

## **STUDY ON POLICIES TO ERADICATE VIOLENCE AGAINST WOMEN IN LATIN AMERICA AND THE CARIBBEAN**

### **UNDP AND UN WOMEN**

#### **FROM COMMITMENT TO ACTION- THE STUDY**

- Publication prepared by the United Nations Development Program, UNDP, and the United Nations Entity for Gender Equality and the Empowerment of Women, UN Women.
- Based on the responses of 33 countries to a questionnaire addressed to National Mechanisms for the Advancement of Women and bilateral interviews with some of their representatives, conducted during 2014 and 2015, as well as the review of secondary sources of information.
- Presents learning in the implementation of national plans and policies aimed at eradicating violence against women and highlights 29 promising experiences of the states in the areas of prevention, protection, end to impunity and reparation.

#### **DATA ON VIOLENCE AGAINST WOMEN**

- Violence against women is a serious social problem in the world and a flagrant violation of human rights.
- According to a study by the World Health Organization (WHO) in 2013, 35% of women worldwide have been victims of physical and / or sexual violence by their partner or sexual violence by people other than their partner and almost one third (30%) of all women who have had a relationship have been victims of physical and / or sexual violence by their partner.
- According to data updated by December 2014, the total number of female homicides (femicides) in the region amounts to 1906 cases (ECLAC - Economic Commission for Latin America and the Caribbean -, 2016) and, according to data from 2013, 38 % of cases are due to marital violence (World Health Organization 2013).
- In addition, 2 out of 3 women are murdered in Central America due to the fact that they are women and in 1 of every 2 cases the killer is their partner or ex-partner (Pan-American Health Organization, 2012).

#### **ADVANCES ACHIEVED- LEGAL FRAMEWORK**

- Since the 1990s, countries in Latin America and the Caribbean have adopted laws to protect and promote women's rights.
- The first laws that were enacted in the region are known as "first generation" laws. These laws establish measures to protect women from the violence they suffer in the private sphere (family, intra-family, domestic and intimate).
- The Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women (Belém do Pará Convention), carried out in 1994, represents a fundamental milestone in terms of State responsibility for addressing violence against women in Latin America and the Caribbean.

- In 2013, 24 of the 33 countries in the region (72%) implemented policies and / or plans for the eradication of gender violence, 9 of which were specific to end violence against women. 28% of the region did not have a national action plan.
- In 2016, 31 countries in the region (94%) have plans on gender violence, 15 of which are specific to end violence against women, an increase of 66% in comparison to 2013 .
- By 2016, the Convention of Belém do Pará had been adhered to and ratified by 32 of the 33 States of Latin America and the Caribbean (with the exception of Cuba).

## FINDINGS ABOUT CURRENT SITUATION

- Regional research indicates that 24 of the 33 countries in the Latin American and Caribbean region (73%) rely exclusively on 'first generation' laws that protect only the rights of victims / survivors to the practice of domestic violence (that perpetrated by a male or a woman exclusively in the private sphere) and / or intrafamily violence (expression of violence between members of a family).
- However, despite having only first-generation laws, restricted to the intra-family or domestic sphere, some of these 24 countries have made progress - and some of them very significant - in legislative matters to address violence against women.
- 9 of the 33 countries (27%) have enacted second generation laws (Mexico, Argentina, Colombia, El Salvador, Guatemala, Nicaragua, Bolivarian Republic of Venezuela, Plurinational State of Bolivia and Panama)
- According to data from ECLAC (Economic Commission for Latin America and the Caribbean) 2016, and in relation to progress in the legislative categorization of femicide, the region grew from having 12 countries with laws categorizing this crime in 2013 (33%) to 16 countries in 2016 (48%):
  - 15 enacted laws or reforms to penal codes to criminalize femicide (Brazil, Chile, Plurinational State of Bolivia, Colombia, Ecuador, Peru, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Bolivarian Republic of Venezuela and Dominican Republic )
  - And 1 (Argentina) has legally categorized the aggravated homicide due to gender

## POLICIES AND PLANS FOR THE ERADICATION OF VIOLENCE AGAINST WOMEN

- In addition to promoting regulatory framework reforms, the Belém do Pará Convention encourages States Parties to adopt, by all possible means and without delay, policies aimed at preventing, punishing and eradicating violence against women.
- To fulfill this mandate, the signatory States have joined efforts to formulate public policies and / or national plans.
- A first finding reveals that in 2013, 24 of the 32 countries (75%) were implementing national policies and / or plans, regardless these were specific plans to address violence against women or not. In 2016 the regional situation has improved since 31 of the 33 countries (94%) have action plans (30% increase in 3 years).

- In this context, the study has identified 5 groups of countries according to the type of violence addressed by the national policy or action plan:
  - Specific national action plans on violence against women (9 countries in 2013,15 in 2016) - increased by 67 per cent.
  - National action plans on Domestic Violence (that perpetrated by a male or female exclusively in the private sphere) (2 countries in 2013,2 in 2016).
  - National action plans on gender violence (any violence against a person based on his or her gender identity, whether male or female, in both the public and private spheres). (4 countries in 2013,8 in 2016) - increase of (100%).
  - National policies or plans that include a specific component to address violence against women (8 countries in 2013, 6 in 2016).
  - Without a national action plan on violence against women and / or gender (9 countries in 2013, 2 in 2016) - reduction of almost 80% at the regional level (-78%).
- All countries implement actions in reference to the first three axes, prevention, protection and end to impunity, but very few on the axis of reparation of rights violated (economic empowerment of victims / survivors, social reintegration, priority access to housing and stable employment, capacity building and emotional strength to make autonomous decisions, among others), which remains a major challenge in the region.
- In 14 of the 31 countries in the region, the legislation is consistent with national policies and / or plans (45%); almost half of the analyzed cases.
- In the remaining 17 there are inconsistencies that could be explained by a low hierarchical level and the need for greater leadership of the Institutional Mechanisms for the Advancement of Women, the lack of advocacy capacity in political decision-making spaces (ministerial offices and parliamentary scopes) and the scarce articulation and coordinated work of all sectors, in a social and political context characterized by patriarchal and misogynist cultural patterns that are often reluctant to second generation laws or to regulate existing laws

## CRITICAL ISSUES TO MOVE FORWARD

### 1. The need to strengthen the leadership of the Institutional Mechanisms for the advancement of women.

By 2016, all the countries of Latin America and the Caribbean (100%) have created a National Mechanism for the Advancement of Women that includes, as part of its institutional mission, to guide gender policies, equal opportunities and gender equality and treatment, and to develop policies and / or national plans to address violence against women. However, the institutional performance of these institutions exhibits significant differences among them due, among other causes, to the 'hierarchical level that they occupy in the organizational structure of the State' and to its institutional capacities with implications in the exercise of such function:

- We observed 39% (13 of the 33 countries) with a Mechanism for the Advancement of Women with a high level of hierarchy, it has 'ministerial rank or the rank of the holder is Ministry or with full participation in the Cabinet' (ECLAC).

- The second group of countries is made up of 2 of the 33 countries (6%) (Colombia and Ecuador), which have a National Mechanism for the Advancement of Women with a medium level of hierarchy (corresponding to an entity attached to the Presidency or Mechanism whose holder is directly responsible to the Presidency ').
- The third group consists of 18 of the 33 countries (61%), that is more than half of the countries in the region, which have a Mechanism for the Advancement of Women with a low level of institutional hierarchy since they are second- or third line of a Ministry.

## **2. Insufficient budgetary resources for the implementation of national policies and / or plans to address violence against women and / or gender.**

The vast majority of countries in the region do not label specific public resources for the implementation of national policies and / or plans to address violence against women. However, there are 2 promising experiences: Mexico, where there is budget allocation within the 2013-2018 for Gender Equality Development Plan; and the Plurinational State of Bolivia, where, through Decree 2145 of Law 348, a percentage of the Citizen Security budget (between 25% and 30%) is allocated to violence against women.

## **3. Weakness in the continuity of policies and / or national plans and fragmented institutional response**

There must be a deep debate in the social and parliamentary spheres so that the fight to end violence against women is not only a policy of the government in place, which varies according to the political platform and the official ideological profile, but a permanent priority such as the example of Ecuador, where the issue is elevated to state policy with constitutional rank, always forming part of the governmental agenda, under the leadership of the Mechanisms for the Advancement of Women and with the support of all government sectors, who are jointly responsible for the design and execution of public policies aimed at the elimination of the scourge

## **4. Lack of information systems and measurement of violence against women**

Another serious problem in the region is the lack of a reliable, systematic and periodic measurement of the prevalence and incidence of violence against women, often due to the lack of budget, since the measurement of violence against women is not part of the functions and responsibilities of the National Institutes of Statistics. Thus, there is no possibility of seriously designing public policies or proposing legislative projects that correspond to the needs of society if reliable statistical data are not available

## **5. Persistence of patriarchal cultural patterns that naturalize violence against women**

Patterns persist in relationships of inequality between men and women, historically rooted in traditions, customs, religions, mandates, belief systems and symbolic constructions, among other factors.

## 6. Lack of monitoring and evaluation of national policies and / or plans

In 2013, in 20 of the 32 countries (62%) that provided information on actors, strategies, mechanisms, methodologies and results of experiences in monitoring and evaluating national policies and / or plans, it was observed a notable weakness in the development of monitoring and evaluation systems that would allow qualitative and quantitative measurement of the effectiveness and efficiency of the development of activities.

Unfortunately, the situation at the regional level did not improve by 2016. Only 16 of the 33 countries (45%), less than half the countries in the region and 17% less than in 2013, provided information about the monitoring and evaluation phase of national policies and / or plans to address violence against women and / or gender.

The analysis of the information recognizes at least three promising experiences in this matter:

- Mexico: The National Development Plan (2013-2018) includes indicators for the measurement of the priority issues, the Sectoral Programs determined the values to be achieved for each indicator and within the framework of the Performance Evaluation System, the units and entities of the Federal Public Administration follow these indicators and report the results to the Ministry of Finance and Public Credit, so that the President of the Republic can inform the Honorable Congress of the Union about the results of its execution.
- Colombia: The multi-sectoral Commission for the Implementation of the Public Policy on Equity for Women and the Comprehensive Plan to Guarantee a Life Free of Violence, has developed a control panel with indicators to measure progress in the implementation of actions and the impact of violence prevention and care policies according to the Key Performance Indicators (KPI) methodology that can be accessed on the ACPEM (National Mechanism for the Advancement of Women in Colombia) website in an interactive way.
- Uruguay: where in the process of elaborating its current 2016-2019 Action Plan: “For a life free of gender violence”, it was considered the evaluation of the 1st. National Plan to end Domestic Violence (2004-2010), carried out in 2012. The V line of action of the new Plan corresponds to its monitoring and evaluation. The annual reports of the agencies that are responsible for carrying out the Plan, as well as the Departmental Commissions, will allow the National Consultative Council, an inter-institutional space that follows up the different sectoral policies on gender violence, to have concrete tools for the monitoring and evaluation and annual accountability. To this end, the goals, indicators and bodies responsible for monitoring and evaluation are established.

## OUR PROPOSAL

- Social pacts between government, private sector and society, to generate the commitment of all relevant actors to eradicate violence against women
- National plans at the local level to ensure that local authorities and other actors work to address violence against women on site.
- Policies with a multidimensional approach with locally prioritized actions.
- Strategic interventions that have a multiplier effect.



Al servicio  
de las personas  
y las naciones



- Bring the commitment to reality: allocate sufficient resources for the implementation of the plans
- Strengthen reparation actions for victims, especially those of economic empowerment to help them get away from situations of violence
- Work with men to change the perception of masculinities: bring discussions to schools and workplaces, and try to make men, especially young people, partners in the fight to end violence against women
- Participation of women's organizations and social actors in the design and monitoring of policies and programs.