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PROPOSAL BY THE DELEGATION OF MEXICO FOR THE DIALOGUE OF HEADS OF DELEGATION

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

(Item IV b. of the dialogue of heads of delegation)

Proposal for adopting a Follow up mechanism for the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, known as the Convention of Belém do Pará, was adopted by the Organization of American States on June 9th, 1994. Almost ten years since its adoption, it has been ratified by 31 of its 34 Member States.

Since the entry into force of this Convention, there have been important advancements in adoption of legislation in several countries in the hemisphere in order to fight violence against women. According to the "Report on Violence Against Women in Latin America and the Caribbean 1990-2000", prepared by the United Nations Development Fund for Women (UNIFEM), most of the countries in the region have modified their criminal laws, or have created special legislation, in order to sanction and punish the problem of violence against women. Furthermore, some countries have created specialized agencies that provide legal and psychological assistance for women that have been victims of violence.

Nevertheless, in its conclusions the report points out that it has not been possible to place in a proper dimension if the violence against women has diminished or not in the region in the decade 1990-2000. The lack of records and statistics on this issue, as well as the disparities in the actions taken by each State, prevent us from having a clear sense of the magnitude of this problem or from learning about the concrete results of the different legislative experiences and of the implementation of public policies by each country.

This assessment concurs with the results of the study that the Inter-American Commission of Women recently carried out together with the International Centre for Criminal Law Reform and Criminal Justice Policy and the United Nations Institute for Latin America for the Prevention of Crime and the Treatment of the Criminal (Spanish acronym, ILANUD), entitled: "Violence in the Americas- A regional analysis, including the study of the implementation of the Inter-American Convention to Prevent, Sanction and Eradicate Violence Against Women". This study concludes that serious obstacles remain with regard the lack of information and records in the region, the access to the justice system by women subjected to violence, services of attention and protection for the victims; and educational training. Many deficiencies still remain in the fulfilment of the objectives of the Convention.

In this way, both reports stress the need for the adoption of mechanisms to monitor the problem in the region. Similar difficulties faced regarding other issues in the framework of the Organization of American States have led to the creation of follow-up and monitoring mechanisms that have opened up important opportunities for cooperation among Member States. This form of cooperation facilitates an enhanced understanding of the problems and allows the States to find shared and better solutions to address them.

This sort of mechanisms have been implemented, for instance, in the monitoring of the commitments subscribed by the States in the Inter-American Convention against Corruption,

as well as in giving hemispheric attention to the question of drugs, through the Mechanism of Multilateral Evaluation (MME) of the Inter-American Commission for the Control and Abuse of Drugs (CICAD). Both instruments constitute regional and international models of joint attention given to specific regional problems.

The mechanism hereby proposed seeks to make effective the compelling nature of the Convention, emanated from article 10, so that States may present national reports to the Inter-American Commission of Women.

This mechanism could constitute the way of monitoring this and other obligations from the Convention, as well as a system to process the information given by the States with the objective of establishing working methods and cooperation among them.

Furthermore, this mechanism will serve as the basis to follow-up the progress made by each country and to formulate recommendations aimed towards the implementation of the Convention.

A mechanism that may allow the monitoring of the developments and experiences of the different countries, and that may bring about more cooperation in terms of information and better practices, would enormously contribute to the goals of the Inter-American Convention to Prevent, Sanction, and Eradicate Violence against Women and to end the extended problem in the region.

The Organization of American States can take advantage of its own experiences in order to advance in the protection of human rights in the hemisphere, in particular, the human rights of women. Violence against women constitutes a violation of their human rights, as it has been recognised by the Conference of Human Rights in Vienna of 1993, and the Convention of Belém do Pará is a component of the instruments on Human Rights within the OAS. Moreover, Article 12 of the Convention permits individuals as well as groups to present complaints to the Inter-American Commission of Human Rights.

For these reasons, and also due to the fact that violence against women is linked to other hemispheric challenges, the issue should not be relegated only to questions of gender equality and women, but it must be included in the frame of Human Rights of the Organization and social and economic development.

It is because of this the Government of Mexico promotes the creation of a mechanism that may contribute to ensure the monitoring of the Convention. Such mechanism would be developed within the frame of the Organization of American States and must answer to the principles contained in the Charter of the Organization as well as to a criteria of impartiality and objectivity.

Organisms from within and out of the Organization, such as the Inter-American Commission of Human Rights, the Inter-American Institute of Human Rights, **the Regional Conference on Women of Latin America and the Caribbean of the Economic Commission of Latin America and the Caribbean (ECLAC), the United Nations Development Fund for**

Women and non governmental organizations, could be invited to submit their suggestions and comments on the creation of this mechanism.

All State Parties will be represented and participate in conditions of equality in the follow up mechanism through the establishment of a Committee of Experts, constituted by experts nominated by each State Party. In other similar mechanisms within the OAS, the experts select issues included in the conventions that can be subject to analysis. The Committee prepares a questionnaire concerning the selected topics and sends it to each State Party for their responses. By this, information is obtained not only about the extent of the problem, but also concerning the concrete difficulties that each State Party face for its implementation.

Through this mechanism, States that haven not ratified the Convention may also be invited to be part of the sessions celebrated by the Committee of Experts, in order for them to benefit from the experiences presented by State parties, as well as to serve as an incentive for being part of the Convention.

The functioning of the mechanism could be agreed in a Conference of State Parties to the Convention. On the other hand, the Executive Secretary of the Inter-American Commission of Women could function as the Secretariat of the mechanism along with the Inter-American Human Rights Commission.

In terms of funding, the norms established by the Organization of American States could provide guidance, and an invitation could be made to establish a voluntary fund with contributions from States Parties and other interested States, the United Nations Development Fund for Women (UNIFEM), and other international and Inter-American organizations.