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# Effective implementation of the Convention of Belém do Pará

## A task still to be done

### Introduction

The 9<sup>th</sup> of June 2004 was the tenth anniversary of the adoption of the *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women “Convention of Belém do Pará”*<sup>1</sup>, the convention which has the highest number of ratifications from among the countries of the region. Nevertheless, despite the importance of the issue it deals with, it is far from being implemented.

Although the tenth anniversary passed by without giving rise to extensive reflection on the situation of women throughout the continent, the vast majority of the countries of the Americas share the view that the task of eliminating violence against women, still remains to be done and needs to be tackled more directly than it has been so far.

One idea along these lines which has been gaining ground recently is that of adopting a mechanism to monitor or follow up implementation of the Convention of Belém do Pará in the States which have ratified it. There are many possibilities that such a mechanism will be established very soon and Amnesty International therefore believes that it is especially important to focus attention on the process that is currently under way.

For this reason the organization is publishing this document, as one of several actions being undertaken, in an attempt to publicize more widely the initiative that is under way and at the same time put forward its own analysis of some aspects of the draft and propose alternative criteria to the project currently being proposed by the Organization of American States (OAS).

We hope that this and the other actions being undertaken will contribute to the debate and consensus that are essential if we are to ensure that the mechanism that is eventually adopted is an effective tool for achieving our common goal of eliminating violence against women.

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<sup>1</sup> Referred to in this document as *the Convention* or *the Convention of Belém do Pará*.

## **I) The Convention of Belém do Pará and the question of violence against women in the continent**

The Convention establishes many important precepts for tackling the task of eliminating violence against women. Without going into detail here, it is nevertheless worth highlighting two features of this particular Convention that distinguish it from others. Firstly, the fact that of all the binding (legally obligatory) inter-American instruments on human rights, it is the one which has the highest number of ratifications within the region.<sup>2</sup> Secondly, it is the only binding international instrument in the world which specifically addresses the question of violence against women.

Despite this, the reality often faced by women in the region is very harsh. Thousands of women in the continent experience widespread gender-based violence, both within the home and in the context of armed conflict.

Women who are forced to flee as refugees or displaced persons often suffer abuse at the hands of the security forces, border guards, smugglers, armed groups and other social actors. They are also subjected to horrendous experiences in post-conflict societies. It is an everyday occurrence for large numbers of women in the hemisphere to suffer various forms of violence at the hands of their partners or relatives, as well as their employers and other actors, sometimes in an institutionalized form. Several studies carried out in recent years have shown, for example, that in certain countries of the region, 70% of women have suffered some form of gender-based violence<sup>3</sup>. What is more, as of 2003, about 80% of states within the Americas had not yet outlawed rape within marriage.<sup>4</sup>

There is a pressing need to ensure that the provisions of the Convention of Belém do Pará are put into effect and to do so, special measures need to be taken. One measure which has been frequently proposed and is almost certainly going to be adopted is that of establishing a mechanism for following up implementation of the Convention in the respective States parties (almost all the Americas) so that analysis and recommendations can be generated to reduce and one day eliminate altogether the remaining gulf between the formal requirements of the Convention and the daily lives of women in the continent.

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<sup>2</sup> Thirty-one of the thirty-four active member states of the OAS have ratified it, the exceptions being Jamaica, the United States of America and Canada.

<sup>3</sup> See, for example, UNPD, Regional Project RLA/97/014, *National Reports on the Situation of Gender-based Violence against Women, National Report on Nicaragua, March 1999*, p.9.

<sup>4</sup> See, for example, UNIFEM, *Not a Minute More: Ending Violence against Women*, New York, 2003, pp. 93-94.

## **II) The most significant steps taken to bring about the establishment of a follow-up mechanism on the implementation of the Convention**

The leading role in drafting the proposed mechanism has been played by the *Inter-American Commission of Women (CIM)*. The CIM, which is made up of delegates from each State, is one of the specialist bodies within the OAS system which, given the nature of its institutional functions, is involved in the various issues affecting women in the region, especially matters relating to the types of violence they suffer. Since 1997 CIM has been responsible for presenting biennial reports on the implementation of the Convention of Belém do Pará<sup>5</sup> and it has issued several documents on the subject.<sup>6</sup>

Within the framework of the activities described above, the CIM held two meetings, one on 27-28 April 2000 and one on 21-23 April 2004, of “*Ministers or of the Highest-Ranking Authorities Responsible for the Advancement of Women in the Member States*”. It was they who gradually developed and pushed the idea of establishing a method of carrying out regular monitoring of implementation of the Convention.

On 20-21 July 2004, a “*Meeting of Experts on the Follow-up Mechanism to the Convention of Belém do Pará*” submitted and approved a Draft Statute containing specific official proposals for a follow-up mechanism put forward at the initiative of the Permanent Secretary of CIM.<sup>7</sup>

The next step is that the draft will probably be endorsed institutionally at the XXXII Assembly of Delegates of the CIM to be held between 27 and 29 October this year so that it can subsequently receive final approval from the OAS General Assembly.

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<sup>5</sup> First operative paragraph of OAS General Assembly Resolution AG/RES. 1456 (XXVII-O/97), entitled “Promotion of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, ‘Convention of Belém do Pará’”.

<sup>6</sup> These include, for example, “*Violence in the Americas - a Regional Analysis including a Study of the Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women*”; Final Report, Meeting of Experts from the Mercosur Subregion, Bolivia and Chile, *Violence in the Americas - A Regional Analysis, including a Review of the Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women* (Montevideo, Uruguay, 7-8 December 2000); Final Report, Meeting of Experts from the Andean Subregion (Quito, Ecuador, 21 and 22 June 2001); Final Report, Meeting of Experts from Central America, Mexico, Dominican Republic and Panama (Panama City, 27-28 August, 2001); Final Report, Meeting of Experts of the Caribbean Subregion (Georgetown, Guyana, June 20-21, 2002). Available at: <http://www.oas.org/CIM/English/Basic%20Documents%20Index.htm>

<sup>7</sup> See the Appendix to this document.

### III) Features of the Draft Follow-up Mechanism

The title of the CIM proposal is “*Draft Statute of the Mechanism to Follow-Up on Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, Convention of Belém do Pará*”. Its main features can be summarized as follows:

- A) The mechanism will be clearly *intergovernmental* in nature and will consist of two main organs, the *Conference of States Parties* (to the Convention) and the *Committee of Experts*.

Although the former is described as a *political* organ and the latter as a *technical* organ, both will be made up of people appointed by the governments of the States Parties and responsibility for the Secretariat will lie with the CIM which is also *intergovernmental* in nature.<sup>8</sup> Nowhere is it mentioned that it experts would be appointed to the Committee *in their personal capacity*.

- B) The main task of the mechanism will be to examine and evaluate the *reports* of the States Parties and to put forward *recommendations* to ensure that the Convention is effectively implemented.

It should be noted, however, that this *exercise* will be done on the basis of “*consensus*”, with “*an appropriate balance*” being established “*between the confidentiality of the evaluation and the transparency of the process*”.<sup>9</sup>

Furthermore, the reports prepared by the Committee of Experts will have to be received, analyzed and evaluated in turn by the Conference of States Parties, by whom the *definitive version* will be issued.<sup>10</sup>

- C) It is envisaged that the mechanism will be funded from contributions from States Parties to the Convention and States that are not parties to the Convention, as well as from *permanent observer States*<sup>11</sup> and other resources and contributions.<sup>12</sup>

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<sup>8</sup> Articles 1 (paragraph 1), 4 and 5 of the Draft Statute. See the Appendix to this document. The Draft Statute is officially recorded in the *Report of the Rapporteur, Meeting of Experts on the Follow-Up Mechanism to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, Convention of Belém do Pará*, OEA/Ser.L/II.7.10, CIM/MESECVI/doc.5/04, Washington, D.C., 21 July 2004, pp. 7-12. It was during that meeting that the working document entitled *Proposal for a Follow-Up Mechanism for Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, Convention of Belém do Pará*, (*Working Document*), was submitted (OEA/Ser.L/II.7.10, CIM/MESECVI/doc.3/04, 20-21 July 2004, document dated 29 June 2004, Washington, D.C.)

<sup>9</sup> Articles 3 (d) and (e) and 6 of the Draft Statute.

<sup>10</sup> Articles 8 and 6 (a) of the Draft Statute.

<sup>11</sup> The permanent observers are Angola, Algeria, Armenia, Austria, Azerbaijan, Belgium, Bosnia Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Egypt, Equatorial Guinea, Estonia, the European Union, Finland, France, Georgia, Germany, Ghana, Greece, the Holy See,

D) Lastly, reference is made to involving civil society organizations, saying that the purpose would be for the Committee of Experts *to secure more input for its reviews*. However, the rules of procedure for how such participation, “*in particular [by] those [organizations] that deal with the subject of the Convention*”, would take place were left for the future.<sup>13</sup>

#### **IV) AI concerns and suggestions relating to the current proposal for creating a follow-up mechanism for the Convention of Belém do Pará**

Amnesty International welcomes the fact that the OAS has decided to take on the task of tackling the serious problem of violence against women in the region. There has been an alarming failure to implement and truly comply with the protection standards in this area and therefore any initiative which seeks to resolve this state of affairs is worthy of special consideration.

However, having said that, the organization has particular concerns about the current proposal and below will put forward some alternative views which we hope will contribute to open up a debate geared towards achieving an effective tool for eliminating violence against women in the continent. Our main criticisms are as follows:

##### **1)            The absence of independence in the design of the proposed mechanism**

According to the Draft Statute of the follow-up mechanism, the work of the mechanism, namely examination of the reports on compliance with the Convention by the States Parties, will be done, as already mentioned above, on the basis of “*consensus*” and seeking “*an appropriate balance between the confidentiality of the evaluation and the transparency of the process*”.<sup>14</sup> In addition, and very importantly, the organs of the mechanism (the Committee of Experts and the Conference of States Parties) will be made up solely of government experts with there being no provision for people to be appointed solely in their personal capacity.<sup>15</sup>

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Hungary, India, Ireland, Israel, Italy, Japan, Kazakstan, Korea, Latvia, Lebanon, Luxembourg, Morocco, Nigeria, Norway, Netherlands, Pakistan, Philippines, Poland, Portugal, Qatar, Romania, Russia, Saudi Arabia, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, and Yemen. They are State bodies which, though not members of the OAS, are interested in keeping themselves informed of the work of the organization and attending its meetings. This status is only available in the OAS and provides a means for States which are not members of the organization to monitor its work at close hand and contribute to its development programs.

<sup>12</sup> Article 11 of the Draft Statute.

<sup>13</sup> Article 10(b) of the Draft Statute.

<sup>14</sup> See Articles 3(d) and (e) of the Draft Statute. *Ibidem.*

<sup>15</sup> Article 5 of the Draft Statute, *Ibid.*, reads:

Furthermore, it is proposed that the evaluation of the state reports carried out by the *technical organ* should be reviewed by the *political organ* which will be responsible for determining the definitive view.<sup>16</sup>

The problem is therefore that there is an absence of independence and the corresponding impartiality and objectivity that are required of any body which analyzes the actions or failings of States, all the more so in the case of such a serious and pressing issue as violence against women. It is indicative that even the governments have stated that “[t]he problem is that a Conference of the Parties could conceal omissions and violations by States Parties to the Convention”. The State in question goes on to say that “[t]he Committee of Experts could make sure that does not happen; however, to do so, members would have to be personally elected by the General Assembly of the OAS from a list of candidates nominated by the member states or the Inter-American Commission on Human Rights. Otherwise, a Conference or Committee composed of representatives of the States could lead to a policy of mutual concealment and complicity”.<sup>17</sup> We believe that these comments should be taken into account and properly addressed.

**2) The failure to consult more widely. The need for greater involvement of civil society organizations and experts who can put forward suggestions on “best practice”.**

Individuals and especially organizations from civil society who are interested in the issue do not appear to have been sufficiently involved by the OAS in the process leading to the final preparation of the Draft Statute on the follow-up mechanism.

Recently, for example, a civil society body organized a consultation specifically on the initiative, inviting non-governmental organizations to submit their views within about eighteen days so that they could be sent to the respective governments of the region.<sup>18</sup> This effort is praiseworthy although it has limitations. More time is needed if, as the issue requires,

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*“The follow-up mechanism shall consist of two organs: the Conference of States Parties (hereinafter “the Conference”) and the Committee of Experts (hereinafter “the Committee”). The **Conference** is the political organ of the Mechanism, shall be comprised of representatives of all States Parties to the Convention, (...). The **Committee** is the technical organ of the Mechanism and shall be comprised of experts appointed by each State Party to the Convention. (...).”*

<sup>16</sup> Article 6 (b) and (a) of the Draft Statute, *Ibid.*, see Appendix, states that the Committee (an organ that is described as “technical”) will be responsible for *receiving and evaluating the reports of the States Parties and issuing its recommendations* while the Conference (an organ that is expressly acknowledged as being “political”) will be responsible for *receiving, analyzing and evaluating the proposed report of the Committee and issuing the definitive version*. Please see in this regard *Amnesty International, United Nations – Proposals to Strengthen the Treaty Monitoring Bodies*, AI Index: IOR 40/018/2003), in particular paragraphs 4 and 6.

<sup>17</sup> *Annex to the Working Document*, position of the Government of Peru, *supra* note 8, p. 71.

<sup>18</sup> See “*Ronda de Consultas a ONGs sobre el Mecanismo de Belém do Pará*”, CLADEM (Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer), sent by electronic mail, 6 September 2004, asking for views to be submitted by the 24th of the same month.

there is to be broader participation involving a significant number of interlocutory bodies and individual experts whose input is necessary. In addition, it should be the OAS itself which takes primary responsibility for organizing it. What is even clearer is that there is very little time left until 27 October 2004, the date on which the CIM Assembly could decide to endorse adoption of the Draft Statute.

A large number of civil society organizations throughout the continent, including both organizations specifically working on the issue of women's rights and human rights organizations in general, are working to eradicate violence against women. Their experience and work are invaluable and it is reasonable to assume that their actions will have a significant impact on whether or not any monitoring structure is effective. We believe that whatever mechanism is finally adopted - if that is what is decided - should have the agreement of as many such organizations as possible.<sup>19</sup>

### 3)            **The cost problem**

We feel that it is also necessary to make some comments regarding the budgetary and financial aspects of the mechanism under consideration.

One obvious point is that, given the large number of people of which the organs are to be composed, the costs involved would be significant.<sup>20</sup>

Without forgetting that the Draft Statute proposes the establishment of a *specific fund* in the future, in reality the shortage of resources available to the OAS is a very serious matter. Clear and alarming evidence of this are the ever greater funding cuts affecting the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, despite the fact that there has been a noticeable growth in their activities since their new rules of procedure came into force in May and June 2001 respectively.<sup>21</sup>

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<sup>19</sup> Along the same lines, even from the government side, the importance of "effectively guarantee[ing] widespread civil society participation, not simply consultations that are marginal in nature and value" has been stressed. See *Annex to the Working Document*, Position of the Government of Costa Rica, *supra* note 8, p. 73.

<sup>20</sup> Sixty two (62) people between the Conference and the Committee, not counting the Secretariat and administrative staff.

<sup>21</sup> With regard to this, see the letter dated 20 November 2003 from the President and other Judges at the Inter-American Court of Human Rights to the OAS Secretary General concerning the Court's budget in which they say that the court is heading towards collapse due to the overwhelming shortage of resources. OAS General Assembly Resolution AG/RES. 2059 (XXXIV-O/04), entitled *Program-Budget of the Organization for 2005; Quotas and Contributions to Femcidi for 2005*, 8 June 2004, and Resolution AG/RES. 1974 (XXXIII-O/03), entitled *Program-Budget of the Organization for 2004; Quotas and Contributions to Femcidi for 2004*, 10 June 2003, also show a reduction in funding for the Inter-American Commission amounting to ten per cent of its regular budget compared to the amount previously allocated. Lastly, it is also revealing that one of the reasons given for carrying out the reorganization of the OAS General Secretariat, which is currently under way, was to face up to the

Amnesty International is extremely concerned that there is a real risk that, on the one hand, a mechanism as large - in terms of numbers - as the one proposed will be insufficiently funded and that, on the other hand, the implementation and functioning of a mechanism of the size advocated will result in further cuts in the resources available to the Inter-American Commission and Court of Human Rights..

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financial situation (see Executive Order 04-01, *Reorganization of the General Secretariat*, issued on 15 September 2004).

## V) Conclusions and recommendations

The Convention of Belém do Pará celebrated its tenth anniversary on 9 June 2004. On that occasion, Amnesty International once again expressed its deep concern about the lack of implementation of the convention in the States in the region. It is becoming increasingly common for acts of violence against women to remain unpunished and for state authorities to fail to act with *due diligence* so that they can be prevented, namely by effectively investigating, identifying and punishing the perpetrators.

We believe that it is reasonable and necessary to establish a mechanism to monitor and follow up what States have done or failed to do to comply with the obligations laid down in the Convention. Nevertheless, if such a mechanism basically uses *self-assessment* to do so or is open to possible intergovernmental deals or considerations, an historic occasion will have been lost to make effective progress in the right direction.

As a consequence, Amnesty International believes that fundamental aspects of the proposed mechanism need to be further discussed and reconsidered. Given that very little time remains until the meeting of the CIM Assembly of Delegates at which a decision is due to be taken on the matter (27 to 29 October 2004), we believe that the decision in question should be postponed for a reasonable period. During that time, it would be possible for both the States Parties and other interested bodies to ensure that the maximum possible number of organizations from civil society and experts on the issue give their views and put forward suggestions.

With the intention of getting involved in that process straightaway, Amnesty International is putting forward the following general recommendations which are addressed especially to the States Parties to the Convention of Belém do Pará:

### A) WITH REGARD TO THE NEED FOR INDEPENDENCE AND IMPARTIALITY

On the assumption that it is essential for any mechanism monitoring the implementation of human rights norms and standards to be *independent* in nature, we believe that the follow-up mechanism to the Convention of Belém do Pará should be made up of a relatively small number of members, who should be appointed in their individual capacity and not on grounds of nationality, and who in no way directly or indirectly represent any particular government. It would also be reasonable to ensure that there is appropriate geographical and gender representation.

### B) OPENNESS TOWARDS CIVIL SOCIETY

Ways should be found to enable direct participation of the greatest possible number of individuals (experts) and civil society organizations involved in eradicating violence

against women in the process of designing and setting up the mechanism. All means possible, including information technology, should be used to facilitate their involvement.

### **C) FINANCIAL SUPPORT**

While provision needs to be made to ensure that the mechanism has appropriate funding from the States Parties to the Convention, care needs to be taken to ensure that this does not lead to cuts in the regular budgets of the inter-American bodies working to promote and protect human rights or to a significant ongoing increase in the regular funding needed by those bodies.

## **APPENDIX - Draft Statute of the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, “Convention of Belém Do Pará”**

### **PREAMBLE**

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

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

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

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

The Conference of States Parties agrees upon the following mechanism for follow-up on implementation of the Convention of Belem do Para:

## **Article 1**

### Purposes/Objectives

The purposes of the mechanism shall be:

- a. To follow up on the commitments undertaken by the States Parties to the Convention and review how they are being implemented;
- b. To promote the implementation of the Convention and contribute to the achievement of the purposes established, especially in its Articles 7 and 8.
- c. To establish a system of technical cooperation among the States Parties, and other Member States and permanent observers, for the exchange of information, experiences, and best practices as a means to update and harmonize their domestic legislation and attain other common objectives associated with the Convention.

## **Article 2**

### Basic principles

The mechanism for follow-up of the commitments assumed by the States Parties to the Convention will be developed within the framework of the purposes and principles established in the Charter of the Organization of American States. In this regard, the characteristics of this mechanism and the procedures used must take account of the principles of sovereignty, nonintervention, the juridical equality of states, and the need to respect the constitution and basic principles of the legal system of each State Party.

## **Article 3**

### Nature

The mechanism for follow-up of the implementation of the Convention is intergovernmental, and has the following characteristics:

- a. It shall be impartial and objective in its functioning and in the conclusions and recommendations it issues.

- b. It shall guarantee fair application and equal treatment for the States Parties.
- c. It may issue recommendations to the States Parties and follow up on their implementation.
- d. It shall operate on the basis of consensus and the principle of cooperation among the States Parties.
- e. It shall establish an appropriate balance between the confidentiality of the evaluation and the transparency of the process.

#### **Article 4**

##### Members

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

#### **Article 5**

##### Structure

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

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

The **Committee** is the technical organ of the Mechanism and shall be comprised of experts appointed by each State Party to the Convention. It shall meet according to its own work plan and procedures.

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

## **Article 6**

### Responsibilities

- a: Of the Conference:
- Establish overall guidelines for the work of the Committee and serve as its advisory body;
  - Receive, analyze, and evaluate the proposed report of the Committee and issue the definitive version;
  - Disseminate the final report of the Mechanism, in coordination with the OAS General Secretariat;
  - Settle any matter relating to the operations of the Mechanism
- b: Of the Committee:
- Draft its own rules of procedure;
  - Define its working methods and work calendar;
  - Receive and evaluate the reports of the States Parties and issue its recommendations;
  - Present the report to the Conference.

## **Article 7**

### Headquarters

The Follow-up Mechanism shall have its headquarters at the Organization of American States, in the Permanent Secretariat of the CIM.

## **Article 8**

### Operations

- a. Selection of provisions and methodology:

The Committee Secretariat shall submit to the Committee, for its consideration, a document in which it will select the Convention provisions whose application by the States Parties could be the subject of the review and, in keeping with available financial resources, shall determine the duration of a period of sessions it will devote to this task--to be called a round--and the number of preliminary reports of States Parties to be considered at each meeting.

During each round, the Committee Secretariat shall prepare a questionnaire on the provisions it has selected, which questionnaire, once approved by the Committee, shall be transmitted to the States Parties, who undertake to reply to it by the deadline set by the Committee. Replies to the questionnaire shall be circulated to all members of the Committee.

At the start of each round, the Committee shall examine the information of each State Party and establish a calendar for the review, in a predetermined, impartial manner, such as alphabetical order, the drawing of lots, or chronological order of ratification of the Convention. The Committee Secretariat shall make this information public.

In order to fulfill its functions, the Committee shall determine the appropriate method for carrying out its work plan.

b. Final report:

After reviewing the preliminary reports of all the States Parties in each round, the Committee shall issue a final report with the corresponding recommendations; this report shall include the observations on each State Party that has been reviewed and shall be submitted to the Conference and, once published, to the Assembly of Delegates of the CIM.

c. Follow-up of recommendations:

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

## **Article 9**

### Equal treatment

To ensure that the mechanism is efficient and consists of an evaluation between equals, the objective of which is to strengthen communication and exchange of experiences among the States Parties, the Committee of Experts shall take into account that:

- a. All States Parties shall be reviewed in the framework of the round, in accordance with identical criteria and procedures.
- b. The same questionnaire shall be used for all States Parties.

- c. All the State Party reports shall have the same format.

## **Article 10**

### Intergovernmental cooperation and participation of civil society

- a. The Conference of States Parties and the Committee of Experts of the Convention Follow-up Mechanism are intergovernmental in nature. The Conference and the Committee of Experts may invite to its plenary meetings states that are not parties to the Convention.
- b. In order to secure more input for its reviews, the Committee shall include, in its rules of procedure, provisions that ensure participation by civil society organizations, in particular those that deal with the subject of the Convention of Belem do Para, in keeping with the principles set forth in the Guidelines for the Participation of Civil Society Organizations in OAS Activities [CP/RES. 759 (1217/99)] and the definition of civil society contained in resolution AG/RES. 1661 (XXIX-O/99).
- c. Bearing in mind the objectives of the Follow-up Mechanism, and in the framework of the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality, the Committee shall cooperate with all OAS member states that so request, taking into account OAS activities in progress, and shall report to the Conference on this matter.
- d. The States Parties shall establish mechanisms that facilitate cooperation and technical assistance for the exchange of information, experiences, and best practices to bring about the full implementation of the Convention.

## **Article 11**

### Resources

The activities of the Follow-up Mechanism shall be financed by a specific fund established for this purpose, consisting of contributions from States Parties to the Convention, states that are not parties to the Convention, permanent observer states, and international financial agencies, other external resources, and any other contribution it may receive in accordance with the General Standards to Govern the

Operations of the General Secretariat of the Organization of American States. These contributions may include offers from States Parties to organize and host meetings of the Mechanism's organs.

The Conference may establish criteria for determining regular contributions.

## **Article 12**

### Review of the Mechanism

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

## **Article 13**

### Report to the OAS General Assembly

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