

United Nations  Nations Unies

**United Nations Office on Drugs and Crime
United Nations Division for the Advancement of Women**

**Expert Group Meeting on good practices in legislation on violence against
women**

United Nations Office at Vienna, Austria
26 to 28 May 2008

**Good practices regarding legal reforms in the area of violence against
women in Latin America and the Caribbean**

Expert Paper prepared by:

Flor de María Meza Tananta*

Professor in Human Rights and Environmental Law
Faculty of Law and Coordinator of the Working Group on Law and Gender
University of the Republic, Uruguay
National Coordinator, Comité de América Latina y el Caribe para la Defensa de los
derechos de la Mujer (

EGM/GPLVAW/2008/EP.05

14 May 2008

ENGLISH only

Art. 1° defines violence against women as "any action or conduct, based on gender, that causes death, physical, sexual or psychological harm to a woman, in the public scope as well as in the private one".

Art. 2° establishes that the violence against women includes the physical, sexual and psychological violence.

Art. 7° describes the obligations of the States parties with respect to the protection of those rights, among others.

2. Legislation on domestic, family or intra-family violence.

Presently thirty two out of the thirty four Member States of the Organization of American States, OAS, have ratified this Convention. Of these, twenty-five countries have partially observed their commitments in relation to the Convention promulgating laws on domestic, family or intra-family violence hiding once again violence against women behind the figure of the family unit. This constitutes a partial fulfillment of their commitment since the Convention includes diverse spheres and political demands in order to prevent, to sanction and to eradicate violence against women which go beyond the mere appro/3ppro/3ppro/3338 gm

Some countries have approved Protocols of attention to victims of sexual violence as part of an integral response regarding this violation of human rights. In the Region these countries are: Argentina, Brazil, Chile, Costa Rica, Guatemala, El Salvador, Nicaragua, Paraguay, Peru and Mexico¹⁰. The lack of concern in the rest of the countries gives an account of the relevance of the subject in the political agendas.

5. Trafficking of Latin-American women.

In Latin America and the Caribbean, trafficking of women was originated during Colonization when the Spaniards treated women as booty prizes, in accordance with the military practices, originating the existence of sexual commerce and establishing places for it¹¹. In our region we can categorize trafficking in two dimensions: (i) the internal traffic, within a country and (II) the external traffic where women are recruited in the region to cover the demands of the international market. The UN Special Rapporteur on the human rights of the victims of trafficking, especially women and children, Mrs Sigma Huda¹², in her report of February 2006, condemned "the attitude of the countries of origin which close their eyes in front of this problem and that economic, political and cultural conditions prevailing in many places of the world affect women and children in a particular to the risk of becoming victims of trafficking..."¹³. The attitude of the countries of the region continues being the same.

Various data recollected by diverse Spanish institutions indicate that the majority of women come from Latin America, in 70%, and that 30% comes from East Europe. Unfortunately, the number of victims is increasing alarmingly essentially due to the conditions of economic and social poverty, marginalization, inequality, the lack of opportunities and the presence of violence against women. It is important also to recognize the work of many

EGM/GPLVAW/2008/EP.05

14 May 2008

d. Re-victimization, prejudiced and discriminatory treatment to the victims of violence by government officials blaming them for the aggression they have suffered.

e. The lack of material and human resources for a suitable attention to the victims. For example the forensic examinations are done generally without considering the rights of the victims.

f. The ignorance of the women in relation to their rights. Violence against women continues to be internalized as a "natural and invisible" practice in our



7. Good Practices within the Inter-

EGM/GPLVAW/2008/EP.05

14 May 2008