

## Addressing Violence and Discrimination against Women in the Americas

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### FOREWORD

I thank the Inter-American Court of Human Rights for inviting the Commission, and specifically the Rapporteurship on the Rights of Women, to participate in this panel on the occasion of its 40th Anniversary. In the Americas, women represent more than half of the population and are in a situation of special vulnerability. Violence against women is the most widespread violation of Human Rights globally; however, our hemisphere leads the world in having the greatest incidence and the most egregious examples of violence against women with the highest level of impunity.

In 1994 the IACHR created the Rapporteurship on the Rights of Women with the initial task of analyzing the extent to which laws and practices involving women's rights in the OAS Member States comply with the general obligations set forth in regional human rights and the rates of successful, and to ascertain the rates of successful resolutions of investigations of violence against women.

As Rapporteur on the Rights of Women, and based on the work conducted by the IACHR, we take this opportunity to ad-

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dress the great efforts and advances that States in the region have made, as well as the many challenges women and girls are still facing in the region regarding violence and discrimination against them, due to regressive acts within many States parties in the immediate pass and currently.

### IACHR CURRENT WORK AND MECHANISMS ADDRESSING VIOLENCE AGAINST WOMEN

The IACHR has specific mechanisms to address the issue of violence against women, such as:

#### **Processing of individual petitions**

Which show the widespread violence affecting women in its various forms, such as obstacles in their access to justice, prevalence of impunity, disappearances, murders, sexual violence or obstetric violence, and economic violations.

Some of these cases reach the Inter-American Court, such as the Women of Atenco case (against Mexico) and the case of Linda Loaiza (against Venezuela) recently addressed by the Court and in cases of loss of lands and by members of indigenous and Afro-descendant communities.

#### **IACHR may require States to adopt precautionary measures**

To avoid serious, urgent and irreparable damage, the Commission has mainly issued precautionary measures to protect women human rights defenders, victims of domestic violence and, recently, in cases dealing with malnutrition and poverty.

In very urgent matters, the Commission has requested provisional measures of the Inter-American Court, as was the case with the high-risk pregnancy of B. in El Salvador, who was not granted legal access to abortion services even when her life was in danger.

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### **Requesting information from States**

As a tool to monitor situations that may be affecting the rights of women, girls and adolescents, the IACHR maintains confidential correspondence with member States in order to obtain specific information on issues brought to our attention by civil society, human rights defenders, and through our own monitoring activities.

### **On-site visits and working visits**

To observe the situation of protection of human rights or nonprotection of human rights, or to investigate particular situations, the Commission conducts *in loco* visits. Some recent ones are Guatemala in 2017, Honduras and Brazil in 2018 and working visits El Salvador and Dominican Republic in 2017, Colombia in 2018.

### **Statements to highlight both advancements and challenges in the region**

Our statements have addressed the situation of femicides, the situation of women human rights defenders, the advances, and setbacks of sexual and reproductive rights to mention a few. These statements highlight the obligations of the States and underline the deep interest and grave concerns the Commission has regarding the rights of women. We issue very many press releases on every or almost every violation of human rights in our hemisphere.

### **Publishing thematic or country reports**

These analyze the specific situation of the rights of women in the Americas whether as a core-topic or as a transversal axis. Recently, the IACHR has published a report on measures aimed at reducing the use of pretrial detention, including its impact on women, a report on the situation of indigenous women and we are currently preparing a report systematizing standards

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and recommendations on violence and discrimination against women.

### Convoking of hearings

These are to inform the IACHR about the situations of risk which are affecting women, girls and adolescents and very young girls. Very concerning situations have been brought to our attention recently, such as sexual and reproductive rights of women, in Central America, the situation of women with disabilities, the prevalence of disappearances of women in several states, the killing of women human rights defenders, including indigenous and Afro-descendants women human rights defenders, the situation of sexual workers, the issue of sexual orientation and identification, etcetera.

#### CURRENT CHALLENGES REGARDING ELIMINATION OF VIOLENCE AGAINST WOMEN IN THE REGION

With regard to gender-based violence against women, the IACHR welcomes the efforts undertaken by several States in the region to fulfill their obligation to combat violence against women, such as:

- the legislation on femicide in Uruguay;
- the end of the total abortion ban in Chile and the recent advances in Argentina;
- the adoption of a Protocol to Investigate Femicides in Argentina;
- positive decisions taken in Peru and Colombia to eradicate stereotypes in the judgement of cases of sexual violence.

The Commission also highlights the progress in terms of eradication of discrimination in terms of political participation and equal representation of women in decision-making spaces. While at the global level female representation rate has stagnated, countries in the region such as Bolivia, Canada, Nicaragua and Mexico have even surpassed gender parity. Costa Rica, Chile and Colom-

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bia have elected women as Presidents, Vice-Presidents and in some Caribbean states there have been also women Presidents and Prime Ministers and Chief Justices of Supreme Court.

However, indigenous and Afro-descendant women are still left behind in terms of political and actual participation in the Latin American and Central American regions, for which the Commission has called and is calling upon the States to take proper measures to address this form of structural, social, actual racial and general discrimination and violence.

Despite the progress made on various issues, the IACHR continues to be concerned about the serious situation of violence and discrimination against women, adolescents, girls and very young girls in the countries of the region. We continue to witness tragic examples of the pattern of violence against women, including murders and acts of physical, psychological and sexual violence. We have analyzed that even though murders of males decrease, those against women tend to stagnate or to increase. In addition, murder of women often expresses more violence and maliciousness. In 2016, in Guatemala there were reported more than 15 beheadings of women, for example. Also, sexual violence is still widespread, affecting particularly adolescents, girls and very young girls, who are very often left pregnant after forced sex, and they are then forced to suffer through the pregnancy to term, and then also are forced to suffer through the deliveries of unwanted children; thereby impeding their life plans and futures.

The high-risk situation faced by women journalists, human rights defenders, and women in political or with political aspirations, the invidious situation of indigenous and Afro-descendant women warranting special attention by State parties. The situation in Colombia is very worrying, this year more than 25 social leaders have been killed, 9 of them were women. In Mexico, at least 3 women candidates to local elections were assassinated. The growth incidents and egregious content of “hate speech” is also being addressed by the Commission because of its magnitude, and the consequence of this destructive practice with violent threats and sexual innuendos which cause great suffering, emotional and mental to the recipient and which too often results in their withdrawal from the political activity.

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Regarding Sexual and Reproductive Rights, the Commission is still concerned by the various obstacles. Women still face obstacles to fully enjoy their rights to Sexual Education, to Health Services and ultimately to their integrity and autonomy to make decisions about their bodies, and the numbers and spacing of their children, and of course their right to life. In El Salvador, as a result of a total abortion ban and misguided prosecutions, at least 23 women (some very young women) are still in jail accused of and sentenced to fifteen, twenty, thirty or more years for aggravated murder after they had suffered obstetrical emergencies. They are charged with the offence of aggravated murder even though the State has a legal provision which criminalizes abortion and for which the maximum prison penalty is eight years. The choice of prosecutions for aggravated murder is therefore a further abuse and is discriminatory against women, especially when the male perpetrators of rape are too often not prosecuted for the offence or when tried are only made to suffer a very light penalty of a minimum number of years.

The IACHR has continued to receive worrying information about the spread of the Zika virus and its disproportionate impact on the lives of women. Particularly poor women, those living in remote and rural areas, and Afro-descendant women. Similarly, women living with HIV/AIDS are still facing numerous obstacles to fully enjoy their rights. In Venezuela, for instance, their situation has been greatly aggravated by the lack of treatments and medicines.

## CONCLUSIONS

The Commission's strategy in addressing gender related issues is based on its mandate to promote and protect human rights in the Americas, in line with the principles of equality and nondiscrimination.

With the Rapporteurship on the Rights of Women, the Commission analyzes the extent to which laws and practices involving women's rights in the OAS Member States comply with the general obligations set forth in our regional human rights instru-

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ments, such as the American Convention, the American Declaration, and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

Through its mechanisms, the IACHR monitors the situation of the rights of women, girls and adolescents, and provides support in handling their cases and request for precautionary measures. The IACHR issues recommendations and calls the States parties to comply with their obligations, and advocates for broadening the ratification of Inter-American instruments, including the Inter-American Convention Against Racism, Racial Discrimination, and Related Forms of Intolerance, and the Inter-American Convention Against All Forms of Discrimination and Intolerance. It is absolutely necessary for all States to ratify these Conventions because discrimination exists and is widely practice in every State of our region with only the degree of the levels of *de facto* and *de jure* discriminatory practices differentiate the States one from the other. This situation must be changed if we and those who come after us in our hemisphere can enjoy equal opportunities justice and peace and thereafter true democratic development.

Finally, the Commission contributes to the promotion and protection of the rights of women in the region and, therefore, contributes to their advancement within the Inter-American System of Human Rights, but we still have a long way to go. Without any doubt, there is no violations of human rights which have not and do not adversely affect the female of the human species in our region. We must remember that our Inter-American System is the last bastion of justice for the victims who bring their un-addressed or insufficiently addressed violations to it. It is also the last avenue for protection from abuses and violations for the most vulnerable sector, though half of the human race that is to say women, girls, and adolescents.