

Changing the Culture of Violence against Women

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Combating Violence against Women in Latin America and the Caribbean

Introduction

This paper seeks to offer a reflection on the continuous process of ending violence against women (VAW) in Latin America and the Caribbean (LAC) during the 1990s¹. Women in the region have fought for change in the perception and understanding of violence, as well as retrieving it from the private sphere to that of the deliberative sphere and the responsibility of the states. These actions have resulted in great changes, mostly seen in legislation and policies; nevertheless, a long road is yet to be run in bringing about concrete transformations in the lives of most women. It becomes necessary to highlight obstacles that obstruct the fulfillment of changes as well as the strategies that spring up in face of these impediments.

The reflection is based on the Latin America and Caribbean assessments on violence against women that UNIFEM commissioned to two feminist networks in the region -Isis International and the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM), as well as an outside expert² from the Caribbean. I am proposing to review the achievements on elimination of violence against women (EVAW) in the region with the intention of bringing to the *Women's Worlds 2005: 9th International Interdisciplinary Congress on Women* the lessons we have learned in LAC and interchange experiences among regions, so we can advance further on the process of constructing a safer world for women.

Eliminating Violence against Women –the role of International Conferences

The enjoyment of human rights is essential to the well-being and development of the individual, the community, the nation and the world. In spite of this truth, VAW -- among the worst of all human rights violations for all-- continues to be one of the most pervasive global problems. It occurs in all regions of the world, in every culture and across all social classes, ethnicities and races; it occurs in times of war and in times of peace, in the home, in the workplace and in the streets. Indeed, it interferes with progress towards the achievement of all human rights for all.

Despite the achievements in standard setting and visibility, very little has changed in the life of most women in the region. Data on the prevalence of domestic violence (DV) in Latin-America indicated that between 25 to 50% of women experienced violence in their home (Watts and Zimmerman, 2002). Usually the abuser is the intimate male partner or other member of the victim's family or someone known to her. In Mexico data from a national household survey (2003) showed that 46% of the interviewed women had suffered DV, and in Brazil the research realized by the Perseu Abramo Foundation in 2001, *The Brazilian Woman in Public and Private Spaces* indicated that around 6,8 million Brazilian women have been already physically abused at least once in their life time. According to a study realized in 1997 by CECYM and reported by the Special Rapporteur on VAW (E/CN.4/2003/Add.1), the number of cases of sexual abuse that were prosecuted is ten times less than the claims filed. The research pointed out that any estimates of the incidence of rapes in Colombia are grossly low because many women are raped before being murdered and those victims are only considered murder victims (ECOSOC, 2002).

Discrimination against women from indigenous and afro ascendance on the basis of gender, race and ethnic origin makes this situation even worse, for example in Colombia rural indigenous and Afro-Colombian women are the main victims of displacement and are exposed to racial discrimination and exclusion which

¹ Despite trafficking, displacement and violence to migrants are growing problems in the Lac region I am focusing mainly in domestic violence due to time and space.

² Roberta Clark, at that time working in ECLAC assessed the nature and extent of violence in the Caribbean. She is now the Regional Programme Director in the Caribbean UNIFEM office

render them more vulnerable to violence. More than 30% of the displaced girls between the ages of 13 and 19 have been pregnant at least once -compared with less than 20% for all Colombian girls in this age group (Pacheco, C and Enriquez, C 2004).

Ciudad Juarez and Chihuahua in Mexico gave visibility to femicide -the final state of VAW- and to the impunity of the perpetrators in Latin America. In Guatemala 1049 women were murdered in 2001 (Ertürk Y, 2004). In the Dominican Republic in 2001, the number of women murdered was 131 (Profamilia, 2003). Femicide has been denounced also in St. Kitts, Nevis, Mexico, El Salvador, Honduras, Chile, Argentina, Colombia and Bolivia, among other countries, without having any appropriate answer by the authorities. The lack of the rule of law in these cases allows violence to proliferate and murders to go unpunished, favoring impunity.

The feminist gathering, realized in Colombia in 1981 marks a historical milestone in the fight for the EVAW in LAC. It was in this gathering that women started to see violence from a regional perspective and the seeds for regional mobilization were planted. September the 25th was nominated the day against VAW in memory of the Mirabal sisters³ who were murdered in the Dominican Republic, during the Trujillo dictatorship in 1960. It was also important, in the process of looking for the strategies to EVAW, the bonds created among human rights advocates in the *Third World Conference on Women* (1985) and in the preparation for the *World Conference on Human Rights (WCHR)* realized in Vienna in 1993.

In LAC, women's human rights organizations worked for three years in preparation for Vienna, in their own countries and also at regional level. This mobilization culminated in a Regional Conference "*La nuestra*" in San Jose de Costa Rica (1992) where a proposal on women's human rights (WHR) was elaborated. In Vienna, women's human rights advocates from all over the world in alliance with some progressive governments, UN agencies⁴ and bilateral cooperation advocated intensely ensuring that women's rights were central to the Conference's agenda. The negotiation process guaranteed the inclusion of women's human rights (WHR) in the Declaration and Programme of Action of the Conference. These advances led to the *Declaration on the Elimination of Violence against Women*⁵ (December, 1993) and the appointment of the Special Rapporteur on Violence against Women in 1994.

At the fourth *World Conference on Women* in Beijing (1995), states were urged to look at the roots of gender based violence and its impact on women and society, as well as to develop national plans of action to implement their commitments. Five years later the General Assembly Session *Women 2000: Gender Equality, Development and Peace for the XXI Century (Beijing + 5)* was held to review the implementation of the Beijing Platform for Action (June, 1999) which in the area of violence, as in other areas, indicated little concrete progress (Clarke, 2001). The document resulting from the Session urged governments to eliminate discriminatory legislation against women by 2005 and to take action in the EVAW. The 49th Session of the Commission on the Status of Women devoted to the 10th year review and appraisal of the Beijing Declaration and Platform for Action arrived to similar conclusion.

The entry into force of the *Optional Protocol (OP)* to the *Convention for the Elimination of all forms of Discrimination against Women (CEDAW)* in 2000 is another landmark on the combat of VAW. The OP creates access to justice for individual women or groups of women at international level by opening the possibility to submit claims of violations of rights protected under the CEDAW to the Committee on Elimination of all forms of Discrimination against Women. It also enables the Committee to initiate

³ Julia Alvarez tells the history of the Mirabal sister's in her beautiful novel *In the Times of the Butterflies*.

⁴ In preparation to the WCHR UNIFEM worked with human right activists for the inclusion of women's human rights in the Conference agenda. In 1993, the Fund organized an international meeting to congregate activists in preparation to the Conference advocacy on women's human rights.

⁵ Violence against women was defined in the Declaration as any act of gender based violence that results in or it is likely to result in physical, sexual or psychological harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or private life.

investigations on situations of critical or systematic violations of women's rights. In the Region, until now 14 countries⁶ out of 34 have ratified the OP (DAW, 2005).

During the *World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance* in 2001, it was recognized that the interrelation of race and gender discrimination makes women particularly vulnerable to violence, which is often related to racism and xenophobia. States compromised to protect and promote human rights and fundamental freedoms of all human beings, recognizing the multiple forms of discrimination that women can face.

Standard Setting in LAC: Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women

The great achievements at the international level gave to the region an important platform for action in our fight against gender based violence (GBV). Its influence is reflected in the regional plan of action to EVAW elaborated in Mar del Plata, Argentina during the Preparatory Conference to Beijing (1994). The WCHR also influenced the adoption of the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará)*. The Convention - the only international treaty in the world specific on VAW and with the largest number of ratifications - has given women's movements an important tool to combat GBV. It recognizes that this evil is directly related to discrimination and a manifestation of the historical unequal power relations between women and men. It also recognizes that violence affects women in various ways, preventing them the access and exercise of all rights. It is established in the Convention that: "... the states party shall include in their national reports to the Inter-American Commission of Women information on measures adopted to prevent and prohibit violence against women, as well as on any difficulties they observe in applying those measures, and the factors that contribute to VAW" (Belém do Pará Convention, 1994)⁷. The states committed themselves making sure that obligations are translated in domestic legislation and guarantee victims of violence access to effective judicial protection. Women or groups of women can present individual complaints to the Inter-American Commission on Human Rights (IACHR) and in fact several petitions have been presented and are currently been processed.

One emblematic case presented to the Commission is the case *Maria da Penha versus Brazil*, the facts indicated that her husband, the university professor, M. A. Viveiros practiced systematic violence against Maria da Penha including two attempts of murder in 1983 that left her with irreversible paraplegia. The case was pendent for 8 years before Viveiros was convicted to 15 years in prison. The court of appeal waited for three years before accepting the defense's appeal and then revoked the conviction. Two years later Viveiros was condemned to 10 years and six months in prison. The Commission taking into account the pattern and practice of VAW in Brazil indicated that the measures taken to eliminate this problem were insufficient and violated the Convention. As a result, in November of 2002, the perpetrator who was at liberty was put in prison by Brazilian authorities after 19 years of waiting for justice to be done, six months before the crime expired⁸. This and the other cases that have been presented to the IACHR have helped to build new jurisprudence in this area and to impulse states accountability to their acquired compromises with WHR.

⁶ Argentina, Belize, Bolivia, Brazil, Costa Rica, Dominican Republic, Ecuador, Guatemala, Mexico, Panama, Paraguay, Peru, Uruguay and Venezuela. Three others have signed but not ratified.

⁷ The Convention defines VAW as any act of conduct, based on gender, which causes death or physical sexual or psychological harm or suffering to women, whether in the public or private sphere. It includes violence that occurs *within the family or domestic unit or within any other interpersonal relationship*, whether or not the perpetrator shares or has shared the same residence with the woman, including among others, rape, battery or sexual abuse; *that occurs in the community* and is perpetrated by any person, including among others rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the work place as well as educational institutions, health facilities or any other place; *that is perpetrated or condoned by the state or its agents* regardless where it occurs (Belém do Pará Convention, 1994).

⁸ The case was reported in El desvan diverso, "Maria da Penha, o que foi feito não é justiça". www.convención.org.uy

Actions to EVAW at the country level

In the last decade successes achieved at the country level are mainly concentrated on policy and legislative reform. In terms of legislation and policies DV is undoubtedly the area in which most countries have made progress over the past decade. The first law dealing with domestic violence, in LAC was enacted in Puerto Rico in 1989 and now 20 countries out of 23 have established a legal framework to combat DV. Two countries, Paraguay and Colombia, have printed DV in their Constitution expressly stating that this crime must be punishable by law. Sexual violence clauses have been included in the laws of eight countries: Peru, Paraguay, Ecuador, Bolivia, Costa Rica, Colombia, El Salvador and Guatemala. In Nicaragua and Dominican Republic, the penal code was modified to include the prevention and sanction of DV, including psychological violence and sexual violence. In Grenada the Bill aimed at combating DV provides penalties including jail sentences, fines and community services to perpetrators. Saint Lucia's DV act allows a judge to issue protection orders prohibiting the perpetrator from entering the victim residence. In Colombia the new Penal Code includes crimes of war, sexual slavery and rape.

Most countries have National Plans for the prevention and eradication of violence against women. In Brazil, the National Plan of Policy for Women elaborated with the leadership of the Ministry of Women Affairs and the active participation of women organizations at the municipalities, states and regional level, culminating in a National Conference in Brasilia where 2000 women gathered in July 2004. Police stations and support services for women who have suffered violence have been expanded or created in almost every country, for example Paraguay, Costa Rica and Mexico, strengthened and expanded the availability of shelters and specialized centers for women who have suffered violence, as well as legal, medical, psychological assistance and counseling.

Experiences on WHR mainstreaming in municipal policies and actions have been developed throughout the region, many of them with important results. In Costa Rica, for example, the Women's Municipal Network promotes the incorporation and dissemination of women human rights, in municipal policies. To that end, the network and women's NGO's have worked with different stakeholders -municipal governments, grassroots' organizations and research institutions- to improve the quality of services at local level. Such cooperative endeavors have also focused on prevention, training, capacity building and public awareness-raising.

We must commemorate the successes achieved by women's human rights movements, yet we must also see these changes from a critical point of view as the UNIFEM assessment indicates. We have achieved what once might have been considered impossible, but VAW as we have shown before is far from having been eradicated. The UNIFEM Assessment demonstrated that it is not enough to have the appropriate legislation; obviously the adequate implementation is also necessary. The Dominican Republic Report on Human Rights presented to the Organization of American States (OAS) in 1999 indicated that in most cases of intra-family violence the proceeding established in the law was not followed. Most of the judges and representatives of the Public Ministry were unaware of the intra-family law content or they preferred not to take it into account, for this reason, according to the report, the objectives of the law were not materialized. As the UNIFEM assessment on violence against women indicates this situation is very common in almost every country in LAC, as it is the lack of necessary resources and support services for abused women.

In most cases, VAW results in impunity to the perpetrators, which fuel the perpetuation of this serious violation of human rights and discourage women to appeal to justice in case of violence. Women are also discouraged from denouncing cases of violence due to the treatment that many times they receive through the process of denounce. When women come forward to denounce violence they have to trek from one office to another and repeat her story over and over again to different officials who may not have much

interest in their case. The insecurity and a climate of impunity mentioned before have made Colombia one of the biggest sources for trafficked persons in the world.⁹

Law reform in every country is far from the standard given by the Convention of Belém do Pará, especially when law reform, instead of focusing in VAW, focused on violence in the family, which might hide the fact that women are the main victims of violence. Tamayo indicates that by centering on violence in the family, legislation protects the integrity of each member of the family, but gender inequality, which forms the basis of VAW, is not considered (UNIFEM, 2002).

Evaluation of legislation and law reform are necessary, especially when six countries in Latin America – Uruguay, Costa Rica, Venezuela, Ecuador, Guatemala, Panama, Bolivia and Nicaragua- allow exemption of penalties for the perpetrators of rape if they marry the victim (www.cladem.org). According to this point of view rape is seen as an honor crime or an act that violates the perception of a woman's purity, instead of a crime against her sexual freedom. Paraguay and Peru eliminated similar laws, but even now that these laws have been reformed judges tend to give short sentences to the perpetrators of rape and in some cases they even let them free. Moreover, around 80% of the countries in Latin America have not outlawed rape within marriage.

In addition, legislation in many countries has favored reconciliation between the perpetrator and the victim (Brazil, Chile, Ecuador, El Salvador, Honduras, Peru, and Venezuela), which is a way to trivialize domestic violence rather than consider it a violation of human rights. Moreover, as Chiarotti points out "... mediation cannot take place between parties in unequal relationships and women are always in a disadvantaged position when they attend these hearings" (Chiarotti S, unpublished document).

Strategies to end violence against women

To ground the achievements, in the Latin-American and Caribbean Region, women have created or strengthened networks at the regional and national level; particularly ISIS International, CLADEM, the Latin-American and Caribbean Network for the EVAW, The LAC Young Women's Network, Black Women's Networks, Indigenous networks, the Latin American and Caribbean Health Feminist Network and others. Through these and through other women's NGOs, an integrated process of capacity building, advocacy, public education and awareness-raising has been put into action. The capacity of the feminist movement in LAC to build alliances with National Machineries, parliamentarians, UN and bilateral agencies has strengthened the achievements previously indicated.

Public education has been realized with success through campaigns and social mobilization, despite scarce resources allocated to networks. At this moment several campaigns across the region are in course such as the liberalization of abortion, sexual and reproductive rights, against HIV/AIDS, the white ribbon campaign, against fundamentalism, for the ratification and implementation of the OP, and so on.

In 1998, to celebrate the 50th anniversary of Human Rights two campaigns that rolled into one were organized: The United Nations Campaign, *A Life Free of Violence is Our Right* and the Global Center for Women's Global Leadership Campaign for Women's Human Rights. The UN campaign launched by UNIFEM sought to mainstream WHR in UN Agencies and to highlight compromises made by the states in Vienna, Cairo and Beijing, by calling for accountability. All UN agencies participated in the Campaign in an unprecedented cooperative effort.

⁹The Colombian Department of Security reported that between 35,000 and 50,000 women and girls were trafficked abroad, in 2000(www.mujiresporlapaz.org).

Participation of the media in the Campaign was also unprecedented; via radio, population from distant places was reached. National TVs and cable TVs such as CNN and Gems TV disseminated spots and monthly programs (Gems TV), messages were also disseminated through newspapers with the support of international agencies such as EFE, ANSA, and IPS and local news networks. Also, a Municipality Regional Contest on WHR was organized by UNIFEM together with Habitat and UNDP.

The momentum gained by the 1998 campaigns has been maintained in several countries of the region through the annual global campaign, ‘*16 Days of Activism against Gender Violence*’. This Campaign was launched in 1991 by the Centre for Women’s Global Leadership (CWGL). In Brazil, the NGO AGENDE and UNIFEM launched the *16 Days of Activism Campaign*, in 2003 and 2004 with the participation of women networks and human rights NGOs, the Special Secretariat of Policy for Women¹⁰, parliamentarians, Municipal Councils, three UN agencies and several state and private enterprises. For nineteen days -the length of time was extended to incorporate the Black Consciousness day- the issue of VAW was maintained through the media, and public acts. Another regional campaign linked to the *16 Days of Activism against Gender Violence* was the campaign against femicides launched by the LAC Network against Domestic and Sexual Violence: *For the lives of women. Not one more death*

Reliable statistics, indicators and disaggregated data are fundamental for policy making, advocacy and monitoring. One interesting experience developed in this area is the Indices of Fulfillment Commitment. The Latin American Faculty on Social Sciences (FLACSO) with the financial support from UNIFEM gave technical assistance to women’s NGOs on the creation of indicators in the areas of citizenship and access to power; economic autonomy and employment; and women’s health and reproductive rights in all Latin American countries. The degree of fulfillment of international commitments and in the national plans of action were calculated in the mentioned areas, permitting women to discuss the results with parliamentarians and Ministers and launch a publicity campaign in the media, as was the case of Chile.

Another mean of tracking progress of WHR is the Millennium Development Goals (MDGs) which are time bound targets for eradicating poverty and implementing the Millennium Declaration¹¹. Governments have recognized that the MDGs cannot be achieved without advancing the human rights and empowerment of all women. In Peru, the analysis of MDGs from a WHR perspective was realized and new indicators were introduced to include women’s employment and reproductive rights.

Together with advocacy and public education a myriad of innovative experiences are being developed in every country by women’s NGOs. Unfortunately, most of these initiatives are limited in scope, temporary, or do not have nationwide relevance. Many of them suffer from budgetary and institutional limitations jeopardizing their sustainability and limiting their effectiveness and quality of service.

Conclusions

The achievements on the EVAW, due to the outstanding efforts of women human rights advocates around the world, are enormous. In a decade, women have transformed the way violence is understood and have promoted international treaties, resolutions, protocols and instruments that recognize, for the first time, women’s right to live free of violence. A number of recommendations for the EVAW have been established, including the exercise of diligence to prevent, investigate and punish acts of violence as formulated in the Belém do Pará Convention and the Beijing Platform for Action. The level of implementation in each country of these mechanisms is an indicator of state compliance with international standards.

The time has come to transform promises into real progress. Governments must enact the laws that are designed to protect women against violence and eliminate those that discriminate against them. In agreement

¹⁰ The Secretariat has Ministerial status.

¹¹ The 8 MDGs are the following: 1 Eradicate extreme poverty and hunger; 2 achieve universal primary education; 3 promote gender equality and empower women; 4 reduce child mortality; 5 improve maternal health; 6 combat HIV/AIDS; 7 ensure environmental sustainability; 8 develop a global partnership for development.

with the Special Rapporteur on Women's Right "...if the first decade emphasized standard setting and awareness raising, the next decade must focus on effective implementation and development of innovative strategies to ensure that the prohibition against violence is a reality in the life of all women" (Economic and Social Council, 2003). But for commitments to have an impact, we need accountability, action and political will.

Data on the prevalence and incidence of VAW and indicators to measure the accomplishment of commitments will be critical in making governments and the UN accountable. The ongoing efforts to generate a comprehensive body of data and conceptual framework on the understanding of the different aspects that have perpetuated the continuing violations of WHR must be enlarged, and supported with resources.

A great opportunity to remedy, in part, the lack of data for accountability is to link the governments' efforts with the Millennium Declaration and the MDGs to WHR as established in the CEDAW and in the Beijing Platform for Action. In the 49th session of the Commission on the Status of Women devoted to the 10th year review and appraisal of the Beijing Declaration and Platform for Action women called on governments to demonstrate political will with gender equality by taking concrete actions to implement the Beijing Platform for Action and reporting these actions at the Millennium Summit in September 2005. It has been widely recognized, by the UN and governments, that women's advancement is critical for achieving the goals. For these reasons, all MDG must rely on sex disaggregated data and indicators that fully account for gender gaps. Advocates for gender equality and women's rights are following the process at global level but, as an assessment realized by UNDP in 2002 indicates they are not fully participating in countries task force to guarantee gender mainstreaming in the process.

Another aspect that must be taken into account for the promotion of WHR is the necessity to look deeply and increase the knowledge accumulated on the prevailing traditions and cultural aspects that have perpetuated women's discrimination and VAW. The financial support for research and dissemination of the accumulated knowledge is crucial for an agenda of change.

Although VAW is difficult to determine given the lack of data it is clear that the number of women who suffers violence has not diminish, on the contrary this crime has become more intense. During the last decade women were denouncing DV, now they are facing femicide. What is happening in Guatemala, Mexico, and Dominican Republic, is been revealed in other countries of LAC. The lack of the rule of law allows violence to proliferate and murders to go unpunished, favoring impunity. Governments and UN programmes must address prevention and provide adequate response to survivors together with supporting activities that women are already realizing to stop women murders as it is, for example, public education through the regional campaign *For the lives of women. Not one more death*. They must also guarantee the applicability of the OP "on the ground".

Women's organizations have already started processes of accountability everywhere, so we must highlight the lessons learned and disseminate the methodologies, tools and practices and move them from the local to the global spheres.

Gender Sensitive Budgets is a way of measuring government's compliance with women's human rights. Political will is not reflected only in standard setting, but through the actions taken to ensure the rule of the law and implementation of policies. Gender equality advocates have increasingly used gender budget analysis tools to identify existing gender gaps and biases in budget allocation, spending and revenue raising measures. We must build on the experiences developed in several parts of the world and disseminate methodologies of analysis, advocacy for change strategies and results. We can find important achievements in these areas in England, Canada, New Zealand, South Africa, Brazil, Mexico, Chile, Peru and Ecuador where women have focused the magnifying glass in the process of budgets' elaboration, at the municipal

and national levels, to ensure that public policy is gender sensitive¹². We must build over these experiences to eliminate the gap between rhetoric and practice, between compromises and accomplishment.

The creation or strengthening of women's organizations and networks They must also guarantee the applicability of the optional protocol is essential in the process of ERAW. Resources are needed to accomplish the enormous amount of work that we have in front of us, resources for women's organization, for National Machineries and for UNIFEM. Governments need to allocate resources to link intentions in the law and policies with implementation. To amplify the impact of training, from a gender perspective, to justice administrators and law enforcement personnel, health care personnel, should be part of the related institutions' educational curriculum. WHR should also be part of law schools curricula and primary and secondary education.

Almost 20 years have passed since the third Conference of Women in Nairobi, where the women's movement placed VAW at the center of discussion. Since then much has been done for its elimination, yet these efforts have mostly remained confined to paper instead in the reality of women's lives. I hope we do not need to wait so long to translate words in action.

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¹² For example the Municipalities of Cuenca and Quito, in Ecuador increased the budget for women's programs, in 10%, after the results given by gender sensitive budget analysis. Another successful experience is the process that is been developed in Chile by the Ministry of Women in the follow up of gender mainstreaming in national policies through the analysis of budgets. See UNIFEM's website for information. (www.unifem.undp.org)

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