

16 YEARS OF PROGRESS, 16 YEARS OF CHALLENGES THE CAMPAIGN TO ELIMINATE VIOLENCE AGAINST WOMEN IN LATIN AMERICA AND THE CARIBBEAN

Over the last 16 years, a remarkable amount of progress has been made in the struggle to address violence against women, led primarily by international and national women's organizations and the health sector. During the 1990s, a series of international conferences, including the World Conference on Human Rights (Vienna, 1992), the International Conference on Population and Development (Cairo, 1994) and the Fourth World Conference on Women (Beijing, 1995), established women's rights as human rights and placed the issue of violence against women resolutely on the international agenda. In Latin America and the Caribbean, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará, 1994), which has been ratified by 32 countries in the region, establishes a framework for efforts to eliminate violence against women. In 2002, the Organization of American States (OAS) approved a Follow-up Mechanism to the Convention of Belém do Pará (MESECVI), which involves two bodies, the Conference of States Parties and the Committee of Experts, in monitoring the implementation of the Convention.¹

At the national level, the majority of Latin American and Caribbean countries have passed legislation that addresses intra-family or domestic violence, or violence against women:

Timeline: Legislation Violence against women in Latin America and the Caribbean²

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| 1979- | Puerto Rico - <i>Ley 6</i> adds <i>Rule 154</i> , which prohibits the submission of evidence relating to prior conduct or sexual history of the victim in any rape or attempted rape trial. |
| 1984- | St. Vincent and the Grenadines - the <i>Law on Domestic Violence and Marital Procedures</i> is passed. |
| 1986- | Trinidad and Tobago - the <i>Law on Sexual Crimes</i> is passed. |
| 1989- | Jamaica - the <i>Law on Domestic Violence</i> is passed.
Mexico - Reform of the Penal Code that increases sanctions for the crime of rape, defines the concept of "copulation" and typifies improper violence.
Puerto Rico - <i>Ley 54 para la Prevención e Intervención contra la Violencia Doméstica</i> is passed. |
| 1991- | Bahamas - the <i>Law against Sexual Offenses and Domestic Violence</i> is passed.
Belize - the <i>Law on Sexual Crimes and Domestic Violence</i> is passed.
Peru - the new Penal Code modifies the treatment of sexual violence crimes.
Trinidad and Tobago - the <i>Law on Domestic Violence</i> is passed. |
| 1992- | Barbados - the <i>Law on Protection Orders for Domestic Violence</i> and the <i>Law on Sexual Crimes</i> are passed.
Belize - the <i>Law on Domestic Violence</i> is passed.
Dominica - the <i>Law on Sexual Crimes</i> is passed. |

1. For more information about MESECVI, see: CIM/OAS. Report on the Implementation of the Follow-up Mechanism to the Inter-American Conventions on the Prevention, Punishment and Eradication of Violence against Women. Washington DC: Organization of American States, 2006. <http://www.oas.org/cim/English/MESECVI.Index.htm>

2. Source: CIM/OAS, *Legislación sobre violencia*. Washington DC: Inter-American Commission of Women, Organization of American States. <http://www.oas.org/CIM/Spanish/LeyesdeViolencia.htm>

- Isis Internacional, *Legislación sobre violencia sexual en América Latina y el Caribe español, Leyes de Violencia Doméstica e intrafamiliar en América Latina y el Caribe Español*. Cuadro resumen actualizado a junio 2006. <http://www.isis.cl>

- 1993- Peru - *Ley 26260*, which establishes State policy with respect to family violence is passed.
- 1994- Argentina - *Ley 24.417 de protección contra la violencia familiar* is passed.
Chile - *Ley 19.325* establishes norms and sanctions with respect to intra-family violence.
St. Lucía - the *Law on Domestic Violence* is passed.
- 1995- Antigua and Barbuda - the *Law on Sexual Offenses* is passed.
Bolivia - *Ley 1674 contra la Violencia en la Familia o Doméstica* is passed.
Brazil - *Decreto Legislativo 107* gives legal status to the *Belém do Pará Convention*.
Costa Rica - *Law 7.476 against Sexual Harassment at Work and School* is passed.
Ecuador - *Ley contra la Violencia a la Mujer y a la Familia* is passed.
Panama - *Ley 27 sobre Delitos de Violencia Intrafamiliar y Maltrato de Menores* is passed.
Uruguay - *Ley 16707 de Seguridad Ciudadana* is passed, criminalizing domestic violence.
- 1996- Costa Rica - *Ley 7586 contra la Violencia Doméstica* is passed.
Colombia - *Ley 294 para Prevenir, Remediar y Sancionar la Violencia Intrafamiliar* is passed.
Dominica - *Law 7586 against Domestic Violence* is passed.
El Salvador - *Ley 902 contra la Violencia Intrafamiliar* is passed.
Guatemala - *Decreto 97-96* brings into effect the Law to Prevent, Punish and Eradicate Intra-family Violence.
Guyana - *Ley sobre Violencia Doméstica* is passed.
Mexico - *Ley de Asistencia y Prevención de la Violencia Intrafamiliar* is passed.
Nicaragua - *Ley 230 para la prevención y sanción de la violencia intrafamiliar* is passed.
- 1997- Bolivia - *Ley 1678* modifies the Penal Code to include sexual violence as a crime.
Colombia - *Ley 360 de Delitos contra la Libertad Sexual y la Dignidad Humana* is passed.
Dominican Republic - *Ley 24-97*, establishing domestic violence, sexual harassment and incest as crimes, is passed.
Guatemala - *Decreto 79-97* is passed, including rape of a minor, incest, dishonest abuse, and the rape of those over 18 as crimes requiring public action when denounced by the victim.
Honduras - *Ley para la Prevención, Sanción y Erradicación de la Violencia contra la Mujer, Decreto 132-97* is passed.
Honduras - The Penal Code is amended to modify the treatment of sexual violence crimes.
Mexico - *Decreto para reformar el Código Civil y el Código Penal* is passed, referencing intra-family violence and rape.
Paraguay - *Ley 1.160* reforms the Penal Code with modifications that refer to crimes against sexual autonomy and typifies sexual assault and trafficking in persons as crimes.
Peru - *Ley 26763* is passed, establishing mechanisms for protection of victims of violence, *Ley 26770* is passed, reforming the Civil Code to include penal action on crimes against sexual freedom within marriage.
- 1998- Ecuador - *Ley 105* is passed amending the Penal Code with respect to sexual violence crimes.
El Salvador - Reforms to the Penal Code define rape and its treatment.
Puerto Rico - *Ley 2* is passed, amending the Penal Code with respect to sexual crimes and the mistreatment of minors.
Puerto Rico - *Ley 3* is passed, prohibiting sexual harassment of students in public and private schools.
Venezuela - *Ley sobre la Violencia contra la Mujer y la Familia* recognizes the mistreatment of women as a crime, and punishes sexual harassment.
- 1999- Antigua and Barbuda - legislation on domestic violence is passed.
Argentina - *Ley 25.087* is passed, modifying the Penal Code (Title III) with respect to crimes against honesty or sexual integrity.
Bolivia - *Ley 2.033* is passed, protecting victims of crimes against sexual freedom.
Chile - *Ley 19.617* modifies the Legal Code with respect to sexual crimes.
Guatemala - *Ley 97-96 para Prevenir, Sancionar y Erradicar la Violencia Intrafamiliar* is passed.
Trinidad and Tobago - *Law 10 on Domestic Violence* is passed.

- 2000- **Paraguay** - *Ley 1600/00 de Violencia Intrafamiliar* is passed.
- 2001- **Brazil** - *Ley 10.224* is passed, through which sexual harassment is typified as a crime in the Penal Code.
Panama - *Ley 38* is passed, modifying the Judicial and Penal Code to include articles on domestic violence and mistreatment of children and adolescents, replacing articles of *Ley 27* (1995).
- 2002- **Colombia** - *Ley 747* is passed, reforming the Penal Code.
El Salvador - *Decreto 182* brings into effect the *Ley contra la Violencia Intrafamiliar*, which incorporates patrimonial violence.
Uruguay - *Ley 17514 sobre Violencia Doméstica* is passed.
- 2003- **Dominican Republic** - *Ley 137-03* is passed, on illicit trafficking of migrants and trade in persons.
El Salvador - *Reforms to the Penal Code* (Decree 210) modify the provisions with respect to sexual crimes and define trafficking in persons.
Peru - *Ley 27.942 on Prevention of Harassment* is passed.
- 2004- **Brazil** - *Ley 10.778* is passed, establishing the mandatory reporting of cases of violence against women that are attended in public and private health services.
Brazil - *Ley 10.886* adds paragraphs to article 126 of the Penal Code, typifying domestic violence.
Colombia - *Ley 882* modifies article 229 of *Ley 599 (2000)* with respect to intra-family violence.
El Salvador - *Decreto 457* reforms the Penal Code with respect to commercial sexual exploitation and the trafficking of persons.
Panamá - *Ley 16* provides for the prevention and definition of crimes against sexual freedom, modifying and adding to the Penal and Judicial Code.
- 2005- **Brazil** - *Ley 11.106* is passed, modifying and incorporating articles to the Penal Code with respect to sexual crimes, pimping, and the international trafficking of persons.
Chile - *Ley 20.066* is passed, establishing the *Ley de Violencia Intrafamiliar* (repealing *Ley 19.325*).
Chile - *Ley 20.005* is passed, which defines and sanctions sexual assault, introducing changes to the Labour Code.
Colombia - *Ley 985* is passed, which modifies article 188-A of the Penal Code to adopt measures for prevention, protection and assistance to victims or possible victims of trafficking in persons.
Guatemala - *Decreto 14* is passed, reforming article 194 of the Penal Code to define the crime and punishment related to trafficking in persons.
Haiti - *Décret modifiant le régime des Agressions Sexuelles et éliminant en la matière les Discriminations contre la Femme* is passed.
Honduras - *Decreto 234-2005* is passed, reforming the Penal Code with respect to sexual crimes and adding the crime of commercial sexual exploitation.
Puerto Rico - *Ley 91* is passed, which regulates the participation of offenders in re-education programmes.
Uruguay - *Ley 17.861* is passed, which approves the UN Convention on Organized Crime and its Optional Protocols to prevent, suppress and punish trafficking in persons.
- 2006- **Brazil** - *Ley 11.340* is passed, creating mechanisms to restrict violence against women and creating Domestic and Family Violence courts.
Colombia - *Ley 1.010* is passed, establishing measures to prevent, correct and sanction labour assault and other harassment associated with the workplace.
Peru - *Ley 28.704* modifies the Penal Code with respect to crimes against sexual freedom.
Uruguay - *Ley 17.938* repeals article 116, which allowed offenders to marry their victims, thereby eliminating the crimes of rape, violent attacks against modesty, rape of minors and abduction.

Hundreds of projects and programmes have been developed to help implement these laws, with varying levels of success. In addition to specific problems with individual laws and policies,³ the main challenges to the implementation of these laws include:

- Insufficient resources for the implementation of laws and policies, which requires training and information dissemination to police, the judiciary, the health sector and other actors on proper application.
- Lack of information dissemination to the general public, especially women at risk, that violence against women is punishable by law and that resources exist for women living in violent situations.
- Lack of coordination among the various actors responsible for implementing laws and policies on violence against women, and a greater need for multi-sectoral integration.
- Enduring gendered identities that promote male violence to assert control and female subjugation. These identities are adopted not only by perpetrators and victims of violence, but also in many cases by those responsible for addressing it within the police, the judiciary, the health sector and other institutions.
- Existing gendered barriers to higher-level education, employment and political participation that constrain women's autonomy and their ability to leave violent relationships.
- Non-existent or insufficient funding at the government level to programmes that address violence against women, its causes and consequences.
- Lack of awareness among the general population of the prevalence and severity of violence against women, and the laws and policies in place to prevent it.

In order to respond to these challenges and improve the effective implementation of national and international laws and policies on violence against women, international organizations, national governments and civil society have developed a number of initiatives that can be classified in several broad categories according to the problems that they attempt to address –monitoring and information gathering, prevention, and care– including programmes and projects from the security, legal, health, and education sectors, civil society and academia.

1. Monitoring and information gathering

One of the main obstacles to eliminating violence against women is lack of data –where, when, how and why it happens– existing data is unreliable and inconsistent yet figures suggest that globally, 1 in 3 women experience some type of violence at some point during their lives.

Challenges to collecting timely and accurate information on violence against women include:

- Women's resistance to reporting or even discussing the issue.
- Differing information-gathering methods within and among countries.
- Absence of violence against women as a compulsory component on census or other national and household surveys.

A recent effort to fill the data gap on VAW is the World Health Organization's Multi-country Study on Domestic Violence and Women's Health. This ground-breaking study was conducted in 10 countries through interviews with 24,000 women in order to document the prevalence of intimate partner violence, and assess the impact of violence on women's physical, mental, sexual and reproductive health. The study also looked at existing responses to violence, including who women turn to and who they tell about the violence in their lives, whether they leave or fight back, which services they use, and what responses they get. http://www.who.int/gender/violence/who_multicountry_study/en/index.html

3. For a discussion of specific challenges presented by inadequate laws and policies, see Rioseco, L. Buenas prácticas para la erradicación de la violencia doméstica en la región de América Latina y el Caribe. Chile: Economic Comisión for Latin America and the Caribbean, 2005. <http://www.eclac.cl/publicaciones/UnidadMujer/1/LCL2391/lcl2391e.pdf>

Some efforts to gather information and monitor efforts on violence against women at both the national and international levels include surveys (such as DHS⁴ or the International Violence against Women Survey⁵), registration sheets and crime reporting systems, fact-finding missions such as those of the United Nations Special Rapporteur on Violence against Women, its Causes and Consequences,⁶ and other monitoring mechanisms such as MESECVI or the Regional Observatory on Gender-based Violence and Health. Efforts to gather information on violence against women should be coordinated and consistent -so that statistics are comparable across states or provinces within a country, and across countries

A number of organizations at the international level (PAHO and the OAS, among others) have proposed the creation of a unified data collection system on violence against women in order to develop a comprehensive and accurate regional picture of violence against women.

2. Prevention

Efforts to prevent violence against women include a diverse range of initiatives such as the establishment of legal and policy instruments at the national and international levels, awareness-raising campaigns, information and education programmes, the creation of networks, conflict resolution and other training modules targeting health providers, men women and youth, and working with perpetrators of violence.

These initiatives have had mixed results, due to the complexity of violence against women, which involves issues of identity, culture and belief, degree of political will behind the project, level of funding, coordination among stakeholders, and a number of other factors. Examples of prevention programmes include:

• Educational programmes

School-based and other education programmes attempt to reach children and adolescents at an early age before gendered identities and violence are internalized. Specific modules on violence against women, sexuality education, as well as individual and group counseling programmes and school health services are instrumental in teaching alternative masculinities, conflict-resolution skills. In Bolivia for example, the “Programa de Prevención de Violencia en la Escuela” (PPVE)⁷ aims to use training, sensitization and evaluation processes within primary and secondary schools to raise awareness of violence and promote zero-tolerance of violence in all its forms.

The Regional Observatory on Gender-Based Violence and Health was created by the Pan American Health Organization in 2005 with the aim of monitoring public policy, programmes and projects related to the prevention and care of violence against women, identify gaps in the implementation of these policies, and make recommendations accordingly. <http://www.paho.org/spanish/ad/ge/VAW.htm>

Law 103, which protects women from domestic violence, is being implemented on the Ecuadorian border. The project focuses on empowering women who are victims of violence, particularly refugee and indigenous women, by teaching them about human rights, the mechanisms in place to denounce perpetrators and how to access the justice system. The project also raises awareness among lawmakers and civil society on domestic violence with a focus on gender. UNDP – Regional Project “Latin America Generates: Knowledge Management in Gender Equality”

“In **Costa Rica**, the Women, Gender and Justice Programme at the Instituto Latinoamericano de las Naciones Unidas para la Prevención del Delito y el Tratamiento del Delincuente (ILANUD) organizes regular seminars and workshops on women’s human rights issues, focusing particularly on violence against women, that are targeted towards lawyers, judges and other officials from the justice sector. <http://www.ilanud.or.cr/justiciagenero/INICIO.htm>

4. <http://www.un.org/womenwatch/daw/egm/vaw-stat-2005/docs/expert-papers/Kishor.pdf>

5. <http://www.un.org/womenwatch/daw/egm/vaw-stat-2005/docs/expert-papers/Nevala.pdf>

6. United Nations Special Rapporteur on violence against women, its causes and consequences <http://www.ohchr.org/english/issues/women/rapporteur/>

7. UNDP. Informes Nacionales sobre la Situación de la Violencia de Género contra las Mujeres: Bolivia. United Nations Development Programme, 1999. <http://www.undp.org/rblac/gender/campaign-spanish/bolivia.pdf#search=Prevenci%C3%B3n%20de%20la%20violencia%20en%20la%20escuela>

- **Media, Information, and Awareness Campaigns**

Communication is essential to raising awareness, and in a world where information media (radio, television, print, the Internet) reach reach and increasing number of people, communication must be a central component of any effort to eliminate violence against women. Campaigns can help raise awareness about the existence of violence against women, disseminate information about women’s rights and national laws and policies that punish perpetrators, propose alternative behaviours and communicate messages about peaceful conflict-resolution as an alternative to using violence. In Nicaragua, Puntos de Encuentro⁸ produces a weekly television series, *Sexto Sentido*, in which a group of young adults are confronted with issues such as sexual abuse and violence, portraying positive masculinities and alternative gender identities in resolving conflicts.

In the **United States**, the “*Strength Mediaworks*” Campaign, organized by the NGO Men Can Stop Rape aims to educate men about dating violence, promote nonviolent models of male strength, empower youth to end dating violence, promote healthy relationships, and create safer school communities. The campaign is present in all fifty US states and targets young men with the message, “My strength is not for hurting...”
<http://www.mencanstoprape.org/info-url2698/info-url.htm>

- **Working with Perpetrators and Exploring Masculinities**

Working with those who perpetrate violence against women through batterer-intervention, rehabilitation and other programmes has been a highly controversial issue. While the idea of working with perpetrators is sound, programmes typically are under-funded, not mandatory, and receive little or no follow-up support, so their impact to-date has been very limited. There is cautious optimism however that addressing masculinities with boys and young men can provide this population with alternative models of masculinity and conflict resolution that do not rely on violence as a defining characteristic of “being a man.”

In **Mexico**, the *Colectivo de Hombres por Relaciones Igualitarias* (CORIAC) targets “men in crisis” through training sessions that examine masculinities, violence fatherhood, negotiation skills, communication, and sexuality issues.
<http://www.coriac.org.mx/violencia.html>

3. Care

Policies and programmes tend to deal with caring for the victims of violence by encompassing wide-ranging services provided by numerous actors – the health sector, the police, the justice sector, and civil society.

- **The Health Sector Responds**

Routine healthcare screenings, particularly reproductive healthcare visits, provide important opportunities for identifying women living with violence. Thus, it is essential that women have access to health care and that health workers are trained to recognize and address signs of violence among their patients, and are familiar with available legal, counseling, shelters and other relevant services.

In **Brazil**, BEMFAM and IPPF-WHR are increasing the technical knowledge of professionals who work in BEMFAM’s six clinics and nine sexual and reproductive health programs so that they can screen and provide services for victims of violence against women. http://www.ippfwhr.org/programs/program_gbv_st_2_e.html

- **The Justice Sector Responds**

Many victims of violence will pass through the justice sector, including the police and the judiciary. Entrenched stereotypical gender models, lingering indifference to violence against women, inadequate funding and training,

In **Mexico**, standards for care of victims of violence within the health sector were developed (NOM-190-SSA1-1999) with the aim of protecting family members and emphasizing the crucial role that health professionals play in responding to violence against women. <http://www.equidad.df.gob.mx/violencia/nom.pdf>

8. For more information about Sexto Sentido (Sixth Sense), visit: <http://www.puntos.org.ni/sstv/index.php>

and non-existent coordination, follow-up and monitoring processes are all to blame for ineffective implementation of existing laws and policies. It is essential that the police and the judiciary recognize violence against women as a crime and process it accordingly, place the victims' safety and welfare at the forefront and avoid blaming the victim.

• **Civil Society Responds**

Civil society has been the most committed and effective actor in addressing violence against women, filling the gaps left by inadequate and ineffective state programmes, and providing a range of services to victims of violence that include battered women shelters, financial and legal assistance, women's police stations, domestic violence prevention centres and hotlines, individual and group support services, and health services.

In **El Salvador**, the Escuela de Capacitación Judicial has incorporated modules on gender, intra-family violence and victim services in order to ensure that judges are sensitized towards the issue of violence against women.

In **Trinidad and Tobago**, The Shelter houses an infirmary, a children's activity room, a training room and library, along with regular living quarters. Residents usually stay between three and six months at The Shelter. During this time residents receive therapeutic counseling and are encouraged to acquire marketable skills. The Shelter provides necessary skills training.
<http://opus.co.tt/shelter/>

Where do we go from here?

Despite notable achievements over the last 16 years, the main actions required to effectively and appropriately address violence against women include:

- Allocating proper resources to implement laws and policies, which includes training police, the judiciary, health, and security sector actors.
- Fostering political will –support conveyed both through policy and financially– in order to place the elimination of violence against women at the centre of the development agenda both nationally and internationally.
- Educating men and women about the social construction of gender, providing men with alternative gender models and identities that reduce pressure to be the sole provider and offer alternative ways to resolve conflict.

The Integrated Model of Care for Domestic Violence, developed by the Pan American Health Organization, aims to create networks of people from different sectors that are sensitized towards gender-based violence, know how to recognize it, and understand the legal, health and safety procedures required to address it.
<http://www.paho.org/English/AD/GE/integratedmodel.htm>

After 16 days of activism, we know that addressing violence against women by networks of actors working together from different sectors (the police, the judiciary, health workers, educators, community leaders, etc.) increases the effectiveness and sustainability of prevention and response efforts.