

Violence in the Americas - A Regional Analysis*

Including a Review of the Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women

Highlights

The *Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Belém do Pará, Brazil 1994)* marked an important landmark in the continued efforts to affirm and protect women's human rights and denounce violence against women as a human rights violation. Many initiatives to prevent, punish and eradicate violence against women have preceded the adoption of the *Convention*. The *Convention* however is unique in clearly delineating the State's obligations to protect women's right to a life without violence.

Towards the end of 1999, the Inter-American Commission of Women (CIM) of the Organization of American States sought and received the financial assistance of the United States Agency for International Development to review national programs to prevent, punish and eradicate violence against women in the Americas. To conduct the review, CIM enlisted the collaboration of the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), in San José, Costa Rica.

The review was based on a combination of replies to a questionnaire from both governmental organizations and non-governmental organizations, field research and personal interviews. In total 25 countries were covered by the review.

The review offers an understanding of the progress accomplished to date in implementing the *Convention*, the obstacles encountered in doing so, and the work that remains to be done. In many of the countries reviewed, the ratification of the *Convention* represented a high point in the efforts of women of that country to compel their governments to recognize their responsibilities with respect to the right of women to a life without violence. In some cases, the effort required to bring about that level of official recognition seemed to have exhausted the energy of the groups involved. In other cases, it provided a fresh impetus for concrete action.

The ultimate objective of the *Convention* was and remains the eradication of violence against women. In general, it has been widely recognized that some of the most crucial changes required to achieve this objective, including significant changes in attitudes, beliefs and traditions, would take a long time to take effect. This is perhaps why, once some institutional processes had been put in place, there emerged a tendency to learn to "cope" with the problem and perhaps even to "tolerate" it, as opposed to a renewed determination to eliminate it altogether.

In terms of the immediate impact of the ratification of the *Convention* by various Member States, it became clear during the review that some jurisdictions have treated the ratification of the *Convention* as a "destination" and not as a "point of departure". In several cases, concrete and sustained actions were not taken by the government after the ratification of the *Convention* to actually ensure its full implementation.

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When reflecting upon the impact that the *Convention* has effectively had on the phenomenon of violence against women in the region, one must ask whether women and girls are less vulnerable or less exposed to incidents of gender-based violence than they were before. Are they less often victimized? Is their ability to live a life free of violence significantly enhanced as a result of measures that have been taken since the adoption of the *Convention*? The unfortunate reality, however, is that sound information does not exist in most countries which would allow us to measure such changes. On the basis of the little information that does exist, it is very unlikely that significant progress has in fact been achieved in the last five years in terms of reducing the incidence of gender-based victimization or the number of women who are being affected by it.

Main obstacles

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

Some of the obstacles that have generally been encountered were as follows:

- **Political conditions**
In some cases, political change or instability has contributed to the weakening of the efforts of a State Party to proceed with the reforms it had formally undertaken to achieve. Political leadership has sometimes been missing or has not been consistently offered. In many countries, several proposed reforms have died a "natural death" for lack of effective political leadership and political will to pursue them vigorously.
- **Economic conditions**
Economic disparities among and within countries, economic instability, and under-development have all had a heavy impact on the lives of women. They also affect the ability of the states to provide social protection and security as well as funding for essential services and programs to prevent and punish violence against women or provide protection and assistance to victims. Natural disasters and social unrest have also sometimes compounded the problem.

Economic inequalities reinforce women's subordinate position in society and render them vulnerable to many forms of violence. Poverty among women and their economic dependence on men are problems that largely remain to be addressed. As long as inequalities are not confronted and resolved, large segments of the female population will remain unable to enjoy their rights, including their right to a life without violence.

Even in cases where the law and the justice system afford women some level of protection against violence, their economic dependency often prevents them from seeking that protection. Many existing programs and reforms seem to have underestimated that difficulty.

- **Lack of financial and technical resources**
In the majority of countries of the region, the need for services and programs is totally out of proportion to the amount of services offered. Financial resources are often not available to effectively implement the programs that have been mandated by legislation or by official policies. During the review, programs were often encountered which, because of financial restraints, existed only "on paper" and had become a mere shadow of what they had initially been designed to be. Oftentimes, programs subsisted and continued to offer essential assistance to victims only because of the sheer determination of a small group of volunteers who refused to give up after the funding for the program had run out.

Resources are sometimes also diverted away from the provision of essential services to women victims of violence towards the pursuit of other priorities (including other social issues and the prevention of other forms of crime). Several states facing severe financial constraints have, often in response to public pressures, given a higher priority to other issues as opposed to the fight against violence against women.

It is also usually the case that a country's new programs and initiatives to address the problem of violence against women are not consistently applied throughout the territory. The urban /rural divide is still a significant obstacle. There remains a great need for further outreach efforts to be expanded outside the urban centers. The lack of financial and technical resources continues to be felt more acutely outside of the main urban centers. In most rural and remote communities, efforts to address the problem of violence against women continue to be hampered by the absence of economic opportunities for women as well as the general lack of adequate health care, education, public transportation, and law enforcement resources.

- Socio-cultural factors and attitudes condoning discrimination and violence against women. The presence of competing values and beliefs about women and their place in the family and in society continues to play against the unequivocal affirmation of women's rights and in particular their right to a life without violence. Attitudes, beliefs, and sexist stereotypes persist and continue to be widely held by both men and women. They impede efforts to translate women's rights into a reality for women. Attitudes and norms which are still prevalent in many parts of the region often devalue women's work, discourage their participation in political life or the assertion of their legal rights through the legal and political process, discourage and sometimes deny the participation of fathers in family life, child care and the equal sharing of family responsibilities.

In some countries, prevailing norms and attitudes tolerate or encourage abusive polygamous arrangements (e.g. multiple families, concubines, etc), making it nearly impossible for women to leave an abusive relationship, or severely limiting a woman's reproductive choices. Such attitudes and beliefs provide a basis for traditional practices, social norms, and institutional forms of discrimination that are prejudicial to women and often openly encourage or provide justification for gender-based violence. The same attitudes are also responsible for the frequent stigmatization and isolation of women who assert their rights to a life without violence.

- Presence of a culture of violence
All countries of the region are affected by the pervasive effects of a prevalent culture of violence which trivializes all forms of violence and presents them as inevitable. In the process gender-based violence is also trivialized.
- New perils
New problems are arising from the use of information and communication technologies. They facilitate certain types of violence against women such as child pornography, sex tourism or trafficking in women and children. They facilitate various forms of economic and sexual exploitation of women. They also make the prosecution of such crimes more difficult, particularly when they occur either across border or on the internet.
- Poor planning
In far too many jurisdictions, efforts to combat violence against women are fragmented and poorly coordinated. The focus of these plans is too often on attempting to alleviate the symptoms and consequences of violence against women. They do not specifically address the root causes of gender-based violence. Cooperation between sectors of intervention is often weak and there often is, particularly where financial resources are insufficient, a counterproductive level of competition between service providers and between them and other agencies active in the fight against violence against women.

Comprehensive national or local plans of action, based on an assessment of the situation, with clearly specified targets can go a long way to reduce these obstacles. Such plans rarely exist

and, when they do, they too often have been developed without proper input from the main groups and agencies ultimately responsible for their implementation.

There exist several examples of comprehensive plans of action which have provided a clear impetus for action and helped various sectors coordinate their activities. In these cases, the main challenge often consists of ensuring that the progress in implementing the plan is effectively monitored and that all key actors remain sufficiently mobilized.

In some large countries, difficulties are often experienced in securing the full cooperation of all levels of government. Establishing the required coordination and necessary strong partnerships among all levels of government is often very difficult.

The mobilizing of young people (young women in particular) appears to create a new challenge for many organizations. Many young people act as if gender inequalities and gender-based violence were issues of the past.

- **Absence of effective monitoring mechanisms**
It seems that progress is too often simply assumed to have taken place. The lack of monitoring mechanisms and accountability measures to ensure the effective implementation of national policies is a major issue in most countries. This is particularly important in the case of policies or measures that are not well received or even resisted by some or parts of the institutions concerned. This is also crucial in the case of policies which may be challenged by the prevailing sub-culture in a particular agency or institution.
- **Absence of data**
The absence of data is being felt and deplored in most countries of the region. In particular, victimization surveys and standardized data on the experience of women who personally face incidents of violence are lacking. The planning and monitoring of social and institutional change and the evaluation of its impact is not possible without such information.
- **Lack of understanding of violence against women and its causes.**
Although a significant amount of new research has been conducted in the region, most of it was conducted in about half a dozen countries. The research and evaluation needs of most other countries with respect to the problem of violence against women remain largely unattended. In particular, research on the effectiveness of various legislative initiatives, procedural reforms and institutional programs continues to be sparse. Research on the links between gender-based violence and various cultural beliefs and attitudes must be expanded, as must be research on effective means to promote change in these cultural patterns.

Conclusions

Significant progress has clearly been achieved throughout the region in promoting an understanding of violence against women as a violation of human rights. The existence of the *Convention* has, in itself, contributed to a renewed awareness of the seriousness of the problem and the responsibility of the state to take concrete measures to prevent and eradicate it. Throughout the region, there seems to be a greater acceptance of the fact that violence against women and girls, whether occurring in public or in private, is a violation of their basic human rights. That idea, however, continues to meet strong resistance, much of it only covertly expressed or cynically disguised as a form of pragmatism. That resistance should be challenged directly.

The drive which once existed to bring about meaningful change appears to have become somewhat eroded. Whether this is because, as some respondents suggested, women have lowered their expectations of government institutions, or because they have relaxed their vigilance, it seems that the pressure that was once exerted on governments to live up to their commitment to protect the rights of women to a life without violence has become somewhat weaker in a number of countries. There is

therefore a need for national, sub-regional and regional organizations to develop strategies to increase pressure on national governments to fulfill their commitments under the *Convention*.

The issue of the accountability of the state, its agencies and officials is a fundamental one. The obligations of the state and its various institutions to prevent, punish and otherwise respond to violence against women have been clearly defined by international law in general, by the *Convention* itself, and often also by national laws. However, the question of whether and how these obligations are effectively fulfilled by States Parties is an entirely different matter. National or local mechanisms need to be strengthened and provided with the authority and practical means to more effectively monitor the actions of various institutions and government agencies and evaluate their progress and success in eradicating violence against women. This accountability can only be fostered by the existence of reliable information on the incidence of violence against women and on the experience of the victims.

Rigorous evaluations of the effectiveness of various services and other forms of intervention are needed. These evaluations should address the financial costs of various violence-related services, including primary prevention activities.

There is a deplorable absence of reliable victimization data in most countries of the region. In particular, victimization surveys and standardized data on the experience of women who personally face incidents of violence are lacking. The planning and monitoring of social and institutional change and the evaluation of its impact is hardly possible without such information.

The above observations point to the need to invent new ways to sustain and enhance the efforts that have been made so far, to consolidate the gains that have been achieved, and to hold accountable those who have been entrusted with the responsibility to implement the required institutional reforms. In addition to these priorities for future action, particular care must be given to addressing the plight of victims of violence perpetrated by state agents.

Furthermore, the continued neglect of the plight of victims who belong to various minority, ethnic, or racial groups, indigenous women, refugee women, migrant women, and women living in rural and remote communities cannot be tolerated. These women are especially targeted and usually more vulnerable to violence. The difficulties they encounter must be specifically addressed as part of national plans and programs.

Access to justice mechanisms for children and adolescents must also be recognized as a priority. Programs are urgently required to enhance the ability of children and adolescents to access the justice system and to benefit from the protection it provides. Specialized programs are also urgently required in most jurisdictions to assist child victims in their reintegration and full physical and psychological recovery. New measures are needed to ensure appropriate training, in particular legal and psychological training, for the persons who work with child victims of sexual exploitation. Special priority should be given to developing measures to protect street children and other children who are particularly vulnerable to acts of violence and sexual exploitation, as well as measures for the protection of children in detention.

The challenge created by the proliferation of various forms of transnational exploitation and violence against women calls for resolute action and cooperation on the part of all countries of the region. The vulnerability of migrants, and in particular irregular migrants, as a result of their precarious situation often leads to violations of their basic human rights. In many cases, it is clear that strict immigration laws and procedures relating to the deportation of illegal migrants or workers work at cross-purposes with efforts to prosecute human trafficking crimes and to protect the human rights of victims.

Ways to develop or renew a social commitment to the goal of eradicating violence against women must be explored. Advocacy for women's rights, and in particular the right of women to a life without violence, needs to be reenergized and strengthened. In that regard, during the present review, many respondents expressed a concern that younger generations of women appeared to be either less committed than their predecessors to the objective of eliminating violence against women or too quick to assume that the problem had already been resolved.

Even if the institutional, attitudinal, and programmatic changes prescribed by the *Convention* have been implemented to a certain extent in most countries, they have not yet yielded all the concrete results that were hoped for. Many countries have taken formal actions, including declarations, legislation, and constitutional amendments to reaffirm the right of women to a life without violence. However, the impact of these measures has too often been limited to a symbolic one.

Governmental initiatives against gender-based violence have tended to focus on policy and law reform, frequently without sufficient means devoted to the implementation of these reforms. Too many initiatives seem to offer formal legal protection to women without providing them with the genuine means to access that protection. Finally, in the majority of countries reviewed, the *Convention* itself was poorly communicated to the population and remained rather unknown by those who would normally be expected to participate fully in its implementation.

The depth of the actual commitment of each government to implement the *Convention* is not easily ascertainable. During the period reviewed, that commitment certainly appeared to fluctuate, even within countries, as governments and their priorities changed. In some cases, that commitment was translated into concrete and effective action, but in several other cases, it was not. In many countries, the task of promoting and implementing the necessary reforms has been largely left to non-governmental agencies which often did not have access to the required resources. In fact, it was clear that several countries were either unable or unwilling to devote the necessary human and financial resources to the cause.