

STATUTE OF THE MECHANISM TO FOLLOW UP ON THE  
IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION ON  
THE PREVENTION, PUNISHMENT, AND ERADICATION OF VIOLENCE  
AGAINST WOMEN, “CONVENTION OF BELÉM DO PARÁ”



(Approved at the First Conference of States Parties  
held in Washington D.C. on October 26, 2004)



## PREAMBLE

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

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

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

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

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

## **Article 1. Purposes/objectives**

**1.1** The purposes of the mechanism shall be:

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

## **Article 2. Basic principles**

**2.1** The mechanism to follow up on the commitments assumed by the states parties to the Convention will be developed within the framework of the purposes and principles established in the Charter of the Organization of American States. In this regard, the functions of this mechanism and the procedures used must take into account the principles of sovereignty, nonintervention, the juridical equality of states, and the need to respect the constitution and basic principles of the legal system of each state party.

## **Article 3. Nature**

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

- a.** It shall be impartial and objective in its functioning and in the conclusions and recommendations it issues;
- b.** It shall guarantee fair application and equal treatment for the states parties;

- c. It may issue recommendations to the states parties and follow up on their implementation;
- d. It shall operate on the basis of consensus and the principle of cooperation among the states parties; and
- e. It shall establish an appropriate balance between the confidentiality of the evaluation and the transparency of the process.

#### **Article 4. Members**

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

#### **Article 5. Structure**

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

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

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

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

## **Article 6. Responsibilities**

**6.1** The responsibilities of the Conference are:

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

**6.2** The responsibilities of the Committee are:

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

## **Article 7. Headquarters**

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

## **Article 8. Operations**

**8.1** Selección de disposiciones y metodología:

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

- b.** During each round, the Secretariat shall prepare a questionnaire on the provisions it has selected. The questionnaire, once approved by the Committee, shall be transmitted to the states parties, who undertake to reply to it by the deadline set by the Committee. Replies to the questionnaire shall be circulated to all members of the Committee;
- c.** At the start of each round, the Committee shall examine the information on each state party and establish a calendar for the review, in a predetermined, impartial manner, such as alphabetical order, the drawing of lots, or chronological order of ratification of the Convention. The Secretariat shall make this information public; and
- d.** In order to fulfill its functions, the Committee shall determine the appropriate method for carrying out its work plan.

## **8.2 Final report:**

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

## **8.3 Follow-up of recommendations:**

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

## **Article 9. Equal treatment**

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

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

c. All the reports presented by states parties shall have the same format.

## **Article 10. Intergovernmental cooperation and participation of civil society**

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

**10.2** In order to secure more input for its reviews, the Committee shall include, in its rules of procedure, provisions that ensure participation by civil society organizations, in particular those that deal with the subject of the Convention of Belém do Pará, in keeping with the principles set forth in the Guidelines for the Participation of Civil Society Organizations in OAS Activities (CP/RES. 759 (1217/99)) and the definition of civil society contained in resolution AG/RES. 1661 (XXIX-O/99).

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

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

## **Article 11. Resources**

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

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

## **Article 12. Periodic review of the Mechanism**

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

## **Article 13. Report to the OAS General Assembly**

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

## **Article 14. Transitory provision**

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