of gender-based violence against women<sup>29</sup> but also create and promote various obstacles to their access to justice, truth and reparation. This contributes to a general lack of confidence in justice systems, particularly among victims and survivors of violence. Therefore, within the framework of Article 8 of the Belém do Pará Convention, States Party are required to take necessary measures to alter sociocultural behavior patterns rooted in the perception of women's inferiority. This includes changes within justice systems and through specialized services. Consequently, gender stereotypes encountered by users at any stage of interaction with the justice system—whether in initial contact, specialized services, investigations, preparatory

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<sup>24</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemdopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf>, para. 257

<sup>25</sup> MESECVI. Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/Report-Violence-Disabilities.pdf>, p. 31.

<sup>26</sup> MESECVI. Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/Report-Violence-Disabilities.pdf>, p. 31.

<sup>27</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf>, para. 2.

<sup>28</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf>, para. 4

<sup>29</sup> MESECVI, Inter-American Model Law on the Prevention, Punishment and Eradication of Violence Against Women in Political Life, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/LeyModeloViolenciaPolitica-EN.pdf>, p. 15.



proceedings for trial, trials across any branches of law, or in reparations and their implementation—must be eradicated.<sup>30</sup>

14. With regard to the latter, the CEVI reaffirms that the Belém do Pará Convention enshrines the obligation of reparation in Article 7, paragraphs (f) and (g), within the framework of the States' duty of due diligence. This obligation entails adopting measures to protect against aggression and to reform or change discriminatory norms and practices, as well as those that tolerate gender-based violence against women, in accordance with paragraphs (d) and (e) of the same article of the Convention.<sup>31</sup> In addition, reparation is a broader mechanism that extends beyond mere financial compensation;<sup>32</sup> it also includes measures of restitution, rehabilitation, satisfaction, and guarantees of non-repetition.<sup>33</sup> In cases of gender-based violence against women and girls, reparations must be gender-responsive, and must be transformative, addressing the violence and structural discrimination that underlie the violation of their rights.<sup>34</sup>
15. With regard to **the right to truth** for women victims of violence, the CEVI reaffirms that this right, in general terms, is directly linked to the right to a fair trial, judicial protection<sup>35</sup> and the right to information, as enshrined in the American Convention on Human Rights<sup>36</sup> and in Article 7, paragraphs (b), f), and g) of the Belém do Pará Convention. The right to truth possesses a dual dimension, encompassing the victims' entitlement to uncover the facts and identify those responsible.<sup>37</sup> In certain instances, this right extends beyond the victims themselves, encompassing

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<sup>30</sup> In the Regional Declaration on the Eradication of Gender Stereotypes in Public Spaces that Translate into Symbolic Violence and Political Violence against Women for Gender Reasons (2023) of the Conference of States Party to the MESECVI, symbolic violence was defined as: “(...) the set of messages, values, symbols, icons, signs, and family, educational, ideological, social, economic, political, cultural, aesthetic, and religious impositions that generate, transmit, reproduce and institutionalize, directly or indirectly, inequality, domination and structural discrimination towards women in all their diversity, naturalizing the subordination of them. (...)” P. 4. In the same document, the States expressed their concern about “(...) the lack of comprehensive legal frameworks that define and address all dimensions of symbolic violence, which invisibilizes it, reproduces it and does not allow it to be identified, prevented, addressed, investigated, its impact repaired and eradicated,” P. 6. Available in: [https://belemdopara.org/wp-content/uploads/2023/10/ENG.MESECVI-III-CEE\\_doc.139\\_23.rev5.pdf](https://belemdopara.org/wp-content/uploads/2023/10/ENG.MESECVI-III-CEE_doc.139_23.rev5.pdf)

<sup>31</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 21-22.

<sup>32</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 22.

<sup>33</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 26.

<sup>34</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 39.

<sup>35</sup> IACHR. The Right to Truth in the Americas, August 13, 2014, available at: <https://www.oas.org/en/iachr/reports/pdfs/Right-to-Truth-en.pdf>, para. 69.

<sup>36</sup> IACHR. The Right to Truth in the Americas, August 13, 2014, available at: <https://www.oas.org/en/iachr/reports/pdfs/Right-to-Truth-en.pdf>, para. 69

<sup>37</sup> IACHR. The Right to Truth in the Americas, August 13, 2014, available at: <https://www.oas.org/en/iachr/reports/pdfs/Right-to-Truth-en.pdf>, para. 70.

their families and society as a whole.<sup>38</sup> Consequently, the right to truth is intimately connected to the State's obligation to investigate, prosecute and punish those responsible,<sup>39</sup> emphasizing that States hold the ultimate responsibility for uncovering the truth. This responsibility should not depend on the efforts of the victim.<sup>40</sup> Within this framework, women's right to truth is embedded in the State's duty of due diligence in cases of gender-based violence against women, as established by the Belém do Pará Convention, and is connected to the right to reparation, serving as a measure of satisfaction or symbolic redress.<sup>41</sup> Consequently, States are duty-bound to undertake all necessary measures at every stage of the process to ensure the thorough clarification of facts and the establishment of procedural truth concerning the experiences of women victims of gender-based violence.<sup>42</sup>

**16. Finally, the CEVI notes the androcentrism associated with relying solely on criminal law as a tool for addressing gender-based violence against women in the region.**<sup>43</sup> Although criminal law has served as a central component in this regard, the CEVI, 20 years after its creation, emphasizes the complexities of criminal law in providing justice, truth, reparation, and accessible, effective remedies for all women victims of violence. The Committee therefore emphasizes that Articles 2(b) and 7(c) of the Belém do Pará Convention indicate that gender-based violence against women also occurs in educational, health, and other settings, obliging States Party to implement legislative measures in civil, administrative, and other areas to prevent, punish, and eradicate violence. In this regard, the CEVI has underscored that the duty of due diligence for States Party also includes the obligation to develop and adopt protections for women beyond the scope of criminal law.<sup>44</sup> These processes must adhere to the standards established by the Convention, which include the principles of due diligence, a gender and intersectional approach, a disability-inclusive

<sup>38</sup> IACHR. The Right to Truth in the Americas, August 13, 2014, available at: <https://www.oas.org/en/iachr/reports/pdfs/Right-to-Truth-en.pdf>, para. 71; see Inter-American Court of Human Rights. Case Rosendo Cantú et al. v. Mexico. Judgment of August 31, 2010 (*Preliminary Objections, Merits, Reparations and Costs*) Para. 213.

<sup>39</sup> IACHR. The Right Truth in the Americas, August 13, 2014, available at: <https://www.oas.org/en/iachr/reports/pdfs/Right-to-Truth-en.pdf>, para. 70

<sup>40</sup> IACHR. Access to Justice for Women Victims of Sexual Violence in Mesoamerica, December 9, 2011, available at: <https://cidh.oas.org/pdf%20files/WOMEN%20MESOAMERICA%20ENG.pdf>, para. 40; Inter-American Court of human Rights. Case of Godínez-Cruz v. Honduras. Judgment of January 20, 1989. (*Merits*) Series C No. 5, para. 188. IACHR. Report No. 80/11. Case 12.626. Merits. Jessica Lenahan (Gonzales) et al., United States, July 21, 2011, para. 173; IACHR. Situation of Women's Human Rights in Ciudad Juárez, Mexico, OAS/Ser. L/V/II.117. Doc. 44 (March 7, 2003), para. 51.

<sup>41</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 27.

<sup>42</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 28

<sup>43</sup> The term 'androcentric bias' historically characterizing law refers to a worldview that assumes the male perspective as the 'norm' and central reference point for all things (Facio & Fries, 2005). Quoted in [View of Gender in the Conception and Application of Criminal Justice | THEMIS Law Review \(pucp.edu.pe\)](#)

<sup>44</sup> MESECVI/UN Women. Derecho civil y familiar discriminatorio en América Latina. Análisis de legislación civil y familiar en relación con la obligación de prevenir, atender, sancionar y reparar la violencia contra las mujeres por razones de género (Discriminatory Civil and Family Law in Latin America: An Analysis of Civil and Family Legislation in Relation to the Obligation to Prevent, Address, Sanction, and Remedy Gender-based Violence Against Women), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Derecho-Civil-y-Familiar-ESP.pdf>, p. 9.



perspective, the elimination of gender stereotypes, and the provision of specialized services and legal representation. These measures are essential to supporting women who engage in these processes, ensuring their meaningful and effective participation. Thus, in this subregional report, the CEVI will highlight existing justice processes in the region, beyond criminal proceedings, as mechanisms for obtaining justice, truth, and reparation for women and girls who are victims of violence.

17. Regarding mechanisms that ensure the participation of women in safe conditions and without revictimization, the MESECVI identified several provisions in the legislation of different countries, including visual protection, emotional assistance, the prohibition of confrontations, confidentiality of personal and intimate data, restrictions on interrogations about sexual life, and the prohibition of discriminatory evidence. However, these mechanisms are not applied uniformly for all survivors of violence, nor are they enforced with the same level of obligation. In many cases, their application depends on the court's discretion and is often limited to cases of sexual crimes or sexual exploitation, approached from a more androcentric perspective. In cases of femicide or family violence, these protections are only considered in certain jurisdictions or for specific crimes related to gender-based violence.<sup>45</sup>
18. The region has nonetheless made significant progress, which merits recognition in this report, in terms of legislation and regulations that enable States to ensure greater and improved access to justice, truth, and reparation for women victims and survivors of violence. The next chapter is dedicated to highlighting these efforts, the common regional frameworks, and the challenges that persist to this day.

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<sup>45</sup> [NormativeResponses.pdf \(belemndopara.org\)](#) P. 89

## Chapter 1

### Legislation – Progress and Challenges: Adoption and Adaptation of Regulations in Accordance with the Belém do Pará Convention

- 19. Existence of Normative Frameworks on the Right to Truth and Reparation with Intercultural Relevance and Attention to Women's Diversity**
20. The CEVI deems it essential to review the standards in this area to reaffirm the foundations upon which States Party must legislate regarding the guarantee of the right to reparation and truth for women victims of gender-based violence, in accordance with their obligations under the Convention.
21. Firstly, **the Committee reaffirms that Article 7(g) of the Belém do Pará Convention affirms the right of women victims of gender-based violence to effective access to reparation, compensation for harm, and other fair and effective means of redress, which States Party are obligated to guarantee.** Regarding access to justice, States are further duty-bound to establish fair and effective legal procedures that enable women to utilize these mechanisms,<sup>46</sup> including specific processes for obtaining reparations. Consequently, the duty to provide reparation is integral to the duty of due diligence enshrined in the Convention.<sup>47</sup>
22. The CEVI reaffirms that States must provide reparations to victims for acts or omissions directly attributable to them, as well as for acts committed by private individuals, within the framework of the duty of due diligence to eliminate, reduce, and mitigate discriminatory acts against women, perpetrated by private actors.<sup>48</sup> The State is obligated to ensure reparations even when the aggressor lacks the material capacity or willingness to do so.<sup>49</sup> Therefore, States Party must

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<sup>46</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 21.

<sup>47</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 21.

<sup>48</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 24.

<sup>49</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 25.

establish national programs that offer reparations to women, incorporating mechanisms for effective execution<sup>50</sup> and implementation.

23. **Comprehensive reparation encompasses five categories: restitution measures, compensation measures, rehabilitation measures, satisfaction measures and guarantees of non-repetition.**<sup>51</sup> Additionally, there are two types of harm: material and immaterial.<sup>52</sup> In designing and implementing comprehensive reparations and identifying the types of harm, States Party should consider victim's special vulnerability, such as in cases involving minors, pregnant women, indigenous women, older women, women with disabilities, among others,<sup>53</sup> and apply an intersectional and disability-sensitive perspective. The context in which the events occurred must also be considered, particularly in cases of widespread human rights violations. In line with recent practices in transitional justice, a gender-responsive approach must be applied consistently, with investigations mandated to capture the distinct experiences of women.
24. Furthermore, within the framework of obligations arising from the Belém do Pará Convention, reparations must adopt a gender approach. This entails analyzing the forms of victimization that women face and the differentiated impacts of such victimization, as well as evaluating not only the specific instance of violence but also the ongoing gender-based violence to which they are subjected daily.<sup>54</sup> A gender approach must be applied to all categories of comprehensive reparation, types of harm, and the outcomes sought through reparation, which should be transformative by addressing the structural causes of violence and discrimination against women.<sup>55</sup>
25. In this regard, women's right to truth serves as a form of reparation for victims and their families and represents an expectation that the State must fulfill.<sup>56</sup> Accordingly, the right to truth is associated with measures of satisfaction or symbolic reparations within the framework of

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<sup>50</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 24.

<sup>51</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 26

<sup>52</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 31.

<sup>53</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 35.

<sup>54</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 40.

<sup>55</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 40.

<sup>56</sup> Inter-American Court of Human Rights. Order of the Inter-American Court of Human Rights of November 22, 2005. Case of Gómez Palomino v. Peru. (*Merits, Reparations and Costs*) Judgment of November 22, 2005. Series C No. 136, para. 78.

comprehensive reparations, as it can be reparative by seeking to restore the memory of the victims, recognize their dignity, and reaffirm their status as rights-bearing individuals, as well as that of their families.<sup>57</sup> Moreover, fulfilling the duty to investigate and punish, aimed at ensuring access to truth, can also serve a reparative function.<sup>58</sup> According to the Inter-American Court, the right to truth “is subsumed in the right of the victims or the members of their family to obtain the elucidation of the acts that violated the Convention and the corresponding responsibilities from the competent State organs, by means of the investigation and prosecution.”<sup>59</sup>

**26. Thus, the right to truth is embedded within the duty of due diligence of the States Party, requiring that all actions undertaken by justice operators, from prosecutorial mechanisms to judicial proceedings, ensure the right to truth for women victims of violence. This encompasses uncovering the facts and identifying all responsible parties.**<sup>60</sup> Regarding the dual dimension of this right, the right to truth belongs to society as a whole, entailing its public and complete disclosure, provided that such disclosure does not inflict further harm or endanger the safety and interests of the victim, their relatives, witnesses, or others involved in the process.<sup>61</sup>

**27. In cases of disappearances of women and girls, the right to truth holds exceptional significance, as it encompasses the relatives’ right to ascertain the victim’s fate** and, in some instances, the location of their remains.<sup>62</sup> The Inter-American Court of Human Rights has affirmed that the right to know the whereabouts of the victims constitutes a fundamental aspect of the right to truth in such cases.<sup>63</sup> Accordingly, the State bears a duty of due diligence to conduct investigations and undertake exhaustive search efforts,<sup>64</sup> with the objective of clarifying the facts and locating the missing victims.

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<sup>57</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 27.

<sup>58</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 32.

<sup>59</sup> Interamerican Court of Human Rights. Case of Rodríguez Vera et al. (The disappeared from the Palace of Justice) v. Colombia. Judgment of November 14, 2014 (*Preliminary objections, merits, reparations and costs*) Serie C No. 287, para. 509.

<sup>60</sup> IACHR. The Right to Truth in the Americas, August 13, 2014, available at <https://www.oas.org/en/iachr/reports/pdfs/Right-to-Truth-en.pdf>, para. 70.

<sup>61</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 27.

<sup>62</sup> Interamerican Court of Human Rights. Case of Rodríguez Vera et al (The disappeared from the Palace of Justice) v. Colombia. Judgment of November 14, 2014 (*Preliminary objections, merits, reparations and costs*) Serie C No. 287, para. 481. See also: [RecomendationMissingWomen-EN.pdf](#) ([belemdopara.org](http://belemdopara.org))

<sup>63</sup> Interamerican Court of Human Rights. Case of Rodríguez Vera et al (The disappeared from the Palace of Justice) v. Colombia. Judgment of November 14, 2014 (*Preliminary objections, merits, reparations and costs*) Serie C No. 287, para. 166.

<sup>64</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 2): Missing Women and Girls in the Hemisphere, 2018, available at <https://belemdopara.org/wp-content/uploads/2021/12/RecomendacionMujeresDesaparecidas-EN.pdf>, p. 19.

28. In this context, the CEVI notes that, in **Argentina**, Law 26.485 provides in Article 35 that a woman who is a victim of violence may seek civil reparation for damages in accordance with relevant regulations. The State reported the 2018 enactment of Law 27.452 on the Economic Reparation Regime for Children and Adolescents, which applies retroactively. This law provides that when a parent is prosecuted or convicted for the homicide of the mother, when the criminal action is extinguished by the death of the parent, or when either parent has died as a result of domestic and/or gender-based violence, the children are entitled to economic compensation.
29. The CEVI notes that this regulation does not include recognition of the right to truth. The Committee also observes that, while civil remedies may serve as a suitable mechanism for obtaining certain types of reparations, they represent a judicial process that requires initiating a new legal action, which in turn demands legal representation and other resources not necessarily accessible to all women. It reaffirms that access to these remedies may be hindered by procedural obstacles.<sup>65</sup> Furthermore, these types of reparations are generally not comprehensive, as they primarily focus on economic compensation. Regarding Law 27.452, access to reparations is contingent upon the initiation of criminal proceedings. The CEVI observes a persistent gap between the number of complaints and prosecutions in cases of femicide/feminicide, meaning that this requirement restricts the number of collateral victims able to access the provisions of Law 27.452.
30. In **Costa Rica**, Law No. 8589 on the Criminalization of gender-based violence against women does not explicitly establish the right to reparation for victims of gender-based violence. It only mentions in Article 18 that the convicted individual is responsible for repairing the harm caused to the victim, which presupposes the existence of a criminal process and a conviction. In relation to the sentencing figures mentioned later, this implies that only a limited number of victims would be eligible to access reparation. Moreover, the legislation does not acknowledge the State's obligation to provide reparations to women victims of violence, even when the acts have been committed by private individuals who lack the material capacity or willingness to repair the harm, which contravenes the standards established by this Committee.<sup>66</sup> Although the Code of Criminal Procedure refers to comprehensive reparation, it does so in general terms, and the right to truth remains an obligation of the Public Prosecutor's Office and the courts. Law No. 8589 makes no reference to the right to truth.
31. The CEVI notes positively that **Chile** enacted Law 21.565, which establishes a protection and comprehensive reparation regime for victims of femicide/feminicide, suicidal femicide, and their families. Additionally, Law 19.023, which created the National Women's Service, established the

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<sup>65</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 46.

<sup>66</sup> MESECVI/UN Women. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf>, p. 25

Program for Attention, Protection, and Reparation in Gender-based Violence Against Women under the Center for Attention and Reparation for Women Victims/Survivors of Sexual Violence, as well as the Pilot Center for Reparation in Gender Violence within the context of a partner or ex-partner and the Center for Comprehensive Reparative Care in Gender-based Violence Against Women, both of which fall under the aforementioned Care Program. These programs were implemented between 2018 and 2021. However, the CEVI lacks sufficient information to assess their impact and results as of the date of this report. It is also unclear whether these programs incorporate an intercultural perspective or address the diversity of women, including women with disabilities.

32. **Colombia**, through Law 1257, recognizes in Article 8 the right of women victims of violence to reparation and truth. Additionally, the Constitutional Court of Colombia has developed jurisprudence on the recognition and implications of the right to truth in general terms, as reflected in judgments T-249 and C-228, among others. However, the State did not provide information regarding the existence of reparation policies for women victims of violence or for collateral victims of violence, aside from the efforts of the Special Jurisdiction for Peace (JEP), which will be discussed in later sections.
33. In **Ecuador**, Article 9 of the Law to Prevent and Eradicate Gender-based Violence Against Women recognizes women's right to comprehensive reparation, which, according to Article 18, may be individual or collective and must guarantee the reconstruction of the life project and ensure guarantees of non-repetition. Additionally, there is an Institutional Action Plan in place to comply with the goods and services outlined in the Women's Mission of the Lifetime Plan, which includes a non-contributory pension for relatives of femicide/feminicide victims. The CEVI did not receive information on the number of collateral victims who have benefited from these measures. Additionally, in compliance with the Inter-American Court of Human Rights judgment in the case of *Guzmán Albarracín et al. v. Ecuador*, for which this Committee submitted an *amicus curiae* brief,<sup>67</sup> Ecuador reported the adoption in 2020 of Protocols and Action Routes for situations of violence detected or committed within the national education system. These protocols include a focus on reparation and the restitution of victims' rights, providing comprehensive and specialized support in cases involving minors with disabilities.
34. **El Salvador's** Special Comprehensive Law for a Life Free of Violence for Women includes reparation in cases of gender-based violence against women and establishes intersectionality as a guiding principle in Article 4, which should also inform reparations. However, the Law does not mention the right to truth for women victims of violence. Furthermore, the State did not provide information regarding any public policy that operationalizes the right to reparation for women or for collateral victims of gender-based violence.

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<sup>67</sup> See: MESECVI. Amicus Curiae of the case of Guzmán Albarracín et al. v. Ecuador, 2020, available at <https://www.oas.org/es/mesecvi/docs/AmicusCuriae-PaolaGuzman-ES.pdf>.



35. For its part, **Guatemala** has enacted the Law Against Femicide and Other Forms of Gender-based Violence Against Women, which provides for comprehensive reparations, defined as compensation encompassing medical, psychological, moral, and social restitution. Additionally, Guatemala reports the establishment of the Victims' Institute, which has implemented the Policy on Dignified Reparation for Victims of Crime 2023-2033. According to the State, this seeks to include affirmative measures aimed at transforming social realities and restoring the victim's life project, thus extending beyond mere compensation. The Policy incorporates specialized approaches for women and identifies women, indigenous peoples, and migrants as vulnerable groups. Additionally, it establishes Dignified Reparation hearings, which, in accordance with the Code of Criminal Procedure, are to be held once a conviction has been issued. The CEVI welcomes the establishment of a reparations policy such as the one reported by Guatemala. However, there is insufficient information on how a gender approach is applied in reparations for women victims of violence in practice, nor are there specific measures for women in their diversity, including women with disabilities. Additionally, Guatemala did not submit information on reparations for collateral victims of gender-based violence against women.
36. For its part, **Paraguay**, through Law 5777/16 on the Protection of Women Against All Types of Violence, recognizes the right to reparation for victims in various provisions; however, it does not acknowledge their right to the truth. No information was provided regarding public policies on reparation for either direct or collateral victims.
37. In **Uruguay**, Law 19.846 addresses comprehensive reparation for gender-based violence, in alignment with the Belém do Pará Convention and the Inter-American Model Law on the Prevention, Punishment, and Eradication of Gender-Related Killing of Women and Girls (Femicide/Feminicide). According to Article 29 of this law, reparations must incorporate a gender perspective. In addition, women's access to reparations must be facilitated, with consideration given to situations of heightened vulnerability. In accordance with Article 80, upon conviction, compensation shall be available to the victim, without prejudice to the victim's right to obtain full reparation. Regarding collateral victims of gender-based violence against women, Uruguay reports the existence, since 2011, of Law No. 18,850, which provides a monthly pension and special family allowance for children of victims who have lost their lives due to domestic violence.
38. **Mexico**, through its General Law on Women's Access to a Life Free of Violence, recognizes the right of victims of feminicide to comprehensive reparation, encompassing prompt justice, rehabilitation, and measures of satisfaction and non-repetition. Additionally, the Law includes the right to truth as part of the State's duty of due diligence. The General Law of Victims further reinforces these rights, providing a differential and specialized approach for vulnerable populations, including women with disabilities. Mexico has established the Comprehensive Model of Attention to Victims, managed by the CEAV, which applies a gender and differential approach in comprehensive reparation. However, there is concern regarding the lack of information on women's access to these services when their cases fall under common jurisdiction. In 2021,

Mexico issued the National Protocol for Comprehensive Care for Children and Adolescents Orphaned by Femicide, which acknowledges the multiple discrimination they face and establishes procedures for support and the restitution of their rights.

39. For its part, **Peru** reported that since 2005, Law No. 28592, which establishes the Comprehensive Reparations Plan, has been in effect. The CEVI notes that this Plan does not specifically address women victims of violence or collateral victims. In 2020, Peru adopted a decree on Economic Assistance aimed at supporting the social protection and comprehensive development of collateral victims of femicide/feminicide, targeting children and adolescents whose mother was a victim of femicide/feminicide, as well as individuals with disabilities who were economically dependent on and under the care of the direct victim. This policy provides economic assistance until the indirect victim reaches the age of majority. The CEVI notes that, while this represents an effort to address the issue, comprehensive support beyond economic aid is required. Additionally, the CEVI expresses concern that, to qualify as beneficiaries, a conviction for femicide/feminicide must be obtained.
40. In light of the foregoing, the CEVI observes that only a limited number of States Party have reported implementing legislation, measures, or reparations programs that are culturally relevant or account for the diversity of women, including those with disabilities, Afro-descendant women, or the unique impacts on indigenous women's communities. This stands in contradiction to the imperative of ensuring reparations with an intersectional perspective, as recommended by this Committee, which considers factors such as gender, disability, and diversity.<sup>68</sup> Moreover, such reparations must address the structural conditions of violence and discrimination<sup>69</sup> that intersect in the cases of indigenous women, older adult women, migrant women, and other marginalized groups.
41. In general, the Committee observes that the right to truth and reparation for women victims of violence, which is encompassed by their right to access justice, has not been adequately integrated into the legislation, measures, and strategies of States Party. This is evident, as will be discussed in subsequent sections, in the limited reparations granted in these cases, the insufficient prosecution of criminal investigations, and the lack of utilization of alternative processes beyond criminal law to achieve justice, truth, and reparation for women.

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<sup>68</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at <https://belemndopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf>, para. 80.

<sup>69</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at <https://belemndopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf>, para. 81.

## 42. Moving Toward Comprehensive Laws

43. The CEVI is pleased to note that, overall, during the current Round, States Party have implemented new regulations to address gender-based violence against women, following the recommendations provided by the Committee in previous rounds, along with the reports and general recommendations prepared by the CEVI.
44. In the context of this report, the CEVI notes significant advancements in legislative matters. Indeed, 20 years after the establishment of the MESECVI and 30 years after the entry into force of the Convention, most States Party now have specific and comprehensive legislation addressing gender-based violence against women and girls. Furthermore, there is a general willingness to advance legislative processes that specifically align with the obligations set forth in the Belém do Pará Convention. This includes a progressive yet systematic review of existing legislation to ensure conformity with the international standards established by the Inter-American System for the Protection of Human Rights and the recommendations of this Mechanism.
45. In this regard, the reported information indicates the adoption of more than 180 laws across the region that define gender-based violence against women since 1984, with both qualitative and quantitative advancements following the adoption of the Belém do Pará Convention and the establishment of the MESECVI. This effort also encompasses the development of regulations that take into account the differentiated impact of gender-based violence against women in vulnerable situations, as stipulated in Article 9 of the Convention, resulting in the approval of over 70 regulations. It is also important to highlight the progress made in the criminalization of femicide/feminicide through the adoption of more than 50 regulations aimed at addressing this kind of violence. Currently, 18 countries in Latin America have enacted legislation that criminalizes gender-related killing of women.
46. It is important to emphasize the progress and protection mechanisms that have been implemented in legislative matters during the period under review. In Argentina, Law 26,485 of 2009 is currently in effect, establishing comprehensive measures to prevent, punish, and eradicate gender-based violence against women.<sup>70</sup> In Chile, during the period under review for this report, several laws have emerged as significant. Chile's recently updated Law 20.066 establishes a comprehensive framework for the prevention, punishment, and eradication of violence, specifically within the family, in accordance with the standards of the Belém do Pará Convention. This law broadens the definition of violence to encompass both physical and psychological abuse, ensures immediate protection measures for victims, and establishes specialized judicial procedures to address these cases, thereby ensuring a more comprehensive and effective approach to the protection of women's

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<sup>70</sup> The Committee expresses concern over public statements by senior officials of the Argentine State suggesting a narrowed focus on “family violence,” potentially undermining the comprehensive protection afforded by Law 26.485 in both public and private spheres. This approach conflicts with the standards established by the Belém do Pará Convention, which recognizes violence against women as a matter of public interest.

rights.<sup>71</sup> Law 21.212 of 2020 amended the Criminal Code to include the crime of femicide, encompassing both intimate and gender-based contexts. While this law primarily focuses on intimate relationships, it also broadens protections against gender-based violence by addressing certain aspects of violence in public spaces when motivated by hatred or contempt for the condition of being a woman. These standards complement an overarching framework for action on gender-based violence against women in both public and private spheres.

47. Costa Rica currently enforces Law No. 8589 on the Criminalization of Gender-based Violence Against Women, while Colombia's Law 1257 of 2008 establishes measures to guarantee women's right to a life free from violence. In Ecuador, the Comprehensive Organic Law to Prevent and Eradicate Gender-based Violence against Women was enacted in 2018, and El Salvador has had the Special Comprehensive Law for a Life Free of Violence for Women in place since 2012.

48. In Guatemala, the Law against Femicide and Other Forms of Gender-based Violence against Women has been in force since 2008. Paraguay adopted Law 5777/16 to protect women from all forms of violence, while Uruguay enforces Law 19,580 on Gender-based Violence against Women. Mexico enacted the General Law on Women's Access to a Life Free of Violence, and Peru implemented Law No. 30364.

**49. In recent years, Latin American laws addressing violence and discrimination against women have made significant progress, incorporating specific provisions that reflect the unique contexts and needs of each country.**

50. For example, in 2020, Costa Rica adopted the Law on Street Harassment and the Law against Harassment and Sexual Harassment in Sports, reflecting a focus on protecting women in public and sports settings. In 2019, Argentina enacted the Micaela Law, mandating gender training for all members of the three branches of government, emphasizing the importance of gender sensitivity training within institutional frameworks. In Chile, Law 21.153 of 2019 criminalizes sexual harassment in public spaces, underscoring a commitment to women's safety in everyday environments.

51. Colombia has developed a legal framework that includes Law 2244 of 2022 on respectful, humanized, and dignified childbirth, which upholds the rights of women during pregnancy and childbirth. Additionally, the Substantive Labor Code guarantees protections such as the prohibition of dismissal during pregnancy, the right to maternity leave, and the requirement for companies to provide breastfeeding spaces. Although Colombia lacks specific legislation on political violence, the Committee has noted the approval in Congress of the draft Statutory Law 320/2022C - 006/2022S on Political Gender-based Violence against Women.

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<sup>71</sup> The CEVI notes that the State of Chile has made a significant advancement by approving Law 21.675, the Comprehensive Law on Violence Against Women. However, despite this important progress, it could not be included in the report, as its enactment in June 2024 falls outside the evaluation period for the Fourth Round of Multilateral Evaluation.

52. In Ecuador, the CEVI highlights that victims have the right to choose whether to participate in the judicial process and are entitled to an emotional companion during the investigation and criminal proceedings, thereby reinforcing support for victims in situations of violence.
53. Uruguay, for its part, has implemented multiple legal protections. In 2017, it introduced a decree to Law 18,561 on sexual harassment in the workplace, detailing specific procedures for prevention and punishment. Additionally, in 2018, Uruguay adopted Law 19,580, which identifies 18 forms of gender-based violence against women and incorporates an intersectional approach that addresses diverse identities and experiences, along with protective measures to ensure access to justice. Uruguay has also enacted Law 18,846, reinforcing its commitment to the principles of gender equality and non-discrimination and underscoring the need to eliminate gender stereotypes in all areas.<sup>72</sup>
- 54. Collectively, these laws reflect a growing regional commitment to protecting women's rights through the establishment of more robust and specific legal frameworks that address various forms of violence and discrimination, tailored to the needs and realities of each society.**
55. The CEVI welcomes the efforts of States to strengthen and expand their legislation on gender-based violence against women by establishing norms that address various types of violence across the different spaces and contexts outlined in the Convention.
56. The CEVI has noted significant advancements, such as the approval of the Micaela Law<sup>73</sup> in Argentina, which standardized training obligations across all branches of the State, and the strengthened right of women victims to participate in criminal proceedings in Ecuador – an issue the CEVI has previously emphasized.<sup>74</sup> Additionally, the CEVI commends Uruguay's substantial legislative progress, including affirmative measures aimed at achieving the law's equality objectives.
57. Regarding unilateral divorce in the legislation of the States Party included in this subregional report, Uruguay reports that Article 187 of the Civil Code permits it, allowing either spouse to

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<sup>72</sup> In May 2024, the Committee of Experts of the MESECVI expressed concern over regressive proposals to amend the Law on Violence Against Women in Uruguay, which set a dangerous precedent by undermining the protection of women's human rights as recognized by international law. See: MESECVI/CEVI, Committee of Experts of the MESECVI expresses concern over regressive proposals to modify the Law on Violence against Women in Uruguay, 2024, available at: <https://belemdopara.org/wp-content/uploads/2024/05/Communique-Uruguay-Comprehensive-Law.pdf>

<sup>73</sup> Although the Micaela Law marked a significant advancement by establishing mandatory training on gender issues and violence against women for all public employees, as of September 2024, the Committee expresses regret regarding the current government's proposals to modify several of its articles. Among other changes, the proposed modifications seek to shift the focus from "gender and violence against women" to "family violence and violence against women." Additionally, the amendments aim to restrict training solely to officials working in relevant agencies, rather than maintaining its reach for all public employees. These changes represent substantial setbacks and contravene the provisions of the Belém do Pará Convention, which asserts that violence against women is a public issue and should not be confined to the private sphere.

<sup>74</sup> See: MESECVI/UN Women. Servicios de asesoría legal para atención a la violencia de género contra las mujeres en México y Centroamérica (Legal Advisory Services for Addressing Gender-based Violence Against Women in Mexico and Central America), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Servicio-de-asesoria-legal-Version-WEB.pdf>.

request a divorce before a judge. The spouse must express their desire for divorce, which the judge will document, and a hearing will be scheduled to summon both spouses to attempt reconciliation and address matters related to children, property, alimony, and other relevant issues. In Costa Rica, while divorce may also be granted at the request of one party due to incompatibility, this is only permitted after six months from the date of marriage.

58. Chile, El Salvador, Guatemala, and Peru have not enacted legislation on unilateral divorce. Argentina, Colombia, Ecuador, Paraguay, and Mexico did not provide responses on this indicator. The CEVI reaffirms its previous indication that, in accordance with the rights to personal integrity, sexual and reproductive rights, and the right of women to a life free from violence, all enshrined in the Convention, women should have the freedom to terminate a marriage whenever they deem it necessary to safeguard their life plans. The exercise of this right becomes even more critical when a woman is subjected to violence, as it serves to protect her integrity and, at times, her life. For this reason, it is essential that States Party incorporate unilateral divorce into their legislation, eliminating divorce based on specific grounds or circumstances. In this regard, the CEVI urges all States Party to enact legislation in their civil and family codes that recognizes unilateral divorce, without requiring any specific cause or condition.<sup>75</sup>

59. In addition, the CEVI notes that, in general terms, only a limited number of States Party have enacted legislation that incorporates an intersectional approach inclusive of gender identity, covering transgender women and individuals who self-identify as women. Such legislation should encompass not only relevant criminal offenses but also provide protections for victims and their families, applying an intersectional and gender approach. It should also establish guidelines for investigations and reparations, as recommended by the CEVI in the Guide to Reparation for Victims of Femicide/Feminicide<sup>76</sup> and in the Inter-American Model Law.

## **60. Progress and Challenges: Criminal Legislation Addressing Gender-based Violence Against Women and Girls**

61. The CEVI deems it necessary to evaluate the criminal classifications related to various forms of gender-based violence against women within the States covered by this report, as well as other advancements in criminal justice. This evaluation is essential, as these classifications provide initial access to the criminal justice system. However, their effectiveness depends on the investigative and prosecutorial capacities of justice operators who are responsive to gender and

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<sup>75</sup> OAS/CIM/MESECVI and UN Women. Derecho civil y familiar discriminatorio en América Latina. Análisis de legislación civil y familiar en relación con la obligación de prevenir, atender, sancionar y reparar la violencia contra las mujeres por razones de género (Discriminatory Civil and Family Law in Latin America: An Analysis of Civil and Family Legislation in Relation to the Obligation to Prevent, Address, Sanction, and Remedy Gender-based Violence Against Women), 2022, available at: <https://belemndopara.org/wp-content/uploads/2022/11/Informe-Derecho-Civil-y-Familiar-discriminatorio-en-AL.pdf>

<sup>76</sup> UN Women and MESECVI. Reparación integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022. [Informe-Reparacion-Integral.pdf](https://belemndopara.org/Informe-Reparacion-Integral.pdf) (belemndopara.org)



intersectionality considerations, as well as on the availability of specialized services and legal representation—topics that will be further explored in subsequent sections. Additionally, other substantive and procedural advancements are crucial for women’s access to justice, as will be elaborated upon below.

62. Regarding the inclusion of the crime of femicide/feminicide in national laws and criminal codes across the region, the countries reported the adoption of at least 50 regulations aimed at protecting women from gender-based violence leading to femicide/feminicide.

<b>Country</b>	<b>Year of Classification</b>	<b>Criminal Type Femicide/ Feminicide</b>	<b>Aggravating Circumstances</b>	<b>Procedural Exceptions</b>	<b>Reforms and Articles</b>
<b>Argentina</b>	2012	Does not include all Model Law reasons	Not mentioned	Unspecified	Article of the Criminal Code, without recent reforms
<b>Brazil</b>	2015	Aggravating circumstance of homicide	Pregnancy, under 14 years of age, over 60 years of age, presence of family members	Unspecified	Law No. 13.104, 2015
<b>Chile</b>	2020	Intimate and gender-based femicide	Pregnancy, under 18 years of age, adults, disability, habitual violence	Elimination of procedural benefits	Law No. 21,212 and Law No. 18,216, 2020
<b>Colombia</b>	2015	Defined with multiple objectives of the Model Law	Disability, socioeconomic status, forced displacement, presence of family members	Unspecified	Law No. 1761, 2015
<b>Costa Rica</b>	2021	Reformed to include dating relationships and connection to other crimes	Drug trafficking, sexual violence	Unspecified	Amendment to Law No. 8589, 2021

<b>Ecuador</b>	2014	Autonomous crime	Relationship with the aggressor, presence of family members, public exposure of the body	Unspecified	Comprehensive Organic Criminal Code, 2014
<b>El Salvador</b>	2011	Includes aggravating circumstances in aggravated femicide	Committed by agents of the State, multiple perpetrators, victim who is a minor or disabled	Prohibition of conciliation in cases of femicide	Special Comprehensive Law for a Life Free of Violence (LEIV), 2011
<b>Guatemala</b>	2008	Typified	Personal circumstances of the victim, power relations, context and means	Unspecified	Law Against Femicide and Other Forms of Gender-based Violence Against Women, 2008
<b>Mexico</b>	2012	Typified in the Federal Criminal Code	Minor, pregnancy, disability, agent of the State	Prohibition of conciliation	Art. 325 of the Federal Criminal Code, Reform 2018
<b>Paraguay</b>	2016	Autonomous crime	Not mentioned	Unspecified	Law No. 5,777 “On the Comprehensive Protection of Women against all forms of violence”.
<b>Peru</b>	2013	Includes attempt	Increased criminal penalties in 2018 for human exploitation, presence of minors, under the influence of drugs	Prohibition of conciliation	Law No. 30364, amendments in 2018
<b>Uruguay</b>	2017	Aggravating circumstance of homicide	Reasons for hatred, contempt or disdain for the condition of being a woman	Unspecified	Reform of the Criminal Code, 2017

63. **These countries have implemented significant reforms to their legal frameworks to eliminate procedural exceptions and benefits that could undermine justice in cases of gender-based violence and femicide. These reforms have strengthened the protection of women's rights, ensuring that perpetrators face appropriate legal consequences without the possibility of evading trial or receiving reduced penalties through private settlements or procedural concessions. These States have thus incorporated reforms** fully aligned with the *Inter-American Model Law on the Prevention, Punishment, and Eradication of the Gender-Related Killing Women and Girls*, contributing to a more consistent and effective response to gender-based violence across the region.
64. Although not all countries have adopted these reforms, there is a clear trend toward alignment with Article 16 of the Inter-American Model Law, which calls for the elimination of procedural restrictions to ensure justice and protection for victims. Nevertheless, in many countries, legal gaps remain that permit limited forms of conciliation or procedural benefits, particularly in less severe cases of gender-based violence. In some instances, there is no explicit prohibition against procedural mechanisms such as conciliation, suspension of trial on probation, discretionary prosecution, the withdrawal of criminal charges, or sentence commutation and other procedural formulas that reduce penalties.
65. Furthermore, the Committee finds it unclear whether all States have legislated femicide/feminicide in its attempted form. In this regard, the Committee of Experts urges States to continue their efforts to adequately criminalize femicide/feminicide in alignment with the Inter-American Model Law, including considerations for the motives or objectives behind the crime, aggravating circumstances, suicide resulting from gender-based violence, the removal of procedural restrictions, and attempted femicide/feminicide.

#### **66. Other Criminal Advances**

67. Between 2018 and 2023, several Latin American countries enacted significant legal reforms to strengthen protections for women and girls against gender-based violence. These reforms have been positively acknowledged by the CEVI. Below are some of the most noteworthy reforms that warrant a favorable assessment by the CEVI:
68. Costa Rica reformed its Sexual Harassment Law, extending the statute of limitations for sexual harassment offenses and mandating the maintenance of updated public records of sanctions. These reforms enhance the legal framework to combat sexual harassment and promote greater transparency and accountability in judicial processes related to this crime.
69. Colombia enacted Law 2081, establishing no statute of limitations for criminal actions in cases of crimes against personal liberty and incest involving minors under 18 years of age. This measure represents a significant advancement in the protection of children's rights and demonstrates a commitment to eradicating sexual violence and child abuse.

70. In 2019, Chile established the classification of Sexual Harassment in Public Spaces as a criminal offense, addressing a prevalent form of violence that disproportionately affects women and girls. This measure demonstrates a commitment to protecting the physical and emotional integrity of women in public spaces.
71. In 2019, El Salvador reformed the LEIV (Special Comprehensive Law for a Life Free of Violence for Women) to include workplace gender-based violence against women in both public and private workplaces. This reform encompasses physical and psychological acts that threaten the integrity and dignity of women, obstruct their access to employment or promotions, compromise job stability, or violate their right to equal pay.
72. Ecuador reformed the Comprehensive Organic Criminal Code (2021) to include the crime of physical gender-based violence against women and members of the nuclear family, also addressing psychological and sexual violence. The reforms introduced specific aggravating factors, such as cases where the victim is a girl, an elderly woman, or a woman with a disability, thereby strengthening protections for the most vulnerable groups.
73. Guatemala implemented a prohibition on Cultural and Traditional Justifications (2018) through the Law against Femicide and Other Forms of Gender-based Violence against Women, which forbids the use of cultural or religious customs and traditions to justify acts of gender-based violence against women. This reform represents an important step toward eliminating impunity and safeguarding women's rights in culturally diverse contexts.
74. In 2018, Brazil criminalized sexual harassment and the dissemination of rape scenes, penalized crimes against sexual freedom, and addressed sexual offenses against individuals in vulnerable situations. The reform also introduced aggravating circumstances for cases of gang rape and so-called "corrective" rape. In addition, the Committee identifies other significant legislative developments during the Fourth Round period. The "Red Light Against Domestic Violence" Act (2021) modified the definition of "minor bodily injury" and established the criminal category of psychological violence, providing an additional tool to address gender-based violence. Additionally, in 2021, Brazil enacted the Mariana Ferrer Law, aimed at protecting the moral and psychological integrity of victims of sexual violence and witnesses during judicial processes. The regulations prohibit expressing opinions on facts related to the accuser that are not included in the case file, as well as the use of language, materials, or information that diminishes her dignity. Additionally, penalties for the crime of coercion during proceedings for sexual offenses have been increased. The Committee of Experts welcomes these advances and highlights the latter, as it promotes the participation of victims in criminal proceedings, offering them greater protection.
75. The CEVI has positively acknowledged these advances across various countries in the region, noting the strengthening of legal frameworks aimed at enhancing the protection of women and girls against gender-based violence. **The elimination of statutes of limitations for sexual crimes, the criminalization of new offenses such as sexual harassment in public spaces and**

**psychological violence, and the prohibition of cultural justifications for violence represent significant strides toward eradicating gender-based violence against women in Latin America.**

76. The CEVI also observes that, to date, certain criminal offenses have yet to be legislated in alignment with the Convention and the Committee's recommendations. In **Colombia**, non-consensual medical experiments, interventions, or treatments, including the non-consensual administration of drugs, remain outside the scope of criminal law, leaving women with disabilities inadequately protected. Similarly, in **El Salvador**, obstetric violence has not been criminalized. In **Peru**, sexual violence in armed conflict has yet to be criminalized, despite the events of 1980-2000 and the findings of the Truth and Reconciliation Commission in its Final Report.<sup>77</sup>

77. The CEVI continues to encourage States Party to make further progress in implementing international recommendations and standards to ensure the comprehensive protection of the rights of women and girls, and to guarantee access to justice free from procedural or cultural barriers that perpetuate gender-based violence.

#### **78. a. Gender-based Violence Against Women with Disabilities**

79. When evaluating the legislation of Latin American countries on the protection of women with disabilities, it is essential to consider its alignment with the principles and recommendations established in key international documents, such as General Recommendation No. 4 on Gender-based Violence Against Women and Girls with Disabilities, the Third Hemispheric Report, the Thematic Report on Gender-based Violence Against Women with Disabilities by the MESECVI,<sup>78</sup> and the guidelines of the Committee on the Rights of Persons with Disabilities (CRPD). These documents emphasize the necessity of guaranteeing the rights of women with disabilities, protecting them from all forms of violence, ensuring reasonable accommodations and accessible procedures, and fulfilling the duty of due diligence in investigating and prosecuting crimes committed against them.

80. Nearly two million women with disabilities have been victims of physical, psychological, or sexual violence, according to data reported by countries during the Fourth Evaluation Round. Despite this, only 75,000 women with disabilities have accessed social services and support for victims of violence. Given the gravity of the figures reported by the States participating during this phase, certain legislative advancements are worth highlighting:

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<sup>77</sup> Comisión de la Verdad y Reconciliación, Perú. Informe Final, Fascículo 3: asesinatos, masacres, desaparición forzada, tortura, violencia sexual, violación a los derechos colectivos y violación al debido proceso (Truth and Reconciliation Commission, Peru. Final Report, Volume 3: Killings, Massacres, Forced Disappearances, Torture, Sexual Violence, Violations of Collective Rights, and Breaches of Due Process), available at: <https://repositorio.pucp.edu.pe/index/handle/123456789/110895>.

<sup>78</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No.4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf>

**i. Recognition of Informed Consent and Protection Against Forced Sterilization:**

81. In Argentina, Law 27.655 permits individuals with disabilities to give informed consent for surgical contraception procedures without the need for judicial authorization. This represents a significant advancement in protecting the reproductive rights of women with disabilities, aligning with MESECVI recommendations and CRPD standards on autonomy and informed consent.
82. In Chile, Law 21.331 of 2021 affirms the right of women and girls with disabilities not to undergo sterilization without their free and informed consent and prohibits biomedical research without consent. This legislation aligns with MESECVI and CRPD recommendations, ensuring that women with disabilities are not subjected to medical practices without their consent, thereby respecting their autonomy and dignity.
83. In Ecuador, the Comprehensive Organic Law to Prevent and Eradicate Gender-based Violence Against Women and Members of the Family Nucleus prohibits the sterilization of women with disabilities without their free and informed consent and protects against discriminatory practices. This legislation directly addresses MESECVI recommendations on safeguarding the sexual and reproductive rights of women with disabilities.

**ii. Adopting a Cross-Cutting Approach to Integrate the Disability Perspective in Violence Prevention Policies:**

84. In Uruguay, Law 19.580 sets forth guidelines for the care of women with disabilities and ensures a cross-cutting approach by integrating the disability perspective into all programs and protocols addressing gender-based violence against women. This comprehensive and cross-cutting approach is essential to ensuring that gender-based violence policies are inclusive and effectively address the specific needs of women with disabilities, in alignment with MESECVI and CRPD recommendations.

**iii. Legal Protection and Support for Victims of Violence Resulting in Disability:**

85. In Peru, Law 30947 (Mental Health Law) of 2019 prohibits non-consensual medical experiments, interventions, and treatments, and regulates informed consent, ensuring accessibility measures for people with disabilities. This law aligns with CRPD standards by mandating reasonable accommodations and accessible procedures, though effective implementation remains a challenge.
86. Despite these legislative and regulatory advances, most States in the region lack specific laws addressing all forms of violence and discrimination faced by women with disabilities. For example, El Salvador and Paraguay lack affirmative measures that account for the differentiated impacts of violence on women with disabilities. **The CEVI also highlights that the absence of such legislation perpetuates gender and disability stereotypes, which contribute to the continuation of violence and impunity for these acts.**



87. In this context, the *MESECVI Declaration on Symbolic Violence*<sup>79</sup> emphasizes the critical importance of recognizing and addressing symbolic violence, which reinforces stereotypes and perpetuates discrimination against women, including those with disabilities. The majority of legislation in the region fails to adequately address symbolic violence or implement effective measures to dismantle harmful gender stereotypes that obstruct the full realization of sexual and reproductive rights for women with disabilities. This neglect perpetuates an environment where women with disabilities remain invisible and susceptible to multiple forms of violence and discrimination.
88. General Recommendation No. 4<sup>80</sup> and the Thematic Report<sup>81</sup> underscore that due diligence is essential in preventing, investigating, and punishing gender-based violence against women with disabilities. However, in many countries, enforcement of laws protecting the rights of these women remains inconsistent or inadequate. In Colombia, Statutory Law 1618 of 2013 guarantees the full exercise of rights for people with disabilities, and Law 599 of 2000 criminalizes forced sterilization and fertilization. Nevertheless, it is not clearly specified how accessible procedures are ensured within the justice system and health services for women with disabilities, representing a partial breach of the CRPD Committee's accessibility standards.
89. Despite having multiple regulations to protect the rights of persons with disabilities, the MESECVI has expressed concern about the high rates of non-consensual sterilization. This indicates a lack of effective implementation and oversight in safeguarding the rights of women with disabilities, contravening MESECVI recommendations and the duty of due diligence.
90. The CEVI also emphasizes that existing regulations often fail to sufficiently distinguish between various forms of disability, particularly with respect to mental disabilities and the specific needs of women with hearing disabilities who use alternative languages for communication. **This oversight results in a lack of targeted protections for women with diverse needs, who are instead treated uniformly. Consequently, they encounter additional barriers due to the absence of reasonable accommodations and accessible procedures tailored to their specific requirements.** For instance, Costa Rica's Law 9714 includes general provisions to protect persons with disabilities in criminal cases; however, it does not explicitly address procedural accessibility to ensure effective and comprehensible participation for individuals with disabilities.
91. In the case of women with hearing disabilities, there remain limitations and legislative gaps in their care and protection despite advances in legislation. Chief among these is the lack of accessibility

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<sup>79</sup> MESECVI, 2023. Regional Declaration on the Eradication of Gender Stereotypes in Public Spaces Resulting in Symbolic and Political Gender-based Violence Against Women. Available in: [DEC-Symbolic-Violence.pdf \(belemdopara.org\)](https://belemdopara.org/wp-content/uploads/2023/05/DEC-Symbolic-Violence.pdf)

<sup>80</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No.4): Gender-based Violence against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf>

<sup>81</sup> MESECVI. Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/Report-Violence-Disabilities.pdf>

in support services, as specific provisions to ensure accessible care for women with hearing disabilities are often absent. As a result, **women with hearing disabilities encounter substantial barriers when attempting to access medical, legal, and psychological support services, as sign language interpreters or materials adapted to their communication needs are not consistently provided.** Additionally, most countries in the region lack sufficient sign language training for justice operators and health personnel, who frequently lack the resources and budget to secure these services, thus limiting effective communication with women with hearing disabilities.

92. Despite these limitations, some Latin American countries have taken steps to improve services for women with hearing disabilities victims of violence, in alignment with the Convention on the Rights of Persons with Disabilities (CRPD) and CEVI recommendations. In Mexico, the General Law for the Inclusion of Persons with Disabilities includes provisions on service accessibility and the inclusion of sign language interpreters in legal and medical proceedings. However, the Committee lacks information on the effective implementation of these measures across the country.
93. In Colombia, Statutory Law 1618 of 2013, which guarantees the full exercise of the rights of persons with disabilities, has initiated efforts to enhance the accessibility of victim support services for individuals with hearing disabilities. However, substantial challenges remain in achieving effective implementation.
94. Peru's Law No. 29973, the General Law on Persons with Disabilities, along with its regulations, includes provisions mandating accessibility in victim support services; however, the shortage of trained interpreters and adequate resources remains a significant barrier.<sup>82</sup> In Argentina, Law 27.635 establishes access to justice for persons with disabilities, including the requirement to provide sign language interpreters in judicial proceedings, yet its effective implementation remains limited.<sup>83</sup>
- 95. Some countries have initiated awareness campaigns and training programs for justice operators, healthcare personnel, and security forces in sign language and the rights of individuals with hearing disabilities; however, these initiatives require broader reach and further systematization.**
96. Conversely, several countries have yet to establish clear and comprehensive prohibitions against all forms of medical and scientific gender-based violence against women with disabilities. In Costa Rica, for instance, although Law 9714 mandates protection for persons with disabilities in criminal cases, it lacks an explicit prohibition of medical, scientific, or social interventions without the

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<sup>82</sup> The National Council for the Integration of Persons with Disabilities (CONADIS) and the Ombudsman's Office in Peru have highlighted the insufficiency of resources necessary to ensure comprehensive and accessible care for people with disabilities.

<sup>83</sup> Civil society organizations, such as the Network for the Rights of Persons with Disabilities (REDI) and the Civil Association for Equality and Justice (ACIJ), have published studies and reports highlighting the barriers and challenges in the effective implementation of this law in Argentina.

consent of women with disabilities. In Mexico, while the General Health Law includes provisions on informed consent and specific prohibitions, it does not address all forms of violence, leaving gaps in the protection of the rights of women with disabilities.

97. The CEVI reaffirms the importance of providing access to information and services specifically tailored to women with disabilities. Although Uruguay has made progress in this area, other countries have yet to develop effective strategies to ensure that women with disabilities can access the information necessary to understand and exercise their rights. The lack of accessible information and the absence of reasonable accommodations in health and justice services are critical barriers that must be addressed to comply with the Committee's recommendations.

98. In conclusion, although some Latin American countries have made progress in protecting the rights of women with disabilities, substantial challenges remain in fully aligning their legislation with CEVI recommendations and CRPD standards. **To achieve effective enforcement, States must adopt and rigorously implement specific laws that protect women with disabilities from all forms of violence, guarantee free and informed consent in all medical interventions, ensure the provision of reasonable accommodations and accessible procedures in all relevant contexts, and work to eliminate symbolic violence.**

99. Furthermore, it is essential to reinforce the duty of due diligence in preventing, investigating, and punishing gender-based violence against women with disabilities, ensuring that all women, regardless of their type of disability, can fully exercise their rights and live free from violence and discrimination. This requires applying an intersectional and disability-focused perspective in legislation, omitting care and biomedical approaches, and is rooted in the due diligence obligations of the Convention.

100. For this reason, the CEVI urges States to adopt laws that guarantee the right of women with disabilities to live a life free from violence and to prohibit hate crimes against them, the coercive imposition of treatments, forced medical treatment and institutionalization, forced sterilization, and medical, social, and cultural experiments, as well as forced contraception and abortions.<sup>84</sup> **Similarly, the CEVI calls on States to undertake necessary reforms to eliminate legislation that restricts the legal capacity of women with disabilities, including regimes of substituted decision-making such as guardianship, trusteeship, or interdiction, as well as any practices that impede the initiation and pursuit of legal actions or their effective participation in judicial processes.**

101. **b. Child Pregnancy, Sexual Violence, and Early and Forced Marriages and Unions**

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<sup>84</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf>, p. 11, 13.

102. The CEVI has expressed deep concern about the persistence of harmful practices in the region, including early and forced child marriages and unions, which disproportionately impact girls and adolescents, violating their fundamental rights.<sup>85</sup> Despite legislative advancements in several countries across the region, some jurisdictions continue to permit early unions and child marriages under certain exceptions.
103. The Committee has also highlighted that the COVID-19 pandemic has worsened risk factors like poverty, limited access to education, and domestic violence, which have led to a rise in early and forced marriages and unions.<sup>86</sup> This trend is widespread across the region, with many girls and adolescents pushed into adult roles due to the intensified economic and social challenges brought about by the pandemic.<sup>87</sup>
104. Chile, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, and Peru have established 18 years as the minimum legal age for marriage without exceptions, aligning with MESECVI's recommendations to prevent child marriages and early unions and to protect the rights of girls and adolescents. The recent adoption of Law No. 31945 in Peru in 2023, which sets 18 as the minimum age and allows the annulment of marriages conducted prior to its enactment, represents a significant advancement in safeguarding the rights of girls and adolescents.
105. Bolivia, Brazil, Paraguay, and Uruguay permit marriage from the age of 16 with parental or judicial authorization. While these provisions reflect progress in protecting girls and adolescents, they still allow exceptions that contradict the recommendations made by this Committee on the matter.
106. Among the countries participating in this round that still permit the marriage of girls under 16 under certain conditions, typically with judicial or parental authorization, are Argentina and Colombia. Such exceptions within legal frameworks can create opportunities for abuse or flexible interpretations that fail to adequately protect the rights of girls and adolescents.<sup>88</sup>
107. The CEVI thus expresses its deep concern regarding countries that continue to permit early unions and child marriages under certain exceptions. Laws allowing the marriage of girls and adolescents with judicial or parental authorization, as seen in Argentina, Bolivia, Colombia, Brazil,

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<sup>85</sup> See: MESECVI. Hemispheric Report on Child, Early and Forced Marriages and Unions in the States Party to the Belém do Pará Convention, 2022, available at: [https://belemdopara.org/wp-content/uploads/2022/07/matrimonio\\_infantil\\_eng\\_v2.pdf](https://belemdopara.org/wp-content/uploads/2022/07/matrimonio_infantil_eng_v2.pdf)

<sup>86</sup> CIM/MESECVI/CEVI. Violence against women and the measures to contain the spread of COVID-19, 2020, available at: <https://www.oas.org/es/cim/docs/COVID-19-RespuestasViolencia-EN.pdf>, p. 10-12

<sup>87</sup> MESECVI/UN Women. Seguimiento a las medidas y presupuestos dirigidos a disminuir la violencia contra las mujeres en el marco de la pandemia COVID-19 (Monitoring Measures and Budgets Aimed at Reducing Violence Against Women in the Context of the COVID-19 Pandemic), 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/Seguimiento-medidas-Covid-Presupuestos-publicos.pdf>

<sup>88</sup> Idem., p. 44-46.

Uruguay, and Paraguay, can enable abuses or manipulations that lead to forced or unwanted marriages, thereby violating the rights of girls.

108. Although exceptions are intended for use in very specific situations, they are often applied loosely or without a thorough assessment of the best interests of the girl or adolescent, leading to forced or unwanted marriages.<sup>89</sup> These exceptions reflect an approach that attempts to balance respect for local customs and cultural practices with the protection of the rights of girls and adolescents. However, these same social and cultural norms often tolerate or even promote the marriage and union of girls, contributing to their continuation, which runs counter to the recommendations of the MESECVI<sup>90</sup> and the Convention. This is especially concerning in certain indigenous or rural communities, where national laws may be interpreted or applied in ways that increase girls' exposure to harmful practices and violations of their rights.<sup>91</sup>
109. The MESECVI *Declaration on Symbolic Violence and the Report on Child, Early, and Forced Marriages and Unions (MUITF)* underscore how cultural practices and gender stereotypes contribute to symbolic violence and perpetuate early unions. These practices normalize the subordination of girls and adolescents, restrict their autonomy, and negatively impact their development and well-being. **The perpetuation of stereotypes that associate the value of girls with early marriage or motherhood constitutes a form of symbolic violence that must be eradicated to ensure gender equality and protect the human rights of all girls and adolescents.**<sup>92</sup>
110. The *General Recommendation on Afro-descendant women*<sup>93</sup> and other MESECVI reports have also highlighted the disproportionate representation of Afro-descendant women and indigenous women in child marriages and early unions. These groups face higher levels of poverty, discrimination, and social exclusion, which increase their vulnerability to traditional and cultural practices that facilitate these unions. Although some countries have prohibited these practices, a lack of effective implementation and tolerance toward local customs often allow these exceptions to persist, perpetuating structural and symbolic violence against these women.<sup>94</sup>
111. Moreover, laws permitting exceptions for child marriage are often not supported by adequate safeguards and monitoring measures to ensure the protection of girls' rights. This lack of

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<sup>89</sup> Idem., p. 19.

<sup>90</sup> MESECVI. Hemispheric Report on Child, Early and Forced Marriages and Unions in the States Party to the Belém do Pará Convention, 2022, available at: [https://belemdopara.org/wp-content/uploads/2022/07/matrimonio\\_infantil\\_eng\\_v2.pdf](https://belemdopara.org/wp-content/uploads/2022/07/matrimonio_infantil_eng_v2.pdf), p. 131-134.

<sup>91</sup> Idem., p. 26-28.

<sup>92</sup> MESECVI. Hemispheric Report on Child, Early and Forced Marriages and Unions in the States Party to the Belém do Pará Convention, 2022, available at: [https://belemdopara.org/wp-content/uploads/2022/07/matrimonio\\_infantil\\_eng\\_v2.pdf](https://belemdopara.org/wp-content/uploads/2022/07/matrimonio_infantil_eng_v2.pdf)

<sup>93</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 5): Gender-based Violence against Afro-descendant Women, 2024, available at: <https://belemdopara.org/wp-content/uploads/2024/07/General-Recommendation-Violence-Afrodescendant-Women.pdf>

<sup>94</sup> MESECVI. Hemispheric Report on Child, Early and Forced Marriages and Unions in the States Party to the Belém do Pará Convention, 2022, available at: [https://belemdopara.org/wp-content/uploads/2022/07/matrimonio\\_infantil\\_eng\\_v2.pdf](https://belemdopara.org/wp-content/uploads/2022/07/matrimonio_infantil_eng_v2.pdf)

oversight can result in situations of abuse or coercion, where girls are compelled to marry due to family or social pressure.

112. While some Latin American countries have made significant progress in eliminating child marriage within their legislative frameworks through explicit prohibitions, these laws are not accompanied by preventive measures that address the root causes of such harmful practices, including poverty, limited access to education, and gender-based violence. The absence of comprehensive policies that holistically address these factors continues to perpetuate the vulnerability of girls and adolescents to early marriages and unions.<sup>95</sup>
113. Furthermore, the prevention and eradication of early unions remain a significant challenge. Thus, implementing comprehensive protection and education policies is essential to ensure that all girls and adolescents can live free from violence and discrimination and develop their potential in a safe and healthy environment.
114. In this round, several Latin American countries submitted records of child marriages and early unions to the Committee of Experts (CEVI). These records are vital for assessing the scope of the issue and monitoring adherence to international obligations aimed at protecting the rights of girls and adolescents. The following countries kept records and shared them with the CEVI:
115. Costa Rica reported the number of marriages involving women under 18 in recent years. According to data provided to the CEVI, there were 870 marriages of women under 18 in 2018, 678 in 2019, one in 2020, and two in 2021.
116. Chile also submitted records of child marriages, reporting 184 marriages of women under 18 in 2018, 159 in 2019, 98 in 2020, and 103 in 2021.
117. Colombia reported the total number of marriages involving children under 18, without disaggregating by gender. Annual totals were 388 in 2018, 404 in 2019, 249 in 2020, and 307 in 2021.
118. Guatemala reported only one underage marriage in 2019 and did not provide further information for subsequent years.
119. Paraguay submitted records of child marriages involving girls, reporting 2,041 marriages in 2018, with no official data for the following years. However, based on an analysis of available sources,<sup>96</sup> it can be inferred that 1,604 child marriages involving girls were recorded in 2019, 1,483 in 2020, and 1,539 in 2021.

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<sup>95</sup> *Idem.*, p. 8.

<sup>96</sup> Vital statistics of Paraguay 2019. See:

<https://www.ine.gov.py/Publicaciones/Biblioteca/Estadisticas%20vtales%202019/Estadisticas%20Vtales%202019.pdf>



120. Uruguay reported the number of marriages involving girls under 18 across several years: seven in 2018, 18 in 2019, seven in 2020, and seven in 2021.
121. Mexico reported 17,182 marriages involving children under 18 in 2021, although no data were provided for other years.
122. Peru reported 925 marriages involving girls under 18 in 2020 and 512 in 2021. In contrast, the country recorded 18 marriages of male children under 18 in 2020 and 25 in 2021. This disparity in the prevalence of child marriage between girls and boys, consistent with trends observed in other countries in the region, highlights how the harmful practice of child marriage disproportionately affects girls.
123. In Brazil, the Brazilian Institute of Geography and Statistics recorded 15,784 marriages involving girls under 18 in 2020. From this same source, it can be inferred that in 2018, there were 199 marriages of girls under 15 and 14,576 marriages of girls between 15 and 18. In 2019, 168 marriages of girls under 15 were recorded, along with 21,024 marriages of girls under 18. Finally, in 2021, there were 120 marriages of girls under 15 and 16,452 marriages of girls between 15 and 18.
124. The Committee notes the reduction in the number of child marriages in some countries, such as Costa Rica, which reported a decline in marriages involving children under 18, with a notable decrease from 870 marriages in 2018 to just two in 2021. These changes may reflect greater compliance with new regulations and increased public awareness of the risks associated with child marriages, or they may indicate a lack of continued monitoring of the situation due to COVID-19 and the measures implemented to address the pandemic, which redirected many policies.<sup>97</sup>
125. Some countries have updated their laws to establish 18 as the minimum age for marriage without exceptions. For instance, Chile has moved toward prohibiting child marriage with the adoption of Law 21,515, which amended the Civil Marriage Law to specify that 18 years of age is a fundamental requirement for marriage. Similarly, Peru enacted Law No. 31945 in 2023, which sets 18 as the minimum age for marriage and allows for the annulment of marriages celebrated prior to its enactment. This represents significant progress toward eliminating child marriages in both countries.
126. However, the figures indicate that child marriages remain a significant reality. Mexico, for example, reported 17,182 marriages involving children under 18 in 2021, suggesting that these practices continue on a large scale. Brazil also reported a high number of child marriages, with

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Vital statistics of Paraguay 2020. See:

[https://www.ine.gov.py/Publicaciones/Biblioteca/documento/5618\\_Estadisticas%20Vitales%20del%20Paraguay%202020.pdf](https://www.ine.gov.py/Publicaciones/Biblioteca/documento/5618_Estadisticas%20Vitales%20del%20Paraguay%202020.pdf)

Vital statistics of Paraguay 2021. See:

<https://www.ine.gov.py/Publicaciones/Biblioteca/documento/203/EV%20del%20Paraguay%202021.pdf>

<sup>97</sup> CIM/MESECVI/CEVI. Violence against and the measures to contain the spread of COVID-19, 2020, available at: <https://www.oas.org/es/cim/docs/COVID-19-RespuestasViolencia-EN.pdf>

15,784 recorded in 2020, indicating that the practice is still prevalent in certain regions of the country.

127. The lack of disaggregated data and complete records in several countries hinders an accurate assessment of the magnitude of child marriage, as well as the progress and challenges in eradicating it. For instance, Argentina and Ecuador did not provide specific information on child marriages in recent years, while Costa Rica and Paraguay reported a decline that remains unclear, thereby limiting the ability to evaluate the impact of policies and programs in these countries. Consequently, this absence of data restricts the capacity of international organizations and civil society to monitor and assess the effectiveness of public policies in this area.<sup>98</sup>

128. In conclusion, based on the figures and analysis presented, it can be stated that Latin America, as a region, exhibits a combination of progress and stagnation in the fight against child marriages and early unions. While there are indications of advancement, the region still necessitates a more coordinated and committed approach to eradicate all forms of child marriage and early unions, ensure effective enforcement of laws, and promote cultural change that values the autonomy and rights of girls and adolescents.

129. The CEVI emphasizes the importance of collecting and presenting disaggregated data on child marriages and early unions. In this regard, it expresses regret that Colombia has not yet disaggregated data by sex, which is essential for understanding the magnitude of the problem and formulating effective public policies. Furthermore, it highlights that many countries still lack complete records or do not collect them systematically.

130. The CEVI urges States to enhance their monitoring and evaluation mechanisms to ensure effective enforcement of laws prohibiting or regulating child marriages and early unions. It underscores the necessity of establishing monitoring systems that incorporate data collection at the local level and the participation of civil society to ensure transparency and accountability.

131. Finally, the CEVI recommends the elimination of all legal exceptions that permit the marriage of individuals under 18 years of age, as well as the review and harmonization of national legislation with international human rights standards. **The Committee urges States to amend their legislation to prohibit child marriage without exception, emphasizing that early marriage and unions violate the human rights of girls and adolescents, hinder their holistic development, and perpetuate poverty and inequality.** The MESECVI emphasizes that any exceptions to the age limit must be clearly defined and justified, ensuring that the rights and well-being of girls and adolescents are treated as a priority.

132. **c. Violence and Sexual and Reproductive Rights**

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<sup>98</sup> Idem., p. 3.

133. In Latin America, legislation aimed at eradicating violence in the context of sexual and reproductive rights reveals a varied landscape, marked by notable progress in some countries alongside significant restrictions in others. In this context, the States Party have reported the existence of 71 laws that either regulate the legal interruption of pregnancy for therapeutic, eugenic, or rape-related reasons, or address the decriminalization of abortion. This includes administrative resolutions, healthcare protocols, and measures related to sexual violence.
134. In Argentina, Colombia, and Uruguay, for instance, while the law permits the voluntary interruption of pregnancy, there are regions where restrictive practices and cultural, legal, and social barriers impede effective access to this right.
135. Argentina made a significant advancement by enacting Law 27,610 in 2021, which legalizes the voluntary interruption of pregnancy and establishes provisions for post-abortion care. This law positions Argentina among the few countries in the region that permit abortion without restrictions up to the 14th week of gestation. However, implementation faces challenges, including the conscientious objection of healthcare professionals, which, in certain cases, has limited effective access to this right in various regions of the country. This situation has been reported to this Committee by multiple international and local non-governmental organizations, including Human Rights Watch and the Center for Reproductive Rights.
136. Similarly, in 2022, Colombia advanced the decriminalization of abortion up to the 24th week of gestation, as established by Constitutional Court Ruling C-055. However, its implementation encounters challenges due to inadequate infrastructure and cultural and religious resistance in certain areas, which can hinder women's ability to fully exercise this right. Uruguay also pioneered this issue in 2012 with Law 18,987, which permits the voluntary interruption of pregnancy up to the 12th week of gestation. Nonetheless, the prevalent practice of conscientious objection among healthcare professionals has emerged as a significant obstacle.
137. In summary, while some countries have made strides in legalizing abortion, the effective implementation of these laws still encounters significant challenges. Restrictive practices such as conscientious objection, as well as cultural and religious influences, contribute to inequalities in infrastructure and access to healthcare. These issues lead to an uneven exercise of the right to abortion across various regions, creating a landscape of inequality where access depends on geographic location and local political decisions. This situation perpetuates legal uncertainty and hinders access to care.
138. Conversely, some laws offer partial decriminalization and impose conditional restrictions. For instance, in Chile, Law No. 21,030 decriminalizes abortion only in cases of rape, nonviable pregnancy, and risks to the life of the mother, creating a more restrictive legal framework compared to those of Argentina and Uruguay. Similarly, Mexico has made strides at the federal level with the Supreme Court of Justice of the Nation's declaration of the unconstitutionality of the crime of abortion in 2023, which mandates federal public health institutions to provide the service. Despite

this progress, many states have yet to amend their criminal codes, thereby sustaining both legal and practical barriers that obstruct access to abortion.

139. In contrast, some countries uphold very restrictive legislation regarding the termination of pregnancy. In Ecuador, despite ongoing discussions and social pressure, the regulations remain unchanged. In its report, the State references the continued validity of the 2013 Clinical Practice Guide for Therapeutic Abortion, which permits abortion solely in cases where the woman's life is in danger. However, in ruling 34-19-IN/21, the Constitutional Court of the country decriminalized abortion in cases of rape and urged the National Assembly to establish regulations for the procedure. In 2022, the legislative body approved the Organic Law to Guarantee the Voluntary Interruption of Pregnancy for girls, adolescents, and women in cases of rape, permitting the procedure up to 12 weeks of gestation. For girls, adolescents, and indigenous women or those from rural areas, the law allows abortion up to 18 weeks.
140. The Committee emphasizes that El Salvador has one of the most restrictive abortion laws in the world. Abortion is completely prohibited under all circumstances, with no legal exceptions, even when the woman's life is at risk or in cases of rape, incest, or severe fetal malformations. The total criminalization of abortion has resulted in women being imprisoned for miscarriages or obstetric complications, highlighting a judicial system that disproportionately targets women. Paraguay faces similar restrictions, permitting the termination of pregnancy only when the mother's life is at risk.
141. In summary, while countries such as Argentina, Colombia, Uruguay, and Mexico have made significant progress toward liberalizing abortion laws and safeguarding sexual and reproductive rights, others, including Ecuador, El Salvador, Paraguay, Guatemala, Peru, and Brazil, continue to uphold substantial restrictions. The implementation of these laws also varies considerably, underscoring the necessity for a more uniform and effective approach to ensuring access to reproductive rights throughout the region.
142. As on previous occasions and in reference to the *Declaration on Gender-based Violence Against Women, Girls, and Adolescents and their Sexual and Reproductive Rights*, the CEVI urges the States Party the necessity of enacting legislation that includes, at a minimum, therapeutic grounds for abortion in cases of rape, incest, and forced insemination, in accordance with their obligations under the Belém do Pará Convention. It also urges the States that have already legislated on this matter to take all necessary measures to ensure real and effective access with adequate coverage, enabling all women who wish to do so to obtain access to the legal interruption of pregnancy.
143. In the specific case of girls and adolescents, the aforementioned MESECVI Child Pregnancy Report underscores that pregnancies, particularly those resulting from rape, constitute severe violations of their human rights and pose significant risks to their physical and mental health. The report recommends that States Party adopt measures to ensure access to safe and legal

abortion in these circumstances, eliminating barriers that obstruct this access, such as the lack of adequate services and conscientious objection without the provision of accessible alternatives. Additionally, it emphasizes that pregnancies in girls under 15 years of age can have devastating consequences, including a heightened risk of complications during pregnancy and childbirth, as well as profound psychological impacts. Therefore, it is imperative that States ensure effective and non-discriminatory access to abortion services to safeguard the life and health of girls.

144. The *Report on Forced Marriages and Early Unions*, also cited, underscores that pregnancies resulting from sexual violence, such as incest and rape, represent an extreme form of violence against girls and adolescents. This report calls on States to establish legal frameworks and public policies that ensure access to legal and safe abortion in these circumstances, emphasizing that the refusal to permit the termination of pregnancy can perpetuate cycles of abuse and violence, as well as endangering the lives of girls. It recommends that States allocate sufficient resources for the effective implementation of these laws, ensuring that girl victims of sexual violence receive the necessary support to access sexual and reproductive health services, including abortion.
145. These recommendations of the CEVI highlight the urgency for States Party to adopt concrete and effective measures to guarantee the sexual and reproductive rights of girls and adolescents, and to ensure their access to health services that protect their lives and well-being in situations of violence and abuse.
146. On the other hand, the region is making gradual progress in establishing regulations that ensure access to emergency contraception and emergency kits for cases of sexual violence, reflecting significant advancements in several Latin American countries. For instance, in 2021, Argentina updated the Protocol for the Comprehensive Care of Victims of Rape to include the provision of emergency contraception and emergency kits. This advancement represents a clear commitment by the country to ensure adequate care for victims of sexual violence, providing essential resources to prevent unwanted pregnancies and protect the health of affected women. Through Law 18.426 on Sexual and Reproductive Health, Uruguay guarantees universal access to various contraceptive methods, including emergency contraceptives. This law is notable for its comprehensive approach, ensuring that all individuals, regardless of their location or economic circumstances, have access to these fundamental services. Chile has implemented a protocol for the provision of emergency contraception, adopted in 2021. This protocol facilitates access to emergency contraception for all women, particularly in situations of sexual violence, and marks a significant step toward the protection of sexual and reproductive rights.
147. During the period under study, Guatemala also adopted the 2019 Protocol for the Care of Victims and Survivors of Sexual Violence, which incorporates access to emergency contraception and other essential services. This protocol establishes guidelines for the comprehensive care of

victims of sexual violence, emphasizing the guarantee of protection, assistance, and access to justice for individuals who have experienced this form of violence.

148. The Ministry of Health of Peru has also issued technical standards and protocols for the comprehensive care of victims of sexual violence, which include the provision of medical, psychological, and social support. This includes the Health Directive for the Use of the Kit for the Attention of Cases of Sexual Violence, adopted in 2019, which establishes procedures and guidelines for the use of emergency kits in the comprehensive care of victims of sexual violence. These measures ensure the provision of timely medical, psychological, and legal care to guarantee the rights and health of affected women. Despite this directive, civil society organizations have noted that its implementation is not always consistent, with many victims encountering barriers to accessing necessary services. These barriers include a lack of resources, inadequate training of healthcare personnel, and cultural and legal obstacles that hinder access to services. In this context, the Constitutional Court has played a crucial role in the protection of sexual and reproductive rights. In several rulings, the Court has reaffirmed women's right to access reproductive health services, including emergency contraception, and has mandated that the State ensure the availability of these services throughout the country without discrimination.
149. Costa Rica, for its part, permitted the free and over-the-counter sale of emergency oral contraceptives through an Executive Decree in 2019, facilitating prompt access to these methods in emergency situations. Despite the availability of over-the-counter emergency oral contraception (EOC), there is a widespread lack of adequate information and education regarding its use, as well as uneven availability, particularly in rural and peripheral areas. The social and cultural stigma associated with the use of emergency contraception in Costa Rica poses a significant challenge.
150. In Honduras, significant progress has been made in recognizing and guaranteeing sexual and reproductive rights. Notably, the use and commercialization of the Emergency Contraception Pill have been legalized. In collaboration with the Ministry of Health, SEMUJER, and other stakeholders, a Protocol for the Care of Victims and Survivors of Sexual Violence has been launched, which includes the Emergency Contraception Pill as part of the protocol. Additionally, the Committee was informed that the Government Plan to Refound Honduras 2022-2026 includes pillar V, titled "Nada Sobre Nosotras sin Nosotras" (Nothing About Us Without Us), which outlines a commitment to work toward the legalization of abortion on at least three grounds. Consequently, this Committee reaffirms its support for all branches of government to continue implementing the necessary reforms to eradicate all forms of gender-based violence against women.
151. Paraguay's National Plan for Sexual and Reproductive Health 2019-2023 establishes the obligation to guarantee access to prophylaxis and other prevention methods, demonstrating a commitment to the reproductive health of the population. This plan mandates ensuring access to prevention methods, including prophylaxis for sexually transmitted infections (STIs) and the provision of contraceptives, as well as a commitment to facilitate access to post-exposure

prophylaxis (PEP) to prevent HIV transmission following potential exposure. Furthermore, the plan incorporates essential components of sexual and reproductive health education aimed at increasing awareness and knowledge among the population regarding STI prevention and contraceptive use.

152. Despite the progress made, the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (CEVI) emphasizes the need for States that do not yet have adequate legislation to adopt measures to establish and implement specific protocols that guarantee access to emergency contraception and emergency kits in cases of sexual violence. This recommendation underscores the importance of not only having laws in place but also ensuring their effective implementation and actual access to these services.

153. To effectively address the ongoing challenges in Latin America related to the protection of women victims of sexual violence and access to emergency kits, it is essential to incorporate a due diligence analysis that ensures the prevention of revictimization, eliminates unsafe abortions, improves budgets to expand care coverage, and strengthens information and training mechanisms to dismantle harmful gender stereotypes. **The main recommendations for their implementation** are summarized below:

154. Adopt all necessary measures to prevent the revictimization of women who have experienced sexual violence. This entails ensuring that victim care services are not only accessible and adequate but also sensitive and respectful of victims' rights. It is crucial for healthcare personnel and judicial authorities to receive specific training in gender issues and human rights to treat victims with dignity, thereby avoiding blame and moral judgment. Additionally, clear and consistent protocols must be established to ensure comprehensive and confidential care, providing a safe and supportive environment that prevents revictimization.

155. Ensure that all women have access to safe and legal abortion services, particularly in cases of sexual violence. Limited or denied access to safe abortion services increases the risk of unsafe abortion practices, which are among the leading causes of maternal mortality in the region. States must ensure that women can access safe and legal abortion services without undue obstacles and eliminate any practices that force them to resort to unsafe methods.

156. Ensure that the financial resources allocated to sexual and reproductive health are sufficient to meet the needs of all women, particularly those in vulnerable situations. It is essential that States increase budgets for these services to guarantee the availability of emergency kits, emergency contraception, and other essential resources. This increase in funding must be accompanied by efficient and transparent management to ensure that resources are directed to the areas most in need.

157. Expand care coverage to encompass all women, regardless of their geographic location, economic situation, or social status. This necessitates investment in health infrastructure,

particularly in rural and marginalized areas, to ensure that all essential services are accessible at every level of care. The expansion of coverage must also include ongoing training for healthcare personnel on sexual and reproductive health issues, as well as the provision of the necessary resources to deliver adequate and timely care.

158. Address and dismantle harmful gender stereotypes that perpetuate discrimination and violence. States should implement public education campaigns and training programs that promote gender equality and challenge cultural norms that restrict women's rights. These initiatives should aim to change attitudes toward victims of sexual violence and foster a broader understanding of sexual and reproductive rights as fundamental human rights.
159. Strengthen information and education mechanisms to ensure that everyone, especially women and girls, is informed about their sexual and reproductive rights and the services available to them. This involves distributing accessible and culturally appropriate educational materials, implementing comprehensive sexual education programs in schools and communities, and creating easily accessible platforms where women can obtain reliable and safe information.
160. In conclusion, to enhance the protection of women victims of sexual violence and ensure access to sexual and reproductive health services, Latin American countries must adopt a comprehensive approach grounded in due diligence. This approach involves preventing revictimization, eliminating unsafe abortions, increasing budgets, expanding care coverage, and strengthening information and training mechanisms to dismantle gender stereotypes. By addressing these challenges holistically, States can ensure that all women in the region are able to fully exercise their sexual and reproductive rights and receive the care and support they require.

#### **d. Conclusions**

161. The Committee expresses its gratitude to the States Party for providing comprehensive and detailed information regarding their legislative efforts during the period covered by the Fourth Multilateral Evaluation Round. In terms of legislation, **Argentina, Mexico, and Brazil** made considerable progress during the period under review. The Committee of Experts acknowledges that, as federated nations, these countries encounter challenges in fully harmonizing their legislation at the national level due to the autonomy of their states and provinces. Consequently, this situation may lead to significant disparities in legal protection and access to justice for women across different regions of the country.
162. The Committee of Experts welcomes the establishment of comprehensive legislation on gender-based violence against women by the majority of States and urges those that have not yet done so to enact such legislation. It is essential that this legislation be fully harmonized with the Belém do Pará Convention and refrain from adopting family-oriented approaches to addressing gender-based violence against women and girls.



163. Concerning femicide/feminicide, the majority of States Party have reported the inclusion of this criminal category within their legislation, which the CEVI regards as a significant advancement. Uruguay is the only State that has yet to recognize femicide/feminicide as an autonomous crime; instead, it is treated as an aggravating circumstance in the crime of homicide, in accordance with Law 19,538, which came into force in 2017.
164. However, compliance with the Convention in this regard occurs to varying degrees. It has not yet been observed that the States have implemented all the necessary legislative measures in accordance with the referenced Inter-American Model Law. For example, this noncompliance is evident in the failure to include all causal relationships between the victim and the aggressor, as well as aggravating circumstances related to vulnerable groups, attempted femicide/feminicide, the objectives or motives outlined in Article 5 of the Inter-American Model Law, and suicide resulting from gender-based violence by inducement or assistance.
165. Similarly, the CEVI urges the States Party that are federations to harmonize their regulations across all jurisdictions. In federated states such as Mexico, while progress has been made, the Committee emphasizes the need for all provinces or states to define the crime in accordance with the Inter-American Model Law.
166. In this regard, the Committee acknowledges the information provided by civil society regarding Argentina, which indicated the existence of "great inequality" among the provinces, with some provinces occasionally refusing to comply with laws designed to protect women's rights.<sup>99</sup> The Committee of Experts is concerned that this issue also exists in other federated states, particularly as it did not receive information indicating legislative uniformity in these jurisdictions. Consequently, it calls on the States to harmonize their laws across all provinces and states within their federations, in accordance with the Belém do Pará Convention.
167. The Committee notes with approval that the States Party have enacted legislation on pertinent issues in response to the recommendations made by the CEVI. This includes measures addressing street harassment, sexual harassment in the workplace, and sexual violence in educational settings. In criminal matters, new offense categories have been introduced, and aggravating circumstances have been added to various crimes. However, significant pending issues remain in some States Party, including the absence of criminal definitions prohibiting non-consensual medical experiments, interventions, or treatments on women with disabilities, as well as the lack of criminalization of obstetric violence and sexual violence in armed conflict. In the area of criminal law, it is noted that the statute of limitations for such crimes has been extended or eliminated, representing progress in the investigation and prosecution of gender-based violence against women in accordance with the Convention.

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<sup>99</sup> CLADEM. Shadow Report, Argentina. Acceso a la justicia en casos de violencia sexual (Access to Justice in Cases of Sexual Violence), available at [https://belemdopara.org/wp-content/uploads/2023/06/Argentina-IVRonda\\_Mesecvi.pdf](https://belemdopara.org/wp-content/uploads/2023/06/Argentina-IVRonda_Mesecvi.pdf), p. 7.

168. However, the Committee expresses concern over the insufficient and inadequate legislation regarding women's sexual and reproductive rights. Regarding the legal interruption of pregnancy, the Committee of Experts urges all States to include at minimum provisions for therapeutic grounds, as well as cases of rape, incest, and forced insemination, in accordance with the Convention. With regard to States that already have regulations in place, the CEVI considers it essential that all necessary measures be taken to ensure that women have real and effective access to legal termination of pregnancy. This includes the removal of both legal and practical obstacles, such as the abuse of conscientious objection and the lack of nationwide access to these services, among other barriers.
169. The CEVI welcomes the fact that most States report a prohibition on conciliation in cases of gender-based violence against women. However, the CEVI emphasizes, as it has done previously, that this prohibition should apply to all forms of gender-based violence against women, not solely intra-family violence. It therefore encourages States to prohibit conciliation comprehensively, ensuring that it does not apply to any form of violence. Furthermore, it urges States to ensure that, beyond the legal framework, conciliation does not occur in practice.
170. With regard to women with disabilities, the CEVI notes with concern that, despite some progress among States Party, many have yet to prohibit forced sterilization and medical, scientific, and social experiments, nor have they reformed substitution regimes. Additionally, the Committee observes a lack of specific legislation to protect women with disabilities from the various forms of violence recognized by the Belém do Pará Convention, incorporating an intersectional and disability perspective.
171. The Committee expresses its concern that only one of the States Party, Uruguay, reported having legislation permitting unilateral divorce. The Committee notes that the Uruguayan Civil Code mandates a hearing in which a judge will attempt to reconcile the parties, without any provisions addressing situations of domestic violence that would exclude the possibility of conciliation under the Convention. The CEVI emphasizes that requiring specific grounds for divorce, mutual agreement between the parties, or a minimum period of marriage contradicts the rights protected by the Belém do Pará Convention and undermines the State's duty to uphold these rights.<sup>100</sup> For this reason, the CEVI urges States to incorporate unilateral divorce into their legislation, in accordance with the recommendations issued by this Committee.
172. With regard to sexual violence, child pregnancy, and early or forced marriages and unions, several of the States Party have implemented reforms to establish the minimum age of marriage at

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<sup>100</sup> MESECVI/UN Women. Derecho civil y familiar discriminatorio en América Latina. Análisis de legislación civil y familiar en relación con la obligación de prevenir, atender, sancionar y reparar la violencia contra las mujeres por razones de género (Discriminatory Civil and Family Law in Latin America: An Analysis of Civil and Family Legislation in Relation to the Obligation to Prevent, Address, Sanction, and Remedy Gender-Based Violence Against Women), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Derecho-Civil-y-Familiar-ESP.pdf>, p. 21.

18 years. However, the CEVI did not receive information from all the States covered by the report and therefore invites them to provide comprehensive details on their legislative efforts. Additionally, it urges States that still permit consent to sexual relations under the age of 16 to enact appropriate reforms to reduce the risk of these relationships leading to early or forced unions.

173. The Committee observes that, although many States include provisions for reparation in their legislation, only a few specify categories of reparation and types of harm, or incorporate gender, cultural relevance, and disability perspectives. Current legislation presents various obstacles for women seeking reparations, particularly when responsibility is assigned to the aggressor without regulations to ensure that the State will provide reparations when the aggressor lacks the capacity or willingness to do so. Concerning the right to truth specifically, the CEVI notes that most States have neither legislated nor recognized this right.

174. The CEVI observes that, while States generally demonstrate a willingness to legislate in accordance with their obligations under the Convention, several countries have had legislation aligned with the Convention for years without this necessarily resulting in improved access to justice, as will be discussed in subsequent sections. Therefore, it is essential that States take all necessary actions to ensure the proper implementation of the legislation referenced here.

175. Challenges in the region include the lack of effective enforcement of these laws, structural barriers to accessing justice, the revictimization of victims, and insufficient resources to ensure the right to truth for all. Cultural, economic, and social differences impact how women from diverse backgrounds—particularly those from Indigenous, Afro-descendant, disabled, and migrant communities—access justice and truth.

176. It is essential that the States Party to the MESECVI continue their efforts to improve the implementation of these laws, ensuring that women victims of violence can learn the truth about the facts, access justice, and receive adequate reparations, in accordance with the recommendations of this Committee, the Inter-American Court of Human Rights, and the Inter-American Commission on Human Rights.

177. **Recommendations on Legislation**

178. Full Legislative Harmonization: States Party, particularly those with federal structures, including Argentina, Mexico, and Brazil, should strive to fully harmonize their legislation at the national level. This will ensure uniform protection of women's rights across all provinces and states, in accordance with the Belém do Pará Convention.

179. Comprehensive Development of Criminal and Non-Criminal Legislation: States Party are advised to adapt and develop legislation not only in the criminal realm to criminalize femicide/feminicide but also in the civil, administrative, and economic realms. This legislation

should facilitate access to justice for women who are victims of violence not classified as crimes, thereby guaranteeing broader and more effective protection.

180. **Prohibition of Discriminatory Practices and Improvement of Reproductive Rights:** States must eliminate all discriminatory practices, including forced sterilization and non-consensual medical experiments on women with disabilities. Furthermore, they must ensure real and effective access to the legal termination of pregnancy by eliminating legal barriers and harmful practices.
181. **Comprehensive Protection Accounting for Differences and Vulnerabilities:** It is essential for States Party to develop and strengthen laws that acknowledge and cater to the varied needs of all women, particularly those who are most vulnerable, including women with disabilities, migrant women, indigenous women, Afro-descendant women, and LBTIQ+ individuals. These laws must provide protection and facilitate access to justice in a manner that is both inclusive and equitable, while respecting the unique circumstances and diversity of each group.

## **Chapter 2: National Plans**

### **Development and Implementation of National Plans, Strategies, and Actions to Prevent, Punish, and Eradicate Gender-based Violence Against Women**

182. The **National Plans** establish a comprehensive and coordinated framework aimed at preventing, addressing, penalizing, and ultimately eradicating gender-based violence against women. The CEVI underscores that these plans must incorporate public policies that effectively address the diverse manifestations of gender-based violence through a cross-cutting, multisectoral approach, bringing together key sectors such as health, education, justice, and security. This integration transforms the obligations outlined in the Convention into actionable steps, advancing critical components necessary for full compliance.
183. Awareness-raising and education to change gender norms and stereotypes that perpetuate gender-based violence against women are essential components of the plans to prevent violence, promote a culture of equality, and foster respect for women and girls. These efforts not only reinforce the principles outlined in Articles 7 and 8 of the Convention but also support the broader objectives of institutional and cultural transformation within the States Party.
184. The National Plans also organize the measures, programs, and actions directed at establishing specific mechanisms for the protection and comprehensive care of women victims of violence, ensuring their access to health services, legal assistance, and psychological support across all public and private institutions dedicated to preventing, punishing, and eradicating gender-based violence against women. The CEVI emphasizes that these services must be

accessible, free of charge, and tailored to the needs of victims, thereby safeguarding their right to live free from violence.<sup>101</sup>

185. Similarly, the presence of National Plans enables the monitoring and evaluation of public policies and actions implemented by States to combat gender-based violence. The CEVI highlights the importance of disaggregated data and reliable statistics to assess the effectiveness of interventions and to make necessary adjustments that enhance the State's response to gender-based violence against women. This approach aligns not only with the provisions of Article 8(h) of the Convention but also with the mandatory reporting and protective measures outlined in Article 10 of the Convention.
186. Finally, National Plans that align with the standards of the **Belém do Pará Convention** enable States to fulfill their international obligations regarding human rights and gender-based violence. According to the CEVI, States must ensure that their National Plans are consistent with the recommendations provided by international and regional human rights mechanisms.
187. In the Fourth Evaluation Round, the CEVI has focused on analyzing the National Plans of the States Party with respect to access to justice, truth, and reparation for women victims and survivors of violence, assessing how these plans contribute directly to this objective. This approach recognizes that access to justice encompasses not only the immediate work of justice operators but also the broader array of public policies dedicated to preventing, punishing, and eradicating gender-based violence against women.
188. In this regard, based on the reports from the States that participated in this Round, the CEVI indicates that most of the participating States reported having a National Plan in place.
189. **Argentina** reported that, as of the date of this report, the National Action Plan against Gender-based Violence 2022-2024 was being implemented. This Plan, led by the Ministry of Women, Gender, and Diversity of the Nation,<sup>102</sup> addresses gender-based violence against women and LGBTIQ+ individuals. Key focus areas of the Plan include comprehensive support and intervention, protection and enhancement of access to justice, as well as diversity, intersectionality, and interculturality. The Plan specifically includes women with disabilities, migrants, individuals of diverse gender identities and sexual orientations, and those of various ethnic backgrounds.
190. **Costa Rica** has the National Policy for the Attention and Prevention of Gender-based Violence against Women of All Ages 2017-2031, which includes an Action Plan. The National Women's Institute oversees the Policy and the Plan, connecting with the 22 institutions that form part of the National System on Gender-Based Violence against Women. Among its strategic pillars

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<sup>101</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf>

<sup>102</sup> This Ministry was closed by government decision in December 2023, with its functions transferred to the Undersecretariat for Protection against Gender Violence, which was subsequently dissolved in June 2024. In this regard, the Committee of Experts expressed deep concern in a statement regarding this and other high-level state decisions that significantly impact the capacity of institutions, mechanisms, and policies to protect women from gender-based violence. See: <https://belemdopara.org/wp-content/uploads/2024/08/Communique-Argentina-August-2024.pdf>

are effective protection for victims, ensuring real access to justice, due diligence, punishment, and non-revictimization, with a clear objective to combat impunity. The Policy adopts a diversity approach, incorporating women with disabilities and affirmative action measures.

191. In **Chile**, the National Action Plan against Gender-based Violence against Women 2021-2030 is currently in effect, managed by the Ministry of Women and Gender Equity. This Plan involves multiple justice-related institutions, including the Public Prosecutor's Office, the Carabineros de Chile, the Investigative Police, the Legal Medical Service, and the National Service for Women and Gender Equity, among others. The Plan adopts an intersectional approach, specifically including women with disabilities. One of the thematic pillars of the Plan is access to justice, aiming to enhance the responsiveness of relevant actors to ensure prompt, specialized, and coordinated support for women victims of violence, as well as to provide protection and legal representation. Actions within this framework include conducting training programs, promoting the reporting process, and collaborating with the judiciary to develop a family-focused support system, among other initiatives. Chile also reports that it is implementing the Fourth National Plan for Equality between Women and Men 2018-2030, overseen by the Ministry of Women and Gender Equity in collaboration with other Ministries of the Executive Branch and Public Services within State administration. This Plan includes a specific focus on gender-based violence against women. Both of the aforementioned Plans contain goals and indicators to evaluate their implementation.
192. **Ecuador** currently implements the National Agenda for Gender Equality 2021-2025, led by the National Council for Gender Equality. The guidelines of the National Agenda are intended to serve as instruments for national, sectoral, and local planning. The Agenda includes focus areas on sexual and reproductive rights and the right to a life free from gender-based violence. In 2022, the Ministry of Women and Human Rights in Ecuador introduced the "Risk of Being a Woman" Plan, targeting women of all ages, ethnicities, nationalities, socio-economic backgrounds, migratory statuses, and women with disabilities who have experienced gender-based violence. Additionally, Ecuador reports that, in addressing women's diverse backgrounds, it launched the Plan for the Prevention and Eradication of Violence against Afro-descendant women in 2021.
193. In **El Salvador**, the Salvadoran Institute for the Development of Women (ISDEMU) is responsible for implementing the National Equality Plan 2021-2025, with the participation of various bodies and authorities. Additionally, in 2021, the National Policy for a Life Free of Violence for Women 2021-2025 was enacted, along with its corresponding Action Plan, also led by the ISDEMU. The Plan includes a focus on sexual and reproductive rights, as well as the reduction of gender-based violence against women. Its monitoring and evaluation mechanism requires data disaggregation by age, LBTIQ+ community membership, and disability status. However, for the latter two categories, data disaggregation will depend on the availability of information from the relevant data-generating institutions.

194. **Guatemala** reports on the National Policy for the Promotion and Integral Development of Women (PNPDIM) 2008-2023, led by the Presidential Secretariat for Women (SEPREM), as well as the National Plan for the Prevention of Gender-based Violence against Women 2019-2028, also under the SEPREM's leadership. This plan adopts an intersectional perspective, including women with disabilities, and is integrated into the National Planning System as the first sectoral plan aimed at implementing a cross-cutting policy.
195. **Paraguay** reported that it does not have a national plan to address gender-based violence against women, despite Law No. 5777 mandating the Ministry of Women to develop and implement a national plan for its prevention, punishment, and eradication, aimed at strengthening support services and reparation measures for women and their dependents. The CEVI notes that the Ministry of Women in Paraguay offers resources such as sign language interpretation and access to publications in Braille, although these do not necessarily meet the needs of women with other types of disabilities. The Committee also expresses regret that Paraguay has not reported having a national plan or program and urges the State to take necessary steps to develop and implement such plans, involving relevant ministries and civil society in the process.
196. **Uruguay** is currently implementing the 2022-2024 National Plan under the Ministry of Social Development, with the National Women's Institute (InMujeres) attached to it. The Plan's general objective is to provide support and ensure access to justice to prevent, address, reduce, and remedy gender-based violence. It incorporates an intersectional approach and addresses other forms of gender-based violence against women and girls, aligning with the Belém do Pará Convention. Additionally, Uruguay established the National Council for the Prevention and Combating of Trafficking and Exploitation of Persons, which oversees the 2022-2024 Action Plan on this issue, with the participation of civil society actors.
197. In **Mexico**, the National Commission to Prevent and Eradicate Gender-Based Violence against Women (CONAVIM) is implementing the Comprehensive Program to Prevent, Address, Punish, and Eradicate Gender-based Violence against Women 2021-2024 at the federal level. Concurrently, the National Women's Institute is executing the National Program for Equality between Women and Men 2020-2024. In 2021, the National System for the Prevention, Attention, Punishment, and Eradication of Gender-based Violence against Women introduced the Model for Comprehensive Care and Protection for Women Experiencing Violence. This model provides essential guidelines for specialized victim care. Additionally, the CONAVIM established the Program of Support for Women's Organizations in the States, which includes 4,111 care units across the country. This program operates in collaboration with state-level women's organizations to deliver support services for women.
198. **Peru** established the National Policy for Gender Equality (PNIG) in 2019, with objectives that include reducing gender-based violence against women, ensuring the exercise of sexual and reproductive rights, and reducing discriminatory practices. Additionally, Peru has the National

Program for the Prevention and Eradication of Gender-based Violence Against Women and Members of the Family Group (AURORA), updated in 2019. Notably, the National Strategy for the Implementation of the National Specialized Justice System (SNEJ) for the Protection and Punishment of Gender-based Violence against Women and Members of the Family Group 2021-2026 is also in place.

199. **Brazil** provided information on national plans and public policies established prior to the period covered by the Fourth Round, specifically referencing the adoption of the 2018 National System of Policies for Women. The objective of this system is to expand and strengthen the development and implementation of public policies on women's rights, as well as to combat violence and promote the inclusion of women in the social, economic, political, and cultural development of the country. Similarly, the Strategic Plan of the Brazil Women Network – Promotion of Equality and Combating Violence was active from 2016 to 2019. Its purpose was to coordinate State institutions and civil society to promote women's empowerment, with a focus on education, economic, social, and sexual autonomy, ensuring access to and the right to equality, and upholding the dignity of women. The Committee emphasizes that one of the objectives of the Plan was the ongoing production of statistics to inform public policies on gender equality, with an intersectional approach. In 2021, the National Plan to Confront Femicides was adopted, which was later replaced by the National Pact for the Prevention of Femicides through Presidential Decree 11,640 of December 2023.<sup>103</sup> This Pact incorporates an intersectional approach and aims to implement intersectoral actions to prevent femicides/feminicides and improve access to justice. The Plan establishes a Management Committee, led by the Ministry of Women, and formalizes the involvement of civil society. The decree stipulates that this Pact will remain in effect until December 31, 2027.

200. **A. Analysis of Common Strategies, Main Trends, Advances, and Challenges**

201. From the analysis of the reported national plans, several common themes emerge, among which the following are particularly noteworthy:

202. **Comprehensive and Multisectoral Approach:** Most national plans in the countries analyzed adopt a comprehensive and multisectoral approach to addressing gender-based violence. These plans often engage multiple government institutions and civil society actors, promoting a coordinated and holistic response that encompasses the prevention, protection, care, and punishment of gender-based violence against women. Examples include Argentina, Chile, and Mexico, where national plans integrate the efforts of ministries of justice, health, education, and security agencies.

203. **Incorporation of Diversity and Intersectionality:** A common theme across the plans is the acknowledgment of women's diversity and the integration of an intersectional perspective. In

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<sup>103</sup> Brazil. Decree No. 11.640, 2023, available at: [https://www.planalto.gov.br/ccivil\\_03/\\_ato2023-2026/2023/decreto/D11640.htm](https://www.planalto.gov.br/ccivil_03/_ato2023-2026/2023/decreto/D11640.htm)



the plans reported in this round, there is an increased recognition that gender-based violence does not affect all women equally and that policies must be tailored to address the diverse experiences of women. This approach entails addressing the unique needs of vulnerable groups, such as women with disabilities, migrant women, Afro-descendant women, Indigenous women, and LGBTIQ+ individuals. For example, Argentina, Brazil, Ecuador, and Uruguay have implemented policies that account for the multiple forms of discrimination women may encounter, incorporating specific actions for these groups.

204.       **Access to Justice and Protection:** Improving access to justice and protection for victims of violence is a key component of all plans. This includes enhancing the capacities of justice officials through gender-responsive training, ensuring the availability of comprehensive care services, and enabling women to report violence without fear of reprisal. Chile, Costa Rica, and Peru, among others, have established strategic priorities that emphasize the need to provide effective protection and ensure that women victims of violence receive adequate and free legal assistance.
205.       **Monitoring and Evaluation:** Several countries have incorporated monitoring and evaluation mechanisms in their plans to measure effectiveness, marking a significant advancement in the region. This is evident in Chile and El Salvador, where specific goals and indicators have been developed to assess the implementation of policies on gender equality and gender-based violence against women. These mechanisms are essential for evaluating policy effectiveness, making necessary adjustments, and ensuring that established objectives are achieved.
206.       **Main Trends:** A clear trend is the expansion of focus to include forms of gender-based violence affecting LGBTIQ+ individuals and other gender identities. This shift reflects an increasing recognition of the need for inclusive and representative policies that address all forms of gender-based violence, as demonstrated in Argentina's National Plan and Costa Rica's National Policy.
207.       **Strengthening the Role of the State and Justice Institutions:** There is a considerable effort to reinforce the role of the State in preventing and responding to gender-based violence. This involves enhancing justice institutions, improving judicial processes, and promoting a culture of human rights and gender equity. Plans in countries such as Mexico and Uruguay emphasize the importance of bolstering state capacities to address gender-based violence in an effective and coordinated manner.
208.       **Significant Progress:** Many countries have developed national plans with a clear focus on human rights and gender responsiveness. These plans not only emphasize responding to violence but also prioritize prevention through education, the promotion of gender equality, and the transformation of cultural norms. This approach represents an important step toward a more comprehensive and proactive response to gender-based violence.

209. **B. Persistent Challenges**

210. Despite progress, the effective implementation and sustainability of these plans remain challenges in many countries. Policies frequently encounter issues such as inadequate resources, insufficient training for justice operators, and a lack of inter-institutional coordination, which constrain the effectiveness of the measures adopted.
211. Although many plans incorporate an intersectional approach, in practice, women from vulnerable groups—such as women with disabilities, migrant women, Indigenous women, and Afro-descendant women—often continue to face significant barriers in accessing protection and justice services. This indicates a need for greater efforts to ensure that policies are genuinely accessible and responsive to the needs of all groups of women.
212. The collection and use of disaggregated data remains an area requiring improvement. Despite efforts to include monitoring indicators, many countries still lack reliable, disaggregated data that can effectively inform policies and support an adequate response to gender-based violence. Insufficient data can hinder the identification of violence patterns and the assessment of policy effectiveness.
213. **National plans in Latin America demonstrate significant progress toward a more comprehensive, human rights-based approach to addressing gender-based violence. However, challenges persist in effective implementation, service coverage for all groups of women, and adequate data collection.** It is essential for States to continue strengthening their commitments and resources to overcome these challenges and ensure the full protection and promotion of the rights of all women and girls in the region.
214. In general terms, the Committee welcomes the adoption and implementation of national plans on gender-based violence against women and calls for timely reporting on the outcomes of the plans and programs currently being implemented. This request considers that some plans include indicators as well as monitoring and evaluation mechanisms. The CEVI acknowledges the States that have developed plans with specific focuses on access to justice and, in the cases of Argentina and Chile, have set explicit objectives aimed at strengthening the legal representation of women victims of violence. The Committee welcomes the inclusion of an intersectional approach in several of these plans, with explicit references to women with disabilities. Additionally, some of these plans incorporate affirmative actions for vulnerable groups.
215. **Actions and Strategies for Preventing, Punishing, and Eradicating Gender-based Violence Against Women in National Education Plans**
216. A common focus among the aforementioned countries is the adoption of protocols, guidelines, and regulations to prevent, address, and punish violence within educational settings. These legal instruments aim to establish clear procedures for identifying and handling cases of

physical, psychological, and sexual violence, as well as harassment and sexual harassment in schools and other educational contexts. For instance, Costa Rica, Mexico, and Peru have implemented specific protocols across various educational levels, including early childhood, basic, special, and higher education.

217. With regard to addressing violence in educational contexts, **Costa Rica** adopted the Protocol for Responding to Incidents of Physical, Psychological, Sexual Violence, Harassment, and Sexual Harassment in Educational Spaces in 2020, through the Ministry of Public Education. In **Chile**, it was reported that the II National Work Conference on Gender Violence and Protocols in Higher Education took place in 2020. **Colombia** has Decree 4,798 of 2011 on gender-based violence against women in educational settings, which outlines the obligations of territorial education authorities to identify and address such violence within the educational context. Since 2022, **Ecuador** has been implementing the National Plan "Safe Schools" through the Ministry of Education. This plan includes a specific focus on girls with disabilities and prioritizes addressing violence in entities with the highest incidence of cases. It establishes an inter-institutional pathway and indicators to measure the Plan's implementation. In 2021, **Guatemala** began implementing a series of regulations to identify and address cases of violence against children and adolescents within the National Education System. **Mexico** reported that, in 2020, the education authority of Mexico City adopted the Protocol for the Attention and Prevention of Sexual Violence in Initial, Basic, and Special Education Schools. Furthermore, in 2022, approximately 30 universities across the country adopted protocols for action and intervention regarding gender-based violence. That same year, the Ministry of Public Education, in collaboration with the National Women's Institute, adopted guidelines to develop and implement mechanisms for the prevention, response, and punishment of sexual harassment in higher education institutions. **Peru**, for its part, has established provisions for the prevention, response, and punishment of sexual harassment in Technical-Productive Education Centers, Institutes, and Schools of Higher Technological Education. Additionally, it has developed Guidelines for the Application of the Gender Approach in Technical-Productive Education Centers, Institutes, and Schools of Higher Education, as well as a Work Plan for the Implementation of the Prevention and Response to Violence against Children and Adolescents.
218. All the countries analyzed emphasize the importance of ensuring a safe and violence-free educational environment for women, children, and adolescents. The right to an education free from gender stereotypes is recognized, which not only protects female students from violence but also promotes inclusive and equitable learning. Ecuador, through its National Plan "Safe Schools," and Guatemala, with specific regulations to address cases of violence within the education system, reflect this priority.
219. Many of the adopted plans and protocols incorporate an intersectional approach that addresses the needs of vulnerable groups, such as girls with disabilities, as seen in Ecuador and Peru. This approach aims to ensure that responses to violence are inclusive and consider the diverse

experiences and needs of female students, particularly those most vulnerable to gender-based violence.

220. A growing trend is observed in strengthening the institutional response to violence within the educational context. This is evident in the active participation of multiple stakeholders, including ministries of education, justice, and human rights organizations. Chile, for instance, has engaged various institutions in its national conferences on addressing gender-based violence in higher education, fostering a coordinated and multisectoral approach.
221. Although still in its early stages, a trend is emerging toward the creation of mechanisms to monitor and evaluate the implementation of these protocols and regulations. Ecuador's National Plan "Escuelas Seguras" (Safe Schools), which includes indicators to measure its implementation, exemplifies how countries are beginning to develop tools to assess the effectiveness of their policies and adjust strategies as necessary.
222. A common trend in these plans and protocols is the inclusion of training and awareness programs for educators, administrative staff, and students to prevent gender-based violence and promote a culture of respect and equality. Mexico, for instance, has implemented guidelines to prevent and address sexual harassment in higher education institutions, which include the training of teaching and administrative personnel.
223. The adoption of specific protocols and guidelines for addressing and preventing violence in educational contexts represents a significant advancement in the region. These documents provide a clear framework for the actions of educational authorities and ensure that standardized procedures are followed in supporting victims of violence. The implementation of these protocols in countries such as Costa Rica and Mexico demonstrates a commitment by States to tackle violence more systematically and effectively.
224. The CEVI reiterates that Article 6 of the Convention affirms the right of women and girls to live free from violence, including the right to an education free from gender stereotypes.<sup>104</sup> In cases of sexual violence and harassment in educational settings, States must adhere to the conventional and jurisprudential standards of the Inter-American Human Rights System<sup>105</sup> regarding access to justice. In this regard, the CEVI welcomes the development and issuance of guides, guidelines, and protocols to address gender-based violence against women and girls in educational spaces, which contribute to preventing and punishing such violence. While the CEVI

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<sup>104</sup> Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, Belém do Pará Convention, 1994, available at <https://belem.dopara.org/wp-content/uploads/2021/11/texto-de-la-convencion-INGLES.pdf>, art 6.

<sup>105</sup> MESECVI. Amicus Curiae of the case of Guzmán Albarración et al. v. Ecuador, 2020, available at <https://www.oas.org/es/mesecvi/docs/AmicusCuriae-PaolaGuzman-ES.pdf>, para. 51

has previously commended these efforts, it noted a lack of sufficient information on the implementation and impact of these measures in case investigations.<sup>106</sup>

225. Indeed, despite the progress in adopting protocols and regulations, the CEVI has noted a lack of information on the application and impact of these measures. This indicates a continuing challenge in the effective implementation of the protocols and in assessing their effectiveness in preventing and addressing violence within educational environments. Without adequate data and monitoring mechanisms, it is challenging to determine whether these policies are achieving the expected outcomes. Therefore, States are urged to collect relevant information on the implementation of the programs and protocols in question, enabling a thorough evaluation of their execution and results.
226. Additionally, inter-agency coordination remains a challenge in many countries. Although national plans frequently involve multiple stakeholders, issues in effective coordination and collaboration among them often arise, which can limit the effectiveness of implemented policies and strategies. Enhancing communication and cooperation between institutions is essential to ensure a comprehensive and coordinated response to violence in educational settings.
227. The CEVI emphasizes that, based on information provided by the States, while training programs have been incorporated into numerous plans and protocols, these efforts often remain inadequate. In many instances, the training fails to reach all levels of the education system. Insufficient awareness can lead to ineffective or inappropriate responses to violence and a lack of understanding of gender dynamics and the needs of victims. The process and outcome indicators, along with the deficiencies observed in their responses, indicate that the training required for the cultural change mandated in Articles 6 and 8 of the Convention remains one of the greatest challenges. Insufficient resources, lack of inter-institutional coordination, and the frequent turnover of mid-level personnel responsible for enforcing public policies further limit this progress.
228. In conclusion, while substantial progress has been made in the region regarding the development of protocols and regulations to address violence in educational settings, considerable challenges remain. Effective implementation, impact evaluation, improved inter-agency coordination, and adequate training are areas that require ongoing attention. To ensure that these policies are genuinely effective, it is essential that States continue efforts in these areas and gather reliable data to assess progress and adjust strategies as necessary.

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<sup>106</sup> MESECVI. Third Follow-up Report on the Implementation of the Recommendations of the Committee of Experts of the MESECVI, 2020, available at <https://belemndopara.org/wp-content/uploads/2021/12/Tercer-Informe-Seguimiento-EN.pdf>, para. 332.

229. **C. Actions and Strategies for Preventing, Punishing, and Eradicating Gender-based Violence Against Women in National Labor Sector Plans**

230. The CEVI highlights the significant influence of the International Labor Organization's (ILO) Convention 190 on addressing workplace gender-based violence against women across the region.<sup>107</sup> This convention characterizes violence and harassment in the workplace as a collection of unacceptable behaviors and practices that inflict physical, psychological, sexual, or economic harm. It explicitly addresses gender-based violence and harassment, underscoring the urgent need for policies aimed at preventing and addressing these actions effectively. These standards apply to all workers, irrespective of their contractual status, encompassing both formal and informal sectors. As of the analysis date of this report, Argentina, Brazil, Ecuador, Mexico, and Uruguay have reported implementing legislative changes in alignment with this agreement.

231. In this context, **Argentina's** Ministry of Women, Gender, and Diversity approved the Framework Protocol for Addressing Gender-Based Violence in the National Public Sector in 2021. This protocol aims to prevent and respond to workplace violence and harassment, facilitating the administrative processing of cases that warrant intervention. **Colombia** cites Law 1,010 of 2006, which establishes measures to prevent, address, and punish workplace harassment and harassment within labor relations. However, the CEVI notes that these provisions include mitigating circumstances, such as the aggressor's prior good conduct, attempts to "mitigate consequences" or repair the harm, or actions taken in a "state of emotion" or "excusable passion." Such provisions do not align with the Belém do Pará Convention, and the CEVI therefore urges the State to eliminate them.

232. **Ecuador** highlights the 2020 Protocol for the Prevention and Response to Cases of Discrimination, Workplace Harassment, and All Forms of Gender-based Violence Against Women in the Workplace. In 2018, **El Salvador** adopted the Ministry of Labor's Protocol for Addressing Reports of Violence, Sexual Harassment, and Workplace Harassment, which sets guidelines for the General Directorate of Labor to handle cases of sexual violence against women. In **Mexico**, the Ministry of Labor and Social Welfare issued the Protocol of Action Against Cases of Workplace Violence, Harassment, and Sexual Harassment in 2022, targeting companies across the Mexican Republic. Additionally, the Labor Rights Attorney's Office has implemented a protocol to assist and support individuals in cases of sexual and workplace harassment.

233. The Committee commends these workplace-focused efforts. While they mark significant progress, the Committee of Experts emphasizes that an exclusive focus on sexual harassment should be avoided, as women are also frequently subjected to harassment rooted in discrimination and gender stereotypes, which carries similarly serious consequences. Accordingly, the CEVI

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<sup>107</sup> International Labour Organization (ILO). Convention 190, 2019, available at: [https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190)

recommends that States ensure the explicit inclusion of various forms of harassment, in alignment with the Belém do Pará Convention.

234. **D. Actions and Strategies for Preventing, Punishing, and Eradicating Gender-based Violence Against Women in Vulnerable Situations**

235. **Pregnancy Among Girls and Adolescents:** The States Party highlight various policies and actions aimed at addressing pregnancy among girls and adolescents. **Ecuador**, for example, notes the implementation of the 2019 Intersectoral Policy for the Prevention of Pregnancy in Girls and Adolescents. Similarly, **El Salvador** reports the ongoing implementation of the National Intersectoral Strategy for the Prevention of Pregnancy in Girls and Adolescents (ENIPENA) 2017–2027, which involves the participation of the National Council for Children and Adolescents, the Ministry of Health, and other entities. The strategy’s objective is to “eliminate” pregnancy in girls and adolescents through coordinated intersectoral interventions. In 2022, **Mexico** adopted the Guide for Implementing the Route for Comprehensive Care and Protection of Girls and Adolescent Mothers and/or Pregnant Girls Under 15 Years of Age, to be applied by state and municipal public administrations.

236. The Committee expresses concern over the limited measures reported by States regarding sexual violence and pregnancies among girls, particularly in light of the alarmingly high rates of sexual violence reported by these States. **Argentina recorded 2,481 cases between 2018 and 2022; Chile recorded 152,290 cases from 2018 to 2021; Colombia recorded 199,303 cases during 2018–2021; Ecuador recorded 3,378 cases in 2022; El Salvador recorded 11,097 cases between 2018 and 2020; Guatemala recorded 578 cases in 2018; Uruguay recorded 2,960 cases from 2018 to 2021; Mexico recorded 536 cases; and Peru recorded 95,418 cases between 2018 and 2021.** Notably, Costa Rica and Paraguay did not provide data on this matter, and many States did not comprehensively report on pregnancies among girls.

237. **Women with Disabilities:** In 2021, Argentina initiated the Interagency Program for the Promotion of Equality and Prevention of Gender-based Violence against Women and LGBTI+ Individuals with Disabilities. This program aims to conduct training that incorporates gender, diversity, and disability perspectives, along with promoting educational, health, and labor inclusion. It also includes actions to prevent and comprehensively address violence, as well as participation in the development of a new disability law with a focus on gender and diversity. **Costa Rica** reports that the National Policy on Disability 2011–2030 serves as the primary framework on this issue and aligns with the National Policy for the Attention and Prevention of Gender-based Violence Against Women. Since 2020, **Chile** has operated the women’s with hearing disabilities Center. **Ecuador, El Salvador, Guatemala, Paraguay, and Uruguay** did not report having a national policy addressing this matter. **Mexico** mentioned the Justice Centers for Women and the Comprehensive Program to Prevent, Address, Punish, and Eradicate Gender-based

Violence Against Women 2021–2024; however, it did not specify the measures within these policies that are aimed at addressing gender-based violence against women with disabilities.

238. **Peru**, in turn, has the National Multisectoral Policy on Disability for Development, which identifies structural discrimination against persons with disabilities and includes guidelines for care and protection against violence. This policy incorporates a gender approach, emphasizing the comprehensive care that Women's Emergency Centers must provide to women victims of violence.

239. In a similar vein, regarding measures to **make adequate procedural adjustments** to procedures that account for the diversity of women with disabilities, **Argentina** reports that, between 2018 and 2022, the Supreme Court of Justice of the Nation and other federal courts implemented adaptations such as accessible bathrooms, ramps, and elevator buttons in Braille, while several local courts introduced sign language devices. **Mexico** provided similar information regarding certain common law offices of the Public Prosecutor's Office and some Women's Justice Centers, focusing primarily on accommodations for women with physical disabilities. In 2019, **Chile** approved the Guide for the Care of Women with Disabilities Victims of Violence, which aims to offer practical guidelines for State institutions to enhance care and accessibility for these women. In 2021, **Guatemala** adopted a general instruction from the Attorney General of the Republic for implementing the Comprehensive Protocol and General Guidelines for Investigation regarding cases involving persons with disabilities who are victims of crime. This protocol incorporates a gender perspective and outlines specific actions to address and assist individuals with hearing, physical, visual, intellectual, and psychosocial disabilities. **Costa Rica, Ecuador, El Salvador, Paraguay, and Uruguay** did not submit complete information on this matter.

240. Regarding public policies, actions, and strategies for women with disabilities who are victims of violence, **Colombia** reported the development of a technical guidelines document on informed consent for persons with disabilities within the framework of sexual and reproductive rights. This document is binding for health authorities at the territorial, departmental, municipal, and district levels, as well as other health service providers, aiming to ensure necessary adjustments and support. Similar provisions are contained in Resolution 3280 of 2018 issued by the Ministry of Health and Social Protection.

241. The CEVI acknowledges the efforts of States in addressing the specific needs of women with disabilities. However, not all States Party to the Belém do Pará Convention have developed adequate policies for women with disabilities, particularly in relation to the adjustments necessary to ensure their access to justice and essential services.

242. **Migrant Women:** In regard to migrant women, **Ecuador** is implementing the National Agenda for Equal Human Mobility (2021–2025), which includes specific provisions for migrant women, such as a care pathway for those who have been victims of violence. In 2021, **Colombia** adopted the Route of Attention to Women Victims of Violence, aimed at Colombian migrant women abroad, and outlined the procedure for refugees in Colombia to apply for asylum. However,



the CEVI expresses concern that there appears to be no specific policy in Colombia for addressing the needs of migrant women within the country. Over the past five years, there have been 16 femicides/feminicides of Venezuelan and migrant women, as well as 54 femicides/feminicides of migrant women whose nationality is unknown.<sup>108</sup> The 2021 Report of the OAS Working Group on the Crisis of Migrants and Refugees from Venezuela indicates that 1,743,000 Venezuelans have migrated to Colombia,<sup>109</sup> making it the primary host country for Venezuelan migrants. The CEDAW Committee<sup>110</sup> has also expressed concern about Decree 1288/2018, which limits healthcare access for irregular migrants to emergency situations only. Meanwhile, **Peru** reports on its National Migration Policy 2017–2025, which includes as one of its objectives the prevention, investigation, and punishment of all forms of violence against migrants, particularly gender-based violence and discrimination. Additionally, the National Plan against Trafficking in Persons 2017–2021 and the Citizen Security Plan 2019–2023 incorporate a gender perspective.

243. These policies targeting groups of women in vulnerable situations underscore the importance of collaboration across various sectors—such as health, education, and child protection—to address this issue comprehensively. However, it is noted that care for migrant women remains an area where many countries still need to develop more robust and effective policies.

244. In summary, although progress has been made in developing policies for specific sectors, significant challenges remain in the region regarding effective implementation and comprehensive attention to the full range of needs of these groups.

#### 245. **E. Incorporation of a Gender Perspective in National Plans, Strategies, and Actions**

246. The CEVI notes that some States Party provided information on specific actions and strategies beyond the national plans and programs previously mentioned. Within the thematic framework of this report, the CEVI highlights the following initiatives:

247. **Pandemic and Gender-based Violence against Women:** In response to the COVID-19 pandemic, **Costa Rica** adopted general guidelines for care services assisting women victims of violence, along with guidelines for local networks focused on violence prevention and support. **El Salvador**, through the Ministry of Local Development, implemented the Remote Action Strategy, Ciudad Mujer "Te Orienta" (Women City "Guides You"), which provided information, guidance, counseling, psychological first aid, and support for women victims of violence. Additionally, the Salvadoran Institute for the Development of Women designated Call Center number 126 as an

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<sup>108</sup> Fundación Mujer & Futuro. Shadow Report: Garantía del derecho a una vida libre de violencias de las mujeres en Santander y Norte de Santander-Colombia (Guaranteeing the Right to a Life Free from Violence for Women in Santander and Norte de Santander, Colombia). 2019-2022, available at <https://belemdopara.org/wp-content/uploads/2023/04/Informe-de-la-sociedad-civil-MESECVI-FMF.pdf>.

<sup>109</sup> OAS. La crisis de migrantes y refugiados venezolanos (The Crisis of Venezuelan Migrants and Refugees), June 2021, available at <https://www.oas.org/fpdb/press/Crisis-Overview-ESP.pdf>, p. 4.

<sup>110</sup> CEDAW Committee. Concluding observations on Colombia's ninth periodic report, March 14, 2019, para. 45.

emergency number, offering a specialized and free service for women. **Paraguay** introduced the Protocol for Prevention and Care for Victims/Survivors of Violence, developed by the Ministry of Women, to address the emergency situation created by the COVID-19 pandemic. **Guatemala** issued Circular 07-2020, which provided guidelines for receiving and processing complaints of gender-based violence against women and sexual violence during the pandemic. This included ensuring sufficient personnel to handle complaints, creating a mailbox for complaints, and establishing a clear protocol for response. The CEVI notes that some States did not report on mechanisms specifically differentiated for the pre-pandemic and pandemic periods beyond those already in place. Furthermore, there is insufficient information to assess the impact of public policies adopted in response to the COVID-19 pandemic, and States Party are urged to collect and submit such data for evaluation.

248. In **Chile**, the Protocol for the Provision of Emergency Contraception came into effect in 2021, implemented by professionals within the public and private health network, with a focus on developing local protocols to ensure access to such care. Similarly, in 2021, the General Technical Standard for the Care of Victims of Sexual Violence was introduced, overseen by multiple health authorities and inclusive of individuals with disabilities. Additionally, the National Policy on Sexual and Reproductive Health has been in place since 2018. In regard to pregnancy termination, since 2020, Chile has implemented the National Technical Standard for Accompaniment and Comprehensive Care for Women, which includes informed consent documents and informational materials for women seeking care for pregnancies resulting from rape, available in multiple languages and Braille.
249. In **Mexico**, the Gender Violence Alert serving women continues to be implemented in 18 states of the Republic. The CEVI has not received information from the Mexican State regarding the impact of this strategy and notes with concern that it remains active in over half of the states within the federation.
250. **Argentina** reports that, as of 2020, the Ministry of Health's National Plan for Gender and Diversity Policies in Public Health has been implemented, encompassing strategic guidelines and establishing an Advisory Committee that includes civil society. The Plan aims to integrate gender and diversity policies across all areas of the Ministry of Health, its centralized and decentralized agencies, and health facilities nationwide. It also seeks to promote prevention, early detection, and comprehensive health care for situations involving gender-based violence, as well as to ensure comprehensive health care for LGTBQ+ individuals.
251. **El Salvador** informs the Committee that it is implementing the Social Development Plan 2019–2024 through the Presidential Commission for Operations and the Government Cabinet, with the participation of the Social Management Cabinet. El Salvador notes that the Plan includes actions aimed at benefiting women in economically disadvantaged situations. **Paraguay** also reports the implementation of a National Plan for Sexual and Reproductive Health 2019–2023.

252. In 2021, **Chile** launched the Community Investment Program through the Department of PRO-EMPLOYMENT under the Undersecretary of Labor, creating "emergency" jobs in areas with unemployment rates higher than the national average. According to the State, the majority of program participants are women. Chile indicates that the program's objective is to promote and support women's economic autonomy. Additionally, since 2020, a training pilot for the employability, integration, and labor intermediation of women victims of economic violence has been implemented as part of the Women Heads of Household Project.
253. **Peru** reports on the Program for the Generation of Inclusive Social Employment, "Trabaja Peru" (Peru Works), which creates temporary employment opportunities for vulnerable populations, including women victims of violence. The Committee of Experts welcomes these initiatives and anticipates receiving detailed information on their impact, especially concerning women victims of violence, as Peru was the only State to report a specific focus on this group.
254. Finally, **Peru** has established the National Multisectoral Policy for Children and Adolescents by 2030, as well as the National Multisectoral Policy for Older Persons by 2030.
255. The CEVI acknowledges that most countries participating in this Round have adopted a multisectoral approach to addressing gender-based violence, integrating health, education, and employment sectors into their policies. This reflects a concerted effort to promote women's economic empowerment through employment and social development programs. Additionally, these national policies are increasingly aimed at including vulnerable groups, such as women with disabilities and migrant women, within national plans.
256. However, the CEVI also notes a lack of detailed information regarding the processes, outcomes, and impact evaluation measures of these policies, particularly concerning women victims of violence. This gap presents a challenge in assessing their effectiveness. Despite the existence of policies, implementation and adaptation at the local level can be inconsistent, affecting both the accessibility and impact of these initiatives.
257. **Conclusions**
258. The Committee extends its gratitude to the States Party for submitting information regarding National Plans. The CEVI acknowledges that Argentina, Mexico, and Brazil have made efforts to gather information pertinent to these indicators. It further recognizes that these countries face comparable challenges in implementing and monitoring their plans due to their federated structures. The collection of disaggregated data and the coordination between various levels of government—federal, state/provincial, and municipal—present ongoing obstacles, complicating efforts to assess policy impacts uniformly and allocate resources effectively.
259. The Committee of Experts observes that, in general, insufficient information has been provided regarding the implementation, impact, and outcomes of the plans, programs, and

protocols referenced herein. This lack of information hinders the Committee's ability to conduct an in-depth analysis to identify progress, challenges, and areas for improvement among the States Party. A similar deficiency is noted in the information submitted concerning the programs and actions implemented by certain States during the COVID-19 health emergency. The Committee urges States to submit comprehensive information on these matters and, in parallel, calls for all national plans and programs to incorporate indicators and measurement mechanisms that facilitate effective monitoring and evaluation.

260. The CEVI observes that several national plans reported by States include significant components focused on access to justice for women victims of violence. Some of these plans feature specific action plans and an intersectional approach, explicitly addressing the needs of women with disabilities and incorporating affirmative action measures. The CEVI commends these initiatives and calls on States to adopt national plans and programs that not only have a robust intersectional approach but also an intercultural one. Such plans should include considerations for women with disabilities, LGBTIQ+ individuals, migrant women, indigenous women, older women, and Afro-descendant women. Furthermore, these national plans and programs must be implemented in a manner that ensures they are genuinely operational, effectively influencing the actions of all authorities, particularly those who serve as first responders within the justice system.
261. The CEVI reiterates that the availability of legal services enabling women to access effective remedies and navigate the stages of legal processes is essential to their right to justice.<sup>111</sup> Therefore, it commends the inclusion of free legal representation as a core component in the national plans on gender-based violence against women in countries such as Chile and Argentina, viewing this as a fundamental measure to strengthen access to justice.
262. The Committee also observes that States Party have implemented various actions and strategies to address significant issues highlighted in its reports and recommendations. In this context, the Committee of Experts commends the efforts of several States to establish programs, guidelines, guides, and protocols aimed at addressing violence and harassment in educational and workplace settings. However, it once again calls on States to provide comprehensive information reflecting the application and impact of these measures on case investigations. Additionally, the Committee urges those States Party that have not yet implemented similar measures to take action to address such violence.
263. Concerning sexual violence and pregnancies among girls, and in light of the concerning number of cases reported by States, **the Committee emphasizes the persistent gap between the situation of girls who are victims of sexual violence and the protective laws in place.** Additionally, there remains a gap in training, care, and dissemination processes related to the rights

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<sup>111</sup> MESECVI/UN Women. Servicios de asesoría legal para atención a la violencia de género contra las mujeres en México y Centroamérica (Legal Advisory Services for Addressing Gender-Based Violence Against Women in Mexico and Central America), 2022, available at <https://www.oas.org/es/mesecvi/docs/Servicio-de-asesoria-legal-Version-WEB.pdf>, p. 11

of girls across all sectors,<sup>112</sup> which affects the effective implementation of protocols and programs. In this regard, the CEVI urges States to adopt all necessary measures to address sexual violence and pregnancies among girls, which are linked to child, early, and forced marriages and unions.<sup>113</sup>

264. The same applies to women with disabilities, as only a limited number of specific programs for this group have been reported, although some States have indicated general programs for persons with disabilities. In this regard, the Committee reiterates that women with disabilities experience heightened vulnerability due to their intersecting statuses of gender and disability.<sup>114</sup> Therefore, programs and protocols must consider these factors, including the structural discrimination faced by women with disabilities.<sup>115</sup> The Committee of Experts urges States to fulfill this obligation under the Convention by implementing appropriate measures and gathering data that reflect the impact and outcomes of their initiatives.

265. Finally, **the CEVI expresses concern over the insufficient plans and programs available to support migrant women victims of violence**, especially in countries such as Colombia, Ecuador, Mexico, El Salvador, and Costa Rica, where large numbers of migrant, refugee, and displaced women travel along migration routes through these regions. These women often require access to specialized health services, justice, and other essential support. **Therefore, the Committee calls on all States to take necessary measures to provide adequate care to migrant women, considering their dual status and unique needs.**

## 266. Recommendations

267. **Implementation and Monitoring of National Plans:** States Party should implement national plans with well-defined monitoring and evaluation mechanisms, including the collection of disaggregated and specific data. These mechanisms must effectively assess the impact of policies and allow for strategic adjustments based on the outcomes achieved.

268. **Intersectional and Inclusive Approach:** States should adopt and strengthen national plans that incorporate an intersectional and intercultural approach, addressing the needs of women with disabilities, LGBTIQ+ individuals, migrant women, Indigenous women, older women, and Afro-descendant women. This approach ensures that policies are inclusive and reflect the diverse experiences and realities of women.

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<sup>112</sup> MESECVI. Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention, 2016, available at <https://belemdopara.org/wp-content/uploads/2021/12/MESECVI-EmbarazoInfantil-EN.pdf>, para. 218.

<sup>113</sup> See: MESECVI. Hemispheric Report on Child, Early, and Forced Marriages and Unions in the States Party to the Belém do Pará Convention, 2022, available at [https://belemdopara.org/wp-content/uploads/2022/07/matrimonio\\_infantil\\_eng\\_v2.pdf](https://belemdopara.org/wp-content/uploads/2022/07/matrimonio_infantil_eng_v2.pdf)

<sup>114</sup> MESECVI. Gender-based violence against girls and women with disabilities, 2022, available on <https://belemdopara.org/wp-content/uploads/2023/05/Report-Violence-Disabilities.pdf>

<sup>115</sup> MESECVI. Gender-based violence against girls and women with disabilities, 2022, available at <https://belemdopara.org/wp-content/uploads/2023/05/Report-Violence-Disabilities.pdf>, p. 31.

269. **Guarantee Effective Access to Justice:** States must ensure free and accessible legal services for women victims of violence. All justice operators should receive gender perspective training and be prepared to handle cases of gender-based violence appropriately.

**Specialized and Adapted Care for Vulnerable Groups:** It is recommended that specific programs be developed and expanded for women and girls in vulnerable situations, such as those with disabilities or migrant status. These programs should include measures tailored to their needs and address structural discrimination.

### Chapter 3: Access to Justice

270. The Committee of Experts, as outlined in previous sections, has chosen to prioritize the Fourth Multilateral Evaluation Round on matters concerning access to justice, truth, and reparations for women and girls who are victims of violence. Within this framework, the CEVI evaluates responses to specific indicators aimed at assessing compliance with the principle of due diligence, as rooted in the fundamental obligations established by the Belém do Pará Convention. These obligations encompass the requirement to establish effective mechanisms for assisting women victims (Articles 7 and 8), to ensure non-discriminatory accessibility to these mechanisms (Article 6), to uphold the quality of policies and services directed at women (Articles 7 and 8), and to adapt these policies and services to address the needs of women in vulnerable situations (Article 9). Furthermore, the CEVI evaluates access to justice as well as the quality and adaptability of specialized services within national care systems dedicated to women victims of violence.
271. First, the Committee recognizes women and girl victims as right-bearing individuals within justice processes, emphasizing their entitlement to effective participation<sup>116</sup> in proceedings concerning them. This right is realized through the State's duty to ensure accessible and effective justice administration, provide free and high-quality legal representation, offer specialized services, and implement robust and appropriate protective measures. Such provisions aim to empower women to genuinely and actively participate in these processes as right-bearing individuals. In alignment with this approach, the CEVI will assess the extent to which participating States fulfill these obligations in this evaluation round.
272. The Committee will then examine the criminal justice system and its outcomes, followed by proceedings before competent courts addressing additional matters. Lastly, the Committee will analyze the presence of gender stereotypes within justice systems and evaluate the right to truth and reparations for women who are victims of violence.

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<sup>116</sup> Inter-American Court of Human Rights. Case of Ríos et al. v. Venezuela. Judgment of January 28, 2009. (*Preliminary Objections, Merits, Reparations, and Costs*) Series C No. 194, para. 284.; Inter-American Court of Human Rights. Case of the “Mapiripán Massacre” v. Colombia. Judgment of September 15, 2005 (*Merits, Reparations, and Costs*) Series C No. 134, para. 219.

### **a. Women and Girls as Right-Bearing Individuals in Justice Processes**

273. Article 7(f) of the Belém do Pará Convention mandates that States Party establish fair and effective legal procedures, ensuring timely trials and meaningful access to legal processes for women and girls who are victims of violence. Furthermore, Article 4(g) affirms women's right to a simple and expedited remedy before the courts, protecting them from acts that infringe upon their human rights. The CEVI regards these provisions as essential to safeguarding women's right to a life free from violence, with their fulfillment closely tied to women's access to justice, truth, and reparation.<sup>117</sup>
274. The Committee of Experts asserts that, for women to have effective access to legal processes, timely trials, and swift, straightforward remedies, the State has an obligation to recognize them as right-bearing individuals. This recognition entails treating them as autonomous individuals, fully capable of making decisions and exerting influence over their own justice processes. It further implies that justice processes inherently belong to women victims and survivors, and the outcomes must align with their aspirations for justice, truth, and reparation. The CEVI emphasizes that this recognition extends beyond the criminal domain, encompassing all avenues women may pursue to seek justice, whether administrative, civil, or criminal.
275. The Committee, in turn, highlights the prevalent use of stereotypes among justice operators that portray women victims of violence as submissive and disempowered, assigning them a passive role and undermining their agency to defend themselves or act independently. Such stereotypical perceptions diminish their status as right-bearing individuals. Consequently, States are obligated to eliminate gender stereotypes that perpetuate notions of subordination, particularly within the justice sector, and to recognize women victims and survivors as autonomous right-bearing individuals.
276. This right is intrinsically linked to their right to effective participation. The Inter-American Court of Human Rights has acknowledged victims' right to participation and delineated corresponding State obligations. These obligations include, but are not limited to, ensuring that victims have full access and the ability to act effectively throughout all stages of investigations and proceedings;<sup>118</sup> establishing regulations that enable their participation in inquiries; and promoting avenues for victims to engage and be heard by the authorities handling their cases.<sup>119</sup> Thus, institutional frameworks must be designed to facilitate victim participation, removing all

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<sup>117</sup> MESECVI/UN Women. Servicio de asesoría legal para atención de violencia de género contra las mujeres en México y Centroamérica (Legal Advisory Services for Addressing Gender-Based Violence Against Women in Mexico and Central America), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Servicio-de-asesoria-legal-Version-WEB.pdf> p. 11.

<sup>118</sup> Inter-American Court of Human Rights. Case of Ríos et al. v. Venezuela. Judgment of January 28, 2009. (*Preliminary Objections, Merits, Reparations, and Costs*) Series C No. 194, para. 284.

<sup>119</sup> Inter-American Court of Human Rights. Case of the “Mapiripán Massacre” v. Colombia. Judgment of September 15, 2005 (*Merits, Reparations, and Costs*) Series C No. 134, para. 219.

potential barriers.<sup>120</sup> This provision is also integral to women's right to equality before the law, as enshrined in Article 4(f) of the Convention, which affirms their right to equality of parties in judicial and procedural matters.

277. Additionally, Article 4(h) of the Convention affirms women's right to freedom of association. Correspondingly, the United Nations' *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*,<sup>121</sup> under Principle 13, allow groups of victims to collectively seek reparation for human rights violations, thereby recognizing their right to collectivize. In this regard, women victims of violence hold the right to form collectives to pursue justice, engage in investigations, and defend their rights as victims of gender-based violence. Consequently, the State is obligated to establish suitable institutional frameworks<sup>122</sup> that enable women, individually or collectively, to influence not only their own cases but also public policies concerning access to justice, truth, and reparation.

278. The CEVI acknowledges that some women and girls may choose not to actively participate in inquiries and judicial proceedings, particularly in criminal cases. However, this choice does not negate their status as right-bearing individuals; it merely reflects their decision not to actively exercise their right to participation. The authorities responsible for their investigations and proceedings remain obligated to inform them of any progress, provided the women explicitly consent to this and specify their preferred communication methods. Moreover, women retain the freedom to choose to participate in their processes at any time, and the authorities must facilitate their involvement should they decide to do so.

279. The Committee asserts that recognizing women victims of violence as right-bearing individuals establishes a standard of action required of the State, which must adhere to this standard in fulfilling the four<sup>123</sup> primary obligations under the duty of due diligence: prevention, investigation, punishment, and reparation of violations.

280. Accordingly, this standard of action imposes obligations on public prosecutor's offices, prosecutorial bodies, and both jurisdictional and non-jurisdictional entities. Within the framework of the duty of due diligence, it is essential for women, whether individually or collectively, to be provided with effective, free legal counsel and representation, alongside specialized services and

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<sup>120</sup> Inter-American Court of Human Rights. Case of the Rochela Massacre v. Colombia. Judgment of January 28, 2008. (*Interpretation of the Judgment on the Merits, Reparations and Costs*) Series C No. 175, para. 195.

<sup>121</sup> United Nations. 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. General Assembly resolution 60/147. December 15, 2005, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>

<sup>122</sup> Inter-American Court of Human Rights. Case of the Rochela Massacre v. Colombia. Judgment of January 28, 2008. (*Interpretation of the Judgment on the Merits, Reparations and Costs*) Series C No. 175, para. 195.

<sup>123</sup> MESECVI. MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 232.



protective measures, enabling them to exercise their rights fully as right-bearing individuals in their own processes. Hence, the State's obligations within this framework are also positive in nature,<sup>124</sup> as they entail establishing accessible and adequate legal representation services, specialized services, and protective measures, eliminating barriers that restrict women's access to justice.<sup>125</sup> This duty is especially pertinent for women with disabilities, as it requires necessary adaptations to ensure that these services are accessible to them<sup>126</sup>, thereby safeguarding their access to justice, truth, and reparation.

281. Finally, the Committee deems it essential that civil society organizations supporting women victims of gender-based violence, especially in their role as legal representatives, have the opportunity to actively participate in the development, implementation, and evaluation of public policies aimed at enhancing access to justice.<sup>127</sup>

282. Following these guidelines, the CEVI examines the key areas it deems essential for assessing States Party' compliance with the standard of action concerning the recognition of women as right-bearing individuals and, consequently, their right to access justice, truth, and reparation.

#### **b. Free legal advice and representation for women victims of violence**

283. The Committee reaffirms that, **in accordance with the State's duty of due diligence, it is imperative that women survivors of violence have access to legal services that facilitate an effective remedy and allow them to navigate all stages of judicial proceedings without experiencing revictimization.**<sup>128</sup> Legal aid and free legal representation, as previously underscored by the CEVI, constitute essential elements of accessible justice.<sup>129</sup> In this regard, the Committee acknowledges the following advancements reported by the States Party addressed in this report.

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<sup>124</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemdopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 229.

<sup>125</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemdopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 229.

<sup>126</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf> para. 2.

<sup>127</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI. Recommendation No. 17 April 2015, available at: <https://belemdopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf>

<sup>128</sup> MESECVI/UN Women. MESECVI/ONU Mujeres. Servicio de asesoría legal para atención de violencia de género contra las mujeres en México y Centroamérica (Legal Advisory Services for Addressing Gender-Based Violence Against Women in Mexico and Central America), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Servicio-de-asesoria-legal-Version-WEB.pdf> p. 11.

<sup>129</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> p. 185 para. 586.

284. In Argentina, the *Cuerpo de Abogadas y Abogados para Víctimas de Violencia de Género* (Corps of Lawyers for Victims of Gender-Based Violence) operates on a national scale, providing comprehensive and free legal representation to women who have experienced domestic violence or sexual abuse. These services are delivered by professionals trained in gender perspective approaches. In 2021, the Corps assisted 222 women. However, given Argentina's population exceeding 45 million, this number raises significant concerns regarding the availability of professionals relative to the potential demand. Civil society organizations highlight that the Corps lacks presence in certain provinces, exacerbating disparities in access to justice across multiple regions.
285. Since 2022, Argentina has implemented the "Acercar Derechos" (Bringing Rights Closer) program, designed to provide legal counsel and psychosocial support to women and individuals within the LGBTIQ+ community who are experiencing gender-based violence. Despite its significant potential impact, the State has yet to disclose the number of individuals who have benefited from this initiative, thereby hindering a comprehensive evaluation of its efficacy, particularly given the country's pronounced geographical and social disparities. At the national level, the Public Prosecutor's Office of Defense provides assistance to economically disadvantaged individuals in civil and family cases, while also offering guidance to minors and persons with legal incapacity. Nonetheless, the State has not furnished detailed information regarding the operational effectiveness and outcomes of these services.<sup>130</sup>
286. It is concerning that, as reported by civil society organizations, some women who choose to file a criminal complaint lack a clear understanding of the judicial process and its potential consequences—an issue that should be proactively addressed by the State's free legal advisory services. While the efforts of the Argentine government are acknowledged, significant concerns persist regarding the right to access justice, particularly for the most vulnerable populations, due to limitations in service coverage and the absence of data on access to these services.<sup>131</sup>
287. In Costa Rica, the National Women's Institute provides free legal assistance to women victims of violence across five regions and in the capital, serving 492 women in 2019. However, given Costa Rica's population of nearly 5 million, this figure indicates that a substantial portion of potentially vulnerable women did not access these services, particularly in rural areas where coverage remains limited. Furthermore, while the State acknowledges the existence of the Network for the Comprehensive Care of Women Involved in Criminal Proceedings and their Families—a collaborative initiative encompassing multiple institutions—there is an absence of specific data

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<sup>130</sup> Alianza Cerrando Brechas para Erradicar las Violencias contra las Mujeres. Shadow Report: Los derechos de las mujeres y las violencias por razones de género en Argentina (The Rights of Women and Gender-Based Violence in Argentina), available at: <https://belemdopara.org/wp-content/uploads/2023/07/Informe-sombra-conjunto-MESECVI-ARG-jun-2023.pdf>, p. 3.

<sup>131</sup> Alianza Cerrando Brechas para Erradicar las Violencias contra las Mujeres. Shadow Report: Los derechos de las mujeres y las violencias por razones de género en Argentina (The Rights of Women and Gender-Based Violence in Argentina), available at: <https://belemdopara.org/wp-content/uploads/2023/07/Informe-sombra-conjunto-MESECVI-ARG-jun-2023.pdf>, p. 3.

regarding its scope and effectiveness. This lack of detailed information hinders a thorough evaluation of the network's actual impact.

288. In response to the COVID-19 pandemic, Costa Rica established internet stations and computer access points in remote areas to enable women involved in food and family-related proceedings to access Public Defender's services. While this is a positive step, questions remain about the long-term sustainability and potential expansion of this initiative. Additionally, although the State reports that 1,078 elderly women victims of violence were supported by the National Council for the Elderly in 2020, this effort appears limited when considering the growing demand for justice services among an aging population. Collectively, these data illustrate Costa Rica's strides toward enhancing access to justice; however, they also emphasize the pressing need to broaden service coverage and critically assess the impact of implemented policies.
289. Other significant programs, such as **Mexico's Justice Centers for Women**, have also reported providing comprehensive legal support, facilitating victims' understanding of and active participation in judicial processes—an essential component of ensuring effective access to justice. Nevertheless, in many countries, limited resources and overburdened systems constrain the ability to maintain consistent case follow-up, thereby impeding the sustained support required for long-term impact.
290. In Chile, from 2018 to 2022, the Public Prosecutor's Office and the National Service for Women and Gender Equity provided assistance to 11,639 women victims of violence—a substantial figure that nonetheless requires contextual analysis in relation to the total population and national rates of gender-based violence. Additionally, Chile has implemented specialized programs to address both attempted and completed femicides, marking a significant step forward in victim protection. However, as in other nations, factors such as population density and geographic distribution critically influence effective access to these services, raising pertinent concerns about equity in the administration of justice.
291. Chile has undertaken further initiatives, including the “Mi Abogado” (My Lawyer) Program for children and adolescents, which provides integrated legal, psychological, and social support, as well as legal advisory programs specifically designed for Indigenous populations and women with disabilities. Between 2019 and 2021, these programs served 2,620 women. However, these commendable efforts require additional data regarding their effectiveness and the extent of their coverage, particularly in remote areas of the country.
292. The Committee commends Chile's progress, notably the adoption in 2018 of the Manual of Minimum Actions for Gender Equality for Public Criminal Defense, which aims to recognize women accused of offenses against their aggressors as victims. This represents a substantial advancement in applying self-defense principles in cases of gender-based violence. Nevertheless, the Committee underscores the necessity for Chile to provide data on the manual's impact within

criminal proceedings to assess its effectiveness and ensure the adequate protection of the rights of women in vulnerable situations.<sup>132</sup>

293. In Colombia, the Legal Clinic and Línea Rosa (Pink Line) provide legal guidance and representation services for women victims of violence in select departments. Between 2018 and 2022, the District Secretariat for Women of Bogotá reported that 53,260 women accessed these services. While this figure is notable, it is concerning that there is no indication of whether these programs offer nationwide coverage. Given Colombia's population of over 50 million and the uneven distribution of resources across regions, this lack of clarity regarding the territorial reach of these initiatives raises important questions about equitable access to justice for women in rural or remote areas.
294. In Ecuador, the Public Defender's Office provides specialized legal defense for women and girls who are victims of violence, as well as for Indigenous populations. In 2022, 2,594 women accessed these services. While this initiative demonstrates a commitment to victim protection, the relatively low number of beneficiaries compared to the national population suggests possible barriers to access or inadequate dissemination of information about these services, particularly within remote or marginalized communities.
295. In El Salvador, the Specialized Care Unit for Women within the Attorney General's Office offers legal advice and follow-up support for women victims of violence. However, no information is available regarding the number of users during the analyzed period. This lack of data constrains the assessment of the service's effectiveness, particularly in a context where rates of gender-based violence remain deeply concerning.
296. In Guatemala, the National Coordination of Free Legal Assistance to Victims and their Families provided support to 18,996 women victims of physical, sexual, psychological, and economic violence from 2018 to 2020. However, this coordination ceased operations in 2020, with its responsibilities transferred to the Victim's Institute, which assisted 2,941 women in 2020 and 3,367 in 2021. While efforts to sustain victim support services are commendable, the data reveal a reduction in the number of women assisted following the closure of the Coordination, indicating potential challenges in the transition process and resource availability. Additionally, the Office of the Ombudsman for Indigenous Women offers legal assistance; however, the absence of beneficiary figures hinders a comprehensive assessment of its reach and effectiveness.
297. The Guatemalan Judicial Branch's System of Comprehensive Attention to Victims of Violence provided legal advice to 31,037 women victims of physical violence from 2019 to 2021. However, civil society reports indicate that these services are under-resourced, exposing a significant gap between demand and the State's capacity to respond. Despite efforts to extend legal

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<sup>132</sup> See: MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No.1): Self-Defense and Gender-Based Violence, 2018, available at: <https://belemdopara.org/wp-content/uploads/2021/12/RecomendacionLegitimaDefensa-EN.pdf>

support, insufficient funding remains a critical barrier, undermining effective access to justice for women in vulnerable situations.<sup>133</sup>

298. In Uruguay, the Services for Women in Situations of Gender-based Violence provide legal counsel within a multidisciplinary framework, while the Victims and Witnesses Unit of the Attorney General's Office develops protection and support strategies for crime victims. These services, coordinated with the Prosecutor's Office, have the potential to enhance victim participation and improve the investigation and prosecution of cases. However, the absence of data on the number of women served hinders the assessment of their impact and coverage. This lack of information raises concerns about whether these services effectively reach all women in need, particularly in a country where the population is concentrated in urban areas, yet challenges persist in rural regions.

299. The Committee acknowledges the coordination between legal services and the Prosecutor's Office, recognizing that such collaboration can enhance the effectiveness of joint strategies. However, it also emphasizes the importance of legal services retaining a degree of autonomy, as the interests of victims may not always align entirely with those of the Prosecutor's Office. In these contexts, the impartiality and professionalism of legal representatives are essential to ensure that the rights and needs of victims remain the primary focus.

300. Uruguayan civil society has voiced concerns regarding the heavy burden on free legal advice and representation services, coupled with insufficient ongoing staff training. This situation leads to prolonged waiting times to secure a representative, potentially delaying access to justice for numerous women. In the absence of official data to gauge the extent of these limitations, it remains challenging to ascertain whether the resources allocated to these services are adequate to meet the current demand and to ensure timely and effective access to justice for all victims of gender-based violence in Uruguay.<sup>134</sup>

301. In Paraguay, the Ministry of Public Defense established 18 specialized offices to provide legal advice and representation for women victims of violence. In 2020, these services assisted 44,777 women; however, in 2021, this figure dropped sharply to 1,818. Paraguay has not provided further information on the reasons for this decrease, complicating efforts to evaluate the impact and sustainability of these services. With a population exceeding 7 million, these figures may also indicate disparities in access to justice, raising concerns about the State's capacity to effectively support women facing violence throughout the country.

302. In Mexico, the Executive Commission for Attention to Victims reported that it provided free legal advice and representation to 12,187 women between 2018 and 2021. However, these

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<sup>133</sup> CLADEM. Shadow Report: Guatemala, Acceso a la Justicia en Casos de Violencia Sexual (Guatemala: Access to Justice in Cases of Sexual Violence), available at: [https://belemdopara.org/wp-content/uploads/2023/06/Guatemala-IVRonda\\_Mesecvi.pdf](https://belemdopara.org/wp-content/uploads/2023/06/Guatemala-IVRonda_Mesecvi.pdf) p. 7.

<sup>134</sup> CLADEM. Shadow Report: Uruguay, Acceso a la Justicia en Casos de Violencia Sexual (Uruguay: Access to Justice in Cases of Sexual Violence), available at: [https://belemdopara.org/wp-content/uploads/2023/06/Uruguay-IVRonda\\_Mesecvi.pdf](https://belemdopara.org/wp-content/uploads/2023/06/Uruguay-IVRonda_Mesecvi.pdf) p. 14.

services are limited to federal cases, excluding a substantial number of women whose cases are handled at the local level. The State has not provided comprehensive information on other services nationwide, resulting in a fragmented view of access to justice for victims of violence. Although certain services are mentioned in specific states and in Women's Justice Centers, the overall coverage and effectiveness of these programs remain uncertain.

303. Additionally, the National Institute of Indigenous Peoples reported providing culturally and gender-sensitive legal assistance focused on women's rights and violence prevention; however, the number of users served was not disclosed. Civil society has conveyed concerns to the Committee regarding the quality and continuity of legal advisory services in Mexico, noting that, in many instances, the personnel responsible for these services lack specialization in issues related to gender-based violence against women, thereby diminishing the effectiveness of legal protection. Furthermore, high staff turnover disrupts case stability and continuity, potentially disadvantaging victims who rely on these services to pursue justice.
304. In Peru, the Public Defender provides advice and representation for victims of violence in family cases. In 2020, a Joint Action Protocol was established between the Women's Emergency Center and the Public Defender's Office to deliver coordinated support to women. Between 2018 and 2021, the General Directorate of Public Defense and Access to Justice under the Ministry of Justice and Human Rights offered legal assistance to 83,190 women victims of violence, while the National AURORA Program, which also provides legal counsel, served 354,352 women during the same period. Additionally, in 2021, a directive was implemented to ensure that Public Defender services incorporate an intercultural, gender-sensitive, and inclusive approach, with particular focus on Indigenous populations, individuals with disabilities, and victims of sexual violence and human trafficking. The Committee of Experts commends these protocols in Peru, as they contribute to standardizing legal advisory and representation efforts for women victims of violence, thereby enhancing the quality of care provided.
305. In Brazil, the Centers for the Care of Women Victims of Gender-based Violence, affiliated with state Public Defender's Offices, provide comprehensive and free legal guidance, defending both individual and collective rights in judicial and non-judicial settings. Although specific data on the number of women assisted was not provided, the structure of these centers reflects a concerted effort to deliver an accessible and holistic response to the legal needs of victims of violence.
306. Colombia reports the presence of 36 civil society organizations that support women and girls who are victims of violence in criminal proceedings, providing legal counsel and acting as plaintiffs. In Mexico, 284 such organizations were registered between 2018 and 2021. However, no data was provided by Argentina, Costa Rica, Chile, Ecuador, El Salvador, Guatemala, Paraguay, Uruguay, or Peru on this indicator, limiting the evaluation of civil society's role in supporting victims in these countries.

307. The Committee welcomes the reports from several States, including Argentina, Costa Rica, Guatemala, and Mexico, on the availability of legal services and representation in areas beyond criminal law. As outlined, articles 2(b) and 7(c) of the Convention stipulate that gender-based violence against women may occur within educational, health, and other contexts, obligating States Party to enact legislative measures in civil, administrative, and additional domains necessary to prevent and eradicate violence. This obligation, alongside the State's duty to establish fair and effective legal procedures for women victims of violence, as recognized in Article 7(f) of the Convention, necessitates the provision of legal representation services across various branches of law beyond the criminal realm. These services should extend to educational, health, labor, civil, administrative, and other sectors essential for fulfilling the State's duty of due diligence and upholding women's right to access justice. Accordingly, the CEVI urges States Party to expand legal advisory and representation services to support and advocate for women in all contexts, spaces, procedures, and judicial processes, as mandated by the Convention.
308. The CEVI also observes that several States have reported initiatives to extend legal services to women in remote areas or in response to the challenges posed by the COVID-19 pandemic. Additionally, it notes that some of these services incorporate an intersectional perspective or a focus on disability. However, the Committee regrets the limited information provided regarding the overall number of women utilizing these services, with some States offering only minimal details on this matter.
309. An analysis of the data from Argentina, Mexico, Paraguay, Peru, and other countries reveals substantial efforts to enhance access to justice for women victims of violence. However, the COVID-19 pandemic had a significant impact on the provision of these services. In Paraguay, for instance, the sharp decline in the number of women served between 2020 and 2021 may be directly attributable to the restrictions and limitations imposed during the pandemic. In other countries, such as Peru and Mexico, although high service figures were reported, pre-existing structural barriers—such as limited access in rural areas and high staff turnover—were intensified during the COVID-19 crisis, impacting both the continuity and quality of services. The pandemic underscored the necessity of standardized and inclusive protocols and approaches, as seen in Peru, which enable the adaptation of services during crises and promote more equitable and effective access for all women, particularly those in situations of heightened vulnerability.
310. Furthermore, the Committee observes that, based on the information provided by States, it is often unclear whether the reported legal services function as legal advice, legal representation, or both. This distinction is significant, as services such as telephone legal advice may only offer emergency or general guidance, rather than comprehensive legal representation or support throughout a procedure for a woman victim of violence who requires it. The CEVI urges States to provide information that clarifies and enables the evaluation of this distinction, allowing for a deeper understanding of each State Party's legal service provision, including its nature, scope, and the number of women who have benefited. This information is essential within the framework of

their right to access justice. Furthermore, the CEVI reiterates the importance of ensuring that legal services extend beyond mere advisory functions, emphasizing the need for comprehensive legal representation throughout the entirety of judicial processes.<sup>135</sup>

311. The Committee also observes a lack of clarity, based on the information provided by States Party, regarding the staffing levels within bodies offering legal advice and representation to women victims of violence. The CEVI emphasizes that States Party must take proactive measures to increase the number of lawyers delivering these services. These professionals should be well-trained in gender-responsive approaches and the dynamics of gender-based violence against women, and must have access to the necessary resources to ensure effective and adequate representation.<sup>136</sup> Similarly, professional and free interpretation services must be available for indigenous women, Afro-descendant Women, migrant women, illiterate women, or anyone requiring such assistance,<sup>137</sup> along with necessary accommodations to ensure appropriate support for women with disabilities.<sup>138</sup>

312. An analysis of the reported data on women receiving assistance in relation to complaints of gender-based violence and the total population reveals substantial disparities in access to quality legal services across the countries reviewed. For instance, in **Argentina**, only 0.22% of complaints of gender-based violence resulted in free legal assistance in the reported year, indicating severely limited coverage. This suggests that a significant number of women lack access to essential legal services, despite the high volume of complaints. Furthermore, only 0.0005% of the total population received such services, underscoring the low accessibility and limited reach of these support mechanisms.

313. In **Mexico**, reported data indicate that approximately 6.1% of women who reported violence received assistance, demonstrating better coverage than in Argentina, yet still inadequate given the high number of complaints. These figures suggest that only 0.01% of the female population in Mexico accessed these services, highlighting limited coverage overall, albeit with a broader reach compared to Argentina.

314. **Paraguay**, while lacking data on complaints, reported significantly higher coverage, with 0.64% of the population receiving services in 2020—a notable achievement, though the sharp

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<sup>135</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemdopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 306.

<sup>136</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 501.

<sup>137</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 501.

<sup>138</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf> para. 28.



decrease in 2021 suggests that this level of care was not sustainable. **Brazil**, meanwhile, has not provided data on the number of women served, limiting the ability for comparative analysis. However, with over 263,000 annual complaints and a population of 213 million, the scale of access to legal services for victims presents a considerable challenge in terms of reach and coverage. In contrast, **Peru** reported that 1.07% of its total population received assistance between 2018 and 2021, indicating broad coverage for legal support services for victims of violence.

315. Finally, based on State reports and information from civil society, it is evident that countries have made substantial efforts to enhance free legal advice and representation for women victims of violence. Specialized programs and services have been introduced, protocols and manuals adopted, and initiatives undertaken to expand service coverage. Nevertheless, persistent challenges continue to constrain the effectiveness of these efforts, including:

- **Insufficient Coverage:** Many services are unavailable across the entire national territory, particularly in rural and remote areas, limiting access for women who may be in the greatest need.
- **Shortage of Resources and Specialized Personnel:** There is a notable lack of professionals trained in gender perspective and in addressing gender-based violence against women. High staff turnover and work overload further impact the quality of care provided.
- **Lack of Information and Transparency:** In several cases, States have not furnished detailed information on service operations or complete statistics on user numbers, hindering the evaluation and improvement of programs.
- **Limited Understanding of the Judicial Process:** Evidence suggests that, in some cases, women victims lack a full understanding of judicial processes and their implications, underscoring the need for more effective and high-quality guidance.
- **Challenges in Policy Implementation:** Although manuals and protocols have been adopted, their actual impact remains unassessed. The absence of consistent monitoring and evaluation limits the ability to refine and improve the implemented strategies.

316. Compared to previous MESECVI rounds, it is evident that countries have advanced in the creation and expansion of legal advisory services. Nonetheless, ongoing challenges highlight the need to further strengthen these services, ensuring their quality, reach, and long-term sustainability. It is essential for States to adopt measures that guarantee all women—regardless of geographic location or socio-economic status—have access to adequate and effective legal representation.

317. The CEVI recognizes that while free legal advice for women victims and survivors of violence is a fundamental step towards ensuring access to justice and due diligence, it also

necessitates progressive, structural, and enduring measures to address existing challenges. Therefore, the following should be considered in planning and budgeting processes aimed at combating gender-based violence against women and securing access to justice:

- Expand and enhance territorial coverage of legal services.
- Ensure continuous and specialized training for personnel.
- Strengthen inter-institutional coordination and adopt standardized protocols.
- Allocate sufficient funds and resources to sustain support services.
- Develop monitoring and data collection systems to improve impact assessment.

### **c. Specialized Services**

318. In its Second Report on the Implementation of the Committee of Experts' Recommendations, the CEVI addressed the provision of specialized services for women affected by gender-based violence, encompassing care, support, and accompaniment. The Committee underscored the imperative duty of States to eliminate any normative, social, or economic barriers that obstruct or render impossible women's access to justice.<sup>139</sup> The guarantee of the right to access justice is intrinsically connected to the duty to ensure that services are accessible to women without discrimination.<sup>140</sup> The CEVI emphasized the obligation to establish essential services that provide care for women, to ensure these services are accessible, and to adapt them to meet the specific needs of women who seek assistance.<sup>141</sup>

319. Accordingly, the CEVI will, within the framework of the right to access justice, examine the accessibility, quality, availability, and adaptability<sup>142</sup> of specialized services addressing gender-based violence against women, as these services facilitate women's access to justice, including their effective participation in judicial and other related processes.

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<sup>139</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemndopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 229.

<sup>140</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemndopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 233.

<sup>141</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemndopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 236.

<sup>142</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemndopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 237.

## 1. Shelters for Women Victims of Violence

320. Shelters constitute a cornerstone of specialized protection services for women victims of violence, offering a safe haven for women and their children in situations of danger. These services must ensure not only physical protection but also comprehensive care, encompassing emotional support, legal guidance, and skill-building to aid in the restoration of victims' lives. Article 8 of the Belém do Pará Convention mandates that States provide protection and assistance services for women victims of violence, including the provision of shelters. In this regard, the Committee of Experts of the MESECVI has called upon States to ensure the sustainability, confidentiality, and quality of these spaces, as well as their non-discriminatory accessibility, emphasizing that their effective management is crucial for the realization of women's right to a life free from violence.
321. An analysis of the data on shelters across various Latin American countries indicates significant progress in the protection of women victims of violence; however, it also highlights ongoing challenges concerning service coverage, quality, and the capacity to meet requests for assistance.
322. For instance, **Argentina** reported having multiple shelters but did not provide clear data regarding their distribution, capacity, or specific focus on women and girls. In 2021, the Ministry of Women, Gender, and Diversity reported accommodating 497 women and their families in a single shelter. However, certain localities, such as Río Gallegos, were unable to meet all requests for assistance. In the city of Buenos Aires, despite the Domestic Violence Office of the Supreme Court receiving 237 requests between 2018 and 2021, the service administered by the city government's General Directorate for Women did not admit any women. This indicates issues of access and capacity in certain regions, along with a lack of disaggregated data, which hampers a thorough analysis of the services' impact on Indigenous, disabled, or rural women. This limitation constrains the inclusive and diverse approach that these services should uphold.
323. In **Costa Rica**, from 2018 to 2021, the Specialized Temporary Care and Shelter Centers served 1,465 women and their children. Although this represents a commendable effort, the figure appears low relative to the reported cases of gender-based violence in the country, potentially signaling gaps in shelter coverage or capacity. In **Chile**, during the same period, 4,190 women were accommodated in shelters, primarily managed by the National Service for Women and Gender Equity. However, the absence of data on the number of applications complicates the assessment of the State's response effectiveness and whether shelter capacity is adequate to meet demand. Additionally, an agreement was signed to support women with disabilities, marking a significant step forward, though specific data on its impact remains unavailable.
324. In **Colombia**, national data from 2018 to 2022 indicate that 1,699 applications for refuge were submitted, with 1,600 women receiving assistance, suggesting that, in certain years, applications exceeded available spaces. This shortfall underscores a capacity deficit, partially mitigated in some instances by temporary accommodation in hotels, though this option benefited

only 37 women. In 2022, **Ecuador** introduced a management model for shelters, successfully serving 18,932 individuals that year. This substantial figure reflects a notable effort to expand coverage; however, as this initiative is still recent, it will be essential to monitor the evolution of shelter capacity and the implementation of protocols over time.

325. In **El Salvador**, the Salvadoran Institute for the Development of Women managed a single shelter that accommodated 169 women during 2020 and 2021—a low number given the country’s demand. This underscores the pressing need to expand shelter infrastructure for women victims of violence. **Guatemala** reported that its Specialized Temporary Shelter served 71 individuals between 2019 and 2021; however, the number of unmet requests, particularly in 2021—when 46 requests were made but only 27 women were accommodated—reveals a concerning gap in the State’s response capacity. The absence of additional reported shelters suggests that protection services may be limited within the country.

326. In **Paraguay**, between 2018 and 2021, only 145 women benefited from shelter services at the House for Women in Situations of Violence—a low figure considering the need. While transitional shelters exist for trafficked women, the limited number of beneficiaries points to an insufficient protection system, raising concerns about the adequacy of available resources for women in vulnerable situations. Uruguay has established a more robust shelter system, assisting 1,703 women between 2018 and 2021 through various types of shelters that provide specialized care tailored to different levels of risk—an important advancement noted by the CEVI. Furthermore, the adoption of a protocol to support women with disabilities and those from diverse sexual orientations demonstrates an inclusive policy. However, the number of women served remains modest relative to the country’s population.

327. **Mexico**, with 54 shelters across the country, assisted 48,220 women from 2018 to 2021 through the Specialized Shelters Program for Women Victims of Violence. However, some shelters received applications but were unable to provide assistance, revealing disparities in the response. While Mexico has made substantial progress in shelter infrastructure, challenges persist regarding the distribution and quality of services. **Peru**, in turn, reported serving 8,706 women between 2018 and 2021 across 15 shelters nationwide. Although this figure appears proportional to the population, it remains insufficient in light of the high volume of gender-based violence complaints, indicating a need for further expansion and coordination of these services.

328. The COVID-19 pandemic intensified pre-existing limitations within shelter and support systems across all these countries. In many instances, shelter capacities were inadequate to accommodate the surge in applications that arose during lockdowns, a period marked by increased gender-based violence. In countries like Guatemala, where resources were already significantly lacking, the pandemic exacerbated inequalities in access to shelters, leaving many women without essential protection. Meanwhile, in countries such as Uruguay and Ecuador, efforts were made to

sustain and expand infrastructure; however, these measures have proven insufficient in meeting the heightened demand.

329. The CEVI identifies several common limitations within this service, including the restricted capacity of shelters, inadequate territorial coverage—particularly impacting rural areas and Indigenous communities—the lack of disaggregated data on women with disabilities, Indigenous populations, and other diverse groups, which hinders a comprehensive evaluation of shelters' effectiveness, and the need for more inclusive policy implementation. Furthermore, the pandemic intensified existing limitations in infrastructure and response capacity, underscoring the critical need to bolster shelter services during crises. Addressing these challenges will necessitate substantial investments in infrastructure, comprehensive training, and the development of standardized protocols to ensure that all women victims of violence—regardless of geographic location or personal circumstances—have access to safe shelters and appropriate legal and psychological support.

330. The Committee commends the efforts of States to establish shelter services and the progress made toward standardizing their operations. However, it reiterates its concern regarding the concentration of shelters primarily in capital cities or urban centers<sup>143</sup> and highlights the insufficient shelter coverage in certain States, as well as the restriction of services to women affected by specific types of violence. The CEVI also urges States Party to provide comprehensive information detailing the number and location of shelters and reception centers, their operational methods, and disaggregated data on beneficiaries to enable a full assessment of coverage and effectiveness.

## **2. Health Care for Women and Girls Who Are Victims of Violence**

331. The analyzed countries have introduced a range of programs and initiatives providing medical, psychological, and legal support for women victims of gender-based violence, with notable advancements, including the adoption of comprehensive care protocols. Nonetheless, structural challenges remain, impacting the coverage, quality, and equitable access to these essential services.

332. Several countries have established protocols for supporting victims of violence. For instance, Chile has introduced annual technical guidelines for the Centers for Care and Reparation for Victims of Sexual Violence, while Peru has adopted technical guidelines for mental health care and standardized psychological evaluations.

333. In Costa Rica and Uruguay, protocols have been established to provide comprehensive care, including psychological, legal, and medical assistance, specifically addressing cases of rape

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<sup>143</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemndopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> p. 66.

and femicide. In most countries, psychological support is available through institutions like the National Women's Institute in Costa Rica, which assisted 10,054 women between 2018 and 2021, and the Ombudsman's Office in Colombia, which provides care nationwide.

334. Mexico reported an increase in the provision of psychological support during legal proceedings, though availability and resources remain limited. In Chile, the health system assisted 38,280 women victims of violence between 2018 and 2021. Both Chile and Mexico distinguished themselves by offering post-exposure prophylaxis through their health systems, although figures indicate a decline in beneficiaries from 2019 to 2021, likely reflecting access challenges during the COVID-19 pandemic. Notably, in Mexico, despite high demand for support services, half of the women who filed complaints in 2021 did not receive assistance due to insufficient personnel or resources.
335. In El Salvador and Guatemala, prophylaxis services are limited and, in some cases, lack evidence collection kits, which impairs the capacity of health systems to deliver adequate care in cases of sexual violence. Similar to free legal advisory services and shelters, access to health care services is uneven across most countries, with resources heavily concentrated in urban areas and scarce in rural regions. This disparity is evident in countries like **Guatemala**, where the Public Prosecutor's Office's Medical Clinics for Victim Care do not provide nationwide coverage, and in **Paraguay**, where the Ministry of Health has not provided clear data on service coverage.
336. In Peru, while guidelines have been implemented to standardize psychological care and mental health services, the absence of data on beneficiaries by age or diversity constrains a comprehensive assessment of the impact of these measures.
337. Similarly, COVID-19 greatly impacted the capacity of health systems to support women victims of violence. In Chile, the number of women served declined in 2020, illustrating the pandemic's direct effect on service availability. In Peru, health services have yet to be fully restored post-pandemic, which has particularly hindered access to essential services related to women's sexual and reproductive rights.
338. The shortage of personnel specialized in gender-based violence remains a persistent issue. In **Mexico**, numerous women were unable to receive support due to limited human resources. Similarly, in El Salvador, despite the existence of a clinical guide for post-exposure prophylaxis, the mechanisms for handling cases of sexual violence are not fully operational, highlighting a deficiency in training and specialized protocols.
339. Argentina has not provided comprehensive data on the utilization of health services by women victims of violence. The absence of disaggregated data and a national measurement framework impedes the assessment of program impact on the female population, estimated at approximately 23 million, and particularly hinders evaluation of access for vulnerable groups, such as Indigenous women and women with disabilities, are accessing these services.

340. In Chile, 38,280 women were served between 2018 and 2021, demonstrating a robust response to gender-based violence through the health system. However, the decline in services in 2020 underscores ongoing challenges related to sustainability and emergency response capacity.
341. Colombia, with 329,637 women assisted in health services between 2018 and 2021, demonstrates notable response capacity. Nevertheless, disparities in coverage persist in rural areas, alongside a shortage of specialized personnel in certain vulnerable sectors. Similarly, while Costa Rica provided psychological care to 10,054 women during the same period, the country faces the challenge of expanding coverage in rural areas and ensuring improved access for the most vulnerable populations, including Indigenous women.
342. In Mexico, despite the establishment of a robust care system, with over 200,000 women receiving health services annually, the fact that 48% of women complainants did not receive support underscores a significant gap between demand and response capacity.
343. In summary, although several countries have advanced in establishing comprehensive care services for women victims of gender-based violence, challenges persist regarding territorial coverage, lack of disaggregated data, insufficient human resources, and the lingering effects of COVID-19. These issues continue to hinder equitable and effective access to essential services. The adoption of standardized protocols marks a significant step forward; however, there remains a critical need to enhance infrastructure, train additional specialized personnel, and ensure that services are accessible to all women, including those in rural areas and members of vulnerable groups.
344. The CEVI commends the adoption of protocols and action guidelines by some States Party within various health services. It also notes that several Ministries of Health have implemented guidelines that consider the diversity of women, including women with disabilities and Indigenous women. However, the CEVI observes that, although reports indicate that Ministries of Health and other authorities provide psychological and medical health services to women, the available data do not reflect the coverage and impact of these services. The Committee urges all States Party to expand health-care services to ensure adequate coverage for all women victims of violence, making them accessible and responsive to the diversity of women's needs.
345. The Committee is particularly concerned by the lack of comprehensive information on post-exposure prophylaxis (PEP) for sexual violence, including details on its availability, coverage, and accessibility. The CEVI urges States to report on the extent of psychological and medical health services for women victims of violence and to ensure adequate coverage of PEP and emergency kits in cases of sexual violence.

### 3. Comprehensive Care Services for Women Victims of Violence

346. The CEVI identifies a positive trajectory in the development of comprehensive care services, as evidenced by numerous initiatives from the Latin American States participating in this Round. These efforts reflect a commitment to establishing comprehensive systems for women affected by gender-based violence.
347. Most countries have established centers or programs providing interdisciplinary support, encompassing legal, psychological, and social assistance. Notable examples include the **Justice Centers for Women in Mexico**, the **Women's Emergency Centers** in Peru, and the **SERNAMEG Centers** in Chile. These services are designed to deliver comprehensive care to women victims, a fundamental element in facilitating both their recovery and access to justice.
348. These comprehensive services extend beyond single-domain support, approaching the issue through multiple disciplines—legal, social, and psychological—while collaborating with various institutions, including public prosecutors, prosecutors' offices, and public defenders' offices. An exemplary model is El Salvador's **Ciudad Mujer (Women City)**, which integrates health services, economic empowerment, and violence prevention initiatives within a single institution. Efforts have also been undertaken to extend support to rural areas and vulnerable populations through initiatives like **Ciudad Mujer Móvil (Mobile Women City)** in Paraguay and the **Estrategia Rural (Rural Strategy)** in Peru, which aim to deliver services to remote communities and underserved groups, including Indigenous women, rural women, and women with disabilities. Uruguay further reports providing assistance to migrant, displaced, and elderly women through the National Women's Institute's services.
349. Noteworthy data were reported concerning service usage: in Chile, 168,506 users accessed the SERNAMEG Women's Centers between 2018 and 2020, while 4,374 women received support from the Center for Care and Reparation for Women Survivors of Sexual Violence between 2018 and 2021. These figures reflect a significant level of coverage. Peru's Women's Emergency Centers documented the assistance of 507,578 individuals between 2018 and 2021, underscoring a large-scale effort to combat gender-based violence. However, only 4,393 of these individuals were women with disabilities, highlighting potential challenges in effectively reaching certain groups.
350. El Salvador reported that Ciudad Mujer operates across six municipalities and has served a substantial number of women; however, coverage remains limited within the broader national context. Similarly, Paraguay has introduced mobile outreach strategies to extend services to remote areas, though the number of women reached—4,706 across nine departments—indicates a still emerging level of coverage.
351. While numerous countries have established comprehensive services, coverage remains inconsistent, with a marked concentration of resources in urban centers. For instance, Brazil has introduced the **Brazilian Women's Houses**; however, their absence in several capital cities



restricts access for a significant number of women, limiting the program's overall reach and effectiveness.

352. Civil society organizations in Guatemala have reported that comprehensive services lack sufficient resources to effectively support victims. This shortage of funding and human resources impacts both the quality and availability of care, often resulting in delays in legal proceedings and psychological support.
353. The CEVI also highlights that, while some programs report efforts to serve Indigenous women, rural women, and women with disabilities, the number of beneficiaries within these groups remains limited. This indicates that, despite the presence of inclusive policies, cultural, linguistic, and geographical barriers persist, preventing full accessibility and effective outreach.
354. Similarly, as in other sectors, the pandemic disrupted the implementation of services across multiple countries. Paraguay, for instance, adopted a protocol to address the surge in violence during lockdowns; however, the response centered on telephone assistance, potentially limiting access to more comprehensive services, including legal support and in-person psychological care.
355. The CEVI underscores the critical importance of comprehensive, multidisciplinary care approaches, which play a key role in preventing revictimization by creating safe spaces where women can receive support throughout every stage of the legal process. In Brazil, the Brazilian Women's Houses exemplify this model by integrating police stations, courts, and public defenders' offices within a single environment, thereby reducing the likelihood that victims must repeatedly recount their experiences across different institutions.
356. The duty of due diligence mandates that the State act promptly and effectively to guarantee that victims of violence receive necessary care and justice. Nonetheless, in numerous countries, resource constraints and inadequate access in rural areas hinder the fulfillment of this obligation. Insufficient service coverage results in many women lacking the comprehensive support essential for progressing through judicial processes, thereby impeding their access to justice.
357. The CEVI acknowledges the considerable strides made by countries in establishing comprehensive services for women victims of violence; however, substantial challenges remain regarding territorial coverage, resource limitations, and the inclusion of vulnerable groups. The impact of resource shortages and geographic disparities on access to justice is profound, as many women, particularly those in rural areas, are unable to obtain essential services crucial for their recovery and protection. The obligation of due diligence requires States to enhance investment and coordination, ensuring that all women, irrespective of their location or circumstances, can access justice effectively and without discrimination. In rural areas, where women encounter heightened barriers to comprehensive care services due to geographical, cultural, and socioeconomic challenges, several strategies have emerged as particularly effective in improving access to support and protection for women victims of gender-based violence. Key strategies include:

358. **Ciudad Mujer Móvil (Mobile Women City)** in Paraguay and **Peru's Estrategia Rural (Rural Strategy)** exemplify successful programs that deliver comprehensive services directly to rural communities. These strategies enable women to access legal, psychological, and social assistance without the need to travel extensive distances. Mobile services, utilizing units or teams of professionals who travel to remote areas, are particularly effective in overcoming transportation barriers and extending support to rural populations.
359. Establishing care centers within community structures, such as health centers or schools, can significantly improve women's access to comprehensive care services. Women in rural areas often rely more heavily on these local facilities, increasing the likelihood that they will seek assistance. For instance, community health centers in **Guatemala** have begun offering support to survivors of sexual violence. Leveraging existing community infrastructures to provide accessible, proximate services within familiar, safe environments offers a strategic advantage for States Party, allowing for a more efficient allocation of limited resources.
360. In countries with high population densities of Indigenous women in rural areas, such as Guatemala and Peru, significant progress has been made through the establishment of local support networks comprising community authorities, civil society organizations, and health personnel. These networks facilitate a coordinated and rapid response to cases of gender-based violence, enabling States to extend their reach and enhance support capacities in less accessible regions.
361. Comprehensive services are crucial as they prevent women from having to seek assistance across multiple locations, thereby easing the burden on victims. By incorporating multidisciplinary teams, these services enhance coordination among various forms of support, improving their overall effectiveness. Similar benefits arise when these services are integrated with other components of the justice system, including prosecutors' offices, courts, and tribunals.
362. The Committee observes that, in this Fourth Round, comprehensive services have been broadened, with most States reporting their availability, though coverage varies. In Chile, notably, these services include reparative measures, which the CEVI regards as a significant advancement aligned with the principles of the Convention.
363. However, the CEVI cautions that some comprehensive services are limited to assisting women victims of specific types of violence, such as domestic violence, and that many of these services operate with minimal staff, insufficient to address the volume of cases presented, thus diminishing their actual coverage. The CEVI urges States Party to provide thorough, disaggregated information to clearly demonstrate the impact of comprehensive services.
364. The Committee underscores the following key elements from the experiences shared:

**1) Decentralization of care services**

- 2) **Training and education of personnel in rural areas**, including judges, prosecutors, public defenders, police officers, and social workers, with a gender-sensitive and culturally aware approach to enhance the effectiveness of responses to gender-based violence.
- 3) **Implementation of intercultural protocols** to ensure women receive care in their own language and in a culturally respectful manner, including the provision of **interpreters** in legal proceedings.
- 4) **Strengthening of community networks and rural promoters trained** in women's rights and gender-based violence to bridge the gap between rural women and support services.
- 5) **Improvement of infrastructure for comprehensive care**, enhancing facilities to better support women's needs.
- 6) **Expansion of telehealth and telepsychology services**, providing remote medical and psychological assistance to women in rural areas with limited access to physical infrastructure.
- 7) **Safe and free transportation systems**, offering secure, cost-free transportation so that rural women can attend court hearings, visit police stations, and reach care centers without risk or financial burden.
- 8) **Strengthening of financial and logistical resources**

#### **4. Telephone Lines and Technological Resources for Women Victims of Gender-Based Violence**

365. Telephone services and other technological or digital resources have become indispensable tools for the protection of women affected by gender-based violence in Latin America. Services such as hotlines offer immediate access to psychological, legal, and social support, enhancing pathways to justice and strengthening protection mechanisms for women in emergency situations. In countries such as Argentina, Chile, Mexico, Colombia, Costa Rica, and Brazil, these services have been instrumental in connecting women affected by gender-based violence with justice and health systems, particularly during critical periods like the COVID-19 pandemic, when mobility restrictions severely limited access to in-person resources.

366. Hotlines in the region have played a crucial role in facilitating access to justice by establishing a direct link with judicial and law enforcement authorities. In Argentina, for example, Line 144 and Line 137 operate in coordination with referral protocols for police intervention,

enabling swift response in cases of domestic and sexual violence. Similarly, Chile's Fono 1455 allows for the follow-up of complaints with the Carabineros, thereby enhancing immediate protective measures. In Colombia, the Purple Line, which includes video call services in sign language, has been invaluable in supporting reporting and providing guidance for women with hearing disabilities.

367. The CEVI also acknowledges that numerous countries have adopted supplementary technologies to enhance access to these services, particularly amid the pandemic. For instance, Argentina, Chile, and Guatemala introduced online chats and WhatsApp communication, enabling women unable to make phone calls to access guidance and protection. Colombia advanced inclusivity by implementing video call services in sign language, ensuring that women with hearing disabilities could engage fully with support services. In Guatemala, the development of the Panic Button—a mobile tool that alerts authorities in high-risk situations—has facilitated swift response measures. This mechanism, initially implemented by Chile during the Second Round, has been lauded as a best practice.

368. However, despite technological advancements and broader service coverage, structural challenges remain that restrict access, particularly for women in rural or indigenous areas and those without smartphones or internet connectivity. These groups are frequently marginalized due to insufficient technological infrastructure in their communities and limited digital technology penetration.

369. Women in Rural Areas: In countries such as Costa Rica, El Salvador, and Guatemala, service coverage in rural regions remains limited, impeding access to emergency support. Case follow-up and referrals to judicial services present additional challenges, primarily due to insufficient human and logistical resources. In high-demand contexts like Brazil, where Line 180 is extensively utilized, many women in remote areas face barriers to accessing services due to limited smartphone availability and internet connectivity.

370. Women with disabilities encounter similar obstacles. While Colombia and Chile have introduced accessible video calling and chat services, many other countries lack equivalent options for individuals with hearing disabilities, thereby limiting these services' capacity to provide inclusive access to justice and protection.

371. Hotline usage provides a critical indicator of the number of women seeking support or information and serves as an early warning system, enabling States to gauge the potential risk to women. In Argentina, Line 144 received 575,200 calls between 2018 and 2022, while Line 137, specializing in family and sexual violence, assisted 18,715 women during the same period. These figures reflect a substantial demand for support services, particularly in the context of emergencies related to gender-based violence. Chile also reports significant figures with Fono 1455, which saw intensive use, registering 98,330 calls in 2018, rising to 158,759 in 2020, and 135,169 in 2021.

These surges coincide with the COVID-19 pandemic, prompting the implementation of web chats to broaden access.

372. In Mexico, the 911 emergency line received 1,260,752 calls related to gender-based violence between 2018 and 2022, highlighting substantial demand within a country of over 64 million women. Costa Rica, meanwhile, handled 476,153 calls from women via 911 between 2018 and 2021—a considerable volume relative to its female population of approximately 2.5 million. In Peru, Line 100 recorded 497,719 calls during the same period, with a notable rise in 2020, underscoring increased reliance on this service amid the pandemic.

373. In other countries, hotline usage statistics also offer valuable insights. In Colombia, Line 155 responded to 12,393 calls in 2021 and 13,125 in 2020, indicating a steady demand for support. In Ecuador, the 911 service received 11,280 calls related to gender-based violence from 2018 to 2022, while in Uruguay, the hotline for women affected by violence recorded 28,046 calls between 2019 and 2021. In El Salvador, Call Center 126 assisted 15,386 women between 2018 and 2021. These figures underscore the essential role of hotlines as critical resources for women at risk, highlighting the need to enhance response and monitoring capacities across all countries.

374. To enhance the effectiveness of telephone and digital services and ensure equitable access to justice, the following measures are essential:

- 1) Expand service presence in rural areas through mobile units or the establishment of community care centers offering legal, psychological, and protective assistance;
- 2) Improve internet connectivity in rural and indigenous regions, enabling women in these areas to access advanced technologies;
- 3) Broaden the availability of sign language video calls, online chats, and accessible mobile applications across the region, ensuring that women with hearing disabilities have equal access to these services;
- 4) Promote digital literacy campaigns, particularly aimed at rural communities and older populations, so more women become proficient in using emergency services via telephones and digital platforms;
- 5) Invest in the training of specialized personnel and strengthen inter-institutional coordination to ensure that all reports received through telephone and digital lines are efficiently referred to the appropriate judicial and protection services.

375. Finally, the CEVI is concerned that some States Party only provide telephone or technological services for women affected by specific forms of violence recognized in the Convention. The Committee calls upon States to ensure that telephone and technological support is available to women who have experienced all forms of violence, with services specialized in

addressing these issues. In the absence of specialized services, the Committee urges States to establish protocols and conduct comprehensive training on gender-based violence against women for personnel handling emergency calls.

## **5. Other Programs on Gender-based Violence Against Women**

376. The analysis of reported programs addressing gender-based violence against women in Latin America reveals an increasing commitment by States to support diverse victims, foster their autonomy, and ensure access to justice. Nevertheless, persistent, overarching challenges must be addressed with greater rigor to uphold due diligence standards, guarantee access to justice, and safeguard the right to truth.
377. One of the shared focal points is the implementation of economic support programs and comprehensive assistance for women experiencing violence. For instance, in Argentina, the “Acompañar” (Accompany) Program provides financial aid to women and LTBIQ+ individuals, while in Costa Rica, the Mixed Institute of Social Assistance offers subsidies and training to support individuals in separating from violent environments. Although these programs aim to bolster the autonomy of victims, they continue to encounter significant challenges related to coverage and accessibility, particularly in rural areas and for women facing poverty.
378. Another shared focus is the provision of support for specific groups, including women with disabilities, Indigenous women, Afro-descendant Women, and LTBIQ+ individuals. In Chile, the Women with hearing disabilities Centre offers assistance to women with hearing disabilities experiencing violence, while Argentina and other nations have implemented measures to support Indigenous and migrant women. However, the absence of comprehensive data on similar programs in other states suggests that an intersectional approach has not been fully adopted in certain countries, impacting the right to truth and complicating the evaluation of state efforts.
379. In terms of inter-institutional coordination, Brazil’s Network to Confront Gender-based Violence against Women exemplifies a collaborative framework, uniting governmental and civil society institutions to provide a cohesive response. This approach is essential to due diligence, as preventing and addressing violence demands the active involvement of multiple sectors. Nonetheless, other countries continue to grapple with the challenge of establishing robust cross-sectoral strategies that effectively integrate justice, health, and social protection services.
380. The **Costa Rican** Office for the Care and Protection of Victims of Crime has collaborated with the Office of the Deputy Prosecutor for Indigenous Affairs to establish guidelines aimed at improving services within Indigenous territories and streamlining processes for lodging complaints and providing support to Indigenous communities. In **Guatemala**, the Office of the Ombudsman for Indigenous Women fulfills a similar role, while in **Mexico**, the Indigenous and Afro-Mexican Women’s Houses offer support to women victims of violence. Other States Party have not provided comprehensive information on comparable services currently in place. Finally,

**Brazil** reports that its Network to Confront Gender-based Violence against Women coordinates governmental and civil society institutions and services to develop prevention strategies and deliver assistance to women experiencing violence.

381. Despite notable progress, persistent challenges remain, including limited coverage in rural areas, insufficient data on women in vulnerable situations, and the need to enhance inter-agency coordination. Addressing these issues is essential to meet international standards for protecting women's rights. The CEVI underscores that some programs implemented during the period analyzed in this report aim to address the needs of diverse groups of women and to offer alternatives focused on strengthening support services for women victims of violence.
382. Finally, the Committee commends the efforts of some States to implement programs aimed at addressing, in certain cases, the structural causes of gender-based violence against women and promoting their autonomy, as well as those of countries like Brazil, which have developed strategies to coordinate these efforts. The Committee also welcomes initiatives specifically focused on women with disabilities, Indigenous and Afro-descendant women, and programs supporting LTBIQ+ individuals affected by gender-based violence, emphasizing that States' duty of due diligence is intrinsically linked to an intersectional understanding of various forms of discrimination.<sup>144</sup>

#### **d. Protection Measures**

383. The comprehensive analysis of protection measures within the States Party indicates a blend of advancements and ongoing challenges in meeting the standards of enhanced due diligence, as well as in fulfilling the duty to prevent, punish, and eradicate gender-based violence against women. Additionally, the deficiency of detailed data and insufficient follow-up mechanisms underscore the limitations of state capacities in collecting the information required to assess and oversee effective access to current protection systems. The CEVI observes that most States Party failed to report specific details on protection measures for women victims of violence. This lack of information implies that the CEVI is unable to assess the mechanisms ensuring compliance with these measures, such as the allocation of transfer funds, and the establishment of rescue and protection mechanisms essential for evaluating their implementation and effectiveness.<sup>145</sup> The Committee strongly urges States to provide comprehensive information on these aspects.
384. In Argentina, protection measures are outlined in Law 26,485; however, the absence of a unified national policy and comprehensive data on their implementation reveals significant gaps

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<sup>144</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemndopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 231.

<sup>145</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemndopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> p. 104.

in the monitoring and enforcement of these measures. While 996 requests for protection related to domestic violence were recorded, this data pertains solely to the province of Buenos Aires, underscoring the limited scope of available information. Furthermore, the lack of sanctions against aggressors who violate protection measures highlights deficiencies in the mechanisms designed to monitor and enforce compliance.<sup>146</sup>

385. In Costa Rica, the Domestic Violence Act establishes protective measures, yet these are primarily directed at intimate violence or domestic violence, excluding other forms of violence. The absence of data on the number of requests and approvals for such measures restricts the ability to monitor and evaluate their effectiveness. Although both the Judiciary and the Public Prosecutor's Office are involved in the process, the effectiveness of these protection measures is compromised by the lack of well-defined monitoring and oversight mechanisms.

386. Chile has introduced multiple standards and protocols aimed at protecting women victims of violence; however, these protective measures are still largely confined to cases of domestic violence. The Initial Risk Assessment Protocol is designed to offer timely protection. The CEVI notes with particular interest that in 2018, the Carabineros, the Investigative Police, the Ministry of Women and Gender Equity, and the Public Prosecutor's Office of Chile adopted the Unified Guideline Protocol for Initial Risk Assessment for Women Victims of Domestic Violence Within the Context of Intimate Partner Relationships, along with the Protocol for Immediate Protection. The Protocol aims to establish guidelines for adopting coordinated actions in such cases to ensure timely and effective protection. Although not exclusively targeted at women victims of violence, Chile has also implemented the "Guidance, Protection, and Support" Care Model through the National Prosecutor's Office since 2018. This model includes, among its objectives, the application of protection measures based on assessed risk levels. However, Chile has not reported data on the number of protection measure requests or those granted, hindering the assessment of compliance with protection standards. Additionally, no information was provided regarding the use or effectiveness of these measures, revealing a significant gap in information, monitoring, and oversight within these programs.

387. Colombia faces a similar situation, with protection measures established under Laws 1257 of 2008 and 2126 of 2021; however, as in other countries, no data has been reported on the implementation of these measures. The scope of protection is largely confined to domestic violence, thereby excluding other forms of gender-based violence. Moreover, the available information on collective risk assessment lacks a specific focus on women victims of violence, which undermines the individualized approach necessary for effective protection. Ecuador reported the presence of protection measures within its legislation; however, it did not provide details regarding their implementation or follow-up. While the existence of an electronic system for processing protection measures is noted, there is a lack of information to enable an evaluation

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<sup>146</sup> CLADEM. Shadow Report, Argentina. Access to Justice in Cases of Sexual Violence, available at: [https://belemdopara.org/wp-content/uploads/2023/06/Argentina-IVRonda\\_Mesecvi.pdf](https://belemdopara.org/wp-content/uploads/2023/06/Argentina-IVRonda_Mesecvi.pdf) p. 8.



of its effectiveness, complicating any assessment of women's access to these protective mechanisms.

388. El Salvador has established a directive to monitor protection measures; however, the lack of court specialization and inadequate follow-up on issued measures result in only partial protection. Additionally, no data was provided on the number of requests for, or grants of, protection measures. Civil society organizations have informed this Committee that these measures are "partially effective" due to the absence of follow-up and oversight mechanisms to ensure compliance,<sup>147</sup> which exposes victims to risk by depriving them of sufficient monitoring. In Guatemala, while laws aimed at preventing and punishing violence include provisions for protection measures upon victims' requests, no information was provided regarding their implementation.<sup>148</sup>

389. Paraguay has established protection measures under Law 5777, yet, similar to other States, it did not provide data on their implementation. In Uruguay, an electronic ankle bracelet program aims to protect high-risk victims of domestic violence; however, gender stereotypes and insufficient follow-up on complaints continue to be issues. Uruguay also failed to report figures on the number of requests for protection measures, hindering the ability to monitor their effectiveness. Civil society organizations have indicated that protection measures in Uruguay are inadequate, citing the persistence of gender stereotypes among recipients of complaints and within the judicial system, among other contributing factors.<sup>149</sup>

390. In Mexico, protection measures are outlined in the General Law on Women's Access to a Life Free of Violence; however, the absence of specialized risk assessments and delays in implementing these measures hinder their effectiveness.<sup>150</sup> No data was provided on the number of applications or grants of protection measures.

391. In Peru, protection measures are provided under various laws; however, no detailed information or data on their implementation has been presented, hindering an assessment of women's actual access to these mechanisms. The absence of data and proper monitoring impairs the State's ability to ensure effective protection. In Brazil, the Provita program offers protection to victims and witnesses, yet it does not focus exclusively on women victims of violence. As with other States, the lack of information on requests and granted measures limits a comprehensive analysis of the program's effectiveness in safeguarding women.

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<sup>147</sup> CLADEM. Shadow Report, El Salvador. Access to Justice in Cases of Sexual Violence, available at: [https://belemndopara.org/wp-content/uploads/2023/06/El-Salvador-IVRonda\\_Mesecvi.pdf](https://belemndopara.org/wp-content/uploads/2023/06/El-Salvador-IVRonda_Mesecvi.pdf) p. 4.

<sup>148</sup> CLADEM. Shadow Report, Guatemala. Access to Justice in Cases of Sexual Violence, available at: [https://belemndopara.org/wp-content/uploads/2023/06/Guatemala-IVRonda\\_Mesecvi.pdf](https://belemndopara.org/wp-content/uploads/2023/06/Guatemala-IVRonda_Mesecvi.pdf) p. 5.

<sup>149</sup> CLADEM. Shadow Report, Uruguay. Access to Justice in Cases of Sexual Violence, available at: [https://belemndopara.org/wp-content/uploads/2023/06/Uruguay-IVRonda\\_Mesecvi.pdf](https://belemndopara.org/wp-content/uploads/2023/06/Uruguay-IVRonda_Mesecvi.pdf) p. 8.

<sup>150</sup> CLADEM. Shadow Report, México. Access to Justice in Cases of Sexual Violence, available at: [https://belemndopara.org/wp-content/uploads/2023/06/Mexico-IVRonda\\_Mesecvi.pdf](https://belemndopara.org/wp-content/uploads/2023/06/Mexico-IVRonda_Mesecvi.pdf) p.8.

392. In summary, **although numerous States have enacted legal protection measures for women victims of violence, the lack of information regarding their implementation, monitoring, and effectiveness exposes significant limitations in the State's ability to meet due diligence standards.** This absence of data hinders the monitoring and evaluation of protection policies, jeopardizing women's actual access to protection systems and undermining their rights to justice and truth.
393. The Committee of Experts observes that several States Party have confined their reports to acknowledging the existence of regulations that permit the issuance of protection measures in cases of gender-based violence against women, along with limited information on guides, guidelines, and protocols for their application. The Committee also notes that some States have reported the adoption of electronic and automated procedures for applying and tracking these protection measures.
394. However, only Argentina provided partial data on the number of protection measures requested and granted. The Committee of Experts finds that, although States possess legislation that mandates protection measures and certain tools for their implementation, oversight, and monitoring, the absence of comprehensive data prevents an assessment of the impact of these actions on women who seek protection. The Committee therefore urges States to generate, collect, and submit this information promptly to facilitate effective evaluation.
395. The Committee of Experts reiterates that States must establish legal norms, institutional frameworks, budgets, and additional measures to ensure the protection of women victims of any form of violence throughout all stages of the judicial process, with adequate supervision.<sup>151</sup> It is insufficient for these measures merely to exist or to be granted; they must be supported by robust follow-up and oversight mechanisms.<sup>152</sup> The Committee urges States Party to strengthen protective measures for women, expand these provisions to encompass grounds beyond domestic violence, and develop informational programs on protection measures for women victims of violence.<sup>153</sup>
396. In this regard, the CEVI underscores once again that protection measures in the States Party are predominantly focused on cases of domestic or intimate partner violence, thereby neglecting other contexts of violence where protection measures may be crucial to safeguarding women's personal integrity or even their lives. This limitation raises significant concerns regarding the

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<sup>151</sup> MESECVI. MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 479.

<sup>152</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 493.

<sup>153</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 479.

effectiveness of protection systems for women who are victims of other forms of gender-based violence. This restriction on the scope of protection measures reveals a limited understanding of the complexity and diversity of gender-based violence against women. While domestic violence is a widespread and grave form of gender-based violence, it is not the only one. Women also experience violence in public spaces, in workplaces, and at the hands of both state and non-state actors in contexts of conflict or organized violence. By concentrating exclusively on domestic violence, women facing these other forms of aggression are left without protection, thereby infringing upon their right to comprehensive protection.

397. In countries such as Costa Rica, Chile, and Colombia, where protection laws are primarily focused on violence within the family, women facing sexual harassment, institutional violence, or violence in workplace and educational settings do not have the same protection guarantees. This limited approach is problematic, as it excludes a large number of women who may not be in situations of domestic violence but still require urgent protection measures. Furthermore, the exclusive focus on domestic violence fails to consider intersectional approaches that encompass the diverse ways in which women may be affected by violence based on their identity, class, ethnicity, or situation of vulnerability. Migrant, Indigenous, and Afro-descendant women, as well as those facing discrimination due to their gender or sexual identity, may experience violence outside the home and require specific protection measures that address their needs.

398. The absence of a comprehensive approach similarly hinders judicial and protective institutions from creating effective mechanisms to address other forms of gender-based violence. This limitation restricts the State's capacity to ensure access to justice and fulfill its duty of due diligence by not providing an adequate response to all manifestations of violence. Consequently, the lack of inclusive protection measures undermines the effectiveness of laws and policies intended to eradicate gender-based violence.

399. In summary, the narrow focus of protection measures on domestic violence leaves many women facing other forms of violence without adequate safeguards. To meet international standards for the prevention, punishment, and eradication of gender-based violence against women, it is imperative that States broaden the scope of their protection policies and ensure an effective response to all forms of gender-based violence, regardless of the context in which they occur.

400. Finally, while the CEVI recognizes that leveraging technology can significantly enhance care and protection services for women victims of violence, it also acknowledges that many women in the region may lack access to these technologies or the resources needed for their effective use. Consequently, it is essential to continue implementing programs and initiatives that, while not technology-dependent, remain accessible to all women.

401. In general terms, the CEVI observes that legal assistance and representation services, as well as specialized services and protection measures, have shown notable progress in both their

establishment and specialization. However, it also notes that there remain unaddressed obstacles and necessary actions that States have yet to implement, which would enhance these services and thereby offer women genuine opportunities to actively participate in justice processes as right-bearing individuals.

402. The Committee expresses concern regarding the discrepancy between the number of reported cases and complaints—discussed in subsequent sections—and the number of women utilizing shelters, specialized services, and the protection measures reported by States. This gap may reflect barriers to accessibility, limited coverage, and a lack of awareness among women about the services available to them.

403. The Committee urges States Party to take all necessary actions to address the issues identified by the CEVI throughout this section and to implement its recommendations accordingly.

#### **e. Advances and Challenges in the Criminal Justice System**

404. The Committee of Experts, having established the recognition of women who are victims of violence as right-bearing individuals within justice processes, and having examined both the progress and challenges in providing legal counsel, representation, specialized services, and protective measures to facilitate the effective exercise of these rights, evaluates the criminal justice system's role as a means of ensuring access to justice for women and girls affected by violence.

405. One of the most significant challenges identified by the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) is the prevention of femicide—a crime profoundly embedded in the structural inequality between men and women. In response to this issue, the MESECVI has developed the Inter-American Model Law on the Prevention, Punishment, and Eradication of the Gender-Related Killing of Women and Girls (Femicide/Feminicide), establishing a regulatory framework and minimum standards to ensure due diligence in preventing, investigating, and punishing gender-based violence against women. These standards aim to harmonize national regulations with international human rights principles. A critical component of implementation is the reform of criminal systems, many of which in Latin America have transitioned to a mixed accusatory approach. This system emphasizes oral proceedings, a clear delineation of roles among justice officials, and the active participation of victims—measures that collectively enhance the visibility of gender-based violence, curb power abuses, and strengthen oversight of investigations and judicial rulings. Such elements are indispensable for ensuring justice and truth in cases of gender-based violence against women.<sup>154</sup>

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<sup>154</sup> MESECVI/ONU Mujeres. Respuestas normativas para el cumplimiento de los estándares en materia de femicidio/feminicidio. Desafíos y buenas prácticas en la legislación procesal penal de la región (Normative Responses to Comply with Standards on Femicide/Feminicide: Challenges and Best Practices in Criminal Procedural Legislation in the Region), 2022, available at: <https://belemndopara.org/wp-content/uploads/2022/11/Informe-Respuestas-Normativas.pdf>

406. The Committee reiterates that criminal law has historically functioned as a primary instrument in addressing gender-based violence against women. Over successive Rounds of Evaluation and Follow-up with States Party, the Committee has documented numerous advances as well as ongoing challenges in this area. The Committee has thus observed that, while criminal law has indeed proven valuable in the investigation and punishment of gender-based violence, its inherently androcentric nature, among other factors, renders it a pathway fraught with complexities and obstacles for women victims.

407. The MESECVI has highlighted that international legislation governing crimes against humanity, gender-based violence, and the rights of children and adolescents mandates that alternative approaches, which regulate the discretionary use of criminal action, must be applied restrictively in such cases. This restriction arises from the severe human rights violations inherent in these crimes, which, rooted in the imbalance of power between victim and perpetrator, are fundamentally incompatible with any form of negotiation or reparation agreement.<sup>155</sup>

### **1. The Criminal Investigation**

408. As previously noted by the Committee, women's access to justice must be understood in terms of both the factual and legal feasibility of accessing judicial mechanisms.<sup>156</sup> Within the realm of criminal justice, the MESECVI has recognized a bilateral system of guarantees, emphasizing the need to uphold due process rights not only for individuals under investigation, prosecution, or conviction but also for those who have endured violence. Indeed, guarantees such as access to justice, equality before the courts, the right to defense, the impartiality and independence of the judiciary, and the effective protection of rights must be afforded to both the accused and the victim.<sup>157</sup>

409. Within this framework, the definition of "victim" holds critical importance: The broad definition proposed by the Model Law encompasses a woman or group of women who are in imminent danger of harm "whether physical, psychological, emotional, economic, patrimonial or substantial impairment of their fundamental rights, as a result of femicide/feminicide actions or omissions" (Art. 3, which outlines the definitions of the Model Law). This term also extends to include the immediate family and dependents of the direct victim, as well as individuals who have suffered harm while intervening to assist victims at risk or to prevent victimization. Notably, the designation of "victim" remains independent of whether legal proceedings have been initiated

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<sup>155</sup> Idem., p. 10.

<sup>156</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemndopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 226.

<sup>157</sup> MESECVI/ONU Mujeres. Respuestas normativas para el cumplimiento de los estándares en materia de femicidio/feminicidio. Desafíos y buenas prácticas en la legislación procesal penal de la región (Normative Responses to Comply with Standards on Femicide/Feminicide: Challenges and Best Practices in Criminal Procedural Legislation in the Region), 2022, available at: <https://belemndopara.org/wp-content/uploads/2022/11/Informe-Respuestas-Normativas.pdf> p. 13.

against the aggressor, whether the aggressor has been identified, or whether there exists a familial relationship between the aggressor and the victim.<sup>158</sup>

410. In this regard, States hold a proactive duty to eliminate all barriers that hinder or restrict access to justice for women who are victims or survivors of violence,<sup>159</sup> including barriers to filing complaints. Competent authorities are thus required to receive complaints in full, refraining from attempts to dissuade victims from proceeding or from drafting circumstantial reports or other documents that do not constitute a formal complaint and therefore do not initiate an investigation. The Committee observes a concerning tendency to dismiss the statements and complaints of women who are victims of gender-based violence due to the application of gender stereotypes by public prosecutor's offices and prosecutors, who may blame the victims, undermine their statements, or diminish the credibility and significance of the violent acts. This practice erodes trust in the criminal justice system, discouraging women from reporting the violence they endure and sending a message that such violence is tolerated by authorities.

411. To fulfill the duty of due diligence, prosecutors' offices, agencies, and units within the Public Prosecutor's Office must, upon receiving a complaint of gender-based violence against women, promptly initiate *ex officio* investigations. These investigations should commence immediately, adhere to reasonable timelines, and proceed proactively.<sup>160</sup> They should employ a gender-responsive approach, alongside intercultural and intersectional perspectives, recognizing the numerous barriers women face in accessing justice, with particular attention to vulnerable groups. Furthermore, when the circumstances of a case demand it, they must implement or mandate protective measures to safeguard the victim's personal integrity and, in some cases, their life. Additionally, agents of the Public Prosecutor's Office and prosecutors must possess sufficient, current, and relevant information to direct women victims to the specialized services they require, including free legal counsel and representation.

412. Throughout investigations, prosecutors must consistently avoid revictimizing the women and girls involved, respect their autonomy, and refrain from pressuring them to disclose information for the investigation.<sup>161</sup> Employing a gender-responsive approach in an investigation requires that every action, procedure, investigation plan, legal classification of facts, interaction with the female victim, as well as the evaluation and analysis of evidence and litigation strategy, be conducted with this perspective in mind. **The CEVI emphasizes that initiating investigative lines focused on the prior sexual or social behavior of victims in cases of gender-based**

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<sup>158</sup> *Idem.*, p.21.

<sup>159</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemndopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 229

<sup>160</sup> Inter-American Court of Human Rights. Case of the "Mapiripán Massacre" v. Colombia. Judgment of September 15, 2005 (*Merits, Reparations, and Costs*) Series C No. 134, para. 219 y 223

<sup>161</sup> Murad Code. Principle 2, available at: <https://www.muradcode.com/murad-code>

**violence reflects the application of gender stereotypes<sup>162</sup> and contravenes the Convention.**

When the victim of violence is an Indigenous woman, a woman with disabilities, an Afro-descendant woman, a girl, an elderly woman, or an LGTBQ+ individual, agents of the Public Prosecutor's Office and prosecutors must make the necessary adjustments to these actions, applying an intersectional perspective and, where relevant, a disability-sensitive approach.

413. In fulfilling the obligation to organize the entire State apparatus to adequately address gender-based violence against women,<sup>163</sup> mechanisms for prosecuting crime—specifically the prosecutors' offices, agencies, and units of the Public Prosecutor's Office—must ensure sufficient national coverage. This guarantees that women, regardless of their location, can file complaints should they choose to do so. Accordingly, there must be an adequate number of entities available to receive complaints, including the police, particularly in marginalized areas,<sup>164</sup> where trained personnel and established protocols are essential<sup>165</sup> for handling and investigating complaints and, ideally, prosecuting them. These resources are crucial to effectively implement comprehensive laws in specific cases, thereby advancing women's access to justice.

414. In addition to considering the victim's perspective, it is crucial to recognize their rights, using these rights as a foundation to determine the substantive developments needed to establish a system of bilateral guarantees in the administration of criminal justice. This approach aligns with the principle that "the State prosecutes crime primarily to fulfill its obligation to ensure victims' right of access to justice," thereby enabling victims to seek and claim this right before the courts. This recognition entails that the procedural guarantees of due process must function as a bilateral system, upholding the principles of equality and the right to effective judicial protection for all individuals. In practice, this means that the effectiveness of these guarantees must be ensured for both the accused and the victims, whether they are shared by both parties or specific to each."<sup>166</sup>

415. Regarding victims' rights, Article 20 of the Model Law on Femicide/Femicide grants victims the right to: a. Universal access to justice, including free and specialized representation nationwide, whether in urban or rural areas, which may be provided directly or through agreements with civil society women's organizations or specialized private institutions, ensuring support and

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<sup>162</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 516.

<sup>163</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemdopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 231.

<sup>164</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemdopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 234.

<sup>165</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemdopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 234.

<sup>166</sup> MESECVI/ONU Mujeres. Respuestas normativas para el cumplimiento de los estándares en materia de femicidio/feminicidio. Desafíos y buenas prácticas en la legislación procesal penal de la región (Normative Responses to Comply with Standards on Femicide/Feminicide: Challenges and Best Practices in Criminal Procedural Legislation in the Region), 2022, available at: <https://belemdopara.org/wp-content/uploads/2022/11/Informe-Respuestas-Normativas.pdf> p. 48.



assistance as needed; b. Reasonable accommodations to enable effective access to justice for victims with disabilities; c. Information about their rights, the opportunity for their opinions, needs, interests, and concerns to be considered by the Tribunal, and full participation and cooperation at all stages; d. Provision of a translator and/or interpreter for victims and relatives in need, accommodating their nationality, language, or disability; e. Protection from deportation for foreign and migrant women and their dependents as a result of filing a complaint, even if they are in an irregular migratory situation.

416. In this context, the Committee will first examine the existence and nature of mechanisms currently in place for prosecuting crimes, the guarantees provided through State capacities and structures to address complaints, and the mechanisms available for establishing specialized prosecutors' offices or entities with the mandate to investigate crimes of gender-based violence against women. Secondly, it will evaluate the protocols and action guidelines that direct their activities in cases of gender-based violence.

## **2. Mechanisms for Prosecuting Crime in Cases of Gender-based Violence Against Women**

417. The CEVI observes that numerous States Party have established specialized prosecutors' offices, units, or agencies dedicated to addressing gender-based violence against women, either broadly or targeting specific offenses. For instance, Argentina reports the existence of the Specialized Prosecutorial Unit on Gender-based Violence against Women (UFEM) and the Prosecutor's Office for Trafficking and Exploitation of Persons. Additionally, the General Directorate of Access to Justice, affiliated with the Public Prosecutor's Office of the Nation, has been instituted to enhance access to justice for individuals in vulnerable situations. In Chile, specialized prosecutors' offices operate at the municipal level, including the Local Prosecutor's Office for Sexual Crimes and Domestic Violence, as well as Prosecutor's Offices for Gender. However, Chile has not provided a comprehensive count of these offices. Notably, the CEVI emphasizes that Chilean prosecutors' offices offer access to sign language interpretation services.

418. The Attorney General's Office of the Nation in Colombia has established the National Working Group on Gender Violence, which, according to the State, serves as an investigative body on this critical issue. In El Salvador, the Deputy Prosecutor's Office for Women, Children, Adolescents, and Other Vulnerable Groups was created in 2021. This office comprises the Directorate for Women, Children, Adolescents, and Other Vulnerable Groups, the Specialized Unit for the Investigation of Femicide, and the Gender Unit.

419. In Paraguay, the Specialized Unit against Family Violence, previously known under a different name, has been operating within the Attorney General's Office since 2018, with a total of nine specialized units established across the country. In Mexico, alongside the Special Prosecutor's Office for Crimes of Gender-based Violence against Women and Human Trafficking (FEVIMTRA) within the Attorney General's Office, the State reports that, in 2022, several



prosecutors' offices in various states implemented organic laws mandating the establishment of specialized offices for investigating femicides. Although the State indicated that several prosecutors' offices specialize in addressing sexual crimes, gender-based violence against women, domestic violence, and human trafficking, it did not specify the exact number of these offices or identify their locations. Mexico also reported implementing certain measures in some prosecutors' offices to enhance accessibility for women with disabilities. However, these measures are focused primarily on mobility, thus failing to comprehensively address the diverse needs of women with various disabilities.

420. **Brazil** reports that, since 2006, mechanisms have been implemented to address cases of domestic and family violence, with a particular emphasis on specialized police services provided through Women's Assistance Stations. These stations are staffed by trained professionals who conduct prevention, protection, and investigation activities related to domestic violence, sexual violence, and other forms of gender-based violence against women. However, not all cities in the country are served by these police stations. The Centers for Attention to Women Victims of Violence, operated by the Public Prosecutor's Office, are responsible for initiating public criminal actions, requesting investigations from the Civil Police, and seeking urgent protection measures from the Judiciary.

421. Costa Rica, Guatemala, and Uruguay did not report the existence of specialized prosecutors' offices, units, or agencies within the Public Prosecutor's Office dedicated to gender-based violence against women. Guatemala, however, noted the establishment of the Department of Investigation of Crimes against Women within the National Civil Police in 2018.

422. The Committee observes that many States Party have yet to establish specialized prosecutors' offices or have done so only for cases involving domestic violence or specific forms of violence, such as femicide/feminicide. It also notes that the States did not report on the jurisdiction of other prosecutors' offices to handle cases of gender-based violence against women, nor did they provide adequate information regarding the extent of national coverage of entities responsible for receiving complaints.

423. **The CEVI urges States to provide comprehensive information and to establish specialized prosecutors' offices that are well-coordinated with other prosecutorial bodies, agencies, and investigative units to enable thorough and cohesive investigations, thereby preventing case fragmentation.** The Committee, as it has recommended in the past,<sup>167</sup> also encourages States to expand the presence of entities for receiving complaints, particularly in marginalized and remote areas. In addition, the CEVI calls on States to ensure that prosecutors' offices handling cases of gender-based violence against women—whether specialized or not—are

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<sup>167</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 507.

staffed with trained, permanent personnel equipped to support women victims of violence. These personnel should possess the necessary skills to conduct investigations and prosecutions promptly and effectively, applying a gender-responsive approach.

### 3. Protocols and Guidelines for Action in Criminal Investigations

424. Upon reviewing recent regulatory advancements, it becomes apparent that multiple countries have implemented significant regulations and protocols to address the investigation of gender-based violence, femicide/feminicide, and related crimes. Central to these initiatives is the development of specialized protocols aimed at embedding gender-responsiveness in judicial and law enforcement investigations, reflecting the imperative to harmonize procedures in line with the principle of due diligence. Nonetheless, challenges persist regarding the effective implementation and the reach of certain mechanisms within this framework.
425. Among the most significant advancements, **Argentina** stands out with its adoption of the Protocol for the Investigation and Litigation of Cases of Violent Deaths of Women (2018), which aligns with the United Nations Latin American Model Protocol. Similarly, **Costa Rica**'s Deputy Prosecutor's Office for Gender has, since 2018, implemented operational guidelines for investigating gender-based violence and femicide, thereby standardizing criteria nationwide. In **Chile**, the institutional approach has been strengthened by the Manual for the Investigation of Cases of Physical and Psychological Violence for Gender Reasons (2019), and the implementation of protocols for investigating femicides since 2021.
426. Other countries, such as **Colombia and Ecuador**, have implemented guidelines and protocols, including Colombia's Directive 001 of 2021 for prosecuting domestic violence and Ecuador's National Protocol to Investigate Femicides (2021), a crucial tool in the prosecution of such crimes. **El Salvador** has advanced with the Policy on Criminal Prosecution of Gender-based Violence against Women (2019) and the Inter-institutional Protocol for Attention Free of Secondary Victimization (2020), aimed at preventing the revictimization of women.
427. In **Guatemala**, culturally and linguistically relevant protocols have been implemented to support indigenous women, an advancement aimed at removing barriers to justice for this population. However, a common challenge across many States is the lack of adequate training and resources for effective implementation of these protocols. In **Mexico**, for instance, multiple protocols have been adopted, yet there is limited information on their effective application in cases involving the disappearance of women and girls. The CEVI regrets that **Paraguay** has not submitted information on this matter.
428. **The Committee of Experts welcomes the fact that most States have established protocols and guidelines for investigating gender-related killings of women/femicide.** Notably,

Argentina, Guatemala, Mexico, and Peru have adopted protocols addressing the disappearance of women and girls, in line with the Committee's recommendation to create and implement gender-responsive investigation protocols that support the thorough investigation of such cases.<sup>168</sup> These protocols serve as valuable tools in fulfilling the State's duty of due diligence.<sup>169</sup>

429. In the same vein, the CEVI is pleased to receive information on the issuance of action guides and protocols that extend beyond the responsibilities of Public Prosecutor's Office agents and prosecutors to include police forces, who often conduct investigative work or serve as first responders. This also applies to the protocols reported by States that have been adopted for medical-legal services.

430. An important advancement is the approval of protocols aimed at enhancing the care provided by the justice system, as well as those designed to standardize actions in cases of gender-based violence against women, which the Committee considers essential for federated States Party. Additionally, progress has been made in adopting guidelines and protocols for litigating cases of gender-based violence against women in Argentina, Colombia, and Guatemala. The CEVI urges other States Party to adopt similar tools. While the investigation of acts of gender-based violence against women is indeed fundamental, recent years have seen an excessive focus on this stage, with insufficient attention given to the successful prosecution and litigation of such cases. In this regard, it is essential that members of the Public Prosecutor's Office and prosecutor's offices possess the guidelines and skills necessary to develop and implement litigation strategies that incorporate gender, intersectional, and disability perspectives, where applicable, to secure convictions and conduct participatory judicial processes that prevent the revictimization of women.

431. **The Committee notes that none of the States Party report having protocols or guidelines to ensure the effective participation of women victims in investigations and, depending on national legislation, as parties to the judicial process.** In reaffirming the importance of women's rights within their own justice processes, as well as the obligation to establish institutional frameworks that facilitate victims' effective participation,<sup>170</sup> the CEVI recommends that States Party adopt protocols containing action guidelines and pathways for the involvement of women and their legal representatives. Such protocols must therefore include guidelines for assistance, information sharing, and evidence exchange; the preparation and involvement of victims in investigative proceedings; mechanisms for holding the Public Prosecutor's Office or prosecutors accountable to the woman victim; immediate notification of proceedings, hearings, case prosecutions, trial preparation, and sentencing, among other elements.

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<sup>168</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 2): Missing Women and Girls in the Hemisphere, 2018, available at: <https://belemndopara.org/wp-content/uploads/2021/12/RecomendacionMujeresDesaparecidas-EN.pdf> p. 27

<sup>169</sup> Idem.

<sup>170</sup> Inter-American Court of Human Rights. Case of the Rochela Massacre v. Colombia. Judgment of January 28, 2008. (*Interpretation of the Judgment on the Merits, Reparations and Costs*) Series C No. 175, para. 195.

Additionally, these protocols should foster collaboration with groups of women victims of violence whose cases are under their jurisdiction, adhering to the same standards throughout.

432. The Committee also notes that few States report having protocols and guides with an intersectional perspective that adapt procedures to meet the diverse needs of women, including women with disabilities and girls who are victims of sexual violence. Few protocols address the specific requirements of investigations involving minors, as well as the procedures and pathways to be followed in these cases. For this reason, the CEVI urges States to adopt intersectional protocols that support the diligent investigation of crimes against women in all their diversity.

433. While the CEVI appreciates the information provided by the States Party and acknowledges their progress, it remains concerned, as in previous rounds,<sup>171</sup> about the insufficient data on the implementation, challenges, good practices, and impact of these measures on investigations and prosecutions of gender-based violence against women cases. Therefore, it urges States to present complete and disaggregated information to enable thorough evaluation and analysis.

#### **f. Proceedings Before Criminal Courts**

434. However, following a review of pertinent aspects concerning mechanisms of criminal prosecution in the States Party discussed in this report, the Committee deems it essential to address the role of criminal courts. These courts represent the subsequent phase in the pursuit of justice for women who have experienced violence.

435. The CEVI reaffirms that paragraphs 8 and 25 of the American Convention on Human Rights establish that every individual has the right to be heard, within a reasonable time and with appropriate guarantees, by a competent, independent, and impartial tribunal. Additionally, individuals are entitled to prompt and straightforward recourse to safeguard against acts that infringe upon their human rights. In relation to gender-based violence against women, the Inter-American Court of Human Rights has acknowledged that the judicial guarantees and protections outlined above are further complemented and strengthened by Articles 7(b) and 7(c) of the Belém do Pará Convention.<sup>172</sup> Consequently, it is imperative that courts, whether specialized or competent in the matter, be established to address cases of gender-based violence against women in all its forms. These courts should have a presence throughout the territories of the States Party, thereby enhancing accessibility for women who have experienced violence.

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<sup>171</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 332.

<sup>172</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 505.

436. States must also guarantee that, throughout every stage of the criminal process, judicial bodies remain impartial and independent, investigations are conducted with diligence and expediency, and that the quality of these investigations and proceedings is upheld, ensuring the effective participation of victims.<sup>173</sup> In this context, judges must implement all necessary measures to safeguard the personal integrity of women victims, their relatives, and witnesses. Furthermore, they must make reasonable and necessary accommodations<sup>174</sup> to facilitate the meaningful participation of women with disabilities in the proceedings, tailoring the processes to meet the specific needs of all involved parties.<sup>175</sup> Accordingly, where permitted by national legislation, courts must allow the use of technology to facilitate the collection of testimony from victims, particularly in cases involving minors. Furthermore, it is essential that courts uphold the principle of equality of parties during proceedings—a cornerstone of modern criminal procedural law and a right recognized under Article 4, paragraph (f) of the Belém do Pará Convention—yet this principle is seldom applied in favor of the victim and her representatives.

437. **When issuing resolutions, opinions, or judgments, courts are obligated to apply a gender-sensitive, intersectional, and disability-inclusive perspective where relevant, thereby avoiding the application of gender stereotypes,** which, as the Committee has previously established, constitute a structural barrier to accessing and obtaining justice. This approach ensures that legal processes are dignifying and reparative for victims of gender-based violence.<sup>176</sup>

438. Accordingly, the Committee will proceed to examine the presence of criminal courts specialized in cases of gender-based violence against women or with jurisdiction over such matters, the protocols and guidelines that govern their actions, and the transparency and accessibility of information concerning judgments and resolutions.

### **1. Specialized Courts or Courts with Jurisdiction to Hear Cases of Gender-based Violence Against Women and Girls**

439. Both the CEDAW and the Inter-American Court of Human Rights have advocated for the establishment of specialized courts as mechanisms to ensure effective access to justice for women.

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<sup>173</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 488.

<sup>174</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf> para. 8.

<sup>175</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf> para. 8.

<sup>176</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf> para. 331.

The CEDAW, in its General Recommendation No. 33,<sup>177</sup> asserts that States must create specialized judicial systems that are gender-responsive to guarantee that women can access justice efficiently and without discrimination. For its part, the Inter-American Court of Human Rights<sup>178</sup> has urged States to adopt specialized justice mechanisms, emphasizing that judges and courts trained in gender issues are essential to fulfill the duty of due diligence and to provide adequate protection for women who are victims of violence. The Committee has also noted that the establishment of specialized courts for gender-based violence is crucial to ensure that cases of gender-based violence against women are handled with due diligence and a gender-responsive approach.<sup>179</sup>

440. This form of justice enables a deeper understanding of the dynamics of violence and prevents the revictimization of women, while also ensuring an effective and accessible judicial response. The CEVI has recommended that States establish such specialized courts in their monitoring and evaluation reports, underscoring that judicial specialization is a critical element for ensuring effective access to justice and the comprehensive protection of women's rights.

441. Advances in the specialization of gender justice in Latin America are, therefore, essential to guarantee effective access to justice for women who are victims of violence. In this context, several countries in the region have established specialized courts and tribunals for gender-based violence, marking a significant step toward protecting women's rights and enhancing the administration of justice with a gender perspective.

442. In **Argentina**, local courts with jurisdiction over family and gender-based violence in both civil and criminal matters have been established in several provinces. Similarly, **Costa Rica** has implemented specialized domestic violence courts across various regions and jurisdictions, facilitating access to justice for women throughout the country.

443. **Chile** reports the existence of courts specializing in gender-based violence against women and girls, although information on their jurisdiction remains limited. Additionally, the Precautionary Measures Centers within the Family Courts in Santiago issue urgent protection orders for victims. **Ecuador**, for its part, has implemented 39 Specialized Judicial Units on Violence, staffed by over 100 specialized judges, reflecting significant progress in the specialization of gender justice within the country.

444. Since 2016, **El Salvador** has developed specialized courts known as the Specialized Courts for a Life Free of Violence and Discrimination for Women. These courts are located in various regions and include a Specialized Chamber in San Salvador, ensuring focused judicial attention in

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<sup>177</sup> Committee on the Elimination of Discrimination Against Women (CEDAW) General recommendation No. 33 on women's access to justice. CEDAW/C/GC/33, 2015, available at: <https://documents.un.org/doc/undoc/gen/n15/241/90/pdf/n1524190.pdf>

<sup>178</sup> Inter-American Court of Human Rights. Case Gonzalez et al. ("Cotton Field") v. México. Judgment of November 16, 2009. (*Preliminary Objection, Merits, Reparations, and Costs*)

<sup>179</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemndopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf>

cases of gender violence. In **Guatemala**, Appeals Court Chambers and criminal sentencing courts specializing in femicide and other forms of gender-based violence against women have been established. Additionally, a courtroom dedicated to individuals with disabilities has been created, reflecting an inclusive approach to handling cases of violence.

445. **Uruguay** has established Specialized Family Courts with jurisdiction over domestic violence, as well as Courts of First Instance specializing in gender-based, domestic, and sexual violence. **Peru** similarly has family courts sub-specialized in gender-based violence against women, located throughout the country. **Brazil** has also advanced in this area by creating exclusive criminal courts specializing in gender-based violence against women.

446. **Colombia, Paraguay, and Mexico** have not reported the establishment of specialized courts for gender-based violence, representing a gap in effective legal protection for women who are victims of violence in these countries.

447. A concerning aspect in several countries that have implemented specialized courts is that their jurisdiction is often limited primarily to cases of domestic violence, excluding other forms of gender-based violence, such as sexual harassment, exploitation, institutional violence, or violence in public spaces. This limitation can obstruct access to justice for women who experience violence outside the domestic sphere, as they encounter judicial systems that are not equally equipped to address the full spectrum of gender-based violence. **Expanding the jurisdiction of these courts to encompass all forms of gender-based violence against women is essential to ensure comprehensive and effective protection, in line with international human rights standards and the principle of due diligence.**

448. **The Committee has identified several key obstacles to accessing justice for women victims of violence, including the limited number of specialized courts or courts with jurisdiction in this area, their sparse distribution in rural or remote regions, and insufficient funding to strengthen and expand support services.**<sup>180</sup> States have an obligation to ensure universal access to justice for women victims of violence; thus, the CEVI urges States Party to establish specialized courts with effective judicial remedies, particularly in areas where the most vulnerable women reside.<sup>181</sup>

449. In conclusion, the establishment of specialized courts for gender-based violence is essential to improve access to justice, apply a differentiated approach that addresses the severity and specific characteristics of these crimes, and ensure due diligence in the investigation and resolution of

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<sup>180</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf> para. 497.

<sup>181</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf> para. 497.



cases. These courts enhance the understanding of gender-based violence dynamics and strengthen the protection of women's rights across the region. Although strides have been made toward judicial specialization, the effectiveness of specialized justice in reducing the high rates of impunity that persist in the region remains to be fully evaluated.

## **2. Protocols and Guidelines for Judges Handling Cases of Gender-based Violence Against Women and Girls**

450. Amid the COVID-19 pandemic in 2020, **Chile** introduced the "Protocol for Attention to Access Channels for Reporting Domestic and Gender Violence" alongside the "Protocol for the Judicial Application of Measures for the Protection of the Rights of Children and Adolescents," in accordance with Act 53-2020. Since 2021, an additional protocol has been implemented to facilitate coordination between Family Courts and the National Women's Service, enabling the referral of women to shelters. The CEVI emphasizes the Judiciary's proactive collaboration with services supporting women's care and protection.
451. In **Uruguay**, the "Protocol for the Detection and Assessment of Risk in Cases of Violence" was updated in 2020 under the Law on Gender-Based Violence. Additionally, a protocol for the remote collection of statements from protected witnesses and victims was adopted, enhancing accessibility to justice. In **Mexico**, the Supreme Court of Justice issued the "Protocol for Judging with an Intercultural Perspective" in 2022 and, in 2021, published manuals for gender-responsive adjudication in labor, criminal, family, and administrative matters. In 2022, it also released a handbook on the impact of gender stereotypes on the administration of justice, underscoring a comprehensive approach across various legal domains. The CEVI commends these advancements, aligning with articles 2(b) and 7(c) of the Convention.
452. **Peru** adopted a protocol for judicial assistance for persons with disabilities in 2018. In **Brazil**, the National Council of Justice established a Working Group in 2020 aimed at enhancing judicial policies on gender-based violence against women. Subsequently, in 2021, it issued a recommendation urging the entire judicial system to adopt the "Protocol for Trial with a Gender-Perspective."
453. Argentina, Colombia, Ecuador, El Salvador, and Paraguay did not report the adoption of specific judicial protocols within the period under analysis.

## **3. Publicity and Access to Information on Judgments and Opinions**

454. The CEVI reiterates the imperative for States Party to cultivate a gender-responsive statistical culture within the judiciary, enabling States to furnish this Committee with



comprehensive and accurate information.<sup>182</sup> Such a framework is essential for achieving more effective outcomes in monitoring and evaluating public policies<sup>183</sup> aimed at ensuring women's access to justice, truth, and reparation.

**455. In this context, the CEVI observes that Argentina, Costa Rica, Chile, Colombia, Guatemala, Mexico, and Peru have provided information to the Committee on a range of pertinent judicial and administrative decisions that incorporate the principles of the Belém do Pará Convention across various levels and domains. Conversely, Ecuador, El Salvador, Paraguay, and Uruguay did not submit information for this indicator.**

456. An analysis of reports on the publication of statistics and studies concerning gender-based violence against women reveals notable progress in some countries, though persistent challenges remain in others. Argentina, Costa Rica, and Ecuador are particularly distinguished for maintaining regular systems for publishing detailed statistics. Argentina releases annual reports on femicides through the Women's Office of the Supreme Court, while Costa Rica publishes annual statistics via the Observatory of Gender Violence within the Judiciary. Ecuador, for its part, publishes the Open Justice Bulletins, which provide information on femicides, protective measures, and gender-based violence against women and children, with particular attention to vulnerable groups, including Afro-Ecuadorian women. These publications are essential for raising awareness of the situation and assessing the judiciary's response.

457. El Salvador has also advanced in producing comprehensive annual reports that encompass statistics on complaints, sentences, and the involvement of various institutions in cases of gender-based violence against women. This initiative offers a broader perspective on the judicial process and inter-institutional collaboration. Uruguay, meanwhile, publishes judicial yearbooks containing data on hearings and cases of gender-based violence against women. In contrast, Mexico has reported only on the study "Equality and Non-Discrimination" and lacks detailed, periodic reports at the national level.

458. Regarding jurisprudence databases, Argentina, Costa Rica, and Chile have established specific repositories that incorporate a gender perspective. In contrast, Colombia, Guatemala, Paraguay, and Peru reported no specialized systems of this kind. This lack of information in the latter countries highlights a gap in monitoring and access to critical data necessary for assessing judicial performance in cases of gender-based violence.

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<sup>182</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf> para. 513.

<sup>183</sup> MESECVI. MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para 513.

459. The CEVI acknowledges the efforts of States in promoting transparency and access to information on rulings and resolutions related to gender-based violence against women. It further urges States to collect comprehensive data on all forms of gender-based violence against women and to establish regular publications on this subject. While CEVI notes that many States Party have developed jurisprudence databases, it also observes that these resources are not always accessible to the general public. Therefore, periodicals and studies play a crucial role, as they provide access to this information for women in all contexts.

#### **g. Training and Development Processes for Criminal Justice System Operators**

460. The Belém do Pará Convention mandates that States must promote the training of justice system personnel, including police,<sup>184</sup> and those responsible for conducting relevant investigations. The Committee reiterates that, as part of the State's obligation to ensure access to justice, it is essential for criminal justice system operators to receive thorough training, with a commitment to applying a gender-responsive approach in all aspects of their work.<sup>185</sup> **The Committee further emphasizes that it is a priority for training, particularly for personnel within the criminal justice system, to be explicitly designed and focused on eradicating gender stereotypes in reasoning, actions, and attitudes, given the serious implications these biases have on women's access to justice, truth, and reparation in cases of violence.**<sup>186</sup>

461. The CEVI reaffirms its position that institutionalized and permanent training programs in human rights and gender are essential. These programs should incorporate international standards to ensure due diligence in handling complaints, investigations, and criminal proceedings in cases of gender-based violence against women.<sup>187</sup> These programs must encompass Public Prosecutors, judges, lawyers, and other officials within the justice sector.<sup>188</sup> The training should cover topics

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<sup>184</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 514.

<sup>185</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 508.

<sup>186</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 521.

<sup>187</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 517.

<sup>188</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 522.

such as the impact of trauma on women, national legal provisions on violence,<sup>189</sup> research methodologies, gender stereotypes, and analyses on the application of the Convention in judicial measures, rulings, resolutions, and opinions, among other relevant areas.<sup>190</sup>

462. An analysis of training programs on gender-based violence across various Latin American countries reveals significant advancements in the specialization of justice system actors, though certain areas still require improvement. In Argentina, numerous training sessions have been conducted for prosecutors and judges on topics related to gender violence, diversity, and human rights, with involvement from various institutions, including the United Nations. However, the lack of consistent reporting on participant numbers hinders an accurate assessment of the programs' impact.
463. Costa Rica has also demonstrated progress through a comprehensive approach, training judges, prosecutors, and public defenders on issues encompassing gender-based violence, sexual harassment, and the rights of individuals with disabilities, as well as those of migrants and refugees. The country's notable emphasis on including public defenders in these training programs ensures a more integrative approach within the judicial system. In Chile, training initiatives have encompassed a diverse array of justice operators and police officers, addressing a variety of topics such as femicide, sexual harassment, and domestic violence. These efforts have benefitted over 19,000 women and 6,000 men, reflecting a significant commitment to engaging both justice operators and civil society in the fight against gender-based violence.
464. Colombia has reported on training programs related to gender-based violence; however, it did not provide specifics regarding the scope of these initiatives. Reports from civil society indicate that adequate training has not been conducted in certain regions, highlighting a disparity in national coverage. In Ecuador, the focus has been on raising awareness and preventing the revictimization of survivors, particularly among prosecutors and public defenders, although participation figures remain limited. In contrast, Guatemala provides more detailed statistics, reporting that between 2018 and 2021, 6,377 men and 9,649 women were trained. This data demonstrates a clear commitment to educating justice system personnel on issues related to gender-based violence.
465. Paraguay has presented information regarding its training initiatives, indicating that a total of 2,754 officials were trained in 2020. However, the lack of additional details on national coverage creates uncertainty about the actual impact of these programs. In contrast, Uruguay reported more

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<sup>189</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 519.

<sup>190</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 522.

limited training efforts, though these initiatives emphasize human rights and a gender-responsive approach.

466. Mexico and Peru have also implemented training programs primarily aimed at prosecutors and public defenders. However, both countries have identified gaps in the coverage of these training initiatives, particularly at the federal level and within the courts of certain states. Overall, while training and awareness-raising efforts are evident, the absence of detailed information regarding the coverage of these initiatives reveals ongoing challenges related to equitable access and the limited inclusion of all actors within the justice system in many of these countries.
467. The CEVI indicates that an analysis of the figures provided regarding training on gender-based violence issues in Latin America reveals uneven progress among different countries. While some data reflect a sustained effort to enhance the capacities of justice system actors, other countries exhibit significant gaps in both coverage and the number of officials trained.
468. In conclusion, although some countries have demonstrated significant progress in training their justice operators, the data indicate that coverage is often insufficient, and training is not equitable across all regions. This situation underscores the necessity for sustained efforts to ensure that all actors within the justice system receive adequate training to effectively address the challenges related to gender-based violence.
469. The CEVI notes the absence of information regarding the use of indicators to assess the impact of training and educational processes. While some programs appear to be periodic, many others are conducted sporadically, which contradicts the Committee's recommendations to sustain these processes in a permanent and institutionalized manner.
470. The Committee appreciates that States Party are implementing training programs addressing issues of gender-based violence against women and the Belém do Pará Convention. These trainings have explored critical topics, including the legal classification of incidents, the litigation of violence cases, the needs of indigenous peoples, the rights of individuals with disabilities, and workplace harassment. However, the Committee observes that few of these training initiatives specifically target women from vulnerable groups, such as those with disabilities, migrants, or refugees.
471. Additionally, the Committee underscores the absence of mechanisms to assess the impact of training and the number of officials trained, which are essential for identifying best practices and areas needing improvement. It urges States to report on these mechanisms and to institutionalize them to ensure the effectiveness of training processes.
472. The Committee emphasizes the necessity of training not only for prosecutors and judges but also for police forces, who often serve as the first responders to cases of gender-based violence against women in many States. Furthermore, it is essential that those providing legal assistance

and representation services to victims receive ongoing training, as they play a critical role in safeguarding the rights of survivors.

473. Finally, the CEVI underscores the necessity for States to implement measures that prevent the frequent relocation of trained personnel within prosecutors' offices, police departments, and courts. The high mobility of these professionals can disrupt the continuity and specialization achieved, ultimately undermining the effectiveness of training processes and negatively impacting interventions in cases of gender-based violence against women.

#### **h. Outcomes of the Criminal Justice System in Cases of Gender-based Violence Against Women and Girls**

474. The Committee of Experts, following a thorough analysis and evaluation of crime prosecution mechanisms, criminal jurisdictional bodies, and training initiatives directed toward each, deems it essential to examine the results of the criminal justice system in addressing gender-based violence against women. This analysis will be conducted within the framework of their access to truth, justice, and reparation.

475. For this Round, in which the CEVI examines access to justice, truth, and reparation for women victims of violence, the analysis of figures reported by States serves two primary objectives: first, to assess the outcomes of implemented policies; and second, to evaluate the capacity of States to gather pertinent information necessary for analyzing these outcomes.

476. As in previous instances, **the Committee expresses concern over the high rate of impunity in reported cases.**<sup>191</sup> Statistical data are crucial in evaluating States' compliance with their obligation of due diligence.<sup>192</sup> However, the CEVI observes that most States have submitted incomplete information. In some cases, the number of complaints received was not provided, hindering the ability to compare these figures with the number of cases prosecuted and sentences imposed. The Committee also observes a considerable gap in the information submitted, as some States report figures on complaints for certain crimes while providing sentencing data for others. **The CEVI urges States to submit comprehensive information on access to justice, as this data is essential for evaluating and analyzing their efforts in this area.**

477. Unreported victims of sexual violence in Argentina 2022: **12,152.**

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<sup>191</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 600.

<sup>192</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 600.

<b>Cases of Gender-based Violence Against Afro-descendant women and Indigenous Women (Argentina)</b>		
<b>Year</b>	<b>Group</b>	<b>Cases</b>
2020	Indigenous	3
2020	Afro-descendant	No cases were reported
2022	Indigenous	912
2022	Afro-descendant	284

<b>Progress of Judicial Cases for Gender-based Violence Against Women (Argentina)</b>					
<b>Year</b>	<b>Known Cases</b>	<b>Convictions</b>	<b>Acquittals</b>	<b>Pending Cases</b>	<b>Archived Cases</b>
2018	248	50	1	116	75
2019	252	26	1	184	41
2020	247	4	0	209	32
2021	225	7	0	183	34

478. The Committee notes that, although the Argentine State clarified that the total number of cases reported by the National Criminal Information System does not necessarily correspond to the number of complaints, there remains a substantial disparity between these figures and the number of cases both reported and prosecuted. Furthermore, the Committee lacks comprehensive information on judicial cases across all instances. Argentina did not report the types of crimes for which cases in their procedural stages had been prosecuted, hindering a comparison between complaints and convictions. The Committee also observes a high number of closed cases, with no explanation provided by the State regarding the reasons for their closure. Additionally, it notes a significant decrease in convictions during the analysis period and a persistent average number of pending cases across the reported years, which may indicate delays in case resolution.

479. In cases of femicide/feminicide, Argentina reported 255 incidents in 2018, including four transfemicides/transvesticides. In 2019, there were 268 femicides, with five transfemicides/transvesticides; in 2020, 251 cases were registered, including six transfemicides/transvesticides and one case without classification data; and in 2021, 231 femicides/feminicides were recorded, with five involving trans/transvestite women. Regarding procedural stages, in 2018 the investigating body initiated 248 cases, with 116 in the investigation phase, 51 in the indictment phase, and six dismissed. In 2019, 252 cases were initiated, 184 in the investigation phase, 27 in the indictment phase, with no dismissals. By 2020, 247 cases were reported, with 209 in the investigation phase, four in the indictment phase, and two dismissed. Finally, in 2021, 225 femicide cases were recorded, of which 183 were in the investigation phase,

seven in the indictment phase, and one was dismissed. The CEVI welcomes the near-total prosecution rate for reported cases. However, it remains concerned that, in each of the years examined, some cases were not prosecuted, with no explanation provided for this omission. The CEVI also observes a noticeable decline in convictions in femicide cases reported by the State in the latter years of the period under analysis.

480. Regarding women with disabilities, Argentina reports that, in 2020, out of 7,422 complaints received by the Office of Domestic Violence of the Supreme Court of Justice of the Nation, 290 were filed by women with disabilities. In 2021, out of a total of 8,741 complaints, 371 were from women with disabilities. However, no additional information was provided on the judicial proceedings initiated or their outcomes. The Committee is concerned about the low number of complaints filed by women with disabilities. It also notes that, among the total femicides committed, six involved women with disabilities in 2019, five in 2020, four in 2021, and three in 2022.

481. **Costa Rica** provided extremely limited information on this topic, including data on women with disabilities and other vulnerable groups. It reported only the number of sexual violence cases in 2021, as recorded by the Costa Rican Social Security Fund, totaling 1,314 women. Regarding femicides/feminicides committed in the past 12 months, the State reported 27 cases in 2018, 17 cases in 2019, 28 cases in 2020, and 19 cases in 2021. These figures represent the total cases of femicide involving women in common-law unions at the time of the crime. Costa Rica did not submit information on complaints, criminal proceedings, or their outcomes.

482. In **Chile**, the Investigative Police received 6,344 complaints of various types of violence in 2018, 7,879 in 2019, 6,702 complaints of gender-based violence against women in 2020, and 5,466 in 2021. Meanwhile, the Carabineros de Chile received 94,022 complaints in 2018, 101,727 in 2019, 96,608 in 2020, and 96,511 in 2021. However, the State did not provide specific information on the type of crime associated with each complaint or disaggregated data on the victims. Chile also reported figures from the Public Prosecutor's Office indicating that 25,489 women were victims of sexual violence in 2018, a number that rose to 29,469 in 2019, then slightly decreased to 25,838 in 2020, and increased again to 31,443 in 2021. Regarding unreported violence, although Chile did not provide a specific rate, it noted that in 2020, 2,306 victims of psychological violence, 747 victims of physical violence, and 83 victims of sexual violence did not file reports. Chile did not supply information on the legal cases initiated from these complaints or their outcomes.

483. Regarding femicides, data from the Public Prosecutor's Office indicate 36 cases in 2018, 52 in 2019, 54 in 2020, and 56 in 2021. The age group with the highest number of victims is between 20 and 34 years. According to the Chilean Public Prosecutor's Office, 35 criminal proceedings for femicide were initiated in 2018, resulting in 15 convictions with no acquittals; in 2019, 52 proceedings were initiated, leading to 19 convictions with no acquittals. In 2020, 54

proceedings were initiated, resulting in 13 convictions and one acquittal. In 2021, 56 criminal proceedings were initiated for femicide, resulting in one conviction and one acquittal. Regarding gender-based violence against women with disabilities, Chile provided limited data, reporting that the National Disability Service recorded 71 cases of economic violence in 2021.

484. The CEVI regrets that Chile has not provided comprehensive information to facilitate an analysis of the progress within the criminal system regarding the various forms of gender-based violence against women classified under its laws. It does, however, commend the State for prosecuting 100% of femicide cases between 2018 and 2021. Nevertheless, the CEVI notes that, out of 197 cases, only 50 have resulted in convictions, leaving 147 unresolved. Additionally, it observes a significant reduction in convictions in 2021.

485. **Colombia** did not report the number of complaints of gender-based violence against women filed with the police or at police stations. However, it informed the Committee that, in cases of sexual violence, 25,381 cases were initiated in 2018, with 277 in the investigation phase, 4,910 in the indictment phase, 1,706 in the sentencing phase, and 37 cases dismissed. In 2019, there were 26,871 cases initiated, with 261 in the investigation phase, 4,779 in the indictment phase, 1,085 sentenced, and 34 dismissed. Similarly, in 2020, 22,902 cases of sexual violence were initiated, with 240 in the investigation phase, 3,807 in the indictment phase, 46 dismissed, and 574 sentenced. In 2021, 24,622 cases were initiated, with 481 in the investigation phase, 4,525 in the indictment phase, 27 dismissed, and 462 sentenced. This indicates that, on average, 78.87% of cases were not recorded in any phase of the process, including the investigation phase. Furthermore, considering data from the Attorney General's Office, which reported receiving 80,365 complaints of sexual violence in 2018, 100,517 in 2019, 97,808 in 2020, and 112,081 in 2021, it is evident that fewer than half of these complaints have resulted in a case being initiated. This reflects alarmingly high levels of impunity for sexual violence. This is of particular concern to the Committee, as 145,268 cases of sexual violence against girls were recorded from 2019 to 2021. In contrast, regarding women with disabilities, the Committee notes that the number of complaints for this same form of violence is exceedingly low, comprising only 0.49% of total complaints filed between 2018 and 2021.

486. Regarding femicide/feminicide, the Attorney General's Office reported a total of 428 victims in 2021. However, no data were provided for other years under analysis, nor were details shared on judicial cases. The Committee regrets that Colombia has offered limited information in this area, which hinders an in-depth analysis of its efforts to address femicide/feminicide.

487. **Ecuador** reports that, according to the Ministry of Women and Human Rights, police stations received 6,990 complaints of sexual violence and 156 complaints of economic violence in 2022. No data were provided on other forms of violence or for other years within the scope of this analysis. In 2022, the Council of the Judiciary handled 49,804 cases of physical, sexual, and



psychological violence, issuing 12,124 convictions and an equal number of acquittals, with a significant number of cases still pending, totaling 37,680.

488. In terms of femicide/feminicide, Ecuador reported a rate of 1.8 femicides/feminicides and violent deaths of women per 100,000 in 2020, rising to 2.5 in 2021. In 2019, 66 cases were recorded, followed by 71 in 2020, 55 in 2021, and 81 in 2022. Ecuador did not provide complete data on the processes initiated; however, for 2022, it reported that 42 criminal proceedings were initiated, resulting in two convictions with no acquittals, representing only half of the total cases, a matter of concern for the Committee. In the same year, 405 violent deaths of women were recorded in Ecuador, of which 78 were classified as femicides, 292 as murders, 25 as contract killings, and the remaining as other crimes. Of these cases, 311 are in preliminary investigation, 10 in prosecutorial instruction, 18 in evaluation and trial preparation, 31 in trial, and seven have been resolved. The State also reports that between 2014 and 2022, 76 femicide cases were archived, 32 cases saw the extinguishment of criminal action, and 40 were dismissed. The Committee is concerned that cases continue to be classified under other crimes and urges the State to investigate all deaths of women as probable femicides, as recommended by Article 18 of the Inter-American Model Law on the subject.<sup>193</sup> The CEVI is also concerned by the State's timely reporting on the extinction of criminal action in certain violent deaths of women, which, according to Ecuador's Criminal Code, may occur due to amnesty, the victim's waiver, or the statute of limitations on the crime.

489. Regarding women with disabilities, the State Attorney General's Office received 41,844 complaints for various forms of violence in 2018, of which 1,146 were filed by women with disabilities. In 2019, there were 34,131 complaints, with 993 from women with disabilities; in 2020, 32,473 complaints, including 862 from women with disabilities; in 2021, 37,554 complaints, with 896 from women with disabilities; and in 2022, a total of 41,936 complaints, of which 868 were from women with disabilities. Ecuador reported zero cases in all previous years for lawsuits or judicial processes involving women with disabilities, across all phases of the judicial system. As with other States, the number of complaints filed by women with disabilities is disproportionately small compared to the total number of complaints.

490. In **El Salvador**, between 2019 and 2021, a total of 69,740 women were victims of various forms of violence classified under the LEIV (Comprehensive Special Law for a Life Free from Violence for Women), though the State did not specify the types of violence involved. The Attorney General's Office reported that in 2018, 6,296 complaints of sexual violence were filed, resulting in 738 convictions and 340 acquittals. In 2019, 6,421 complaints of sexual violence were recorded, leading to 780 convictions and 268 acquittals. Similarly, in 2020, 5,052 cases of sexual violence

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<sup>193</sup> MESECVI. Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-Based Killing of Women (Femicide/Feminicide) 2018 <https://belemndopara.org/wp-content/uploads/2021/11/LeyModeloFemicidio-EN.pdf> Art. 18.

were documented, with 541 convictions and 163 acquittals. The CEVI expresses concern that 84.15% of sexual violence cases between 2018 and 2020 remain unresolved.

491. Regarding femicides, El Salvador reported 232 victims in 2018, 117 in 2019, and 73 in 2020. The State only noted that in 2021, the Attorney General's Office registered 204 convictions for those responsible for violent deaths of women, encompassing both homicides and femicides, across 92 cases. This figure represents convictions for 55.3% of the accused in 49.5% of the cases. El Salvador did not provide any information on gender-based violence against women with disabilities.

492. **Guatemala** reports that in 2018 it received a total of 2,554 complaints for various forms of gender-based violence against women, with sexual violence constituting a minority of these cases, as was also the case in 2019. In 2020, the Public Prosecutor's Office received 4,945 complaints of gender-based violence against women, the vast majority concerning physical violence, with only 22 cases of sexual violence. In 2021, the total number of complaints rose to 8,184, primarily involving physical and psychological violence, with only 17 cases classified as sexual violence. The Committee is struck by the remarkably low number of reported acts of sexual violence, while Guatemala has also reported a total of 10,839 complaints of various sexual violence crimes in 2020 and 13,721 in 2021, including data on the ages and ethnicity of the women victims. Without specifying the particular crimes, Guatemala notes that its courts handled 8,091 cases of gender-based violence against women in 2020, resulting in 1,255 convictions and 440 acquittals. In 2021, 14,557 cases were heard, leading to 2,695 convictions and 669 acquittals. The CEVI regrets the incomplete presentation of this information and observes that only 22.48% of cases were resolved during the years reported by the State.

493. In 2020, Guatemala recorded a total of 480 violent deaths of women, classified as 242 homicides, 119 femicides, and 119 murders. In 2021, this total rose to 572 cases, with 269 homicides, 136 femicides, and the remainder classified as murders. Although data on ethnicity, disabilities, and other aspects of diversity among women victims were not provided, the information indicates that most victims were between 20 and 34 years of age. The CEVI reiterates its call for the State to investigate all deaths of women as probable femicides, in alignment with Article 18 of the Inter-American Model Law on this issue.<sup>194</sup> Regarding criminal proceedings for femicide, 112 cases were initiated in 2020, resulting in 34 convictions and one acquittal, while in 2021, 171 cases were initiated, with 55 convictions and 20 acquittals. This trend mirrors the outcomes in 2018 and 2019, which, to the Committee's concern, suggests that approximately 70% of cases remain unresolved in court.

494. Regarding gender-based violence against women with disabilities, only four cases were handled by the Courts of First Instance in 2020 and two in 2021, despite the National Civil Police

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<sup>194</sup> MESECVI. Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-Based Killing of Women (Femicide/Feminicide) 2018 <https://belemdopara.org/wp-content/uploads/2021/11/LeyModeloFemicidio-EN.pdf> Art. 18.

reporting 64 complaints in 2020 and 59 in 2021. This reveals a significant gap between the number of complaints filed and the cases that proceed to prosecution. The CEVI underscores that Guatemala reported a very limited number of complaints from women with disabilities experiencing violence. Throughout each year covered by this report, only a few dozen complaints were registered. Regarding women victims of violence with disabilities, the CEVI notes an extremely wide disparity in the State's data between the total number of complaints received for physical and psychological violence and those filed specifically by women with disabilities.

495. **Paraguay** provided extremely limited information on this topic. It reported that in 2021, there were 35 femicide victims and 34 open cases, while in 2022, there were 36 victims and 36 open cases. Although the total number of victims or complaints for 2020 was not provided, the Judiciary reported four femicide cases initiated, resulting in three convictions and no acquittals. Paraguay did not submit information regarding women with disabilities. The Committee expresses concern over the lack of comprehensive responses to this issue and the very low number of convictions for femicide/feminicide, noting that, from 2016 to the date of this report, only eight convictions for femicide and three for attempted femicide have been handed down.
496. In **Uruguay**, police stations received 31,662 complaints in 2018 for various forms of violence, including physical, sexual, psychological, intra-family, patrimonial, and economic violence; 32,725 complaints in 2019; 32,250 in 2020; and 32,126 in 2021. However, Uruguay did not provide a breakdown of complaints by type of violence or crime. Separately, the Attorney General's Office reported receiving 274 complaints of sexual violence in 2019, 482 in 2020, 648 in 2021, and 528 in 2022. Regarding criminal proceedings for various forms of violence, Uruguay reported that 1,125 cases were processed in 2020, though it did not specify the types of crimes involved or the numbers of convictions or acquittals. For femicide/feminicide, 50 proceedings were initiated in 2020, resulting in 44 convictions, and in 2021, 58 proceedings were initiated, with 34 convictions. Uruguay did not provide any information on cases involving women with disabilities.
497. **Mexico** provided very limited information regarding access to justice. It did not report on the total number of gender violence complaints filed with the police across the country, nor did it provide disaggregated data on women victims of sexual crimes. Regarding femicides, Mexico registered 947 cases in 2019, 952 in 2020, and 980 in 2021. However, it is unclear whether these figures represent cases under federal jurisdiction or if they also include cases under local jurisdiction. The CEVI notes that Mexico has one of the highest numbers of femicide/feminicide cases among the States Party covered in this report. However, Mexico did not provide data on the number of cases handled by courts or their distribution across states, except for Mexico City, which reported four convictions in 2020 and 35 in 2021. Regarding women with disabilities, figures from the National Institute of Statistics and Geography indicate that of the 3,764,186 complaints received for various forms of gender-based violence against women in 2020, 1,940,689 were filed

by women with disabilities. Mexico did not provide additional information on judicial processes for these cases.

498. In **Peru**, the Women's Emergency Center received a total of 399,737 complaints between 2019 and 2021, predominantly for psychological violence. Of these, 1.4% involved women with disabilities, who experienced increased psychological, physical, and sexual violence. Only 54% of cases involving women with disabilities were prosecuted during this period. Regarding femicides, the Judiciary issued 248 convictions between 2019 and 2021. The percentage ratio between cases initiated by the prosecutor's office and convictions obtained was 24% in 2019, 7.14% in 2020, and 8.21% in 2021. In Peru, the CEVI observes a significant disparity between the total number of complaints filed for violence between 2018 and 2021 and the number filed by women with disabilities. During this period, 5,238 complaints were submitted by women with disabilities, yet none were resolved in their favor, and no cases were reported as having entered the judicial system.

499. The CEVI observes that **Argentina, Costa Rica, El Salvador, Paraguay, Uruguay, and Peru** did not report on the existence of surveys or studies assessing user satisfaction levels. **Chile and Guatemala** indicated that they conduct satisfaction surveys for users of the Public Prosecutor's Office but did not disclose the results. **Colombia** has reports measuring user satisfaction perceptions; however, the data are not disaggregated by sex, gender, or type of crime for which the Prosecutor's Office was involved. Ecuador also reports having a satisfaction survey for the Judiciary, but it appears to be general and not specific to women victims of violence using the services. **Mexico** presented a limited number of user satisfaction surveys in certain states.

500. In this regard, the Committee of Experts cautions that the capacity of the analyzed States to gather relevant information, essential for designing and implementing public policies to enhance women's access to justice as mandated by Article 8(h) of the Belém do Pará Convention, faces significant limitations. This article obligates States to ensure that justice systems collect and publish disaggregated statistics on gender-based violence against women, a crucial step for the formulation of effective public policies. However, the analysis of data reported by the various countries reveals several deficiencies in this area.

501. First, there is a significant disparity in the capacity of States to collect data. While some countries have made efforts to generate information on complaints and cases of gender-based violence, most fail to provide complete, disaggregated, and up-to-date information. In many instances, detailed data are missing on various stages of judicial proceedings, including the number of complaints, investigations, prosecutions, convictions, and acquittals. **This lack of comprehensive information hinders an accurate assessment of the effectiveness of justice systems and their ability to address and punish crimes of gender-based violence against women.**

502. Additionally, in many countries, there is a significant discrepancy between the number of complaints reported and the number of cases that proceed to prosecution or result in convictions.

This is particularly evident in countries such as Argentina, Colombia, and Ecuador, where, despite the high volume of complaints, only a small fraction of cases reach judicial resolution. This lack of correlation between complaints and judicial outcomes highlights a weakness in case follow-up and the capacity of judicial systems to effectively punish crimes. Without this alignment, designing public policies that genuinely enhance women's access to justice becomes exceedingly challenging.

503. Another significant issue is the lack of data disaggregation in many of the countries analyzed. In states such as Costa Rica, Chile, and Paraguay, data on gender-based violence are not broken down by type of violence, phases of the judicial process, or specific characteristics of the victims, such as age, ethnicity, or disability. This lack of disaggregation severely restricts the ability of States to identify the specific barriers different groups of women face in accessing justice, thereby diminishing the effectiveness of public policies aimed at addressing these needs.

504. The absence of complete and disaggregated data also hinders the ability of States to monitor the impact of implemented public policies. Without clear information on the progression of cases through the justice system and the outcomes of these policies, it is impossible to refine or enhance strategies for access to justice. States such as El Salvador, Guatemala, and Uruguay exhibit substantial gaps in their capacity for follow-up and monitoring, which impedes effective evaluation of policy results and complicates the process of implementing necessary improvements.

505. Moreover, in many of the countries analyzed, there is a significant backlog of cases in the courts, highlighting an inability to process complaints swiftly and secure justice for victims. This is especially concerning in cases of femicide and sexual violence, where delays not only increase impunity but also erode trust in the justice system. The sluggishness of judicial processes directly impacts women's access to justice, as many abandon their cases due to the lack of progress.

506. The Committee underscores the Inter-American Court of Human Rights' position that, in the context of access to justice, it is essential to determine the facts under investigation and, where applicable, establish criminal responsibilities within a reasonable timeframe. Prolonged delays may, in themselves, constitute a violation of the judicial guarantees protected by the American Convention on Human Rights.<sup>195</sup> The obligations arising from Articles 8 and 25 of the American Convention are reinforced by Articles 7(b) and (c) of the Belém do Pará Convention, which establish the duty of due diligence and require the State to implement the necessary regulations to investigate and punish gender-based violence against women.<sup>196</sup>

507. Broadly speaking, the lack of data hinders the creation of evidence-based policies. Public policies aimed at improving access to justice must rely on reliable, disaggregated data that can

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<sup>195</sup> Inter-American Court of Human Rights. Case Contreras et al. v. Salvador. Judgment of August 31, 2011 (*Merits, Reparations and Costs*) Series C No. 232, para. 145.

<sup>196</sup> Inter-American Court of Human Rights. Case of Veliz Franco et al v. Guatemala. Judgment of May 19, 2014 (*Preliminary Objections, Merits, Reparations and Costs*) Series C No. 277, para. 185.

reveal patterns of violence, clarify the obstacles women face within judicial systems, and assess the effectiveness of implemented measures. Most of the States analyzed fail to collect and publish this information adequately, limiting their ability to design and evaluate effective policies and fulfill their obligations under the Belém do Pará Convention.

508. The Committee reiterates its recommendation to collect data on complaints and sentences related to femicide/feminicide,<sup>197</sup> as well as to enhance information systems within the justice sector.<sup>198</sup> It also calls for strengthening the record-keeping practices of bodies that receive complaints, courts, and prosecutors' offices to ensure the availability of reliable data<sup>199</sup> on judicial responses to gender-based violence against women in the States.

509. **The Committee of Experts observes that the majority of femicide/feminicide victims in the region are young women between 20 and 35 years of age.** Moreover, it welcomes that many States have presented figures and statistics regarding the judicial response to femicides/feminicides. Particularly, the Committee commends Argentina for collecting information in a manner that includes the number of transfemicides and transvesticides. **However, the Committee is concerned that cases of violent deaths of women are still frequently classified as murders, homicides, or other crimes, potentially concealing a higher incidence of femicide. Additionally, the CEVI draws attention to the reports of numerous cases being filed away or reaching the statute of limitations in gender-related killings of women/femicide cases.** The Committee urges States to establish the imprescriptibility of femicide and its criminal prosecution, in alignment with Article 15 of the Inter-American Model Law.<sup>200</sup>

510. In the same vein, **the Committee acknowledges the efforts made by States to initiate criminal proceedings and secure convictions in cases of femicide/feminicide. However, it also notes that some States report extremely low numbers of convictions.** Consequently, the Committee once again urges all States to take all necessary measures to reduce the gap between complaints filed for femicide/feminicide and the sentences issued.<sup>201</sup>

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<sup>197</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 40.

<sup>198</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 41.

<sup>199</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemdopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 344.

<sup>200</sup> MESECVI. Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-Based Killing of Women (Femicide/Feminicide) 2018 <https://belemdopara.org/wp-content/uploads/2021/11/LeyModeloFemicidio-EN.pdf> Art. 15.

<sup>201</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> Recommendation 30.

511. **Regarding girls who are victims of sexual violence, the Committee is concerned that States have provided limited information with the necessary level of disaggregation to assess their access to justice.** This is particularly significant for the CEVI given the very high rates of sexual violence reported against this age group, as noted in previous sections. The Committee therefore calls on States to provide disaggregated and comprehensive information and to take all necessary actions to ensure that girls who are victims of sexual violence have proper access to justice. This access should be age-appropriate, include specialized support, and involve measures throughout investigations and judicial processes that safeguard their right to integrity and prevent revictimization.
512. **With regard to women with disabilities, the Committee of Experts welcomes the submission of disaggregated information on complaints by some States Party. However, few States provided such data, and often it lacked the necessary detail to identify specific forms of violence or types of crimes reported.** Among the few States that submitted information on prosecutions of these cases, the figures are notably low. The Committee emphasizes the additional barriers and obstacles that women with disabilities face in accessing justice, beyond the existing challenges.<sup>202</sup> These include the impact of stereotypes, legal incapacity, dismissal of their testimonies, lack of accessibility to facilities and services, insufficient intersectional training of staff, inaccessible information and communication, and inadequate accommodations, among others.<sup>203</sup> Thus, within the framework of the duty of due diligence of the States Party to the Convention, the CEVI calls for all necessary measures to be implemented to understand the obstacles faced by women with disabilities in each State. On this basis, States should develop and enact public policies and programs aimed at eliminating these barriers and thereby promoting access to justice for women.
513. **In the case of complaints filed by Indigenous women and Afro-descendant women, the situation is extremely concerning. Almost no State provided this information, and the limited data available highlights the low number of complaints received.** The Committee emphasizes the importance of States effectively measuring the Diversity category within the MESECVI Indicator System.<sup>204</sup> The Committee also observes that Indigenous women face additional barriers to accessing justice, including social exclusion, discrimination, the remote locations of their communities, lack of economic resources, insufficient information, urban-

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<sup>202</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf> para. 24.

<sup>203</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf> para. 27.

<sup>204</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemdopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 130.



centered judicial services, and language barriers within court proceedings.<sup>205</sup> These obstacles similarly affect Afro-descendant women.<sup>206</sup> In this regard, the CEVI urges all States Party to take all necessary actions to eliminate these obstacles to justice for Indigenous women and Afro-descendant women, and to report on the actions and programs implemented, along with their outcomes.

514. At this point, it is relevant to note that **most States report having mechanisms for receiving user complaints regarding the justice procurement and administration system. However, many of these mechanisms are inadequate, as some are limited to either the courts or prosecutor's offices rather than encompassing both. Other mechanisms reported include complaint boxes or telephone hotlines, raising concerns about the formality of these processes and whether follow-up is conducted for women who file complaints.**

515. The CEVI is deeply concerned about the high levels of impunity in some countries in the region. **Of the total reported cases of gender-based violence against women that reach resolution in court, most do not exceed a 20% resolution rate. Additionally, the Committee observes that, across the States, numerous complaints remain unprosecuted, with no information on their status; they often remain in the prosecutor's offices without any explanation for the delays. This substantial number of stalled cases reflects a significant figure of impunity in instances of gender-based violence against women.**

516. In several States, there is a marked discrepancy between the number of complaints filed and the cases that are ultimately prosecuted. This indicates that a significant number of complaints do not progress through the justice system, thereby sustaining high levels of impunity. This issue is attributed to inadequate case follow-up, limited judicial capacity to process complaints, and, in some instances, a lack of institutional will to investigate and hold perpetrators accountable.

517. Another critical factor is the sluggishness of judicial processes, with many cases remaining in the investigation phase for extended periods, thereby delaying victims' access to justice. This delay not only prolongs victims' suffering but also fosters a sense of impunity. The lack of timely case resolution discourages victims of violence and perpetuates a message of tolerance toward violence, not only to perpetrators but to society as a whole. This phenomenon reinforces the cycle of impunity, eroding trust in the judicial system.

518. Additionally, **the reported conviction rates are extremely low compared to the number of complaints and cases prosecuted.** This reveals that, even as cases advance through the judicial system, convictions are not consistently achieved, thereby fueling impunity. The low conviction

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<sup>205</sup> IACHR. Report Access to justice for women victims of sexual violence in Mesoamerica, 9 December 2011. Available at: <https://cidh.oas.org/pdf%20files/WOMEN%20MESOAMERICA%20ENG.pdf> para. 199.

<sup>206</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para 498.



rate clearly indicates that justice systems are failing to respond adequately to the gravity of crimes of gender-based violence against women, perpetuating a lack of justice and reparation for victims. Another recurring issue is the underreporting of cases and the obstacles to reporting. In many States, a substantial number of women refrain from filing complaints due to factors such as social stigma, fear of reprisals, revictimization, and distrust of the judicial system. This underscores that justice systems often fail to provide the necessary protections for victims, resulting in many cases of violence going uninvestigated and thus facilitating impunity.

519. Without clear and detailed information on the types of violence, the characteristics of victims, and the procedural status of cases, designing effective public policies to combat gender-based violence becomes impossible. This data gap hinders the proper evaluation of state efforts to eradicate gender-based violence against women, thereby restricting opportunities to improve justice systems.

520. The CEVI concludes that impunity in cases of gender-based violence against women remains a persistent issue in many States Party to the Belém do Pará Convention. Deficiencies in justice systems—including low prosecution rates, prolonged trials, low conviction rates, and inadequate data collection—perpetuate impunity and obstruct victims’ access to justice, truth, and reparation.

521. The CEVI urges States to strengthen their judicial systems, act with due diligence in investigating and punishing gender-based violence, and enhance the collection of disaggregated data to enable the design of effective public policies. These measures are essential to eradicate impunity and ensure justice for all women. The fight against impunity is essential to fulfilling the commitments outlined in the Belém do Pará Convention and protecting the human rights of women in the region. As noted in previous sections, the androcentric nature of criminal law fundamentally contributes to women victims not receiving the responses they seek from state systems.

522. Discrimination against women is manifested when they are not recognized as right-bearing individuals, a perception that also fuels violence, as aggressors objectify and view them as subordinate and inferior. The State perpetuates this continuum when it fails to meet action standards that ensure women’s full recognition as right-bearing individuals, such as by neglecting to establish functional and adequate processes for hearing cases of gender-based violence against women. To eradicate discrimination and violence at their roots and in their consequences, androcentric processes must be re-envisioned and restructured to reflect women’s expectations and life experiences.<sup>207</sup>

523. **The Committee recognizes that criminal law has been a central tool in the fight against gender-based violence, with many State efforts focusing on its development and**

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<sup>207</sup> Arroyo Vargas, Roxana. Acceso a la justicia para las mujeres... el laberinto androcéntrico del derecho (Access to Justice for Women: The Androcentric Maze of Law), available at: <https://www.corteidh.or.cr/tablas/r26673.pdf> p. 41.

**reinforcement within the framework of the Convention. While criminal law will remain fundamental in this area, the Committee of Experts considers it essential that States Party also implement measures allowing women, if they so choose, to pursue alternative justice routes and processes.** In this regard, the Committee will now assess the alternative processes and mechanisms reported by the States Party covered in this report.

524. In this regard, the Committee acknowledges that, **despite substantial progress in establishing prosecutors' offices and courts specialized in gender-based violence against women, developing protocols covering complaint intake to prosecution with a gender-responsive approach, publicizing judgments and opinions on cases of gender-based violence against women, implementing the Convention, and conducting numerous training programs, the criminal justice system still lacks the capacity to fulfill the justice aspirations of thousands of women and girls who are victims of violence in the States Party.**

525. The analysis of impunity in cases of gender-based violence against women reveals structural and operational deficiencies within justice systems that hinder effective access to justice and reparation for victims. Despite the commitments made by States Party to the Convention, these shortcomings continue to perpetuate impunity in numerous cases.

#### **i. Justice Proceedings Before Jurisdictional and Non-Jurisdictional Bodies in Cases of Gender-based Violence Against Women and Girls**

526. In its Third Hemispheric Report, the CEVI articulated the obligation of States Party to align their legal frameworks and practices with the mandates set forth in Articles 2(b) and 7(c) of the Belém do Pará Convention.<sup>208</sup> The duty of due diligence of States encompasses the obligation to develop and implement norms beyond the scope of criminal law,<sup>209</sup> extending to civil, family, and administrative matters, as well as to contexts such as the workplace, education, health, and any other environments where gender-based violence against women and girls may occur. Consequently, the CEVI acknowledges that access to justice necessitates the provision of protective measures for women, established and enforced by entities outside the criminal justice system.

527. Proceedings before such bodies must adhere to equivalent due diligence obligations. Specifically, a gender-sensitive, intersectional, and disability-informed approach must be consistently applied, rigorously avoiding the use of gender stereotypes. Women who are victims

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<sup>208</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para 55, 59, 66.

<sup>209</sup> MESECVI/UN Women. Derecho civil y familiar en América Latina. Análisis de legislación civil y familiar en relación con la obligación de prevenir, atender, sancionar y reparar la violencia contra las mujeres por razones de género (Discriminatory Civil and Family Law in Latin America: An Analysis of Civil and Family Legislation in Relation to the Obligation to Prevent, Address, Sanction, and Remedy Gender-based Violence Against Women), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Derecho-Civil-y-Familiar-ESP.pdf> p. 9.

of violence should be guaranteed access to specialized support services, along with free, high-quality legal assistance and advocacy services.

528. In this context, the Committee analyzed the indicators and responses of the States Party in this Round to assess progress, challenges, and opportunities for effectively implementing the Convention within justice processes managed by bodies with jurisdiction over diverse matters. These bodies serve as essential channels of access to justice and must remain fully accessible to women who choose to engage them. Accordingly, this analysis will reference courts, national human rights institutions, and other relevant entities, as well as the protocols and care guidelines they employ.

529. The CEVI first observes that **Argentina, Chile, Colombia, El Salvador, Uruguay, Mexico, and Peru** have instituted family courts, supervisory courts, labor courts, administrative courts, and/or justices of the peace, which possess jurisdiction to address cases of gender-based violence against women in its various forms and settings, including within the family and workplace. **Costa Rica** has established courts with jurisdiction over family, pension, labor, and domestic violence matters. **Brazil**, in turn, reports that the state courts of justice and the Federal District hold jurisdiction over cases of gender-based violence against women and that, in 2018, the National Judicial Policy to Combat Gender-based Violence against Women was established. **Ecuador, Guatemala, and Paraguay** did not submit information on this matter. The CEVI also acknowledges the information provided by certain States regarding the presence of specialized civil and family courts dedicated to cases of gender-based violence against women and domestic violence.

530. Certain States Party informed the Committee about the operations of various courts with jurisdiction over cases of gender-based violence against women in areas of law beyond the criminal domain, notably family courts. In this regard, Chile reported the total number of cases heard in family courts between 2018 and 2021, though specific details regarding the nature of these cases were not provided, as similarly observed with Uruguay's report. In 2021, family courts in Colombia handled 5,916 cases, while civil courts addressed five cases involving various forms of gender-based violence against women. Ecuador, El Salvador, Guatemala, Paraguay, and Peru did not provide information, and Mexico submitted data pertaining to only one state.

531. **The CEVI observes a notable scarcity of information concerning jurisdictional bodies with authority in civil, family, and administrative matters, which address cases of gender-based violence against women.** Nevertheless, based on the information provided by States, the CEVI highlights that civil, family, supervisory, labor, administrative, and peace courts are actively involved in recognizing and addressing such cases. **The CEVI urges the States Party to enhance efforts in collecting information regarding these courts to provide comprehensive data to this Committee, thereby enabling an assessment of the jurisdictional bodies' impact on women's access to justice. This includes the generation and compilation of detailed, disaggregated**

**information on case types, the women involved, procedural stages, and case outcomes.** Furthermore, the Committee expresses concern that the absence of reforms to legislation misaligned with the Convention—particularly the widespread omission of the legal concept of unilateral divorce—hinders civil and family courts from adjudicating cases in full compliance with the Convention. Consequently, the Committee reiterates its call for States to incorporate this provision into their national legislation.

532. Concerning complaints filed, received, and resolved by national human rights institutions regarding gender-based violence against women in the States Party, Colombia's Ombudsman's Office received 1,734 complaints between 2018 and 2022; however, none were reported as investigated or resolved. In Ecuador, 339 complaints were received between 2019 and 2022, with all investigated and 218 resolved. The CEVI notes a marked decline in both complaints and cases resolved over the past two years. Uruguay, in turn, received 69 complaints between 2018 and 2021, all of which were resolved. Mexico's national institution received 207 complaints in 2022, resolving only two, while in 2021, it received 237 complaints with none resolved. Peru received seven complaints in 2019 and resolved each one. Argentina, Costa Rica, Chile, El Salvador, Guatemala, and Paraguay did not provide information in this area.

533. The Committee expresses concern over the low number of complaints received by national human rights institutions, especially when compared to the volume of criminal complaints in States that responded to this indicator. It is even more troubling that several institutions reported very few resolved cases, considering that these procedures often facilitate reparations, which may be more accessible through these channels than in criminal proceedings. The Committee asserts that, within the framework of women's rights to access justice, truth, and reparation, as well as States' duty of due diligence, all justice avenues selected by women victims of violence must not only be available but also effective. The Committee underscores that the obligations enshrined in the Belém do Pará Convention regarding access to justice extend beyond jurisdictional bodies, Public Prosecutor's Offices, and prosecutors' offices. In accordance with Article 7(f) of the Convention, States are obligated to establish fair and effective legal procedures for women victims of violence, encompassing entities such as national human rights institutions. The Committee therefore urges States to conduct studies and investigations to identify the reasons behind the low number of complaints filed with national human rights institutions and the limited resolution of cases. It also calls for the enhancement of technical capacities and human resources based on these findings, supported by adequate budgets to ensure the effective execution of their duties.

534. **Concerning State institutions and entities empowered to address cases of gender-based violence against women in specific contexts, the CEVI underscores that these may include administrative mechanisms for filing complaints within educational institutions, health centers, workplaces, political spheres, social networks and virtual platforms, as well as media outlets.** In the workplace context, Chile reports that, since 2018, it has implemented a Protocol of Action for Abuse, Sexual Harassment, and Workplace Harassment, which includes an

internal procedure—revised in 2020—for the investigation and sanctioning of such behaviors. The CEVI acknowledges that gender equality is included as one of the guiding principles of the Protocol; however, it notes that the protocol does not address gender-based harassment, as it focuses solely on sexual harassment. Regarding the complaint process, each institution is required to designate an official to assist the victim. If the victim chooses to formalize the complaint, it must be submitted to the competent authority, which is responsible for initiating a disciplinary process. The potential outcomes of this process include censure, fines, temporary suspension from employment, or dismissal. Although the procedure does not include provisions for reparations, it does stipulate the prohibition of dismissal during the process and for 90 days following its conclusion.

535. In 2020, **Ecuador** adopted the Protocol for the Prevention and Attention of Cases of Discrimination, Workplace Harassment, and/or All Forms of Gender-based Violence against Women in the Workplace. However, the information provided does not clarify whether there is a designated body for filing complaints or the procedure to be followed. **Uruguay**, on the other hand, has a website managed by the Ministry of Labor and Social Security for filing complaints related to harassment and violence at work, which was last updated in 2023. The investigation is conducted by the General Labor Inspectorate, but the ability to obtain settlements and reparations is restricted to the judicial sphere.

536. In 2022, **Mexico** adopted the Protocol to Detect, Address, and Support Individuals from the Federal Attorney for the Defense of Labor in cases of harassment and sexual/workplace harassment. However, this protocol does not incorporate gender responsiveness or intersectionality as guiding principles. Although the Attorney General's Office is responsible for identifying the civil and administrative channels to be followed, these are not specified. Furthermore, the protocol does not extend to the entire population nor does it establish obligations for other bodies. Mexico reports the existence of some instances within the federal public administration for receiving complaints and grievances.

537. Since 2019, **Peru** has established a platform for registering cases of sexual harassment in the workplace, managed by the Ministry of Labor and Employment Promotion. In 2018, **El Salvador** began implementing the Protocol for the Attention of the Population Reporting Violence, Sexual Harassment, and Workplace Harassment, setting guidelines for the General Directorate of Labor to address cases of gender-based violence against women in this context. The Protocol clearly identifies the entities responsible for receiving complaints, which are then processed through disciplinary, administrative, or judicial channels.

538. **Argentina, Costa Rica, Colombia, Guatemala, and Paraguay** did not provide information regarding the existence of administrative bodies for filing complaints in the labor field.

539. The Committee of Experts urges all States Party to submit comprehensive information regarding these bodies. It also emphasizes that some of the action protocols mentioned herein

outline the procedures for filing complaints, noting that not all of them result in criminal complaints when the woman victim does not wish to pursue that route. Nevertheless, the CEVI expresses concern that the possibility of obtaining reparations without resorting to judicial remedies is not included in these protocols, thereby making reparations less accessible and presupposing burdensome procedures for women. In addition, the protocols do not mention legal or other forms of support for women who choose these alternative routes to access justice. In light of the above, the Committee urges States to strengthen their procedures and protocols related to administrative bodies in cases of harassment and workplace harassment against women. These protocols should adequately integrate the standards that govern the investigation, punishment, and redress of gender-based violence against women, including due diligence, access to reparations, the provision of free legal advice and advocacy, specialized services, and, where necessary, protection measures. The Committee emphasizes this point, as cases of harassment and abuse in the workplace occur in environments where women spend a significant portion of their time and may be in close proximity to the perpetrator. In this context, it is crucial that the procedures include protection measures that enable women to continue working safely, free from the fear of reprisals, while safeguarding their personal integrity. These measures should be tailored to the diversity of women,<sup>210</sup> and must not only be provided but also closely monitored to ensure their effectiveness.<sup>211</sup> Such measures may include the suspension and prohibition of the aggressor's presence at the workplace during the process, as well as coordination with other authorities when the risk to the woman extends to her home or other places she frequents. This requires the intervention and effective collaboration of authorities, such as police forces, to implement protection measures in these environments.

540. In the educational field, Costa Rica has established the Office of the Prosecutor against Sexual Harassment at both the National University of Costa Rica and the Technological University of Costa Rica. This office provides advisory and representation services for victims and submits complaints to the Commission for the Resolution of Complaints, where an administrative procedure is conducted. This procedure may result in reprimand, suspension, dismissal of the worker, or expulsion if the aggressor is a student. The Technological University of Costa Rica assisted 80 women in this capacity between 2018 and 2021.

541. **Ecuador** has implemented an Instruction for Action to provide care for children and adolescents who are victims of sexual violence committed or detected within establishments of the national education system. This protocol outlines investigation and punishment processes that incorporate administrative actions under the authority of the highest official of the relevant

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<sup>210</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 494.

<sup>211</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para 479.

Educational District, who is responsible for initiating an administrative process against the offender before the District Conflict Resolution Board. It also includes preventive measures to safeguard the integrity of the victim. In **Guatemala**, since 2018, the Ministry of Education has been receiving complaints and reports, including cases of discrimination, through its Complaints System, which allows individuals to file complaints via telephone, the Ministry's website, or in person at any of the 26 Departmental Directorates equipped with Complaints Units.

542. **Uruguay** reported having support services available for students but did not specify whether there are dedicated procedures or mechanisms for reporting acts of gender-based violence against women within educational settings. **Mexico** indicated the presence of various support services across multiple public universities in the country; however, it did not provide information on the procedures, protocols, specific entities that handle complaints, or the regulations governing these processes.

543. **Chile** reported that in 2018, the Superintendence of Education handled 206 cases of gender-based violence against women and girls in educational settings, resolving one; it addressed 135 cases in 2019, 24 in 2020, and 32 in 2021, with no resolutions reported for those years. Ecuador reported 3,426 cases in 2022 but did not provide information on the number of cases resolved or their outcomes. **Colombia, Guatemala, Paraguay, and Uruguay** did not report on case resolutions in public or private educational institutions. Although **Peru** provided some figures, they lacked clarity regarding the specific acts and forms of violence involved.

544. The Committee notes that **Argentina** reported the availability of telephone assistance through the National Directorate of Sexual and Reproductive Health within the Ministry of Health for complaints regarding barriers to reproductive freedom, post-exposure care following sexual violence, and obstetric violence. Although the State did not provide details on the complaint procedure or the outcomes women victims might expect, the Committee commends the existence of these services in health facilities, particularly those related to women's sexual and reproductive rights, and urges other States Party to implement similar measures. In 2019, **Brazil** enacted a law mandating the reporting of cases of violence that are detected, confirmed, or suspected within public health services.

545. **The Committee emphasizes with deep concern the limited information provided by States Party regarding educational facilities, with more than half submitting no information at all.** The Committee reiterates that, in the Third Follow-up Report, while some progress was observed, there remained a pressing need for States to intensify efforts to ensure that education systems have specialized bodies for filing complaints in this area.<sup>212</sup> Furthermore, it had been highlighted that the indicator on the number of cases known and resolved was among those with

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<sup>212</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 92.

the lowest response levels.<sup>213</sup> The same holds true in the present Round. **Once again, the CEVI lacks evidence regarding the use of protocols for cases of violence in educational spaces or their effectiveness.** Therefore, the Committee reiterates<sup>214</sup> its call for States to ensure that cases are followed up and resolved in alignment with the Belém do Pará Convention.

546. **The CEVI observes that no State provided comprehensive information on complaint mechanisms and procedures for cases of gender-based violence against women in the political sphere, on social networks and virtual media, or in the broader media.** Consequently, it urges States to generate and submit such information and to take all necessary measures to establish and operationalize complaint mechanisms within these spaces.

547. In conclusion, the Committee of Experts reiterates that, under the Convention, States Party bear equal obligations concerning access to justice, truth, and reparation for women victims of violence, whether proceedings occur before jurisdictional bodies with authority in areas beyond criminal law or in non-jurisdictional bodies that handle cases of gender-based violence against women. This implies that, upon encountering cases, authorities must promptly initiate investigations or ex officio procedures within reasonable time frames<sup>215</sup> and in a proactive manner. These processes must be impartial, thorough,<sup>216</sup> and ensure the right of victims to participate effectively,<sup>217</sup> recognizing their status as right-bearing individuals. Like criminal proceedings, they should be aimed at clarifying the facts and holding those responsible accountable.<sup>218</sup> Additionally, legal assistance, representation services, specialized services, and protective measures must be guaranteed. Women victims must have access to the truth regarding the events<sup>219</sup> and to comprehensive reparations.<sup>220</sup>

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<sup>213</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 93.

<sup>214</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 95.

<sup>215</sup> Inter-American Court of Human Rights. Case of Veliz Franco et al v. Guatemala. Judgment of May 19, 2014 (*Preliminary Objections, Merits, Reparations and Costs*) Series C No. 277, para. 185.

<sup>216</sup> Inter-American Court of Human Rights. Case of Veliz Franco et al v. Guatemala. Judgment of May 19, 2014 (*Preliminary Objections, Merits, Reparations and Costs*) Series C No. 277, para. 185.

<sup>217</sup> Inter-American Court of Human Rights. Case of V.R.P., V.P.C. et al. v. Nicaragua. Judgment of March 8, 2018 (*Preliminary Objections, Merits, Reparations and Costs*) Series C No. 350, para. 293.

<sup>218</sup> Inter-American Court of Human Rights. Case of Rodríguez Vera et al. (The disappeared from the Palace of Justice) v. Colombia. Judgment of November 14, 2014 (*Preliminary Objections, Merits, Reparations and Costs*) Series C No. 28, para. 509.

<sup>219</sup> IACHR. The Right to Truth in the Americas, August 13, 2014, available at <https://www.oas.org/en/iachr/reports/pdfs/Right-to-Truth-en.pdf> para. 70.

<sup>220</sup> MESECVI/UN Women. Reparación Integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf> p. 21-22.



**548.** To this end, and within the framework of the duty of due diligence, States Party must organize State structures<sup>221</sup> and institutions to ensure they are equipped to receive demands, reports, or complaints and to take appropriate action. Furthermore, they must establish guidelines and protocols to effectively direct women to the services they need. Processes, procedures, and services must be accessible, taking into account the diversity of women, including women with disabilities.<sup>222</sup> **The Committee urges States Party to the Convention to take all necessary measures to ensure that all State structures have the capacity to respond to cases of gender-based violence against women, in alignment with the Belém do Pará Convention.**

#### **j. Gender Stereotypes and Prejudices in Justice Processes**

**549.** The Committee has examined the pervasive influence of gender stereotypes across all dimensions of women's lives, noting their significant effect on women's access to justice. **The Deep-rooting of gender stereotypes within judicial processes has emerged as a principal barrier obstructing justice for women subjected to violence. These stereotypes reflect and perpetuate a patriarchal culture that informs the actions of authorities,<sup>223</sup> leading to a failure in fulfilling State obligations<sup>224</sup> and implicitly conveying a tolerance of violence by those in power.** As the CEVI has asserted, patriarchy functions not solely as an ideology but as an embedded structural framework.<sup>225</sup>

**550.** In proceedings before courts, the use of gender stereotypes causes the revictimization of women, and may even make it impossible for women to be convicted or resolved. As articulated by the Committee on the Elimination of Discrimination against Women (CEDAW Committee) in its Recommendation No. 33:

“Stereotyping and gender bias in the justice system have far-reaching consequences for women’s full enjoyment of their human rights. They impede women’s access to justice in all areas of law, and may have a particularly negative impact on women victims and survivors of violence.

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<sup>221</sup> Inter-American Court of Human Rights. Case of Velásquez-Rodríguez v. Honduras. Judgment of July 29, 1988 (*Merits*) Series C No. 4. Cited by the IACHR (2007); IACHR. Access to Justice for Women Victims of Sexual Violence in Mesoamerica, December 9, 2011, available at <https://cidh.oas.org/pdf%20files/WOMEN%20MESOAMERICA%20ENG.pdf> para. 40.

<sup>222</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf> para. 2.

<sup>223</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 38.

<sup>224</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 38.

<sup>225</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 40.

Stereotyping distorts perceptions and results in decisions based on preconceived beliefs and myths rather than relevant facts. Often, judges adopt rigid standards about what they consider to be appropriate behaviour for women and penalize those who do not conform to those stereotypes. Stereotyping also affects the credibility given to women's voices, arguments and testimony as parties and witnesses. Such stereotyping can cause judges to misinterpret or misapply laws. (...) In all areas of law, stereotyping compromises the impartiality and integrity of the justice system, which can, in turn, lead to miscarriages of justice, including the revictimization of complainants.”<sup>226</sup>

551. However, **the Committee has observed that gender stereotypes permeate the entire justice process, with actors such as the Public Prosecutor's Office, prosecutors, police officers, and forensic doctors applying, reinforcing, and perpetuating stereotypes detrimental to women. These biases influence various stages, including the reception of complaints, the granting of protective measures, the initiation of investigations, procedural actions, investigative lines, the requisition of expert evidence, and ultimately, the outcomes of investigations.**

552. The Committee emphasizes that gender **stereotypes also impact the provision of free legal assistance and representation services**. Lawyers involved in these services are similarly influenced by the prevailing patriarchal culture, which shapes their actions.<sup>227</sup> The Committee emphasizes that gender stereotypes **also impact the provision of free legal assistance and representation services**. Lawyers involved in these services are similarly influenced by the prevailing patriarchal culture, which shapes their actions. This influence becomes particularly concerning in cases of public defense for women who are accused or under investigation, as lawyers who apply gender stereotypes may overlook evidence, omit critical information, revictimize women, and ultimately present cases to judicial and non-judicial bodies that fail to accurately reflect the facts. Such practices fall short of a gender perspective and do not meet the standards of access to justice for women.

553. The same issues are evident in specialized services. Regrettably, the Committee has received substantial information indicating that **services designed specifically to assist women victims of violence continue to be marked by the application of gender stereotypes**. Personnel responsible for determining eligibility for shelter admission, staff within shelters, professionals in medical and psychological services, personnel handling helplines or other technological support, and even those in comprehensive support services for women victims of violence, all employ gender stereotypes that lead to the **revictimization of women**. This leads many women to avoid

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<sup>226</sup> CEDAW Committee. CEDAW/C/GC/33, August 3, 2015, General recommendation No. 33 on women's access to justice, available at: <https://documents.un.org/doc/undoc/gen/n15/241/90/pdf/n1524190.pdf> para. 26.

<sup>227</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 38.

engaging with justice processes or related services, thereby creating a barrier to their access to justice and fostering an environment of impunity. Furthermore, the application of gender stereotypes can strip women of the foundational support needed to actively participate in their legal proceedings, diminishing their standing as right-bearing individuals within these processes.

554. The application of gender stereotypes throughout the justice process, including in legal assistance, representation, and specialized services, is evident when: women's statements are doubted or disregarded due to inconsistencies, disregarding the effects of trauma on memory and the frequency of prior interviews; protection measures are withheld by prosecutors or judicial bodies because the risk to women is minimized; they are subjected to unnecessary examinations or expert evaluations, lacking a gender-sensitive approach and conducted under inadequate conditions; personnel treat them in ways that undermine their dignity or convey discriminatory and sexist attitudes; victims or their families are assigned blame; legal frameworks or classifications are employed to downplay the responsibility of aggressors; cases are detached from broader patterns of systemic gender-based violence against women; and the reasoning in official resolutions, opinions, or judgments reflects gender stereotypes. It also manifests when women are not permitted to participate effectively in their own legal proceedings. This lack of acknowledgment of women victims as right-bearing individuals within their cases disregards their autonomy and their capacity to make informed decisions throughout the justice process.

555. This perspective imposes expectations on women and girls to behave in certain ways, rooted in patriarchal beliefs that cast them as submissive and solely as victims, devoid of autonomy or decision-making power regarding the acts of violence they have endured. Authorities must refrain from making assumptions about how victims should respond or behave—<sup>228</sup> assumptions stemming from gender stereotypes and patriarchal views that ultimately deny their standing as right-bearing individuals.

556. In addition to the aforementioned issues, the Committee highlights that the impact of gender stereotypes is intensified in cases of gender-based violence against women with disabilities,<sup>229</sup> who also face discriminatory stereotypes associated with disability<sup>230</sup> that pervade

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<sup>228</sup> Murad Code. Principle 1, available at: <https://www.muradcode.com/murad-code>

<sup>229</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf> para. 27a.

<sup>230</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf> para. 26.

regional societies and justice systems. Stereotypes grounded in assumptions of legal incapacity or societal disregard for women with disabilities significantly undermine their access to justice.<sup>231</sup>

557. **In summary, the application of gender stereotypes within justice processes ultimately results in impunity for acts of gender-based violence against women.** This occurs when women are denied access to these processes due to the dismissal of their statements, when they choose not to proceed with their cases, or when resolutions, opinions, and judgments are tainted by gender stereotypes. As affirmed by this Committee in the Regional Declaration on the Eradication of Gender Stereotypes in Public Spaces Resulting in Symbolic and Political Gender-based Violence Against Women,<sup>232</sup> this constitutes a form of symbolic violence, as it communicates a message of inequality, dominance, and structural discrimination toward women, thereby normalizing their subordination.

558. On this basis, the Committee asserts that **continuous and institutionalized education and training programs, though not the sole measures required, are essential for States to fulfill their treaty obligations to eliminate gender stereotypes for all women in their diversity.** However, the CEVI expresses serious concern that, while several States reported conducting training that included the Belém do Pará Convention and occasionally modules on stereotypes, only three States reported offering training specifically focused on gender stereotypes.

559. **Argentina** reported that in 2021, the Center for Judicial Gender Studies in one of its provinces organized training sessions on gender prejudices and stereotypes in criminal proceedings, examining their impact on the investigation and litigation of gender violence-related crimes. At the national level, the Women's Office of the Supreme Court of Justice of the Nation conducted a periodic workshop on gender stereotypes from 2018 to 2021, attended by 28,472 women and 16,116 men. Additionally, specialized workshops on cases of human trafficking were held, with 135 women and 161 men participating, as well as workshops on due diligence and access to justice, which included modules on stereotypes, with 2,683 women and 1,318 men in attendance.

560. In Uruguay, the Judiciary conducted courses in 2018 on the role of judges in addressing illicit and harmful gender stereotypes. In 2020, additional training on the Guide to Gender Stereotypes and International Standards on Women's Rights was provided for judicial personnel. The Attorney General's Office also held a webinar in 2020 on the application of gender stereotype guides, although the number of participants was not reported. Meanwhile, Mexico reported that in

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<sup>231</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 4): Gender-based Violence Against Girls and Women with Disabilities, 2022, available at: <https://belemdopara.org/wp-content/uploads/2023/05/General-Recommendation-Violence-Disabilities.pdf> para. 27a.

<sup>232</sup> MESECVI. Regional Declaration on the Eradication of Gender Stereotypes in Public Spaces Resulting in Symbolic and Political Gender-based Violence Against Women, September 20, 2023, available in: [DEC-Symbolic-Violence.pdf](#) para. 24.

2021, the Federal School of Judicial Training of the Federal Judiciary Council offered a course on gender equality, stereotypes, and justice for judges, attended by 58 women and 27 men.

561. From the remaining information received by the CEVI for this report, it is clear that, apart from Argentina, other States did not provide sufficient data to demonstrate the continuity of these training programs. In many instances, the number of participants in the courses was limited, restricting the reach and impact across all justice system personnel. The Committee is also concerned about the absence of training for other essential actors within the judicial system, such as prosecutors, police officers, and legal aid staff, with Argentina being the only country reporting training initiatives for these groups.

562. The Committee urges all States Party to implement and sustain institutionalized, ongoing training programs on gender stereotypes, encompassing all judicial personnel and other actors within the justice system, including public prosecutors, prosecutor's offices, and security forces. These efforts must provide sufficient coverage to ensure the eradication of gender stereotypes in the administration of justice, a clear obligation established by the Belém do Pará Convention.

563. With respect to studies on judgments containing stereotypes, Argentina reported that in 2022 the Specialized Prosecutorial Unit on Gender-based Violence against Women published the report "Transfemicides, Travesticides, and Crimes of Prejudice in Argentina (2016-2021)," which analyzes 12 judgments issued ten years after the Gender Identity Law. Additionally, the Public Ministry of Defense published two jurisprudence bulletins entitled "Equality and Non-Discrimination in Gender Cases" and the report "Legitimate Defense and Genders" in 2020, which survey Argentine jurisprudence in this field.

564. In contrast, some States did not respond to the CEVI's request for studies and analyses on court rulings involving gender stereotypes. Colombia referenced several rulings from the Constitutional Court and other courts that signify progress in eradicating stereotypes and implementing the Belém do Pará Convention at the national level; however, no specific state initiative was identified to analyze the use of stereotypes in judicial decisions.

565. Mexico reported the development of a "Manual on the Effects of Stereotypes on the Administration of Justice" and the publication of "Booklets on Jurisprudence on Equality and Non-Discrimination" by the Supreme Court of Justice of the Nation. Similarly, Chile noted that the Public Defender's Office publishes periodic bulletins on jurisprudence with a gender focus, including one specifically dedicated to the impact of the COVID-19 pandemic on gender justice.

566. In conclusion, while some States, such as Argentina, have made notable strides in developing and publishing studies on gender stereotypes, others still lack the institutionalization of these efforts. The Committee strongly urges that these initiatives be broadened and made permanent to ensure comprehensive training for all judicial and support personnel in the justice system on the identification and elimination of gender stereotypes. Furthermore, it calls on States

to conduct more thorough analyses of judicial sentences and rulings that perpetuate gender bias. **The Committee continues to observe that gender stereotypes and prejudices remain both the root cause and a consequence of gender-based violence against women<sup>233</sup>, deeply ingrained throughout the region.<sup>234</sup>**

567. The information provided indicates that, although some States have initiated training programs on gender stereotypes and their effects on the administration of justice, these efforts remain insufficient to meaningfully transform the culture of tolerance toward violence. The lack of continuity and comprehensive coverage in training, along with the limited involvement of diverse actors within the justice system, hinders these initiatives from achieving a transformative impact on a large scale. Moreover, the lack of systematic studies and analyses on the use of stereotypes in court rulings<sup>235</sup> underscores the urgency for States to institutionalize and expand these training programs. This is essential to eliminate prejudices and stereotypes that perpetuate gender-based violence within judicial processes and the treatment of victims. Without more robust and sustained action, the progress achieved thus far will remain insufficient against the scale of the problem.

#### **k. Right to Truth and Reparation for Women and Girls Who Are Victims of Gender-Based Violence**

568. According to Article 7(g) of the Belém do Pará Convention, States are required to implement judicial and administrative mechanisms that ensure women who have experienced violence are granted access to full reparations. These reparations should address the harm endured, provide fair and effective redress, and include other suitable forms of compensation. The Committee reiterates that reparations form a cornerstone of access to justice and must be implemented in alignment with the inter-American corpus juris. This requires a gender-responsive approach that considers the specific needs and priorities of women.<sup>236</sup> States Party are obligated to

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<sup>233</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 11.

<sup>234</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 60.

<sup>235</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 331.

<sup>236</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 482.

ensure adequate reparation for harm suffered, applying a gender-sensitive framework, and to maintain records within the Judicial Branches of reparations provided to women victims.<sup>237</sup>

569. Although reparations often mark the final stage of a justice process, the right to truth permeates every phase of the various procedures involved.<sup>238</sup> This right is essential, as its primary aim is to ensure that victims understand the facts and the identities of all responsible parties.<sup>239</sup> At each stage of the process, authorities must uphold this objective, ensuring that proceedings enable women victims of violence to achieve this fundamental goal. Accordingly, due diligence<sup>240</sup> is critical to upholding the right to truth for women who have endured gender-based violence.

570. **As noted in the legislation chapter of this report, the majority of laws on gender-based violence against women within States Party recognize the right to reparation, while fewer acknowledge the right to truth.** In this context, some States Party have initiated measures and programs aimed at enforcing these rights. Concerning policies for comprehensive reparation for women victims of violence—including judgments, opinions, and resolutions that grant reparations, as well as reparation processes for collateral victims of femicide—the CEVI identifies the following.

571. Argentina enacted Law 27452 on Economic Reparation for minor collateral victims of femicide but has not reported on similar efforts in other provinces. Since 2020, Costa Rica has applied an Inter-Institutional Protocol for the comprehensive care of collateral femicide victims, although no data on beneficiaries has been provided. Chile operates Comprehensive Reparative Care Centers, serving 51 users in 2020 and 153 in 2021, which provide psychological, social, and legal support to women affected by various forms of violence. In Colombia, the Constitutional Court and the Special Jurisdiction for Peace have issued significant rulings on comprehensive reparations and victims' right to truth, with 126 judgments from the Constitutional Court affirming this right.

572. Ecuador has implemented the Plan for Accompaniment and Restitution of Rights since 2020; however, data on the number of women who have accessed this plan is unavailable. In Guatemala, a comprehensive and transformative reparation policy for women victims of gender-based violence was introduced in 2018, resulting in 298 sentences including reparations by 2021. El Salvador and Paraguay lack specific policies or judgments on comprehensive reparation for women victims of violence or their collateral victims. In Uruguay, the Social Security Bank

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<sup>237</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 486.

<sup>238</sup> Inter-American Court of Human Rights. Case of the Rochela Massacre v. Colombia. Judgment of May 11, 2007 (*Merits, Reparations, and Costs*) Series C No. 163, para. 193.

<sup>239</sup> IACHR. The Right to Truth in the Americas, August 13, 2014, available at <https://www.oas.org/en/iachr/reports/pdfs/Right-to-Truth-en.pdf> para. 70.

<sup>240</sup> Inter-American Court of Human Rights. Case of the Rochela Massacre v. Colombia. Judgment of May 11, 2007 (*Merits, Reparations, and Costs*) Series C No. 163, para. 193.



provides pensions and psychological support to children of femicide victims, with 141 pensions granted in 2021.

573. In Mexico, the Interdisciplinary Committee of the CEAV addressed 89 cases of gender-based violence against women in 2020 and 25 in 2021, while the Judiciary issued six sentences with reparations in 2019, eight in 2020, and seven in 2021. In Peru, the Reparations Council oversees the Single Registry of Victims of the conflict, and between 2019 and 2021, multiple judgments related to compensation for violence were issued, including 405 in 2020 and 353 in 2021.

574. **The Committee of Experts commends the adoption of public reparation policies for collateral victims of femicide by some States Party. However, it expresses concern that many of these policies emphasize economic reparations, while collateral victims—often minors—require comprehensive reparations that enable them to rebuild their life trajectories in the aftermath of such traumatic loss.**<sup>241</sup> As previously emphasized by the CEVI, **the families of victims must be provided with legal, medical, psychological, and social support.**<sup>242</sup> Reparation measures should extend beyond economic compensation and be designed to honor the victim's memory, acknowledge the families' pursuit of justice, and foster a "context of social validation of suffering."<sup>243</sup> In this way, the traumatic experience is transformed into an experience of resilience and collective struggle.<sup>244</sup>

575. **The Committee of Experts expresses regret that the majority of States Party have not reported judgments or opinions granting reparations, and among those that did respond, the reported numbers appear exceedingly limited. Furthermore, it is concerning that some States maintain reductionist views of reparation, failing to acknowledge it as a comprehensive measure.** In this regard, the Committee urges States to provide comprehensive reparations to women victims of violence, emphasizing that these reparations must be transformative, recognizing that violence against women is intrinsically linked to the structures of oppression and domination prevalent in the region. Therefore, reparations must aim not only to restore women victims to their pre-violence conditions but also to meaningfully enhance those

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<sup>241</sup> MESECVI/UN Women. Reparación Integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf> p. 60.

<sup>242</sup> MESECVI/UN Women. Reparación Integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf> p. 60.

<sup>243</sup> MESECVI/ONU Mujeres. Reparación Integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf> p. 61.

<sup>244</sup> MESECVI/UN Women. MESECVI/ONU Mujeres. Reparación Integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf> p. 61.



circumstances. The Committee further urges all States Party to the Convention to adopt policies and strategies ensuring that collateral victims of femicide have access to comprehensive reparations that account for their personal situations, including the specific needs of minors involved.

576. In this context, the Committee urges States to establish national programs and funds dedicated to the comprehensive reparation of harm for women victims of violence. This mandate aligns with the duty of due diligence, whereby States are responsible for providing reparations not only for acts or omissions by their agents but also for acts committed by private individuals.<sup>245</sup> Furthermore, the State must ensure reparations even when the perpetrator lacks the willingness or material capacity to fulfill this obligation.<sup>246</sup> These programs and funds must be equipped with specialized personnel and adequate human and financial resources to fulfill their mandate effectively. **For States Party organized as federations, a cohesive policy should be implemented to ensure that support is not restricted to women victims whose cases fall under federal jurisdiction but extends equally to those in local jurisdictions.** The Committee asserts that procedures for obtaining reparations should not be burdensome for women victims; processes must be accessible to all women in their diversity, including women with disabilities, and must avoid imposing excessive burdens of proof or bureaucratic hurdles that render the process ineffective.

577. Furthermore, the Committee urges States Party to take necessary measures to ensure that women victims of violence, whether individually or collectively, participate actively in the design, implementation, and evaluation of reparation programs.<sup>247</sup> This inclusion is essential within the framework of their right to active participation and their status as right-bearing individuals.

578. **The Committee acknowledges that implementing adequate reparations requires a thorough investigation into the causes and consequences of each case, taking into account the specific context in which they occurred.**<sup>248</sup> **Emphasizing that, within judicial rulings, uncovering the truth can itself serve as a form of reparation,**<sup>249</sup> the Committee expresses

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<sup>245</sup> MESECVI/ONU Mujeres. Reparación Integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf> p. 24.

<sup>246</sup> MESECVI/ONU Mujeres. Reparación Integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf> p. 25.

<sup>247</sup> CEDAW Committee. CEDAW/C/GC/33, August 3, 2015, General recommendation No. 33 on women's access to justice, available at: <https://documents.un.org/doc/undoc/gen/n15/241/90/pdf/n1524190.pdf> para. 5.

<sup>248</sup> MESECVI/ONU Mujeres. Reparación Integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf> p. 40.

<sup>249</sup> MESECVI/ONU Mujeres. Reparación Integral en casos de femicidio y feminicidio en Latinoamérica: avances, desafíos y recomendaciones (Comprehensive Reparations in Cases of Femicide in Latin America: Progress, Challenges, and Recommendations), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Informe-Reparacion-Integral.pdf> p. 28.

concern over the limited number of sentences issued relative to the high volume of cases of gender-based violence against women in States Party. In this regard, the Committee reflects on findings from the section addressing the criminal justice system's outcomes in cases of gender-based violence against women, as well as from justice proceedings within various competent bodies. These findings reveal a significant gap between the rights legally recognized by States and the actual administration of justice. This gap indicates that States are not fully meeting their duty of due diligence across all stages of relevant processes and procedures, thereby perpetuating impunity and undermining the right to truth for women victims of violence.

579. There is, undoubtedly, an incomplete understanding of procedures as elements within a broader pursuit of truth across the region. Accordingly, the Public Prosecutor's Office, prosecutors, and both jurisdictional and non-jurisdictional bodies often do not prioritize the objective of truth in cases of gender-based violence against women. This reflects an absence of a victim-centered approach<sup>250</sup> that positions victims at the heart of justice processes and, within the framework of the duty of due diligence, seeks to ensure they gain access to the truth of the experiences they endured.

580. The Committee asserts that the duty to apply a gender perspective in cases of gender-based violence against women and girls<sup>251</sup> encompasses the right to truth. This entails that the reconstruction of events through both jurisdictional and non-jurisdictional processes must consider the context in which the violence occurred, as well as the structural causes underlying gender-based violence. In situations of widespread violence or armed conflict, it is also essential to account for the distinct and differentiated impacts of violence on women. Only in this manner can resolutions, rulings, and judgments be rendered that fully uphold the right of women victims to know the truth about the events, to identify all those responsible,<sup>252</sup> and, in certain cases, the right of society as a whole to understand the truth of the matters at hand.<sup>253</sup>

581. In cases involving the disappearance of women and girls, the Committee has recognized the right of families to seek justice<sup>254</sup> and truth. The Inter-American Court of Human Rights has further established that relatives have the right to know the fate of the disappeared person and,

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<sup>250</sup> CEDAW Committee. CEDAW/C/GC/33, August 3, 2015, General recommendation No. 33 on women's access to justice, available at: <https://documents.un.org/doc/undoc/gen/n15/241/90/pdf/n1524190.pdf> para 6.

<sup>251</sup> Inter-American Court of Human Rights. Case of Veliz Franco et al v. Guatemala. Judgment of May 19, 2014. (*Preliminary Objections, Merits, Reparations and Costs*) Series C No. 277, para. 188; Case of Espinoza Gonzáles v. Perú. Judgment of November 20, 2014 (*Preliminary objections, merits, reparations and costs*) Series C. No. 289 para. 242.

<sup>252</sup> IACHR. The Right to Truth in the Americas, August 13, 2014, available at <https://www.oas.org/en/iachr/reports/pdfs/Right-to-Truth-en.pdf> para. 70.

<sup>253</sup> IACHR. The Right to Truth in the Americas, August 13, 2014, available at <https://www.oas.org/en/iachr/reports/pdfs/Right-to-Truth-en.pdf> para. 71; see: Inter-American Court of Human Rights. Rosendo Cantú et al. v. Mexico. Judgment of August 31, 2010 (*Preliminary Objections, Merits, Reparations and Costs*) Series C No. 216, para. 213.

<sup>254</sup> MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No. 2): Missing Women and Girls in the Hemisphere, 2018, available at <https://belemdopara.org/wp-content/uploads/2021/12/RecomendacionMujeresDesaparecidas-EN.pdf> p. 20.

where applicable, the location of their remains.<sup>255</sup> According to the Court, this is a duty the State must fulfill not only for the families but also for society as a whole.<sup>256</sup> Consequently, under the framework of the Belém do Pará Convention, the Committee asserts that, particularly in cases of disappeared women and girls, and in accordance with the duty of due diligence outlined in the Convention, the State is obligated to take all necessary actions from the initial contact with the case to ensure the families' right to truth, as well as that of society.

582. In this context, and recognizing that the right to truth necessitates institutional frameworks enabling its exercise in the most effective, participatory, and thorough manner possible—removing any de jure or de facto barriers—<sup>257</sup> the Committee urges States to enshrine the right to truth in cases of gender-based violence against women within their legislation. Furthermore, the CEVI calls for all necessary measures to ensure that women victims of violence, and, where applicable, their families, have access to the full disclosure of facts and the identification of all responsible parties, as part of expansive truth-seeking processes in a region where gender-based violence remains a pervasive reality for women.

## I. Conclusions

583. The Committee reiterates its appreciation for the efforts reported by States in enhancing access to justice, as noted in the Fourth Multilateral Evaluation Round, covering the period from 2018 to 2022. **While it values the information provided, the Committee urges States to offer more comprehensive data specifically concerning women's access to justice. It further emphasizes the need to bolster the capacities of statistical entities, enabling them to systematically collect and disseminate data generated in the course of their regular operations.** Automated systems play an essential role in this endeavor, and the Committee, therefore, calls upon States to allocate adequate budgets to establish and reinforce these critical mechanisms.

584. The Committee underscores the necessity of recognizing women victims of gender-based violence as right-bearing individuals within their own justice processes. It is imperative to provide free legal counsel, representation, specialized services, and protective measures to ensure that women who choose to engage in legal action can fully exercise their right to meaningful participation. Additionally, prosecution mechanisms, specialized courts, and courts with jurisdiction over cases involving gender-based violence against women—as well as civil courts

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<sup>255</sup> Inter-American Court of Human Rights. Case of Velásquez-Rodríguez v. Honduras. Judgment of July 29, 1988 (*Merits*) Series C No. 4 para. 181.

<sup>256</sup> Inter-American Court of Human Rights. Case of Bámaca-Velásquez v. Guatemala. Judgment of February 22, 2002 (*Reparations and Costs*) Series C No. 91 para. 76.

<sup>257</sup> Inter-American Court of Human Rights. Case of the Rochela Massacre v. Colombia. Judgment of May 11, 2007 (*Merits, Reparations, and Costs*) Series C No. 163, para. 195.

and other institutions empowered to adjudicate such cases—must implement all necessary measures to enable women to effectively exercise their rights as right-bearing individuals.

585. In accordance with this standard of action, and emphasizing that States must establish institutional frameworks enabling victims' right to participate,<sup>258</sup> **the Committee of Experts urges States to take all necessary legislative measures to adopt a comprehensive and protective approach to the participation rights of women victims of violence.** This framework should recognize the right in a way that allows these individuals to engage meaningfully in investigations, procedures, and processes before both jurisdictional and non-jurisdictional bodies. Additionally, the Committee calls on States Party to develop and implement public policies that integrate institutional designs fostering and securing the effective exercise of victims' right to participate.

586. Regarding the provision of free and effective legal advice and representation, the CEVI observes that, although various measures have been implemented by States to establish and enhance these services, significant gaps remain. These include the need for fully effective services with adequate coverage, specialization, sufficient personnel,<sup>259</sup> and continuous legal representation throughout all stages of legal processes, not solely advisory support. The CEVI urges States to adopt the necessary actions to meet these standards.

587. Regarding specialized services, the Committee calls on States to ensure the availability of sufficient shelters with national coverage to support women victims of gender-based violence who require assistance, encompassing victims of all forms of violence, not only specific types. This standard also applies to specialized services and helplines. The CEVI urges States to strengthen and expand these essential institutions.

588. Regarding psychological and medical health services, the Committee calls for adequate coverage, including in remote areas.<sup>260</sup> It also urges that measures be taken to assess the impact of these services and to present disaggregated data reflecting the type of services provided and the characteristics of the users. The CEVI, in alignment with the Declaration on Violence against Girls, Women, and Adolescents and their Sexual and Reproductive Rights, urges States to ensure the availability and accessibility of post-exposure prophylaxis (PEP) and emergency kits in cases of sexual violence.<sup>261</sup>

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<sup>258</sup> Inter-American Court of Human Rights. Case of the Rochela Massacre v. Colombia. Judgment of January 28, 2008 (*Interpretation of the Judgment on the Merits, Reparations and Costs*) Series C No. 175, para. 195.

<sup>259</sup> MESECVI/UN Women. MESECVI/ONU Mujeres. Servicio de asesoría legal para atención de violencia de género contra las mujeres en México y Centroamérica (Legal Advisory Services for Addressing Gender-based Violence Against Women in Mexico and Central America), 2022, available at: <https://www.oas.org/es/mesecvi/docs/Servicio-de-asesoria-legal-Version-WEB.pdf> p. 12.

<sup>260</sup> MESECVI. Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI, April 2015, available at: <https://belemndopara.org/wp-content/uploads/2021/12/MESECVI-SegundoInformeSeguimiento-EN.pdf> para. 130.

<sup>261</sup> MESECVI. Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights, 2014, available at: <https://belemndopara.org/wp-content/uploads/2021/12/DeclaracionDerechos-EN.pdf> p. 17.

589. Regarding protection measures, the Committee expresses regret over the limited information provided and requests States Party to report in a comprehensive and disaggregated manner, detailing the levels of implementation of legislative norms establishing protection measures, as well as their monitoring and compliance. The Committee also urges States to ensure that protection measures are available for all forms of violence requiring them, extending beyond domestic violence alone.
590. Regarding the criminal justice system, the CEVI acknowledges the efforts of States to establish institutions and processes in alignment with the Belém do Pará Convention and the recommendations issued by this Committee. Nonetheless, it observes persistently high levels of impunity in the region and notes that the criminal justice system still lacks the full capacity to respond effectively to women victims of violence. The CEVI, therefore, calls on States to continue strengthening their criminal justice systems in line with the Committee's recommendations.
591. Regarding justice proceedings before jurisdictional bodies with non-criminal jurisdiction, as well as other entities and institutions equipped to handle cases of gender-based violence against women, the Committee of Experts invites States to provide comprehensive information and to focus efforts on strengthening civil, administrative, and other relevant proceedings. This includes ensuring these bodies have adequately trained, specialized, and sufficient personnel to address cases of gender-based violence against women. The Committee also urges States to guarantee that free legal advice and representation services are available to accompany women throughout these justice processes, extending beyond criminal proceedings alone.
592. Given the impact of gender stereotypes throughout justice processes, the Committee calls upon States to persist in taking necessary measures to eliminate these biases within prosecutors' offices, police departments, advisory and free legal representation services, specialized support services, the issuance and supervision of protection measures, the courts, and other institutions handling cases of gender-based violence against women.
593. The Committee deems it essential for States Party to take appropriate measures to eliminate barriers preventing access to justice for women belonging to vulnerable groups. Such measures must be cross-cutting, with the aim of advancing the rights of indigenous women, Afro-descendant women, and women with disabilities in justice processes, both criminal and otherwise. This includes their access to care services such as legal assistance, specialized support services, and protection measures. In the absence of public policies and measures addressing these needs, it will be challenging for women from vulnerable groups to access these vital services and, by extension, justice.
594. Finally, **the Committee of Experts calls on States to incorporate women's right to truth into their legislation and to ensure that justice processes prioritize the guarantee of this right from the outset. Regarding reparations, States are urged to establish and strengthen comprehensive reparations for women victims of violence, ensuring these reparations are**

**transformative and gender-responsive.** The Committee also calls for an increased number of opinions, resolutions, and judgments that grant reparations, in alignment with the number of judicial rulings reported by States Party in this area. States should allocate funds for comprehensive reparations and establish systems that ensure women can access them, even in cases where the perpetrator lacks the capacity or willingness to provide full reparations for the harm caused.

## **Chapter 4: Information and Statistics**

595. Article 8(h) of the Belém do Pará Convention imposes on States the progressive duty to conduct research and to generate comprehensive information and statistical data concerning gender-based violence against women. The Committee underscores that any substantive analysis of the policies, programs, and measures adopted by States is contingent upon the systematic production and gathering of relevant information and statistics<sup>262</sup> that reflects these initiatives, their impact, and their tangible outcomes on the lives of women. In this context, the Committee emphasizes that fulfilling the obligation set forth in Article 8(h) is an indispensable mechanism to drive the eradication of gender-based violence against women and to enable rigorous monitoring of States' efforts, thereby assessing the adequacy and alignment of such efforts within the framework of their public policies and the Convention's objectives.<sup>263</sup>

596. In this area, the CEVI has recommended the continued development of statistical tools that are mutually compatible and capable of providing essential information for formulating public policies, programs, actions, and strategies addressing gender-based violence against women.<sup>264</sup> The CEVI has further underscored the importance of promoting the establishment of computerized and digitalized systems, along with institutional coordination, to facilitate the registration, systematization, and dissemination of information.<sup>265</sup> This occurs within the broader context of not only punishing and eradicating gender-based violence against women but also allocating responsibilities to evaluate the State's response to this violence, encompassing the duty to gather data and compile statistics. In essence, the information pertains not solely to the phenomenon of gender-based violence against women but also to the State's functioning and efforts in preventing, punishing, and eradicating such violence. This data serves to assess the regulations, plans,

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<sup>262</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 336.

<sup>263</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 301.

<sup>264</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 436.

<sup>265</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 427.

programs, and actions undertaken by the State concerning access to justice, as outlined in this report.

597. Regarding access to justice, truth, and reparation for women who are victims and survivors of violence, the Committee has previously recommended that States enhance their information systems in this domain, ensuring that these systems reflect the quality and effectiveness of procedures, including protection, investigation, punishment, and comprehensive reparation for harm suffered.<sup>266</sup> The Committee stresses the importance of public prosecutors, prosecutorial offices, police forces, and the judiciary in generating and compiling statistical data that details the number of complaints, investigations initiated, prosecutions, and judicial proceedings at each stage of the process. The same requirement extends to bodies with jurisdiction in various matters, as well as to legal assistance and advocacy services, specialized support services, and protection measures. Only through such comprehensive data collection will it be possible to conduct a thorough and precise evaluation and analysis of the effectiveness of the measures undertaken by States to fulfill their obligations under the Belém do Pará Convention.

598. In this regard, the Committee asserts that, over the past 20 years since its establishment, progress has been made in the field of information and statistics, notably in delegating responsibilities to entities beyond the States' statistical institutions. However, the CEVI notes that justice systems across the States examined in this analysis remain insufficient and exhibit significant deficiencies in both the collection of statistical data and its presentation to this Committee. Consequently, the region's justice systems demonstrate limited capacity in this area and lack internal bodies dedicated to ensuring transparency of information.

599. The lack of transparency does not only take place in this sense; it also arises when women lack sufficient and appropriate information about where to seek assistance, which authorities to approach, or the procedures to follow in matters of justice, including access to legal advice, representation, specialized services, and protective measures. Thus, it is not merely the phenomenon of gender-based violence against women that pertains to the State's obligations; rather, it is this pervasive opacity that obstructs access to justice for women who are victims and survivors of violence. As affirmed by this Committee, the information provided to victims must enable them to make informed decisions regarding their involvement in the process and the degree of that involvement.<sup>267</sup> Transparency also benefits civil society organizations working in this field, especially when they need comprehensive, disaggregated, and current information to analyze the State's actions and responses and to hold it accountable. This aligns with the jurisprudence of the

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<sup>266</sup> MESECVI. Third Follow-up Report on the Implementation of the Recommendations of the Committee of Experts of the MESECVI, 2020, available at: <https://belemdopara.org/wp-content/uploads/2021/12/Tercer-Informe-Seguimiento-EN.pdf> p. 84.

<sup>267</sup> MESECVI/ONU Mujeres. Respuestas normativas para el cumplimiento de los estándares en materia de femicidio/feminicidio. Desafíos y buenas prácticas en la legislación procesal penal de la región (Normative Responses to Meet Standards on Femicide/Feminicide: Challenges and Best Practices in Criminal Procedural Legislation Across the Region), 2022, available at: <https://belemdopara.org/wp-content/uploads/2022/11/Informe-Respuestas-Normativas.pdf> p. 22.

Inter-American Court of Human Rights, which has determined that Article 13 of the American Convention on Human Rights safeguards the right to receive information and establishes the State's positive obligation to provide it in a manner that ensures accessible and effective access.<sup>268</sup>

600. In this regard, the Committee of Experts notes that **Argentina, Costa Rica, Chile, Ecuador, El Salvador, Guatemala, Paraguay, Uruguay, and Mexico** have reported legislation on gender-based violence against women that mandates the collection of statistical information. **Peru's** submission indicates that there is no specific obligation related to gender-based violence against women; instead, this responsibility arises from a broader, general obligation. **Colombia** did not report any regulations requiring authorities to conduct periodic investigations and studies to monitor and evaluate public policies addressing gender-based violence against women. **The Committee of Experts welcomes the fact that most States have enacted legislation explicitly mandating the production and collection of information and statistics on gender-based violence against women, in alignment with the Belém do Pará Convention. The Committee urges those States that have not yet adopted such standards to undertake the necessary processes to implement these measures.**

601. In this regard, the Committee of Experts commends the fact that several States Party, in their responses to the indicators, reported an expansion of the obligation to collect statistical information by assigning this responsibility to multiple authorities, rather than solely to national statistical institutes. Nonetheless, some States provided information indicating that their legislation mandates only a single authority for this task. For instance, **Ecuador** reports that the 2018 Comprehensive Organic Law to Prevent and Eradicate Gender-based Violence Against Women mandates the National Institute of Statistics and Census to collect and supply statistical data to the Single Registry of Gender-based Violence against Women and to conduct specialized surveys. In **Colombia**, Law 2126 of 2021 designates the Ministry of Justice as the governing body of the Family Commissariats, which administers the Information System specified in the Law. No additional information was provided in this area. In **Paraguay**, Law 5777 establishes the State's obligation to maintain administrative records—including those from police, judicial, prosecutorial, and service agencies—related to cases of gender-based violence against women. The Ministry of Public Defense is designated as the public sector institution responsible for producing or generating statistical information on this issue. The CEVI regrets that **Brazil** did not provide a response to the indicator concerning the number and characteristics of institutions responsible for producing or generating statistical information.

602. The CEVI will provide an overview of each State Party in this regard, evaluating progress in the distribution of obligations within the States **to enhance the collection of statistical**

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<sup>268</sup> Inter-American Court of Human Rights. Order of the Inter-American Court of Human Rights. Case of Claude Reyes et al. v. Chile. Judgment of September 19, 2006 (*Merits, Reparations and Costs*) Series C No. 151, para. 43.



**information. This is particularly crucial in the area of access to justice, given the multitude of institutions involved and the imperative for effective coordination among them.**

603. **Argentina** reports that Law 25.485 requires the National Council for Women to periodically analyze and disseminate statistical data and research findings to monitor public policies on gender-based violence against women, facilitated through the Observatory of Gender-based Violence Against Women. This law also obligates the Supreme Court of Justice to compile relevant statistics. The Council is mandated to coordinate with various jurisdictions to select data for the registration of indicators on gender-based violence against women. Additionally, the National Directorate of Planning, Monitoring, and Information Management, along with the Technical Directorate of Registries and Databases, are responsible for producing and collecting information on violence against women.

604. Other entities in Argentina that produce or generate relevant information include the Specialized Unit on Gender-based Violence Against Women within the Public Prosecutor's Office, the Women's Office of the Supreme Court of Justice of the Nation, and, at the local level, the Observatories on Gender-based Violence Against Women and Public Prosecutor's Offices across various provinces. However, civil society organizations have informed this Committee that information generated at both the national and provincial levels remains fragmented and limited, leading to under-registration and a lack of coordination among relevant bodies. Additionally, civil society reports that judicial statistics are not systematized to enable tracking of complaints, their progression through legal processes, or the number of convictions or case terminations.<sup>269</sup>

605. **Costa Rica** reports that the 2008 Law on the Creation of the National System for the Attention and Prevention of Gender-based Violence against Women and Domestic Violence establishes the obligation to collect statistical information on gender-based violence against women. In this regard, the law mandates the 22 institutions comprising the System, including the National Institute for Women, the Ministry of Public Education, the Ministry of Justice, the Ministry of Public Health, Labor and Social Security, and the Judiciary, among others, to conduct these activities. The same law establishes the Commission for the Evaluation and Compliance of Policies to oversee and assess the fulfillment of obligations by the institutions within the System. Regarding public sector institutions that produce or generate statistical information, the State identifies the Costa Rican Social Security Fund, which monitors the health of women victims and survivors of violence; the National Council for Persons with Disabilities and the National Institute of Statistics and Censuses, which gather data on the rights of persons with disabilities, including women; and the National Institute for Women.

606. **Chile** reports that Law 20.066 on domestic violence mandates authorities to generate, produce, and collect statistical information. Public sector institutions responsible for producing or

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<sup>269</sup> CLADEM. Shadow Report, Argentina. Acceso a la justicia en casos de violencia sexual (Access to Justice in Cases of Sexual Violence), available at: [https://belemdopara.org/wp-content/uploads/2023/06/Argentina-IVRonda\\_Mesecevi.pdf](https://belemdopara.org/wp-content/uploads/2023/06/Argentina-IVRonda_Mesecevi.pdf) p. 8.

generating statistical data on gender-based violence against women include the Undersecretariat for Crime Prevention, the National Service for Women and Gender Equity, and the Legal Division of the Ministry of Women and Gender Equity. Additionally, the Public Prosecutor's Office maintains official and up-to-date reports on complaints filed for crimes of femicide, human trafficking, and migrant smuggling involving women, girls, and adolescents. These reports are submitted quarterly to the Cabinet and are made available upon request from the National Congress and to civil society through the Transparency Portal.

607. **El Salvador** reports that the Special Comprehensive Law for a Life Free of Violence for Women establishes the National System of Data, Statistics, and Information on Gender-based Violence Against Women, overseen by the Ministry of Justice and Public Security in coordination with the General Directorate of Statistics and Censuses.
608. **Guatemala** mandates the generation and collection of statistical information through the Law against Femicide and Other Forms of Gender-based Violence against Women, the Law on Social Development, the Law on the Dignity and Integral Promotion of Women, and the Organic Law of the National Institute of Statistics. Various authorities are obligated to produce or generate statistical data on gender-based violence against women, including the National Institute of Statistics, the Judiciary, the Public Prosecutor's Office via the Women's Observatory, and the Ministry of the Interior.
609. **Uruguay** reports that Law 19.580 on Gender-Based Violence Against Women mandates the National Women's Institute to collect information for evaluating public policies on this issue and assessing the impact of violence on women. **In Mexico**, the General Law on Women's Access to a Life Free of Violence establishes the obligation to produce, generate, and collect statistical information on gender-based violence against women nationwide. Agencies required to provide statistical data include the Attorney General's Office, the National Institute of Statistics and Geography, as well as individual states.
610. **In Peru**, the National Statistical System Law mandates the National Institute of Statistics and Informatics, the governing body for the country's statistical systems, to conduct the annual Demographic and Family Health Survey and the National Survey on Social Relations, both of which periodically generate statistical information on gender-based violence against women. Additionally, under the current National Plan for Gender Equality, the Ministry of Women and Vulnerable Populations is tasked with conducting studies and research on gender-based violence against women in a consistent and accessible manner. The National Observatory on Gender-based Violence against Women and Family Members gathers data from various authorities, including the Judiciary, the Public Prosecutor's Office, and the Ministry of Justice and Human Rights.
611. Regarding the conduct of periodic studies and research, **Argentina's** provincial Observatories on Gender-based Violence against Women also publish annual data and reports on this issue. In the province of Buenos Aires, the Ministry of Women, Gender Policies, and Sexual

Diversity, in collaboration with the Spotlight Initiative, produces quarterly, semi-annual, and annual reports by municipality, gathering statistics on critical and high-risk cases. The Domestic Violence Office of the Supreme Court of Justice of the Nation has also published statistical information on cases handled between 2018 and 2020. Additionally, various institutions, including the Ministry of Women, Gender, and Diversity and the Specialized Prosecutorial Unit on Gender-based Violence Against Women within the Public Prosecutor's Office, periodically release statistics on services provided and cases addressed.

612. **Brazil** has reported on the development of several reports, among which the CEVI highlights the annual socio-economic report on women confronting gender-based violence against women, overseen by the Ministry of Women, Family, and Human Rights. Additionally, the National Council of Justice publishes annual reports, including Justice for Peace at Home, while the Senate's Women's Observatory against Violence releases Panorama of Gender-based Violence against Women in Brazil: National and State Indicators, among others. Notably, the National Council of the Public Prosecutor's Office publishes an annual Statistical Report on the Actions of the Public Prosecutor's Office in Combating Domestic Gender-based Violence against Women.
613. In **Costa Rica**, the Judiciary publishes statistical yearbooks that include cases of gender-based violence against women, while other institutions also collect and analyze statistical information, such as the Unified System for the Statistical Measurement of Gender Violence. However, the CEVI did not receive information regarding the frequency of reports issued by this system. Costa Rica also reports that the Costa Rican Social Security Fund and the National Women's Institute produce periodic statistical reports on gender-based violence against women.
614. In **Chile**, the Public Prosecutor's Office periodically issues institutional bulletins containing crime statistics, disaggregated by sex, region, and type of crime. In 2020, the Ministry of Gender Equity conducted a qualitative study titled "Update of the Critical Path of Gender-based Violence Against Women," which explores the experiences of women seeking care and support. Additionally, the Annual Femicide Circuit publishes an annual report on the Intersectoral Femicide Circuit. **Colombia** provides a weekly follow-up report on telephone guidance lines but did not submit further information in this area.
615. **Ecuador** reports that the Council of the Judiciary publishes statistical reports on judicial processes related to gender-based violence against women, including cases of femicide, as previously mentioned. In **El Salvador**, the Ministry of Justice and Security presents biannual reports on cases of gender-based violence against women, which include crime statistics, services provided to victims and survivors, and annual budget allocations. These reports contain comprehensive and comparative information by type of violence, including femicide/feminicide, among others. However, they lack an intersectional perspective.
616. The Committee notes that several States reported having systems or databases on gender-based violence cases that are regularly updated. Among them, **Argentina** reported that in 2021, a

resolution by the Ministry of Women, Gender, and Diversity established the Integrated System of Cases of Gender-Based Violence (SICVG), which organizes available information on gender-based violence cases to create a tool for consultation and monitoring in the development of empirically supported public policies. The SICVG issued its first statistical report in 2022. As mentioned previously, **Costa Rica** has the Unified System for the Statistical Measurement of Gender Violence. **Brazil**, for its part, reports on the National System of Domestic Violence, which is automatically updated by the National Council of the Public Prosecutor's Office.

617. In **Guatemala**, the Judiciary published studies in 2021 on specialized justice in cases of femicide and other forms of gender-based violence against women, covering results, progress, and challenges in applying an intersectional approach, among other topics. The National Institute of Statistics released statistics from 2018 to 2021 on gender-based violence against women, including reported crimes, criminal sentences issued, reparations granted, and complaints received by the Ministry of Public Education. Additionally, annual reports from the Mechanism for the Immediate Search for Missing Women were published in 2020 and 2021. In **Paraguay**, the Ministry of Women publishes an annual report, covering the period from 2018 to 2021. The Ministry of Defense also released its own data collection in 2020 and 2021 on crimes and services provided to victims, including women. Paraguay did not provide additional information in this area.

618. **Uruguay** reports that the Observatory on Gender-Based Violence and the National Council published reports in 2018, 2019, and 2021 detailing their activities, along with administrative records on gender-based violence against women. **Mexico** reported that the National Institute of Statistics and Geography conducted studies in 2018 and 2021 on the Justice Centers for Women operating throughout the country, while the Executive Secretariat of the National Public Security System compiles information on victims and survivors documented in investigation files nationwide. **Peru** reports that the National Institute of Statistics and Informatics published the Statistics of Crime, Citizen Security, and Violence in 2021, covering data from the years 2016 to 2020. The same Institute also released a study on femicide and gender-based violence against women in Peru in 2021.

619. The Committee notes, as in previous rounds,<sup>270</sup> that studies, research, and surveys appear to be fragmented across multiple institutions. This fragmentation hinders a comprehensive assessment of the information, particularly when institutions provide contradictory data on the same issue. This issue is prevalent in the area of access to justice, as in several States Party, there appears to be no centralized authority to consolidate information from the relevant institutions.

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<sup>270</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemdopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 317.

620. Regarding periodic surveys on gender-based violence against women, the Committee notes that these were conducted during the period of the Fourth Round in **Argentina, Chile, Ecuador, Uruguay, and Mexico**. The key results are highlighted below.
621. In **Argentina**, the Survey on the Prevalence of Gender-based Violence against Women was conducted in 2022. The findings revealed that 45% of the women surveyed had experienced some form of domestic violence, with psychological violence being the most prevalent. Only 21% of women who experienced violence reported filing a complaint. The age group most affected by domestic violence in the past year was women between 18 and 29 years old. Regarding sexual violence, 17% of respondents reported having been subjected to this form of violence at some point in their lives, with 56.9% indicating they were minors when it occurred.
622. In 2020, **Chile** conducted the Survey on Gender-based Violence against Women in the Context of Domestic Violence and Other Spaces, which compares data from 2012 and 2017. The survey shows an increase in the percentage of women (aged 15 to 65) reporting experiences of violence at some point before or within the past twelve months, rising from 32% in 2012 to 38% in 2017, and reaching 41% in 2021.
623. **Ecuador** reports that the National Institute of Statistics and Censuses conducted the National Survey on Family Relations and Gender-based Violence against Women in 2019, with the previous survey having been conducted in 2011. According to the 2019 survey, 64.9% of women have experienced some form of violence in their lifetime, with psychological violence being the most common, followed by obstetric, physical, sexual, and, lastly, patrimonial violence. Among rural women, 62.8% reported lifetime experiences of violence. The CEVI notes that the survey lacks variables accounting for women with disabilities and did not collect data on complaints, among other important aspects of access to justice for women.
624. In 2019, the Second National Survey on the Prevalence of Gender-Based Violence and Generations was conducted in **Uruguay** by the Observatory on Gender-Based Violence. Key findings indicate that 76.7% of women over the age of 15 have been subjected to some form of violence in their lifetime, marking a 4% increase since the previous survey in 2013. Sexual violence emerged as the most frequent form, with 17.9% of women reporting experiences of workplace violence within the past year. Nearly four in ten Uruguayan women reported experiencing gender-based violence in childhood. The survey also reveals that few women choose to file a complaint and includes variables to assess gender-based violence against women with disabilities.
625. **Mexico** reports that the National Survey on the Dynamics of Relationships in Households was conducted in 2021. The CEVI highlights that 70.1% of women have experienced at least one form of violence in their lifetime, with psychological violence being the most common, followed by sexual, physical, and lastly, economic, patrimonial, and/or workplace discrimination. Regarding complaints and requests for support, the survey indicates that in 2021, 92.0% of women victims

and survivors of sexual and/or physical violence in the workplace did not file complaints or seek assistance; similarly, 78.3% of those experiencing intimate partner violence, 94.7% in community settings, 90.6% within the family, and 91.2% in educational settings did not report or seek support. Additionally, 82.2% of respondents stated they had experienced sexual abuse during childhood. The survey makes no reference to women with disabilities.

626. The CEVI emphasizes that in some countries, studies and surveys on gender-based violence against women have taken excessively long intervals to be conducted again, making them appear more sporadic than periodic. The Committee has consistently noted that this lack of regularity hinders efforts to make the extent of gender-based violence against women visible and to accurately measure its prevalence and trends over time.<sup>271</sup> This issue is particularly relevant in the Fourth Round, as it coincided with the health emergency caused by COVID-19. However, few States provided information that allows for year-to-year comparisons during the pandemic period in the region. The Committee of Experts reiterates its concern about the lack of inclusion of certain groups of women in specialized surveys on gender-based violence against women.<sup>272</sup> These groups include older women, women with disabilities, migrant women, LGBTIQ+ individuals, indigenous women, and Afro-descendant women. The CEVI underscores the compounded discrimination faced by these women and urges States to include them in surveys to accurately identify the forms and contexts of violence they endure, thereby preventing the invisibilization of violence against them.

627. Regarding other efforts reported by States that the Committee recognizes as progress in implementing the Convention, the CEVI highlights that **Argentina**, in 2019, included a module in the National Statistical System's permanent household survey focused on time use. This module aims to apply a gender perspective to capture and quantify individuals' participation in daily activities, disaggregated by gender and age. In **Costa Rica**, a series of Executive Decrees issued between 2018 and 2021 established guidelines for conducting school censuses in educational institutions. The CEVI also notes that **Chile**, in 2021, created the Registry of Alimony Debtors.

628. The CEVI expresses gratitude to the States Party for their efforts in adopting the Committee's recommendations on information and statistics and for presenting data in this area. However, it observes that access to justice was one of the least addressed items by States Party, with some providing extremely limited information. This may be largely attributed to inadequate internal coordination within prosecutors' offices, especially in federal states. More broadly, there

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<sup>271</sup> MESECVI. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow, 2017, available at: <https://belemndopara.org/wp-content/uploads/2021/12/TercerInformeHemisferico-EN.pdf> para. 316.

<sup>272</sup> MESECVI. Third Follow-up Report on the Implementation of the Recommendations of the Committee of Experts of the MESECVI, 2020, available at: <https://belemndopara.org/wp-content/uploads/2021/12/Tercer-Informe-Seguimiento-EN.pdf> para. 348.

is a noticeable fragmentation of information, including data from the judicial branches of these States.

629. In this regard, the Committee urges States to take all necessary measures to ensure that police, prosecutors' offices, courts, legal aid and assistance services, specialized services, national human rights institutions, and administrative bodies for filing complaints—within educational institutions, health centers, workplaces, and other settings—generate and collect disaggregated statistical information on cases of gender-based violence against women within their purview. The Committee also calls on States to establish and strengthen systems for information sharing and to implement automated systems for data collection.

## Chapter 5: Basic Financial Context and Budgetary Commitments

630. Compared to the previous Evaluation Round, it is notable that the quantity of information provided by the participating states has improved, reflecting an enhancement in state capacities to engage in this multilateral evaluation process. Nonetheless, significant challenges persist, including limited access to information, deficiencies in state capacities for generating data aligned with various indicators, insufficient disaggregation of budgetary figures and datasets, issues with data comparability, and the instability of hyperlinks and public websites amid administrative transitions, among other critical factors.

631. Building on the foregoing, the information submitted by the participating countries was supplemented with estimates prepared by the Technical Secretariat of the MESECVI, utilizing official budgetary sources. This approach enhances the visibility of the data by establishing a more robust, comprehensive, and precise foundation for analysis.

632. The data presented in this section reveal both significant progress within the region and persistent, deeply rooted challenges that are further exacerbated by the varying degrees of real commitment demonstrated and implemented by states in addressing gender-based violence.

633. Among the notable **advancements in the region**, two stand out as particularly significant, according to the MESECVI. First, there has been an **increase in the number of countries implementing gender-responsive budgets, which enhances their ability to generate detailed information on expenditures related to programs designed to reduce gender disparities, prevent gender-based violence against women, and support victims of such violence**. Second, a majority of the states participating in this Evaluation Round have reported budgetary increases for programs aimed at combating and reducing gender-based violence against women.

634. One notable positive development is the **increase in the number of countries adopting gender-responsive budgeting practices**. In the Third Hemispheric Report, 22% of the

participating countries employed this methodology, whereas in the Fourth Evaluation Round, this figure rose by 6 percentage points to 28%. This approach has significantly enhanced the capacity of States Party to generate high-quality budgetary information related to programs **aimed at combating and reducing gender-based violence against women.**

635. In this Fourth Evaluation Round, as of 2021, eight countries had already implemented gender-responsive budgets: Argentina, Brazil, Colombia, Ecuador, El Salvador, Guatemala, Mexico, and Uruguay. Additionally, Honduras adopted this measure in 2023, and Chile published a methodological guide in 2022 to integrate a gender-responsive approach into its budgetary process.

636. The second positive aspect to underscore emerges from the analysis of 2021 in comparison to the preceding period, which reveals that **eleven of the fifteen participating countries increased their budgets for programs aimed at combating and reducing gender-based violence against women. These increases were observed both within the framework of the operations of the Mechanisms for the Advancement of Women (MAWs) and in programs managed by other institutions within the States Party.**

637. However, these figures must be interpreted with caution and in conjunction with data that present a less optimistic reality in the region, highlighting the **profound challenges** to women's rights to live free from violence.

638. In this context, the trend identified in the Third Hemispheric Report regarding expenditures allocated to the MAWs persists. **Countries in the region allocate less than 1% of their national budgets and gross domestic product (GDP) to the MAWs; in fact, this figure remains below 0.1%.**

639. In greater detail, the countries that reported in this evaluation round allocated an average of approximately USD 20 million in 2021 to the Mechanisms for the Advancement of Women. However, a closer examination reveals that nine countries—Colombia, El Salvador, Guatemala, Panama, Paraguay, Brazil, Honduras, Ecuador, and Uruguay—spent less than USD 5 million on these mechanisms. Moreover, this funding represented a minimal share of national public expenditure, averaging just 0.073% among the reporting states.<sup>273</sup> When measured as a percentage of GDP, the allocation was even more negligible, amounting to a mere 0.011%.

640. The report indicates that Argentina allocated the largest proportion of its national public spending to MAWs, reaching 0.256%.<sup>274</sup> On the other hand, four countries – Costa Rica, the

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<sup>273</sup> National public expenditure refers to the primary current expenditure of the national public administration within the States Party.

<sup>274</sup> It is important to highlight, as previously noted by the Committee of Experts in various communications, that since December 2023, Argentina has experienced significant setbacks in the protection of women. These include the de-hierarchization and closure of institutions



Dominican Republic, Peru and Chile – had an expenditure close to or greater than 0.100%. The rest of the States were below this threshold, specifically Colombia, Ecuador, Brazil and Uruguay spent less than 0.01% on MAWs.

641. In terms of GDP, five countries reported spending above the average of 0.011%. These were Costa Rica (0.036%), Peru (0.031%), Chile (0.024%), the Dominican Republic (0.020%), and El Salvador (0.019%). Conversely, the remaining ten reporting states allocated less than the average (0.011% of GDP).

642. **Another notable observation is the correlation between the hierarchical level of the MAWs and the budgetary allocations they receive, underscoring the empirical importance of positioning these mechanisms prominently within state institutions.** In countries where the MAWs hold ministerial rank—Argentina, Brazil, Chile, Paraguay, Peru, and the Dominican Republic—the average allocation was 0.117% of national public spending. In contrast, in Costa Rica, El Salvador, Honduras, Mexico, Panama, and Uruguay, where the MAWs operate at the level of an institute, the average expenditure was 0.056%. Notably, in the three countries where the MAWs occupy a lower hierarchical level, the allocations were even smaller: Guatemala (0.037%), Colombia (0.008%), and Ecuador (0.004%).

643. Regarding the MAWs, the analysis of these figures reflects the absolute expenditure of each country without accounting for the heterogeneity of states, such as differences in population size. To address this limitation, this report introduces an additional analytical tool to estimate the annual expenditure in US Dollars per woman in each state, based on the 2021 budgets allocated.

644. The data are as compelling as they are devastating and alarming. **In 2021, the reporting states allocated an average of just USD 2.20 per year per woman to the MAWs. A closer look at the disaggregated data reveals that in nearly half of the states, less than USD 1 per year per woman was allocated, with some countries spending only a few cents.**

645. Specifically, eight states—Costa Rica, Chile, Peru, the Dominican Republic, Argentina, Panama, El Salvador, and Paraguay—allocated at least USD 1 per woman in 2021. The remaining states fell below this threshold. Costa Rica stood out as the country with the highest per-woman expenditure, allocating USD 9.10, while Ecuador, Uruguay, and Brazil allocated only a few cents per woman.

646. In relation to the **budgets allocated to programs aimed at combating and reducing gender-based violence against women**—whether implemented by the MAWs or other agencies within the national public administrations of the States Party—the reporting countries in this

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such as the Ministry of Women, Gender, and Diversities, as well as a reduction in budget allocations for addressing gender-based violence. For further details, see <https://belemnopara.org/wp-content/uploads/2024/08/Comunicado-Argentina-Agosto-2024-.pdf>.

Round spent an average of approximately USD 37 million in 2021. Disaggregated data reveal that only five states surpassed this average: Mexico and Brazil (both exceeding USD 100 million), followed by Peru, Argentina, and Colombia. The remaining ten reporting countries allocated amounts below the average in terms of USD.

647. When these amounts are calculated relative to the female population of each state, it is estimated that eight of the fifteen reporting states in this round allocated at least USD 2 per woman in 2021. These states include Uruguay, Peru, El Salvador, Guatemala, Ecuador, Chile, Argentina, and Mexico, with Uruguay standing out as a positive case, achieving an expenditure of more than USD 13 per woman annually. However, the generally low levels of expenditure across the states suggest significant room for substantial increases in funding for programs aimed at combating and reducing gender-based violence against women.

648. **In 2021, spending on programs to combat and reduce gender-based violence against women represented, on average, only 0.104% of the national public expenditure** of the reporting states. Among these, only six countries reported allocations above this average: Argentina (0.260%), El Salvador (0.207%), Guatemala (0.196%), Peru (0.171%), Uruguay (0.168%), and Ecuador (0.121%).

649. **In terms of GDP, the expenditure was even more negligible, averaging only 0.018% across all reporting states.** Only six countries allocated a higher percentage of their GDP: El Salvador (0.046%), Uruguay (0.038%), Peru (0.035%), Guatemala (0.032%), Ecuador (0.023%), and Honduras (0.021%).

650. This data underscores the marginal position these issues occupy on state agendas. The low levels of budgetary expenditure should serve as a resounding wake-up call for all States Party to renew their commitments and translate them into tangible rights that effectively reach all women across the region.

651. **National Budget Law with Identification of Funds Allocated for Women's Mechanisms and/or the Eradication of Gender-based Violence against Women.**

652. All countries participating in this Fourth Evaluation Round have established budgets and allocated funds specifically for women's mechanisms and the eradication of gender-based violence against women. **Table 1** below provides a summary of this information, highlighting the national budget law for each State Party.

State	National Law
Argentina	Decree 7/2019: Establishes the creation of the Ministry of Women, Gender, and Diversity of the Nation.
	Decree 734/2020: Implements the Support and Accompaniment Program for individuals at risk of gender-based violence ("Acompañar").
	Law 27,591: Relates to the General Budget for 2021 (and subsequent amendments).
Brazil	Law 14.022 of July 7, 2020: Establishes measures to combat domestic and family violence within the context of COVID-19.
	Law 14.116 of December 31, 2020: Allocates the national budget for the fiscal year 2021.
Chile	Law 21,289: Governs public sector budgets for 2021, allocating funds to the Ministry of Women and Gender Equity, the National Service for Women and Gender Equity (SERNAMEG), and the Undersecretary for Women and Gender Equity.
Colombia	Law 2.063: Pertains to the General Budget of the Nation.
Costa Rica	Law 7,801: Article 23 of the INAMU Constitutive Law mandates financing equivalent to 2% of the annual income—ordinary and extraordinary—received by the Social Development and Family Allowances Fund (FODESAF).
Ecuador	Ministry of Finance, General State Budget: Allocates funding to institutions within the National Comprehensive System for the Prevention and Eradication of Gender-based Violence Against Women (SNIPEVM).
El Salvador	Law on the Salvadoran Institute for the Development of Women (Art. 11): Aligns with the National Policy for Women outlined in the National Plan for Equality and the National Policy for Women's Access to a Life Free of Violence.

Guatemala	General Budget of Income and Expenditure of the State: Supports the National Policy for the Promotion and Integral Development of Women (PNPDIM). For 2021, \$3,683,924 was allocated to the Presidential Secretariat for Women, and \$2,450,961 was allocated to the Office of the Ombudsman for Indigenous Women.
Honduras	Decree 182/2020: Governs the General Budget of Income and Expenditure of the Republic for the fiscal year 2021, including allocations for the National Directorate of the Ciudad Mujer Program.
Mexico	Expenditure Budget of the Federation for 2021: Published in the Official Gazette of the Federation on November 30, 2020.
Paraguay	Law 6,672: Governs the General Budget for the Nation for the fiscal year 2021.  Programs include comprehensive care for women facing violence and trafficking under the Ministry of Women, and the comprehensive prevention of violence against young people and women under the Ministry of the Interior.
Peru	Law 31.084: Public Sector Budget Law for the fiscal year 2021, monitored by the Ministry of Women and Vulnerable Populations (MIMP).
Dominican Republic	General Law of Income and Expenditure of the Dominican Republic, 237-20.
Uruguay	Law 19.924: National Budget Law. Law 19.846: Approves obligations arising from international human rights law regarding equality and non-discrimination between women and men, both formal and substantive. Designates the National Women's Institute as the governing body for the national gender equality policy.

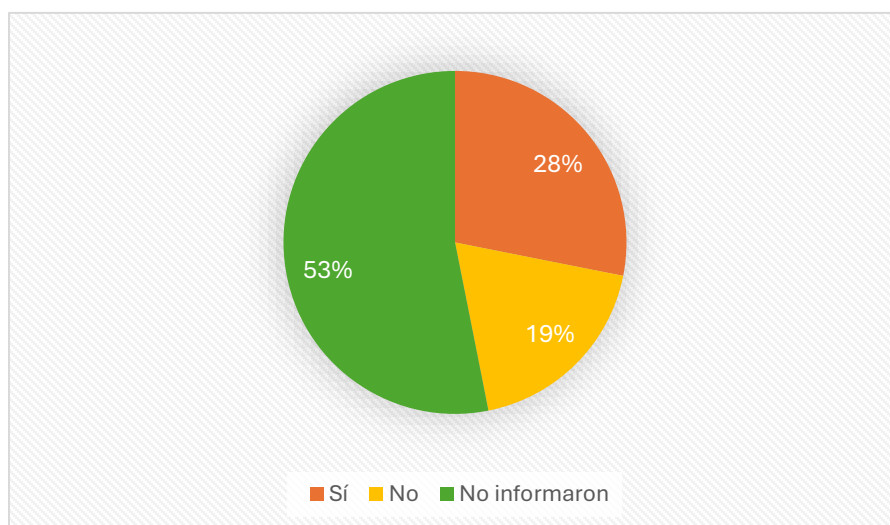
**Source: Prepared by the MESECVI based on information provided by the States.**

### 653. Gender-responsive Budgeting

Regarding the budgetary information provided by the States, it is essential to highlight cases where gender policies are labeled. This instrument facilitates the integration of a gender-responsive approach across all state institutions while offering critical insights into the fiscal efforts undertaken to close gender gaps. Such labeling not only promotes transparency in achieving these objectives but also enables civil society to monitor and hold states accountable for their actions. In 2021, eight countries

had already implemented this instrument: Argentina, Brazil, Colombia, Ecuador, El Salvador, Guatemala, Mexico, and Uruguay (see Figure 1). Additionally, Honduras adopted this measure in 2023. Among the countries yet to implement such expenditure categorization, Chile stands out for its progress; in 2022, its Budget Directorate published a methodological guide for incorporating a gender-responsive approach into the budgetary process.<sup>275</sup>

**Figure 1. States Party with Gender-responsive Budgeting**



**Source: Official budgetary sources of States Party. Prepared by the MESECVI.**

654. Regarding the countries that incorporated this tool after the previous hemispheric report, Argentina stands out for its significant progress. In 2020, the country approved its first Budget with a Gender and Diversity Perspective (PPGyD) for the fiscal year 2021. This initiative was spearheaded by the newly established National Directorate of Economy, Equality, and Gender (DNEIyG) within the Ministry of Economy, in collaboration with the Ministry of Women, Gender, and Diversity (MMGyD), which replaced the National Women's Institute in December 2019. The DNEIyG, in coordination with the National Budget Office, introduced this budgetary methodology through the creation of the Interministerial Budget Program with a Gender Responsive Approach. As a result, Argentina identified 15.2% of its national public administration budget as contributing to closing gender gaps, an expenditure equivalent to 3.4% of GDP. Additionally, this process led to the publication of quarterly reports monitoring gender spending from 2020 to 2023.<sup>276</sup>

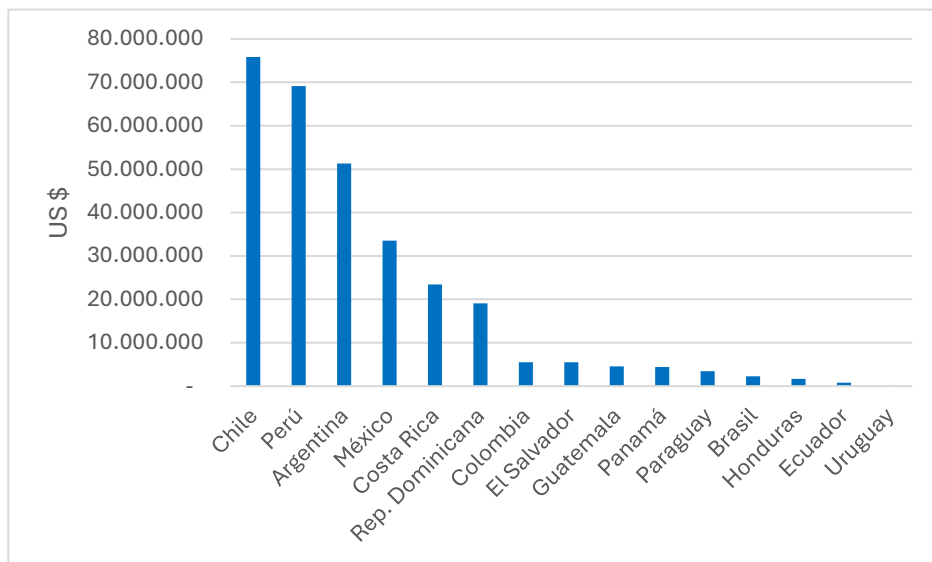
#### 655. **Budget Allocated to the Mechanisms for the Advancement of Women (MAWs)**

<sup>275</sup> "Budgets with a Gender Perspective: A Methodological Approach." Available online at: [https://www.dipres.gob.cl/598/articles-299024\\_doc\\_pdf.pdf](https://www.dipres.gob.cl/598/articles-299024_doc_pdf.pdf).

<sup>276</sup> <https://www.presupuestoabierto.gob.ar/sici/analisis-transversal-genero>

In analyzing the budgets allocated to the MAWs at all hierarchical levels (ministries, institutes, councils, secretariats, etc.), it is evident that six reporting countries allocated more than USD 10 million in 2021: Chile, Peru, Argentina, Mexico, Costa Rica, and the Dominican Republic. Among these, the first three—Chile, Peru, and Argentina—exceeded USD 50 million, with Chile allocating the largest budget at approximately USD 75 million. Conversely, the remaining states allocated less than USD 10 million, with particularly notable cases in Ecuador and Uruguay, where annual expenditures on these mechanisms fell below USD 1 million (see [Figure 2](#)).

**Figure 2. Budget Allocated to the MAWs (USD)**



**Source: Official budgetary sources of States Party. Prepared by the MESECVI. Exchange rate as of December 31, 2021.<sup>277</sup>**

656. It is equally important to examine the **percentage of budget execution relative to the total budget allocated to the MAWs**, as detailed in [Table 2](#). Notably, nine countries provided complete information on this indicator: Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, and Mexico. Furthermore, the data reveal a commendable trend, with most countries achieving a budget execution rate exceeding 95%. The exceptions to the general trend include Brazil, which reported an extraordinary execution rate of 521%, equating to more than five times its original budget. In contrast, Costa Rica reported executing 63% of the budget allocated to INAMU. Guatemala demonstrated execution rates of 85% for the Presidential Secretariat for Women and 91% for the Office of the Ombudsman for Indigenous Women. Honduras, Panama, Paraguay, Peru, the Dominican Republic, and Uruguay did not provide information on this indicator. It is also important to note that while the data primarily pertain to

<sup>277</sup> In Argentina's case, the financial dollar exchange rate was applied.

the year 2021, Ecuador reported figures for 2022. Table 2 presents the budget amounts allocated by the States in U.S. dollars.

**Table 2. Percentage of Budget Execution of the Total Budget Allocated to the MAWs and/or the Agencies Overseeing These Services.**

State	Name of the Mechanism/Related Institutions	Execution Rate	Dollar Budget for the Reporting Year	Sources/Websites
Argentina	Ministry of Women, Gender and Diversity	97	171,172,757	Ministry of Women, Gender and Diversity - E-Sidif System
	National Budget Labeled PPGyD	99	14,867,503,894	Ministry of Women, Gender and Diversity - E-Sidif System
Brazil	Central de Atendimento da Ouvidoria Nacional de Direitos Humanos	521	25,000,000	<a href="https://www.gov.br/mdh/pt-br/ondh">https://www.gov.br/mdh/pt-br/ondh</a>
Chile	UN Women	100	82,962	No Data
	International Council of Women	100	12,444	No Data
	Communication Campaign for the Prevention of Gender-based Violence Against Women “No estás sola” (You Are Not Alone).	100	324,674	No Data
	National Service for Women and Gender Equity	99	62,740,865	<a href="https://www.sernameg.gob.cl/">https://www.sernameg.gob.cl/</a>
Colombia	Colombia identifies, within its budget tracer, a range of entities including agencies, ministries, authorities, units, and other public bodies.	98	8,806,920,000,000	Annual Report of the Ministry

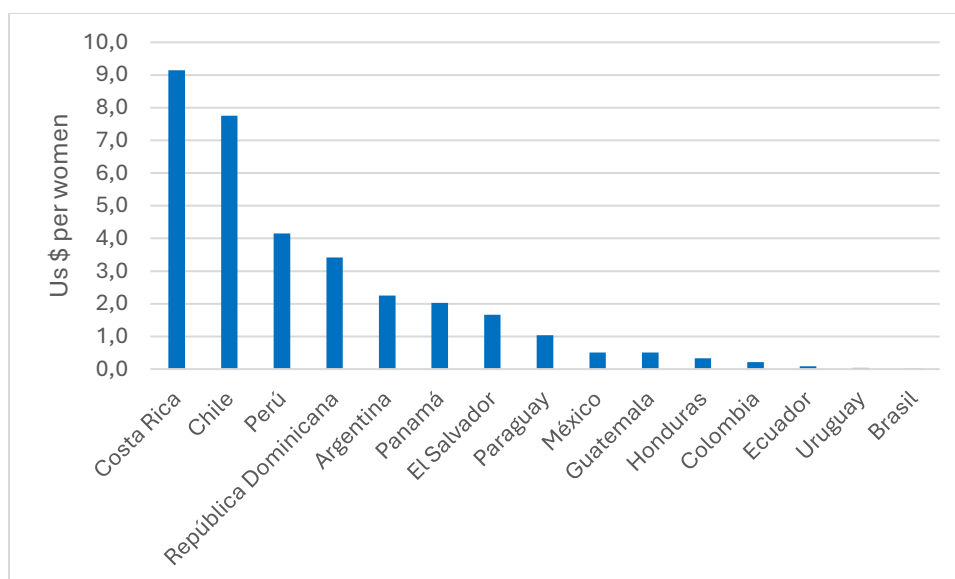
Costa Rica	INAMU	63	39,542,195	<a href="https://www.inamu.go.cr/">https://www.inamu.go.cr/</a>
Ecuador <sup>278</sup>	National Council for Gender Equality	99	780,226	e-SIGEF Financial Administration System
El Salvador	Salvadoran Institute for the Development of Women (ISDEMU)	98	5,518,587	<a href="https://isdemu.gob.sv/">https://isdemu.gob.sv/</a>
Guatemala	Presidential Secretariat for Women	85	2,687,089	<a href="https://sico.in.minfin.gob.gt/sico.inweb/login/frmlogin.htm">https://sico.in.minfin.gob.gt/sico.inweb/login/frmlogin.htm</a>
	Office of the Ombudsman for Indigenous Women	91	2,450,961	<a href="https://sico.in.minfin.gob.gt/sico.inweb/login/frmlogin.htm">https://sico.in.minfin.gob.gt/sico.inweb/login/frmlogin.htm</a>
Mexico	Support Program for Women's Instances in the States (PAIMEF)	100	1,476,206,541	<a href="https://www.cuentapublica.hacienda.gob.mx/es/CP/2021">https://www.cuentapublica.hacienda.gob.mx/es/CP/2021</a>

657. However, these figures represent the absolute expenditure of each country and do not account for the heterogeneity of states, such as differences in population size. To incorporate this dimension, an analysis was conducted by dividing the expenditure allocated to the MAWs by the female population of each state. This calculation allowed for an estimation of the annual amount, in USD, spent per woman in each state during 2021. As illustrated in **Figure 3**, eight states allocated at least USD 1 per woman in the year under review: Costa Rica, Chile, Peru, the Dominican Republic, Argentina, Panama, El Salvador, and Paraguay. The remaining states spent less than this amount, with Costa Rica standing out as the highest spender, allocating USD 9.1 per woman. By contrast, Ecuador, Uruguay, and Brazil reported expenditures of only a few cents per woman.

**Figure 3. Budget Allocated to MAWs (USD per Woman, Year 2021)**

<sup>278</sup> Ecuador provided information for the year 2022.

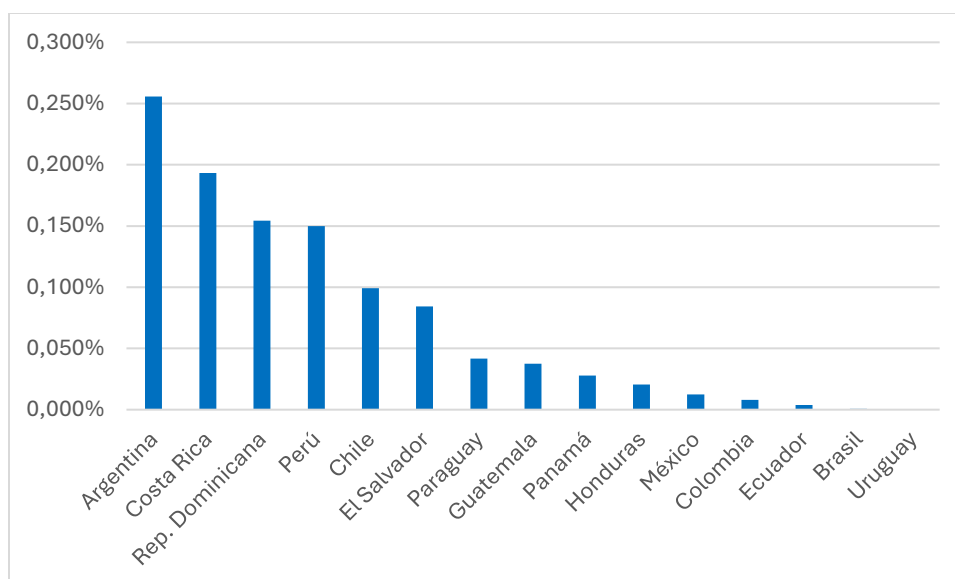




**Source: Official budgetary sources of States Party. Prepared by the MESECVI. Exchange rate as of December 31, 2021. Female population data from CEPALSTAT.**

658. Another approach to evaluating the prioritization of expenditure allocated to MAWs within the total expenditures of central governments in the States Party is to calculate the percentage these allocations represent of national public expenditure. This analysis reveals that the expenditure allocated to MAWs accounts for a very small share of government budgets, consistently below 1%. Argentina allocated the highest percentage of its primary expenditure to MAWs, reaching 0.256%. Four additional countries—Costa Rica, the Dominican Republic, Peru, and Chile—allocated amounts close to or exceeding 0.100%. In contrast, the remaining states fell below this benchmark, with Colombia, Ecuador, Brazil, and Uruguay allocating less than 0.01% of their budgets to MAWs (see Figure 4). **On average, the reporting countries dedicated just 0.073% of their national public expenditure to MAWs in 2021.**

**Figure 4. Percentage Allocation of National Public Expenditure for the National Mechanisms for the Protection of Women**



**Source: Official budgetary sources of States Party. Prepared by the MESECVI. Expenditure executed as a % of national public expenditure.**

659. Beyond notable exceptions, such as Costa Rica (positive) and Brazil (negative), a general trend can be observed: the higher the hierarchical level of the MAWs, the greater the budgetary allocation they receive (see Table 3). Argentina serves as a striking example, where the elevation of the mechanism to a higher hierarchical level resulted in the Ministry of Women, Gender, and Diversity receiving a budget in 2021 that was 13 times larger than that of the former National Institute for Women.<sup>279</sup> In broader terms, in Argentina, Brazil, Chile, Paraguay, Peru, and the Dominican Republic—the six countries where the MAWs hold the rank of Ministry—the average budget executed for these mechanisms reached 0.117% of national public expenditure. In contrast, for Costa Rica, El Salvador, Honduras, Mexico, Panama, and Uruguay, where MAWs have the rank of Institute, the average expenditure was lower, at 0.056%. The lowest allocations were observed in countries where MAWs operate at a lower hierarchical level: Guatemala (0.037%), Colombia (0.008%), and Ecuador (0.004%).

**Table 3. Hierarchical Level and Budget Allocated to the MAWs.**

No. of Countries by MAWs Hierarchical Level	Average Budget Allocated to MAWs (% of Current Expenditure)	States
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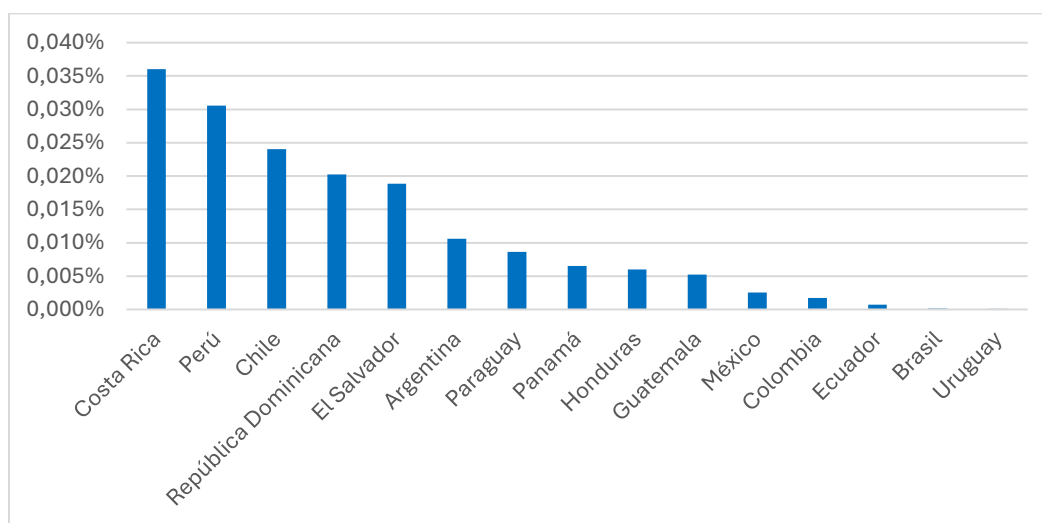
<sup>279</sup> Ministry of Economy of Argentina (2020). 2021 Budget: First Budget with a Gender and Diversity Perspective. Available online at: [https://www.argentina.gob.ar/sites/default/files/2022/09/presupuesto\\_2021.\\_primer\\_presupuesto\\_con\\_perspectiva\\_de\\_genero\\_y\\_diversidad.pdf](https://www.argentina.gob.ar/sites/default/files/2022/09/presupuesto_2021._primer_presupuesto_con_perspectiva_de_genero_y_diversidad.pdf).

Ministry	6	0,117%	Argentina, Brazil, Chile, Paraguay, Peru, Dominican Republic
Institute	6	0,056%	Costa Rica, El Salvador, Honduras, Mexico, Panama, Uruguay
Secretariat	1	0,037%	Guatemala
Advisory Body	2	0,006%	Colombia, Ecuador

**Source: Prepared by the MESECVI**

660. In terms of GDP, the reporting States collectively allocated an even smaller percentage, averaging just 0.011% in 2021 (see **Figure 5**). Among these, five countries reported above-average expenditures: Costa Rica (0.036%), Peru (0.031%), Chile (0.024%), the Dominican Republic (0.020%), and El Salvador (0.019%). In contrast, the remaining ten reporting States allocated less than the average of 0.011% of GDP.

**Figure 5. Budget Executed for the National Mechanisms for the Protection of Women as a Percentage of Gross Domestic Product (GDP)**



**Source: Official budgetary sources of States Party. Prepared by the MESECVI. Exchange rate as of December 31, 2021. Gross domestic product data at current prices from CEPALSTAT.**

661. Finally, it is worth highlighting the cases of MAWs that independently produce budget and accountability reports, thereby enhancing transparency regarding their expenditures. Costa Rica's National Women's Institute, for instance, benefits from legally mandated funding equivalent to 2%

of the Social Development and Family Allowances Fund and regularly publishes detailed reports on the allocation of these resources.<sup>280</sup> Similarly, Ecuador's National Council for Gender Equality issued accountability reports consistently between 2015 and 2022.<sup>281</sup> Peru's Ministry of Women and Vulnerable Populations also contributes to transparency by annually publishing the Statement of Execution of the Income and Expenditure Budget for its operations.<sup>282</sup>

**662. Regulations Including a Budget for Periodic Research and Studies to Monitor and Evaluate Policies, Plans, Programs, Strategies, and Actions on Women's Rights**

Half of the countries participating in this Fourth Evaluation Round provided specific and detailed information regarding regulations governing the conduct of research and periodic evaluation studies. Among these six countries, four reported their budget allocations in USD for the year corresponding to the indicator, as presented in **Table 4**.

**Table 4. Regulations Including a Budget for Periodic Research and Studies to Monitor and Evaluate Policies, Plans, Programs, Strategies, and Actions on Women's Rights**

State Party	Year of Indicator Reporting	Regulations That Contemplate Budgetary Allocations for Research	Name of the Institution	Area of Competence	Name of the Public Policy or Mechanism	Budget Allocation (USD)
Brazil	2021	Annual Budget Law (LOA) 2021	National Secretariat of Policies for Women	Policies on Equality and Combating Violence Against Women	Financial Assistance to Pollsters	15,150
	2022	Law 14.316, of 29 March 2022	Legislative Branch	National Public Security Fund		10,214,640
Chile	2019	Budget Law No. 21,125	Undersecretary for Women and Gender Equity	Studies and Training Division	Preparation of a Longitudinal Study for Cases of	12,390

<sup>280</sup> <https://www.inamu.go.cr/web/inamu/presupuesto>

<sup>281</sup> <https://www.igualdadgenero.gob.ec/rendicion-de-cuentas/>

<sup>282</sup> <https://www.gob.pe/institucion/mimp/colecciones/189-saldo-de-balance-mimp>

					Consummated and Frustrated Femicides (2011–2018)	
Colombia	2021	Law 1009 of 2006 (creates the Observatory of Gender	Congress of Colombia	Presidential Advisory Office for Women's Equality	Colombian Women's Observatory	4,420,031
Mexico		General Law on Women's Access to a Life Free of Violence (LGAMVLV)	National Institute of Statistics and Geography (INEGI)		National Survey on the Dynamics of Relationships in Households (ENDIREH)	-
Peru	2021	Law No. 31084, Public Sector Budget Law for Fiscal Year 2021	Ministry of Economy and Finance	National	National Survey on Social Relations (ENARES), producing indicators for the Results-Oriented Budget Program for the Reduction of Gender-based Violence Against Women (PPoR RVcM).	3,500,000
Uruguay		Observatory on Gender-based Violence Against Women (OVBG), created by Law No. 19,580				-

Source: Prepared by the MESECVI based on information submitted by the States

**663. Budget Allocation for Statistical Reporting on Gender-based Violence against Women and Gender Gap Reduction**

The reporting States Party did not consistently provide information on specific budgetary allocations dedicated to enhancing the production of official statistics regarding the prevalence of gender-based violence against women or other indicators addressing gender inequalities. Notably, among the countries that have implemented such allocations, Mexico stands out. In its Annex 13, "Expenditures for Equality between Women and Men" within the Federation Expenditure Budget, Mexico includes a specific item for the production and dissemination of statistical and geographic information, which accounted for an expenditure of USD 9,977,051 in 2021. This allocation includes the Integrated System of Statistics on Gender-based Violence Against Women, the Diagnosis of Administrative Records of Crimes Against Women in Attorneys' Offices, and studies on other forms of gender-based violence aimed at supporting the development of statistical projects, such as violence against children and adolescents, masculinities, and sexual violence during childhood.<sup>283</sup> In the case of El Salvador, the "Report on Facts, Status, and Situation of Gender-based Violence Against Women" indicated that in 2021, USD 242,104 was allocated to generating gender-focused statistics for the National Statistical System, intended to produce inputs for the formulation, monitoring, and evaluation of public policies.<sup>284</sup> Finally, in Paraguay, an expenditure of USD 3,395,934.9 was projected for the period 2021–2025 to implement its Strategy for Gender Statistics.<sup>285</sup>

**664. Budget to Combat and Reduce Gender-based Violence Against Women**

Of the 15 States Party that submitted reports in this Round, 11 have identified a specific budgetary category dedicated to expenditures on policies aimed at preventing and eradicating gender-based violence against women. These allocations are made both within the framework of MAWs and through other national public administration entities (see [Table 5](#)). In the cases of Panama, the Dominican Republic, and Uruguay, no specific budgetary category was identified, as these policies were integrated into the broader framework of gender equality initiatives. However, while the Dominican Republic's 2021 budget execution report provided details on programs aimed at combating gender-based violence against women, it was not possible to disaggregate the specific expenditure allocated to this policy in the case of Panama. In the case of Uruguay, the level of disaggregation extended to the projects within the programs aimed at combating gender-based violence against women, as detailed in the gender annex of the accountability report for budget execution prepared by the Office of Planning and Budget.<sup>286</sup> Finally, in the case of Honduras, the gender-responsive budget implemented for the year 2024 identifies four types of autonomies that categorize programs and actions based on

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<sup>283</sup> [https://www.diputados.gob.mx/LeyesBiblio/abro/pef\\_2021/PEF\\_2021\\_orig\\_30nov20.pdf](https://www.diputados.gob.mx/LeyesBiblio/abro/pef_2021/PEF_2021_orig_30nov20.pdf)

<sup>284</sup> <https://www.seguridad.gob.sv/dia/informe-de-hechos-de-violencia-contras-las-mujeres/>

<sup>285</sup> [https://www.ine.gov.py/Publicaciones/Biblioteca/documento/eda7\\_EEG%20PRY%202021%20-%202025.pdf](https://www.ine.gov.py/Publicaciones/Biblioteca/documento/eda7_EEG%20PRY%202021%20-%202025.pdf)

<sup>286</sup> [https://www.opp.gub.uy/sites/default/files/documentos/2024-07/tomo-ii-politicas-igualdad-genero\\_1.pdf](https://www.opp.gub.uy/sites/default/files/documentos/2024-07/tomo-ii-politicas-igualdad-genero_1.pdf)

the gender gaps they address: Economic Autonomy, Autonomy in Decision-Making, Physical Autonomy, and Interrelation of Autonomies.<sup>287</sup>

**Table 5. Countries with Specific Budget Categories for Policies to Eradicate Gender-based Violence Against Women**

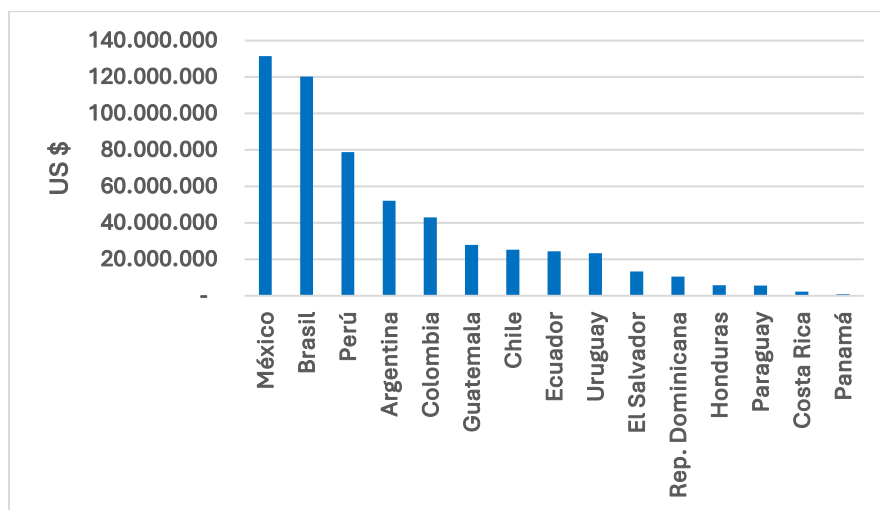
States	Budget Category
Argentina	Policy Development against Gender-based Violence
Brazil	Combating Violence against Women
Chile	Prevention and Attention to Gender-based Violence Against Women
Colombia	Violence-Free Woman
Costa Rica	Care for Women in Situations of Violence and Prevention of Femicide
Ecuador	Promotion and Guarantee of a Life Free of Violence
El Salvador	Compliance with the Law on Equality, Equity, and Eradication of Discrimination Against Women (LIE) and the Special Comprehensive Law for a Life Free of Violence for Women (LEIV)
Guatemala	National Policy for the Promotion and Comprehensive Development of Women (PNPDIM) - Axis No. 5: Eradication of Gender-based Violence Against Women; National Plan for the Prevention and Eradication of Gender-based Violence Against Women 2020–2029 (PLANOVI)
Mexico	Actions to Promote Equality Between Women and Men, the Eradication of Gender Violence, and Any Form of Gender Discrimination
Paraguay	Against Gender Violence
Peru	Implementation of Actions Related to the Reduction of Gender-based Violence Against Women

<sup>287</sup>[https://www.sefin.gob.hn/download\\_file.php?download\\_file=/wp-content/uploads/Presupuesto/2024/proyecto/Atencion-Integral-Mujer-2024.pdf](https://www.sefin.gob.hn/download_file.php?download_file=/wp-content/uploads/Presupuesto/2024/proyecto/Atencion-Integral-Mujer-2024.pdf)

Source: Prepared by the MESECVI based on information submitted by the States.

665. In absolute terms, the reporting States allocated an average of USD 37 million to programs aimed at combating and reducing levels of gender-based violence against women in 2021. Only five States reported spending above this average: Mexico and Brazil (both exceeding USD 100 million), followed by Peru, Argentina, and Colombia. The remaining countries reported expenditures below the average. Notably, five States allocated less than USD 15 million: El Salvador, the Dominican Republic, Honduras, Paraguay, Costa Rica, and Panama (see [Figure 6](#)).

**Figure 6. Budget to Combat and Reduce Levels of Gender-based Violence Against Women (USD)**

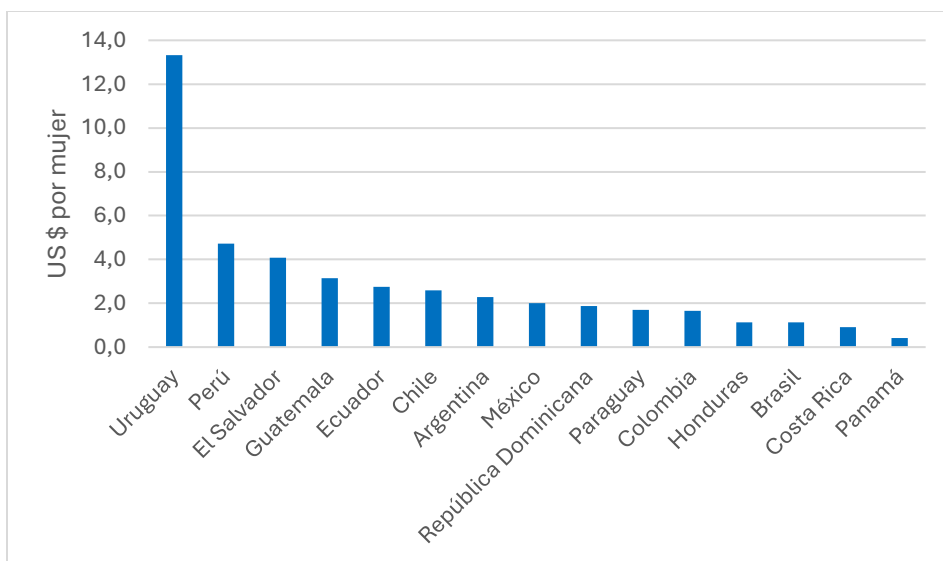


Source: Official budgetary sources of States Party. Prepared by the MESECVI. Exchange rate as of December 31, 2021. Data for Guatemala corresponds to the year 2022.

666. Given this context, these countries have relatively small populations. To enable a more meaningful comparison among the States reporting in this Round, an analysis was conducted by dividing the total expenditure by the female population of each State, based on data from the CEPALSTAT (see [Figure 7](#)).

**Figure 7. Budget for Programs Against Gender-based Violence Against Women (USD per Woman, Year 2021)**



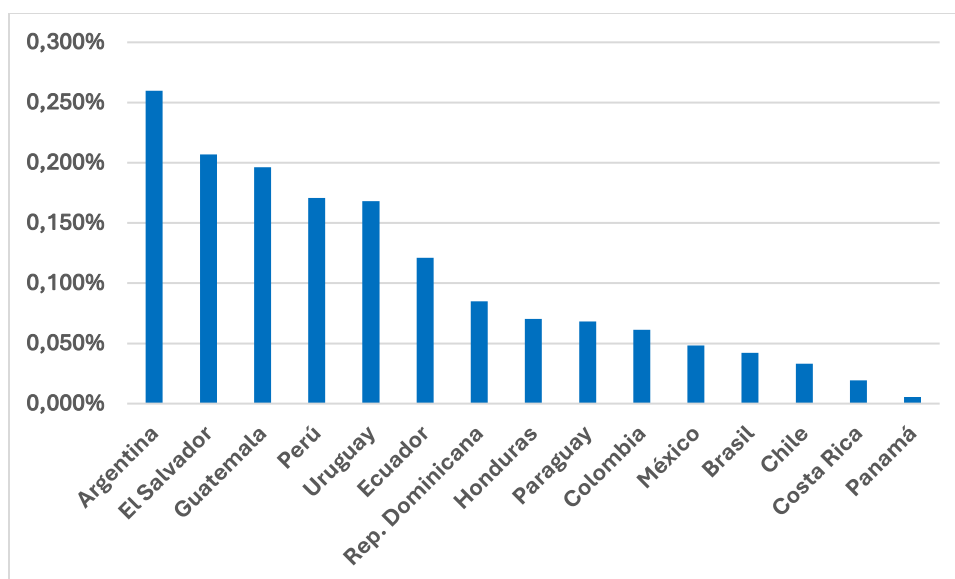


**Source: Official budgetary sources of States Party. Prepared by the MESECVI. Exchange rate as of December 31, 2021. CEPALSTAT female population data The data for Guatemala refers to the year 2022.**

667. According to this estimate, eight of the 15 States that reported in this Round allocated at least USD 2 per woman in 2021 (Uruguay, Peru, El Salvador, Guatemala, Ecuador, Chile, Argentina, and Mexico). Among these, Uruguay stands out as a positive example, with an expenditure exceeding USD 13 per woman per year, incorporating programs managed by both the MAWs and other State agencies. However, the overall low levels of expenditure by the States indicate significant room for increasing investments in programs aimed at combating and reducing levels of gender-based violence against women.

668. Another indicator supporting this conclusion is the analysis of the budget allocated to these policies as a percentage of national public expenditure in the States Party. As illustrated in **Figure 8**, in no State did the budget executed for these programs exceed 0.3% of national public expenditure, and only in two cases (Argentina and El Salvador) did it surpass 0.2%. In nine of the 15 States that reported in this Round, the executed expenditure accounted for less than 0.1% of national public expenditure in 2021. On average, the States allocated only 0.104% of their national public expenditure to these programs during the same year.

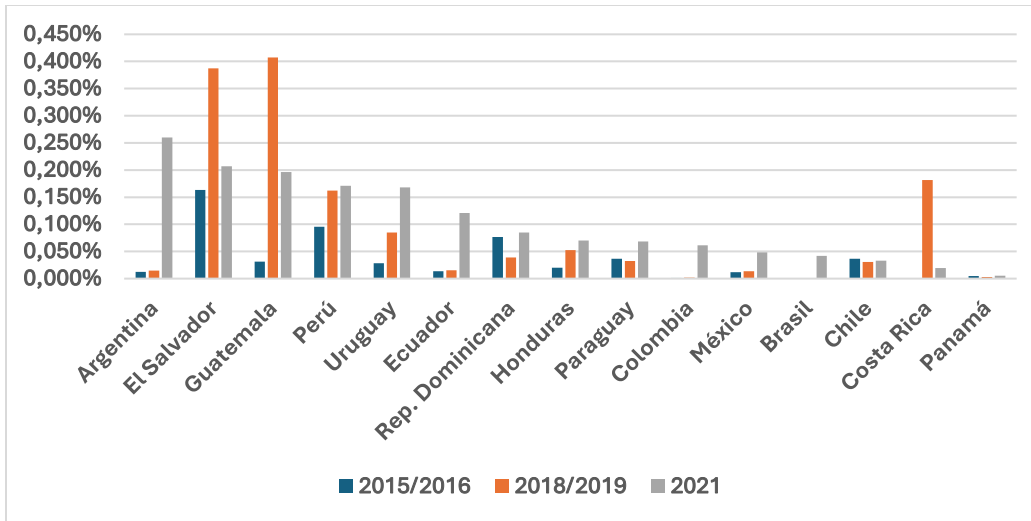
**Figure 8. Percentage Allocation of Public Expenditure to Combat Gender-based Violence Against Women**



**Source: Official budgetary sources of States Party. Prepared by the MESECVI. Expenditure executed as a percentage of national public expenditure. Data for Guatemala corresponds to the year 2022.**

669. **Figure 9** compares the data for 2021 with the results of the previous two Rounds for the reporting States. A positive trend can be noted, as 11 of the 15 countries reported an increase in 2021 compared to the previous period. Conversely, a decrease was observed in Costa Rica, El Salvador, and Guatemala. For Brazil, a comparison was not possible due to the absence of data from the two previous Rounds. In terms of averages across the countries reporting in each Evaluation Round, **the percentage of national public expenditure allocated to programs addressing gender-based violence against women was 0.104% in 2021, 0.102% during the 2018/2019 period, and 0.041% in the 2015/2016 period.**

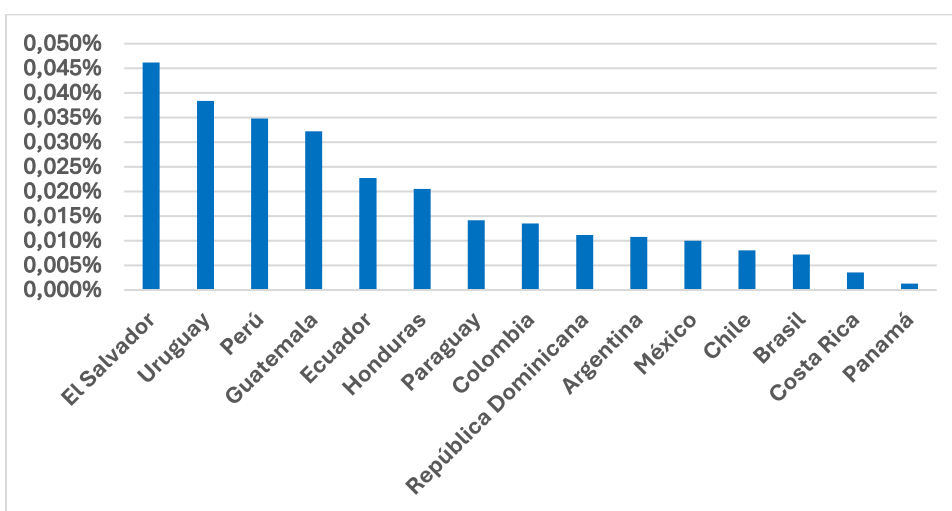
**Figure 9. Percentage Allocation of Public Expenditure to Combat Gender-based Violence Against Women - Selected Period**



Source: Official budgetary sources of States Party. Prepared by the MESECVI. Expenditure executed as a percentage of national public expenditure. The data for Guatemala refers to the year 2022.

670. Despite these advances, spending to combat and reduce levels of gender-based violence against women remains minimal in terms of GDP, averaging just 0.018% across all reporting States (see **Figure 10**). Only six countries allocated a higher percentage of their GDP: El Salvador (0.046%), Uruguay (0.038%), Peru (0.035%), Guatemala (0.032%), Ecuador (0.023%), and Honduras (0.021%).

**Figure 10. Budget to Combat and Reduce Levels of Gender-based Violence Against Women as a Percentage of Gross Domestic Product (GDP)**



**Source: Official budgetary sources of States Party. Prepared by the MESECVI. Exchange rate as of December 31, 2021. Gross domestic product data at current prices from CEPALSTAT. The data for Guatemala refers to the year 2022.**

671. **Table 6** reports the primary programs aimed at combating and reducing levels of gender-based violence against women, along with the budget executed in 2021, calculated in USD, for each of the States Party that reported in this Round.

**Table 6. Budget Executed in the Main Programs to Combat and Reduce Levels of Gender-based Violence Against Women**

States	Main Programs	Budget Executed in USD in the year 2021
<b>Argentina</b>	ACOMPAÑAR Program - Economic support for women and LGBTI+ victims of violence, managed by the Ministry of Women, Gender, and Diversity	40,799,276
	Initiatives for the protection against gender-based violence, managed by the Ministry of Women, Gender, and Diversity	4,700,347
	Program for the Protection of Victims of Violence and Rescue and Assistance for Victims of Human Trafficking, under the Ministry of Justice and Human Rights	1,293,018
<b>Brazil</b>	Development and implementation of public security policies focused on preventing and addressing criminal activities	83,434,287
	Promotion and defense of rights for all citizens	33,125,843
	Establishment of Brazilian Women's Houses and support centers for women	3,513,529
<b>Chile</b>	Prevention and response to gender-based violence against women, implemented by the Ministry of Women and Gender Equity and the National Service for Women and Gender Equity	23,084,341
	Victim and witness protection programs funded by the Public Prosecutor's Office	2,266,527

<b>Colombia</b>	Actions by the Attorney General's Office to ensure women live free from violence	5,446,191
	Healthcare measures for women who are victims of violence, overseen by the Ministry of Health	1,189,548
	Strengthening the capacity of territorial entities to address gender-based violence, led by the Ministry of the Interior	1,130,759
<b>Costa Rica</b>	Support for women experiencing violence and initiatives to prevent femicide, managed by the National Women's Institute	2,334,731
<b>Ecuador</b>	Implementation of the Comprehensive Organic Law to Prevent and Eradicate Gender-based Violence, managed by the Council of the Judiciary	7,890,000
	Human rights promotion and prevention of gender-based violence, led by the Office of the Ombudsman	6,920,000
	Enforcement of the Comprehensive Organic Law to Prevent and Eradicate Gender-based Violence, managed by the Attorney General's Office	5,460,000
<b>El Salvador</b>	Ciudad Mujer Program	5,755,346
	Activities of the Salvadoran Institute for the Development of Women	5,477,083
	Office of the Attorney General of the Republic	1,734,840
<b>Guatemala</b>	<i>Budget for programs addressing gender-based violence against women cannot be disaggregated</i>	-
<b>Honduras</b>	National Directorate of the Ciudad Mujer Program	3,505,487
	Care services for women experiencing violence, overseen by the Secretariat of Social Development	334,938
	Initiatives led by the Inter-Agency Commission against Commercial Sexual Exploitation and Trafficking	248,010

<b>Mexico</b>	Support Program for Specialized Shelters for Women Victims of Gender Violence, and their children	19,765,923
	Government actions to address and prevent gender-based violence against women	14,649,300
	Efforts to eradicate gender-based violence, implemented by the Attorney General's Office	3,276,954
<b>Panama</b>	<i>Budget for programs addressing gender-based violence against women cannot be disaggregated</i>	-
<b>Paraguay</b>	Comprehensive violence prevention programs targeting youth and women, led by the Ministry of the Interior	5,252,885
	Comprehensive care for women experiencing violence or trafficking, overseen by the Ministry of Women	386,874
<b>Peru</b>	Permanent protection measures for victims of violence	65,547,577
	Services for detection, referral, and immediate response to cases of violence	4,771,541
<b>Dominican Republic</b>	Management of shelters for women, overseen by the Ministry of Women	6,453,489
	Comprehensive care for victims of gender violence, domestic violence, and sexual crimes, managed by the Attorney General's Office	2,486,255
	Prevention and response to gender-based and domestic violence, led by the Ministry of Women	1,559,721
<b>Uruguay</b>	National Directorate of Gender Policies, Permanent Commission on Sexual Harassment, Directorate of Electronic Monitoring, and Specialized Units for Domestic and Gender-based Violence, managed by the Ministry of Interior	13,050,569
	Social Assistance and Integration Network Program, including a project focused on addressing gender-based and intra-family violence, managed by the Ministry of Social Development	5,388,277

	Victims and Witnesses Unit, along with the Montevideo Criminal Prosecutor's Offices specializing in sexual crimes, domestic violence, and gender-based violence, managed by the Attorney General's Office	2,335,965
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**Source: Source: Official budgetary sources of States Party. Prepared by the MESECVI. Exchange rate as of December 31, 2021. Data for Guatemala corresponds to the year 2022.**

672. To conclude this section, **Table 7** provides an overview of the information submitted by the States in this Fourth Evaluation Round. It highlights the budget allocations and amounts of budget execution for various programs, mechanisms, or institutions, as well as the types of services provided to victims of violence. All the data pertains to the year 2021. Eight States (Argentina, Brazil, Colombia, Costa Rica, Guatemala, Panama, Peru, and Uruguay) provided detailed responses, while six States (Ecuador, El Salvador, Paraguay, Honduras, Mexico, and the Dominican Republic) did not submit sufficient or complete information on this indicator.

**Table 7. Percentage of the Budget Allocated and Executed for Services Provided to Victims of Violence: Telephone Assistance, Legal Assistance, and Health Care**

State	Name of the Mechanism/Related Institutions	Type of Service	Budget Allocation	Amount of Budget Execution
Argentina	Ministry of Women, Gender and Diversity	Victims of violence in its various manifestations	159,371,487	154,764,098
	Protection of Victims of Violence (PPG)/Ministry of Justice and Human Rights	Victims of violence in its various manifestations	4,658,005	3,587,984
	Actions linked to the ACOMPAÑAR Program (PPG)/Ministry of Women, Gender and Diversity	Victims of violence in its various manifestations	135,139,096	131,688,572

	Actions to Strengthen Line 144 (PPG)	Telephone Answering	2,091,503	2,081,283
	Ministry of Justice and Human Rights	Victims of violence in its various manifestations	6,892	7,368
Brazil	Budget execution of the Central Assistance of the National Human Rights Ombudsman	Victims of violence in its various manifestations	4,590,818	4,590,818
	Ministry of Health in partnership with the Federal University of Santa Catarina	Victims of violence in its various manifestations	43,912,176	43,912,176
Chile	Economic Contributions Fund / Public Prosecutor's Office	Victims of violence in its various manifestations	3,143,813	3,143,813
	SERNAMEG / Prevention and care of gender-based violence against women	Victims of violence in its various manifestations	21,189,777	20,953,915
Colombia	The service line was not specifically designed to address the needs of women victims but rather to provide health	Health Care	0	0



	services to all individuals requiring support during the COVID-19 pandemic, with a particular focus on mental health assistance for both men and women.			
	Line 155 (National Police and DAPRE-CPEM)	Telephone Assistance	31,077,000,000	31,076,559,934
Costa Rica	INAMU	Victims of violence in its various manifestations	1,531	1,424
Guatemala	Public Prosecutor's Office	Victims of violence in its various manifestations	687,271	687,271
Panama	Judicial Branch	Victims of violence in its various manifestations	15,580,108	15,580,108
	Ministry of Public Health and Social Welfare	Health Care	2,327,966	1,700,116
	Victim Institute	Victims of violence in its various manifestations	3,421,503	3,021,529
	Department of Free Legal Aid for Victims of Crime	Victims of violence in its various manifestations	5,677,001	5,722,449
	Institute of Public Defense. Public Defense of the Accusatory Criminal System	Legal assistance	15,985,265	16,300,146

Peru	AURORA National Program - Rural Strategy	Victims of violence in its various manifestations	2,571,867	2,665,065
	AURORA National Program - Temporary Shelter Homes (HRT)	Shelters and housing care	1,776,143	1,882,578
	AURORA National Program - LINEA 100	Telephone service	2,782,746	2,835,033
	AURORA National Program - Urgent Care Service (UAS)	Victims of violence in its various manifestations	2,079,625	2,132,468
	AURORA National Program - TAMBOS Service	Victims of violence in its various manifestations	28,506	45,817
	Women Victims with Effective Protection Measures / Ministry of Justice and Human Rights	Legal Assistance	6,194,521	8,772,716
Uruguay	Inmujeres		5,957,456	5,957,456

**Source: Prepared by the authors based on information provided by the States to the MESECVI.**

#### **673. Publication of Reports on Budget Allocation and Implementation of Actions Associated with Combating Gender-based Violence Against Women**

The States reported various publications related to budget allocation for the years under review in this round of evaluation. Of the 15 countries that participated, it is notable that 11 provided information (Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Peru, and Uruguay), demonstrating a high level of engagement. However, four countries (Honduras, Panama,

Paraguay, and the Dominican Republic) did not respond to this indicator, as detailed in [Table 8](#).

**Table 8. Publication of Reports on Budget Allocation and Implementation of Actions Associated with Combating Gender-based Violence Against Women**

State	Year	Report Name	Name of the Institution
Argentina	2021	Budget 2021: The First Budget with a Gender and Diversity Perspective	National Directorate of Economy, Equality and Gender
	2021	Budget	Ministry of Finance and Ministry of Coordination - Province of Buenos Aires
Brazil	2021	Budget spent on combating violence against women by the SNPM	Ministry of Women, Family and Human Rights
Chile	2021	Comprehensive Management Balance	National Service for Women and Gender Equity
	2021	Comprehensive Management Balance	Undersecretariat for Women and Gender Equity
Colombia	2021	Information from various provincial and municipal governments, including the Government of Córdoba, the District Secretariat for Women of Bogotá, the Government of the Department of Caquetá, and the Government of Risaralda	
Costa Rica	2021	PLANOVI 2021 Goal Fulfillment Report	INAMU
Ecuador	2022	General State Budget Execution Report	Ministry of Finance
El Salvador	2020	Report on the State and Situation of Gender-based	Salvadoran Institute for the Development of Women (ISDEMU)

		violence against women in El Salvador, 2020	
	2020	Annual Report on Acts of Gender-based Violence Against Women, El Salvador, 2020	Ministry of Justice and Public Security (MJSP)
Guatemala	2021	Report of the Budget Classifier with a Gender Focus	Presidential Secretariat for Women
Mexico	2021	Public Account 2021: Annex Cross-Cutting Programs	Ministry of Finance and Public Credit
Peru	2020	Executive Summary of the Results-Oriented Budget Program for the Reduction of Gender-based Violence Against Women (PPoR RVcM) - Implementation 2020	Ministry of Women and Vulnerable Populations
	2020	2020 Balance Report: Joint Action Plan (PAC) to Prevent Gender-based Violence Against Women, Provide Protection and Care to Victims with Emphasis on High-Risk Cases	Ministry of Women and Vulnerable Populations
Uruguay	2021	Accountability and Budget Execution Balance 2021	Ministry of Economy and Finance

**Source: Prepared by the MESECVI based on information submitted by the States.**

**674. Periodic Reports on the Financial Management of Resources Allocated to Access to Justice for Women Victims of Violence**

675. Only five countries—Argentina, Costa Rica, Guatemala, Mexico, and Uruguay—submitted comprehensive information covering the period under analysis (2018–2021) for this indicator.

676. Argentina reported that, at both the national and provincial levels, various agencies regularly prepare accountability reports. At the national level, these include reports from the General Accounting Office of the Nation under the Ministry of Economy, expenditure monitoring related to gender policies in the National Budget by the Ministry of Economy and the Chief of the Cabinet of Ministers, the Ministry of Justice and Human Rights, the Public Prosecutor's Office of the Nation, the Women's Office of the Supreme Court of Justice (OM-CSJN), and the Ministry of Women, Gender, and Diversity. At the provincial level, notable contributions come from the Honorable Court of Accounts of the Province of Buenos Aires, the City of Buenos Aires, and the Public Prosecutor's Office and Defense. Costa Rica, in turn, referenced the 2020 *Cost of Justice Report* prepared by the Directorate of Planning of the Judiciary. Guatemala referenced multiple reports from the Public Prosecutor's Office detailing budget execution through a thematic classifier. Mexico highlighted the 2021 Public Account Report prepared by the Ministry of Finance and Public Credit and additionally provided information from the Attorney General's Offices of the States of Durango, Jalisco, and Sonora. Finally, Uruguay presented the Accountability and Budget Execution Balance 2021 prepared by the Ministry of Economy and Finance.

677. **Financial Resources for Free Legal Representation and Legal Services**

678. In this round of evaluation, six countries—Argentina, Chile, Colombia, Costa Rica, Guatemala, and Peru—submitted information regarding this indicator. The details provided below reflect the data reported by these States.

679. Argentina reported the existence of several public institutions and programs with budgets specifically allocated for free legal representation.<sup>288</sup> Chile provided data for 2021 on three nationwide public institutions and programs: Mi Abogado Program, the Judicial Assistance Corporation, and the Public Criminal Defense Office. Colombia presented information detailing resources allocated by the Ombudsman's Office, the Attorney General's Office, and the Ministry

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<sup>288</sup> At the national level, institutions addressing gender-based violence in Argentina include the Public Prosecutor's Office of the Nation, with its Specialized Prosecutorial Unit on Gender-based Violence Against Women (UFEM), Office of the Prosecutor for Trafficking and Exploitation of Persons (PROTEX), General Directorate of Accompaniment, Guidance, and Protection of Victims (DOVIC), Prosecutorial Unit for the Investigation of Crimes Against the Sexual Integrity of Girls and Boys (UFIDISN), General Directorate of Access to Justice (ATAJO), and General Directorate of Gender Policies (DGPG), as well as the Ministry of Women, Gender, and Diversity's Bringing Rights Closer Program. At the local level, relevant institutions include the Provincial Directorate of Public Budget of the Province of Buenos Aires and, in the City of Buenos Aires, the Public Ministry of Defense (Legal Secretariat for Gender Diversity and Legal Secretariat Against Institutional Violence), the Public Prosecutor's Office (Specialized Teams in Gender Violence, Victim and Witness Assistance Office), and the Prosecutor's Offices of the Criminal, Misdemeanor, and Misdemeanor Jurisdiction.

of Justice to the "Women Free of Violence" category within the Budget Tracer. Costa Rica referenced four institutions under the Directorate of Planning of the Judiciary: Medical Position of Specialist Company, Places for Custody of Detainees, Analysis of Jurisprudence on Gender, Accessibility, and Human Rights, and the Family, Childhood, and Adolescence Court.

680. Guatemala designated the Institute for Attention to the Victim and the Bufete Popular URL for the year 2021. Notably, the Bufete Popular URL is the only private organization mentioned by the states in the region. Finally, Peru, for the year 2021, provided information about the National Program for the Prevention and Eradication of Gender-based Violence Against Women and Members of the Family Group (AURORA), managed by the Ministry of Women and Vulnerable Populations (MIMP).

681. It is important to note that the amounts reported by the states did not align with the information obtained from official sources on budget execution. The budgets allocated to the principal programs aimed at reducing gender-based violence against women were analyzed in detail in [Table 6](#), Budget Executed in the Main Programs to Combat and Reduce Levels of Gender-based Violence Against Women.

682. **Average Investment of Financial Resources in Each Phase of the Criminal Process of Gender-based Violence Against Women, by Institution**

683. Regarding this indicator, it is notable that the level of response from the States was low, with only two countries—Chile and Guatemala—providing information for the year 2021. Chile reported data from the Public Defender's Office, which allocated and executed a budget of \$72,684 for all phases of the criminal process. Guatemala provided information on several institutions, including the Women's Secretariat, the Office of the Prosecutor Against the Crime of Femicide, the Office of the Prosecutor for Women, and various prosecutorial agencies. These institutions reported a budget allocation of \$20,431,426, with an execution amount of \$19,216,586.

684. **Percentage of Budget Allocation and Execution for the Collection of Information and Statistics in the Judiciary on Cases of Gender-based Violence Against Women and Girls**

685. Similar to the previous indicator, the response from the States was minimal, with Argentina being the only country in this round to provide any information. Argentina reported data related to the Secretariat of Statistical Information and Data Analysis and the Women's Office of the Supreme Court of Justice of the Nation<sup>289</sup>.

686. **Publicity and Access to Information on Resource Allocation and Budget Execution**

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<sup>289</sup> <https://www.csjn.gov.ar/transparencia/presupuesto>

687. Nine States reported on access to information regarding the budget execution of ministries, MAWs, and related programs (see Table 9). Most of the States that provided this information referred to laws on access to public information, economic or fiscal transparency web portals, or the websites of their respective ministries of economy or finance.

**Table 9. Publicity and Access to Information on Resource Allocation and Budget Execution**

State	Year	Name of the Institution	Access to Information	Sources/Websites
Argentina		The State references a variety of public reports, most of which are accessible online. At the national level, these include the publication and dissemination of management reports, as well as documents detailing budget allocation and execution by the Ministry of Women, Gender, and Diversity, the Ministry of Economy, and the Chief of Staff. At the local level, reports are highlighted from the Budget Office of Salta and the Province of Buenos Aires, including those prepared by the Provincial Directorate of Public Budget, the Undersecretary of Finance, the Ministry of Finance, and the Ministry of Women, Gender Policies, and Sexual Diversity.		
Brazil		Ministry of Women, Family and Human Rights	Law on Access to Information	<a href="http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2011/lei/112527.htm">http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2011/lei/112527.htm</a>
Colombia	2021	Ministry of Finance and Public Credit	Public	<a href="http://www.equidadmujer.gov.co/prensa/2019/Documents/TRAZADOR-PRESUPUESTAL-PARA-LA-EQUIDAD-DE-LA-MUJER.pdf">http://www.equidadmujer.gov.co/prensa/2019/Documents/TRAZADOR-PRESUPUESTAL-PARA-LA-EQUIDAD-DE-LA-MUJER.pdf</a>
Costa Rica	2021	INAMU	Budget documents and annual reports online	<a href="https://www.inamu.go.cr/web/inamu/presupuesto">https://www.inamu.go.cr/web/inamu/presupuesto</a>
El Salvador	2021	Ministry of Finance	Tax Transparency Web Portal	<a href="https://www.transparenciafiscal.gob.sv/ptf/es/PTF2-Index.html">https://www.transparenciafiscal.gob.sv/ptf/es/PTF2-Index.html</a>
Guatemala	2021	Ministry of Public Finance	Public web page	<a href="http://www.minfin.gob.gt">www.minfin.gob.gt</a> The State indicated the access site with a registered user: <a href="https://sico.in.minfin.gob.gt/sico.inweb/login/frmlogin.htm">https://sico.in.minfin.gob.gt/sico.inweb/login/frmlogin.htm</a>
	2021	Presidential Secretariat for Women		
Mexico	2022	Ministry of Finance and Public Credit	Annual public account reports online	<a href="https://www.cuentapublica.hacienda.gob.mx/">https://www.cuentapublica.hacienda.gob.mx/</a>

Peru	2021	Economic Transparency Portal of the Ministry of Economy and Finance (MEF)	An open-access information platform is available, where the basic data originates from each respective source, specifically the institutions responsible for managing it.	<a href="https://www.mef.gob.pe/es/?option=com_content&amp;language=es-ES&amp;Itemid=100931&amp;lang=es-ES&amp;view=article&amp;id=424">https://www.mef.gob.pe/es/?option=com_content&amp;language=es-ES&amp;Itemid=100931&amp;lang=es-ES&amp;view=article&amp;id=424</a>
Uruguay	2021	Ministry of Economy and Finance	Public website	<a href="https://www.gub.uy/ministerio-economia-finanzas/comunicacion/publicaciones/proyecto-poder-ejecutivo-tomos-7">https://www.gub.uy/ministerio-economia-finanzas/comunicacion/publicaciones/proyecto-poder-ejecutivo-tomos-7</a>

**Source: Prepared by the MESECVI based on information submitted by the States.**

#### 688. **Final Recommendations**

##### **Legislation: Articles 1, 2 and 7 (c), (e), and (g) of the Belém do Pará Convention**

1. Advance the enactment of comprehensive laws that recognize the diversity among women and uphold their rights as victims and survivors of gender-based violence, particularly regarding their access to justice, truth, and comprehensive reparations with a gender-sensitive and intersectional perspective. These laws should ensure active participation of women in all stages of investigations and proceedings before both jurisdictional and non-jurisdictional bodies. Additionally, they must guarantee free legal counsel and representation, access to specialized services, and robust protective measures.
2. Enact and reinforce legislation addressing gender-based violence against women within civil, administrative, and other domains to promote access to justice, truth, and reparations for women who are victims and survivors of violence in educational institutions, healthcare facilities, workplaces, or any other setting, in alignment with the Convention.
3. Undertake all necessary measures to appropriately classify the crime of femicide, in accordance with the Inter-American Model Law, and advocate for its adoption at the national level. Ensure vigilant monitoring by justice system operators regarding the number of femicides/feminicides reported, denounced, investigated, prosecuted, and the outcomes of these cases, including convictions and acquittals. Strive to prevent the archiving of cases and eliminate statutes of limitations for both the crime of femicide/feminicide and the related criminal actions.
4. Implement all necessary legislative measures to safeguard women's sexual and reproductive rights, including amending or harmonizing legal frameworks to allow for the legal termination of pregnancy, incorporating at minimum therapeutic grounds for cases of rape, incest, and forced



insemination. Following legislation, adapt secondary regulations and institutional frameworks to operationalize these rights, ensuring genuine and effective access with adequate coverage for women seeking to legally terminate their pregnancies. Eliminate all *de jure* and *de facto* barriers that hinder access.

**National Plans: Articles 1, 2, 7, and 8 (c) and (d) of the Belém do Pará Convention**

5. Formulate and implement national plans or substantive components within them to enhance women's access to justice, truth, and reparations. These plans must be intersectional, actionable, and promote institutional coordination. They should include strategies to improve the performance of jurisdictional and non-jurisdictional bodies, public prosecutors' offices, and legal services, ensuring access to free legal advice, representation, specialized services, and protective measures. Sufficient resources must be allocated for their implementation, with institutionalized participation from civil society and collectives of women who are victims and survivors in various stages of implementation and evaluation. Incorporate monitoring mechanisms to accurately measure compliance with these plans and components.
6. Establish national plans and programs with broad local reach to ensure comprehensive reparations with a gender-sensitive and intersectional approach for women and girls who are victims and survivors of violence. These plans must be supported by an adequate budget, provide extensive coverage, and include straightforward, accessible mechanisms for women, striving to minimize dependence on the existence or outcomes of criminal proceedings.
7. Implement national plans, programs, strategies, and actions that address sexual violence against girls, child pregnancies, and child, early, and forced marriages and unions through an adequate intersectional approach. These initiatives should prioritize access to justice, truth, and comprehensive reparations through specialized services and other suitable measures with sufficient coverage. Incorporate monitoring mechanisms to effectively measure compliance with these plans and components.
8. Guarantee the inclusion of the disability and intersectional perspective in all national programs and plans, particularly those related to their access to justice, truth, and reparation, ensuring the necessary adjustments in justice services and issuing directives and guides that allow the operation of programs, strategies, and actions, promoting awareness-raising programs for the authorities of the justice systems.

**Access to Justice: Articles 7 (c), (d), (f), and 8 (c) and (d) and (f) of the Belém do Pará Convention**

9. Continue to reinforce women's right to access justice in both jurisdictional and non-jurisdictional proceedings by adopting strategies, programs, and actions within competent institutions that promote equality among parties, the right to information, the prohibition of gender stereotypes and

revictimization, and reasonable accommodations for women in all their diversities. Uphold the duty to establish appropriate structures and procedures that enable women, individually or collectively, to actively participate in justice proceedings.

10. Establish and further strengthen programs for free legal advice and representation, specialized services, mechanisms for implementing protective measures, and comprehensive reparations to ensure they have adequate coverage, are accessible to women in all their diversities, and are staffed with sufficient, specialized personnel, minimizing, as far as possible, excessive staff turnover.
11. Enhance the criminal justice system to align it with the needs and experiences of women who are victims and survivors of gender-based violence, ensuring all necessary measures to guarantee their effective participation in legal processes, accessibility for all women, and the establishment of permanent, institutionalized training programs with broad coverage. Issue and apply protocols and guidelines for all stages of investigations and judicial processes, with thorough training for police, prosecutors' offices, and courts in their implementation, while minimizing, as far as possible, the excessive turnover of specialized personnel.
12. Take all necessary measures to ensure that jurisdictional bodies in non-criminal matters, such as civil and administrative, as well as other entities and institutions handling cases of gender-based violence against women in educational settings, healthcare facilities, workplaces, or any other context, are equipped with the capacities, resources, protocols, and standardized guidelines needed to resolve these cases effectively. Ensure that responses are specialized, expeditious, and incorporate a gender-sensitive and intersectional approach, with the active participation of women victims and survivors of violence.

#### **Information and Statistics: Article 8 (h) of the Belém do Pará Convention**

13. Ensure the production and collection of statistical information on all forms of violence recognized by the Belém do Pará Convention by the police, public prosecutors' offices, and courts at all levels. Promote coordination among these institutions and standardize data to facilitate comprehensive, nationwide data collection strategies.
14. Conduct regular public studies and research on women's access to justice in both jurisdictional and non-jurisdictional bodies, as well as on their access to and the quality of comprehensive reparations, free legal advice and representation, specialized services, and protective measures.
15. Ensure that the generation, collection, study, and analysis of statistical information on women's access to justice incorporate an intersectional and disability perspective. Collect data in a disaggregated manner, at a minimum by sex, age, marital status, geographic location, and include factors such as indigenous identity, African-descendant, migrant status, disability, LGTBQ+ identity, rural residency, poverty, displacement, or incarceration.

16. Generate and collect statistical information on cases initiated before non-criminal jurisdictional bodies, as well as national human rights institutions and administrative bodies for filing complaints in educational institutions, healthcare centers, workplaces, political settings, social networks, virtual platforms, and the media. This information should encompass the stages of each process and their outcomes.

**Resources and Budgets: Article 7 (c) of the Belém do Pará Convention**

17. Approve sufficient and appropriate budget allocations to implement public policies, plans, programs, strategies, and actions aimed at promoting and improving access to justice, truth, and reparations for women and girls who are victims and survivors of all forms of violence recognized by the Belém do Pará Convention.
18. Allocate substantial and adequate budgets to national plans, programs, strategies, and actions focused on access to justice, ensuring sufficient funding for prosecutors' offices, jurisdictional bodies, entities handling cases of gender-based violence against women, advisory and free legal representation services, specialized services, implementation and monitoring of protective measures, as well as reparations programs and funds for women victims and survivors of gender-based violence.