

FINAL REPORT

REGIONAL EVALUATION OF ACCESS TO JUSTICE
AS A PREVENTION MECHANISM TO END VIOLENCE
AGAINST WOMEN
2011-2015

UN WOMEN REGIONAL OFFICE FOR THE AMERICAS
AND THE CARIBBEAN



REGIONAL EVALUATION OF ACCESS TO JUSTICE AS A PREVENTION MECHANISM TO END VIOLENCE AGAINST WOMEN 2011-2015

**UN WOMEN REGIONAL OFFICE FOR THE AMERICAS
AND THE CARIBBEAN**

Evaluation team: Leitmotiv, Andalusian cooperative social interest company

Carmen Manaute - Coordinator and evaluation specialist

Sonia Tomás - Gender and evaluation specialist

Alina Ramírez - Gender violence specialist

María Naredo - Human rights and gender violence specialist

Jorge Vivar – Evaluation specialist

Seville, 22 September 2016

This report has been drafted by a team of independent assessors, commissioned by the UN Women Americas and the Caribbean Regional Office. As such, the opinions expressed in this report represent the conclusions to which the team has arrived on the basis of the research conducted during the evaluation and, therefore, do not necessarily reflect the opinions of UN Women.

*Any comments relating to this report can be sent via email to:
info@leitmotivsocial.com*



Content

Index of tables and figures	3
Executive summary	6
1. Access to justice for women who face violence in the context of Latin America.	20
2. UN Women actions in the area of access to justice for women who have been victims of violence in the region.	32
3. Purpose, objectives and scope of the evaluation	37
4. Approach and methodology of the evaluation	39
5. Key findings and analysis of the information	43
6. Conclusions	82
7. Recommendations	90
8. Lessons learned	98
9. Good practices	104

Index of tables and figures

Acronyms	4
Table 1- Laws and plans as regards VAW in Latin America	23
Table 2- The judiciary and the Public Prosecution Service as producers of data	27
Table 3- Presence of UN Women in the LAC Region	34
Table 4- Training processes	56
Figure 1- Total no. of femicides/femicides 2014 Gender Equality Observatory for LAC (ECLAC)	28
Figure 2- UNiTE Campaign of the UN Secretary-General. Own compilation	33
Figure 3- Theory of Change (ToC). Own compilation	35
Figure 4- Recommendation 33 of CEDAW	45
Figure 5- Role of UN Women. Own compilation	47
Figure 6- UN Women Strategic Documents. Own compilation	61
Figure 7- Budget of the Country Offices in the period evaluated. Own compilation	67
Figure 8- Evolution of the expenditure intended for the Country Offices for ATJ in the period evaluated. Own compilation	69

Acronyms

ATJ	Access to Justice
BANAVIM	Banco Nacional de Datos e Información sobre Casos de Violencia Contra la Mujeres (México) [National Bank of Data and Information on Cases of Violence against Women - Mexico]
CAMI	Casas de Atención a las Mujeres Indígenas [Care Homes for Indigenous Women]
CEDAW	Comité para Eliminación de Todas las Formas de Discriminación contra la Mujer [Committee for the Elimination of All Forms of Discrimination against Women]
COIP	Código Orgánico Integral Penal (Ecuador) [Comprehensive Penal Organic Code - Ecuador]
CONAIE	Confederación de Nacionalidades Indígenas del Ecuador [Confederation of Indigenous Nationalities of Ecuador]
CONAMURI	Coordinadora Nacional de Mujeres Rurales de Indígenas (Paraguay) [National Coordinating Committee of Rural Indigenous Women - Paraguay]
CONATRI	Comisión Nacional de Tribunales Superiores de Justicia (México) [National Commission of Superior Courts of Justice - Mexico]
CONAVIGUA	CONAVIGUA Coordinadora Nacional de Viudas de Guatemala [National Coordinating Committee of Widows of Guatemala]
CSO	Civil Society Organization
CSW	Commission on the Status of Women
DDHH	Human Rights
ECLAC	Economic Commission for Latin America and the Caribbean
DDHH	Derechos Humanos
ENDIREH	Encuesta Nacional sobre la Dinámica de las Relaciones en los Hogares (México) [National Survey on the Dynamic of Relationships in the Home - Mexico]
FALCSO	Facultad Latinoamericana de Ciencias Sociales [Latin American Faculty of Social Sciences]
FELCV	Fuerza Especial de Lucha contra la Violencia (Bolivia) [Special Force in the Fight against Violence - Bolivia]
IACHR	Inter-American Commission of Human Rights
INEGI	Instituto Nacional de Estadísticas y Geografía (México) [National Institute of Statistics and Geography - Mexico]
INMUJERES	Instituto Nacional de las Mujeres (México) [National Institute of Women - Mexico]
IPEA	Instituto de Pesquisa Econômica Aplicada (Brasil) [Institute of Applied Economic Research - Brazil]
LAC	Latin America and the Caribbean
LAPOP	Latin America Public Opinion Project
MAI	Modelo de Atención Integral (Guatemala) [Comprehensive Care Model - Guatemala]
MCO	Multi-Country Office
MESECVI	Follow-Up Mechanism to the Belém do Pará Convention

MIMP	Ministerio de la Mujer y Población Vulnerable (Perú) [Ministry for Women and Vulnerable Populations - Peru]
MP	Oficina del Alto Comisionado de Naciones Unidas para los Derechos Humanos
NCHM	National Centre for Historical Memory (Colombia)
OAV	Oficina de Atención a la Víctima (Guatemala) [Office for Care of the Victim - Guatemala]
OFP	Organización Femenina Popular (Colombia) [Popular Women's Organization - Colombia]
OHCHR	Office of the United Nations High Commissioner for Human Rights
OJ	Organismo Judicial (Guatemala) [Judicial Body - Guatemala]
PAHO	Pan-American Health Organization
PGN	Procuraduría General de la Nación (Colombia) [Office of the Attorney General of the Nation - Colombia]
PGR	Procuraduría General de la República (México) [Office of the Attorney General of the Republic - Mexico]
PNC	Policía Nacional Civil (Guatemala) [National Civil Police - Guatemala]
PRI	Programa Regional Indígena [Indigenous Regional Programme]
SG	Secretary-General
SNPASE	Sistema Nacional de Prevención, Atención, Sanción y Erradicación de la Violencia contra las Mujeres (México) [National System for the Prevention, Care, Sanction and Eradication of Violence against Women - Mexico]
ToC	Theory of Change
ToR	Terms of Reference
UARIV	Unidad de Atención y Reparación Integral a las Víctimas (Colombia) [Unit for the Care and Reparation of Victims - Colombia]
UN	United Nations
UN WOMEN	United Nations Entity for Gender Equality and the Empowerment of Women
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNIFEM	United Nations Development Fund for Women
UNIMUJER-ODAC	Unidades Especializadas de Atención a las Mujeres en Situación de Violencia (El Salvador) [Specialized Units for the Care for Women in Situations of Violence - El Salvador]
UNP	Unidad Nacional de Protección (Colombia) [National Protection Unit - Colombia]
UNS	United Nations System
VAW	Violence Against Women
VAW/G	Violence Against Women and Girls
WPS	Women, Peace and Security



Executive summary

1. Access to justice for women who face violence¹ in the context of Latin America

Violence against women constitutes one of the main challenges to human rights in Latin America and the Caribbean (LAC). The States of the region have assumed the main international commitments as regards women's human rights and the efforts to stop violence against women and girls (VAW/G).²

In the last decade we have seen an improvement in the countries of the region's legislative frameworks, as regards the prevention, attention, protection, justice and reparation for VAW/G victims. A good number of countries have made progress, passing comprehensive laws against VAW and classifying femicide/feminicide as a crime. Even if only ten Latin American and Caribbean countries implement comprehensive laws, all the states in the region have some type of legislation against intra-family violence and the majority also have an action plan to tackle violence against women.

Progress has also been made in information database systems about the prevalence and magnitude of violence that women face. Although the deficit in quantitative information persists,³ in the last decade countries in the region have been working to harmonize data about VAW prevalence and to create single registries or observatories that allow us to better understand the size of the problem.⁴

Despite the progress made, the treaty follow-up mechanisms (CEDAW and MESECVI) and the main bodies of the Inter-American System of Human Rights (Inter-American Commission of Human Rights and the Inter-American Court of Human Rights), have identified structural problems that impede access to and receipt of justice on issues regarding violence against women. This shows that the efforts to combat impunity and to ensure the realization of women's human rights require significant improvement across the board of institutions which are responsible for access to justice.

1. The evaluation team uses the term "victim", to refer to women who have experienced violence and the concept "survivor" to refer to women who, after facing violence, have undergone a recovery process, in line with the concepts used by the treaty follow-up committees on the subject (CEDAW Committee, MESECVI). We also refer to both categories as "women who have faced violence".

2. The evaluation team refers indistinctly to violence against women with the acronym VAW and violence against women and girls with the use of the acronym VAW/G, as it is a formula that facilitates reading a document which refers frequently to these concepts. Also, the concept of violence (singular) is understood to mean the different manifestations of violence against women and girls.

3. Follow-up reports for the Committee on the Convention on the Elimination of All Forms of Discrimination against Women, MESECVI or the reports relating to regional consensus as well as publications from ECLAC, UNFPA and PAHO. The lack of statistics relating to violence against women has been noted by different States parties.

4. Economic Commission for Latin America and the Caribbean (ECLAC), *Annual Report 2013-2014. Confronting Violence against Women in Latin America and the Caribbean (LAC)*. (LC/G.2626), Santiago de Chile, 2014. p.34.

2. UN Women's actions in the area of access to justice for women who have been victims of violence in the region

Access to justice for women and girls victims of violence is one of the key areas in which UN Women works, as one of the strategies to end the violence and discrimination that affects women and girls in all the countries of the region.

At the regional level UN Women has carried out a number of strategies with the ultimate **objective of reducing the high indices of impunity facing VAW/G, to send an unequivocal message of no tolerance relating to different forms of violence that women and girls face. Three large strategy branches have been identified through the evaluation process:**

- **Legislation, legal frameworks and public policy through: (1) work with legislative**, executive and legal bodies to make changes aiming to harmonize national legislation with international and regional human rights standards, (2) draft and implement public policy and gender-sensitive action plans, as well as also (3) accompany its implementation.
- **Protection, justice and reparation instruments**, that UN Women has supported with the objective of strengthening States' obligations to guarantee that respective systems of justice operate and work with all the guarantees to protect human rights. The strategies implemented have been directed at providing a justice process linked to the components of justiciability, availability, accessibility, quality, reparation and accountability (General Recommendation - RG33 - of the CEDAW Committee as regards women's access to justice) guaranteeing in this way that States act with due diligence to prevent, investigate and sanction violence against women (Art. 7 b Belém do Pará Convention).

- **Strengthening of rights holders**, principally using two strategies: on the one hand, UN Women has contributed to strengthening empowerment processes with women's organizations (female leadership) and, on the other it has supported changes in the social consciousness of male populations (masculinities). Both strategies have tried to promote enforceability, the exercise and enjoyment of the right to live a life free from violence,⁵ and lastly, have also contributed to making accountability mechanisms operative and efficient, as well as generating change in the patriarchal cultures which characterize LAC societies.

The **approach** to the work has centred on strengthening both rights holders themselves, including civil society organizations, and also duty bearers, which range from government entities to legislative and judicial institutions. Additionally, joint actions and programmes have been undertaken with various United Nations System agencies with a presence in the respective countries.

5. This outcome also complements another of UN Women's key programmatic areas, the elimination of VAW.

3. Purpose, objectives and scope of the evaluation

The main purpose of this regional evaluation is to **document the work carried out by UN Women** to increase and facilitate access to justice for women who have been victims of violence ; and put an end to impunity in the region of Latin America and the Caribbean, as well as **analysing their achievements and outcomes and identifying lessons learned** that can serve as the basis to design a regional programme on the subject.

The *specific objectives* of this **formative** evaluation are:

1. Evaluate the relevance of the approach used by UN Women to guarantee access to justice as a mechanism to eliminate VAW/G at the regional, national and local level, as well as its added value in this thematic area.
2. Evaluate the efficacy and efficiency of the interventions developed in order to obtain the outcomes and objectives defined in UN Women Strategic Plans 2011-2013 and 2014-2017 on this matter.
3. Identify lessons as well as methodologies and resources that could be replicated.
4. Analyse the main obstacles, social, political, cultural factors and legal limitations that represent structural causes of impunity and of violation of international human rights standards in the countries being studied.

5. Identify some of the main advancements made in the region and propose recommendations that may be applicable to the UN Women strategic approach in this matter.

The **temporal scope** of the evaluation ran from 2011 to the start date of the evaluation process, in November 2015. The **geographic scope** extended across the whole of LAC, covering the territorial area of UN Women's portfolio of interventions, which covers a large number of the countries in the region. Each country was studied to a greater or lesser extent.

4. Evaluation approach and methodology

In accordance with the terms of reference, the evaluation **approach** has focused on the **analysis of UN Women's contribution** at the regional level, through their programmes and interventions in Access to Justice (ATJ) and against VAW/G. The exercise followed a mixed methodology, although it was primarily qualitative.⁶ To extract data, various **collection tools** were used to guarantee a triangulation of this information. The following tools were used: (1) **documentary analysis** that involved the study of internal UN Women documents and external documents originating from number of national, regional and international sources, (2) **individ-**

ual and group semi-structured in-depth interviews, to a total of 137 people in 17 countries. (3) **online survey** of people participating in training courses or workshops at various offices in the region.

Data collection covered the geographic area of Latin America and Anglophone countries of the Caribbean. Within this range, four countries were chosen as **case studies**: Brazil, Guatemala, Mexico and Anglophone Caribbean, with field visits to the first three.



Credit: UN Women/Ryan Brown

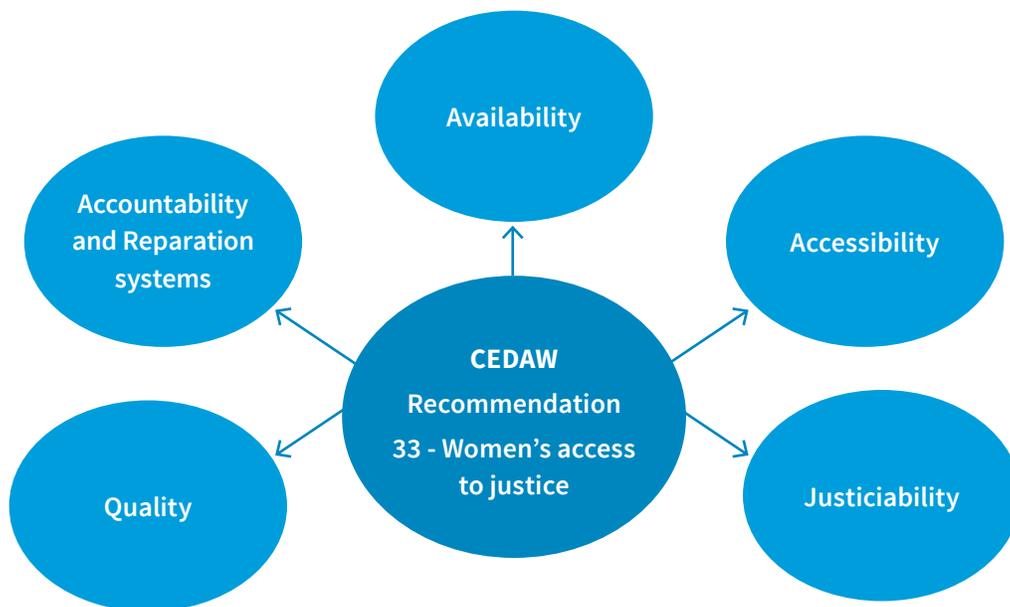
6. The mixed term refers to the fact that the evaluation used both quantitative and qualitative data collection and analysis methods.

5. Evaluation main conclusions

In relation to the analysis of relevance

- UN Women interventions relating to access to justice as a VAW/G prevention mechanism are **highly relevant** in a context with such high impunity and in which barriers continue to persist making women’s access to justice more difficult. Of the five pillars of

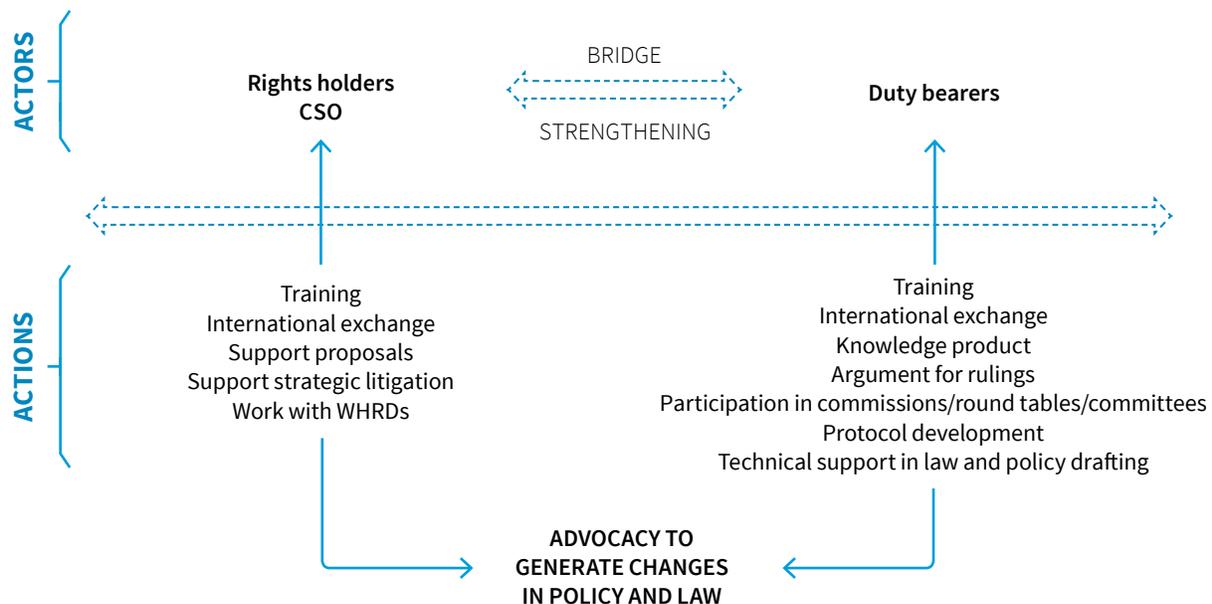
institutional responsibility to guarantee women’s access to justice, as established by the Recommendation 33 of CEDAW,⁷ **UN Women’s work in the region stands out for its focus on improving justiciability of VAW/G and increasing the quality of the response from justice systems.**



- UN Women offices have developed actions in **strategic areas** to improve access to justice as regards VAW, which is included within a very appropriate logic: that of strengthening “duty bearers” so that they assume responsibilities under the standard of *due diligence* (which includes not only the production of legislation, but also the obligation of making rights a reality) and that of empowering “rights holders” to improve legal routes and opportunities to demand said rights.
- This two-pronged work strategy with duty bearers and rights holders, has contributed to achieving a **notable level of advocacy** in positioning these subjects on the political agenda, in driving legislative initiatives and in generating jurisprudence with a gender perspective. This bestows on UN Women a relevant intermediation role with great transformative potential and added value regarding other agencies.

7. Justiciabilidad, disponibilidad, accesibilidad, calidad, rendición de cuentas y sistemas de reparación a las víctimas.

- At the level of **duty bearers**, UN Women has established partnerships in the region with the legislative power to drive legal progress, and with two strategic institutional sectors to move forward in the area of implementing standards: the national mechanisms for the advancement of women and the institutions in charge of investigations and rulings within the system of justice. There is less work with agencies considered to be “points of entry” into the ATJ process, such as the health sector and the police, considering their role in reporting.
- At the level of **rights holders**, the majority of offices work in partnership with CSOs, a strategic partner
- and key actor from the empowerment approach. UN Women has accompanied CSO networks of different types, has supported human rights defenders, women’s organizations in general and, in some countries, has developed strong links working with indigenous women’s organizations. In work supporting “rights holders”, actions to facilitate access to information on rights and services, technical support for strategic litigation, the drafting of reports to United Nations Committees and empowerment of networks and round tables stands out.



- From the **strategic point of view**, UN Women’s work during the period evaluated has been primarily **oriented by the guidelines established by the CEDAW international and regional framework and the Belém do Pará Convention**. This is due to the fact that, during the evaluation period, UN Women was undergoing a design and institutional collaboration phase at the regional level; UN Women did not have a regional

programmatic instrument to streamline the offices working on access to justice as regards VAW until 2015.⁸ Among the regional office’s priorities is to design this programmatic framework, and this evaluation exercise is an important tool to collate information, document experiences and lessons learned and to guide UN Women strategy in the coming years.

8. The work relating to the ATJ in cases of VAW appeared in the UN Women global strategic plans, although in a very generic way. A strategic document also existed,⁸ which was drafted in the context of the UN

Secretary General’s UNiTE Campaign that established strategic lines for the campaign in the specific area of access to justice for the period 2011-2015.

In relation to the analysis of efficacy

- In the LAC region, UN Women country offices have focused a large part of their efforts on the **development and implementation of gender-sensitive public policies** that have supported the implementation of emerging legislation that is being approved in the respective National Congresses. One of the current challenges will be to make such policies operational and provide resources for them to guarantee their implementation and put them into action by means of operative plans in which specific activities, responsibilities and resources will be detailed.
- Also, at the regional level, an important milestone has been the drafting and dissemination of the **“Latin American Protocol Model for Research into Gender-Based Killings of Women (femicide/feminicide)”**, that has served as a guide in some countries, such as in Brazil and Ecuador, for the relevant national institutions to have a practical instrument to guide their treatment of investigations into killings of women from a gender perspective. The role of UN Women offices has been focused on its dissemination and accompaniment so that said institutions could adapt it to the legislative and institutional context and reality of each country. The other country offices (Bolivia, Guatemala, Colombia, Mexico, Paraguay, El Salvador, Chile, Uruguay and the multi-country office for Anglophone Caribbean) have supported the public authorities in the design, drafting and/or dissemination of a number of instruments and protocols for action, the common denominator of which has been the incorporation of a rights approach for women victims/survivors of violence at key moments in the justice process, as well as the promotion of gender equality.
- All UN Women offices in the region have drafted **a wide and very varied range of publications, analysis and research about different aspects related to the ATJ of women victims/survivors of violence**. In this area, Mexico’s work in relation to reporting the causes and consequences of femicide stands out, as they not only offer an exhaustive analysis of the situation, but have also contributed to making the problem visible and therefore have placed it at the forefront of political debate in the country. Despite the range of work undertaken, there is still no true regional strategy for knowledge management, which could guide, order and systematize all the efforts made, and which would systematically strengthen the diffusion and exchange of products beyond national borders and make it possible to take advantage of experiences, lessons learned and methodologies. There are examples of recent efforts along this line such as the regional programme on femicide/feminicide *“Mayor Acceso a la Justicia para Abordar las Muertes Violentas de Mujeres por Razones de Género (femicidio/feminicidio) en América Latina y el Caribe”* [Greater Access to Justice to Tackle Gender-Based Killings of Women (femicide/feminicide) in Latin America and the Caribbean].
- Different **training activities with a variety of judicial officials** have been encouraged in all country offices across the LAC region. The subject matters tackled have been mainly introductory and have focused on awareness more than on theoretical and practical training processes about the transformative meaning of justice with a gender perspective based on women’s rights. The institutionalization of these training processes however have only been achieved in two countries, Guatemala and Ecuador, where we have managed to create partnerships with universities and/or public institutions to guarantee their continuity over time.
- As regards accountability, the evaluation exercise has recorded how efforts have been made **to implement accountability and reparation mechanisms relating to VAW cases**, although the intensity of the efforts has varied across different country offices. **At the regional level**, UN Women has supported the production of the 2013-2014 annual report on VAW by the Economic Commission for Latin America and the Caribbean (ECLAC).⁹

9. http://repositorio.cepal.org/bitstream/handle/11362/37271/S1500498_en.pdf?sequence=4

Also since 2015, it has been working on a project to harmonize femicide/feminicide statistics with the Ibero-American Judicial Summit. At the country level, Mexico's work trajectory in the area of statistics and administrative records has been notable, without forgetting the work carried out in Colombia and Ecuador on analysing rulings, or in Brazil where they aimed to heighten visibility and provide statistical data about the magnitude and characteristics of murders of women across the country,¹⁰ and another initiative, oriented to measure judicial officials' tolerance when confronted with violence against women. The country offices have provided widespread support both to governments and CSOs in drafting official reports and "shadow" reports for the CEDAW.

- The **South-South cooperation** maintained between different country offices has been valued as an **innovative factor** in the evaluation process, for example through webinars that have been being held on different subjects, even if it is not a generalized practice.
- The evaluation exercise has identified some **limitations and gaps** in UN Women's work as regards facilitating ATJ for women victims/survivors of violence: (1) Firstly, the country offices' work has been directed, nearly exclusively, towards some of the main, but not only, manifestations of VAW, such as sexual violence, physical violence and/or femicide. Only Mexico focuses on women's ATJ when faced with any violation of their rights, not only episodes of violence, having worked specifically on the violation of their political rights. (2) Taking the justice process and the CEDAW recommendations (R33) as regards women's access to justice as a reference, it has been identified that more limited work is being done on two of the links in the legal process: on the one hand women's point of entry and, on the other, support for developing and creating effective and operative accountability, as well as reparation, measures in the respective systems of justice. In both cases there has been important progress made in some countries of the region that may serve



Credit: UN Women

as an example for the remaining countries. (3) A third important aspect to reinforce in the majority of UN Women country offices would be anything related to the institutionalization of training processes carried out.

- In all the countries analysed the patriarchy and gender stereotypes that exist, not only in national justice systems but also in society in general, have been evaluated as one of the **main obstacles** that women face when accessing their respective justice systems. To manage the break with **gender stereotypes and fight against patriarchal societies** is something to always keep in mind in work advocating for the defence and enforceability of women's rights to achieve more fair and equal societies. Faced with this situation, many offices have **implemented actions and/or strategies the aim of which have focused on eliminating and/or minimizing the gender prejudices** that persist in the respective professional approaches and practices of judicial officials; but also in society's worldview in general.

In relation to the analysis of efficiency

- UN Women is one of the United Nations System agencies that has the least **resources** to carry out its institutional mandate. Its dependency on external donors is high and, in some areas, it **comes together** with other system agencies which, due to their respective

10. *Mapa de la Violencia* [Map of Violence], 2015.

mandates, work with groups of the population or on subjects that are shared with UN Women. The existence of these common spaces is positive, as regards the reinforcement given by working on the same subject from different perspectives, but it requires **significant effort to be invested for interagency coordination**, to ensure the complementarity of the work and to avoid a situation in which there are gaps or issues that are not tackled by any agency.

- Limited resources translate directly to **the presence achieved by UN Women in the region**, and the **reduced staff** that each country has, although the exact number varies from office to office. As regards **staff members' profiles**, they are usually **generalists**, as, given the limited funds available within the institution, UN Women opted to hire staff with more general abilities who can deal with a number of subject areas. The deficit in staff available is also seen in the regional office, which directly impacts on its capacity to respond to petitions for support from different country offices. Taking these limited resources and UN Women's contribution to the evaluated environment into account, the **level of efficiency achieved** with its work is considered to be **more than satisfactory**.
- A large part of the resources invested in ATJ **have originated** from (non-core funds). These are resources that are linked to specific interventions, which, although they are found in the UN Women work plan, respond to the preferences or priorities of the donor institution. This means that there is a risk of spreading the interventions implemented too thinly, which can reduce the possible impact of UN Women's work in the country.

In relation to the analysis of sustainability

- From the analysis of the data collected throughout the evaluation process, a series of **successful aspects** have been identified that are common to all the countries in which UN Women has intervened: (1) **high advocacy capacity** at the political and legislative level; (2) **making the magnitude of violence visible** as regards accountability and decision-making; (3) **capacity creation** in the institutions with which

UN Women works, as well as (4) **supporting CSOs** in the initiatives they drive forward, in their work monitoring and reporting before public institutions.

- After these successful aspects there are three **elements** that, even if individually they are insufficient to achieve change, **their convergence has brought about transformations and progress to be made in ATJ relating to VAW**. These elements are: (1) the status of UN Women as an international agency, which gives it a privileged position from the offset, (2) the work undertaken from a human rights approach, which sends a message to States of responsibility, and from a gender perspective, which enables the contextualization of VAW and the barriers to accessing justice and to work in partnership with rights holders and finally, (3) the generation of thoroughly considered quality products and proposals.
- During the evaluation period UN Women has been working with **actors** who represent all three branches of the State. Within these three categories, besides maintaining relations with the institutions with whom we have been working consistently for some time, it would be appropriate to start to work with other actors: (1) At the **government** level, for example, besides continuing with the work that is being undertaken with the national mechanisms for the advancement of women, it would be important to open the doors to strategic ministries, particularly with the justice system (Ministry of Justice) and with the police (Ministry of the Interior) as well as the Ministry of Health, considering their role in case detection and reporting. (2) At the **legislative** level, it would mean maintaining partnerships entered into with the Gender and/or Violence Commissions as well as working with groups of Congress, undergoing a process of sustained dialogue. (3) As regards the **judicial branch** and institutions linked to the justice system it is fundamental to maintain, or enter into if appropriate, relations both at the highest levels of the system, in terms of creating jurisprudence and ensuring investigations with a gender perspective, as well as at the level of judicial schools and public prosecutor or advocate training centres, in order to institutionalize

the training of fundamental actors with the proper skills at every level of the justice system.

In relation to the analysis about the principle of equality and non-discrimination

- All the people consulted indicate the many limitations that **indigenous women and/or women of African descent** have to face when accessing their respective justice services, whether ordinary or ancestral justice. Faced with this situation, **UN Women has done the following**: (1) on the one hand, they have produced **knowledge products and publications**, (2) as well as having contributed to creating **spaces for dialogue** in order to create links and establish connection points between the ordinary and indigenous justice systems. (3) On the other hand, they have also **strengthened** some of the more significant indigenous organizations in the respective countries or women's **indigenous organizations** in particular. The work undertaken in Paraguay, Ecuador, Mexico, Brazil and Guatemala stand out in this respect. (4) Another piece of work that has been notable in its positive impact is related to the **training processes** undertaken with indigenous women in Mexico and Bolivia, in the context of conventions and/or agreements with public institutions or universities. (5) Lastly, to mention the experience of the **Casas de la Mujer Indígena [Indigenous Women Houses]** in Mexico, spaces from which aspects of prevention, detection and channelling of cases of indigenous VAW through the justice system are worked.
- Despite all the efforts mentioned, both the reviewed documentation and people consulted during the evaluation exercise note how the **work** conducted by UN Women to facilitate ATJ to indigenous women, women of African descent or women in rural areas is **still patchy and needs to be strengthened**. This is even more important if taking into account the reality and context of each respective country, particularly in those countries where a high percentage of the population is indigenous and/or of African descent.



Credit: UN Women/Ryan Brown

6. Recommendations

Below are a series of recommendations directed at both the regional office and country offices. In some cases it is a case of continuing with the approaches and lines of work that have already commenced and that have revealed themselves to be particularly successful, and in others it is a case of promoting, encouraging or strengthening strategies to improve, make visible and facilitate the work that has been being done in ATJ.

Recommendations for the UN Women Regional Office for the Americas and the Caribbean

- Provide a regional programmatic framework, adaptable to national specificities and rooted in a global vision of States' international and regional obligations as regards ATJ, which connects the realization of women's rights at every step throughout ATJ.
- Promote a common approach to work in all country offices, based on three pillars: human rights, gender equality and intersectionality.
- Produce tools, reports and protocols that guide the offices' advocacy work in line with regional
- Take advantage of accumulated experience in accountability tools that some country offices have.
- Design a knowledge management strategy that makes the work undertaken visible, facilitate exchange of lessons learned and encourage that these be replicated between countries.

Recommendations for the UN Women country offices

- Complement the mapping of receptive and strategic institutions performed by country offices protocol for investigation into femicides/feminicides.
- Intensify the work in facilitating spaces for women's organizations to collaborate with UN Women and among themselves at the regional level.

Recommendations for the UN Women Regional Office and for country offices

- Promote strategic litigation as a transformation tool. with the identification of partner institutions (and people) who occupy key positions in the public power structure (legislative, executive, judicial), including the identification of the strategic role for each instance, the detection of the capacity to connect or to build bridges with others which are also fundamental for work in ATJ.
- Strengthen advocacy to institutionalize good practice: the example of the training.
- Push to facilitate indigenous women, women of African descent and rural women's right to access justice.

7. Good practice

Throughout the evaluation process a number of lines of work have been identified that given their characteristics and results have been revealed as good practice and with high potential for expansion and replication in other countries.

- ✓ The support for CSOs with **strategic litigation** has contributed to generating a double effect, both as regards jurisprudence and the strengthening of plaintiff CSOs. UN Women's work strengthening the women's organizations that they support as plaintiffs or supporting and sustaining such litigation, has contributed not only to generating jurisprudence at the national, regional or international level, but it has also promoted and strengthened the advocacy role of these women's organizations.
- ✓ The **systematization and publication of judicial rulings** with a gender focus with regard to crimes concerning VAW has facilitated the provision of tools and guidelines for the professional practice of the various judicial bodies. These publications represent an excellent tool for judges and magistrates, located in any country, since they provide input, analysis and a rationale for conducting future judicial rulings from a gender focus based on human rights. Furthermore, they are a particularly relevant instrument for the follow-up and monitoring of judicial decisions and their adaptation to the gender perspective.
- ✓ The strategy and role played by the UN Women country offices has strengthened many of the **women's organizations** with which they have worked and/or collaborated, either by promoting their participation and presence before international/regional bodies, as well as opening the door to national public institutions. All these actions are promoting speaking out and encouraging the presence of women in spaces of power, whether at the international or regional and/or national level, and thus, they are reinforcing the real and representative participation of women in decision-making spaces.
- ✓ The complementary work on three levels, with international/regional vigilance committees and organizations, with national public institutions and with CSOs, which UN Women has developed for promoting the **accountability mechanisms**, has been clearly strategic. When efforts have been structured at these three levels, the promotion of the accountability mechanisms has been fed back in and thus has had a greater impact in terms of monitoring the responsibilities of the states as regards cases of VAW.
- ✓ The **knowledge products**, which the various country offices and the regional office have developed, have made the realities and contexts of VAW visible and have become key tools for advocacy. These knowledge and information products have been converted into publications of a scientific nature based on human rights and with a gender focus which, in many cases, have contributed to generating changes in the face of the commitments and responsibilities assumed by the respective states. Likewise, they have been used as especially significant and useful tools for advocacy on the part of CSOs in demanding that states assume these responsibilities.
- ✓ The **development of tools** based on international and regional standards **by the regional office** provides the country offices with instruments for advocacy with an eye on their implementation and/or adaptation in the respective countries of the region. It is found that the development of these knowledge products, which systematize and gather common standards at the regional level, in line with the "Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide)"¹¹ provides the country offices with the tools to work in their respective countries.
- ✓ The **generation of statistics, censuses and registers**, not only on issues of VAW prevalence but also on states' response to VAW, has been essential to facilitate ATJ. These exercises to support the analysis are key to diagnosing and identifying the limitations or



Credit: UN Women/Ryan Brown

obstacles that women victims/survivors of violence face in the respective national justice systems.

- ✓ The **centres for comprehensive care, promoted by some UN Women country offices**, have become very significant spaces to reduce the obstacles that women find in their respective routes to access to justice. To this end, the support for these initiatives has meant a strategic contribution in the conception and functioning of this new service for comprehensive care for women survivors of violence.
- ✓ The **transitional justice** initiatives promoted by UN Women offices located in countries that are living in a post-conflict context. Both the work of the Guatemala office, in the strategic litigation of the Sepur Zarco case, and that developed by the Colombia office, for the implementation of mechanisms that contribute in an effective manner to the judicialization of cases

of sexual violence and gender-based violence, have resulted in successful experiences in order to promote and guarantee the investigation and judicialization of the crimes perpetrated against women in contexts of conflict, emitting a message to end impunity, fundamental to the eradication of violence against women.

11. *Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide)* has been catalogued as a comprehensive good practice in the most recent meeting of experts on the theme in Bangkok in November 2014



Credit: UN Women/ Ryan Brown

1.

Access to justice for women who face violence¹² in the context of Latin America

12. The evaluation team uses the term “victim” to refer to women who have experienced violence and the concept “survivor” to refer to women who, after facing violence, have undergone a recovery progress, in line with that

used by the treaty follow-up committees on the subject (CEDAW Committee, MESECVI). We also refer to both categories as “women who have faced violence”.

The Committee that oversees CEDAW, in its General Recommendation no. 19,¹³ understands the **concept of violence against women** to include acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty, which is directed against a woman because she is a woman or that affects women disproportionately. Similarly, the United Nations Declaration on the *Elimination of All Forms of Discrimination against Women*,¹⁴ defines “violence against women” as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. In article 2 of the Declaration, it states that violence against women **shall be understood to encompass**, but not be limited to, the following:

- a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Violence against women constitutes one of the main challenges to Human Rights in Latin America and the Caribbean (LAC). Regional reports, as we will see below, alert to the fact that little is seen of this violence despite its regularity and the impunity that surrounds it. **The States of the region have assumed the main international commitments as regards women’s human rights and the efforts to stop violence against women and girls (VAW/G).**¹⁵ All of them have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and 14 of them have also ratified the Optional Protocol. At the regional level, the Inter-American System of Human Rights includes a specific instrument to combat violence against women (VAW): the Inter-American Convention to Prevent, Sanction and Eradicate Violence against Women (hereinafter, the Belém do Pará Convention),¹⁶ which has been adopted by all the countries in the region. This treaty has provided the framework for adopting laws and policies on VAW, as well as a political and strategic framework for its implementation.

A good number of countries have adopted advanced legal frameworks to tackle VAW; however, the main challenges in the region surround their implementation, an area in which the totality of the State’s responsibilities in access to justice appears as an essential element to realize victims’ rights and combat impunity.

13. Violence against women: CEDAW General Recommendation 19, 29/01/92.

14. General Assembly of the United Nations. Resolution 48/104 of 1993

15. The evaluation team refers indistinctly to the violence against women with the acronym VAW and violence against women and girls with the use of the acronym VAW/G, as it is a formula that facilitates reading a document which refers frequently to these concepts. Also, the concept of violence (singular) is understood to mean the different manifestations of violence against women and girls..

16. In 2004, the Follow-Up Mechanism to the Belém do Pará Convention,

entitled MESECVI, was created. This is an independent consensus and peerbased evaluation system to examine the progress made by the States Parties in their achievement of the Convention’s objectives. MESECVI is an permanent, systematic, multilateral evaluation methodology, based on a forum of technical exchange and cooperation between the States Parties to the Convention and a Committee of Experts, to analyse what the impact of the Convention has been on the region, the achievements of the States Parties as regards the prevention, sanction and eradication of violence against women, and the challenges which exist in the implementation of public policy in this matter.



Legal developments: the foundations of the institutional response

In the last decade an improvement in the legal frameworks in the region's countries has been seen, as regards prevention, attention, protection, justice and reparation for the VAW/G victims. A good number of countries have progressed passing comprehensive laws on the subject of VAW and classifying femicide/feminicide as a crime. This has meant the adoption of comprehensive laws and national plans that contextualize the violence in the unequal power relations between women and men and overcome the "familist" approach¹⁷ of the legislation adopted in the 1990s.¹⁸ **Current legal frameworks offer a holistic and interdisciplinary response in tackling the diverse manifestations of VAW/G.**

This trend started in 2007, in Mexico and Venezuela, and was followed, in 2008, by Colombia and Guatemala, in 2009 by Argentina and Costa Rica, in 2010 by El Salvador, in 2012 by Nicaragua and in 2013 by Bolivia and the

Dominican Republic. This legislative support has also led to the reform of a good number of national penal codes to define the gender-based killings of women as a crime, primarily under the denomination of femicide/feminicide.¹⁹ In 2011, seven countries had classified femicide/feminicide (Chile, Costa Rica, Guatemala, El Salvador, Mexico, Nicaragua and Peru) and three had classified it as an aggravating factor within homicide (Argentina, Colombia and Venezuela). In 2014, another four countries have legislated on this crime: Bolivia, Ecuador, Honduras, Panama, and more recently, Brazil and Colombia²⁰ in 2015. These processes improving legislation have been supported by the UN Women offices in Brazil, Bolivia, Guatemala, Colombia, Ecuador, Paraguay and Mexico.

Even if only ten LAC countries implement comprehensive laws, all the states in the region have some type of legislation against intrafamily violence and the majority also have an action plan to tackle VAW.

17. In the familist approach the vision that predominates is the protection of the family unit above the protection of the human rights of the people that comprise this unit.

18. Midway between the laws adopted in the 1990s and the comprehensive laws, we have the Maria da Penha Law, 2006 (Brazil). Although this legislation continues to focus on domestic and family violence, it is innovative in comparison to the "familist" laws. Specifically, this law recognized women as subjects whose rights are protected by the law, broadens the definition of domestic violence to include forms of physical, sexual, economic, moral and psychological violence, and defines gender-based domestic and family violence against women as a violation of human rights. All this, from a comprehensive approach.

19. In 2011, seven countries had classified femicide/feminicide (Chile, Costa Rica, Guatemala, El Salvador, Mexico, Nicaragua and Peru) and three had created a classification as an aggravating factor within homicide (Argentina, Colombia and Venezuela). In 2014, another four countries have legislated on this crime: Bolivia, Ecuador, Honduras, Panama, and more recently, Brazil and Colombia in 2015.

20. Law 1761 of 6 July 2015 through which the Criminal Classification of Femicide is created as a crime in its own right and other provisions are issued (Rosa Elvira Cely).

TABLE 1- LAWS AND PLANS AS REGARDS VAW IN LATIN AMERICA

	Comprehensive law on violence	Law on domestic violence
Specific plan - violence against women	Costa Rica	Brazil
	Guatemala	Ecuador
	Mexico	Honduras
	Nicaragua	Peru
	Argentina*	Haiti
	Colombia*	
	El Salvador*	
	Venezuela (Bolivian Republic of)*	
Non-specific plan (domestic, intrafamily, gender violence)	Bolivia (Plurinational State of)*	Chile
	Panama	Paraguay
		Dominican Republic
		Uruguay
		Antigua and Barbuda
		Belize
No plan		Bahamas*
		Granada*
		Guyana*
		Jamaica*
		Saint Kitts and Nevis*
		Santa Lucia*
		Anguila
		Barbados
		Dominica
		Suriname
		San Vicente and the Grenadines
		Trinidad and Tabago

Source: Economic Commission for Latin America and the Caribbean (ECLAC), based on the United Nations Development Programme (UNDP)/UN Women, The Commitment of States: Plans and policies to eradicate violence against women in Latin America and the Caribbean Gender Equality Observatory for Latin America and the Caribbean, Panama 2013 and data from the Gender Equality Observatory for Latin America and the Caribbean.

*Being drafted

Despite the broad conceptualization of the different manifestations of VAW/G contemplated in international and regional instruments, **the advancements in legislative and political approaches** recorded by States in the region show the **tendency for this to focus on certain forms of violence**, in general, that inflicted by an intimate partner or ex-partner, and to ignore others, such as sexual assault at work, in education or health and violence in situations of conflict.²¹

The classification of the crime of femicide has been crucially important in terms of making gender-based murder of women visible. At the same time, a focus has been on the revictimization of women within the justice system, and on the responsibility of the State as regards impunity.

Chile, Costa Rica, Mexico and Peru have opted for legislation on femicide/femicide that turns to the provisions of current substantive and procedural codes for their application and interpretation, while other countries, such as El Salvador, Guatemala and Nicaragua incorporate the crime of femicide/femicide into a comprehensive and specialized legislation in which special judicial procedures are also defined. The advantage of having comprehensive laws is that important aspects relating to the understanding and application of the crime of femicide/femicide are included within these laws. These are also important for the persecution, sanction and reparation of the crime.

In various countries, the legislative framework has been incorporating reforms that improve women's access to justice, as well as comprehensive laws and/or the classification of femicide/femicide. As an example, Law 1542 of Colombia (that reforms article 74 of law 906 of 2004, Penal Procedure Code) has removed the "private" crime classification from intrafamily violence and non-payment

of alimony crimes (cases no longer rely on victim-initiated complaints, and the charges cannot be dropped).²² In Brazil, throughout the 2000s, some reforms of the Penal Code contributed to increasing women's access to justice by recognizing them as a subject with rights, especially in cases of sexual violence. In 2001, Law 10224 incorporated the crime of sexual assault; in 2005 Law 11106 abolished the legal provision for the expiry of a crime through marriage between the rapist and his victim in cases of rape (the marriage was the way in which the honour of the woman and her family was renewed and therefore eliminated the need for the State to serve punishment), it deleted the expression "honest women" (understood to be she who should legitimately be under the guardianship of the State in the case of sexual violence) and adultery (that punished women primarily in order to protect the institutions of family and marriage). In 2009, Law 12015 altered the title of the "Crimes against Traditions" for "Crimes against Sexual Dignity", recognizing sexual violence as a violation against sexual freedom and not against social traditions.

Data information systems on prevalence and magnitude

Although the deficit in quantitative information persists,²³ in the last decade countries in the region have been working to harmonize data about VAW prevalence and to build single registers or observatories that allow us to better understand the magnitude of the problem.²⁴ Until now, and across the board, data about VAW have been collected as part of broader surveys, fundamentally on the subject of health and demographics; however, **producing information with a regional scope continues to be a challenge, given the difficulty in comparing information between countries.**

21. Economic Commission for Latin America and the Caribbean (ECLAC), Annual Report 2013-2014. Confronting violence against women in Latin America and the Caribbean (LAC). (LC/G.2626), Santiago de Chile, 2014. P.28.

22. National report from Colombia in the context of the 20th Anniversary of the Fourth World Conference on Women and the approval of the Beijing Declaration and Platform for Action. Mentioned in ECLAC (2014:61).

23. Monitoring reports for the Convention on the Elimination of All Forms of Discrimination against Women, MESECVI or the reports relating to regional consensus as well as publications from UNECLAC, UNFPA and PAHO. The lack of statistics relating to violence against women has been noted by different States parties.

24. Economic Commission for Latin America and the Caribbean (ECLAC), Annual Report 2013-2014. Confronting violence against women in Latin America and the Caribbean (LAC). (LC/G.2626), Santiago de Chile, 2014. p. 34.

On some occasions, international bodies have facilitated the collection of information with identical questionnaires for different countries or have facilitated the comparative analysis of a group of countries, using evidence from the national level, to demonstrate the magnitude of the problem across the region. This has been the case of the study undertaken by the Pan-American Health Organization (PAHO) using the information extracted from demographic and health surveys and reproductive health surveys, done in 12 countries across Latin America and the Caribbean.²⁵ Said study shows that physical or sexual violence against women at the hands of their partners or ex-partners is widespread across all the countries, occurs at all socio-economic levels and shows territorial diversity. Specifically, the proportion of women who claim to have suffered violence “at some time” in the relationship with their partner ranges from 17.0% in Haiti to nearly half of the women surveyed in the case of Nicaragua (47.8%). This data is similar to that collated by other national violence against women surveys in Ecuador and Mexico. As regards prevalence of violence in the last 12 months, affirmative responses range from between 13.7% in Honduras and 32% in Bolivia.²⁶

Along the same lines, the LAPOP-UNDP, carried out for Latin America and the Caribbean in 2012, provides evidence that nearly a third of women have been victims of violence in the private sphere, while two thirds of them have outside the home.²⁷

In 2013 the United Nations Statistical Commission approved the guidelines to gather statistics about VAW, aiming to obtain detailed and comparable data between countries.²⁸ The document represents an important tool to progress in measuring violence, a process that still represents an enormous challenge in the region.²⁹

A study about sexual violence in Central America³⁰ that progresses in terms of definitions, data gathering and the construction of indicators about sexual violence for El Salvador, Guatemala, Honduras and Nicaragua, both tackles the risk factors and associated issues such as their social and individual consequences. Despite the lack of reliable official statistics, research provides evidence that sexual violence against women, and particularly against girls, constitutes a serious problem, and the judicial response to reported cases³¹ is severely lacking. This type of violence towards girls and younger women is also related to other problems, such as the high rate of pregnancy in adolescents, for which reason it becomes necessary to establish records about the relationship between adolescent pregnancies and sexual crimes against women.

25. Bolivia, Colombia, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Nicaragua, Paraguay, Peru and Dominican Republic.

26. Pan-American Health Organization (PAHO). “Violence against women in Latin America and the Caribbean (LAC). A comparative analysis of population-based data from 12 countries.” p.34.

27. Cited in the United Nations Development Programme (UNDP) Human Development Report for Latin America, 2013-2014, p.82 <http://www.undp.org/content/undp/en/home/librarypage/hdr/human-development-report-for-latin-america-2013-2014.html>.p.82.

28. See http://unstats.un.org/unsd/gender/docs/Guidelines_Statistics_VAW.pdf

29. Economic Commission for Latin America and the Caribbean (ECLAC), Annual report 2013-2014. *Confronting violence against women in Latin America and the Caribbean*. (LC/G.2626), Santiago de Chile, 2014. p.37.

30. OAS Ser. L/V/II Doc.63 Access to Justice for *Women Victims of Sexual Violence in Mesoamerica* (IACHR) 2011.

31. OAS Ser. L/V/II Doc.63 Access to Justice for *Women Victims of Sexual Violence in Mesoamerica* (IACHR) 2011. p.23.

“Point of entry” to justice and penal system response

In the majority of countries in the region **public bodies’ administrative records are used as a source of information about violence against women reported and known to the authorities**, primarily the police, health providers and the public prosecution service. However, **the standardization of the collection and availability of the data presents significant challenges**.³² For example, it is still not possible to know at the regional scale the total number of women victims of violence who approach institutions, the judicial proceedings that are initiated, or the rulings issued (both those which rule against and in favour of women).

As happens in other regions, the widespread under-recording of VAW/G cases is the norm.³³ However, the data produced by the administrative records offer valuable information in two ways: firstly, to know the most frequent “point of entry” taken by women to report a violation. The second, to find out the scope of the institutional response when faced with reported cases of violence against women.

Taking the administrative records as a source, the UNDP Regional Report on Human Development cites the following among the countries with the highest rates of VAW/G committed by any perpetrator (including partner): Bolivia, Colombia, Ecuador and El Salvador.³⁴

In Chile, a study by the PAHO shows a slight increase in the number of cases recorded between 2009 and 2011.

However, the same study concludes that this increase in the entry of VAW/G cases has not brought with it an improvement to the sanction response and in the protection of victims. Among other data, it shows the low percentage of judicial proceedings that conclude with a guilty verdict (less than 10% in the years between 2009 and 2011) and warns of the number of femicides against victims who were recipients of cautionary protection measures.³⁵

As regards the actions of women who confront violence, the PAHO study cited at the beginning of this chapter highlights that their trust in institutions seems to be far lower than that which women place on people they know, relatives or female friends.³⁶ Similarly, a recent report supported by UN Women in Colombia about institutional tolerance to VAW/G and reactions to women survivors estimates that around 40% of women who face violence do not go to any institution to ask for help.³⁷

In the case of Mexico, in 2011 approximately two of every ten women who had experienced violence in their relationship went to an authority to ask for help (13.6%). Of them, 32.6% went to the Public Prosecution Service to report it, another significant amount went to the *Desarrollo Integral de la Familia* [DIF: National System for Integral Family Development] (32%),³⁸ and a smaller proportion to other authorities such as the police (20%) and the women’s institutes (state or municipal) (9%).³⁹

32. Economic Commission for Latin America and the Caribbean (ECLAC), *Annual Report 2013-2014. Confronting Violence against Women in Latin America and the Caribbean*. (LC/G.2626), Santiago de Chile, 2014. p.46.

33. <http://www.unwomen.org/es/what-we-do/ending-violence-against-women/facts-and-figures>

34. United Nations Development Programme (UNDP) Human Development Report for Latin America, 2013-2014, p.84.

35. *Violencia de Género en Chile*. Observatorio de Equidad de Género en Salud. Informe Monográfico 2007-2012. [Gender Violence in Chile, Gender Equality in Health Observatory, Monographic Report 2007-2012.] Santiago de Chile: PAHO/OMS, 2013.

36. Pan-American Health Organization (PAHO). “Violence against women in Latin America and the Caribbean (LAC). A comparative analysis of population-based data from 12 countries.”

37. Colombian Government Presidency. *Segunda medición sobre la tolerancia social e institucional de las violencias contra las mujeres* [Second measurement of social and institutional tolerance of violence against women], Bogotá, Colombia, 2015, p.214. With support from UN Women, among other bodies.

38. Public institution responsible for social support and integral protection of the family.

39. Source of information 2011: INMUJERES [National Women’s Institute] based on the National Survey on the Dynamic of Relationships in the Home (ENDIREH) 2011. Databases published on 29 July 2013, adjusted to the Mexican Population Projections that the National Population Council updated on 16 April 2013.

TABLE 2- THE JUDICIARY AND THE PUBLIC PROSECUTION SERVICE
AS PRODUCERS OF DATA⁴⁰

Among the initiatives that are flourishing throughout the region, the creation of adequate mechanisms to collect data within the structures of the judiciary itself is gaining increasing relevance. As an example, in Costa Rica, Guatemala and Paraguay,⁴¹ with the support of institutional and legislative structures in charge of monitoring the application of public policy in the judicial sphere, the implementation of single registry systems has progressed. This allows for follow-ups on legal cases to be performed and for details of how they are dealt with by specialized services to be integrated. The production of information from the Office of the Attorney General of the Nation has been no less important in the cases of Chile, Peru and the Dominican Republic where it is responsible for validating the data from the National Forensic Sciences Institute.

Great efforts are also being made to receive **information about the number of femicides/femicides** and move forward with the creation of more accurate indicators about these crimes. Despite this, there are still gaping holes in the information as the sources of information are heterogeneous with significant under recording and there is a lack of methodological validation and determination within the body that should generate these data. Another obstacle to comparing these crimes is the fact that the legislative definitions of femicide/feminicide are not homogeneous, as has been described in the section referring to legislative progress.

For these reasons, even when the classification of the crime of femicide or feminicide in 16 of the region's countries allows for the initiation of regional comparability through official record, experience shows that this alone is not enough to create or improve the records of this type of crime.⁴²

An additional challenge is to properly investigate the killings of women and girls to ensure their proper classification as femicide/feminicide. This being so, it would

be a great step forward for countries to incorporate the guidelines established as regards documentation, investigation, confidentiality and non-discrimination into the treatment of information in the Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide), edited in 2014 by UN Women in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR).

40. Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean.

41. In Paraguay the Supreme Court of Justice issues the Agreement No. 454 that sets out that Civil Courts forward the reporting form to be systematized by the Documentation and Archives Centre. However, the information from the Judiciary Gender Secretariat shows that these forms are not forwarded systematically or in a widespread fashion by all Courts. This data record is

kept only within the framework of the Law 1600/00 against domestic violence, not regarding punishable accounts of violence against women within the framework of the Penal Code and the actions of the Criminal Courts.

42. Economic Commission for Latin America and the Caribbean (ECLAC), *Annual Report 2013-2014. Confronting Violence against Women in Latin America and the Caribbean*. (LC/G.2626), Santiago de Chile, 2014. P. 48.

FIGURE 1- TOTAL NO. OF FEMINICIDES/FEMICIDES 2014
GENDER EQUALITY OBSERVATORY FOR LAC (ECLAC)



Challenges to guaranteeing effective access to justice and protection

The treaty follow-up mechanisms (CEDAW and MESECVI) and the main bodies of the Inter-American System of Human Rights (Inter-American Commission of Human Rights⁴³ and the Inter-American Court of Human Rights⁴⁴), have identified structural problems that impede access to and receipt of justice in issues regarding violence against women.

In view of the widespread impunity detected when dealing with these crimes, the IACHR, in a specific report about access to justice for the victims of sexual violence, published in 2011,⁴⁵ urged States to design an integral response to the issue, supported by sufficient public resources, to ensure that such acts of violence are adequately prevented, investigated, sanctioned and that quick and appropriate reparation is guaranteed for the victims. Also, the IACHR urged them to create the necessary conditions to guarantee access to the justice system for all women, without discrimination, and to take measures to eradicate discriminatory sociocultural patterns that persist in the justice systems and that diminish women's real possibilities to access and obtain justice in relation to VAW.

The MESECVI, in the *Second Hemispheric Report on the Implementation of the Belém do Pará Convention (2012)*, indicated as the main obstacles in access to justice: the difficulty in increasing the number of courts in charge

of receiving reports of VAW due to a lack of resources to open new departments, better equip these services and increase trained personnel. Also, it recorded that such services continue to be concentrated in capitals or main towns, with marginal, rural or isolated areas being relegated, which leaves indigenous and rural women, as well as those who live outside urban centres, unprotected. This report recommends that the states of the region:⁴⁶

- Diversify opportunities to access justice, guarantee the specialization of the police and justice system to respond to violence against women.
- Consider the additional barriers that affect girls and indigenous, migrant women and women of African descent.
- Progress with data collection from criminal justice systems.
- Provide private spaces in police stations, courts and health services.
- Provide free legal services specialized in violence against women provided by the State at the national level.
- Ensure interpretation services in indigenous languages to victims of said ethnicities who turn to the justice system.⁴⁷
- Guarantee confidentiality and data protection,⁴⁸ to both victims and their relatives and witnesses.

43. Among the background decisions adopted by the Inter-American Commission of Human Rights on the subject of violence against women the following are of note: "María da Penha Maia Fernandes vs. Brazil", in relation to the obligations of the State in the face of violent situations and discrimination and the duty of due diligence, and "Raquel Martín de Mejía vs. Peru", in relation to sexual violence and access to justice.

44. Among the emblematic cases of the Inter-American Court of Human Rights is the case "Penal Castro Castro vs. Peru", for the definition of sexual violence and its link to the integrity of women, the case "Gonzalez et al ("Campo Algodonero") vs. Mexico", fundamental to the advancement in the standard of the State's due diligence in relation to acts committed by individuals, and the case "Fernandez Ortega et al vs. Mexico", for sexual violence and specific barriers to access to justice in the case of indigenous women.

45. Inter-American Commission of Human Rights (IACHR), Doc. OEA/Ser.L/V/II.Doc. 63, 9 December 2011.

46. MESECVI. Second Hemispheric Report Op. Cit., 2012. p.101.

47. As a reference for actions relating to administration of justice, it is worth citing the adaptation of the Brasilia Rules about access to justice for vulnerable people, adopted in the XIV Ibero-American Judicial Summit, Brasilia, 4 to 6 March 2008.

48. Therefore if these countries incorporated guidelines established about documentation, confidentiality and non-discrimination in the treatment of information in the Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide), edited in 2014 by UN Women in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR), it would represent a great move forward.

As regards specialized services provided by the States to promote the protection, access to justice and reparation of women, the MESECVI Committee looked into the free element of providing these services, putting a focus on five aspects: free legal advice prior to the proceeding, free legal representation during the proceeding, free telephone helplines 24 hours a day at the national level, health programmes, including sexual health and legal pregnancy termination services, and psychological support, support and self-help groups.⁴⁹

In this report, MESECVI was concerned that no State⁵⁰ had referred to the provision of sexual health services for women who have been victims of violence, nor services relating to legal pregnancy termination.⁵¹ And in the case of psychological support and self-help groups, even if integral services have flourished throughout the region, offered by support centres, the cited expert committee was concerned by the fact that in many countries said therapy included the aggressor, to provide the service to the family as a whole, with strategies to encourage reconciliation, instead of focusing on women's empowerment.⁵²

As regards staff, the Committee observed that the majority of States do have specialized staff in police stations who receive VAW/G reports. A few countries include judicial staff and to a lesser degree advocacy organizations. It stressed that a significant number of countries do not have or do not report having said staff. However, the responses in general do not indicate any details about the subjects of specialization, such as gender and human rights. This is particularly relevant considering

that, in at least one case, the State recognizes that its staff is specialized in the "application of the law", but not in gender violence.⁵³ However, it is not clear if the forensic and psychological expert staff are included within the training programmes, which would be very relevant to obtaining evidence for positive rulings.⁵⁴

As regards free legal services, a significant number of countries report having a variety of free services for victims of violence (legal support centres, pro-bono clinics...). In the majority of cases they are not specialized in VAW/G and are fundamentally oriented towards victims of family, intrafamily or domestic violence (and not for that which takes place in the public sphere). Also, said services are fundamentally provided by civil society organizations, universities and/or lawyers associations and not by state entities (it is also worth adding that this service is primarily available in large urban centres).⁵⁵

As regards interpreters of indigenous languages, few States stated that they provided interpreters (without providing information about the numbers or bodies responsible) even without having to be clear if the service was offered for free or the user had to pay on their own account, which makes equality of access to justice more difficult for indigenous women.⁵⁶ And regarding victims', family members' or male and female witnesses' data confidentiality, very few reported any measures that guarantee the privacy of information.⁵⁷

UN Women, in its Strategic Plan for women's access to justice 2011-2015, drafted within the UNiTE Campaign to put an end to violence against women, highlights the urgency for authorities and citizens to assume the

49. *Ibidem* p.77.

50. In the case of Brazil there are such sexual health services in cases of violence, even if they are rare and concentrated in the capitals.

51. *Ibidem* p.77.

52. MESECVI Second Hemispheric Report on the Implementation of the Belém do Pará Convention. 2012. p.79.

53. *Ibidem*.p.62.

54. *Ibidem*.p.62.

55. *Ibidem* p.63.

56. *Ibidem*.p.63.

57. Among the measures reported there are private hearings for cases of family and/or sexual violence; the employment of a replacement name and anonymity if the case gets into the media; and holding back the names of relatives, daughters and sons to avoid their identification. In a minority of cases the measures are not detailed in the national legislation, but even so the judge can determine such measures in accordance with the circumstances and his/her own judgement. MESECVI Second Hemispheric Report Op. Cit. p.64.

consequences of the State's negligence in complying with their duties to guarantee people's right to access justice, as there are multiple effects when the criminal justice system does not punish the person responsible for attacks against women, among which the following stand out in criminal policy:

- The aggressor feels authorized by the justice administration system to continue in his criminal behaviour, the victim loses her trust in the State and her situation of vulnerability increases, making it more likely that she will fall victim again as a result of problems that lie within the system itself (*the criminal justice system fails in its objective for special prevention*).
- The State, by tolerating degrees of criminality and impunity sends a message to all citizens, male and female, that violence against women and the damage that this generates in their lives is not a priority for the State. Therefore, the population sees these criminal behaviours as authorized. In turn, they become widespread and acts of violence against women occur increasingly frequently, both in the public and the private sphere (*the criminal justice system fails in its objective for general prevention*).⁵⁸

To conclude it would be worth mentioning that the legal advancements and policies produced in a large part of the countries of the region, which make them pioneers at the world level, work together with the legal frameworks of other, less advanced, countries. But, overall, that each State is facing significant challenges in the area of implementing said legislation. In this area, **the fight against impunity and the realization of women's human rights requires significant improvement across the board of institutions which are responsible for access to justice.**

58. The Inter-American Court of Human Rights has stated that "judicial inefficacy in the face of individual cases of violence against women propitiates an atmosphere of impunity that facilitates and promotes the recurrence of the violent acts in general and sends a message which says that violence against women can be tolerated and accepted as part of daily life." Ruling, González et al (Campo Algodonero) vs. Mexico case. Inter-American Court of Human Rights San José, Costa Rica, 16 November 2009.



Credit: UN Women

2.

UN Women actions in the area of access to justice for women who have been victims of violence in the region

Since the creation of UN Women, in July 2010, as a UN entity for gender equality and women’s empowerment, eradicating VAW/G has been one of the priority areas in which the organization has focused its efforts. Before its creation, the United Nations Development Fund for Women (UNIFEM) had been undertaking some significant work in the countries of LAC with the aim of reducing both the high rates of VAW/G as well as the levels of impunity seen relating to such cases. Along the same lines, UN Women has continued to maintain its efforts to put an end to this alarming reality in the region, even if its structure and presence in the countries differs to that of UNIFEM.

Access to justice for women and girls victims of violence is one of the key areas in which UN Women works, as one of the strategies put into action to end this scourge that

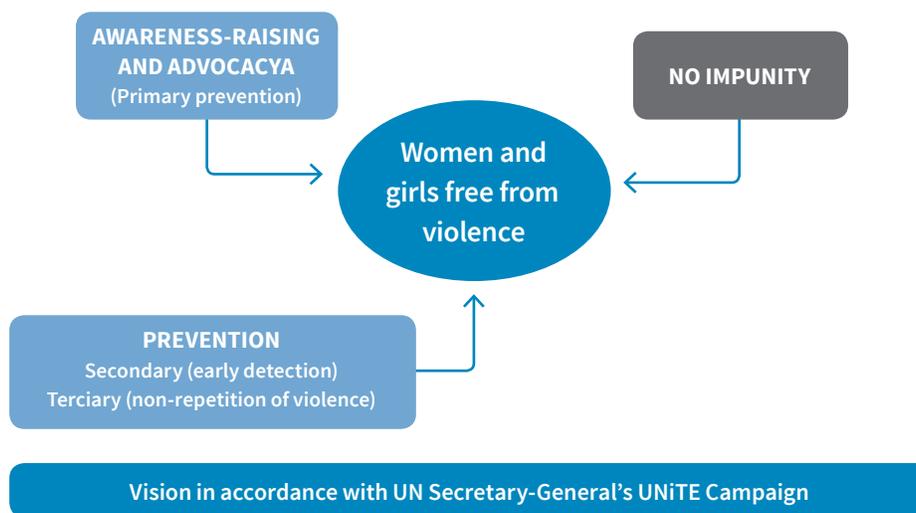
is affecting all the countries in the region. To this end and reinforcing UN Women’s work in this area, in 2008, the United Nations (UN) Secretary-General (SG) launched a Global Campaign: UNiTE to end violence against women, the main objective of which has been to generate greater public awareness and increase political will and the resources allocated to prevent and respond to VAW/G. In the context of this Campaign, and specifically in that referring to the LAC chapter, three pillars of action were prioritized:

Pilar 1: NO MORE IMPUNITY: sanction and reparation.

Pilar 2: NO MORE VICTIMS: public plans and policy, services and data collection.

Pilar 3: IT’S EVERYONE’S RESPONSIBILITY: prevention.

FIGURE 2- NNUU UNiTE CAMPAIGN OF THE UN SECRETARY-GENERAL



Own compilation.

This evaluation has focused its analysis on the first pillar of said Campaign, understanding **impunity** as an absence of justice in the face of women’s fundamental rights, due to the null or inadequate jurisdictional reaction by the

State to these events. No more impunity, therefore, supposes guaranteeing victims the **right to access justice** so that these crimes and/or illegal actions are duly sanctioned, and therefore their repetition is avoided.

2.1. Where we work: regional architecture

As has been referred to previously, the presence of UN Women in the region responds to a geographical logic which differs to that of its predecessor, UNIFEM. While UNIFEM followed the logic of subregional offices,⁵⁹ UN Women now follows a logic of country offices, with one Regional Office for the Americas and the Caribbean, located in Panama, which provides coordination efforts

and technical assistance to the country offices as well as countries in which the organization has a more limited programmatic presence. In countries that do not have their own office, UN Women's presence comes about through an advisor who provides a gender focus.

Currently the presence and structure of UN Women in the region in LAC is the following:⁶⁰

TABLE 3- PRESENCE OF UN WOMEN IN THE LAC REGION

Regional office	Oficinas Multi-país	Country office	Programmatic Presence
Regional Office for the Americas and the Caribbean (located in Panama)	Multi-country office for Anglophone Caribbean (located in Barbados, covers 22 countries)	Bolivia	Chile
		Brazil	Peru
		Colombia	Uruguay
		Ecuador	Honduras
		El Salvador	Dominican Republic
		Guatemala	
		Haiti	
		Mexico	
		Paraguay	

These are the countries in which the majority of UN Women interventions and programmes relating to their right to access to justice for women victims and/or survivors of violence are active. The level of activity and the areas of intervention vary from country to country depending on the national context, the funds available, the receptivity and capacity of national actors, as well as UN Women's presence in the specific territory.

2.2. Why: Theory of Change (ToC)

Although for the period evaluated there has been no explicit ToC that reflects the logic of the change⁶¹ of UN Women's work in the area of access to justice for women victims of violence, the evaluation team created a

design that has been being amended throughout the whole evaluation process, using the contributions from the different UN Women offices. As a starting point for the design of the ToC, a number of strategic and/or relevant documents were used as a reference, including but not limited to the following:

- Inter-American Convention to Prevent, Sanction and Eradicate Violence against Women, known as the Belém do Pará Convention (1994).
- The general recommendation about women's access to justice from the Committee for the Elimination of All Forms of Discrimination against Women (CEDAW) of 23 July 2015 (no. 33).⁶²

59. Previously UNIFEM had four subregional offices in LAC: 1) Andean Subregional Office which included Bolivia, Peru, Venezuela, Colombia and Ecuador, 2) Southern Cone Subregional Office that included Brazil, Paraguay, Uruguay, Argentina and Chile, 3) Mexico and Central America Subregional Office and the Anglophone Caribbean Subregional Office.

60. Information taken from the webpage: [http://www.unwomen.org/en/](http://www.unwomen.org/en/where-we-are/americas-and-the-caribbean)

where-we-are/americas-and-the-caribbean

61. In any case, it is worth mentioning how in 2015, UN Women developed a Flagships Programmatic Initiative, that brings together a global theory of change for the subject of "Access to Justice for Women".

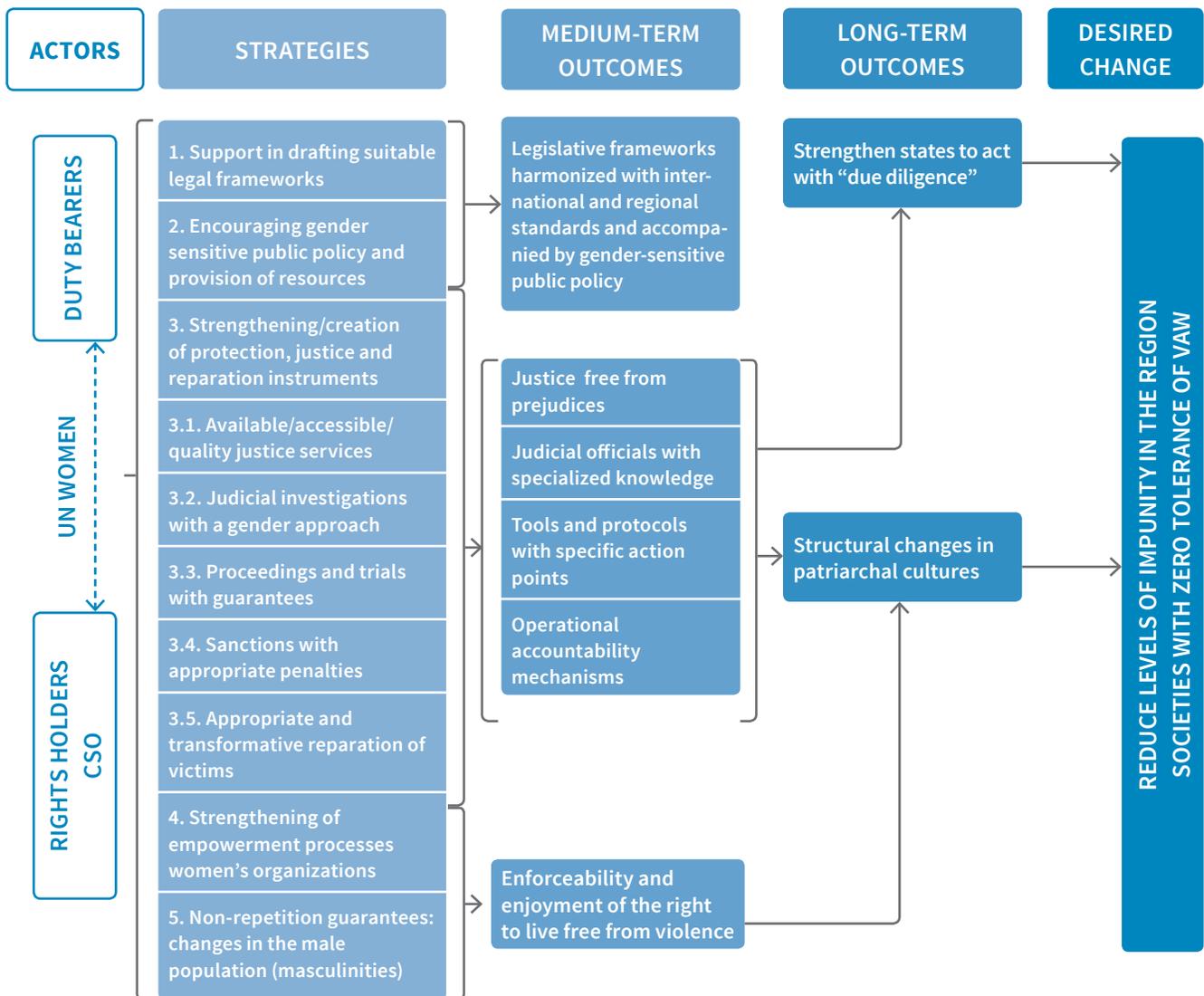
62. CEDAW/C/GC/33 General Recommendation about women's access to justice (23 July 2015).

- UN Women global strategic plans for the period evaluated, that is, the Strategic Plan 2011-2013 and the Strategic Plan 2014-2017.
- UN Women Progress of the World’s Women 2011–2012 report: in pursuit of justice.
- Products about access to justice within the UNiTE campaign.

contrasted with UN Women to know to what extent their interventions responded to it and if the strategies developed have generated, or contributed to generate, the changes that are reflected in it. Similarly, this ToC has been adapted and amended so that the implicit logic of change would be common to and representative of all the work carried out by the different country offices across the region.

The ToC developed, although it reflects the evaluation team’s vision and interpretation, has been shared and

FIGURE 3- THEORY OF CHANGE (TOC)



At the regional level, and focusing on the aim of this evaluation, UN Women has carried out a number of strategies with specific actors, with the ultimate aim of achieving some medium and long term results in reducing the high indices of impunity that exist as regards VAW/G in the region, to send a unequivocal message of no tolerance relating to different forms of violence that women and girls face (**desired change**).

Strategies and Results: to achieve change UN Women has developed a series of lines of intervention that are grouped into three large strategy branches:

- *Legislation, legal frameworks and public policy through:* (1) work with legislative, executive and legal bodies to achieve changes looking at national legislative harmonization with international and regional human rights standards, (2) development and implementation of public policy and gender-sensitive action plans, as well as (3) accompanying its implementation. All this work has been carried out in order to support and strengthen States in the LAC region as regards their responsibility to act with due diligence in cases of VAW.
- *Protection, justice and reparation instruments:* UN Women has supported these in order to reinforce States' obligations to guarantee that respective systems of justice operate and work with all human rights protection guarantees. The strategies implemented have been directed to provide a chain of justice linked to the components of justiciability, availability, accessibility, quality, reparation and accountability (General Recommendation - RG33 - of the CEDAW Committee as regards women's access to justice). Finally, while the strategies have been being carried out, they have contributed to generating changes in the patriarchal cultures that characterize LAC societies and have also strengthened States in the LAC region as regards their responsibility to act with due diligence in cases of VAW.

- *Strengthening of rights holders,* principally using two strategies. On the one hand, UN Women has contributed to strengthening empowerment processes with women's organizations (female leadership) and, on the other, has supported changes in the social consciousness of male populations (masculinities). Both strategies have tried to promote enforceability, the exercise and enjoyment of the right to live a life free from violence,⁶³ and, lastly have also contributed to making accountability mechanisms operative and efficient, as well as generating change in the patriarchal cultures which characterize LAC societies.

Actors: The work **approach** has centred on strengthening both rights holders themselves, including civil society organizations, and duty bearers, which range from government entities to legislative and judicial institutions. Additionally, joint actions and programmes have been undertaken with various United Nations System agencies with a presence in the respective countries.⁶⁴

63. This outcome also complements another of the UN Women's key programmatic areas, the elimination of VAW.

64. For example, the UNiTE campaign is happening in all the countries with activities organized through United Nations System Inter-Agency Groups in each country.



3.

Purpose, objectives and scope of the evaluation

The main purpose of this regional evaluation is to **document the work carried out by UN Women** to increase and facilitate women violence victims' access to justice and put an end to impunity in the region of Latin America and the Caribbean, as well as **analysing their achievements and outcomes and identifying lessons learned** that can serve as a basis to design a regional programme on the subject. The process of evaluation focused both on organizational learning and accountability and provides data and lessons learned to guide the organization's strategic planning and programmatic decisions, and identifies good practice as regards access to justice as a prevention mechanism for violence against women.

The *specific objectives* of this **formative** evaluation are:

1. Evaluate the relevance of the approach used by UN Women to guarantee access to justice as a mechanism to eliminate VAW/G at the regional, national and local level, as well as its added value in this thematic area in relation to other United Nations System actors.
2. Evaluate the efficacy and efficiency of the interventions developed in order to obtain the outcomes and objectives defined in UN Women Strategic Plans 2011-2013 and 2014-2017 on this matter.
3. Identify lessons as well as methodologies and resources that could be replicated.
4. Analyse the main obstacles, social, political, cultural factors and legal limitations that represent structural causes of impunity and of violation of international human rights standards in the countries being studied.
5. Identify some of the main advancements made in the region and propose recommendations that may be applicable to the UN Women strategic approach in this matter.

The **temporal scope** of the evaluation ran from 2011 to the start date of the evaluation process, November 2015.

The **geographic scope** extended across the whole of LAC, covering the territorial area of UN Women's portfolio of interventions, which covers a large number of countries in the region. Each country was studied to a greater or lesser extent. The data collection process and analysis of the information covered, therefore, all the countries in which UN Women has carried out work through their country offices or the regional office, in greater depth in the countries that have been used as case studies.



Credit: UN Women /Dzilam Mendez

4.

Approach and methodology of the evaluation

In accordance with the terms of reference, the evaluation's **approach** has been to focus on the **analysis of UN Women's contribution** at the regional level, through their programmes and interventions in Access to Justice (ATJ) and against VAW/G. This methodology explores the mechanisms that contribute to the actions carried out to achieve the planned results and objectives and the degree to which they contribute, understood as changes or transformations observed in the groups which they intended to influence. This type of analysis stems from establishing and verifying the ToC that underlies the collection of actions promoted by UN Women in the area of access to justice for women who have been victims of violence.

A mixed **methodological approach** was used, although it was mainly qualitative.⁶⁵ The main purpose of the methodology has been to provide credible responses, based on responses to the evaluation questions, grouped into the following evaluation criteria:

- **Relevance:** the analysis of this criterion has focused on evaluating the approach used by UN Women to guarantee access to justice as a mechanism to end VAW/G at the regional, national and local level, as well as identifying its added value in this thematic area in relation to other United Nations System actors.
- **Efficacy:** the focus of this criterion is found in UN Women's contribution to achieve access to justice for women who have been victims of violence in the region according to internationally accepted standards.
- **Efficiency:** the analysis is aimed to evaluate the proportionality between the resources invested in activities and interventions supported by UN Women, at the country office level, and the progress achieved as regards eliminating violence against women by means of access to justice.
- **Sustainability:** the analysis of this criterion has focused on identifying methodologies and actions

that can be replicated as well as lessons for their dissemination.

- **Equality and non-discrimination:** UN Women's response to the main obstacles, social, political, cultural factors, and legal limitations for most vulnerable women (indigenous women, women of African descent, women who live in rural and/or isolated communities) has been analysed under this criterion.

Taking into account the indicated purposes and objectives, and using the evaluation questions included in the Terms of Reference (ToR), the evaluation team developed an evaluation matrix. The matrix includes, besides the evaluation questions, details about the elements of study in answering each one of these criteria (study focus) as well as the data collection tools and possible sources of information. The final matrix is included in annex 3 of the report.

To extract data, various **collection tools** were used to guarantee consistent triangulation of the information. The following tools were used:

- **Document analysis** comprised the study of internal UN Women documents, documents relating to the execution of interventions on the matter, and external documents such as reports and rulings from international or regional Committees and bodies in relation to the matter, studies or reports from other United Nations System agencies or other international bodies, national legal frameworks, official government publications and other evaluations. Annex 4.2 includes a list of the main documents consulted and analysed during the evaluation.
- **Semi-structured in-depth group and individual interviews** were conducted in two ways: remotely (via Skype or telephone) and in person in countries in which field visits were made. An interview protocol was established according to the profiles of the actors interviewed and their relationship with the evalua-

65. The term mixed refers to the fact that the evaluation used both quantitative and qualitative data collection and analysis methods.

tion questions (see annex 5.1). A total of 137 people were interviewed (annex 4.1) in 17 countries. 22% of the people interviewed were civil servants and staff linked to government or legislative institutions, 14% staff of judicial bodies (judiciary or general attorney's office), 21% belonging to CSO, 6% from United Nations System agencies, 9% external experts, 3% donor institutions and finally 25% UN Women staff.

- An on-line survey in three languages was also conducted, intended for judicial officials participating in training courses or workshops in various offices in the region (Brazil, Anglophone Caribbean, Bolivia, Colombia, Ecuador and Paraguay). 314 invitations to participate in the survey were sent and a total of 35 responses were received (of these only 24 were complete).

Data collection covered the geographic area of Latin America and Anglophone countries of the Caribbean. Within this area, the focus has been on countries where there are country offices or a programmatic presence. Within this range, four countries were chosen as **case studies** to conduct a field visit. The countries selected were Brazil, Guatemala, Mexico and Anglophone Caribbean, with field visits in the first three. Given the multi-country nature of the Anglophone Caribbean Office, data collection was done through online interviews with actors from different countries and office staff. The selection process for countries studied was conducted using the document analysis sent by the UN Women national offices and the opinions given by the people interviewed in the preliminary phase, members of the internal and external groups of reference for this evaluation. The criteria in the selection were:

- Existence of a UN Women office preferably with operative and logistical capacity, or at least with a gender advisor.⁶⁶
- Actions and/or programmes relevant to the matter of access to justice (by cost, years of execution, actors involved and diversity of areas).

- Preferences/priorities specified by UN Women through the initial interviews conducted.
- Country offices that have not been subject to case studies in the regional/corporate evaluations in, at least, the last three years.
- Available documentation and information quality (programmatic documents and monitoring and follow-up reports about actions/programmes undertaken).

For the rest of countries that were not studied, Skype interviews were held with the UN Women teams and some of the gender advisors as well as a series of interviews with people in the regional office in Panama and the central office in New York.

The main **method used to analyse data** has been **triangulation**, which consisted of comparing the evidence originating from multiple sources and data collection methods. At the practical level this translated into two aspects: the use of evidence originating from diverse information sources to respond to the evaluation questions, and the use of evidence tables for each evaluation question.

Feedback meetings in the four case study countries were conducted to present and validate the preliminary findings with the respective offices. The results of the feedback formed part of the analysis at the regional level and contributed to the accuracy, rigorousness and certainly the quality of this.

There are **three elements that impacted on the quantity and quality of the information** collected (limiting), which are analysed in the following table:

66. Person responsible in countries with a programmatic presence.

1: Unequal response rate to the online questionnaire

Limitation	The data from emails with participants in the trainings offered by UN Women in different countries which we have collected have been, for a number of reasons, less than that expected which meant we had a reduced and unequal final sample as regards the number of participants for each country. The fact that the number of responses obtained in absolute values was very low reduced the validity of the results of said questionnaires as a reliable basis to support findings.
Mitigation measures	As the response rate was very low, both in the total number of responses and the percentage of people who responded to the complete questionnaire, the results were not used as key evidence to support findings completing the information with the document study of evidence related to the training processes conducted. In no case were the responses used as significant facts, but only as complementary data indicative of wider triangulation processes.

2: Difficulties when interviewing key informants

Limitation	In countries in which a field visit was not conducted, including Anglophone Caribbean, there were difficulties when organizing the telephone interviews.
Mitigation measures	To manage the greatest number of interviews possible, the planned period to collect data was extended until it was time to write the report.

3: Insufficiency of information to conduct an efficiency analysis

Limitation	The administrative/financial and operative programming (activities) information available was limited and structured in such a way as to prevent an in-depth, detailed analysis of aspects such as cost effectiveness
Mitigation measures	A data collection table was made up with economic data that was sent out to all country office in order to complete the information in a homogeneous way. This collection allowed for a comparative analysis to be performed on the different countries analysed, as well as identify more strategies based on the resources invested and the achievements made. At the time of writing the report, we had data from Brazil, Anglophone Caribbean, Ecuador, Guatemala and Mexico.



Credit: UN Women

5.

Key findings and analysis of the information

5.1. Relevance

Finding 1

The reports on international and regional mechanisms published during the evaluation period indicate that, despite the regulatory advances achieved in the region, significant barriers persist in access to justice for women victims of violence (especially in certain sectors), against a backdrop of prejudices that make their transformation very complex. UN Women's workflow as regards ATJ is entirely consistent with regional needs on the subject of women's human rights.

The previously mentioned reports on the response to VAW, in addition to MESECVI and the Comisión Interamericana de Justicia [Inter-American Justice Commission], have highlighted the improvements derived, in terms of justiciability, from the legislative advances produced in a good part of the countries in the region. However, they warn of high levels of impunity, as an indicator of the lack of effective impact of these legislative improvements and of the serious and persistent barriers that women face in access to justice. **Impunity constitutes one of the most damaging messages of the many that halt the change in the power structures that sustain VAW.**

The concern regarding the obstacles that impede or obstruct women from attaining effective access to justice after being victims of violence, has motivated the adoption on the part of CEDAW of a general recommendation on this subject matter.⁶⁷ In said recommendation, CEDAW recognizes that access to justice is an essential right in order to guarantee all the rights of the Convention and that its fulfilment is especially important in cases of VAW. Likewise, the Committee shows concern for the persistence of barriers for the effective access to this right, which have their basis, primarily, in a lack of practical application of the legislation on the part of the agencies responsible for its implementation. It also highlights the States where these barriers are even more generalized in

certain women's collectives, such as indigenous women, women human rights defenders and women of African descent, among others.

In this context, **UN Women's ATJ work strategy is entirely consistent with regional needs as regards women's human rights**, for the following reasons:

- In the chain of institutions that respond to VAW/G, justice professionals are recognized by international and regional mechanisms as key actors in achieving the recognition of victims' rights and for ending the culture of violence and the impunity of aggressive masculinity.
- The legislative advances on the subject (comprehensive laws against VAW/G) are being applied in a context of resistance and social prejudices (such as the *familist* vision, among other stereotypes) that affects all judicial officials. This requires strategic, sustained and multidimensional work.
- Such prejudices explain the resistance of these professional sectors to open up to the contributions of women's organizations, such as local actors specialized in gender equality, and the importance of a UN agency, such as UN Women, uniting to work on the incorporation of the gender perspective in the justice systems.⁶⁸

67. General Recommendation 33 on women's access to justice. UN document: CEDAW/C/GC/33 of 23 July 2015.

68. UN document: CEDAW/C/GC/33 of 23 July 2015.

Finding 2

The focus of UN Women’s work in ATJ aims to harmonize the legal frameworks, public policies and performance procedures of LAC countries with the international and regional framework of human rights obligations as regards VAW/G. This has led the institution to support "duty bearers" (State institutions at various levels of administrative decentralization and judicial officials) in assuming responsibilities, as well as strengthening the capacities of "rights holders".

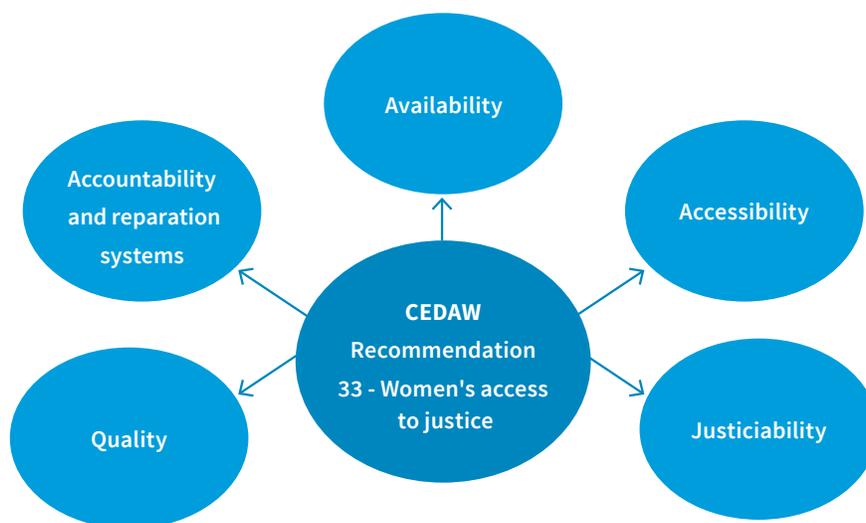
The focus of UN Women’s work on the theme of ATJ in the region has sought the harmonization of justice system legislation, policies and practices in the various countries with international and regional standards for the human rights of women facing violence. The UN Women’s offices’ two-pronged approach to work (human rights and gender equality) in the region is aligned with the mandates of the international system of human rights, since it aims to promote the responsibility of the public authorities to fulfil the mandates established in the international and regional standards on women’s human rights.

In a manner consistent with CEDAW and the Belém do Pará Convention, the UN Women offices have developed actions in strategic areas to improve access to justice in VAW, which follow a suitable logic. These actions are strengthening “duty bearers” so that they assume responsibilities under the standard of due diligence (which includes not only legislative production, but also the obligation to make rights a reality) and empowering “rights holders” for improved pathways and possibilities to claim these rights.

From the five pillars of institutional responsibility to guarantee access to justice for women (justiciability, availability, accessibility, quality, accountability and reparation systems for the victims),⁶⁹ UN Women’s work in the region, in its orientation, emphasizes the improvement of justiciability of VAW/G and the increase in the quality of the justice systems’ response.

- In the context of better legislation as regards VAW/G, accompanying projects have been identified in order to achieve the alignment of internal legislation with international and regional standards for human rights,

FIGURA 4- RECOMMENDATION 33 OF CEDAW



Own compilation

69. General Recommendation 33 on women's access to justice. UN document: CEDAW/C/GC/33 of 23 July 2015.

principally in Brazil, Colombia, Ecuador, Mexico, Guatemala, the Caribbean and Paraguay.

- With regard to legislative implementation, the drafting and dissemination of the “*Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide)*” is central at the regional level.⁷⁰ This action falls within the “responsibilizing” approach of the national justice systems with respect to their international human rights obligations in the investigation of this type of crime and provides technical instruments to meet them. To this end, the work of offices such as Brazil is highlighted, where they have developed the first pilot experience to adapt the Latin American Model Protocol. in five states of the country, as well as the work of the Ecuador office to support the adoption of the said protocol by the national justice system.
- To the same end, the interventions suggested for the capacity building of judicial officials should be mentioned (Brazil,⁷¹ Ecuador, Guatemala and Mexico), as well as the support for surveys measuring the degree of institutional tolerance for violence against women (Colombia⁷² and Brazil⁷³), and the diagnostic study of the FELCV and related services (Bolivia).
- Various offices have designed actions to promote institutional accountability, through technical support for the improvement of judicial statistics and public registry systems (Mexico) and support for the visibility of policies on this subject in the national budget (Ecuador, Brazil⁷⁴ and Paraguay⁷⁵).
- In the work supporting “rights holders”, the actions are highlighted to facilitate access to the information on rights and services, principally in Brazil and Ecuador, the technical support for strategic litigation (Guatemala), the compilation of reports for United Nations Committees (Saint Vincent and the Grenadines, Guyana) and the promotion of networks and round tables (Guatemala, Colombia, Brazil and Mexico⁷⁶).



Credit: UN Women

70. From now on, Latin American Model Protocol. Published in 2014, in collaboration with the United Nations High Commissioner for Human Rights.

71. The processes for the capacity building of judicial officials in Brazil has been undertaken in the framework of the process of adaptation and application of the Regional Model Protocol which in the country assumed the name of “National Guidelines for the Investigation, Prosecution and Judgement from a Gender Perspective of Violent Deaths of Women” (femicides).

72. First study: [http://www.mdgfund.org/sites/default/files/GEN_ESTUDIO_Colombia_Tolerancia social e institucional a la violencia de genero.pdf](http://www.mdgfund.org/sites/default/files/GEN_ESTUDIO_Colombia_Tolerancia%20social%20e%20institucional%20a%20la%20violencia%20de%20genero.pdf). Second study: <http://www.equidadmujer.gov.co/ejes/Documents/Segunda-medicion-estudio-tolerancia-violencias-contra-mujeres.pdf>

73. http://www.direito.mp.br/arquivos/File/tolerancia_institucional_violencia_contra_mulheres.pdf

74. Until 2012, Brazil supported a project on gender-sensitive budgets, in which it included VAW/G.

75. COMJIB [Conference of Ministers of Justice of Ibero-American Countries] and SEGIB [Ibero-American Secretariat General] collected statistics on femicide in the justice systems from 23 countries! It was signed in April 2016 <http://lac.unwomen.org/en/noticias-yeventos/articulos/2016/04/paraguay-cumbre>

76. Information detailed in Annex 1. Case studies.

Finding 3

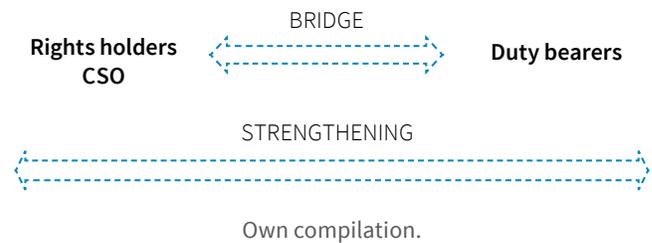
The role of UN Women within the scope of ATJ has been entirely consistent with the focus on gender equality and human rights. It has focused on the improved capacities of the duty bearers to fulfil responsibilities, on the empowerment of the rights holders and on creating a bridge between the two.

As has already been expressed, the UN Women work strategy has been directed both at improving the capacities of the duty bearers, and to strengthening the rights holders. This has been done separately, but also with UN Women playing a fundamental role of "bridge" between the two. The creation of communication bridges between CSOs and the political and/or judicial institutions has contributed to facilitating consensus and agreement between them. Likewise, it has also supported women's organizations' capacity for advocacy and claiming of rights when these have identified failings and/or limitations of the respective justice systems in cases of VAW/G.

On the institutional side, UN Women has achieved a dialogue and positioning in decision-making spaces at the legislative, executive and judicial level. Its position as bridge between governments of the region and regional and international Committees who monitor compliance with treaties should be highlighted. To this end, the experiences of the Offices of Brazil, Guatemala, Anglophone Caribbean and Mexico are notable in the support for the governmental reports on the progress for compliance with CEDAW, as well as the drive and dialogue to promote visits to the country on the part of the Committees or of the court reporters and special court reporters, in the case of Mexico.

From its **role as bridge between rights holders and duty bearer institutions**, UN Women has boosted its capabilities and the expansion its international vision, supporting its participation in spaces for exchange and international forums.

FIGURE 5- ROLE OF UN WOMEN



All the actors consulted highlight that **this double-pronged work strategy has contributed** to achieving a **remarkable effect in the positioning of the themes on the political agenda, in the boosting of legislative initiatives and in the generation of jurisprudence from a gender perspective, together with an improvement and boosting of the impact exerted on the part of the rights holders through CSOs.** In some countries, as is the case in Brazil, the office has also maintained a presence in the media, which has granted it legitimacy in this area, as well as also having strengthened its capacity for official announcements with other relevant actors.



Credit: UN Women/Tiago Zenero

Finding 4

From the vision of access to justice in terms of an itinerary⁷⁷ of connected rights and responsibilities, UN Women has worked with greater or lesser intensity on all the links of the judicial chain, from the point of entry accessing justice to working on quick and timely reparation.

As has been mentioned previously, the **offices have prioritized in their plans or actions the improvement of the quality of the response and, although to a lesser extent, they have also focused on the strengthening of accountability systems.** Work has been concentrated, in the large part, on the intermediate links of the chain of responsibilities - the investigation, the judging activity or the sanction - while the point of entry and the right to reparation, as the first and last link, have not been worked on in a generalized manner.

Specifically, the identification work and the improvement of the point of entry or access to justice has been worked on from the offices of Brazil, El Salvador and Paraguay. The Brazil office has worked in close conjunction with the Secretaría de Políticas para las Mujeres [Secretariat for Policies for Women] on strengthening the Red de Atención a las Mujeres en Situación de Violencia [Network for the Care of Women in Violent Situations], which

includes the point of entry. An example that highlights this type of intervention is the support for the Casa de la Mujer Brasileña (CMB) [Home of the Brazilian Woman],⁷⁸ which offers comprehensive services in the first stage of care for VAW/G following a similar model to the Ciudad Mujer de El Salvador [City Women of El Salvador]. The office of El Salvador has also conducted a piece of work to improve the action of the Civil National Police in addressing specialized care in the face of gender violence and the reporting of VAW/G through UNIMUJER-ODAC. More recently in Paraguay, the country office has initiated a diagnostic study that has among its objectives the identification of the steps on the critical path as a basis to propose modifications that strengthen this focus on the itinerary and the inter-institutional work with the actors involved.

For its part, the scope of reparation, except in specific cases such as the work conducted by the Mexico office in support of the CSOs in the monitoring of the compliance of rulings such as that of the case of the Campo Algodonero de la Corte Interamericana de Justicia [Cotton Field of the Inter-American Court of Justice], is an area that is under developed by the country offices. The possibilities of connecting the right to reparation of the victims with other themes worked on by the UN Women offices, such as economic rights or sexual and reproductive rights, has barely been explored. Although there are aspects that are already being worked on by other agencies of the United Nations System, there is an interesting piece of work being carried out by UN Women from the viewpoint of the prevention and detection of VAW/G and of the rights of women in the field of justice and reparation.

77. The vision of access to justice in terms of an itinerary is that it focuses on the steps that the woman must take: access routes, fundamental intermediary agencies to authorise the violence (Public Prosecutor's Office, defence counsel, forensics, etc.), courts and reparation routes.

78. The CMB is part of a wider programme known as "Mujer: vivir sin violencia" ["Women: living without violence] that also counts on the support of UN Women.

Finding 5

The added value of UN Women on the issue of access to justice in relation to Violence against Women and Girls (VAW/G), with regard to other internal actors and other United Nations agencies, resides in its technical capacity on the matter, which combines the human rights focus with gender analysis, and the wide recognition it has among Civil Society Organizations (CSOs), judicial officials, and at the highest levels of public institutions.

In the eyes of the recipients of the programmes evaluated - from CSOs to judicial officials - UN Women is seen as a strategic actor in terms of technical capacities, high-value products and transferable methodological skills (Brazil, Guatemala, Mexico). All of the people interviewed shared the following **items which give added value to the work of UN Women** on the issue:

- Within a context of entrenched prejudices within the justice system, UN Women, through its technically specialized and gender-focused work, has clear added value with regard to other agencies that also work on access to justice, such as the Office of the United Nations High Commissioner for Human Rights (OHCHR). The gender-sensitive approach to this issue, and within this professional context, has great transformative potential, since **working with the justice sector, from a gender perspective, means addressing one of the main shortcomings in this area**. For example, in Colombia and Guatemala, the UN Women view to transitional justice from the gender perspective stands out, as well as the proposal to increase the demands of women victims and generate specific memory processes for women who face added barriers in terms of knowing and claiming their rights (indigenous women, women without studies, with linguistic, cultural or economic barriers). In this sense, the work of UN Women to advance justice and transformative reparation in the case of Sepur Zarco is an example.
- The capacity UN Women has to develop **actions with potential multiplier effects** (pilot projects, transfer of methodologies and knowledge) **with impacts at the national level, and even at a more micro level**. One example that stands out is the initiative "Territories free from violence against Women" in Guatemala where the right of women, girls and adolescent girls to a life free from violence is promoted, through a dynamic of dialogue, collaboration and shared learning among citizens, community authorities and bodies from the security and justice sector present in the territory.
- In **some countries, UN Women** is recognized as the **only agency**, within the United Nations System, **that works on the issue of ATJ within the field of VAW/G**, in some projects together with the Office of the United Nations High Commissioner for Human Rights (OHCHR). Efforts in the area of prevention of VAW are complemented by other agencies, but with regard to accessing and obtaining justice, only UN Women is identified (Brazil).
- Another element that gives added value to the work of UN Women on this issue, resulting from its position as a UN agency and the high status of its technical products, is the **ability it has to "open gateways" where it is difficult to gain access**, such as with the **justice system and all its officials**, an area where there is entrenched resistance to working from a gender perspective. In this sense, the favourable position to carry out political advocacy work with actors from different institutional levels is an asset UN Women has for achieving change.
- Through its technical capacity and institutional authority, UN Women functions as **an intermediary actor between the different society actors and the authorities** (executive, legislative and judicial powers). The possibility of promoting **coordination and**



Credit: UN Women/Ryan Brown

collaboration initiatives from a joint approach is another key element, resulting from UN Women's high-level dialogue and its work as a bridge between CSOs and the government and judicial powers on the one hand, and, between international mechanisms and the government, on the other hand.

In particular, there is the need to extend the same clarity and homogeneity of the approaches of the teams with regard to gender equality and the human rights framework, to other prisms that are highly pertinent to work on this issue in the region, such as the intersectional perspective and the generational approach that makes it possible to address specificities of different sectors, such as girls, indigenous women and Afrodescendant women, among others. Although there are offices that are spearheading this extended approach (Ecuador, Bolivia, Guatemala and Brazil), in general, it does not appear to be present in all work teams.

Finding 6

The identification of partners or actors that is carried out by the offices is suitable in terms of impact potential and knowledge transfer, although there are some significant gaps (not all countries work with CSOs) and the emphasis of the selection of actors has been placed on improving investigations and judicial decisions and to a lesser extent on "gateways".

The links that UN Women has established in the region, **primarily with two strategic institutional sectors**, in order to make progress on this issue have proven to be very successful: **national mechanisms for the advancement of women** (Brazil, Peru, El Salvador, Mexico and Paraguay) and the **institutions comprising the justice system** (Brazil, Ecuador, Peru, Haiti, El Salvador, Guatemala, Mexico, Paraguay and the Englishspeaking Caribbean). Within the field of the justice system, work with judicial agencies, and especially with the highest judicial body, stands out as a means to permeate the gender perspective in the preparation of rulings and other judicial decisions. The specific work with the Office of the Public Prosecutor (Guatemala) and with the Office of the Counsel-General of the Nation (Colombia) also proved to be very success-

ful, as these are core actors for the improvement of the criminal prosecution of VAW/G and of the incorporation of the gender perspective into investigations.

With regard to work with key actors in the **"gateways" to justice**, UN Women has centred its efforts on actors such as the police and, to a lesser extent, the health sector. In countries such as Brazil, Bolivia, El Salvador, Colombia and Haiti, work has been carried out with the police in their role as a "gateway" that receives complaints and is the first link in the criminal justice system, although, in most countries where work has been carried out with the police, they have had more of an impact through their investigative role, as judicial police, than in terms of their complaint-receiving role, often being more decentralized than other entities, such as the Office of the Prosecutor. For this reason, the quality of the action from this actor is vital to guaranteeing effective access to justice for women, including those in more remote areas or those with less information on channels of complaint.

With regard to the health sector, work has been reduced to the extent that other agencies within the UN System are working with this actor such as UNFPA, PAHO and UNICEF. However, taking into consideration the important role of the health sector as a means of access to justice, especially for victims of sexual violence and girls, but also intimate-partner violence, it is important that there is collaboration and coordination with the agencies that work in the field of health, in order to promote the involvement of the health sector in the detection and reporting of cases of violence against women.

In the selection of partners, there has been the identification of the option to explore **links and dialogue at a more decentralized level than the national level**. There are examples of the "cascade effect" which involved the use, by UN Women, of international frameworks in order to ensure that the impact of the work also permeates the state and department levels. Outstanding examples are those of Brazil and Mexico, in the work on the harmonization of the state legislative frameworks based on reforms carried out on federal legislation. The possibility to advance pilot projects in some States that can then be replicated in others is a strategic method in countries with a decentralized institutional architecture.

Most offices work on **collaboration with CSOs**, which represent a strategic partner and central actor from the perspective of empowerment. UN Women has assisted networks of different types of CSOs, supported women human rights defenders, women's organizations in general and indigenous women's organizations.

However, in some offices there has been less sustained work recorded with this type of organization during the period evaluated (English-speaking Caribbean). There is less consistency with work carried out with organizations representing sectors of women with added discriminations, such as indigenous and Afrodescendent women which, while it has been carried out by some offices (Brazil, Ecuador, Mexico and Colombia), has not been present in others.

The selection of partners, collaborators and target population entails an exercise of prioritization and it will never be able to include all the actors from a fabric as complex as that of pathways to access to justice. Despite this, it is important to consider the impact of the interventions from the perspective of multiple discrimination, which shows that it is preferable to identify authorities that lead to the elimination of the added barriers faced by the most "disempowered" sectors.

Finding 7

Identification of highly suitable experiences in ATJ in relation to VAW/G within contexts of armed conflict. The challenge is finding the ways to transfer these experiences so that they feed into the work on ATJ in the general area of VAW/G, from the view of violence as a "continuum".

Several of the offices in the region mention working from the **vision of VAW/G as a "continuum"**, that affects women and girls in their diverse relationships and spaces. In the Brazil office, for example, emphasis is placed on other, unaddressed forms of VAW that have a serious

impact on human rights, such as the trafficking of women and girls.

In Guatemala and Colombia, the work on the promotion of ATJ is carried out as a cross-cutting theme that is approached, mainly, from the area of Women, Peace and Security (WPS) and, generally, the area of VAW/G is focused on working in other areas of action such as prevention, resources for supporting victims and referrals⁷⁹. Especially in Colombia, despite the fact that the right to truth, justice and reparation applies for all types of violence against women, not only for those committed within a scenario of armed conflict, work on ATJ and in the area of WPS does not appear to be sufficiently connected with the area of work on VAW/G.

This division, under which work on ATJ is carried out mainly from the area of WPS, poses two questions:

1. How the transfer of knowledge, priorities and the valuable strategies generated in the area of WPS on the issue of ATJ will be carried out, so that they can be used in work on other instances of VAW/G, from the vision of these human rights abuses of women as a "continuum".
2. How to connect the work in order to drive the implementation of the UN Security Council Resolutions on the matter (Resolution 1325 and subsequent Resolutions), with the general strategies of access to justice and to reparation in relation to VAW/G.

With regard to **other scenarios and manifestations of VAW/G**, there has been weak support for access to justice among groups of women with which work is carried out in other areas, who face multidimensional violence and face significant barriers in access to justice. For example, female domestic workers in the area of economic empowerment, or female politicians in the area of political participation. With regard to female politicians, it is important to highlight the drive of UN Women Bolivia for the passing of the Law on political harassment and violence against women, of 28 May 2012. Also within

79. The area of VAW/G in the Guatemala office has started diagnostic processes on the capacities and weaknesses of the competent institutions in the assistance methods for women who are victims of violence, including

within the justice sector - in particular the Prosecution Services and Forensic Medicine - and based on these diagnoses, it has taken actions to strengthen this sector.

this area, the assistance work of the Mexico office for the development of proposals on the definition and classification of political violence stands out, as well as the improved access to and procurement of justice with regard to this type of genderbased violence.

Finding 8

During the period evaluated and from a strategic perspective, the work of UN Women has been mainly directed by the guidelines established through the international and regional framework of CEDAW and the Convention of Belém do Pará.

Due to the fact that, during the evaluation period, UN Women was going through a period of regional institutional design and articulation, UN Women did not have, until 2015, a regional programmatic instrument that harmonized the work of the offices on access to justice with regard to VAW.

Work on ATJ in cases of VAW appeared in the UN Women comprehensive strategic plans, although very generically. There was also a strategic document⁸⁰ developed within the framework of the United Nations Secretary-General's Campaign UNiTE, which established the strategic guidelines of the campaign within the specific area of access to justice for the period 2011-2015.

While the lack of this programmatic framework has not impaired the contributions or the position of the agency in terms of ATJ, it has impacted the work of other offices in the following aspects:

- The analysis and selection of strategies and partnerships in order to achieve changes in this area has depended on elections carried out by each office, according to the capacities and interests of the offices' staff and the diagnoses that have been carried out in the country, but without a regional perspective.



Credit: UN Women/Sahand Minae

- While all the offices have shared a focus on gender equality and human rights, the intersectional focus and the focus on multiple discriminations has varied among the offices.
- The lack of an allocated budget has weakened the priority and continuity of budget allocation with regard to this issue.
- There has been evidence of a significant dispersal of initiatives, which leads to a weakened position at the regional level (work is carried out on many fronts with few resources). When dealing with this dispersion, there is a lack of processes to manage the accumulated knowledge, which could serve to better exploit the greater strategic capacities of UN Women.

Aware of the importance of having a specific programmatic framework that responds to the specificities of the regional context, UN Women has been working on the regional strategy on VAW since 2015, an effort that includes the evaluation of the results achieved so far and the lessons learned during this period - this evaluation exercise is part of this effort.

80. Secretariat for Latin America and the Caribbean of the Secretary-General's Campaign, (June 2012). *Regional Strategy for Latin America and the Caribbean for Women's Access to Justice.*

5.2. Effectiveness⁸¹

Finding 9

During the last decade, the countries of LAC have passed different legislation specific to and/or related to VAW/G. In some of these countries, UN Women has played an important catalytic and supporting role in the drafting and passing of these new legislative frameworks by the legislative powers.

Over the last decade and, as a consequence of the increase in the number of gender-based murders of women, the high rates of impunity and the demands of women's organizations, laws have been approved in the LAC region in order to specifically address the various forms of violence experienced by women in the different countries, reforms have been made to existing laws and new criminal definitions have been introduced in relation to VAW, within the respective national penal codes. These legislative changes comply with the obligation assumed by the states to harmonize their national legislation with the international and/or regional instruments and standards and with their duty to react with due diligence to the increase in the number of killings of women and the cruelty with which these occur. Additionally, this legislation seeks, ultimately, to reduce the high rates of impunity that exist for these crimes, so that the criminal justice system fulfils its function of prevention and specialized attention with regard to such crimes.

With the passing of the so-called comprehensive laws on violence, various countries have made efforts to develop a legislative framework with a gender perspective that strengthens the strategies of prevention, comprehensive assistance, prosecution, punishment and reparation with

regard to VAW/G, while articulating a multisector response to the various forms of violence against women.

During the period under evaluation, the various UN Women country offices have carried out significant work, playing an advocacy role which, according to all the voices consulted, has contributed to the enactment of some of these new laws and the introduction of legislative changes in defence of women's rights. These are the cases of:

- Bolivia, where the office carried out advocacy work with the Legislative Assembly in order to achieve the passing of the Comprehensive Law to Guarantee Women a Life Free from Violence in 2013⁸², as well as contributing to the inclusion of sexual violence in the Comprehensive Law Against the Trafficking and Smuggling of Persons⁸³, which was passed one year earlier.
- Colombia, where fundamental work was carried out in order to achieve, in 2014, the passing of Law 1719⁸⁴ which guarantees access to justice for the victims of sexual violence, in particular cases within the context of the country's armed conflict; the office has also supported socialization and educational processes related to Law 1761⁸⁵.
- Mexico: the efforts of this office have focused, on the one hand, on the legislative harmonization of the state legislative frameworks with the reforms promoted at the federal level, in order to guarantee the rights of access to justice for women and girls. On the other hand, the office carried out an intense project on positioning femicide in relation to the classification as an autonomous criminal offence in the federal penal code⁸⁶ in

81. For the analysis of the effectiveness criterion, the order of presentation of the findings has followed the logic of the ToC that was prepared for this evaluation. Additionally, three more findings have been included which, although not directly linked to the ToC, have been considered relevant for this analysis exercise.

82. Comprehensive Law to Guarantee Women a Life Free from Violence. Law 348 of 9 March 2013.

83. Article 35 of the Law Against the Trafficking and Smuggling of Persons, 31 July 2012.

84. Law 1719 of 2014, whereby some Articles of Laws 599 of 2000 and 906 of 2004 are amended and measures are adopted in order to guarantee access to justice for victims of sexual violence, in particular sexual violence occurring in connection with armed conflict, as well as including other provisions.

85. Law 1761 of 2015, which establishes the criminal classification of femicide as an autonomous offence as well as establishing other provisions.

86. Federal Penal Code. Chapter V. Femicide. Article 325.



Credit: UN Women/Marina Windevoxhel

close collaboration with the Congress Commission on Femicide. Within this advocacy work, the development of femicide reports⁸⁷ played an important role, in highlighting the problem of the violent killings of women and served as a lever for the process of approval in the legislative chambers.

- Brazil stands out for the leading role played by the country office in the passing of the reform to the Penal Code, through the Law 13.104/2015, which establishes the crime of femicide as an aggravated homicide and an atrocious crime. This reform was driven by a process of adaptation of the *Latin American protocol model on the investigation of the violent killings of women for reasons of gender (femicide/femicida)* as a strategy that brings together capacity building, institutional adoption and advocacy in order to generate change.
- Lastly, and taking into consideration the context of Ecuador's legislative reforms, this country office has

supported the reformulation of the whole chapter related to VAW within the Comprehensive Organic Penal Code (COIP)⁸⁸, establishing special procedures and differentiated classification from the rest of the code.

Lastly, in those countries where there is still no specific or specialized legislation on VAW, some offices have also carried out highly significant advocacy work in order to achieve the passing of these laws by the respective legislative chambers, as is the case in Paraguay where work has been carried out with different public institutions and civil society organizations on the draft law of the Comprehensive Law against violence towards women and support has been provided for the #Porellas⁸⁹ campaign for the law to be passed, or the English-speaking Caribbean Multi-Country Office, which has centred its work on the development of draft laws in some countries in the sub-region (Antigua, Barbuda, Belize, Granada, Jamaica, St Kitts and Nevis, among others).

87. Femicidio en México. Aproximación, tendencias y cambios, 1985-2009. [Femicide in Mexico. Approach, trends and changes, 1985-2009.] Published in 2011.

http://cedoc.inmujeres.gob.mx/documentos_download/00_femicid-Mx1985-2009.pdf.

Violencia feminicida en México. Características, tendencias y nuevas expresiones en las entidades federativas, 1985-2010. [Femicidal violence in

Mexico. Characteristics, trends and new expressions in federal states, 1985-2010]. First edition, 2012. Prepared by the Special Commission for the Monitoring of Femicides, UN Women and INMUJERES.

88. http://www.justicia.gob.ec/wp-content/uploads/2014/05/c%C3%B3digo_org%C3%A1nico_integral_penal_-_coip_ed._sdn-mjdhc.pdf

89. <https://www.facebook.com/Por-Ellas-625334977610516/?fref=ts>

Finding 10

During the period 2011-2015, the UN Women country offices in the LAC region have contributed to the development and approval of gender-sensitive national public policies, developed with the aim of reinforcing the implementation of the respective legislation specific to and/or related to VAW that have recently emerged.

In the majority of the country offices that were analysed, it has been established that the support that these offices have provided in the drafting of national public policies linked to the implementation of the aforementioned legislative frameworks has been especially significant. On the basis of such legislation, the offices have concentrated their advocacy efforts on the development and implementation of an institutional architecture that has responsibilities and an allocation of resources, in order to guarantee effective application of the legislation.

In this line, country offices have provided assistance and technical support in the development of different national plans linked to VAW in Brazil, Uruguay, Paraguay, Mexico and the English-speaking Caribbean Multi-Country Office. In other countries, efforts have been directed towards the development of equality policies in some of the main public institutions with specific responsibilities in terms of the development of such laws, as is the case of: (1) the institutional policy on Women's rights and Gender-based Violence (GBV) within the Office of the Counsel-General of the Nation (PGN) or the Strategic Agenda for Gender and Human Rights with the Public Defender's Office in Colombia, (2) the integration of the gender perspective within the Policy of the National Security of Citizens in Paraguay, (3) the equality policies from the Attorney General's Office (MP)⁹⁰, Judicial Body (OJ) and the National Civilian Police (PNC) in Guatemala, (4) advocacy for the assumption of the obligation established within Law 348⁹¹ in Bolivia, where depart-

ments and municipalities are required to design specific budgets for implementation, (5) the technical collaboration and assistance in the formulation of the National Programme against Violence 2014-2018⁹² and the implementation thereof in Mexico and, (6) the drive for new gender-sensitive legislative and public policy proposals in order to guarantee ATJ for women through the Agenda for Justice, Human Rights and Religion in Ecuador⁹³. (7) In the case of El Salvador, work has been carried out from the local level, strengthening the municipalities in the crosscutting of the gender perspective and human rights, through municipal policies on equality and equity, and municipal ordinances against sexual harassment.

In addition to the **advocacy work to position VAW matters in policies and the approval of specific policies on the subject**, in some countries, such as Mexico, UN Women is participating in monitoring mechanisms created in order to guarantee the implementation of the policies approved, such as the National System for the Prevention, Assistance, Sanction and Eradication of Violence against Women (SNPASE); particularly outstanding work has been the technical collaboration that contributed to the redrafting of the Gender Alert Regulation⁹⁴ according to specific recommendations from the CEDAW Committee to Mexico.

Finding 11

UN Women has driven and developed training and education processes, from a gender perspective and with a basis on human rights, with the aim of improving the knowledge and practices of judicial officials, both specialized and regular.

A common denominator in the work of all the offices in the LAC region that were consulted was the work carried out to drive education and/or training with different

90. <http://www.slideshare.net/mpguate/mp-version-digital>.

91. Ley integral para garantizar a las mujeres una vida libre de violencia. [Comprehensive law to guarantee women a life free from violence] http://www.cepal.org/oig/doc/LeyesViolencia/BOL/2013_BOL_Ley348.pdf

92. <http://www.gobernacion.gob.mx/programassectorgobernacion/PNSVD>

93. https://issuu.com/micsecuador/docs/agenda_de_justicia_derechos_humanos_y_cultos

94. The gender alert is a set of emergency governmental actions to tackle and eradicate femicide violence within a specific territory. It is declared by the Government when the data on violence through femicides and violation of women's rights increase in an alarming manner.

judicial officials. These processes have been carried out with the experience and knowledge of both the staff from the respective UN Women offices that were driving the process in question, and through the recruitment of

women's organizations and/or consultants that specialize in the issue in question. Some of these processes are detailed below.

TABLE 4- TRAINING PROCESSES

Country	Intended for
Bolivia	<ul style="list-style-type: none"> • Training for instructors from the Special Force in the Fight against Violence (FELCV) through a national course in the National Police Academy and nine workshops at the departmental level.
Brazil	<ul style="list-style-type: none"> • Processes of collective reflection and training developed within the framework of work groups for the drafting and implementation of "National Guidelines for investigating, processing and prosecuting the violent killings of women (Femicides) with a gender perspective" for judicial officials through a peer methodology⁹⁵; as well as the extension course related to the aforementioned guidelines, with the University of Brasilia.
Englishspeaking Caribbean	<ul style="list-style-type: none"> • Training courses for the Association of Caribbean Commissioners of Police. • Symposia and workshops for judges and magistrates at the subregional and national level.
Chile	<ul style="list-style-type: none"> • Classroom and online course for police officers in order to strengthen police records and monitoring reports on VAW.
Colombia	<ul style="list-style-type: none"> • Training in the Nariño Department on Law 1257/08 (VAW). • Curriculum for the National Protection Unit (UNP) with the University of the Andes
Ecuador	<ul style="list-style-type: none"> • Training for staff from the justice administration system on addressing violence against women. • Training courses in the Judicial School and in the College of Prosecutors, influencing their curriculum.
El Salvador	<ul style="list-style-type: none"> • Specialized course on rights and care procedures for the National Civil Police. • Specialized courses in the investigation of the crime of femicide with key officials from the justice sector.
Guatemala	<ul style="list-style-type: none"> • Specific training with the National Civil Police, Attorney General's Office and Judicial Body, the latter partly in collaboration with the Mariano Gálvez University. • Workshops with the National Civil Police (PNC) on masculinities and workshops with indigenous authorities in three municipalities. • Training programme with the Human Rights Commission of the Republic on Human Rights and intersectionality.
México	<ul style="list-style-type: none"> • Online training projects for officials from the three bodies of the judiciary (Judiciary Council, Supreme Court of Justice and Federal Electoral Tribunal) and at the mainly federal level in regard to Gender and Interculturality and Human Rights and Control of Conventionality.
Paraguay	<ul style="list-style-type: none"> • Training for officials within the justice system through the gender unit of the Supreme Court. • Support work in development and training with regard to the use of a "Legal Thesaurus on jurisprudence with a gender perspective".
Perú	<ul style="list-style-type: none"> • Training for officials in the municipalities of Lima and Cusco, for the Metropolitan Armed Forces, Police and Ministry of the Interior.

95. Peer learning methods are a meaningful way of learning, through which a relationship is established between giving and transmitting information on a reciprocal basis, whereby all people involved benefit from the process: learning knowledge, skills, attitudes and values, in addition to

transferring what is learned to practical and everyday situations. This social construction of learning helps to improve relations between peers, as well as improving interest, curiosity for learning and, ultimately, the overall acquisition and application of the knowledge.

In general terms, the contents addressed in these training and education processes are directed at: (1) understanding the phenomenon of VAW/G, (2) acquiring tools and improving procedures for professional practice, (3) reviewing prejudices and stereotypes and, to a lesser extent, (4) issues related to ATJ.

As previously described, the **courses have been hugely diverse since both the methodology and the content have been adapted to the institutional reality of the respective countries.** However, and according to the people consulted, many of these training and education processes were aimed at the transmission of basic and/or introductory concepts, as well as raising awareness among the judicial officials who participated in them, rather than providing concrete tools or carrying out in-depth analysis on how to address ATJ for women who are victims, from a gender perspective. Brazil and Mexico are two significant exceptions in relation to this last consideration. Thus, and as some of those interviewed argued, a justice that takes into consideration the rights of women can only be approached from a change in the imaginations, attitudes and knowledge of judicial officials, where analysis and subsequent action is centred on the gender and human rights perspective.

Another significant aspect from the training and/or education processes is the fact that, in some countries, it has been possible to establish links with universities and/or public institutions in order to guarantee the continuity of these processes over time. In this sense, the **institutionalization of the training** aimed at judicial officials at the national level has been achieved in:

- Ecuador, where a curriculum was established with a gender perspective for the Judicial School of the Judiciary Council and for the College of Prosecutors, part of the Office of the Attorney General of the State.
- Guatemala, with the work on the definition of a curriculum for the diploma for prosecutors with the Training Unit of the Office of the Public Prosecutor and the Master's in Gender and Justice from the Judicial Body in collaboration with the Mariano Gálvez University.

On another front, it was established that many of the people consulted identified difficulties in maintaining long-lasting agreements with political institutions, as well as high staff turnover, as factors that shape the respective justice systems. Such changes involve, in many cases, starting almost from zero in regard to work carried out with previous teams, since the impetus for these issues is closely linked to the awareness and sensitivity that the people at the forefront of these institutions have, at an individual level. Therefore, it is indicated that detection, as well as outreach and advocacy work with people who can be gateways within institutions is fundamental, in addition to developing lines of work that can transcend time and remain, to the extent possible, institutionalized.

Finding 12

One of the main contributions of UN Women in the LAC region has been support in the development of specific tools and protocols that enable states to act with due diligence in cases of VAW.

At the regional level, it is important to highlight the effort of UN Women in the development and dissemination of the **“Modelo de protocolo latinoamericano de investigación de las muertes violentas de mujeres por razones de género (femicidio/feminicidio) [Latin American protocol model on the investigation of the violent killings of women for reasons of gender (femicide/feminicide)]⁹⁶”,** edited in 2014 in collaboration with the OHCHR, which represents a significant contribution

95. <http://www.unwomen.org/es/digital-library/publications/2014/8/modelo-de-protocolo-latinoamericano>

96. <http://www.unwomen.org/es/digital-library/publications/2014/8/modelo-de-protocolo-latinoamericano>

to the judicial approach to the phenomenon of VAW/G. This protocol⁹⁷ aims to support the relevant institutions through a practical instrument for approaching the investigation of the violent deaths of women from a gender perspective. The importance of this instrument lies in the fact that it has a practical purpose, the content responds to a demand from national institutions, and the development process was participatory and involved professionals from justice systems throughout LAC.

Thus, in some countries, this protocol has served as a guide for carrying out a process of adaptation to the institutional reality and context, as is the case in Brazil⁹⁸, where the Latin American model protocol has been adapted in five States, as a result of the commitment from the different justice system institutions involved: courts of law, offices of the prosecutor, police, forensic medicine and the office of the public defender. This initiative was driven by UN Women in collaboration with the Secretariat on Policies for Women. On the other hand, in Ecuador this protocol has served to help the country office advocate for the enactment of Resolution 043 of the Attorney General of the State⁹⁹, on the basis of which Prosecution Services Specialized in Gender-Based Violence have been established. Lastly, in the English-speaking Caribbean sub-region, the visit of an expert from Mexico was facilitated, with the objective of promoting the dissemination of this Latin American protocol Model.

In addition to the effort at the regional level, **in the majority of countries in the region there has also been support for the design and development of other protocols and instruments to guide the practice of judicial officials in the investigation and prosecution of cases of VAW.** The work has centred primarily on two objectives, on the one hand ensuring that criminal investigation and prosecution procedures incorporate the gender perspective and, on the other hand, that the legal assistance for women who are victims/survivors of violence is truly comprehensive and transformative. Some of the main protocols and instruments that have been supported by the respective UN Women country offices are detailed below:

- Brazil: review and definition of protocols and mechanisms on interinstitutional coordination between public institutions at the three levels of government, including guidelines and operating protocol of the House of the Brazilian Woman (space providing comprehensive emergency assistance to women who are victims of violence).
- Colombia: support in the development of the technical guidelines from the gender perspective for the Law on Victims and Land Restitution-1448/11¹⁰⁰ in the National Protection Unit¹⁰¹ (UNP) and in the Unit for Care and Reparation of Victims¹⁰² (UARIV). Additionally, work on the development of criminal investigation models in

97. As a precursor for the regional protocol, it is important to mention the Proposal for action on the investigation of the crime of murder from the perspective of femicide (2010) from UN Women Mexico, which is a tool for the proper investigation and recording of, and response to, femicides, as well as a contribution to the process of standardization of records and legislative harmonization. This document guided the proposals for the investigation of femicide in two Mexican Federal Entities as well as the OHCHR in El Salvador as a reference for the development of the Salvadoran protocol, which was approved in 2012, and additionally serving as the precursor to the regional exercise of UN Women and the OHCHR on the development of the regional Protocol.

98. As previously mentioned (see Finding 2), the process of adaptation and application of the Regional Protocol Model in Brazil comprised two phases, one that consisted in the design and development of the "Document of National Guidelines for investigating, processing and prosecuting the violent killings of women (femicides) with a gender perspective"; and a second stage, where the document was implemented and adapted in five Brazilian states.

99. Resolution of 22 June 2015 approving the creation of the Specialized Units on Gender-based Violence as a pilot plan for implementation in 12 provinces with higher rates of crimes against women and family members.

100. Law 1448 of 10 June 2011 establishing care, assistance and full reparation measures for victims of internal armed conflict and other provisions.

101. The National Protection Unit is a security agency at the national level, attached to the Ministry of the Interior, responsible for articulating, coordinating and implementing protection and support measures for prevention, promoting rights to life and to the integrity, liberty and security of people, collectives, groups and communities that, through their position or the exercise of their functions, may face an extraordinary or extreme risk. <http://www.unp.gov.co/>

102. The Unit for Care and Reparation of Victims is an institution, established in 2012, under Law 1448, on Victims and Land Restitution, which establishes care, assistance and full reparation measures for victims of internal armed conflict. <http://www.unidadvictimas.gov.co/>

cases of VAW has been carried out with the Office of the Presidential Advisor for Human Rights, the Office of the Attorney General of the Nation and the National Centre for Historical Memory (NCHM) and the Comprehensive strategy on the protection of women, family and gender, from the National Police. Lastly, and in terms of care pathways, four pathways were activated in the Commissioner for the Family, part of the National Police of Nariño.

- English-speaking Caribbean: support for the piloting and implementation of various protocols for action related to VAW in Belize¹⁰³, Granada¹⁰⁴ and at the sub-regional level¹⁰⁵.
- Ecuador: support in the development of a protocol and linking and monitoring pathways for cases handled by Centres for Equality and Justice (spaces focusing on legal advice, psychology and preventive actions), and of protocols for cases of harassment and sexual abuse in public transport and in public space (both within the framework of the “Safe Spaces and Cities for Women and Girls” Programme¹⁰⁶).
- El Salvador: support in the development of police guidelines on the specialized VAW/G approach with the National Civil Police¹⁰⁷.
- Guatemala: support in the development of a protocol on comprehensive assistance for victims of crime, from the Office of the Public Prosecutor¹⁰⁸. The objective of this protocol is centred on the consolidation and strengthening of the Office of Victim Assistance (AOV), the Comprehensive Assistance Model for Women (MAI) who are victims of violence from Office of the Attorney General, and of the courts and tribunals specializing in femicide and other forms of Violence against Women within the Judicial Body (OJ).



Credit: UN Women/Ryan Brown

- Peru: support in the development of various protocols from the Ministry for Women and Vulnerable Populations (MIMP) related to VAW.

Finding 13

The evaluation exercise has established how efforts have been invested in the implementation of accountability and reparation mechanisms¹⁰⁹ in cases of VAW, although with varying levels of intensity among the different country offices.

Accountability mechanisms enable exhaustive monitoring of the implementation of commitments, norms and standards relating to VAW/G, and these become a monitoring procedure in order to guarantee that the respective justice systems comply with all principles of due process. **At the regional** level, UN Women has supported the production of the annual report, 2013-2014,

103. Domestic Violence Protocol for Police Officers in Belize.

104. National Domestic Violence and Sexual Abuse Protocol in Granada (2011).

105. Protocol of Partnership of the Caribbean Ombudsman Association (2011).

106. This is the first global programme of its type that designs, applies and evaluates tools, policies and integrated approaches on the preven-

tion of and response to sexual harassment and other forms of sexual violence against women and girls in the public sphere.

107. http://observatoriodeviolencia.ormusa.org/ciudades_seguras/leyes/Lineamientos_Policiales.pdf

108. <http://www.slideshare.net/mpguate/protocolo-final-17-de-nov-2014>

109. Reparation for victims is not a priority issue for the States and work has started recently in this area.

by ECLAC, on VAW¹¹⁰ and, since 2015, has been carrying out a project to harmonize statistics on femicide with the Ibero-American Judicial Summit, the objective of which centres on promoting a homogenous Ibero-American mechanism that enables improvement in the quality and comparability of statistics with the 23 countries that constitute the Judicial Summit¹¹¹. This effort has been highlighted by some of the voices consulted, not only for its innovative nature, but also because it makes it possible to homogenize judicial data in the region.

At the country office level, only some have made interventions in terms of accountability mechanisms in cases of VAW:

- Mexico has carried out intense work on the improvement of statistics and data on the prevalence and magnitude of VAW in collaboration with INMUJERES and with the National Institute of Statistics and Geography (INEGI). Furthermore, UN Women Mexico has worked on improving records and registers on administering and imparting justice that reflect the institutional response to cases of VAW/G. Lastly, it has also facilitated visits from members of CEDAW or Special Rapporteurs on VAW, in 2014, and it coordinated the shadow report for CEDAW from the UNCT in Mexico, highlighting problems in access to justice for women.
- Colombia, where support was provided for the creation of single information systems with the Institute of Forensic Sciences, the Armed Forces and the Attorney General's Office for the Nation.
- The English-speaking Caribbean, where the Multi-Country Office has supported the governments of Saint Vincent, Guyana and the Grenadines in the development of respective Status reports for CEDAW.

- Furthermore, Colombia and Ecuador have completed a study on the analysis of rulings referred to the Constitutional Court and specialized courts, respectively.
- Guatemala, Paraguay, Mexico and Brazil, which have participated with the respective States in the development of reports on international conventions and treaties (primarily MESECVI and CEDAW)¹¹².
- Brazil also supported two important initiatives during this period (2011-2015). One with the objective of shedding light and providing statistical data on the magnitude and characteristics of the murders of women throughout the country (*Map of Violence, 2015*¹¹³); and another initiative aimed at measuring tolerance among judicial officials with regard to violence against women.

110. http://repositorio.cepal.org/bitstream/handle/11362/37271/S1500498_en.pdf?sequence=4

111. The member countries of the Ibero-American Judicial Summit are: Costa Rica, Cuba, Guatemala, Dominican Republic, Honduras, Mexico, Nicaragua, Panama, Puerto Rico, El Salvador, Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Paraguay, Peru, Uruguay, Venezuela, Andorra, Spain and Portugal.

112. <https://www.oas.org/es/mesecvi/docs/MESECVI-I-CE-doc.18.esp.Informe%20Guatemala.pdf>

<http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-BRA-CO-7.pdf>

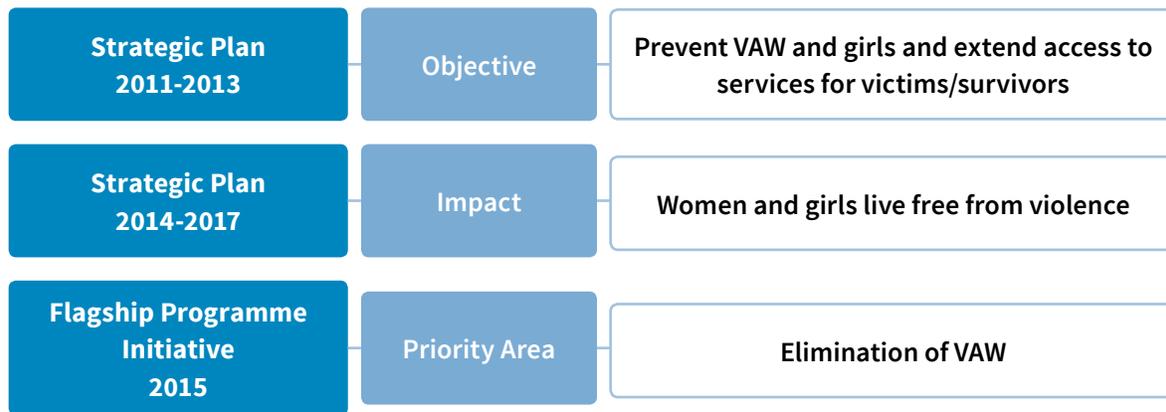
113. www.mapadaviolencia.org.br/pdf2015/MapaViolencia_2015_mulheres.pdf

Finding 14

In all countries within the LAC region, UN Women has carried out programmes to promote the enforceability, exercise and enjoyment of the right of women to live a life free from violence, although with different work approaches.

The evaluation exercise has shown how, in all the UN Women offices consulted, the work to eradicate VAW/G constitutes one of the key programmatic areas. This focus is identified as follows in the different comprehensive strategies of the agency:

FIGURE 6- UN WOMEN STRATEGIC DOCUMENTS



Own compilation

In this sense, the **work to facilitate ATJ for women who are victims/survivors of VAW** has always been closely linked with and has been supplementary to VAW, although it has been adapted or acquired different work approaches in each office. The link between both fields has been centred fundamentally on two **strategies**: on the one hand, the strengthening of empowerment processes for demanding justice and seeking protection mechanisms with some of the women's organizations present in the country (in order to promote female leadership) and, on the other hand, efforts have been made to achieve changes in the imaginations and attitudes of the male population, through an awareness-raising project on masculinities (see details further on).

In terms of the strategy aimed at strengthening women's organizations, some of the main efforts made have been:

- Brazil: broadening of the sources of information on the right to a life free from violence and available services, through the channelling of resources¹¹⁴ to community-based women's organizations; development of a technological application, in collaboration with the Presidential Secretariat for Women, the "Cligue 180"¹¹⁵; strengthening the capacity of women's organizations (feminist, indigenous, etc.) in formulating demands; finding and facilitating spaces for dialogue between these organizations and the state; support for the presence and participation of women's

114. Resources from private companies: Avon Institute.

115. The "CLIQUE 180" application provides information on the types of VAW; the location of services within the assistance network and the pathway to reaching them, a detailed diagram on how to act and which

type of service to seek, a button to connect directly to 180 (Centre for Assistance to Women on information and reporting crimes), information on the Maria da Penha Law and a collaborative tool to map locations in the city that poses risks for women.

organizations in international forums on state accountability; linking and coordination with other sectors in the initiatives carried out in relation to ATJ and VAW; and the generation of a favourable public opinion of women's demands for justice.

- Bolivia: support in the realization of a diagnosis on the quality of judicial services¹¹⁶.
- English-speaking Caribbean: support for the formation of the Caribbean Association of Women Judges as a strategic partner organization at the subregional level.
- Chile: support for various civil society organizations in order to promote the rights of rural women, actions on sexual harassment in the street and on sexual violence in border contexts.¹¹⁷
- Colombia: creation of transitional justice committees in the Nariño department, as well as advice and advocacy in order to gather and systematize the voices of women victims, the documentation of cases of human rights violations in the Popular Women's Organisation (OFP) and support for the visit of the special representative from the Secretary-General of the UN on sexual violence.
- Ecuador: assistance for indigenous organizations in order to introduce procedures to punish VAW within the indigenous justice mechanisms.

- Guatemala: support for a partnership of three women's organizations¹¹⁸ in order to advance and/or strengthen the proposal of private prosecutors for litigation in the case of Sepur Zarco. It is the first country in the world¹¹⁹ that has tried, in a National Court, crimes of rape and sexual slavery within the context of internal armed conflict. In addition, support for women's organizations in order to reactivate the National Coordinating Committee for the Prevention of Interfamilial Violence and Violence Against Women (CONAPREVI) and monitoring of the Bangkok Rules¹²⁰.
- In this line, of particular significance is the support provided in the Mariana Lima case, whose application for amparo before the Supreme Court of Justice of the Nation led to a historical ruling¹²¹ which punishes the discriminatory action of the public prosecutor's office in the investigation of cases of VAW and establishes specific criteria on the actions that must be mandatory for the justice administration bodies with regard to the violent killings of women. With the Observatory, UN Women has supported another project¹²² for compliance monitoring with regard to the Mexican state of the ruling in the "Campo Algodonero"¹²³ case and the General Law on Access for Women to a Life Free from Violence in Mexico. Additionally, sustained support work has been carried out with women rights defenders and the movement of indigenous women.

116 The diagnosis has made the issue a priority, gaining the support of the Swiss [Development] Cooperation in order to continue working on the investigation of these issues.

117. The projects mentioned are: (1) Rural women from the Maule organized against misogynist violence -2014, (2) Sexual harassment in the street in Chile, public policy advocacy on a form of Gender-Based Violence that is unrecognized in the country. 2014 and, (3) Border monitoring, dissemination of protection instruments for prevention and assistance for women affected by sexual and gender-based violence in mixed migratory contexts in the cities of Arica, Iquique and Santiago de Chile -2015.

118. The Alliance to Break Silence and Impunity, comprised of feminist and human rights organizations and committed to justice for women, was established in 2009 to provide assistance in the pathway to justice for Guatemalan women who were victims of sexual violence during the internal armed conflict. The Alliance is comprised of the National Union of Guatemalan Women (UNAMG), the Community Studies and Psychosocial Action Team (ECAP) and Women Transforming the World (MTM).

119. All of the cases above have been heard and ruled on in international courts.

120. UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (16 March 2011).

121. Ruling through which amparo is resolved in review 554/2013, brought against the ruling issued on 17 December 2012 by the Fifth District Court on Matters of Amparo and Federal Civil Cases in the State of Mexico in the amparo proceedings 303/2012-I.

122. "Contributing to the effective implementation of the General Law on Access for Women to a Life Free from Violence in Mexico and of the recommendations of the Inter-American Commission on Human Rights (IACHR) in the Campo Algodonero case" carried out between 2011 and 2015 with funds from the UN Trust Fund to Eliminate Violence Against Women.

123. In November 2009 the Inter-American Court of Human Rights (CIDH) convicted the Mexican State for human rights violations in the cases of feminicide that occurred in Ciudad Juárez against Esmeralda Herrera Monreal, Laura Berenice Ramos Monárrez and Claudia Ivette González, two of whom were minors, and for the state violence against their relatives.

- In Salvador, significant support has been provided to women's organizations, among which is the strengthening of the gender-based violence observatory of the Organization of Salvadoran Women for Peace (ORMUSA)¹²⁴, as well as strengthening the capacities of women's networks in El Puerto de la Libertad and Zaragoza.

Of all of the work presented, it has been shown that **the strategies have been diverse and the projects sought to respond to the respective realities in the countries**; therefore, there has been particular focus on indigenous justice in Ecuador, the view to promoting processes of transitional justice has been in Colombia and Guatemala (where, in addition, work has been carried out on the framework of the agendas and action plans surrounding UN Security Council Resolution 1325) and, lastly, strengthening and assistance with regard to strategic litigations has been carried out in Guatemala and Mexico. This work has been of particular importance, since it has established new bases both at the level of national, regional and/or international jurisprudence.

Despite the achievements mentioned, the evaluation exercise has shown that the efforts have mainly focused on the expression of sexual and/or physical violence with regard to other types or manifestations of violence, such as work-related, political, institutional, economic violence, etc. With the exception of the offices in Bolivia, with the drive of the Law on political harassment and violence against women, and Mexico, where work has also been carried out on political violence, both with the Federal Electoral Tribunal and within the framework of the work for the defence of political rights.

Finding 15

In all countries in the LAC region, one of the main difficulties in facilitating ATJ for women who are victims/survivors of violence has proven to be the presence of patriarchal and cultural habits, and dominating habits, eminently masculine, which weaken the justice chain and its respective services.

Through this evaluation exercise, the limitations identified in the respective national justice systems were multiple and very diverse, although, in all countries, the following are shown: (1) the prevalence of gender stereotypes, (2) discrimination against women by those who apply the laws and (3) the patriarchal system and the misogynist culture present in such institutions, and in society in general, favour the high levels of impunity that exist in relation to crimes committed against women. Furthermore, the vision remains, in the collective imagination, that VAW occurs within the context of sentimental relationships and is, therefore, a problem for which the solution lies in the private domain and is not a responsibility of states and, ultimately, a problem of the public violation of women's rights.

In response to this situation, many of the offices have implemented **actions and/or strategies with the central aim of eliminating and/or minimizing such gender prejudices that remain present in the approaches and professional practice of the respective judicial officials; but also in the collective imagination of society in general.** Some examples of this work are located in:

- Brazil, where various training courses aimed at changing discriminatory practices have been carried out with judicial officials. In this line, support has also been provided for the development of a study on the institutional tolerance of violence. Lastly, within the framework of the "HeforShe" campaign¹²⁵, several discussions were held with young people, as well as an awareness-raising campaign during the celebration of the World Cup (2014).

124. <http://observatoriodeviolencia.ormusa.org/>

125. UN Women Campaign for gender equality and the empowerment of women. The objective is to involve men and boys as agents of change in

order to achieve gender equality and recover women's rights, encouraging them to take measures against the gender inequalities that women and girls face.



Credit: UN Women/Simon Luethi

- Bolivia, where workshops were carried out on masculinities, within the framework of the "HeForShe" campaign, directed at other agencies within the UN System, journalists, teaching staff at the Universidad Mayor San Andrés and volunteer staff of the campaign itself, as well as workshops on awareness-raising on new masculinities and the scope of the 2013 Comprehensive Law to guarantee women a life free from violence¹²⁶.
- Colombia, which designed and implemented a significant national campaign directed at television and aimed at transforming the culture that justifies VAW¹²⁷. Studies have also been carried out to measure the social and institutional tolerance of gender-based violence¹²⁸ (2010 y 2015) through the Presidential Advisor for the Equality of Women.
- Guatemala, which has carried out awareness-raising actions on the focus of masculinities with the National Civil Police (PNC) at the national level and with ancestral indigenous authorities in Sololá, Chimaltenango and Totonicapán.
- English-speaking Caribbean Multi-Country Office: actions with the male population convicted of crimes of VAW in order to promote their participation

in psycho-educational programmes, as a strategy and guarantee of non-repetition.

- Dominican Republic: a manual produced on masculinities and violence (within the framework of the "HeForShe" campaign).
- Mexico, Paraguay, Chile and Colombia: where work to promote the "HeForShe" Campaign and obtain endorsement from male public figures and/or institutions.

On the other hand, it is important to highlight awareness-raising action within the framework of the "Women and Girls Safe Spaces" Programme implemented in the cities of Puebla, Torreón and Mexico City (México), Quito (Ecuador), San José (Costa Rica), Tegucigalpa (Honduras), Rio de Janeiro (Brazil) y Ciudad de Guatemala (Guatemala), as well as awareness-raising actions in all countries in the region through the Campaign of the United Nations Secretary-General "UNiTE to End Violence Against Women"¹²⁹.

Together with the prevailing cultural patterns in the context of the respective national justice systems analyzed, many of the people consulted mention how the **infrastructure, coverage and context of these systems are also a rather significant limitation with regard to access to justice with all guarantees of a fair trial**. One of the main problems identified stems from the heavy caseloads within the judicial systems, since the number of cases is very high, in general, and the resources allocated are limited, which directly hinders the speed of the processes and reduces trust among the women users of the judicial system. With regard to the **rulings issued, major challenges have also been identified**, since many of them show irregularities and a lack of gender perspective. In this sense, countries such as Ecuador, Mexico, Colombia and, more recently, Guatemala¹³⁰ have conducted research or

126. Law 348, of 9 March 2013. Bolivia.

127. <https://www.youtube.com/watch?v=badLa68WQLY> / <https://www.youtube.com/watch?v=ovZz0dY-q00>

128. http://www.mdgfund.org/sites/default/files/GEN_ESTUDIO_Colombia_Tolerancia%20social%20e%20institucional%20a%20la%20violencia%20de%20genero.pdf

<http://www.equidadmujer.gov.co/ejes/Documents/Segunda-medicacion-estudio-tolerancia-violencias-contra-mujeres.pdf>

129. The UNiTE Campaign aims to mobilize public opinion and governments to prevent and eliminate violence against women and girls throughout the world. <http://www.un.org/es/women/endviolence>

130. In Guatemala, the study on rulings was led by OHCHR.

studies that analyze and/or identify best practices in judicial rulings issued in cases of VAW. On the other hand, it is also important to mention the support of the Mexico office with regard to strengthening the arguments of judicial rulings through the *amicus curiae*¹³¹.

Finding 16

Throughout the LAC region, UN Women has generated a significant quantity of reports and research that have helped to shed light on, report on, and improve comprehension of the processes and underlying mechanisms that are part of ATJ for women who are victims of violence.

Within the 2011-2015 time-frame, all the UN Women offices in the LAC region have produced countless reports and publications and carried out numerous research projects, which have contributed both to shedding light on the magnitude of the problem of VAW, as well as understanding the underlying causes and the limitations faced by women throughout the process of the respective nation justice chains.

Of these, the following stand out: (1) reports on the situation and scope of femicide in Mexico¹³², single reports in the region and in the world that provide a mapping of the most extreme expression of violence suffered by women, exposing a problem of enormous magnitude, generating debate and positioning it at the forefront of political debate; (2) studies on the institutional tolerance of VAW in Colombia and Brazil; (3) analyses carried out on the results of the national surveys linked to sexual health and/or VAW in Uruguay and Paraguay; (4) research carried out in Bolivia on the state of the situation and effectiveness of the Special Force in the Fight against Violence (FELCV),

specifically, the studies were: (a) Mapping of Services, which covers the identification of the existing services in terms of how many there are and where they are and which comprehensive services they provide, (b) Identification of quality parameters on the basis of Law 348 and international parameters, (c): Diagnosis describing the status according to the previously identified parameters, (d) Analysis of gaps between the quality parameters and the status, (e) Requirements necessary to close the gaps identified, including the cost of closing one of them, (e) Cost/benefit analysis comparing the investments required with the benefits that are hoped to be achieved; (5) various studies, in countries in the Andean region, on the situation of indigenous women with regard to justice, all carried out within the framework of the Indigenous Regional Programme (for more detail, see section 6.5); (6) research carried out in Bolivia, Ecuador and El Salvador analyzing the critical obstacles or barriers facing women in the respective pathways to ATJ; (7) the map of violence 2015 on the murder of women in Brazil, developed with support from UN Women¹³³; and (8) baseline studies in the English-speaking Caribbean at the nation level¹³⁴ that have served as the basis for the development of various strategic national action plans, as well as for evaluating the legislative changes necessary in the judicial and police procedures in relation to VAW.

All these studies and publications **have helped to highlight and define the problem of VAW in the respective national justice systems, they have demonstrated high rates of impunity that characterize the LAC region, and have also served as a basis for carrying out advocacy work** with the competent public institutions.

131. Through the *amicus curiae*, judges are provided with a view of the international corpus juris on the areas that are decided upon in court, offering arguments for the drafting of the rulings with a gender perspective.

132. *Feminicidio en México. Aproximación, tendencias y cambios, 1985-2009*. [Femicide in Mexico. Approach, trends and changes, 1985-2009.]

Published in 2011. http://cedoc.inmujeres.gob.mx/documentos_download/00_femicidMx1985-2009.pdf

Violencia feminicida en México. Características, tendencias y nuevas ex-

presiones en las entidades federativas, 1985-2010. [Femicidal violence in Mexico. Characteristics, trends and new expressions in federal states, 1985-2010]. First edition, 2012. Prepared by the Special Commission for the Monitoring of Femicides, UN Women and INMUJERES.

133. Waiselfisz, Julio Jacobo (2015). *Mapa da Violência 2015: Homicídio de mulheres no Brasil*. [Map of Violence 2015: Homicide of women in Brazil.] 1st. editinn. OPAS/OMS, ONU Mujeres, SPM y FALCSO. Brasília, Brazil.

134. Studies carried out in Jamaica, Trinidad and Tobago, Saint Kitts, Nevis, Granada, Bahamas, Guyana and Belize.

Finding 17

Some country offices in the LAC region have carried out actions for the exchange of experiences and South-South cooperation work.

The evaluation team has identified that relevant work experiences have been exchanged and/or replicated in some offices. As such, in Bolivia, for the process of enacting Law 348 on VAW, a period of consultation and dialogue with other countries took place, with the aim of taking lessons learned from other processes and thereby strengthening the development and approval at the national level. The Mexican studies on femicide have been listed as good practice in the regional programme on femicide “*Mayor Acceso a la Justicia para Abordar las Muertes Violentas de Mujeres por Razones de Género (femicidio/feminicidio) en América Latina y el Caribe*” [Greater Access to Justice to Address the Violent Killings of Women for reasons of Gender (femicide/feminicide) in Latin America and the Caribbean]¹³⁵, which was recently formulated and the results and impacts of which remain to be analyzed, as it is currently in its initial implementation phase. Within the framework of the programme above, the experience of studies on femicide from the Mexico office came out, through an event organized by UN Women in Colombia on the passing of the femicide law. At said event, good practices were also presented from Costa Rica and Mexico, related to the implementation of specialized legislation.

With regard to the replicability of experiences, one that stands out is the adaptation of studies on institutional tolerance of VAW that were initiated in Colombia (where two studies have already been carried out, which has helped to establish a monitoring of the situation analyzed) and subsequently replicated in Brazil. Additionally, the Ciudad Mujer [Woman City] programme, initiated in El Salvador (related to the implementation of comprehensive assistance and protection services, located within the same space) has been replicated in Brazil.

In terms of statistics, it is important to mention the role of the Mexico Office in the organization of annual conferences in Aguas Calientes, which bring together into one space statistics producers, users, and experts at the international level, to address theoretical and methodological questions related to statistics. These South-South cooperation events have contributed to advancing in data collection in VAW issues.

Lastly, and in relation to systems of specialized justice, knowledge and experience exchanges have been established between Honduras, El Salvador, Paraguay, Nicaragua and Guatemala.

However, all the aforementioned efforts have, largely, responded to isolated dynamics and/or needs identified by the respective country offices; **in general terms, it has not been shown that there is a regional working logic where challenges and/or advances are analyzed and systematized by countries that enable promotion and assistance in the development of the work and strategies of other countries.** Many of the people consulted mention that UN Women, either at the global, regional and/or national level, has significant weaknesses in relation to generating shared, systematized knowledge, that can be transferred/replicated in other countries. This lack of a real knowledge management strategy has limited, in many cases, the possibility to highlight the many achievements that the agency is contributing to in order to facilitate ATJ for women who are victims/survivors of violence.

135. The results of this regional programme have been defined as: 1) reduction in the levels of impunity in LAC and 2) application of due diligence in LAC (prevention, assistance, punishment and reparation).

5.3. Efficiency

Finding 18

The UN Women offices in the region operate with limited financial resources to fulfil a large number of commitments, not only with regard to ATJ, but also with regard to the entirety of its mandate.

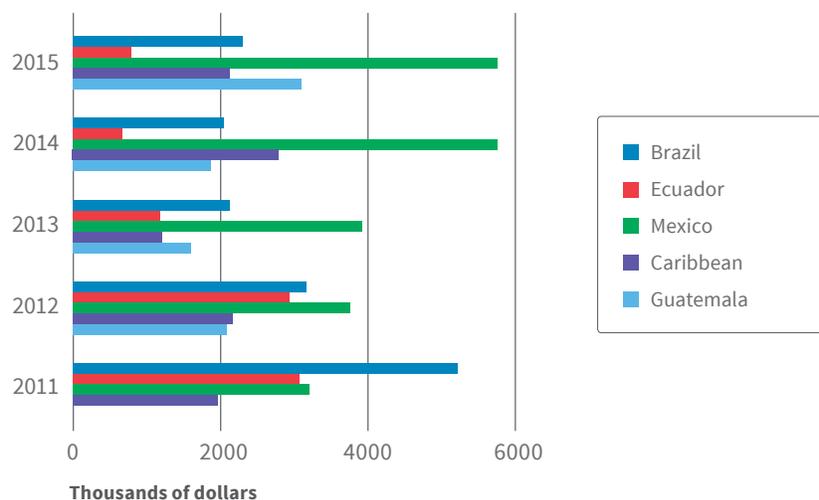
Within the UN System, there is still a **wide gap between the resources allocated to UN Women and those allocated to other agencies**. While, on a global level, UNICEF¹³⁶ received a total of 1,300 million USD core funds in 2014¹³⁷ and UNDP received 793 million in 2015, UN Women reported a core fund amount of 163 million in 2015¹³⁸. This budgetary difference is reflected in a smaller network of offices in Latin America compared to other agencies of the UN System, and therefore reduced human resources and a more limited capacity to address the number of problems experienced by women in the region and for which it is responsible according to its mandate. During the evaluation, it has been stressed

that while there is, in general, wide recognition of UN Women as a specialized agency, its position depends largely on the structure and the magnitude and/or capacity of the teams and the lack of an office in a country, with a structure, continued work and a budget can be a fundamental obstacle for achieving a strategic position (Chile and Uruguay). In Paraguay, where there has been an office since 2013, the financial shortfalls¹³⁹ are a major obstacle for positioning the office and for work on ATJ.

Coming specifically to the data relating to the management of funds by the country offices, it is important to mention the information presented is limited to the countries from which financial data has been received - this is Guatemala, Mexico, Ecuador, Brazil and countries from the English-speaking Caribbean.

In the case of Guatemala, the work on ATJ for women who are victims/survivors of violence from the area of

FIGURE 7- BUDGET OF THE COUNTRY OFFICES IN THE PERIOD EVALUATED



Own compilation

136. http://www.unicef.org/publicpartnerships/66662_66850.html

137. "Core" funds, or regular funds, are unrestricted funds that provide a high degree of flexibility in their use and come from the budget of the UN. "Non-core" are funds which have restrictions imposed on their use by the sources/donors.

138. <http://www.unwomen.org/es/partnerships/donor-countries/overall-contributions>

139. The budget allocated to VAW in 2015 was 40,000 USD.

WPS represented 22% of the total office budget for the period 2012-2015, of which 3% are core funds and 19% are non-core, which reflects that, basically, this area depends on a strategy of mobilizing external resources. In this sense, the strategy of UN Women Guatemala on WPS (2015-2019) already highlighted that between 2012 and 2013 it managed to gather US\$1,363,400 to cover the programmatic operations from 2013 to 2015. However, in 2014 efforts were made to submit six proposals for a total of US\$4,840,200, of which funds of US\$100,000 were confirmed, equivalent to 2% of the amount requested. These figures indicate that efforts for investment continue to increase, but with fewer results¹⁴⁰. Additionally, the evaluation exercise has shown that there is significant pressure related to the mobilization of resources in order to implement, strengthen and deepen the actions or interventions directed at facilitating ATJ for women who are victims/survivors of violence; but also that, despite having limited resources, significant and key achievements have been made in the area of WPS in terms of facilitating this access.

UN Women Mexico reports a constant increase in its total budget since 2011, almost doubling it in 2015, an increase that comes mainly from external resources (non-core funds) and contributions in kind, since core funds have decreased by 35% compared to 2011. Specifically for ATJ, the total funds handled between 2011 and 2015 amount to approximately US\$ 3,265,000, which represents 16% of the total budget implemented by the office during this period. Of this, only 3% comes from UN Women core funds.

In the Brazil office, despite having experienced a reduction of more than 50% of its total resources since 2011, the reduction of the ATJ budget has not been so drastic thanks to the contribution of non-core funds which mitigated the effects of the decrease in core funds. Although with fluctuations, the contribution from external sources has made it possible to maintain similar figures for the ATJ budget between 2011 and 2014, while in 2015 it suffered a decrease of 55% compared to the average funds

allocated in previous years. It is important to note that the core funds dedicated to ATJ experienced cuts of 90% in 2015 compared to the funds allocated in 2011, representing only 1% of the office's total core funds.

In the case of the English-speaking Caribbean Multi-Country Office, while the overall budget managed has remained at approximately US\$2,000,000.00 per year since 2011, the budget allocated to ATJ areas shows significant fluctuations in the 2011-2015 period. In 2011, almost US\$200,000 was assigned to ATJ; this budget increased in 2012 by 75% (US\$355,000), and was significantly reduced in 2013 to US\$96,000. In 2014, the budget for ATJ was the highest amount it had been up to that point, at US\$400,000, which changed to US\$120,000 in 2015. This budget was covered fully by core funds between 2011 and 2014, however in 2015 there is a contribution of US\$20,000 that comes from non-core funds. This lack of non-core funds is justified, according to the office, by the fact that this geographical area is not a priority for the donor community, and when donors decide to invest resources in such countries, they do so directly through budget support for the states of the subregion.

The last case to mention is that of UN Women Ecuador, where the total budget experienced a reduction of 75% between 2011 and 2015. The 2011 and 2012 budgets managed by UN Women Ecuador were funds it received as the Andean Regional Office; in 2013 it became a country office, which meant a significant budgetary reduction. This reduction has not been as drastic in the VAW/ATJ programmes, which have, proportionally, maintained their weight within the total funds managed by the office, although they have suffered a reduction in terms of actual figures. A significant proportion of the funds managed by UN Women Ecuador on ATJ/VAW throughout the period evaluated (83%) correspond to the Safe Cities programme, which has a solid prevention component and, to a lesser extent, a component on access to justice; it is not possible to determine the exact amount allocated to this component with regard to the total programme funds.

140. In general terms, the country offices do not have staff dedicated to the mobilization of resources, while this work is carried out by the people who are the staff in each office.

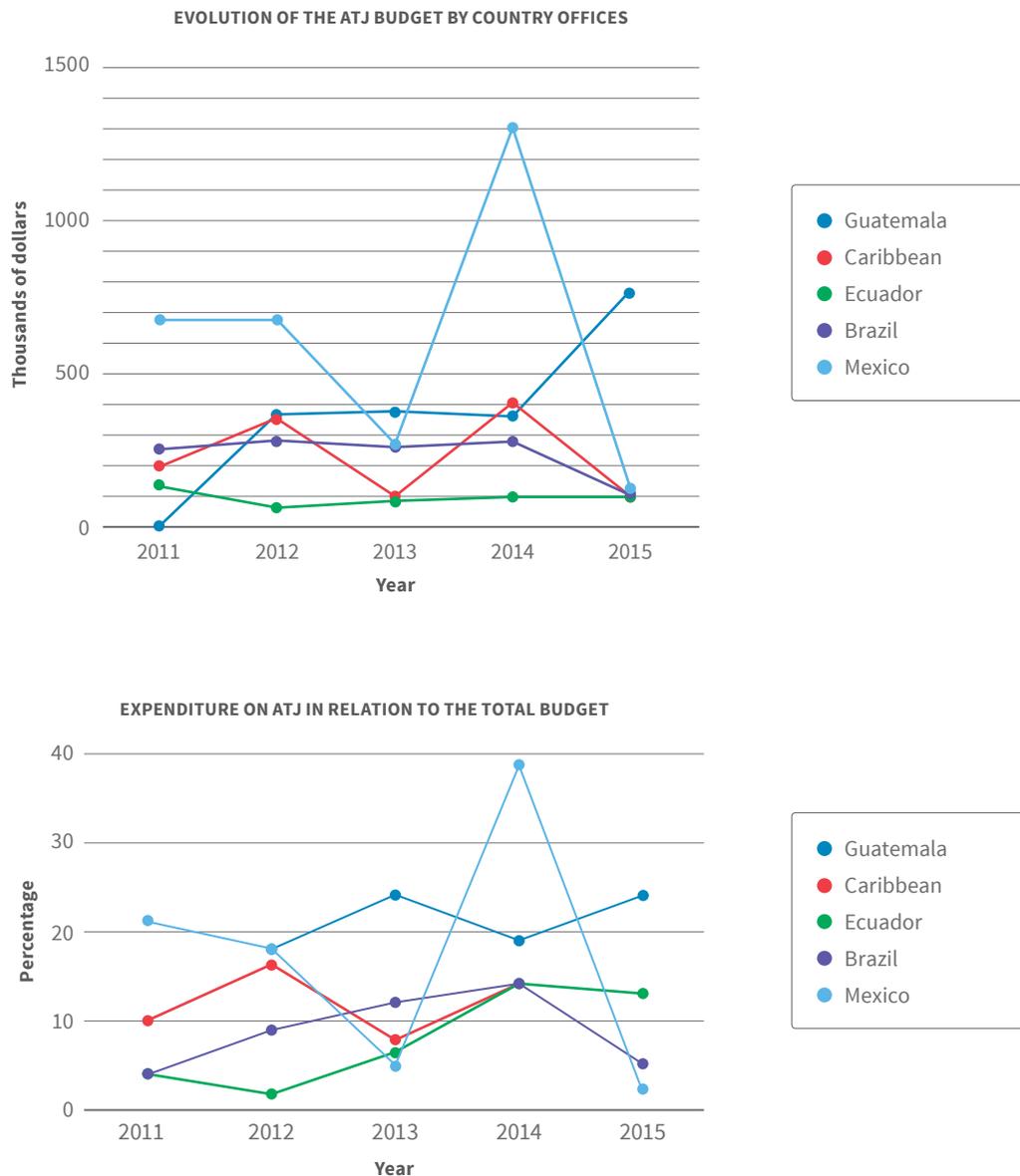
For this reason, it has not been recorded within the budget allocated to ATJ in any of the countries, nor in the figures reflected in the graphs below that show comparative data between countries.

Even in cases of country offices, such as Mexico, that have experienced budget increases over the last years,

the UN Women staff indicate that they do not have the sufficient human resources to be able to address all the issues related to ATJ.

In terms of financial support obtained by UN Women, it has been established that contributions from the private sector continued to be limited, except in coun-

FIGURE 8- EVOLUTION OF THE EXPENDITURE INTENDED FOR THE COUNTRY OFFICES FOR ATJ IN THE PERIOD EVALUATED



tries such as Brazil, where significant and systematic support¹⁴¹ has been seen from companies, or Paraguay where, within the framework of the "HeforShe" campaign, come points of convergence with this sector have been identified, based on work on prevention with the male population¹⁴².

Despite the limited resources available, UN Women has achieved significant contributions in several areas, as has been evidenced in the analysis of effectiveness, which has shown the level of effectiveness to be very satisfactory.

Finding 19

The intersection of the issue of ATJ in cases of VAW/G from UN Women and from other agencies within the UN System implies the existence of joint working spaces with other agencies which, in some cases, generates situations of competition for the same resources and, on the other hand, demands inter-agency coordination efforts.

The evaluation exercise has shown how, in some countries, the appearance of UN Women as a new agency involved significant efforts in terms of accommodation and coordination with the rest of the agencies from the UN System that were addressing related issues. This work continues to generate ongoing adjustments and reorganizations in terms of facilitating complementarity between the respective mandates of the agencies within the system. In order to illustrate the complexity of the interactions between agencies, there are initiatives from other agencies from the UN System that clearly fall within the mandate and capacities of UN Women, where UN Women does not participate or has a very reduced role: in Haiti, for example, there is a UNDP project on legal assistance for women who are victims of violence that does not have participation from UN Women, and in Guatemala it has been established that there is a publication



Credit: UN Women/Khristina Godfrey

related to the analysis and systematization of judicial rulings issued with a gender perspective, where there was no participation or coordination with UN Women. The intersection of the issue of ATJ in cases of VAW/G from UN Women and other agencies such as UNFPA, UNDP and UNICEF, in many cases, makes the agencies competitors for obtaining funds since, through their respective mandates, they are involved in the wellbeing of girls or adolescent women, or they intersect on issues of violence, rights of sexual health, gender and violence, inequality and adolescent development, which puts them in a competing position before the donor community at the national and regional level and within the UN System itself.

141. Since 2011, the cosmetics company "Avon" has supported a programme on women's rights on an annual basis (based on the *Maria da Penha* law) with an approximate total amount of 755,000 USD.

142. Mainly, based on support from the company "Nutrihuevos".

Finding 20

The regional office plays a coordinating role, outlining themes, methodologies and common guidelines to be developed by the respective country offices. Furthermore, it plays a facilitating role in the dissemination of knowledge and good practices between the different country offices.

While the country offices have a significant level of independence in the development and execution of their respective annual and/or multi-year plans, the regional office provides guidelines for the most relevant issues to be worked on. It also establishes priorities among the regional issues and plays an important role in the collection and dissemination of information and good practices. Furthermore, it has been established that there is a quality control system with regard to the annual reports carried out by the country offices, prior to them being sent¹⁴³ to the central office located in New York City. The regional office also provides a consultation role on technical questions and even, in some cases, supports the specific procurement of staff located in the country offices.

On the other hand, and from the country offices, there is a demand to intensify work related to knowledge exchange between the different offices, taking into consideration that it **would be beneficial to be able to systematize and transfer positive and/or innovative experiences implemented by other offices**. Despite the regional office having made significant efforts¹⁴⁴ to disseminate and spread lessons it considered important among the work carried out by the respective country offices, the interaction among them is shown to be limited and lacking the active promotion of information exchange. This restriction limits the impact and scope that could be obtained if the various country offices were in a more robust position in terms of accessing and sharing information between offices. The offices consulted mention that they do have information at the informal level about the activities or endeavours

of other offices, but that they do not have the human, economic or administrative resources to realize this parallel collaboration since, given the work overloads of the various country offices, the priorities lie basically in the execution of actions and activities, and less so in the documentation and dissemination of these actions.

In line with these demands, in 2015 the regional office drove the Regional Programme on femicide/feminicide “*Greater Access to Justice to Address the Violent Killings of Women for reasons of Gender (femicide/feminicide) in Latin America and the Caribbean*” which analyzes the issue of femicide/feminicide at the regional level and highlights the contributions of UN Women in the enactment of specialized legislation, data collection, access to justice and the prevention of these crimes, facilitating the exchange of knowledge between the different countries that are working on the issue.

Lastly, the lack of reliable and homogenous data on VAW also means that the country offices request support from the regional office in obtaining and collecting more and better data for the development of statistics to support initiatives on the issue.

Finding 21

At the regional level, the resources allocated to ATJ are very limited in terms of offering a suitable response to the needs of the respective country offices.

According to the voices consulted, the work of the VAW advisor in the regional office is very well-received by and valuable for the country offices. However, the volume of the requests from countries directly impacts the workload, in many cases limiting the time and resources for addressing all the requests and needs coming from all of the offices¹⁴⁵. It is also currently in charge of WPS, which is another - complementary but different - specialism which adds to the load of responsibilities and demands.

144. The regional office, through its advisor, is currently carrying out 16 regional initiatives.

145. Among other tasks, the regional adviser is in charge of the UNiTE campaign in the region, the Fondo de Violencia, the regional portfolio and responding to specific requests from countries.



Credit: UN Women/Ryan Brown

Although it is a temporary situation, it has an impact on the capacity for specialized support that the national offices require.

The support needs of each country are multiple and the resources allocated to covering them are not sufficient. The core annual budget that the regional office has for activities related to VAW/G and, specifically, to ATJ, including logistical expenses, is very low compared to the current demand, which makes it necessary to seek other sources of income to supplement these funds. It is also noteworthy that, in the last two years (2014-2015), there have been significant adjustments to respond to the new structure of the country offices. This learning phase has served to establish the framework lines of the entirety of the work carried out in the region, as well as to identify the most prominent needs.

Finding 22

On the issue of ATJ, there is evidence of weaknesses both with regard to internal communication flow between UN Women offices, and in the external communication strategy.

At the internal level, while there is fluid communication between the highest levels of staff from the regional office and the country offices, this information is not necessarily transferred to the technical staff in the country offices. The regional office uses a communication system

via an intranet (global) and internal communications in order to transfer information to country offices, but this is not always picked up by key or operational staff. Although there are efforts and mechanisms to enable information to reach operations staff, the system does not operate with the desired efficiency and hence does not manage to involve all of these staff members, nor does it promote their responsibility to remain updated, seek information and be aware of internal communication coming from the regional office.

At the external level, one of the leading ways to find out about the work carried out by UN Women is, undoubtedly, through their website. In this sense, although the topic of ATJ is a crosscutting sub-topic under the programme area of the elimination of VAW/G and of women, peace and security, this topic is not clearly highlighted on the websites consulted, nor does it reflect the volume of work, data and information UN Women has. The approach and visibility of the ATJ topic on the institutional website is not developed in all its dimensions, which is a missed opportunity that has not been adequately promoted. However, it should be noted that the specific website for the English-speaking Caribbean website, where considerable effort has been made to provide information on the topic, through their *Caribbean Gender Portal*¹⁴⁶, gathering legal resources from different countries, statistics, conventions, accountability reports from states on genderbased violence, including the status of legislative advances by country. It also includes information by country related to the care and protection of women who are victims/survivors of VAW. The portal also contributes information linked to other sources and references, footnotes and hyperlinks related to ATJ and/or provides access to the institutions of the different justice systems.

146. <http://caribbean.unwomen.org/en/caribbean-gender-portal/caribbean-gbv-law-portal>

Finding 23

In the country offices, there is a lack of staff specializing in ATJ in cases of VAW. The limited funds that UN Women has means that the offices tend to favour versatile profiles, who will be able to perform various functions. Furthermore, the frequent staff rotation in the country offices can negatively affect the efficiency of the offices.

The aforementioned deficit of resources also affects the staff in the offices. The evaluation has shown high professional standards among the UN Women staff, which is confirmed by the external informants who were interviewed. Also, at the professional level, there is a clear and strong sense of vocation among the staff on issues related to women's rights. However, throughout the interviews, it was also shown that, with some exceptions, the majority of the people that make up the offices are not specialists in the area of ATJ. Moreover, many of these people had not been initially contracted to carry out work in this area, but were subsequently assigned to it.

What lies behind this fact is the difficulty of hiring specialists in all the thematic areas in which UN Women works, taking into consideration the resources it has, which leads to the need to hire staff with more general and versatile abilities, who are able to address different issues.

On the other hand, although it is difficult to quantify the effect that the frequent rotation experienced by the office staff may have on planning and on the realization of interventions, the limitations that there are in terms of resources available increase the probability of this rotation having a negative effect, since part of the information and institutional memory is lost through the continuous changes in human resources. This fact, together with a lack of a national and/or regional repository of information, may have adverse effect in terms of efficiency, when the information that was lost at the time when the staff in question stopped working in a particular office is required.

In addition to this situation, there is the fact that, through the documents analyzed, it has been shown

that a significant part of the work carried out by the different country offices is done by independent consultants.

While this practice is a logical step for hiring specialists on a short-term basis for specific tasks, it is not conducive to increasing the capacities and the durability of the institutional memory.

5.4. Sustainability

Finding 24

Among the different successful initiatives carried out by UN Women in the region on ATJ/VAW, there are many examples of actions with the potential to be replicated in other national or local contexts.

Throughout the evaluation exercise, a series of experiences were identified from the different countries which, due to their characteristics and the proven effectiveness, could be replicated in other countries in the region, or they might even be considered in terms of scalability. Among these are the following:

- **Strategic litigation:** this relates to landmark cases, usually driven by CSOs, which UN Women supports in different ways.
- Work in the field of **generation of data** related to the prevalence of and response to VAW.
- The quality of **reports, studies and research:** these are very high-quality, rigorous documents, based on official data available, where a detailed and multidimensional analysis is carried out on the problem of the rights violations that women suffer.
- Experiences of **legislative harmonization** at the decentralized level: in countries such as Brazil and Mexico, where there is a federal administrative structure, in addition to work at the federal level, work is also required with the different states in order to ensure that the changes achieved at the federal level are also transferred to the state level.
- **Studies of rulings and support in arguments:** both of these deal with providing supporting documents for the trial judges prosecuting in cases of VAW who, in many cases, lack the necessary knowledge for a strong argument, which has a gender perspective, on which to support their decision.
- **Comprehensive assistance centres:** these are spaces that bring together legal and social services that are available to women who are victims of violence, to receive legal advice and assistance, start legal proceedings and receive support in different areas, such

as VAW, family issues, health, social security, employment, property and immigration.

- Initiatives on **transitional justice with a gender perspective**, with particular focus on context analysis, prioritization of cases, sexual violence and protection. In countries such as Guatemala and Colombia, which are going through a post-conflict period, work has been carried out with the justice institutions, to attempt to make sure that cases of violations of women's rights during the conflict do not go unpunished.

In order to facilitate the replication of successful experiences, it is fundamental to have the documentation that details how these were carried out, reflecting the process followed, the lessons learned throughout the process, as well as enabling the identification of the strengths and weaknesses of the experience. The documentation of the experience of different countries in the development of the aforementioned initiatives, as well as the existence of a common place where such documentation can be found, favours, on the one hand, knowledge among other countries of the existence of these experiences and, on the other hand, the possibility for replication, whereby it can be adapted to the local context in which it is to be implemented.

There is sufficient and useful material on some of the experiences quoted, in terms of replicability, as is the case, for example, of the work carried out in Mexico on the administrative records of the institutions involved in cases of VAW. In others, there are evaluation reports of the experience, which can provide keys, lessons and recommendations in terms of replicability or, for example, in the case of the regional programme on femicide/feminicide, the regional office has carried out work collecting the experiences and promoting the exchange of awareness and advocacy initiatives for legislation on the issue carried out by the UN Women country offices.

Finding 25

Despite the diversity of the work carried out by UN Women in relation to ATJ, in cases of VAW in different countries, and the particular features that each of these present, there are a number of aspects that have proven especially successful in all cases.

From the analysis of the data collected throughout the evaluation process, the following successful aspects stand out:

- The **high level of advocacy capacity demonstrated at the political and legislative level** that has led to the introduction of changes in the legislative frameworks, policy design and decision-making related to the states assuming their international commitments in relation to ATJ.
- The **increased visibility of the magnitude of the violence**, through the generation of knowledge products and work with statistics, censuses and administrative records (especially in the case of Mexico). The work carried out in these areas increases the visibility of VAW, making it a powerful advocacy tool for generating change, while making advances in terms of accountability.
- The **installation of capacities in the institutions** with which UN Women collaborates, through support and technical collaboration provided over time and with the training courses carried out, although the content of these was more directed at awareness-raising and the elimination of prejudices than to providing concrete work tools. This installation of capacities has been possible thanks to the position UN Women has achieved in some institutions and due to its capacity, knowledge and specialization on the issue, which make it the natural partner for support.
- The **support for CSOs** in the initiatives they drive, in their monitoring work and their work of reporting to public institutions. The backing of UN Women for proposals from the organizations involves an endorsement of their work, and provides a gateway at the institutional level which they would otherwise find difficult to achieve.

Finding 26

Behind the work of UN Women on ATJ and VAW, a number of elements come together to act as levers for transformation or change and which are the keys to their success.

Behind the work of UN Women on ATJ and VAW in the region, there are four common elements which, while they would not be enough to generate change on their own, their coming together explains the success of the actions of UN Women in this area. (1) The starting point would be its position as an international agency, which means starting from an advantageous position in terms of, for example achieving high-level dialogue. However, in order to achieve a transformation in the structures in which there is resistance, this alone would not be enough. There are other factors, such as (2) working from a human rights approach, which transmits a message of responsibility to States, and (3) from a gender perspective, which makes it possible to contextualize VAW/G and barriers in access to justice and to work in partnership with rights holders, together (4) with its ability to develop rigorous products.

These four factors are present in all good practices identified (presented in the previous section in relation to strategic litigation, statistics, etc.) and in general, they are underlying factors in all the advances achieved through the work carried out by UN Women.



Finding 27

Each Country Office has worked independently on the identification of local partners with which to work on ATJ. However, while there are great similarities in the profile of the actors the offices work with, the intensity, strength and depth of the relationships varies from country to country.

The **map of actors** with which UN Women has worked in order to improve ATJ in cases of VAW has been **broad and diverse**. In terms of **duty bearers**, UN Women has worked with the **three powers of the State, the executive, the legislative and the judicial**, with the aim of ensuring the generation of a legislative and political framework that is harmonized with the international frameworks on human rights, as well the implementation thereof.

Although each country office has established relationships with different actors and with varied strength, in general terms, they have worked more intensely with the national mechanisms for the advancement of women, among others, government institutions and the institutions responsible for the investigation and administration of justice, specifically with prosecuting authorities, the judiciary and, to a lesser extent, with police forces. With these actors, especially with the first three, an adequate level of dialogue and a sustained relationship has been achieved. However, not all of these relationships have been maintained, especially with the institutions related to the administration of justice, where there has been a more intermittent and sporadic relationship.

Looking ahead, there is a need to continue to consolidate the relationships that have already been established, and to add to these the actors that are involved throughout the justice chain with which relationships have not been established, or where relationships have been sporadic.

Going into a more detailed analysis of the different actors at the level of the three powers of the State and the government institutions, in addition to the work that has been established with mechanisms for the advancement of women, it would be pertinent to start working with strategic ministries in relation to ATJ, by which we mean the Ministry of Justice, based on its powers over the judicial system, the Ministry of the Interior, based on its connection with the police, and the Ministry of Health, for gateways (detection and reporting).

At the level of the legislature, the aim is to establish links with Parliaments that are long-lasting and involve constant dialogue. Lastly, with regard to the institutions that comprise the judiciary, it is fundamental to maintain - or initiate if necessary - relationships with those that have greater decision-making powers (high levels of the judicial system), in terms of creating jurisprudence and guaranteeing investigations with a gender perspective, but also with judicial schools, schools of the prosecution service and defenders, in order to be the gateways to the institutionalization of training the fundamental actors of the justice chain.

5.5. Equality and non-discrimination

Finding 28

Throughout LAC, indigenous women face considerable and specific barriers in access to justice in defence of their rights. These barriers are both within the traditional indigenous justice systems and within ordinary justice.

The evaluation exercise has shown that, in addition to the barriers the women face in gaining access to justice in the region, there are particular challenges for indigenous women who, for the most part, face a triple discrimination on the basis of their ethnicity, gender and class. In all the countries with an indigenous population that were analyzed,¹⁴⁷ **there is a consensus related to the multiple obstacles that indigenous women face in terms of the enforceability and exercise of their rights.**

On the one hand, the situation of poverty and social marginalization that these women live in may directly or indirectly affect their chances of accessing ordinary justice services, and then illiteracy and lack of education considerably reduce knowledge and awareness of their rights, in addition to their ability to exercise and defend them. The explanation for the resistance to recognizing this type of violence could be linked to the widespread violation of the rights of indigenous peoples, which in turn could influence the collective perception of VAW as a secondary problem.

In the majority of cases, when faced with a situation of violence, indigenous women find themselves at a difficult crossroads, since if they seek justice services outside of the communities, these will not be adapted to their ethical and/or cultural reality (lack of translators in their mother tongues, presence of discriminatory attitudes and prejudices among judicial officials, etc.); and if they resort to the same traditional indigenous justice systems, the majority of these tend to solve conflicts through mediation processes, which only serves to

perpetuate the cycle of violence that they are suffering, as well as their powerlessness.

Another important aspect is linked to the multiple manifestations of violence that indigenous women endure, since the cases are not only of violence within or surrounding the family units: they also experience other forms of violence, the result of discrimination and racism, when they turn to the public institutions within the ordinary justice system. However, there are advances and improvements in some ordinary justice systems in terms of addressing the indigenous reality from a perspective of cultural and/or linguistic relevance adapted to the context, where the Guatemalan model of Office for the Defence of Indigenous Women (public institution established in 1999 that defends indigenous women and promotes the full exercise of the rights of indigenous women in accordance with the commitments contained within the Peace Agreements).

Taking into consideration the multiple discriminations described above, the work on strengthening the enforceability and the exercise of the rights of indigenous women is thus closely linked to broader processes and assistance related to the struggle to combat inequality, poverty, racism and discrimination. The evaluation exercise has also established how the lack of participation of indigenous women in decisionmaking is an added factor that limits their access to justice, hence one of the strategies for addressing the problem involves identifying, within the spaces of political power, opportunities for dialogue that enable them to raise this situation without causing tensions in their communities.

Thus, and according to the reports of the people consulted, **addressing the needs of indigenous women in terms of access to justice requires intercultural and intersectional focuses and methodologies that enable a comprehensive approach to multiple**

¹⁴⁷The countries with indigenous populations that were analyzed were: Bolivia, Brazil, Colombia, Ecuador, Guatemala, Mexico, Paraguay and Peru.



Credit: UN Women/Ryan Brown

discrimination and, at the same time, consider the comprehensiveness of such discriminations, as well as defining specific and concrete actions adapted to the reality and context of each country.

Finding 29

One of the main working areas of UN Women within the area of ATJ among indigenous women has been the generation of knowledge products and the creation of spaces for dialogue, which have contributed to making links between ordinary justice and indigenous justice.

The evaluation exercise has shown that one area of work of UN Women in terms of improving access to justice among indigenous women has been the creation of knowledge products, as a result of a series of dialogues and/or research that sought to analyze the links between indigenous and ordinary justice. In this sense, of particular significance is the Indigenous Regional Programme (PRI - 2009-2012) which sought to respond to the priorities

of the organizations and networks of indigenous women, both in the Andean region and in Central America and, in this way, reduce some expressions of discrimination that women experience, as a result of their ethnic, class and gender condition. The coordination of this programme was located in the Ecuador country office, which was the Subregional Andean Office. Among the results of the PRI is one specific result on the advancement of ancestral systems in order for these to complement the rights of indigenous women to live a life free from violence. As such, a series of intercultural dialogues took place, the result of which was the development of four studies¹⁴⁸ that sought to highlight the difficulties that indigenous women face and the gaps in the procedures of access to justice in communities in Ecuador, Bolivia and Peru. According to the documentation consulted, this result should have also focused on Guatemala; however, specific research or actions, nor did any of the people consulted from that country mention any action in that regard, or knowledge on the existence of said programme. In Guatemala, there

148. Los estudios publicados fueron: (1) Impunidad en el acceso a la justicia de mujeres indígenas en dos cantones de la provincia de Chimborazo, Ecuador, (2) Impunidad en el acceso a la justicia de mujeres indígenas de Ashaninkas afectadas por la Violencia de Género (3) Impunidad en

el acceso a la justicia de mujeres indígenas afectadas por Violencia de Género en la provincia amazónica de Abel Iturralde de la Paz, Bolivia y (4) Impunidad en el acceso a la justicia de mujeres indígenas a la justicia. Estudios de caso de Violencia de Género en Ecuador, Perú y Bolivia.

was only one initiative that was noteworthy, which is currently being implemented; although it does not specifically address the needs of indigenous women, it does centre its work on promoting coordination and links between the ordinary and indigenous justice systems.

To follow on with the PRI, as detailed in the evaluation of said programme which was carried out in 2012, "...the level of depth in the indigenous approach was differentiated by countries, although, in general, it was weak..." and thus it was recommended that actions were carried out and promoted in this line.

To date, the approach of UN Women, both at the regional level and at the level of the respective country offices, remains timid; the evaluation exercise has not identified relevant and/or concrete initiatives that facilitate access to the justice systems and/or services for indigenous women who are victims of violence. In any case, it has been established that this issue is a priority for the institution, both in rhetoric and in the documents consulted; nevertheless, this priority has not translated into significant and/or concrete interventions. This is certainly the reason why all the people consulted indicate the **importance of strengthening this work**, although they also indicate the complexity of it, since indigenous women have to face considerable barriers to accessing justice, both within the indigenous systems and in the official state sector.

At the country level, publications and studies have also been produced on the problem of indigenous women in the defence of their rights. This is the case of Mexico, for example, with the publication of *Mujeres Indígenas, Derechos Humanos y Acceso a la Justicia* [Indigenous Women, Human Rights and Access to Justice], which corresponds to the report of a parallel event on indigenous women's access to justice within the framework of the papers of the Social, Humanitarian and Cultural Committee - Third Committee, 69th Session of the United Nations General Assembly.¹⁴⁸

The documentary analysis and the interviews carried out, as well as the studies, research and publications produced by UN Women, show, therefore, that in countries where there is a majority indigenous population, **it is still necessary and a priority to approach, plan and implement actions that promote the rights of indigenous women** in order to facilitate their access to the existing justice systems.

Finding 30

A second work focus for UN Women has been centred on strengthening indigenous women's organizations, as well as supporting processes of learning, leadership and empowerment among women.

The evaluation team established that, in some countries in the region, the work focus has centred on developing actions to strengthen indigenous organizations, through the implementation of training processes for indigenous women and through assistance for processes of leadership and empowerment among women, as well as assistance for indigenous women's movement.

In relation to **training** it is important to mention the work carried out from the UN Women office in Bolivia, which has driven processes of training and strengthening of indigenous women with the aim of promoting their participation and positioning within the respective organizations. In this line, it is important to highlight the agreements signed with three municipal justice committees, which made it possible to generate strategic partnerships with the municipal Comprehensive Legal Assistance Services. Also, similar processes have been carried out in Mexico, including the implementation of a Diploma course to strengthen leadership among indigenous women, in collaboration with the Autonomous University of Mexico, the National Commission for the Development of Indigenous Peoples and the Alliance of Indigenous Women of Central America and Mexico. The Diploma programme started in 2008 and is still

148. <http://mexico.unwomen.org/es/digiteca/publicaciones/2016/01/mujeres-indigenas-dh-acceso-justicia>

149. <http://mexico.unwomen.org/es/digiteca/publicaciones/2016/01/mujeres-indigenas-dh-acceso-justicia>



Credit: UN Women/Lauren Hermele

running. The institutionalization of this training process has guaranteed that indigenous women have not only an educational space that suits their needs and interests, but also that they have access to a university qualification, something especially significant for women who had not previously attended formal educational programmes. Access to education can be considered an important aspect and requirement in terms of facilitating the enforceability of indigenous women's rights and promoting access to justice.

In relation to [assistance for and strengthening of indigenous women's movement](#), UN Women has sought to establish broadly stable partnerships with national indigenous women's organizations, such as CONAMURI in Paraguay, CONAVIGUA in Guatemala, CONAIE in Ecuador, etc. Unfortunately, in the majority of cases, these partnerships were not sufficiently consolidated and they are often volatile and fluctuate over time, depending, often, on the connection to the respective directives and the political context of the organizations themselves.

Another example of support for indigenous women's movement is that of UN Women Mexico, which has been carrying out assistance work for the indigenous women's movement through the Alliance of Indigenous Women of Central America and Mexico, support which has been provided for more than 10 years and is still ongoing. This assistance work has contributed to the strengthening of indigenous women's organizations and to improving their advocacy capacity in order to ensure that their priorities are incorporated into political agendas.

Lastly, the work of the Brazil office is also noteworthy, where leadership among indigenous women has been promoted, based on two lines of action: on the one hand, on line centred on training and the identification of the different forms of violence that indigenous women face and, on the other, through the support in the development of alternative reports (shadow reports) before the CEDAW Committee which, on one occasion, led to the first inclusion of an indigenous women in the official Brazilian delegation in the Commission on the Status of Women (CSW). Also, in the same country, women leaders from various indigenous organizations are part of the UN Women Civil Society Advisory Group, and the "Voices of indigenous women" project was also carried out in this country. Undoubtedly, both of these aspects have strengthened the participation of indigenous women in decision-making spaces, since such political participation results in a more effective exercise of women's rights and, in the long term, can also break down some of the barriers in terms of access to justice.

Finding 31

The interventions carried out by the respective country offices have been diverse since they have tried to adapt interventions to the institutional and cultural contexts of each country.

As previously mentioned, one of the main contributions of UN Women at the regional level in terms of access to justice for indigenous women has been the PRI (2009-2012) that was implemented in Bolivia, Peru, Guatemala, Panama, Ecuador and Honduras. Beyond this programme, the country offices have carried out some actions and/or projects where the definition and implementation has been adapted to the institutional and cultural contexts of each country. Although these initiatives have not been numerous, the evaluation team has been able to evaluate some of them, where achievements included eliminating the barriers faced by indigenous women, and which constitute good practices with replication possibilities.

In this line, it is worth mentioning an experience carried out in Mexico based on a partnership agreement between UN Women and the National Commission for the Development of Indigenous Peoples which, in addition to other actions, considered the creation of spaces of assistance for indigenous women through the so-called Houses of the Indigenous Woman (CAMI). Implemented in 2008, the initiative started with 5 CAMIs; by 2013 there were 22, which were distributed over 12 states and still operate autonomously. The CAMIs, within their territorial scope, carry out important work in the detection of cases of violence and support during reporting, helping indigenous women who are victims of violence to get around significant barriers in access to justice, which range from lack of knowledge of their rights and the defence mechanisms of those rights to approaching the reporting of a crime in a language and involving procedures with which they are unfamiliar. The model of the CAMIs, although with aspects that could be improved, has led to increased awareness of the violence against indigenous women in the communities and municipalities of its area of influence, work on aspects of prevention, detection of cases of violence and channelling into the

judicial pathway for a population group with enormous barriers in terms of the defence of their rights.

In terms of work carried out with **Afro-descendant women**, two projects stand out. One at the regional level, with support for the International Afro-descendant Women's Summit (Nicaragua, 2015); and the other from the country office in Brazil, which has promoted links with feminist and Afro-descendant women and where the situational analysis of this population has been incorporated into the study on the institutional tolerance of VAW.

Lastly, in large part thanks to the initiatives carried out by the respective UN Women country offices, the approach with **rural women** has always been cross-cutting, with varying degrees of intensity. However, the evaluation team has not identified concrete or specific initiatives addressing the needs and interests of this population.



Credit: UN Women /Sahand Minae

6.

Conclusions

The following conclusions have been drawn from the analysis carried out; these are presented according to the evaluation criteria.

6.1. In relation to the analysis of relevance and pertinence

- The interventions of UN Women on access to justice as a mechanism for the prevention of VAW/G in the region are **highly pertinent and relevant**, within a context of great impunity and limited impact from the legislative improvements introduced in the different countries, given the persistence of barriers that women face in access to justice. Of the five pillars of institutional responsibility for guaranteeing access to justice for women established by CEDAW (justiciability, accessibility, quality, accountability and systems of reparation for the victims), the work of UN Women in the region is notable for its guidance on **improving justiciability** of VAW/G and on increasing the **quality of the response** from the justice systems.
- The work of the offices has been based on the obligations established in the regional and international human rights standards. In a manner **consistent with CEDAW and the Convention of Belém, Pará**, the offices of UN Women have developed actions in strategic areas in order to improve access to justice with regard to VAW that are part of a highly suitable approach: that of **strengthening the "duty bearers"** for the assumption of responsibilities under the standard of due diligence (which covers not only legislative output, but also the obligation to make rights a reality) and that of **empowering of "rights holders"** for improved legal channels and possibilities for reclaiming said rights.
- UN Women is considered to be a **strategic actor** in the region, being recognized for its significant technical capacity and the high quality of its products, which adds to its capacity to "open gateways" where it is difficult to get access. From this position, UN Women **plays a fundamental role in the articulation and coordination between rights holders and duty bearers**. The double strategy of strengthening the capacities of the duty bearers and the empowerment of the rights holders has contributed to achieving a remarkable level of advocacy in the positioning of issues in the political agenda, in the drive of legislative initiatives and the generation of jurisprudence with a gender perspective. This gives it an **important intermediation role with great transformative potential and added value** with regard to the work of other agencies.
- From the viewpoint of actors, **at the level of duty bearers**, UN Women has established in the region **links with the legislature**, in order to drive legal advances, and with two strategic institutional sectors in order to advance in the area of implementing legislation: **the national mechanisms for the advancement of women and the institutions responsible for investigation and the judging function within the justice system**. There is less work with authorities that qualify as "gateways" in terms of the ATJ itinerary, such as the health sector and police in their function as receivers of complaints.
- At the level of **rights holders**, most offices work on **collaboration with CSOs, a strategic partner and central actor from the perspective of empowerment**. UN Women has assisted networks of different types of CSOs, supported women human rights defenders, women's organizations in general and, in some countries, there is powerful work with indigenous women's organizations. However, not all the offices have worked on the issue of ATJ from the perspective of multiple discrimination (indigenous women, Afro-descendant women, girls, among other sectors) as recommended by the committees that monitor the application of the aforementioned international human rights instruments. In the work of support for "rights holders", what stand out are the actions to facilitate access to information on rights and services, the technical support for strategic litigation, the development of reports to UN Committees and the strengthening of networks and joint working groups.
- Among the various **actions taken**, the ones that stand out are projects of assistance for aligning internal legislation with the international and regional stan-



Credit: UN Women/Martin Jaramillo

dards on human rights; tools and advocacy for legislative implementation; improvement in the quality of the key components of the justice system, including support for measuring the level of institutional tolerance with regard to violence against women. Several offices have designed actions to promote institutional accountability, through support for the improvement of judicial statistics and public records systems, increased visibility of policies on this subject within the national budget and the development of country reports for CEDAW. However, efforts have focused more on some phases of the justice pathway than others, with less focus on matters related to "gateways" as a central point to guarantee availability and accessibility, and on the right to reparation.

- Up until 2015, the offices did not have a **regional programmatic framework** to guide their work on access to justice with regard to VAW. Up to then, the work of UN Women was guided by what was established by leading international and regional organizations on the subject. Having a programmatic document that establishes a framework of results, with specific indicators and resources for access to justice with regard to violence against women would have helped the offices to establish priorities and to formulate strategies

within a concrete time frame, to consolidate work approaches, beyond the capacities of each office, and to foster the transfer of knowledge and experience across topics where work is carried out in close connection with ATJ, such as WPS and VAW. The design of this programmatic framework is one of the priorities of the regional office, with this evaluation exercise being an important tool for gathering information, documenting experiences and lessons learned and for guiding the strategy of UN Women in the next years.

6.2 In relation to the analysis of effectiveness

- In the LAC region, the UN Women country offices have centred much of their efforts on the **development and implementation of gender-sensitive laws and public policies** that have supported the implementation of the emerging legislation which has been being passed in the respective National Congresses. These public policies have been very diverse and interdisciplinary, but have always sought to strengthen the fulfilment of the responsibilities of the different justice institutions and, thus, of the respective states in

the region, with specific competencies in the national justice systems and/or chains. One of the current challenges is the implementation and provision of resources to such policies to guarantee that they are rolled out and to act on the basis of operating plans which will pinpoint concrete activities, responsibilities and resources.

- On the other hand, at the regional level, one significant landmark has been **the development and dissemination of the “Modelo de protocolo latinoamericano de investigación de las muertes violentas de mujeres por razones de género (femicidio/feminicidio)” [Latin American protocol model on the investigation of the violent killings of women for reasons of gender (femicide/feminicide)]**, which has served as a guide in some countries, such as Brazil and Ecuador, to provide the respective national institutions with a practical instrument to guide the approach to the investigation of the violent killings of women from a gender perspective. The role of the UN Women offices has been focused on the dissemination of this protocol model and assistance to enable said institutions to adapt it to the reality and legislative and institutional context in each country. The rest of the regional offices have supported the public authorities in the design, development and/or dissemination of various instruments and protocols for action, where the common denominator has been the incorporation of an approach based on the rights of women who are victims/survivors of violence in key moments of the justice chain at the national level (gateway, reporting, investigation and prosecution). This work has been carried out in Bolivia, Guatemala, Colombia, Mexico, Paraguay, El Salvador, Chile, Uruguay and the English-speaking Caribbean Multi-Country Office.
- The evaluation exercise has established how the **continuous and sustainable work** over time to strengthen the **women's organizations** in each country has significantly contributed to **positioning these organizations as interlocutors of the public authorities and to increasing their advocacy capacity** in order to facilitate access to justice for women who are victims and survivors of violence. It is important to mention the work of assisting and strengthening CSOs with regard to strategic litigations and the compliance monitoring of rulings made in Guatemala and Mexico. This work has not only had consequences in the national justice systems; it has also generated jurisprudence at the regional and international level. Equally notable is the work carried out in Mexico in relation to the reports on the causes and consequences of femicide, since these not only offer an exhaustive diagnosis of the situation, they have also contributed to highlighting the problem and bringing it to the forefront of political debate in the country.
- On the other hand, the **support** that the various country offices have provided **to the justice institutions at the national level** has also been considered one of its main contributions. The specific knowledge and experience that UN Women has on the enforceability of women's rights in terms of justice has clearly been noteworthy for many of the actors consulted. It has also been mentioned how being an agency of the UN System that is specialized in the topic has facilitated entry, dialogue and advocacy in order to generate changes in the political contexts and national legislative frameworks. The work carried out by the Brazil office on the coordination of interinstitutional workspaces for the adoption and application of the Protocol Model clearly reflects this relevant contribution from UN Women.
- All the UN Women offices in the region have developed **a broad and highly diverse number of publications, analyses and research on different aspects related to ATJ for women who are victims/survivors of violence**. However, the offices have not had a real regional knowledge management strategy to guide, order and systematize all of the efforts carried out, which would systematically reinforce the dissemination and exchange of products beyond the national borders. A knowledge management strategy would offer the country offices increased knowledge on what is being done in other countries, and would capitalize on experiences, lessons learned and methodologies.
- In all the country offices of the LAC region, different **training and/or educational processes with the**

various judicial officials have been promoted. However, according to the voices consulted, the topics addressed have been basically introductory and centred on a focus of awareness-raising, rather than processes of theoretical-practical training on the transformative significance of justice with a gender perspective and based on the rights of women. Another aspect to highlight is related to the insufficient efforts from most offices with regard to institutionalizing such training and/or education processes, since only in Guatemala and Ecuador have links been made with universities and/or public institutions in order to guarantee continuity over time. Again, the high staff rotation and the difficulties in maintaining stable agreements with the institutions of the respective justice systems have been identified as one of the significant challenges in all the training that has been undertaken.

- The **South-South cooperation** maintained between various country offices has been valued as an **innovative** factor in the evaluation process carried out, although it is not a generalized practice. The offices that have exchanged experiences, in most cases in response to their own demands, have considered it to be very useful and enriching to learn about the advances and difficulties encountered in other national contexts. This has guaranteed the identification of good practices and lessons learned in each of the exchanges carried out.
- The evaluation exercise has shown evidence of some **limitations and gaps** in the work of UN Women in relation to facilitating ATJ for women who are victims/survivors of violence. (1) Firstly, the work of the country offices has almost exclusively been directed at some of the main, but not the only, manifestations of VAW, such as sexual violence, physical violence and/or femicide. Only Mexico has a focus on ATJ for women with regard to any violation of their rights, not only with regard to episodes of violence, having worked specifically on the violation of political rights, an issue that has also been addressed by the Bolivia office. (2) Taking into consideration the justice chain and the recommendations of CEDAW -Recommendation 33- on access to justice

for women, more limited work has been identified in two of the links in the judicial pathway, gateways on the one hand, and on the other, support for the development and creation of effective and operational accountability mechanisms in the respective justice systems, as well as reparation. In both cases, there have been significant advances in some countries in the region that could serve as examples for the other countries. (3) A third aspect that it is important to reinforce in most of the UN Women country offices is everything related to the institutionalization of the training and/or education processes that have been carried out.

- In response to the difficulties and differences within the regional panorama, the UN Women offices have been adapting their strategy to the reality and institutional context of their respective countries. The agency's global strategies have outlined the path and the objectives, but in no case has the approach and focus at the national level been defined. In this sense, the **adaptability of the respective offices to the national contexts** has been considered as a positive element. Thus, efforts were made to focus on indigenous justice above all in Ecuador; the view to promoting transitional justice processes has been worked on in Colombia and Guatemala; strengthening and assistance with regard to strategic litigations have been carried out in Guatemala; the focus on the generation of data on VAW and knowledge products in Mexico; and, lastly, the articulation of agreements between the different bodies within the justice system and the institutionalization of such agreements, carried out in Brazil.
- In all of the countries analyzed, the patriarchy and **gender stereotypes** that exist within the national justice systems, but also in society in general, are regarded as one of the **main obstacles** facing women when they access the respective justice systems. The challenge, therefore, is not easy nor attainable in the short or medium term. The LAC region is characterized by, among other elements, having societies where the discrimination and subordination of women is a constant, and is therefore reflected in the various institutions that

comprise the states. Managing to break the gender stereotypes and combat the patriarchal societies is a perspective to always bear in mind in all of the work that champions the defence and enforceability of the rights of women, in order to achieve fairer and more egalitarian societies. In the face of this situation, many of the offices have implemented **actions and/or strategies with the central aim of eliminating and/or minimizing such gender prejudices** that remain present in the approaches and professional practice of the respective judicial officials; but also in the collective imagination of society in general.

- At a more concrete level, the **justice systems** face **specific limitations** that, in all cases, **hinder women's access to justice**. In countries where there is already a specialized justice system in place, UN Women has centred its work on strengthening the knowledge and practices among the respective judicial officials. In any case, both for specialized and for ordinary justice, the high turnover of officials, the lack of coverage in the respective national territories (especially in the case of specialized justice), the heavy caseloads and the limited resources allocated have been identified as **difficulties** that are characteristic of the respective countries which, in turn, are also **hindering much of the work of the country offices in the region**.

6.3. In relation to the analysis of efficiency

- The interventions of UN Women on ATJ for women who are victims of violence have been diverse and multidimensional, working with legislative, political and judicial actors. The advocacy work carried out with these actors has been intense and has led to the introduction of significant and long-term changes in the legislative and political framework of the countries, in terms of achieving an appropriate institutional response to cases of VAW. In parallel to the work carried out with the duty bearers, the work carried out with the rights holders through CSOs stands out; their work has been supported, strengthened and driven, thereby improving their advocacy capacity

with regard to duty bearers. This **work approach**, which tends not to have effects in the short term, **has generated**, undoubtedly, **lasting changes with effects in the medium-long term**.

- UN Women is one of the agencies within the UN System that has less **resources for the development of its institutional mandate**. It has a high dependence on external resources and, on some issues, it is in direct competition with other agencies from the system that, through their respective mandates, work with population groups or on issues also covered by UN Women. The existence of these common spaces is positive, in terms of the reinforcement implied by working on one issue from different perspectives, but it demands significant efforts in terms of inter-agency coordination in order to ensure the complementarity of the work and the lack of gaps, shortcomings or problems that are not addressed by any agency.
- The resource limitations are directly translated to the **presence of UN Women in the countries in the region**, and in the **reduced workforce** that there is in each country, although this number varies among offices. In terms of the profile of the people contracted, this usually tends to be general, since due to the limitations in terms of the funds available to the institution, it has opted for contracting **staff with more general abilities**, who are able to address different issues. This shortage of available staff also affects the regional office, which directly impacts its capacity to address requests for support from the different country offices. In the concrete area of ATJ, the availability of resources is also limited, and has fluctuated throughout the period evaluated. This fact means, among other issues, that there are few profiles that are specialized in the subject within the UN Women staff, and that the body resorts to contracting external staff with specific profiles in the specific moments when these are required, which means that in some cases the knowledge generated is not capitalized on because it does not remain within the institution. Taking into consideration these limited resources and the contributions of UN Women in the area evaluated, the level of efficiency achieved with its work is

considered to be more than satisfactory.

- The **source of a significant amount of the resources** invested in ATJ has been external (non-core funds). These are resources linked to the realization of specific interventions which, although they fall within the UN Women work plan, they respond to the preferences or priorities of the donor institution. This means running the risk of resources being scattered among the interventions that are being implemented, reducing the possible impact of the work of UN Women in the country.

6.4 In relation to the analysis of sustainability

- The analysis of the data collected throughout the evaluation process identified a series of **successful aspects that are common to all the countries in which UN Women has intervened**: (1) the advanced advocacy capacity at the political and legislative level; (2) the increased visibility of the magnitude of the violence in terms of accountability and decision-making; (3) the installation of capacities in institutions with which UN Women collaborates, as well as (4) support for CSOs in the initiatives they drive, in their monitoring work and their work of reporting to public institutions.
- Behind these successful aspects there are three **elements** that, although individually are insufficient for achieving change, the intersection of these elements **has led to transformations and advances in ATJ in relation to VAW**. These elements are: (1) the position of UN Women as an international agency, which means starting from an advantageous position, (2) working from a human rights approach, which transmits a message of responsibility to States, and from a gender perspective, which makes it possible to contextualize VAW/G and barriers in access to justice and to work in partnership with rights holders, and lastly, (3) the generation of rigorous, high-quality products and proposals.
- During the period evaluated, UN Women has been working with **actors** representing the three branches

of power of the State. Within these three categories, in addition to maintaining relationships with the institutions with which they are carrying out long-term sustained work, it would be desirable to start relationships with other actors: (1) At the level of **Government**, for example, in addition to continuing with the work that is being carried out with the national mechanisms for the advancement of women, it is important to open gateways with strategic ministries, especially with the judicial system (Ministry of Justice) and with the police (Ministry of the Interior), as well as with the Ministry of Health, based on its role in the detection of cases and in reporting crimes. (2) At the level of legislature it is about maintaining the partnerships achieved with the gender and/or violence Commissions, as well as the work with groups of Congressmen and Congresswomen, developing a long-lasting sustained dialogue. (3) With regard to the **judiciary and institutions linked to the justice system** it is fundamental to maintain, or initiate if necessary, relationships both at the level of high authorities within the system, in terms of creating jurisprudence and ensuring investigations with a gender perspective, and at the level of judicial schools, training centres of the prosecution service and defenders, with regard to the institutionalization of the training of fundamental actors in the justice chain.

6.5 In relation to the analysis on the principle of equality and non-discrimination

- All of the people consulted mention the **multiple limitations** facing **indigenous and/or Afro-descendant women when they access the respective justice services**, both traditional and indigenous traditional justice. Such discriminations, the result of their ethnic, class and gender condition, only serve to complicate the already difficult situation that any women from the region faces with regard to an episode of violence.
- In response, **UN Women has carried out various actions**: (1) on the one hand, the **generation of knowledge products**, publications, (2) as well as contribut-



ing to the creation of **spaces for dialogue** in order to thereby create links and establish connection points between the ordinary and indigenous justice systems. (3) On the other hand, it has also **strengthened** some of the most important existing **indigenous organizations** in the respective countries, and indigenous women's organizations in particular. In this sense, the work carried out in Paraguay, Ecuador and Guatemala is particularly significant. It is also important to highlight the support provided by UN Women to the Alliance of Indigenous Women of Central America and Mexico, as well as the support provided in Brazil for the development of a common agenda from women from 105 ethnicities in the country, whose demands will be presented in the Free Land Camp (Acampamento Terra Livre, ATL), a meeting of indigenous peoples that facilitates dialogue between these and the government. (4) Another positively highlighted area of work is related to the **training processes** carried out with indigenous women in Mexico and Bolivia, within the framework of conventions and/or agreements with public institutions and/or universities. (5) Lastly is the experience of the **Houses of the Indigenous Woman (CAMI)** in Mexico, spaces where work is carried out on aspects of the prevention and detection of cases of indigenous VAW, as well as channelling these cases into the judicial pathway.

- Despite all the efforts detailed, both the documentation reviewed and the people consulted during the evaluation exercise show that this **work** carried out by UN Women to facilitate ATJ for indigenous and Afro-descendant women and women in rural areas is **still intermittent and still without much significance**, more so if the reality and context in the respective countries is taken into consideration, especially in those countries with a high percentage of indigenous and/or Afro-descendant population.

Below are a series of recommendations that are derived from the analysis of the findings and the conclusions of this evaluation. These have been organized into three sections: Recommendations for the UN Women Americas and the Caribbean Regional Office, Recommendations for the Country Offices and Recommendations for both. In each section, the recommendations are presented in order of priority, with regard to their level of relevance and the level of consensus they generated among the people consulted during the evaluation. For each recommendation, there is also an indication of the level of impact that the adoption of the recommendation would have, as well as a suggested implementation period, either short, medium or long.



Credit: UN Women/Martin Jaramillo Serrano

Recommendations for the Americas and the Caribbean Regional Office

Recommendation 1

Regional strategic framework, adaptable to national specificities

In view of the significance of the work to strengthen ATJ with regard to VAW in the region, as well as the strategic role of UN Women on this issue, the existence of a regional programmatic framework is a highly useful instrument for guiding the work of UN Women in this area. A regional framework based on a global view of the international and regional obligations of the State with regard to ATJ, that connects the realization of women's rights in all stages of the ATJ pathway and which is accompanied by:

- a. Sufficient human resources with specialized profiles in each area: legislation, data collection, access to justice, primary prevention, safe cities.
- b. Sustained and appropriate budgetary allocation, through own funds.
- c. Monitoring and evaluation framework, with objectives, results, indicators, baselines and targets.

This regional strategic framework would also help to highlight, externally, the work carried out by UN Women on the issue, and to mobilize resources.

Impact: high **

Implementation period: short

Recommendation 2

Common approach, based on three pillars: human rights, gender equality and intersectionality

The regional office should promote a common working vision in all country offices which, in addition to incorporating the parameters of the human rights and gender equality approach, places value on the work carried out in some offices and extends its view to multiple discriminations, as a suitable approach for identifying and promoting the elimination of extra obstacles to ATJ that affect the sectors of women and children who are most

excluded from society. There have already been some steps in this direction, with the regional programme on femicide and with some products from the UNiTE campaign; continued work in this direction is recommended.

Within the framework of the incorporation of a view on multiple discriminations, it is necessary to stress the importance of working not only with sectors of indigenous and Afro-descendant women, but also to ensure that this work is carried out with an intercultural approach.

Impact: high **

Implementation period: short

Recommendation 3

Production of specialized tools, studies and protocols that guide the advocacy work of the offices

The production of documents and technical tools such as the *Modelo de protocolo latinoamericano de investigación de las muertes violentas de mujeres por razones de género (femicidio/feminicidio)* [Latin American protocol model on the investigation of the violent killings of women for reasons of gender (femicide/feminicide)] is a fundamental line of support from the regional office to the country offices. Other possible technical tools are:

- Guide for the national application of CEDAW General Recommendation 33 on access to justice. This would be a teaching/learning guide that would explain the key elements that constitute the obligation to guarantee the right of women to have access to justice: with checklist tools on justiciability, accessibility, quality, accountability and means of reparation.
- Study on rulings with a gender perspective, from a national perspective (rulings from High Courts of



Credit: UN Women/Yoon Young Lee

Justice at the country level) and from a regional perspective (rulings from the Inter-American Court of Justice). This type of document would offer the judicial authorities elements of support, reference and arguments for their rulings, encouraging the generation of jurisprudence with a gender perspective while highlighting a message of non-impunity with regard to crimes against women.

Impact: high **

Implementation period: medium

Recommendation 4

Spaces for relationships and coordination among (and with) women's organizations at the regional and subregional level

UN Women should intensify the work it has been carrying out to facilitate regional and subregional spaces for knowledge and exchange among women's organizations

that work in the field of ATJ, in order to encourage the coordination of networks and the transfer of strategies and knowledge. These spaces should facilitate, especially, the participation of women human rights defenders and associations that represent sectors that are in a situation of multiple discrimination, whose public presence is less.

Impact: medium* **Implementation period:** short



Credit: UN Women

Recommendations for UN Women country offices

Recommendation 5

Mapping of responsive and strategic institutions that could be a starting point

To complement the work on identifying key partners, carried out by the country offices, with the identification of partner institutions (and people) in key positions

within the government (executive, legislative and judicial powers). This identification should include, in addition to the identification of the strategic role of each authority, the detection of the capacity to link or build bridges with others that are also fundamental for work on ATJ.

Impact: high ** **Implementation period:** short

Recommendation 6

Strengthen advocacy for the institutionalization of good practices: the example of training

UN Women should use its capacity to access institutions, particularly with regard to decision- and policymakers, beyond the purposes of the realization of initiatives, in order to achieve the institutionalization of these initiatives. As an example, in the case of training, the institutionalization would imply that UN Women, rather than providing one-off training courses or sessions, would use

its technical support and advocacy capacities to ensure that institutions that are part of the justice chain take on the training courses as their own initiative and something that will be periodical and mandatory for those who work in this field. Therefore, the work of UN Women should centre on increasing the capacities and willingness of the bodies responsible for training staff within each institution, in order to guarantee training processes that are aligned with the international standards on human rights and with a gender perspective and intersectionality.

Impact: high **

Implementation period: medium



Credit: UN Women/Ryan Brown

Recommendation 7

Drive to facilitate the rights of indigenous, Afro-descendant and rural women in access to justice

The respective UN Women country offices should promote and drive the design and development of pro-

grammes or projects that specifically address the reality, needs and interests of indigenous, Afrodescendant and rural women, with regard to access to justice. Therefore, to the extent possible, this issue should be reflected in the respective annual programmatic frameworks.

Impact: high **

Implementation period: medium

Recommendations for the Regional Office and for country offices

Recommendation 8

Promote strategic litigation as a tool for transformation

Strategic litigation has been another successful experience for UN Women in the region, with clear transformative potential not only in terms of reducing the margins of impunity, and what this implies in terms of a message of social change, but also, in terms of training within the judicial sector and strengthening women's

organizations. It is recommended that, taking the lessons learned from experiences such as those in Guatemala and Mexico, work is carried out from the regional office on common guidelines for the use of strategic litigation as a tool in judicial processes on the diverse manifestations of violence committed against women and girls, beyond the contexts of transitional justice.

Impact: high **

Implementation period: medium

Recommendation 9

Capitalize on the experience accumulated on accountability instruments

UN Women should capitalize on the experience of the Mexico office with regard to accountability, one of the most significant spheres of responsibility for improved access to justice, in order to enhance dissemination through the countries in the region. Capitalizing on possibilities to replicate the experience and within the framework of South-South cooperation, the introduction of such experiences should be supported in other countries where UN Women is present. In concrete

terms, proposals for improvements to the administrative records could be transferred to other countries, insofar as they collect the minimum information necessary in order to extract basic information on the complaints that are made in cases of VAW, as well as the investigation and prosecution of such cases. Likewise, the work carried out for the inclusion of indicators in surveys on the prevalence of violence at the national level in Mexico is an experience that can be replicated by other country offices with a view to developing advocacy work with the respective institutions responsible for the generation of data at the country level.

Impact: high **

Implementation period: short



Credit: UN Women/Ecuador Gutierrez

Recommendation 10

Knowledge management strategy that highlights the work carried out, facilitates the exchange of lessons learned and promotes the possibility of replication among countries

The UN Women regional office should reinforce its role with regard to internal coordination and as a channel for communication among the country offices, as well as enhancing the systematization of the knowledge deriving from the interventions of such offices.

The work carried out by the different UN Women offices has been manifold and very diverse; however, the majority has not been sufficiently systematized or highlighted. The design and development of a regional knowledge management strategy would not only make it possible to

find out about and learn from other experiences carried out, it would also facilitate the exchange of products and initiatives. A knowledge management strategy is a basic instrument for the management of an organization such as UN Women, since the organization has generated a significant amount of knowledge and information, but this has not been exploited or capitalized on with regard to fostering learning among the different offices and facilitating the mobilization of resources.

In order to implement this strategy, it would be necessary for the country offices to carry out work on the systematization and documentation of the interventions they carry out, in order to facilitate learning and possible replication in other countries or other territories within that country.

Impact: medium★

Implementation period: medium

ONU  **ÚNETE**
MUJERES para **FIN A LA VIOLENCIA**
CONTRA LAS MUJERES
Día Internacional para la eliminación de la violencia contra las mujeres



Credit: UN Women

8.

Lessons learned

Lesson 1**The importance of programmatic frameworks that are aligned with international and/or regional standards to guide work on ATJ.**

There are currently international and regional standards that clearly and rigorously define the roadmap for approaching the work on ATJ with women who are victims/survivors of VAW. Therefore, it is important that the work of UN Women on ATJ continues to be aligned with such standards, in the definition of strategic framework lines at the regional level and which serve as a base and guide¹⁵⁰ in the working approach from the different country offices. Ultimately, a regional programmatic strategy on ATJ with regard to VAW would serve as a generic reference framework which could be adapted by each country office to the national context and reality.

Lesson 2**The need to work on the issue of VAW from a gender equality approach and based on human rights, as well as from intersectionality and interculturality approaches.**

In all the work carried out by UN Women in the region, it has been shown how the gender equality approach that is based on human rights is a reality both in discourse and in the concrete work on the enforceability and defence of women's rights. However, the reality of women in LAC is very broad and diverse, which means that it is necessary to coordinate approaches of gender equality, human rights, intersectionality and interculturality. This coordination therefore becomes a fundamental challenge in order to give the most appropriate responses to the needs, interests and rights of women, girls, indigenous women, Afro-descendant women and other groups of the female population that suffer, in addition to the condition of gender, other situations of violence and/or discrimination. Coordinated and systematic work from these perspectives is not only a clear mandate from CEDAW and the Convention of Belém, Pará, it also undoubtedly contributes to generating deep, sustained and appropriate impacts on the concrete realities of women in the region.

150. Since 2015, there has been the Access to Justice Flagship Report that guides the work of UN Women in this area at the global level.

Lesson 3**In combating impunity, the specific work to facilitate ATJ is a fundamental aspect in order to tackle the elimination of VAW.**

Barriers in ATJ in cases of VAW/G are directly violating the right of women to live a life free from violence, both in public¹⁵¹ and in private, in situations of conflict and post-conflict, and in contexts of democratic, constitutional states. Thus, facilitating ATJ, including transformative reparation for women, is essential against any form and manifestation of violence carried out against them. In this line, the approach for eradicating VAW/G also carries an implicit message of the enforceability of justice, since this is the only way that it will contribute to reducing the high levels of impunity in the region. Ultimately, while there is still impunity with regard to VAW, it is fundamental to connect, coordinate and link the programmatic area of the elimination of VAW/G with the work on ATJ, in line with the regional programme on femicide that was launched in 2015, and to provide this with the necessary resources.

Lección 4**The prevalence studies and dissemination and awareness-raising of data relating to VAW contribute to generating change at all levels.**

The existence of data and studies on the situation, the prevalence and on the barriers in the pathways to justice with regard to VAW/G in the respective countries in the region not only contributes to highlighting the magnitude of the problem, it is also necessary in order to open gateways to working with public institutions and it also makes it possible to define strategies adapted to the different contextual realities in the region. Therefore, work in this field is strategic due to its multiple value, and due to the significant gaps and shortcomings in the data that are currently available and which only serve to foster the invisibility of the violation of rights that women are experiencing, thereby hindering the adoption of measures to mitigate this reality.

The work of UN Women in driving and on advocacy and technical assistance for the production of these data and studies are proven to be fundamental, providing there is a clear objective and that work is carried out within the framework of a working strategy, where it is also crucial that the responsibility of these studies is assumed by the respective states.

151. In the line of work carried out within the framework of The global UN Women initiative on Safe Cities and Safe Public Spaces which is being implemented in, among other cities, Quito, Guatemala City, Mexico City,

Tegucigalpa and Medellín. <http://www.unwomen.org/es/what-wedo/ending-violence-against-women/creating-safe-public-spaces#sthash.pkPYc49f.dpuf>

Lesson 5

The mission and current position of UN Women offers an optimal opportunity for opening gateways and generating dialogue with the respective public institutions that have powers and responsibilities in terms of ATJ with regard to VAW.

In all the countries in the region, UN Women has become a key, recognized actor for the respective public institutions. This position offers a unique and excellent opportunity to open gateways and create spaces for dialogue with the different links within the justice chain. In order to do this, it is important to identify the gateways and the most appropriate actors with which to carry out advocacy and collaboration work and sustained support. Identifying these gateways and institutional actors with sensitivity and openness in order to work on justice issues with a gender perspective may help to have a cascade effect within the institutions, or even to open new gateways. In this line, it is fundamental that UN Women capitalizes on this recognition and position in order to have an impact, from a perspective of gender equality and enforceability of women's rights, within the different systems and links within the justice chain.

Lesson 6

Work at the decentralized level (state or department), in addition to being necessary to drive the effective implementation of international, regional and national legislative frameworks, can deliver innovative practices and serve as an example with regard to common problems.

Within the region there are countries with high levels of administrative decentralization, in which the second- and third-level administrations (states, departments) have extensive powers with regard to ATJ, especially in terms of the availability and accessibility to services that can play an important role as gateways to justice. The decentralized work carried out by some of the UN Women country offices is a fundamental strategy for achieving the harmonization of the legislative frameworks and state or department public policies with the policy mandates at the higher level. However, it can also be useful for generating examples to follow, on the premise that international responsibilities on human rights reach all the public authorities in the countries, from the national plan to the local plan.

The identification of these institutions that are on the second level within the institutional architecture and are generally more accessible, may lead to the generation of pilot projects, with significant potential in terms of multiplier effects. However, in order to be more strategic, the decentralized work carried out by UN Women must have, whenever possible, plans for replication in other areas of the country, and plans for engagement, to some extent, with the national institutions.

Lesson 7**Work on VAW requires multidimensional and interdisciplinary coordination with the different agencies of the UN System and other multilateral agencies.**

Acts of VAW directly impact the lives of women and girls. The female population being affected by this reality is extensive and diverse: indigenous women, rural women, mestiza [mixed-race] women, girls, etc. They suffer situations of violence both in the public and private sphere. Therefore, the responsibility of states with regard to these violations of women's rights requires broad, multidimensional and interdisciplinary approaches in order to guarantee that all populations sectors and groups are protected. Furthermore, the approaches of the different agencies that comprise the UN System and other multilateral organizations are varied. In view of all this, the work to facilitate ATJ for different women and girls who are victims/survivors of violence calls for coordination and collaboration efforts among the agencies of the UN System which, through their mandate, are working on the issue. For example: sexual violence is addressed both by UNFPA and UN Women, adolescent pregnancy by both UNICEF and UN Women, the demand for justice for women is an issue for both OHCHR and UN Women, etc. The lack of a clear boundary on the respective mandates may lead to gaps and shortcomings in the work that nobody addresses, with the consequent lack of protection that this implies and which should be sought to be avoided. The existence of Inter-Agency Gender Committees in the different countries facilitates dialogue among agencies, and should be the space for providing and exchanging information on the work each is carrying out on the issue of ATJ, making it possible to produce a map of interventions that makes it possible to detect the existing shortcomings. On the other hand, these coordination efforts must be extended to other international bodies that work on the issue, the Organization of American States (OAS), the World Bank, the Inter-American Development Bank, SICA and the Secretariat of MESECVI, as has been done by the regional office.

Lección 8**Continuous interinstitutional coordination and dialogue has contributed to generating protocols for action that are very useful for the professional practice of the various judicial officials.**

The processes of interinstitutional coordination and dialogue, facilitated by the UN Women offices in the region, have favoured the undertaking of agreements and the putting into practice of protocols for action and protection, with the respective responsible public institutions. Many of these protocols have arisen as a result of this interinstitutional dialogue, where there is a high level of adoption of the tool in question. Once approved,

these have strengthened the professional practice of the related judicial officials, with the consequent impact on the extension and/or qualification of the models responding to VAW, from the justice sector. Ultimately, this type of initiatives has also contributed to the institutionalization of the agreements within the justice sector, which also shows that the protocols are also a very significant tool for institutionalization with regard to the process of enforceability and defence of women's rights.

Lesson 9

The importance of diversifying and involving non-traditional actors in combating VAW and in the field of ATJ

In addition to continuing to work on the involvement of traditional actors and donors, it is important to work on the diversification of actors in combating VAW. With traditional actors and donors, work is required both with regard to increasing contributions and with integration into policies and budgets assigned to citizen security, for example, specific sections related to VAW. On the other hand, involving and engaging non-traditional actors in initiatives promoting ATJ and VAW, such as the private sector or the media, through sustained and permanent collaboration, is a line of work that could significantly contribute not only to solving the problem of limited resources that most country offices are facing, it could also contribute to generating greater impact among the initiatives carried out. In any case, stable participation and collaboration of non-traditional actors must go beyond fundraising and must involve them in more strategic or operational actions within the framework of carrying out advocacy or awareness-raising campaigns, volunteer recruitment, etc.



9.

Good practices

Throughout the evaluation process, a series of lines of work were, due to their characteristics and results, identified as good practices with high potential for expansion and replication in other countries. Since ATJ is extremely

important in the region and merits support from donors, the initiatives identified, which have been especially successful, constitute a portfolio of possible interventions to support.

Support for CSOs with regard to strategic litigation has contributed to a dual effect, both at the level of jurisprudence and the strengthening of the complainant CSOs.

The notion of strategic litigation in the region is an important element in the process of the enforceability of justice for women. In this line, the work of UN Women in strengthening women's organizations that push forward as complainants or support and sustain such litigation cases, has not only contributed to generating jurisprudence at the national, regional and international level, it has also fostered and strengthened the advocacy role of these women's organizations. The support that UN

Women has offered has been economic, as well as being a loudspeaker throughout the international and national community with regard to these litigation cases; support has also been technical, through assistance with experts in the field. All of these approaches have been useful and have generated results that were until now unimaginable, such as the "Sepur Zarco" case in Guatemala, sending a very positive message in terms of stopping impunity, to women and to society in general.

The systematization and publication of judicial rulings with a gender perspective with regard to crimes of VAW have facilitated the provision of tools and guides for the professional practice of the various judicial bodies.

In some country offices there has been analysis, systematization and publication of the judicial rulings issued by the national criminal courts on crimes of femicide/femicide and other forms of VAW that were especially representative from a perspective of gender equality and human rights. These publications are an excellent tool for judges and magistrates located in any country, since they offer input, analysis and foundations for carrying

out future judicial rulings from a gender perspective and based on human rights.

But these analyses not only function as a support material for those imparting justice, they are also an especially pertinent instrument for the follow-up and monitoring of judicial decisions and their alignment with the gender perspective.

The strategy and role carried out by the UN Women country offices has strengthened many of the **women's organizations with which they have worked and/or collaborated, both through promoting the participation and presence of organizations with international/regional bodies, and through opening gateways to national public institutions.**

In most of the countries in the region, UN Women has facilitated bridges for dialogue and cooperation between different international/regional bodies and national public institutions, and some of the main women's organizations that are present at the national level. Thus, UN Women has supported visits and prepared the agendas of various UN Special Rapporteurs linked to the defence and promotion of women's rights; it has also facilitated the development of monitoring reports on the recommendations of CEDAW (shadow reports) in several countries, it has supported the participation of women with regard to the CSW and, lastly, it has facilitated dialogue and work with national public institutions. All of these actions are encouraging women to speak out, and promoting their presence in spaces of power, at the



Credit: UN Women/Ryan Brown

international, regional and/or national level, and they are thereby reinforcing a real and representative participation of women in decision-making spaces.

The complementary work on three levels, with international/regional surveillance committees and agencies, with national public institutions and with CSOs, that UN Women has carried out to foster **accountability mechanisms has been clearly strategic.**

The accountability mechanisms have proven to be effective and useful instruments for monitoring the work related to the enforceability and defence of women's rights, when efforts have materialized at three levels: on the one hand, influencing the monitoring committees and bodies, such as CEDAW, has been fundamental; on the other hand, articulating advocacy before national public

bodies has also been essential; and, lastly, enhancing articulation and strengthening civil society in order to carry out advocacy and audits has also been very significant. When efforts have been structured at three levels, the drive of the accountability mechanisms has fed back and has led to a greater impact in terms of monitoring the responsibilities of states with regard to cases of VAW.

The **knowledge products** that the various country offices and the regional office have developed have brought attention to the realities and contexts of VAW/G and have become key tools for advocacy.

The country offices have carried out different research and systematization projects on data relating to the situation, magnitude and prevalence of VAW/G at the national level. These knowledge and information products have become scientific-like publications based on human rights and with a gender perspective which, in many cases,

have contributed to generating change in terms of the commitments made and responsibilities taken on by the respective states. Furthermore, these products have been used as tools that are especially significant and useful for advocacy by CSOs in terms of demanding that states assume these responsibilities.

The regional office's **development of tools** based on international and regional standards provides the country offices with instruments for advocacy with regard to the implementation and/or adaptation of these standards in the respective countries in the region.

The publication of the “*Modelo de protocolo latinoamericano de investigación de las muertes violentas de mujeres por razones de género femicidio/feminicidio*” [Latin American protocol model on the investigation of the violent killings of women for reasons of gender (femicide/feminicide)]¹⁵² has been a very valuable tool for the country offices. The protocol mentions the responsibilities of states and establishes detailed guidelines for states to develop and implement such obligations.

This shows how the development of these knowledge products, which systematize and gather common standards at the regional level, is a job and a role that is especially pertinent for the LAC regional office and which facilitates the work of the offices by providing them with tools with regard to their advocacy work in their respective countries.



Credit: UN Women/ David Villegas

152. The Latin American protocol model on the investigation of the violent killings of women for reasons of gender (femicide/feminicide) was listed as a

global good practice at the last meeting of experts on the subject in Bangkok in November 2014.

The generation of statistics, censuses and records not only on matters of the prevalence of VAW, but also on the response of states to VAW, has been essential for facilitating ATJ.

In the work carried out by UN Women to facilitate ATJ with regard to VAW, support in the generation of statistics, censuses and records has been essential for gaining an overview of the situation at the national level, but also for analyzing the response of the states in terms of such crimes. If there are no data on a problem, it is very difficult to define effective strategies. In this sense, these exercises that support analysis are key to diagnosing and identifying the limitations or obstacles in the respective

national systems of justice facing women who are victims/survivors of violence.

Taking into consideration the experience and knowledge generated by the Mexico Office, where a significant part of the work carried out in relation to records is documented, there is the possibility to extend this work to other countries, based on the lessons learned in the work trajectory of Mexico with the federal and state institutions.

The comprehensive assistance centres, driven by some of the UN Women country offices, have become highly significant spaces for reducing the obstructions that women face in the respective routes to access justice.

The support for the creation of access to justice centres as "comprehensive assistance centres," including a range of legal and social services, has contributed to reducing the number of steps women need to take in order to obtain access to justice. These centres provide legal advice and assistance, begin legal proceedings and coordinate support services for women in all areas, such as violence against women, family issues, health, social

security, employment, property and immigration. In this sense, the support for the *Casas de la Mujer* [House of the Woman] and *Ciudad Mujer* [Woman City], as in the case of Brazil, has been a strategic contribution in the design and operation of this new service providing comprehensive service to women who are survivors of violence.

The initiatives on transitional justice driven by the UN Women country offices located in countries experiencing a post-conflict situation.

Both the work of the office in Guatemala, in the strategic litigation of the Sepur Zarco case, and the work carried out by the office in Colombia, for the implementation of mechanisms that effectively contribute to the prosecution of cases of sexual violence and gender-based

violence, have been successful in promoting and guaranteeing the investigation and prosecution of crimes perpetrated against women in contexts of conflict, sending a message to end the fundamental impunity, in order to achieve the eradication of violence against women.



Credit: UN Women/Ryan Brown

