



FOLLOW-UP MECHANISM TO THE
BELÉM DO PARÁ CONVENTION (MESECVI)
Twentieth Meeting of the Committee of Experts
28-29 November 2023

OEA/Ser.L/II/7.10

MESECVI/CEVI/doc.284/23.rev2
November 28, 2023
Original: Spanish

Washington D.C. and Zoom online meeting platform
Approved on April 29, 2024

MESECVI

General Recommendation No. 5

Gender-based violence against Afro-descendant women¹

Introduction

1. During the last two decades, a number of initiatives have been designed to incorporate ethnic, racial, gender, intercultural and human rights perspectives into national agendas. First steps have been taken to systematize the analysis of the situation for Afro-descendants' rights in Latin America and the Caribbean. Working groups and expert groups have been created by the UN to address this issue, while the Inter-American Commission on Human Rights (IACHR) established the Rapporteurship on the Rights of Persons of African Descent and against Racial Discrimination in 2005. As part of the Plan of Action for the Decade for People of African Descent in the Americas 2016-2026 (OAS, 2016)², the General Assembly of the Organization of American States (OAS) mandated that the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) will include an Afro-descendant approach as part of its agenda for the prevention of violence against women. This action forms part of the objective to promote access

¹ This General Recommendation has been prepared with support and collaboration from the UNFPA Latin America and the Caribbean Regional Office.

² The Plan of Action was approved on June 14, 2016 through resolution [AG/RES. 2891 \(XLVI-O/16\)](#) issued by the OAS General Assembly.

to justice for the Afro-descendant population in the hemisphere. As a contribution to achieving this objective, the MESECVI Committee of Experts (CEVI) has prepared this General Recommendation³ that addresses the multiple forms of violence experienced by Afro-descendant girls and women in Latin America, in accordance with the prevention approach established in the Belém do Pará Convention (OAS, 1994).

2. The realities faced by Afro-descendant communities vary significantly between countries and territories. However, it is certain that Afro-descendent people are exposed to discrimination, racism, violence and ethno-racial stereotypes across Latin America and the Caribbean, which began at the time of transatlantic human trafficking and slavery, on which the economy during the region's colonial period was based. . Today, Afro-descendent people coexist in the broader Latin American societies, although in some countries they face distinct situations, such as the Garifuna communities in Honduras⁴ and the Quilombolas in Brazil⁵. As the Plan of Action notes, these communities are “among the most vulnerable groups in the Hemisphere as a result of poverty, underdevelopment (and) social exclusion,” factors that are closely related to the racism and related intolerance that they have historically experienced. In turn, afro-descendant women are at greater risk given that “they have suffered a triple historical discrimination, based on their sex, extreme poverty and race”⁶. The Durban Declaration from the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (UN, 2002) states that racism and related intolerance “manifest themselves in a differentiated manner for women and girls”, which contributes to “the deterioration of their living conditions, poverty, violence,

³ The preparation of this document included several rounds of consultations with representatives of the regional organizations Red de Mujeres Afrolatinoamericanas, Afrocaribeñas y de la Diáspora, Escuela Regional Afro-feminista and Instituto Raza Igualdad y Derechos Humanos and others at the national level, including Fundación Afromexicana Petra Morga, Voces de Mujeres Afro Panameñas, Voces Caribeñas (Nicaragua), Enlace de Mujeres Negras de Honduras, Centro de Desarrollo de la Mujer Negra Peruana (CEDEMUNEP), Kilombo Negrocéntricas (Chile), Colectiva Mujeres (Uruguay), Asociación de Mujeres Afrocolombianas (AMUAFROC) and Centro de Mujeres Afro-Costa Rica. The specific consultation with Brazilian organizations included the participation of representatives of Coletivo de mulheres da Conaq, Rede de Mulheres do Nordeste, Instituto Odara de Mulheres Negras, Geledes and Movimento de Mulheres de Manaus, among others.

⁴ See: UN. Press release. [Honduras must stop criminalizing the defense of human rights by Garifuna communities, warn UN experts](#). Geneva (Switzerland), July 9, 2021.

⁵ See: UN. Press release. [Brazil: regression in rights for Quilombo communities would violate international law](#). Geneva, Switzerland, 26 May 2010.

⁶ IACHR. Rapporteurship on the Rights of Afro-descendants and against Racial Discrimination. The Situation of Afro-descendants in the Americas. December 5, 2011. [OEA/Ser.L/V/II. Doc.62](#). Para. 13 and paras. 61-76.

multiple forms of discrimination and restrictions or denials of their human rights”⁷. Statistics evidence that these women face increased levels of poverty compared to Afro-descendant men and non-Afro-descendant women. Afro-descendant women also face more obstacles in terms of exercising their rights to education, adequate housing, health and sexual and reproductive rights, among others. Afro-descendent women face greater difficulties when trying to obtain decent employment, experience limitations that affect their participation in decision-making and politics, receive unequal and discriminatory treatment in the judicial system and are particularly vulnerable to gender-based violence⁸.

3. Given that the violence of racism is directly connected to gender-based violence, it is only possible to evidence the effects of racial discrimination on the rights of Afro-descendent women using an intersectional and gender approach. Failure to incorporate both racism and gender-based violence into this analysis may result in the erroneous conclusion that violence is the same for all women, without paying attention to the specific nature of the violence committed against Afro-descendant women considering the intersection of racialization and gender. This highlights the importance of studying, preventing and addressing this issue through the use of ethnic-racial, human rights and intersectional approaches. The results of this analysis should be incorporated into the formulation of public policies, plans, programs, services and actions that promote women's rights and respond to the specific forms of violence faced by Afro-descendent women, ensuring that the fight against racism is a cross-cutting component of this work. The specific recommendations contained in this document complement the obligations in the Belém do Pará Convention and should be interpreted through the lens of a differential cultural approach and a cross-cutting gender and human rights perspective, taking into account the relevant intersections. The design, implementation and evaluation of the measures contained in the Convention must involve the active participation of Afro-descendant women leaders and their organizations – specifically those working in the area of gender-based violence, as well as other areas of interest – and their opinion must be duly considered at all stages.

Legal framework: Racial discrimination and violence against women

⁷ Durban Declaration and Programme of Action. Para. 69.

⁸ UN. Programme of activities for the International Decade for People of African Descent. Report of the Secretary-General. 14 August 2017. [A/72/323](#). Para. 3.

4. The International Convention on the Elimination of All Forms of Racial Discrimination (UN, 1965) defines racial discrimination as “any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin” that has the purpose or the effect of limiting a person’s enjoyment of their human rights (art. 1). The Inter-American Convention Against Racism, Racial Discrimination, and Related Forms of Intolerance (OAS, 2013) includes a similar definition while also including definitions of indirect racial discrimination and multiple and aggravated discrimination. These include two or more concomitant grounds of discrimination recognized by international law. The Convention on the Elimination of All Forms of Discrimination against Women (UN, 1979) states that discrimination against women is “any distinction, exclusion or restriction made on the basis of sex” that impairs the enjoyment and recognition of their human rights (Art. 1). The Belém do Pará Convention widely acknowledges the right of women to a life free of violence and discrimination.

5. The Belém do Pará Convention incorporates the principle of intersectionality in its Article 9, establishing the duty of the States Parties to take into account the different types of vulnerabilities faced by women in accordance with factors that include their age, race, ethnic group and migratory, refugee or displaced person status, among others. Within this normative context, violence against Afro-descendent girls and women involves different situations of discrimination and violence due to their gender, race and ethnicity (Art. 1 of the Convention). This includes types of violence and discrimination that require more than the adoption of specific measures or short-term policies in order to achieve a significant change. There is also a need to address the aggravated discrimination that Afro-descendent girls and women face in their daily lives, which include: issues emerging in both rural and urban contexts; living in poverty; being incarcerated and in custody; as displaced persons or refugees; armed conflicts; living with HIV; in transit or as migrants; and other circumstances that generate specific vulnerabilities.

Right to a life free of violence, discrimination and stereotypes (arts. 3, 4 and 6)

6. Afro-descendent women are particularly exposed to multiple forms of gender- and race-based violence throughout their lives compared to other groups of women. Recent data shows that in

countries such as Brazil, this population is also disproportionately exposed to femicide⁹. In the case of Uruguay, the 2019¹⁰ National Violence Prevalence Survey reported percentages of 6% and 8% more violence in cases of Afro-descendant women. In the same vein, afro-descendant women living in poverty face limitations in accessing advanced levels of education, which forces them to work in precarious and poorly paid jobs, such as unregulated domestic work, which is common in many States in the region. This situation frequently exposes them to abuse and mistreatment at work. In addition, they are often victims of racist and discriminatory attitudes on the part of public officials when trying to exercise their right to health, housing or in migration processes. It is also common that when they participate in their communities or in the public space, they are often victims of political violence, as a form of punishment and as a mechanism to dissuade them from participating in defense and claiming their rights. Afro-descendant girls and adolescents are often the main victims of sexual and physical violence and are also at greater risk of being trafficked for sexual exploitation or forced labor, including exploitation by networks linked to sex tourism.¹¹ Sexual violence is at the root of social problems that include child and adolescent pregnancy, forced motherhood and child and early marriages and unions¹². All of these situations are linked to factors such as poverty, living in rural zones and a lack of opportunities¹³. Subordination mechanisms and ethnic-racial and gender stereotypes are reproduced in Afro-descendant communities, exposing girls and women to different forms of intra-family and community violence. In addition to the types of violence described above, Quilombola women in Brazil and Honduran Garifuna women have reported acts of violence committed against them for defending their territories and ways of life. During the consultations carried out to prepare this General Recommendation, Quilombo women leaders informed the

⁹ In 2021, the IACHR identified an increase in femicides of Afro-descendant women, noting that in Brazil there had been a 15% increase in recent years, compared to a decrease among non-Afro-descendant women of 8%. In: IACHR. Economic, social, cultural and environmental rights of people of African descent. March 16, 2021. [OEA/Ser.L/V/II.Doc.109/21](#). Para. 136.

¹⁰ Uruguay. 2019 National Violence Prevalence Survey, 2020. Available at: <https://www.gub.uy/ministerio-desarrollo-social/comunicacion/publicaciones/encuesta-nacional-prevalencia-sobre-violencia-basada-genero-generaciones>.

¹¹ See for example: UN. Statement by UN Special Rapporteur on child sexual exploitation, Maud de Boer-Buquicchio, on her visit to the Dominican Republic (May 8-15, 2017). May 18, 2017.

¹² OAS/CIM/MESECVI. Hemispheric Report on Sexual Violence and Child Pregnancy in the States Parties to the Belém do Pará Convention. Washington DC, 2016. [OEA/Ser.L/II.7.10](#). P. 7.

¹³ UN. OHCHR. Afro-descendant Women and Girls. Achievements and challenges in relation to Human Rights. November 25, 2019. [18-18397](#). P. 31.

CEVI that they live with constant threats and are often forced to flee their homes. These women find it difficult to access reporting and protection mechanisms and there is often collusion between public authorities and their aggressors.

7. Afro-descendant women are also exposed to different forms of psychological violence, including symbolic violence generated by negative stereotypes associated with factors such as their body, skin and hair color, sexuality, culture and religion¹⁴. Although there are laws sanctioning racism and racial discrimination, racist stereotypes and varied forms of racial intolerance continue to exist, which in many cases is increasing in the context of new waves of conservative thinking¹⁵. Hate speech based on race and gender has been strengthened through the use of digital social networks, increasing aggressions and symbolic violence against afro-descendant women, especially activists and human rights defenders, who publicly defend their identity, corporeality or ethno-racial origin¹⁶. The disregard and invisibilization of the richness and cultural diversity of Afro-descendant peoples and communities, of the contribution of African-rooted feminisms and the contributions of Afro-descendant women in areas such as culture, history and art, prevent the recognition of their valuable social, economic and cultural contributions, which is an element that adds to the devaluation of their identity and the renunciation of their self-recognition as Afro-descendants.¹⁷

Duties of States

8. Articles 6 to 9 of the Convention of Belém do Pará establish a system of State obligations aimed at guaranteeing women's right to a life free of violence. The obligations of immediate compliance are those derived from Article 6, which recognizes the rights of women to be free

¹⁴ ECLAC/UNFPA. Afro-descendants and the matrix of social inequality in Latin America: challenges for inclusion. Santiago, 2020. [LC/PUB.2020/14](#). P. 235.

¹⁵ The Brazilian organizations that participated in the consultation carried out by MESECVI for preparing this document agreed that recent positive developments in legislative, institutional and public policy advances have not been accompanied by a similar political will to consolidate the paradigm shift and ensure improvements in Afro-descendant women's rights. This has seen a regression to the situation experienced during the recent ultra-conservative government.

¹⁶ Online violence intends to exert control over the bodies of women who express themselves publicly and exclude them from a public space. In: UN Women and OAS/CIM/MESECVI. [Cyber-violence and Cyber-harassment against women and girls in the framework of the Belém do Pará Convention, 2022](#). Spotlight Initiative, 2022. Pp. 20 and 21.

¹⁷ See: UNDP. [Afro-descendant women and Latin American culture: identity and development](#). Panama, 2009.

from all forms of discrimination and stereotyped patterns of subordination; and those contemplated in Article 7, which include refraining from committing acts of violence against women and immediately adopting legislative and legal measures to ensure access to justice, guaranteeing the protection of women survivors and punishing their aggressors. On the other hand, the measures of prevention, protection and care for women survivors of gender-based violence contemplated in Article 8 must be adopted progressively, avoiding any regression and accompanied by immediate measures to eliminate ethnic-racial and gender stereotypes, with an intercultural, intersectional and gender-based approach, in accordance with Article 9. In this process, the specific needs of Afro-descendant women and girls must be taken into account to ensure that the actions, plans and programs implemented and the existing legislation contribute to the eradication of structural racism, inequalities and situations of gender-based violence that they face on a daily basis.

9. In addition to adopting measures to transform the patriarchal system that legitimizes and tolerates this violence, as well as promoting alternative masculinities in schools and educational and community environments, States should adopt intercultural and anti-racist approaches for the reporting of crimes to the police, which would facilitate access to justice for Afro-descendant women without discrimination. Training should be delivered to public servants, including health workers, teachers, administrative personnel and police and justice administration bodies. Programs for capacity building should be implemented among the media, journalists and opinion leaders, with a focus on their responsibility to contribute to the eradication of symbolic violence¹⁸.

10. Measures must also be adopted to guarantee access to care mechanisms, psychological first aid, crisis containment derived from the situation of discrimination and violence, accompaniment and psycho-legal guidance, seeking to eradicate discriminatory and racist attitudes, policies and structures. States should deliver outreach and training programs for Afro-descendant communities on their right to live free from violence and how they can access available such public services. Information should also be shared with communities about their possible access

¹⁸ These measures correspond to Article 8.g. in the Belém do Pará Convention, which establishes the State's commitment to "encourage the media to implement appropriate broadcasting guidelines that contribute to eradicating violence against women in all its forms and increasing respect for women's dignity".

to compensation, non-repetition measures, and programs that promote the inclusion and eradication of gender and racial stereotypes. In terms of the free exercise of political rights, measures should be adopted that promote the effective participation of Afro-descendant women, both in social and political organization spaces and in representative and decision-making institutions. This population should also be supported to participate in public and community action platforms. These measures require a differential approach that takes into account Afro-descendant women's realities, cultures and worldviews. There is also a need to apply affirmative action measures, which may include equal employment opportunities, the establishment of quotas and training programs on participation.

11. Recommendations

- a) Adopt and strengthen public policies for the prevention of gender-based violence and care for survivors of violence that incorporate a cross-cutting intersectional approach to race and gender, take into account racism and ethno-racial discrimination as causes and aggravating factors and include mechanisms for monitoring and sanctioning discriminatory behavior.
- b) Design specific measures aimed at addressing the problem of street harassment associated with sexual violence, as well as preventing and charging perpetrators of psychological violence based on gender and ethnic-racial stereotypes in digital spaces.
- c) Establish protocols for managing cases of gender-based violence against girls and adolescents in educational centers that use an Afro-descendant differential approach with anti-racist and intersectional perspectives. These protocols should include sanctions for staff, teachers and students who carry out discriminatory acts linked to ethnic-racial and gender stereotypes.
- d) Undertake research on discrimination and the impact of the ethnic-racial and gender stereotypes experienced by Afro-descendant girls, adolescents and women throughout the educational system. Research should also be carried out on cases of violence, sexual abuse and digital violence, along with studies on the effectiveness of sanctions and measures for the prevention, protection and provision of assistance to cases. States should

incorporate the results of these studies in the design of policies that seek to convert educational spaces into safe places for Afro-descendant women, girls and adolescents.

- e) Design and implement periodic training programs that use ethnic-racial, gender and human rights approaches for management, teaching and administrative staff in the education system at all hierarchical and training levels. Training should also be provided to parents and/or other staff from the education system, as well as for public servants in other sectors including the police and the justice system, among others.
- f) Promote curricular, program, content and textbook reforms, ensuring that they are anti-racist and include the history, culture and contributions made to today's societies by Afro-descendant populations, and specifically afro-descendant women.
- g) Design and implement verifiable action protocols for health workers in order to eliminate race-based discrimination when dealing with cases of gender-based violence committed against girls, adolescents and afro-descendant women.
- h) Design training programs on human rights, the gender approach and the fight against racism, including components on Afro-descendant peoples' cultures, cosmovision and community health practices, for health workers at all levels of care. These programs should seek to eliminate discrimination and stereotypes that hinder this population's access to health services.
- i) Design regulations and protocols to sanction health institutions and health workers at all levels when they engage in discriminatory acts against girls, adolescents and afro-descendant women. These include refusal to provide services and other racist acts such as verbal aggression and substandard care.
- j) Design and implement culturally relevant health care models using ethnic-racial and anti-racist perspectives to promote the elimination of obstacles and discriminatory factors that limit access to the health care system, with participation from Afro-descendant women's organizations.
- k) Penalize and sanction obstetric violence and facilitate access to timely, complete and adequate information on sexual and reproductive rights. This will ensure that Afro-descendant women can make free, informed and voluntary decisions about the full

exercising of their rights and the procedures available to them, including the right to have a culturally safe childbirth.

- l) Strengthen mechanisms for the supervision of working conditions in the relevant employment sectors for Afro-descendant women. Establish mechanisms for the follow-up, monitoring and sanctioning of reports of violence or discrimination based on ethnicity, race or gender. States should promote the goal of adequate working conditions for afro-descendant women.
- m) Adopt measures to promote access to decent employment without discrimination due to ethno-racial and gender stereotypes. These will include the implementation of programs that promote professional training for afro-descendant women and the exploration of temporary affirmative action formulas.

Refraining from State violence (art. 7.a)

12. As part of the obligation to respect human rights, State agents must refrain from all acts of violence against women, be it physical, sexual or psychological, respect their human rights and comply with the legally established procedures to preserve public safety. Despite their human rights obligations, historical violence from patriarchal states towards the Afro-descendant population in the region continues, including police violence and political violence against Afro-descendant women, and particularly against women who are human rights and environmental defenders, who are disproportionately exposed to racial profiling practices¹⁹, death threats and acts of harassment and aggression, as evidenced by reports of sexual violence in the communities where they live and engage in political action are frequent, with reports of both violent deaths and forced displacement²⁰. An additional problem is the State's tolerance of these violent practices, the absence of effective investigation and sanction mechanisms and impunity for these crimes, which is an additional problem that aggravates all these forms of

¹⁹ UN. Committee on the Elimination of Racial Discrimination. General Recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials. December 17, 2020. [CERD/C/GC/36](#). Para. 11.

²⁰ In 2018, and following an on-site visit to Brazil, the IACHR observed serious human rights violations that disproportionately affect young people and Afro-descendant women in peri-urban areas and favelas. Many of these people are killed without any criminal investigation or trial and no reparations are provided to the victims' families. In: IACHR (2021). Para. 137.

violence. On numerous occasions, the CEVI has stressed that States must adopt measures to prevent and sanction all forms of police violence. This requires the design of protocols and delivery of training that is based on human rights and seeks to address ethnic-racial and gender inequalities²¹. There is a need to raise the level of accountability with law enforcement officials and carry out regular effective external oversight to evaluate their performance. It is also necessary to strengthen the judicial system in order to fight impunity and ensure that racist and sexist acts and behaviors are subject to investigations and sanctions.

13. Recommendations

- a) Ensure the strict prohibition of institutional racial profiling practices, highlighting their incompatibility with respecting human rights, while also promoting the principles of equality and non-discrimination.
- b) Design police action protocols that include sanctions for those directly responsible for racial discrimination and profiling acts and practices, as well as abuse, harassment and sexual violence against afro-descendant women who are detained or deprived of their liberty.

Access to justice, due diligence and duty of reparations (art. 7.b, 7.f and 7.g)

14. Obstacles in terms of access to justice disproportionately affect afro-descendant women. This population faces difficulties with accessing administrative and judicial complaint and reparations mechanisms²², which is a situation reflected in their overrepresentation in the criminal justice systems²³. The gaps, irregularities and deficiencies in the investigation, prosecution and sentencing of cases of violence committed against Afro-descendant women contribute to a situation of structural impunity. In this context, the CEVI has stated that there is a need to “increase the number of entities that receive criminal reports from indigenous and/or Afro-descendant populations, especially in non-urban areas, as well as improving their effectiveness and inclusive and intercultural practices”²⁴. Measures that can be taken include

²¹ ECLAC/UNFPA (2020). Afro-descendants and the matrix of social inequality. P. 217.

²² IACHR (2011). Paras. 71, 72 and 138.

²³ IACHR (2021). Para. 107.

²⁴ OAS/CIM/MESECVI. Second Hemispheric Report on the Implementation of the Belém do Pará Convention. Washington DC, 2012. [OEA/Ser.L/II.6.10](#). Recommendation 22.

improving facilities, allocating sufficient budgets for these services, increasing staff numbers and providing professional development training²⁵. The realities faced by Afro-descendant women in both urban and rural environments should be analyzed in a differentiated manner. Training for public officials should be aimed at eliminating the effects of racial discrimination and racism. Reparations in cases of violence against Afro-descendant women should use ethnic, gender and intersectional approaches while assuming that inequalities between men and women and different forms of racism manifest in obstacles that limit this population's access to justice, leading to impunity for crimes committed against girls and afro-descendant women²⁶. A transformative reparations model must incorporate measures designed to mitigate the consequences of racism for survivors and their families, while also responding to the structural factors that generate this violence.

15. Recommendations

- a) Incorporate intersectional gender and ethnic-racial approaches in procedures for access to justice, ensuring that cases of violence are dealt with in a timely manner, without discrimination and with culturally appropriate practices. This will facilitate access to the right to justice for Afro-descendant girls and women who are survivors of gender-based violence.
- b) Expand the networks of entities that can receive reports of violence against women, which will increase the accessibility and availability of this service. This is necessary because Afro-descendant girls and women living in rural and isolated communities have limited access to the justice system.
- c) Prepare participatory assessments to identify the causes that stop Afro-descendent girls and women from reporting acts of violence. States should deliver training to ensure that public officials working in relevant agencies are adequately prepared to receive reports of violence from girls and afro-descendant women.

²⁵ OAS/CIM/MESECVI. Second Follow-up Report on the Implementation of the Recommendations of the Committee of Experts of the MESECVI. Washington DC, 2015. [MESECVI/I-CE/doc.10/14 Rev.1](#), paras. 234, 247 and 309.

²⁶ UN Women and OAS/CIM/MESECVI. [Comprehensive reparation in cases of femicide and feminicide in Latin America: progress, challenges and recommendations](#). Washington DC, 2022. Pp. 18-22.

- d) Design protocols and/or codes of conduct on discrimination due to race, ethnicity and gender for public officials working in the agencies that operate the justice system. This should include procedures for periodic evaluations, adjustments and administrative sanctions for non-compliance.
- e) Hire Afro-descendant women at all hierarchical levels of public institutions while also ensuring their participation in the design of policies on care for victims, survivors and family members in cases of violence committed against women. Afro-descendant women should also be hired in the areas of prevention, response, protection, investigation and application of justice for women who experience violence.
- f) Establish budgetary allocations in the justice system for delivering training to public defenders and justice administration staff to ensure that they incorporate the ethnic-racial dimension when providing services to Afro-descendant women survivors of gender-based violence. This will support them to become active agents in the fight against discrimination.
- g) Have sufficient interpreters for languages including Creole, Garifuna, Yoruba, English, Portuguese, French and others in institutions that provide care, prevention, protection, investigation and the application of justice in cases of violence against women.
- h) Design transformative reparations models for Afro-descendant women victims and survivors of gender-based violence in accordance with historical contexts and the consequences of the discrimination and structural racism that they experience.

Legislative and other measures (Art. 7.c, 7.e, 7.h)

16. Although many countries in the region have adopted norms and established institutional mechanisms for the promotion of the rights of Afro-descendant people and communities, in most cases these initiatives do not have relevant support from public institutions or the necessary budgets to ensure that they achieve an impact. All countries in the region have regulations that address gender-based violence, including specific laws on femicide, street harassment, obstetric violence, symbolic violence, economic violence and protection of the image and privacy of women in digital spaces. However, the Afro-descendant women's organizations consulted by MESECVI to prepare this report agreed that despite the existence of these institutional and

regulatory frameworks, public services that provide assistance to survivors of gender-based violence are scarce and there is no political will to ensure their effectiveness, nor mechanisms to assess their effectiveness. In many cases, victims are criminalized and re-victimized, are often denied protection, shelter and guardianship and are not provided with integration aids or the socio-educational measures to which they are entitled by law. No specific norms have been adopted to address gender-based violence against Afro-descendant women and the limited amount of public policies in this area means that it is difficult to identify lessons learned and progress²⁷. Although there are institutions that address racial discrimination and violence against women across the region, the CEVI has not identified any mechanisms designed to facilitate inter-institutional coordination or the implementation of intersectional approaches in this area. In order to respond to this issue, women's rights organizations should incorporate mechanisms that address the racism and stereotypes that generate violence against Afro-descendant women.

17. Recommendations

- a) Normatively recognize the existence of discrimination, racism and violence experienced by girls and afro-descendant women throughout their lives in all dimensions of society. There is a need to establish substantial commitments designed to dismantle the intersectional barriers caused by racism and sexism that violate these girls and women's rights.
- b) Promote a regulation or declaration that recognizes the existence of Afro-descendant peoples, communities and/or territories within the States. This should incorporate guarantees for this population to exercise their human rights in conditions of equality, as well as the duty to eliminate the barriers that impede access to these rights.
- c) Conduct systematic and periodic studies that identify whether the implementation of laws on violence against women is having a positive impact on the prevention, care and protection of Afro-descendant women and girls compared to women from other population groups. Design appropriate responses that incorporate the findings of these studies.

²⁷ UNFPA. Regional Diagnosis on Gender-Based Violence against Girls, Adolescents and Women. Afro-descendants in Latin America . 2021. P. 30.

- d) Approve adequate and sufficient budgets for the implementation of policies, plans, programs, campaigns and other measures for prevention, assistance, protection and reparations for gender-based violence against Afro-descendant women. This should include budgetary allocations that facilitate the participation of their community organizations in the implementation and monitoring of public plans and policies.

Protective measures (art. 7.d and 7.f)

18. The purpose of protection measures for women survivors of gender-based violence is to modify or control the aggressor's behavior in order to prevent revictimization and protect victims' family members. These measures must be made available and accessible to Afro-descendant women victims and survivors of violence. There is also a need to ensure that they have a significant effect and do not just represent a bureaucratic procedure carried out for statistical purposes. In order to achieve this, it is necessary to identify the obstacles that these women face in the judicial protection system as a result of racist and sexist practices. During the consultations for the Fourth Multilateral Evaluation Round, the CEVI observed the difficulties faced by most States in keeping effective records of these measures, as well as the absence of mechanisms that would provide evaluation, follow-up and characterizing the women who receive assistance. These shortcomings must be addressed urgently, given that they impede the evaluation of the effectiveness of protection measures for the different groups of women who are victims of violence and the processes that improve their implementation.

19. Recommendations

- a) Conduct training and awareness raising programs for staff who are responsible for applying legally established protection measures to improve their implementation and establish effective sanctions for judicial and administrative public officials who fail to apply them.
- b) Strengthen the training of women in Afro-descendant communities, territories and organizations so that they can provide support to survivors of violence, specifically to access reporting mechanisms, accompaniment, health and psychosocial services, case management, protection and access to justice, among others.

Awareness raising and training measures (Art. 8.a, 8.b, 8.c, 8.e and 8.g)

20. In order to effectively modify patterns of discrimination against afro-descendant women and girls in Latin American societies, there is a need to achieve a radical transformation of the narratives and practices that sustain unequal power relations and subordination mechanisms and are based on racism, ethnic-racial discrimination and intolerance. States Parties must invest in training, education and awareness-raising programs, both in education and in other areas. Regulations must be adopted to ensure the effective prosecution of people who engage in discriminatory practices. This transformation process must include the active participation of Afro-descendant women's organizations and should involve different areas of the State and society, including public administration, the education and health sectors and the media.

21. Recommendations

- a) Design and implement awareness campaigns and training strategies in community settings aimed at preventing intersectional violence committed against Afro-descendant girls and adolescents in family and community spaces. This includes delivering programs that address aggressive masculinity in men and boys, prevent street harassment, promote safer environments and guarantee safe mobility for this population.
- b) Design simple and accessible information strategies that help Afro-descendant girls and women recognize situations of intersectional violence, why it is important to report violence when it occurs and how and where to file a report. It is important to disseminate these strategies in different formats (written, audiovisual and inclusive languages such as sign language, Braille, etc.), different languages (Garifuna, Creole, Yoruba, English, among others) and through different channels (mass media, alternative media, social networks, advertisements, etc.).
- c) Design information and awareness raising strategies that will be implemented through the media, alternative media and social networks. These strategies should use intercultural, anti-racist, intersectional and gender approaches and have the objective of eradicating racist stereotypes and hateful content and messages against Afro-descendant women. The

strategies should also encourage the creation of content that celebrates diversity, inclusion and the contributions made by afro-descendant women.

- d) Promote regular participatory studies and research on the substantial contributions made by Afro-descendant women to the development of Afro-descendant communities and the societies in which they participate.

Care, rehabilitation and training for women who are survivors of violence (Art. 8.d and 8.f)

22. States must provide specialized services to women who are survivors of violence and their families, ensuring their availability and accessibility and making modifications to increase the relevance of the services so that they can provide efficient and safe care. The creation of networks of services should take into account the characteristics of girls, adolescents and afro-descendant women and their communities, both in terms of the geographical areas in which they are located and the types of services they require. Care and protection networks must offer: shelters, safe housing and comprehensive care centers; legal assistance before and during criminal proceedings; health services, including sexual and reproductive health; and psychological and therapeutic support, among others. Social and vocational programs, including job training so that these women can achieve economic self-sufficiency, are essential for helping survivors overcome the social, community and economic consequences of violence.

23. Recommendations

- a) Design strategies that link Afro-descendant women's organizations with relevant public and private organizations in order to strengthen the management of cases of violence. This includes the effective implementation of protection measures, the opening of investigations and the application of sanctions.
- b) Organize collective training and sessions to exchange experiences between members of Afro-descendant women's organizations and networks at national, regional and international levels. These activities will facilitate the sharing of best practices and methodologies for the prevention, assistance, accompaniment, sanctions and provision of reparations in cases of gender-based violence.

- c) Conduct assessments with Afro-descendant women's organizations that provide services to survivors of gender-based violence, evaluating their impact on the accompaniment of cases by State institutions. States should systematize relevant community practices so that they are integrated into public policies and scaled up.

Data collection (Art. 8.h)

24. Since its First Hemispheric Report in 2008, the CEVI has recommended that the States Parties to the Belém do Pará Convention ensure that disaggregated data on violence against women is collected, including data on the main intersectional categories²⁸. There is very little data on different forms of violence that are disaggregated by ethnic group, race and gender. This is due to underreporting and high levels of impunity. There is also a lack of disaggregated data for vital statistics such as birth rates, maternal and infant mortality and causes of death, among others. Few countries collect data that is disaggregated by race and ethnic group in their justice, criminal investigation and health systems, as they often only focus on the variables of sex, age and type of violence. Because relevant information is often scarce and outdated, the specific characteristics of violence committed against afro-descendant girls and women are invisible in the data available about women. This makes it impossible to identify the patterns of inequality among women. If these problems aren't identified, then it is impossible to design suitable responses²⁹.

25. Recommendations

- a) Establish methodologies for the systematic recording of statistical and administrative data on cases of violence against Afro-descendant women and girls in a disaggregated manner (physical, psychological, sexual, economic, symbolic, political, in the workplace, online and other types of violence. Data should also be disaggregated by age, gender, ethnic-racial group, disability, intersectionality, geographic area, type of aggressor and other categories).

²⁸ OAS/CIM/MESECVI. First Hemispheric Report on the Implementation of the Belém do Pará Convention. 2008. MESECVI-II [1]doc.16.rev.1.esp. p. 51.

²⁹ UNFPA. Research on local action for the prevention and assistance to victims of violence against Afro-descendant women in Panama. Panama, 2021. P. 7.

- b) Record information on the variables linked to the intersection of gender, gender equality and equity, ethnicity and race in public data collection systems. These include population and housing censuses, administrative records, gender-based violence prevalence surveys and instruments related to human rights, the administration of justice and development.
- c) Conduct comparative studies of protection systems, criminal investigation and the application of justice in cases of femicide and other forms of violence committed against Afro-descendant women as opposed to non-Afro-descendant women. These include collecting quantitative and qualitative information with the purpose of identifying patterns of inequality and/or discrimination in the processing of reports, granting of protection, allocation of assistance benefits and the existence and effective application of sanctions and judicial reparations. There is also a need to design measures that favor the elimination of discrimination factors and support the efficiency of these procedures.

Duty to engage in international cooperation (Art. 8.i)

26. In the last two decades there has been a proliferation of normative and institutional initiatives designed to recognize the different problems faced by Afro-descendant communities in relation to exercising their human rights, however, studies show that such initiatives have failed to achieve a significant impact on their lives. The United Nations Permanent Forum on People of African Descent has recently highlighted that the UN 2030 Agenda for Sustainable Development does not mention the Afro-descendant population and “subsumes Afro-descendant women into a more general analysis of women's rights”³⁰. As a result of this decision, a community consisting of hundreds of millions of people is rendered invisible. This highlights that there is a long road ahead in the fight against the inequalities that affect afro-descendant girls and women, and even longer to wait before they are fully incorporated into the public agenda. International cooperation initiatives should contribute to the fight against sexual exploitation, trafficking of girls and youth and child pornography networks.

27. Recommendations

³⁰ The UN's 2030 Agenda for Sustainable Development is the long-term strategy that guides the organization's development action. In: UN. Report of the UN Permanent Forum on People of African Descent on its first and second sessions. 16 August 2023. [A/HRC/54/68](#). Para. 73.

- a) Ensure the participation of Afro-descendant organizations and women leaders in international human rights forums as a means to contribute to the eradication of racism that intersects with different forms of gender-based violence.
- b) Incorporate an intersectional approach to race and gender in international cooperation agreements, programs and projects, particularly those related to gender-based violence. This should include the UN 2030 Agenda for Sustainable Development, the Gender Agenda and other plans for initiatives in the development, inclusion and anti-racism sectors in the Inter-American space. This work will ensure that the realities faced by Afro-descendant women are taken into account in a comprehensive and differentiated manner.
- c) Promote dialogue on the feasibility of an international standard that specifically covers the human rights of afro-descendant women, girls and adolescents so that they can live free from violence. This standard should aspire to the success achieved by other international instruments in the areas of racial non-discrimination and the right of women to live free from gender-based violence.

Intersectionality (Art. 9)

28. Beginning with its initial reports, the CEVI has encouraged the States Parties to implement public policies that recognize gender-based violence against women as a violation of their human rights, taking into account the diverse populations of women in Latin America and the Caribbean. To this end, States Parties should ensure a specific approach designed to meet the needs of Afro-descendant women in their struggle against the effects of racism and sexism. These policies should also take into account the added vulnerability generated by intersections with conditions such as diverse sexual identities, disability, women's migratory status, women in State custody and domestic workers, as well as other identities and situations³¹. CEVI has highlighted how these intersections affect women and girls when trying to access specialized services and report acts of gender-based violence, especially for cases of sexual violence³². In this context, public measures and policies that seek to eradicate violence must confront the

³¹ OAS/CIM/MESECVI (2008). First Hemispheric Report, p. 10.

³² OAS/CIM/MESECVI. General Recommendation No.2 of the MESECVI Committee of Experts on Missing Women and Girls in the Hemisphere. [OEA/Ser.L/II.7.10](#). December 5, 2018.

persistence of sociocultural patterns that consolidate hegemonic power through historically accepted racist and discriminatory practices and behaviors³³.

Afro-descendant women with diverse sexual orientations and gender identities

29. In 2021, the IACHR highlighted that Afro-descendant women with diverse sexual orientations and gender identities and/or expressions face multiple forms of discrimination and violence. The Court collected reports of Afro-Colombian lesbian women who were raped because of their sexual orientation, both in the context of the armed conflict and in other circumstances³⁴. Afro-descendant LGBTQI women also face gender-based discrimination within their own communities where sexist attitudes are common. These include the commission of sexual violence for "corrective" purposes. In addition to addressing the impunity of these hate crimes, States should strengthen initiatives designed to eliminate homophobic stereotypes by working with the media and other opinion-forming institutions.

Afro-descendant women living with disability

30. Exposure to violence for girls, adolescents and women with disabilities increases when other potential discrimination factors are involved, including poverty, race and ethnicity³⁵. A significant number of afro-descendant girls and women in the Americas live with economic hardship, which increases the likelihood that they will experience some form of disability throughout their lives. In most countries with data available, the Afro-descendant population over 60 years of age has higher disability prevalence rates than the non-Afro-descendant population. In addition, disability affects Afro-descendant women more than men³⁶. This situation requires a redoubling of efforts by institutions responsible for the protection of girls and women with disabilities. There is also a need to implement policies that facilitate inclusion and adaptations for people with disabilities and focus on the elimination of ethnic-racial and gender stereotypes as a cross-cutting issue for this population.

³³ OAS/CIM/MESECVI (2015). Second Follow-up Report, para. 93.

³⁴ IACHR (2021). Para. 131.

³⁵ OAS/CIM/MESECVI. General Recommendation of the Committee of Experts of the MESECVI (No.4). Gender-based violence against girls and women with disabilities. November 12, 2022. Para. 8.

³⁶ ECLAC. Afro-descendant women in Latin America and the Caribbean. Equality Debts. LC/TS.2018/33. Santiago, 2018. P. 56.

Migrant Afro-descendant Women

31. Migrant afro-descendant women face multiple types of violence, both in transit and in their destination countries³⁷. Due to difficulties with obtaining a regular migratory status, they are often forced to work in precarious and poorly paid jobs in the informal sector. These factors contribute to their chronic exclusion and poverty and increase their exposure to violence. Afro-descendant women who are migrants also face challenges in terms of accessing health services, enrolling their children in educational centers and interacting with public institutions. Due to institutional mistreatment and racism, they tend to avoid contact with public authorities, which in turn increases their risk of being locked into cycles of violence. This situation means that it is necessary to adopt measures designed to eliminate the multiple forms of discrimination faced by Afro-descendant women when trying to access basic social services and gender-based violence protection systems.

Afro-descendant women who are deprived of their liberty

32. Despite the absence of systematic and disaggregated information from criminal justice and prison systems, the data that is available indicates that afro-descendant women who are deprived of their liberty are exposed to acts of discrimination, ill-treatment and other forms of violence from prison staff because of their race and sex. In a visit to Panama, the Working Group of Experts on People of African Descent identified the disproportionate presence of Afro-descendant women in prisons and expressed concerns about the sexual abuse, harassment and rape that this population experienced³⁸. Tackling this violence requires significant efforts, including the implementation of systemic policies that address the inherent ethnic-racial discrimination in penal and justice administration systems throughout the region.

Afro-descendant women in armed conflict contexts

³⁷ UN. Report of the Working Group of Experts on People of African Descent on its 14th session. Mission to Brazil. September 23, 2014. [A/HRC/27/68/Add.1](#), para. 10.

³⁸ UN. Report of the Working Group of Experts on People of African Descent on its 12th session. Mission to Panama. August 21, 2013. [A/HRC/24/52/Add.2](#), para. 76.

33. Armed conflicts are accompanied by multiple forms of rights violations against the civilian population, including forced displacement, persecution, different types of violence and the kidnapping of young people. In 2012, the CEVI noted that displaced women require protection in accordance with their needs, taking into account the risks of violence caused by their forced displacement³⁹. In the context of the Colombian armed conflict, Afro-descendant women leaders have described how Afro-descendant young women are subject to different forms of violence, including sexual and physical violence and human trafficking for sexual exploitation⁴⁰. This highlights the need to incorporate an intersectional approach in peace processes and establish reparation agreements that transcend mere restitution, placing the victims and survivors of violence at the center of these processes⁴¹.

34. Recommendations

- a) Pay special attention to the needs of girls and adolescents, both in terms of their condition as Afro-descendants and the different intersections of vulnerabilities, ensuring that public policies for children and young people include components that seek to eliminate racial and gender discrimination.
- b) Ensure specialized assistance for Afro-descendant girls and women of diverse sexual identities in programs and services for survivors of gender-based violence.
- c) Implement training programs at all levels of public administration, including the justice administration system, on sexual diversity and the right of Afro-descendant women and girls to live free from gender-based violence and ethno-racial stereotypes, regardless of their gender identities.
- d) Design and implement awareness raising programs aimed at general society and Afro-descendant communities on the rights of persons with disabilities using ethnic-racial, gender, intercultural and intersectional approaches.

³⁹ OAS/CIM/MESECVI. Second Hemispheric Report on the Implementation of the Belém do Pará Convention. OEA/Ser.L/II.6.10. 2012. Pp. 35 and 36.

⁴⁰ UNFPA (2021). Regional Diagnosis on Gender-Based Violence. P. 103.

⁴¹ The conflict registry for 2014 identified 563,000 Afro-descendant victims, 52% of whom were women and 6 out of 10 were under 26 years of age. Cited in: ECLAC. Afro-descendant youth in Latin America and the matrix of social inequality: Rights, inequalities and policies. P. 50.

- e) Promote studies and assessments to better understand the gender-based violence faced by Afro-descendant girls and women with disabilities and design appropriate responses that use a community approach.
- f) Promote the inclusive participation of Afro-descendant women living with disability in the design of public policies, measures and programs that are focused on ensuring their integration and combating the gender-based violence that they face using an intersectional perspective.
- g) Implement inclusion and educational monitoring plans so that Afro-descendant girls and young people living with disability can be incorporated into formal educational institutions through inclusive environments with the appropriate modifications and in accordance with anti-racism principles.
- h) Conduct research on the contexts, gaps and challenges faced by Afro-descendant migrant women and their families, focusing on both their countries of origin and destination. These studies should identify the causes and situations of the discrimination and violence they experience and inform the design of strategies that respond to these situations.
- i) Establish cooperation agreements between countries of origin, transit countries and receiving countries of migrant afro-descendant women. This should facilitate the implementation of awareness raising campaigns that promote their integration, increase respect for their human rights and prevent violence, discrimination and xenophobia. These campaigns should highlight their specific vulnerabilities in migratory contexts.
- j) Undertake disaggregated and intersectional diagnostic studies to identify the crimes for which Afro-descendant women are deprived of their liberty, and assess the level of access to their rights in penal institutions. This research will inform the design of policies to prevent discriminatory acts against this population.
- k) Adopt measures to provide comprehensive care to Afro-descendant women victims and survivors of armed conflict and their families adopting an intersectional perspective based on gender and race. Forcibly displaced Afro-descendant women should be prioritized in peace processes. Afro-descendant women who are survivors of gender-based violence, including sexual violence, should receive assistance from



restorative justice processes, which will facilitate the provision of support, accompaniment and access to suitable therapeutic and reparation processes.