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Evaluation of the Statute of the Mechanism to Follow-Up on the Implementation of the Convention of Belém do Pará

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Position Paper CEJIL

Presentation

The Center for Justice and International Law (CEJIL) is a regional organization dedicated to ensuring that Member States of the Organization of American States (OAS) effectively implement international human rights norms through the optimal use of the Inter-American System for the Protection of Human Rights. CEJIL strives to reach this goal through three programs: defense, training and dissemination, and the strengthening of the Inter-American System.

In relation to strengthening the Inter-American System, CEJIL promotes and participates in debates, advocacy campaigns, legislative processes and constitutional formulation as a way to incorporate international standards into internal systems. In addition, it monitors the execution of Inter-American System decisions, the reform of human rights protection mechanisms, and the process of selecting members of the Inter-American Commission and Court, among other activities. The purpose of the CEJIL “Position Papers” is to promote and strengthen reflection and debate about themes relevant to realizing the rights and guarantees of the Inter-American

System, both at the national and international levels as well as within the System’s organs of protection: the Inter-American Commission and Court.

It is with great satisfaction that CEJIL presents the publication: “Evaluation of the Statute of the Mechanism to Follow-Up on the Implementation of the Convention of Belém do Pará.” With this second issue of the CEJIL “Position Paper” series, we hope to contribute to the discussion between state actors, inter-governmental agencies and civil society regarding the positive and negative aspects of the mechanism of the Convention of Belém do Pará approved by Member Parties, and thus ensure follow-up to the Convention’s implementation.

This paper’s publication has been made possible thanks to the generous support of the European Commission, Ford Foundation, Open Society Institute, John Merck Fund, Moriah Fund and the organization Rights & Democracy, none of which are responsible for the content of this paper. We hope this paper helps nourish an open and productive debate on human rights themes pertinent to the Inter-American setting.

Viviana Krsticevic
Executive Director

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Evaluation of the Statute of the Mechanism to Follow-Up on the Implementation of the Convention of Belém do Pará¹

I. Introduction

The adoption and widespread ratification of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (hereinafter Convention of Belém do Pará or CBP) in the middle of the 90's² represents a landmark in the struggle to protect the rights of women in the American continent. This is the first treaty in history that specifically covers the issue of violence against women. Through its adoption, the countries of the Americas have become pioneers in the development of international law that aims to protect women, and assure them a life free of violence.

Despite the international commitment to the eradication of violence against women that the CBP represents, such violence continues to be a reality in the region. There is much work to be done, both at the local and international levels, in terms of implementing necessary cultural, normative and political changes in order to guarantee women adequate means to respond to the violence they confront because of their gender.

Celebrating ten years since the adoption of the Convention of Belém do Pará, the Inter-American System for the Promotion and Protection of Human Rights (hereinafter "Inter-American System") established a mechanism to follow-up on its implementation to assure better human rights protection. In June 2004, during the OAS General Assembly meeting in Quito, Ecuador, Member States created a mandate that instructed the Inter-American

Commission of Women (hereinafter "ICW") to establish such a mechanism.³ In July 2004, a meeting of governmental experts was held in Mexico to discuss this theme. In October of the same year, the States parties to the Convention held a conference to approve and enter into force⁴ the "Statute of the Mechanism to Follow-Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, 'Convention of Belém Do Pará'" (hereinafter "the Statute", "the Mechanism", "the Follow-up Mechanism", "the Statute of the Mechanism to Follow-up" or "the Follow-Up Mechanism of the CBP"). This approval came in what is widely considered record time for the OAS without a genuine debate among independent experts or relevant actors from civil society.

Improving the implementation of the obligations assumed by the States through the CBP is, without doubt, a goal shared both by civil society and governments in the region. Nevertheless, the established mechanism has generated concern due to its lack of independence and expertise, resulting in a deficient instrument for protecting women of the region from violence. The Statute created two organs, which due to design flaws explained in this position paper are considered to inherently lack autonomy. Moreover, they meet periodically within a difficult environment that privileges politics over expertise. In adopting the Statute, the States rejected a variety of other potential mechanisms that could have operated separately or simultaneously to guarantee greater

1 This Position Paper was written by Viviana Krsticevic, Executive Director of CEJIL. The author acknowledges Dora Cristina Barreira Ramos for helping to collect information as well as Julieta Montaña, Liliana Tojo, María Clara Galvis and Juan Pablo Hinestrosa for their helpful and valuable comments.

2 The CBP was adopted June 9, 1994 and entered into force March 5, 1995. At present, it has been ratified by 31 of the 34 States of the OAS (Canada, the United States and Jamaica are not parties). It is important to note that the American Convention on Human Rights, adopted in 1969, has been ratified by 22 State members. Information available at: <http://www.cidh.org/basic.eng.htm>.

3 AG/RES. 2012 (XXXIV-O/04), available at <http://www.oas.org/juridico/spanish/ag02528s08.doc>.

4 Article 14 of the Statute.

independence, autonomy, cooperation and interchange of experiences.⁵

This paper was developed with the aim of calling attention to some of the deficiencies that arise out of the Statute's very structure. It evaluates some of the Statute's fundamental characteristics with the goal of suggesting and promoting future action necessary for improving this new mechanism. In addition, this paper proposes alternative or complementary mechanisms that can help confront the problem of violence against women in the continent.

This paper describes and analyzes the Follow-up Mechanism and its relation to the normative and institutional architecture found in the Convention of Belém do Pará. First, it discusses the mechanisms for supervising and encouraging compliance with the obligations found in the CBP. Second, it describes and analyzes the principles that motivate the Statute for the Mechanism to Follow-up and includes information on the composition of the various organs as well as the supervision procedures established by the Statute. Thirdly, it makes reference to the link between the organs created by the Statute with those found in the CBP. Fourth, it offers some reflections on the methodology used to modify the

mechanism intended to supervise the obligations established by the Convention, focusing on how procedures found in the CBP were not considered. Fifth, it offers some preliminary considerations about the costs of the Follow-up Mechanism. Finally, it presents some general reflections and critiques about the route adopted to advance compliance with the objectives of the Convention of Belém do Pará.

II. Inter-American Protection Mechanisms Found in the Convention of Belém do Pará

Once States adopt or ratify the Convention of Belém do Pará, OAS supervision of these assumed obligations consists of two areas of action relating to human rights promotion and protection: 1) the Inter-American Commission of Women⁶ and 2) the Inter-American System, consisting of the Inter-American Commission on Human Rights (hereinafter "Inter-American Commission" or "IACHR") and the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court").⁷

In accordance with the Convention of Belém do Pará, States Parties must update the ICW through periodic reports⁸ "on measures adopted to prevent and prohibit violence against women, and to assist women affected by violence,

5 Among the alternatives, they could have considered: 1) the support of the already existing Inter-American Commission on Human Rights' Rapporteur on the Rights of Women, 2) the creation of an autonomous rapporteur for this theme in the Inter-American context, similar to that which exists with relation to the freedom of expression 3) the establishment of a temporary quota consisting of a third of woman who are part of the supervision organs of the Inter-American system, 4) better use of the actual capacity and mandate of the Inter-American Commission on Women and its secretary, or alternatively strengthening it, and 5) establishing a group of expert consultants to the ICW, or a combination of any of these and other alternatives.

6 The ICW is a specialized organism of the OAS, of permanent character, in accordance with that found in Chapter XVIII of the Charter of the OAS and article 1, chapter 1 of the Statute of the ICW. The ICW is composed of delegates of 34 States Parties, designated by their governments. Currently, the Minister Nilcéa Freire, of Brasil, is the President of the ICW. The Vicepresidency is held by María José Argaña de Mateu, of Paraguay. The Executive Committee of the organism includes: Juliana di Tullio (Argentina), Florence Ievers (Canada), Cecilia Pérez (Chile), Patricia Espinoza (Mexico), Urmila Joella-Sewnundun (Suriname). The current Executive Secretary is Carmen Lomellin. Information available at: <http://www.oas.org/cim/English/About.htm>.

7 The Inter-American System is a regional mechanism for the protection, promotion and defense of human rights in the American continent. It is an autonomous and independent mechanism. This system is developed through the activities of two organs: the Inter-American Commission on Human Rights or IACHR and the Inter-American Court of Human Rights. The legal and convention base of the Inter-American System is found in the Charter of the Organization of American States, the American Declaration of the Rights and Duties of Man, the American Convention of Human Rights and other Inter-American human rights treaties, such as the CBP.

8 In accordance with GA Resolution 1456 of 1997, these reports must be presented every two years. In effect, through this Resolution, the States resolve: "[t]o instruct the Permanent Secretariat of the Inter-American Commission of Women, in order to ensure follow-up of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, to report to the General Assembly every two years on progress made in its application and on experiences and results achieved through the initiatives and programs pursued in the member states to combat violence against women." AG/RES. 1456 (XXVII-O/97).

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as well as on any difficulties they observe in applying those measures, and the factors that contribute to violence against women.”⁹ The ICW, as a specialized organ of the OAS, develops policy in the area of women’s rights and gender equality¹⁰ and thus uses these reports to help fulfill its mandate and objectives, which include, among others: to formulate strategies for transforming the roles of men and women in all spheres of public and private life; to propose solutions and encourage governments to adopt measures to eliminate obstacles that impede the full participation and the equality of women in civil, economic, social, cultural and political spheres; to encourage governments to comply with proposals to promote gender equality that are made during Specialized Conferences and the OAS and ICW General Assemblies; and

to formulate recommendations for States to aid them in solving problems related to the condition of women in the region.¹¹ In its essence, the ICW evaluates information provided by the States, makes recommendations, proposes action plans, conducts studies, promotes best practices and suggests changes of focus when necessary.¹²

Additionally, the Convention of Belém do Pará grants States Parties as well as the ICW the faculty to request an Advisory Opinions from the Inter-American Court regarding the interpretation of the Convention.¹³

Furthermore, the CBP’s norm of jurisdictional powers, enshrined in article 12,¹⁴ gives the IACHR the faculty to receive and transmit complaints of a State Party’s violation of the obligations established in article 7 of the CBP.

9 Article 10 of the CBP.

10 See, <http://www.oas.org/CIM/Spanish/Acerca.htm>.

11 Article 2 of the Statute of the ICW, objectives and functions signaled in the sections b), c), f) and j). Source: <http://www.oas.org/main/main.asp?sLang=S&sLink=http://www.oas.org/cim/defaults.htm>

12 See the faculties of the ICW. Source: <http://www.oas.org/main/main.asp?sLang=S&sLink=http://www.oas.org/cim/defaults.htm>

13 Article 11 of the CBP.

The Court has made pronouncements on its faculty to analyze other human rights treaties. In effect, it has said: “[T]he very text of Article 64 of the Convention, the object and purpose of the treaty, the rules of interpretation set out in Article 29 of the Convention, the practice of the Commission and the preparatory work all point toward the same result: no good reason exists to hold, in advance and in the abstract, that the Court lacks the power to receive a request for, or to issue, an advisory opinion about a human rights treaty applicable to an American State merely because non-American States are also parties to the treaty or because the treaty has not been adopted within the framework or under the auspices of the inter-American system. I/A Court H.R., *Other Treaties*” Subject To The Consultative Jurisdiction Of The Court (Art. 64 American Convention On Human Rights), Advisory Opinion Oc-1/82 of September 24, 1982. Series A No. 1, para. 48.

The Court has likewise signaled: “With the lead-in questions to each of the first two groups described above, the requesting State is seeking an interpretation of the scope of Article 64(1) of the American Convention with respect to the other international instruments. ‘Given that Article 64(1) authorizes the Court to render advisory opinions ‘regarding the interpretation of th[e] Convention’ or other treaties concerning the protection of human rights in the American States, an advisory request made in this regard is within the competence of the Court *ratione materiae*.’” I/A Court HR, “The Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law”, Advisory Opinion Oc-16/99 of October 1, 1999. Series A No. 16, para 34.

Similarly, the Court has held that it “has set certain guidelines for interpretation of international provisions that do not appear in the American Convention. For this, it has resorted to the general provisions set forth in the Vienna Convention on the Law of Treaties, especially the principle of good faith to ensure agreement of a norm with the object and purpose of the Convention. This Court has also established that interpretation must take into account “the changes over time and present-day conditions,” and that the interpretation of other international instruments cannot be used to limit the enjoyment and exercise of a right; also, it must contribute to the most favorable application of the provision to be interpreted...Likewise, this Court established that it could “interpret any treaty as long as it is directly related to the protection of human rights in a Member State of the inter-American system...” I/A Court H.R. “*Juridical Condition and Human Rights of the Child*” Advisory Opinion Oc-17/2002 of August 28, 2002, Series A No. 17. paras. 21 and 22.

14 The text of article 12 of the CBP does not clearly signal if the Inter-American Court has the faculty to find violations of this Convention. Nevertheless, considering the structure and general norms of the Inter-American System, as long as the State Party has accepted the Court’s jurisdiction, it can find international liability for violations of article 7 of the CBP imputable to the States. A more limited vision of the obligations of the States would, in accordance with the current jurisprudence of the Court in relation to the San Salvador Protocol and to other human rights treaties, use the Convention’s standards in the interpretation of the duties imposed on the states by the rights protected by the American Convention on Human Rights, such as the rights to physical integrity, life, due process, privacy, etc.

Such complaints may be presented by any person, group of people or non-governmental entity legally recognized in one or more States of the OAS.¹⁵

Finally, the CBP establishes that its contents cannot be interpreted to restrict, or in any way limit, rights guaranteed in the American Convention on Human Rights or of any other international human rights convention that gives equal or greater protection.

In this sense, the fundamental aim of the work of both the ICW and the IACHR has been to follow-up and supervise States' compliance with international commitments related to protecting women from violence, and in particular, obligations that arise out of the American Convention and the Convention of Belém do Pará. The work of these two bodies complements other relevant actors and has moved States to reform domestic legislation and public policy to provide greater protection of women, especially through harmonizing national practices with international standards like those found in the American Convention and the CBP.

Since the CBP's entry into force,¹⁶ the ICW has received State Party reports pursuant to the Convention. Nevertheless, the limited resources of the ICW's Secretary, the lack of a full debate about these reports as well as the failure to conduct an independent verification and in-depth evaluation of them, among other reasons, have limited the impact of the follow-up on State obligations arising out of the Convention.¹⁷

It is important to emphasize that the ICW inspired and promoted the elaboration of the CBP and has made important contributions to the struggles against both violence against women and the trafficking of women and children for sexual exploitation.¹⁸

However, before the adoption of the CBP, the IACHR, pursuant to its obligations under the American Convention to protect and promote women's rights, established the Special Rapporteur of Women's Rights.¹⁹ In this way, the IACHR has been able to consider, in greater measure, issues specific to women in its diverse thematic reports as well as in its analysis of the human rights situation in different countries of the region which are also published reports.²⁰ In addition, while carrying-out her mandate, the Rapporteur promotes the implementation of the CBP.

The CBP nourishes the IACHR's work, and helps visualize and substantiate the issue of violence against women. Thus, the CBP can be viewed as a valuable instrument of analysis and a fundamental guide for the organs of the Inter-American System.

The adoption of the Convention of Belém do Pará, however, did not have the impact that had been anticipated with relation to the processing of individual cases related to the right of women to a life free of violence. The system of complaints has served in a limited way to advance the protection of the rights of women. In the last ten years, the IACHR has resolved less than a dozen cases

15 Article 12 of the CBP.

16 The CBP entered into force March 5, 1995.

17 Source: interviews with civil society organizations and with government officials.

18 Assembly of delegates, <http://www.oas.org/cim/XXXI%20Asamblea%20de%20Delegadas/ADdoc-9.esp.DOC> y "A Study of the Trafficking of Women and Children for Sexual Exploitation in the Americas." 2002, <http://www.oas.org/CIM/English/Proj.Traf.ExSum%20.htm>.

19 The Special Rapporteur of the Inter-American Commission on Human Rights on the rights of women was created in the eighty-fifth period of ordinary sessions of the IACHR (January 31 to February 11, 1994). The current rapporteur is the Commissioner Susana Villarán. Her mandate runs until December 2005.

20 See in relation: Update on the work of the Rapporteurship on the Rights of Women, IACHR 2000 Annual Report OEA/SER.L/V/II.117; Update on the Work of the Rapporteurship on the Rights of Women, OEA/SER.L/V/II.114; Report of the Inter-American Commission on Human Rights on the Status of Women in the Americas, OEA/SER.L/V/II.100; Fifth Report on the Situation of Human Rights in Guatemala. Chapter XIII. The Rights Of Women.; Third report on The situation of Human Rights in Paraguay, Chapter VIII, the rights of women, OEA/SER.L/VII.110 and The Situation of the Rights of Women in Ciudad Juárez, Mexico: The Right to be Free From Violence and Discrimination OEA/SER.L/V/II.117, among others.

in which it has established violations of the CBP²¹; for its part, the Court has not decided any case that directly or indirectly made use of the standards established in the CBP. There are multiple reasons for this: some are related to the IACHR Executive Secretary's lack of resources; and others, to the composition of the Inter-American System organs.²² In addition, among other factors, there has been a limited number of cases presented to the IACHR.

In summary, the follow-up to States Parties' international commitments established by the Convention of Belém do Pará is aided by two institutions: the ICW and the IACHR. Nevertheless, both have had significant difficulties in developing their mandate and contributing to the realization of the commitments assumed by the great number of OAS States that have ratified the Convention of Belém do Pará.

III. The Statute of the Mechanism to Follow-Up on the Convention of Belém do Pará

As has been noted, violence against women continues to be a reality in the region, despite the major advance represented by the adoption of the CBP. The supervision established by the Convention had a potential that was never fully developed for the reasons presented above. Curiously, the Follow-Up Statute does not begin by recognizing the persistent violence against women in the continent or the difficulties the existing mechanism confronts in complying with the goals of protection. Instead, it emphasizes the need to facilitate and strengthen inter-state cooperation in this area. In fact, the promotion of inter-state cooperation for the promotion of the rights of

women is a central aspect of the ICW's mandate and has particular relevance to the functioning of the IACHR.

The Follow-Up Statute could have identified certain weaknesses related to the ICW's work, since its mandate expressly calls for cooperation and assistance in the area of violence against women. Likewise, it could have critiqued the IACHR's work, particularly in relation to how it assists in this area of concern through comparative studies and recommendations. Nevertheless, this diagnosis was not made explicit in the design of the mechanism, nor used to strengthen this area of work so as to resolve identifiable deficiencies.

The Member States debated how to strengthen the follow-up mechanism to the Convention. Among the diverse options that existed for advancing the implementation of State obligations found in the CBP, they swayed in favor of creating two new organs to facilitate supervision and state cooperation with respect to the commitments required by this Convention.²³

Formulating the objectives and principles of the follow-up mechanism, the Member States followed the models provided by the follow-up mechanisms for the implementation of the Inter-American Convention against Corruption,²⁴ established by a Statute approved by the OAS General Assembly,²⁵ and by the multilateral evaluation mechanism established for implementation of anti-drug strategies in the hemisphere.²⁶ However, as will be discussed below, in choosing these models, the Member States did not sufficiently consider the difference in the nature of the issues being examined nor the fundamental

21 According to the data of the Special Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights, there are around 50 cases relating to this problem pending before it.

22 At the time when the Special Rapporteur on the Rights of Women was created, there were no female members of the IACHR. In the last 25 years, the Inter-American system has included only five women commissioners and two judges.

23 It is important to note that these faculties already existed in the ICW and the IACHR.

24 The Inter-American Convention against Corruption, adopted March 29, 1996, in Caracas, Venezuela, has been ratified by 33 States.

25 Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption, OEA/Ser.P AG/RES. 1784 (XXXI-O/01), June 5, 2001.

26 Inter-American Drug Abuse Control Commission (CICAD), Multilateral Evaluation Mechanism (MEM), Resolution 1/99 (XXVI-O/99).

differences in the normative and institutional framework that deals with these topics.²⁷

The Statute established a “Conference of Member States,” consisting of 31 representatives of the Convention’s States Parties²⁸ and a “Committee of Experts,” made up of 31 people designated by each State Party but who exercise their functions in their personal capacity.²⁹ The OAS General Secretariat, represented by the Permanent Secretary of the ICW, acts as the Secretary of both the Conference and the Committee, and receives help, when appropriate, from the Inter-American Commission on Human Rights.³⁰

The purposes of the Follow-up Mechanisms, in accordance with the text of article 1 of the Statute, are:

- (a) To Follow-Up on the commitments undertaken by the states parties to the Convention and review how they are being implemented;
- (b) To promote the implementation of the Convention and contribute to achievement of the objectives established therein;
- (c) To establish a system of technical cooperation among the states parties, which shall be open to other member states and permanent observer states, for the exchange of information, experiences, and best practices as a means to update and harmonize their domestic legislation, as appropriate, and attain other common objectives associated with the Convention.³¹

A. The Statutes and the Principles that Guide the Supervision of a State’s International Obligations

The Statute of the Follow-Up Mechanism has characteristics that run contrary to the principles of human rights supervision recognized within the Inter-American System.

For instance, it puts unreasonable limits on any follow-up to commitments assumed by the States when it declares that:

“[T]he functions of this mechanism and the procedures used must take into account the principles of sovereignty, nonintervention, the juridical equality of states, and the need to respect the constitution and basic principles of the legal system of each state party.”³²

This seems to contravene the spirit of human rights law in as much as human rights treaties implicate, by nature, the State’s acceptance of limitations on sovereignty and the principle of non-intervention, in favor of each inhabitant under its jurisdiction.

In this sense, the Inter-American Court has signaled,

“[T]hat modern human rights treaties in general, and the American Convention in particular, are not multilateral treaties of the traditional type concluded to accomplish the reciprocal exchange of rights for the mutual benefit of the contracting States. Their object and purpose is the protection of the basic rights of individual human beings irrespective of their nation-

27 Thus, the difference between the obligation of protection of human rights and other obligations, or the prior existence of a supervision mechanism for the States’ obligations like those established in the same CBP, were not considered.

28 Article 5.1 and 5.2 of the Statute.

29 Article 5.1 and 5.3 of the Statute.

30 Article 5.4 of the Statute.

31 Article 1 of the Statute. This norm is similar to article 1 of the Report of Buenos Aires on the Mechanism for Follow-up on Implementation of the Inter-American Convention against Corruption.

32 Article 2 of the Statute.

ality, both against the State of their nationality and all other contracting States. In concluding these human rights treaties, the States can be deemed to submit themselves to a legal order within which they, for the common good, assume various obligations, not in relation to other States, but towards all individuals within their jurisdiction.”³³

This position coincides with that of the European Court of Human Rights³⁴ and the International Court of Justice.³⁵

In fact, beginning in the middle of the 20th Century, an important step in the protection of human rights was based on the possibility of States freely and independently committing to face greater scrutiny from the international community as a way to protect all people –citizens or foreigners– subject to its jurisdiction.

Additionally, in accordance with the principles of international law, State commitments made under the Convention are not limited by internal legal systems. On the

contrary, they require adapting to the norms and standards established by international law and jurisprudence. That is, the fulfillment of international commitments freely assumed by States Parties of the CBP demand normative adjustment. The Convention of Belém do Pará itself refers to the legislative changes necessary for preventing, sanctioning and eradicating violence against women.³⁶ In order to guarantee the commitments specific to protecting the rights of women assumed by the State Party of the CBP, the interpretations of certain fundamental principles of a constitutional judicial order –such as equality and non-discrimination– need to be questioned frequently.³⁷

On the other hand, inadequate or omitted legislation and the biased interpretation of fundamental principles of juridical systems have historically generated international responsibility for violations of the human rights of women.³⁸ Classical international law recognizes the obstacles presented when local laws impose limits on the international legal system. Thus, the Vienna Convention on the Law of Treaties has established that an internal legal

33 I/A Court H.R., “*The Effect of Reservations on the Entry into Force of the American Convention on Human Rights (arts. 74 and 75)*” Advisory Opinion OC-2/82 of September 24, 1982. Series A No. 2, para. 29.

34 “The Convention comprises more than mere reciprocal engagements between contracting States. It creates, over and above a network of mutual, bilateral undertakings, objective obligations which, in the words of the Preamble, benefit from a ‘collective enforcement’.” European Court of Human Rights, *Ireland v. United Kingdom*, Judgement of January 18, 1978, par. 239.

35 “The first consequence arising from this conception is that the principles underlying the Convention are principles which are recognized by civilized nations as binding on States, even without any conventional obligation... In such a convention the contracting States do not have any interests of their own; they merely have, one and all, a common interest, namely, the accomplishment of those high purposes which are the *raison d’être* of the convention. *Advisory Opinion on Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide* (1951 I.C.J. 15); pp. 7-8.

36 Among others, article 7 of the CBP establishes the following obligations: c. include in their domestic legislation penal, civil, administrative and any other type of provisions that may be needed to prevent, punish and eradicate violence against women and to adopt appropriate administrative measures where necessary; d. adopt legal measures to require the perpetrator to refrain from harassing, intimidating or threatening the woman or using any method that harms or endangers her life or integrity, or damages her property; e. take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence and tolerance of violence against women; f. establish fair and effective legal procedures for women who have been subjected to violence which include, among others, protective measures, a timely hearing and effective access to such procedures; [...] h. adopt such legislative or other measures as may be necessary to give effect to this Convention.

37 For example, the Guatemalan Judiciary made the decision during the handling of *María Eugenia Morales de Sierra v. Guatemala* to acknowledge the State’s responsibility for the violation of the rights to equality before the law and non-discrimination, among others. See, IACHR. Case 11.625. *María Eugenia Morales de Sierra v. Guatemala*. Report No 4/01 of 19 January 2001.

38 See, among other decisions, IACHR. Case 11.625. *María Eugenia Morales de Sierra v. Guatemala*. Report on the Merits 4/01 of 19 January 2001. European Court. *X and Y v. Netherlands*. Judgement of 26 March 1985; and the European Court. *Airey v. Ireland*. Judgment of 10 September 1979.

system can not be used in opposition to or to ignore obligations found in Conventions.³⁹ For that reason, we consider the incorporation of this clause to be problematic given its potential to limit, in fundamental ways, the possibility of an effective follow-up to State obligations that arise out of the Convention of Belém do Pará.

Moreover, the Statute signals that the Mechanism is of “inter-governmental character”⁴⁰ and has the following characteristics: it will be impartial and objective, it will guarantee “fair application and equal treatment for the states parties,”⁴¹ “[i]t shall operate on the basis of consensus and the principle of cooperation among the states parties,”⁴² with an “appropriate balance between the confidentiality of the evaluation and the transparency of the process.”⁴³

First, it is important to note that the Statute emphasizes the inter-governmental character of the Follow-up Mechanism, whose organs do not have the characteristic of a convention. Nor does it make reference to the principles of autonomy and independence, not even for the Committee of Experts.

Second, the Statute’s characteristics make the Mechanism internally inconsistent, a fact that will undoubtedly

have harmful results. For example, the Mechanism’s impartiality and objectivity could be compromised through the push for consensus among States Parties. It is easy to imagine how impartial Committee recommendations for policy reform that go directly against the position of one or more States Parties can impede consensus.⁴⁴ In the same sense, how will the Mechanism’s effective contribution and the process of transparency be guaranteed if there is no confidentiality during the evaluation? How can the Mechanism’s objectivity be guaranteed if the Committee’s conclusions are presented before the OAS General Assembly by the Conference or the “political organ of the Mechanism?”⁴⁵

B. The Composition of the Conference of States and the Committee of Experts

Both the 31 participants in the Conference of States Parties and the 31 expert members of the Committee are selected by the States. The Statute does not indicate criteria for determining the composition of the organs beyond directing that the experts who make up the Committee should be qualified.⁴⁶ Nor does the Statute include a system for the disqualification of experts, like those found in

39 The Vienna Convention on the Law of Treaties. “Article 27. Internal law and observance of treaties. A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. This rule is without prejudice to article 46.” See also, *Traitement des nationaux polonais et des autres personnes d’origine ou de langue polonaise dans le territoire de Dantzig*, avis consultatif, 1932, C.P.J.I., Série A/B, N° 44: “It can nevertheless be observed that if a party conforms to the generally admitted principles, a state can not, with respect to another state, avail itself of the constitutional provisions of the latter, but only of International Law and of validly contracted international obligations, on one hand, and inversely, a State can not invoke its Constitution with respect to another State to avoid its obligations under International Law or treaties in force. [translation by author] See also, the Permanente Court of Justice, *Question des “communautés” gréco-bulgares*, avis consultatif, 1930, C.P.J.I., Série B, N° 17.

40 Article 3.1 of the Statute.

41 Article 3.1.b of the Statute.

42 Article 3.1.d. of the Statute.

43 Article 3.1.e. of the Statute.

44 For example, the decisions of the Inter-American Commission and Court finding that amnesty laws for perpetrators of grave human rights violations are contrary to the American Convention have not historically been accepted by States Party to the treaty. States such as Uruguay, Argentina, Chile, El Salvador, among others, have expressed their opposition to decisions of the IACHR in this regard. However, it should be noted that the evolution of government policy and the development of the judicial power in these States has led to important achievements in the areas of truth and justice.

45 See the relation between articles 5 and 13 of the Statute.

46 Given state practice in the regional organization, it would be worthwhile to make some conditions more precise in order to establish the character of expertise of a person.

the statutes of the Inter-American Commission and Court and in other human rights protection organs.⁴⁷

Unfortunately, the Statute does not include mechanisms for internal consultation or any type of participation of the OAS's political organs in the determination of the

technical organ's composition, unlike that which occurs with respect to other organs that supervise the obligation of States, like the Inter-American Commission and Court and other mechanisms of human rights protection.⁴⁸ In addition, the Conference of States Parties does not review

47 For example, the European system of human rights protection has established Rule 4 (Incompatible activities), which says: In accordance with Article 21 B 3 of the Convention, the judges shall not during their term of office engage in any political or administrative activity or any professional activity which is incompatible with their independence or impartiality or with the demands of a full-time office. Each judge shall declare to the President of the Court any additional activity. In the event of a disagreement between the President and the judge concerned, any question arising shall be decided by the plenary Court. Additionally, Rule 28 (Inability to sit, withdrawal or exemption) says: 1. Any judge who is prevented from taking part in sittings for which he has been convoked shall, as soon as possible, give notice to the President of the Chamber. 2. A judge may not take part in the consideration of any case in which he or she has a personal interest or has previously acted either as the Agent, advocate or adviser of a party or of a person having an interest in the case, or as a member of a tribunal or commission of inquiry, or in any other capacity. 3. If a judge withdraws for one of the said reasons, or for some special reason, he or she shall inform the President of the Chamber, who shall exempt the judge from sitting. 4. If the President of the Chamber considers that a reason exists for a judge to withdraw, he or she shall consult with the judge concerned; in the event of disagreement, the Chamber shall decide. After hearing the views of the judge concerned, the Chamber shall deliberate and vote, without that judge being present. For the purposes of the Chamber's deliberations and vote on this issue, he or she shall be replaced by the first substitute judge in the Chamber. The same shall apply if the judge sits in respect of any Contracting Party concerned. In that event, the Contracting Party concerned shall be deemed to have appointed the first substitute judge to sit in his or her stead, in accordance with Rule 29 B 1. European Court Of Human Rights, Rules of Court, March 2005. Date of entry into force: March 1, 2005. Information available at: <http://www.echr.coe.int/Eng/EDocs/RulesOfCourtMarch2005.pdf>

48 For example, in the European System, the candidates must present their curriculum vitae before the Parliamentary Assembly of the Council of Europe. This assembly can interview and, in some cases, decide not to consider a list of judicial candidates for judge proposed by a State Party. The procedure of election is described in the European Convention on Human Rights: Article 20 –Number of Judges. The Court shall consist of a number of judges equal to that of the High Contracting Parties. Article 22 – Election of Judges 1. The judges shall be elected by the Parliamentary Assembly with respect to each High Contracting Party by a majority of votes cast from a list of three candidates nominated by the High Contracting Party. 2. The same procedure shall be followed to complete the Court in the event of the accession of new High Contracting Parties and in filling casual vacancies. The European Convention, in this respect, is complemented by Assembly Resolutions 1426 of 2005 and 1366 of 2004. The Parliament of the European Council has signaled: “1. The Parliamentary Assembly, referring to its Recommendation 1649 (2004), continues to support the procedure by which candidates are asked to complete a standard curriculum vitae; it believes that the model to be used should be reviewed by the Ad hoc Sub-Committee on the Election of Judges to the European Court of Human Rights and that proposals for modification should be reported to the sub-committee for adoption by the Assembly. [...] 3. The Assembly decides not to consider lists of candidates where: i. the areas of competence of the candidates appear to be unduly restricted; ii. the list does not include at least one candidate of each sex, except when the candidates belong to the sex which is under-represented in the Court, i.e. the sex to which under 40 % of the total number of judges belong. iii. the candidates: a. do not appear to have sufficient knowledge of at least one of the two official languages, or b. do not appear to be of the stature to meet the criteria in Article 21, paragraph 1, of the European Convention on Human Rights. 4. The Assembly continues to believe that the process of interview provides additional insight into the qualities of the candidates and decides: i. that nominated candidates should be informed as far as possible of the purpose of the interview and procedures for its conduct; ii. that alternative locations for interviews should be considered if there is a valid reason for holding interviews outside Strasbourg and Paris; iii. that further staggering or additional sessions of the sub-committee might permit an extension of the time available for each interview; iv. that the political groups, when nominating their representatives to the sub-committee, should aim to include at least 40% women, which is the parity threshold deemed necessary by the Council of Europe to exclude possible gender bias in decision-making processes; v. that candidates should be made aware of the criteria employed by the sub-committee in reaching its decision; vi. that one of the criteria used by the sub-committee should be that, in the case of equal merit, preference should be given to a candidate of the sex under-represented at the Court; vii. that a fair and efficient interview process requires a continuous process of training and re-assessment of the members and staff involved in selection panels; viii. that the obligation to promote an open and transparent process might require the sub-committee to give reasons for its recommendations and ranking of candidates; ix. that it would be desirable to provide timely feedback to both the individual candidate and the nominating state. [...] 6. The Assembly, being concerned to ensure the independence and impartiality of judges, considers that their appointment should run for nine years non-renewable. 7. The Assembly decides to investigate at national and European level what obstacles currently exist to the nomination of women candidates, what measures could be taken to encourage female applicants, and to consider setting targets for achieving greater gender equality in the composition of the Court”. Council of Europe, Parliamentary Assembly, Resolution 1426 (2005) that modified the Resolution 1366 (2004). Information available at: <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/RulesofProcedure/2005/E/CompTexts04.htm#CT09>. Rule 1, of Rules of Court of the European Court of Human Rights: (i) the terms “judge” and “judges” mean the judges elected by the Parliamentary Assembly of the Council of Europe or ad hoc judges. European Court of Human Rights, Rules of Court, March 2005. Information available at: <http://www.echr.coe.int/Eng/EDocs/RULESOFcourTMARCH2005>.

the credentials of the people selected to join the Committee. In this way, the Statute does not offer a mechanism useful for designating candidates and selecting members of this especially technical organ.⁴⁹

Moreover, the Statute does not establish how long experts will participate in the CBP's Follow-up Mechanism. The absence of a fixed period for the experts' mandate puts at risk not only their independence but also the continuity of their participation in the debate that takes place within the Follow-Up Mechanism. According to the Follow-up Mechanism's statute, nothing hinders a government from designating a different expert for each committee meeting, nor from changing a designated person in light of his or her opinions. In addition, the establishment of a maximum limit to the experts' tenure could also assure greater guarantee of independence as well as prevent inflexibility in experts' positions and the constant presentation of interesting ideas and experiences.

C. The Mechanism of Supervision and Cooperation

The Statute assigns different functions to the two follow-up organs that it created, while also generally establishing work methodologies for both.

The Conference is a political organ of the Follow-up Mechanism.⁵⁰ In its periodic meetings,⁵¹ it guides the Committee's work; establishes general guidelines for its performance; acts as a consultative organ; receives, analyzes and evaluates Committee reports; publishes and disseminates the Mechanism's final reports;⁵² presents biennial reports to the OAS General Assembly on advances, challenges and best practices resulting from their final reports; and, if considered appropriate, it can issue general recommendations.⁵³ Moreover, it has the faculty to resolve any issue related to the functioning of the Mechanism, including its modification.⁵⁴

pdf. The conformation of the Covenant's Committee is diverse but is not equivalent to the number of States Parties. Article 28: 2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience. 3. The members of the Committee shall be elected and shall serve in their personal capacity. Article 29: 1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant. 2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State. Article 30: 3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election. 4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting. Article 31: 1. The Committee may not include more than one national of the same State. In the election of the committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems." United Nations. International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly Resolution 2200A (XXI) of December 16, 1966. *Entry into force* 23 March 1976, in accordance with Article 49.

49 This has not prevented various States from having adopted *motu proprio* mechanisms to assure greater transparency in the process of selecting experts. Thus, Mexico, among others, held an open call for its candidate and Brazil consulted civil society organizations working on related issues.

50 Article 5.1 and 5.2 of the Statute.

51 Article 5.2 of the Statute contemplates ordinary meetings every two years and extraordinary meetings as many times as is considered necessary.

52 Article 6.1.c of the Statute.

53 Article 13 of the Statute.

54 Article 6.1.d and 12 of the Statute.

The Committee, for its part, is considered to be a technical organ of the Follow-up Mechanism. Its principal function consists of receiving and evaluating State Party reports and issuing recommendations.⁵⁵ The Committee follows the general guidelines that the Conference formulates. Following the guidelines established by its own statute, it determines the most adequate methodology for executing its work plan.⁵⁶ Thus, the Committee formulates its own regulations.⁵⁷ The adoption of the Committee's regulation will help clarify some aspects of its work methodology left unclear by the Statute.

In accordance with the instrument that founded it, the Committee's secretary will submit selected themes to be analyzed during the discussion rounds⁵⁸ as well as prepare a questionnaire requesting information from States Parties that will then be submitted to the Committee of Experts. Once approved by the Committee, this information will be remitted to the States.⁵⁹ The Secretary determines how long the period of analysis, called a "round," will last, taking into consideration the Conference's ordinary meetings in which reports are received

and evaluated before publication.⁶⁰ Thus, the States will have to respond to the questionnaires within a timeframe fixed by the Committee,⁶¹ which must also establish sessions for analyzing the information provided by the States through methods that guarantee impartiality.⁶² All of the Committee's experts receive copies of the reports presented by each of the States Parties. In each round, the Statute establishes that in order to assure an efficient evaluation between equals, communication must be strengthened for the "interchange of experience between States Parties." All States have to be analyzed within the framework of the rounds, and all evaluation reports must be structured the same.⁶³ To assure better analysis, the Statute also requires that the Committee guarantee the participation of civil society organizations, as defined in accordance with OAS resolutions, in particular those whose work relates to the objective of the CBP.⁶⁴ In order to assure that the information and guidance provided by civil society organizations will be timely and useful, these organizations should first be familiar with the information presented by the States before they offer their own contributions, or at least before the elaboration of the Committee's final report.

55 Article 6.2.c of the Statute.

56 Article 8.1.d. of the Statute.

57 Article 6.2.a of the Statute.

58 Article 8.1.a. of the Statute.

59 Article 8.1.b. of the Statute. Ideally, the questionnaire should include some basic guidelines or criteria to be used by the Committee in its final evaluation of the responses.

60 Article 8.1.c of the Statute.

61 Article 8.1.b. of the Statute.

62 Article 8.1.c. and 9 of the Statute.

63 Article 9 of the Statute. This norm can make it difficult to use the mechanism because it is improbable that all the States will respond on time and that the issues will be sufficiently similar in every region so as to maintain the same structure in each country's final report. Another important obstacle can be the lack of information relative to the established areas of analysis in the questionnaire's framework.

64 Article 10.2. of the Statute. In referring to the participation of civil society in the Committee, issues guidelines for civil society's participation in the OAS activities, adopting through a resolution of the Permanent Council CP/RES.759 (1217/99) and the definition of civil society contained in the Assembly resolution AG/RES 1661. Article 6 of the guidelines adopted by the Resolution signals: "In order for a civil society organization to participate in the activities of the OAS, it must direct an application to the Secretary General. The Secretary General shall refer the application to the Committee, which shall examine it, make such recommendations as it sees fit, and submit it to the Permanent Council for a decision." Article 7 refers to the register of civil society organizations that must be created by the Secretary General with all civil society organizations accepted by the Permanent Council. Article 12.b signals that civil society organizations that are not registered and want to participate in the OAS conference, must direct their request, containing the same information required to participate in OAS activities, to the Secretary General. It is unfortunate that the Statute limits the participation of organizations registered to participate in OAS activities from participating in the Mechanism.

After each round, once every State Party report is evaluated, the Committee will issue a final report with recommendations. This report will include observations of each State Party that has been analyzed and will be remitted to the Conference.⁶⁵

The Conference analyzes and evaluates the Committee's final report. The Statute seems to say that the Conference decides whether to publish and disseminate the Committee's final report and recommendations in its ordinary meetings every two years.⁶⁶ The lack of clarity about the public character or confidentiality of the Committee's reports, as well as the Conference's discretion to decide whether or not to publish them causes concern.

Once made public, the final report will be remitted to the ICW's Delegates Assembly.⁶⁷ Additionally every two years, the Conference will present reports to the OAS General Assembly regarding final reports that have been produced. If considered appropriate, it will present general recommendations to the OAS General Assembly.⁶⁸

The Committee determines the manner in which the recommendations made to each State Party in the final report are followed-up.⁶⁹ Furthermore, the Committee will be able to draw on its experience to suggest modifications of the Mechanism to the Conference,⁷⁰ since it is the Conference that has the mandate to make such changes.⁷¹

With regard to cooperation activities, the Statute establishes that the States Parties will introduce mechanisms for facilitating cooperation and technical assistance that

encourage the exchange of information, experience and best practices for complying with the CBP.⁷² It also affirms that the Committee will cooperate with the OAS Member States' requests within the framework of its programs on women's human rights and gender equality.⁷³ Even though the Statute does not specify areas of general cooperation, given the characteristics of the Follow-up Mechanism it is possible to infer that the Committee, with the help of the Secretary, will fulfill this important role.

Likewise, the Statute of the Follow-up Mechanism establishes its faculty for cooperating with States that are not parties to the CBP, with civil society organizations defined as such in accordance with the OAS guidelines and with all State members.⁷⁴

IV. The Relationship Between the Statute and the Follow-Up Mechanism of the Belém do Pará Convention

Since the Statute added the current protection mechanism to those already established by the Convention of Belém do Pará, it is important to inquire into the relationship between those established by the convention with those established by lesser ranking statutory norms.

First, there is the overlap of functions between the Follow-up Mechanism, which is of statutory character, and the ICW, which is both statutory and convention based in nature. Specifically, the ICW is not only a specialized organism established by the OAS Charter to follow the

65 Article 8.2.a of the Statute.

66 Article 6.1.c of the Statute.

67 Article 8.2.a of the Statute.

68 Article 13 of the Statute.

69 Article 8.3.a of the Statute.

70 Article 12 of the Statute.

71 Ibidem.

72 Article 10.4. of the Statute.

73 Article 10.3. of the Statute.

74 Article 10.2 of the Statute.

theme of women but also serves a protective function provided by article 10 of the CBP, found in Chapter IV which is entitled “Inter-American Mechanisms of Protection.”

The follow-up of international obligations established by the Statute could have been structured around the ICW. For example, the ICW could have fulfilled the role of guide, consultant or adviser in the supervision process. Paradoxically, in accordance with that established in the Follow-up Mechanism, the ICW only receives the final report of the Committee of experts after the Conference of States reviews and publishes it.⁷⁵

Secondly, the Mechanism, pursuant to its statute, assumes some functions that the IACHR performs in a general manner as part of its mandate and specifically through its Rapporteur on the Rights of Women.

It is important to note the broad mandate of the IACHR to protect, promote and defend human rights in the continent that arises from the American Convention on Human Rights and its statute. Among other responsibilities, it evaluates States’ compliance with human rights obligations, formulates recommendations, produces thematic reports, establishes rapporteurs, and attends to inquiries made by States and other parties.⁷⁶ These general promotion and defense functions have already been exercised to benefit women’s rights. Further, it should be noted that the Inter-American Court can issue advisory opinions on matters related to women’s rights. Importantly, both of these organs are autonomous and independent.

Yet, the Follow-up Mechanism established by the Statute takes precedence over the faculties granted to the IACHR and Court through the American Convention and the

CBP with regard to the evaluation and follow-up to state obligations. This overlap of functions calls for reflection with regard to the weight of these organs’ recommendations. In addition, more thought must be given to the policies adopted by the Inter-American System and the CBP’s Follow-up Mechanism during their work together in identical or complementary arenas so as to improve the use of resources and experiences in the name of improving the protection of women’s human rights.

V. Lack of Knowledge of the Procedure Established by the Convention of Belém do Pará to Modify the Mechanism of Treaty Supervision

The Statute, which established the Mechanism to Follow-Up on State obligations created by the CBP, relies on the important help of the States Parties of the Convention of Belém do Pará as well as the OAS Department of Legal Affairs and Services (DLAS), which is responsible for assuring that the Mechanism complies with legally binding provisions.⁷⁷

It is important to consider whether or not the creation of the organs and procedures in addition to those established in said Convention, in effect, unduly modified the CBP. The position of this paper is that it did in as much as the changes were not simple adjustments of procedures or institutions but rather the substantial addition of two organs for supervising treaty obligations.

Since a modification of this magnitude does not come from previously established provisions, it amounts to an amendment of the Convention. In this sense, article 39 and 40 of the Vienna Convention on the Law of Treaties, which regulate this theme, state that in order to carry

75 Article 8.2 of the Statute: Final report: a. After reviewing the reports of all the states parties in each round, the Committee shall issue a final report with the corresponding recommendations; this report shall include the observations of each state party that has been reviewed and shall be submitted to the Conference and, once published, to the Assembly of Delegates of the ICW.

76 See article 41 of the American Convention and article 18 of the Statute of the IACHR.

77 Conference of States Parties to the Mechanism to Follow-Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, “Convention of Belém do Pará”, Report Of The Rapporteur OEA/Ser.L/II.2.32. 27 de octubre de 2004, CIM/doc.28/04.

out a reform proceeding, it must, in the first place, apply the provisions of the treaty that regulate the process of amendments.

For its part, article 19 of the CBP affirms: “Any State Party may submit to the General Assembly, through the Inter-American Commission of Women, proposals for the amendment of this Convention. Amendments shall enter into force for the States ratifying them on the date when two-thirds of the States Parties to this Convention have deposited their respective instruments of ratification. With respect to the other States Parties, the amendments shall enter into force on the dates on which they deposit their respective instruments of ratification.”

Given the level of commitment assumed by States, approving amendments of treaties in force requires OAS and local procedures that assure these processes come under greater scrutiny. This should have also occurred with the Convention of Belém do Pará. Interestingly, even the modification of the statutes of human rights protection organs created by conventions—the IACHR and the Court—can only be carried out by an assembly of the States Parties. On the other hand, the CBP Statute was established by an assembly of Member States and, according to this same Statute, can be modified by the Conference. Additionally, the Statute could have entered into force once adopted, according to that established in article 14.

We consider that the importance of this matter, along with the level of State commitment triggered by the creation of this mechanism, merits greater debate at the national and international levels, including States and civil society.

VI. The Cost of the Follow-Up Mechanism

Anticipating the costs of implementing⁷⁸ the Follow-up Mechanism is not simple since it depends on what

meetings will be scheduled to establish the Conference and Committee work guidelines, the Committee meetings for evaluating questions presented by States Parties, and the necessary increase in the ICW Secretary’s personnel to face her new obligations. Countries hosting these events must assume these costs, in addition to the cost shared by other States Parties. Nevertheless, it is possible to anticipate that the Conference must, at least, convene its 31 delegates every two years. Similarly, the 31 committee experts will have to meet at least 2 or 3 times in the course of these two years in order to analyze State reports and elaborate final reports as well as formulate recommendations with respect to the 31 State reports. Considering that the analysis of one country report will last approximately one day, and about 10 reports should be analyzed each session, the process of analysis will require an average of six weeks of expert meetings. In addition, we must consider expenses related to travel, daily allowances, hotels and written and simultaneous translation services—which are necessary in order to work at the regional level. If the meetings take place in Washington, a conservative estimation of costs to convene these experts—without counting logistical, technical, secretarial help, translations or the cost of the two conferences of the States Parties—would be approximately half a million dollars.⁷⁹ Thus, the annual budget of the Mechanism can, with a plan of minimal functioning, well exceed a million dollars.

VII. Conclusions

There is still considerable work to be done to confront the problem of violence against women in the continent.

Moreover, reaching this goal demands creative efforts by diverse actors—state organs, experts, Inter-governmental organs and organisms, the women’s movement, other

78 The calculation of costs of the Mechanism was made based on the function that the Statute of the Mechanism assigns the ICW and the organs created by the Statute (the Conference and Committee) and in the current *per diem* of hotels and transportation.

79 Calculation based on 250 dollars *per diem* for lodging and expenses during 60 days of meetings of the 31 experts, 1,000 dollars, on average for the airplane tickets for the 31 experts to participate in two meetings. This does not include the costs of the conference of the States Parties, which could result in significant cost.

Conclusions

civil society organizations, etc.— and the exploration of diverse ways of advancing important public policy objectives at the regional level that have real consequences in the lives of millions of women in our continent.

The Follow-up Mechanism of the CBP was inspired as a way to strengthen supervision and cooperation mechanisms for the implementation of the Convention. Nevertheless, as has been discussed, the Mechanism has produced concern, at least with regard to aspects of its design, since it results in the duplication of already existing efforts, is onerous, lacks guarantees of autonomy, independence and integration of experts, and does not count on procedures that reward or reprimand the presentation of biased or incomplete information by one or more States in the region.

In the process of debating the ways of strengthening the implementation of the CBP, alternative, yet compatible, strategies were not considered although they would have assured greater independence, autonomy, and cooperation. Such would have been the case with the assistance of the existing Special Rapporteur of Women of the IA-CHR; or the creation of an autonomous rapporteur on this issue within the Inter-American framework —like that which exists for the theme of the freedom of expression; or the establishment of a temporary quota of one third of women members working in the Supervision organs of the Inter-American System. These measures would have

taken better advantage of the current capacity and mandate of the ICW and its Secretary.

The identified flaws in the very design of the Follow-up Statute to the CBP reveal the lack of thorough debate and the exclusion of relevant actors in the creation of the Mechanism. It reflects the absence of debate in areas constitutionally established by internal law in each state for the assumption of important state responsibilities. Due to the lack of time and space to evaluate the proposal, the overwhelming nature of the problem of violence against women in our continent prevented the most significant contribution possible.

In the near future, we consider that *ad portas* to the initiation of the Mechanism's functioning, it is crucial to conduct a broad discussion between relevant actors in order to evaluate the Mechanism. Steps should be taken to improve it and increase its chances of being an effective tool with a focus on such topics as the designation of experts, the formulation of its operation regulations, its relation to other areas of treaty supervision arising out of the CBP, and the formulation of alternative or complementary venues for creating a continent free of violence against women. This work will require reflecting on the repercussions of devolving protection strategies, and how to move forward in the future to more effectively pursue a continent without violence against women.

ANNEX 1

Statute of the Mechanism to Follow-Up on the Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, “Convention of Belém do Pará”

PREAMBLE

Taking into account that the purpose of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, “Convention of Belém do Pará,” is to protect women’s human rights and eliminate violent situations that may affect them, because every woman has the right to a life free from violence in both public and private spheres, and that it is necessary to strengthen cooperation among the states parties to develop the necessary mechanisms, policies, programs, and plans to prevent, punish, and eradicate violence against women;

Recognizing that there has already been significant progress in the implementation of the provisions of the Convention of Belém do Pará, at both the international and national levels, through progress in the internal legal systems of the states parties and the development of policies, programs, and plans implemented by the national agencies for women and other state institutions and agencies;

Stressing that the existence of a mechanism to permit follow-up and analysis of the ways in which the Convention is being applied, and to facilitate cooperation among the states parties and among all OAS member states, would contribute to fulfillment of its objectives; and

Carrying out the mandates adopted by the Thirty-first Assembly of Delegates of the CIM [CIM/RES. 224 (XXXI-O/02)] to begin a process to establish the most appropriate way to follow up on the Convention of Belém do Pará, and by the General Assembly of the OAS in its “Third Biennial Report on Fulfillment of Resolution AG/RES. 1456 (XXVII-O/97), “Promotion of the Inter-American Convention on the Prevention, Punishment, and

Eradication of Violence against Women, ‘Convention of Belém do Pará’”;

The Conference of States Parties agrees upon the following mechanism to follow up on implementation of the Convention of Belém do Pará:

Article 1

Purposes/objectives

1.1 The purposes of the mechanism shall be:

- a. To follow up on the commitments undertaken by the states parties to the Convention and review how they are being implemented;
- b. To promote the implementation of the Convention and contribute to achievement of the objectives established therein;
- c. To establish a system of technical cooperation among the states parties, which shall be open to other member states and permanent observer states, for the exchange of information, experiences, and best practices as a means to update and harmonize their domestic legislation, as appropriate, and attain other common objectives associated with the Convention.

Article 2

Basic principles

2.1 The mechanism to follow up on the commitments assumed by the states parties to the Convention will be developed within the framework of the purposes and principles established in the Charter of the

Organization of American States. In this regard, the functions of this mechanism and the procedures used must take into account the principles of sovereignty, nonintervention, the juridical equality of states, and the need to respect the constitution and basic principles of the legal system of each state party.

Article 3

Nature

3.1 The Mechanism to Follow Up on Implementation of the Convention is intergovernmental, and has the following characteristics:

- a. It shall be impartial and objective in its functioning and in the conclusions and recommendations it issues.
- b. It shall guarantee fair application and equal treatment for the states parties.
- c. It may issue recommendations to the states parties and follow up on their implementation.
- d. It shall operate on the basis of consensus and the principle of cooperation among the states parties.
- e. It shall establish an appropriate balance between the confidentiality of the evaluation and the transparency of the process.

Article 4

Members

4.1 All the states parties to the Convention shall be members and shall be represented and participate in the follow-up mechanism. Member states of the OAS that are not parties to the Convention may take part as observers, if they so request.

Article 5

Structure

5.1 The follow-up mechanism shall consist of two organs: the Conference of States Parties (hereinafter “the Conference”) and the Committee of Experts (hereinafter “the Committee”).

5.2 The Conference is the political organ of the Mechanism, shall be comprised of representatives of all states parties to the Convention, and shall hold a regular meeting every two years and special meetings as often as it deems necessary.

5.3 The Committee is the technical organ of the Mechanism and shall be comprised of experts in the area covered by the Convention, who shall perform their functions in their personal capacity. They shall be appointed by each state party to the Convention from among its nationals. The Committee shall meet in accordance with its own work plan and procedures.

5.4 The Secretariat of the Conference and of the Committee shall be the OAS General Secretariat, through the Permanent Secretariat of the CIM, and with advisory services, when appropriate, from the Inter-American Commission on Human Rights (IACHR).

Article 6

Responsibilities

6.1 The responsibilities of the Conference are:

- a. Establish overall guidelines for the work of the Committee and serve as its advisory body;
- b. Receive, analyze, and evaluate the reports of the Committee;
- c. Publish and disseminate the final report of the Mechanism, in coordination with the OAS General Secretariat;
- d. Settle any matter relating to the operations of the Mechanism.

6.2 The responsibilities of the Committee are:

- a. Draft its own rules of procedure;
- b. Define its working methods and work calendar;
- c. Receive and evaluate the reports of the states parties and issue its recommendations;
- d. Present its reports to the Conference.

Article 7

Headquarters

7.1 The follow-up mechanism shall have its headquarters at the Organization of American States, in the Permanent Secretariat of the CIM.

Article 8

Operations

8.1 Selection of provisions and methodology:

- a. The Secretariat shall submit to the Committee, for its consideration, a document in which it will select the Convention provisions whose application by the states parties could be the subject of the review and, in keeping with available financial resources, shall determine the duration of a session it will devote to this task--to be called a round--and the number of reports to be considered at each meeting.
- b. During each round, the Secretariat shall prepare a questionnaire on the provisions it has selected. The questionnaire, once approved by the Committee, shall be transmitted to the states parties, who undertake to reply to it by the deadline set by the Committee. Replies to the questionnaire shall be circulated to all members of the Committee.
- c. At the start of each round, the Committee shall examine the information on each state party and establish a calendar for the review, in a predetermined, impartial manner, such as alphabetical order, the drawing of lots, or chronological order of ratification of the Convention. The Secretariat shall make this information public.
- d. In order to fulfill its functions, the Committee shall determine the appropriate method for carrying out its work plan.

8.2 Final report:

- a. After reviewing the reports of all the states parties in each round, the Committee shall issue a final report with the corresponding recommendations; this report shall include the observations of each

state party that has been reviewed and shall be submitted to the Conference and, once published, to the Assembly of Delegates of the CIM.

8.3 Follow-up of recommendations:

- a. The Committee shall determine the necessary means to follow up on fulfillment of the recommendations made in the final report on each state party.

Article 9

Equal treatment

9.1 To ensure that the Mechanism is efficient and consists of an evaluation between equals, the objective of which is to strengthen communication and exchange of experiences among the states parties, the Committee shall take into account that:

- a. All states parties shall be reviewed in the framework of the round, in accordance with identical criteria and procedures.
- b. The same questionnaire shall be used for all states parties.
- c. All the reports presented by states parties shall have the same format.

Article 10

Intergovernmental cooperation and participation of civil society

10.1 The Conference of States Parties and the Committee of Experts of the Convention follow-up mechanism are intergovernmental in nature. The Conference and the Committee may invite to their plenary meetings states that are not parties to the Convention.

10.2 In order to secure more input for its reviews, the Committee shall include, in its rules of procedure, provisions that ensure participation by civil society organizations, in particular those that deal with the subject of the Convention of Belém do Pará, in keeping with the principles set forth in the Guidelines for the Participation of Civil Society Organizations

in OAS Activities [CP/RES. 759 (1217/99)] and the definition of civil society contained in resolution AG/RES. 1661 (XXIX-O/99).

10.3 Bearing in mind the objectives of the follow-up mechanism, and in the framework of the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality, the Committee shall cooperate with all OAS member states that so request, taking into account OAS activities in progress, and shall report to the Conference on this matter.

10.4 The states parties shall establish mechanisms that facilitate cooperation and technical assistance for the exchange of information, experiences, and best practices to bring about the implementation of the Convention.

Article 11

Resources

11.1 The activities of the follow-up mechanism shall be financed by a specific fund established for this purpose, consisting of contributions from states parties to the Convention, states that are not parties to the Convention, permanent observer states, and international financial agencies, other external resources, and any other contribution it may receive in accordance with the General Standards to Govern the Operations of the General Secretariat of the Organization of American States. These contributions may include offers from states parties to organize and host meetings of the Mechanism's organs.

11.2 The Conference of States Parties may establish criteria for determining regular contributions.

Article 12

Periodic review of the Mechanism

12.1 The Conference shall periodically review the Mechanism's operation, taking into account the observations of the Committee, and may introduce any changes it deems appropriate.

Article 13

Report to the OAS General Assembly

13.1 The Conference, in collaboration with the Secretariat, shall report every two years to the OAS General Assembly on work done during that period concerning progress, challenges, and best practices that emerge from the final reports and, if appropriate, shall issue general recommendations, if it sees fit.

Article 14

Transitory provision

14.1 This Statute shall enter into force on the date of its adoption by those states that have deposited their instruments of ratification of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, "Convention of Belém do Pará."

ANNEX 2

Relevant Articles from the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, “Convention of Belém do Pará”

CHAPTER I

DEFINITION AND SCOPE OF APPLICATION

Article 1

For the purposes of this Convention, violence against women shall be understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.

Article 2

Violence against women shall be understood to include physical, sexual and psychological violence:

- a. 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 and sexual abuse;
- b. 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 workplace, as well as in educational institutions, health facilities or any other place; and
- c. that is perpetrated or condoned by the state or its agents regardless of where it occurs.

CHAPTER III

DUTIES OF THE STATES

Article 7

The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:

- a. refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation;
- b. apply due diligence to prevent, investigate and impose penalties for violence against women;
- c. include in their domestic legislation penal, civil, administrative and any other type of provisions that may be needed to prevent, punish and eradicate violence against women and to adopt appropriate administrative measures where necessary;
- d. adopt legal measures to require the perpetrator to refrain from harassing, intimidating or threatening the woman or using any method that harms or endangers her life or integrity, or damages her property;
- e. take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal or customary

practices which sustain the persistence and tolerance of violence against women;

- f. establish fair and effective legal procedures for women who have been subjected to violence which include, among others, protective measures, a timely hearing and effective access to such procedures;
- g. establish the necessary legal and administrative mechanisms to ensure that women subjected to violence have effective access to restitution, reparations or other just and effective remedies; and
- h. adopt such legislative or other measures as may be necessary to give effect to this Convention.

CHAPTER IV

INTER-AMERICAN MECHANISMS OF PROTECTION

Article 10

In order to protect the rights of every woman to be free from violence, the States Parties shall include in their national reports to the Inter-American Commission of Women information on measures adopted to prevent and prohibit violence against women, and to assist women affected by violence, as well as on any difficulties they observe in applying those measures, and the factors that contribute to violence against women.

Article 11

The States Parties to this Convention and the Inter-American Commission of Women may request of the Inter-American Court of Human Rights advisory opinions on the interpretation of this Convention.

Article 12

Any person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the Organization, may lodge petitions with the Inter-American Commission on Human Rights containing denunciations or complaints of violations of Article 7 of this Convention by a State Party, and the Commission shall consider such claims in accordance with the norms and procedures established by the American Convention on Human Rights and the Statutes and Regulations of the Inter-American Commission on Human Rights for lodging and considering petitions.

CHAPTER V

GENERAL PROVISIONS

Article 14

No part of this Convention shall be understood to restrict or limit the American Convention on Human Rights or any other international convention on the subject that provides for equal or greater protection in this area.

Article 19

Any State Party may submit to the General Assembly, through the Inter-American Commission of Women, proposals for the amendment of this Convention.

Amendments shall enter into force for the states ratifying them on the date when two-thirds of the States Parties to this Convention have deposited their respective instruments of ratification. With respect to the other States Parties, the amendments shall enter into force on the dates on which they deposit their respective instruments of ratification.

ANNEX 3

Directory of Professional Delegates of the Inter-American Commission of Women, and their Positions in their Country of Origin

Antigua and Barbuda

Ms Sheila Roseau
Executive Director
Ministry of Social Transformation

Argentina

Emb. Juliana di Tullio
Special Representative for Themes of Women in the
International Sphere
Minister of Foreign Affairs, Economy and Culture
(Ministerio de Relaciones Exteriores,
Comercio Internacional y Culto)

Commonwealth of The Bahamas

The Honorable Melanie Griffin
Minister of Social Services and Community
Development

Barbados

Ms. Sheila Stuart
Director
Bureau of Gender Affairs

Belize

Amb. Dolores Balderamos García
Ambassador, Special Envoy for Children, Gender
Affairs and HIV/Aids
National Aids Commission

Bolivia

Dr. Teresa Canaviri Sirpa
Vice Minister of Women
Ministers Office of Sustainable Development

Brazil

Lic. Nilcéa Freire
Special Secretary of Policy for Women
for the President of the Republic

Canada

Ms. Florence Ievers
Deputy Head
Status of Women

Chile

Lic. Cecilia Pérez
Minister Director
National Service of Women (Servicio Nacional
de la Mujer (SERNAM))

Colombia

Lic. Martha Lucía Vázquez Zawadzky
Presidential Advisor on the Equality of Women

Costa Rica

Lic. Georgina Vargas Pagán
Minister on the Condition of Women and Executive
of the National Institute of Women
(Ejecutiva del Instituto Nacional de la Mujer
(INAMU))

Commonwealth of Dominica

Ms. Jacinta Bannis
Parliamentary Secretary, Ministry of Community
Development, Gender Affairs and Information

Ecuador

Lic. Victoria Moncayo Gallegos
President of the Ecuador Committee of Cooperation with
the ICW (del Comité Ecuatoriano de Cooperación
con la CIM- CECIM)

El Salvador

Lic. Carmen Elena Calderón de Escalón
Deputy and President of the Commission of Foreign
Relations

Position Paper

Grenada

Hon. Yolande Bain-Joseph
Minister of Social Development, Social Services and
Family Affairs

Guatemala

Ms. María Gabriela Núñez Pérez
Presidential Secretary for Women

Guyana

Hon. Bibi Shadick
Minister in the Ministry of Human Services,
Social Security and Labour

Haiti

Ms. Adeline Magloire Chancy
Minister
Minister on the Condition of Women and Rights of
Women

Honduras

Lic. Soledad de Ramírez Soto
Secretary of Foreign Relations (Secretaría de
Relaciones Exteriores)

Jamaica

Dr. Glenda P. Simms
Executive Director
Bureau of Women's Affairs

Mexico

Lic. Patricia Espinoza
President of the National Institute of Women (Presidenta
Instituto Nacional de las Mujeres)

Nicaragua

Lic. Marta Julia Lugo
Executive Director
Nicaraguan Institute of Women
(Instituto Nicaragüense de la Mujer (INIM))

Panama

Sra. Leonor Calderón
Minister of Youth, Women, Children and the Family
(Ministra de la Juventud, la Mujer, la Niñez y la Familia)

Paraguay

Sra. María José Argaña de Mateu
Minister, Secretary of Women

Peru

Ms. Ana María Romero-Lozada
Minister of Women and Development

Dominican Republic

Ms. Gladys Gutiérrez
Minister, State Secretary of Women

Saint Kitts and Nevis

Ms. Ingrid Charles Gumbs
Director of Gender Affairs, Ministry of Social
Development, Community and Gender Affairs

Saint Lucia

Hon. Menissa Rambally
Minister for Social Transformation, Culture and Local
Government

Saint Vincent and the Grenadines

Ms. Miriam Roache
Coordinator, Gender Affairs Division
Ministry of Social Development, Cooperative,
the Family, Gender and Ecclesiastical Affairs

Suriname

Dr. Urmila Joella-Sewnundun
Minister of Home Affairs

Trinidad and Tobago

Hon. Joan Youille-Williams
Minister of Community Development, Culture and
Gender Affairs

United States

Ms. Rita Di Martino
Principal Delegate to the Inter-American
Commission of Women (CIM)
Permanent Mission of the United States to the OAS

Uruguay

Sra. Carmen Beramendi
Director, Institute of the Family and Women of Uruguay,
Minister of Social Development (Instituto de la Familia y la
Mujer del Uruguay, Ministerio de Desarrollo Social)

Venezuela

Lic. Reina Margarita Arratia Díaz
Director of International Relations, Institute of Women
(Instituto Nacional de la Mujer (INAMUJER))

ANNEX 4

Public summons of the National Institute of Women/Instituto Nacional de las Mujeres (INMUJERES) and the Secretary of Foreign Relations (SRE, acronym in Spanish) for the selection of a Mexican expert for the technical committee of the Follow-Up Mechanism for the Implementation of the Convention on the Prevention, Punishment, and Eradication of Violence against Women, “Convention of Belém do Pará”

Background

On June 9, 1994, the General Assembly of the Organization of American States (OAS) adopted the Convention on the Prevention, Punishment, and Eradication of Violence against Women, “Convention Of Belém Do Pará”, resulting in the only legally binding instrument at the international level related to the struggle against violence against women.

Ten years after the adoption of the CBP, the OAS State Members considered it important to rectify deficiencies in the compliance with the rules of the Convention since, despite advances through the application of policy, programs and national plans, it was determined that there is not sufficient information, nor registers, that permit an evaluation of the magnitude of the problem of violence against women. There were also no concrete results obtained in the national context of each State Party. Currently, 31 out of the 34 OAS State Members have ratified this international instrument.

In this context, and at the Mexican government’s initiative, the Statute of the Mechanism to Follow-Up on the Implementation of “the Convention of Belém do Pará” was negotiated and adopted on October 27, 2004. The objectives, characteristics and structure of this Statute are the following:

- a. To follow-up on the commitments assumed by the Convention’s States Parties and to analyze the form in which they are being implemented;
- b. Promote the implementation of the Convention and contribute to attaining its established purposes;
- c. Establish a system of technical cooperation between States Parties, which will be open to other

Member States and permanent observers, in order to exchange information, experiences and best practices as a means of updating and harmonizing internal legislation, when necessary, and reaching the common objectives of the Convention.

Characteristics

- a. It will be impartial and objective in its operations and in the conclusions and recommendations it emits.
- b. It will guarantee fair application and equal treatment between States Parties.
- c. It will be able to formulate recommendations to the States Parties and follow-up on their fulfillment.
- d. It will operate based on consensus and the principle of cooperation between States Parties.
- e. It will establish adequate equilibrium between confidentiality of the evaluation and transparency of the process.

Structure

The follow-up mechanism will establish two organs:

The Conference as the Mechanism’s political organ which will consist of representatives of all States Parties to the Convention and the Committee, the technical organ, which will consist of experts from the sphere embraced by the Convention, who will exercise their function in their personal capacity.

The Committee experts will be designated by each State Party to the Convention from among their nationals.

The responsibilities of the Technical Committee of Experts are:

- a. Formulate its own regulations
- b. Elaborate the methodology and define a work chronogram
- c. Receive and evaluate the State Party reports and make recommendations
- d. Present reports to the Conference.

With the objective of obtaining better elements of analysis, the Technical Committee of Experts, upon elaborating its regulations, will have to include provisions that guarantee the participation of civil society organizations.

In this context, the National Institute of Women (INMUJERES) and the Secretary of Foreign Relations is summoning the public in general, public institutions and civil society organizations to propose people who could participate as experts in the Technical Committee of the follow-up mechanism for the implementation of the Convention on the Prevention, Punishment, and Eradication of Violence against Women

Requirements of the Position:

- Be Mexican by birth.
- Have a bachelors or masters degree through an officially recognized and valid university or institution of higher learning in law, public administration, political science, human rights, gender studies, sociology, international relations, or any other specialty related to the provisions of the Convention of Belém do Pará.
- Mastery of another official language of the Committee in addition to Spanish (English, French, Portuguese).
- Verifiable experience in the ability of writing, editing and synthesizing reports.
- Minimum of five years of verifiable work experience in the effort to combat violence against women.
- Knowledge and familiarity with international conventions and other instruments in favor of women at the regional or multilateral arena.
- Knowledge of international work in Latin America and the Caribbean in favor of women, as well as the principal legal systems in the region.

- Commitment to express opinions and make decisions in a personal capacity and in a manner independent of the institution or organization from which s/he originates.
- Available to travel and participate in the Technical Committee sessions.

Selection Procedure

1. Proposals must contain:

- A letter of presentation from the institution or organization making the proposal.
- Curriculum vitae of the person being proposed and proof of studies, experience in the theme of gender, and mastery of language.
- A document in which the proposed person explains his or her reasons and motivations for serving in his or her personal capacity as an expert of the Technical Committee.

2. The proposals will be accepted in the office of the Instituto Nacional de las Mujeres (INMUJERES), Alfonso Esparza Oteo #119, Col. Guadalupe Inn, Delegación Álvaro Obregón, C.P. 01020, no latter than **March 22, 2005, 5:00 p.m.**

3. The proposals will be reviewed by an Evaluation Committee formed by members of the Social and Counseling groups of INMUJERES, the Secretary of Foreign Relations, academics, and representatives of civil society.

4. The Evaluation Committee will propose a slate of three candidates to the Secretary of Foreign Relations and to the Instituto Nacional de las Mujeres (INMUJERES), who together will elect one person from the proposed candidates.

5. The designation of expert will be made for an initial period of two years, with the possibility of renewal.

6. The decision of the Evaluation Committee and/or the Secretary of Foreign Relations and the Instituto Nacional de las Mujeres (INMUJERES) can not be appealed.

7. Any case not considered in this summons will be resolved jointly by the Secretary of Foreign Relations and the Instituto Nacional de las Mujeres (INMUJERES).

México, D.F. March 8, 2005.

ANNEX 5

List of Experts Designated by the States to Join the Committee of Experts Created by the Mechanism to Follow-Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, “Convention of Belém do Pará”⁸⁰

Antigua and Barbuda

Sheila Rousseau
Expert and ICW Principal Delegate
Ministry of Social Transformation

Argentina

Susana Chiarotti
President of the Instituto de Género, Derecho y Desarrollo (Institute of Gender, Law and Development) and Regional Coordinator of CLADEM

Commonwealth of The Bahamas

Sandra Dean Paterson
Ministry of Social Services and Community Development
Health Social Services Section
Department of Social Services

Barbados⁸¹

Belize

Lauren Quiroz-Nieto
ICW Alternate Delegate

Bolivia

Marta Rivera Morán
Director of the Social Area and Vice Minister of Women

Brazil

Leila Linhares Barsted
Director of the Ciudadanía, Estudio, Investigación, Información y Acción (Citizenship, Study, Investigation, Information and Action)

Chile

Luz Rioseco Ortega
Lawyer

Colombia

Ana María Duque Vallejo
Lawyer of the Consejería para la Equidad de Género (Council for Equality of Gender)

Costa Rica

Sylvia Mesa
Coordinator of the Área de Violencia de Género del Instituto Nacional de las Mujeres (Area of Gender Violence of the National Institute of Woman)

Dominican Republic

Sergia Galván Ortega
Advisor to the Secretary of State for Women

Ecuador

Gioconda Páez Moreno
Gender Consultant

⁸⁰ Source:<http://www.oas.org/CIM/English/DirectExpertMESECVI-2.htm>, last visited: July 29, 2005.

⁸¹ As of July 29, 2005 no expert was designated.

El Salvador

Aracely Bautista Bayona
Lawyer, Expert in Victimology and Violence
against Women

Grenada⁸²

Guatemala

Hilda Torres Morales Trujillo

Guyana⁸³

Haití

Dilia Lemaire
Advisor to the Minister of the Female Condition
and the Rights of Women

Honduras

Margarita Puerto Gómez
Advisor to the Interamerican Commission of
Women, Honduras Chapter

México

Laura Martínez Rodríguez
Psychologist

Nicaragua

María de Jesús Aguirre
Director of Planning and Public Policy, Nicara-
gua Institute for Women

Panamá

Nischma Villareal
National Director of Women, Minister of Youth,
Women, Children and Family

Paraguay

Gloria Beatriz Godoy Rubín
Executive Director of the Kuña Aty Foundation

Peru

Russela Zapata Zapata
General Director of Women
Minister of the Woman and Social Development

Saint Kitts and Nevis⁸⁴

Saint Lucia

Yasmin Solitahe Odlum

Saint Vincent and the Grenadines

Miriam Roach
ICW Principal Delegate
Gender Affairs Division
Ministry of Social Development, Cooperative,
the Family, Gender and Ecclesiastical Affairs

Suriname⁸⁵

Trinidad and Tobago⁸⁶

Uruguay

Lilian Curbelo
Doctor of Law and Social Sciences

Venezuela

Asia Villegas
National Council for Women

82 As of July 29, 2005 no expert was designated.

83 As of July 29, 2005 no expert was designated.

84 As of July 29, 2005 no expert was designated.

85 As of July 29, 2005 no expert was designated.

86 As of July 29, 2005 no expert was designated.