



Statement of the Committee of Non-Governmental Organizations on the Status of Women (CoNGO CSW LAC)

CSW 70

GUARANTEE AND STRENGTHEN ACCESS TO JUSTICE FOR ALL WOMEN AND GIRLS, INCLUDING BY PROMOTING INCLUSIVE AND EQUITABLE LEGAL SYSTEMS, ELIMINATING DISCRIMINATORY LAWS, POLICIES, AND PRACTICES, AND OVERCOMING STRUCTURAL BARRIERS

Latin America and the Caribbean remain the most unequal region in the world. The development model is incompatible with sustainable life and the environment and perpetuates discriminatory, racist and patriarchal patterns of violence. Women, older female adults, young people and girls experience gender, socioeconomic, reproductive and climate injustices in all their diversity and gender dissidence. Ensuring access to justice for all women remains a crucial challenge. Persistent violence and legal barriers, as well as an unequal and exclusionary justice system lacking a gender, human rights, intercultural, intersectional, comprehensive and anti-racist perspective, continue to undermine gender equality and empowerment. Even during the Beijing+30 celebrations, feminist, women's and children's organizations, gender dissidents, and people from urban and rural areas, including older adults, indigenous peoples, workers, people with HIV, the homeless, migrants and refugees, Afro-descendants, grassroots organizations, people with disabilities and journalists, are mobilizing to demand urgent comprehensive legal reforms and the construction of inclusive judicial systems to address the multiple forms of violence against women and girls, and to guarantee respect for their rights.

The region is experiencing a period of regression in terms of the insufficient achievements that had previously been made. The repeated disregard for constitutional frameworks and laws guaranteeing rights poses systemic risks to democracy in the region, accompanied by a worrying increase in militarization and the progressive dismantling of national and institutional mechanisms for advancing women's rights. The deterioration of public institutions is exacerbated by corruption, a lack of transparency, and the rise of organized crime. Together, these factors erode the foundations of democratic systems. A critical manifestation of this crisis is the co-optation of the justice system, which perpetuates impunity for corruption, drug trafficking, and human rights violations. This reality is reflected in data from *Latinobarómetro* (2024), which indicates that only 50% of citizens in 15 countries trust the judicial system. In some cases, this figure drops to less than 20%. These results evidence a widespread perception of a lack of access to justice and discriminatory systems based on socioeconomic status.

We are gravely concerned by the imposition of states of emergency in countries such as El Salvador and Ecuador. In Ecuador, specific regressive measures that directly affect women's rights have been documented. These measures include the deliberate weakening of gender structures, suspending the implementation of the National Plan for the Prevention of Violence Against Women, withdrawing funds for assistance services, and criminalizing peaceful protests by suspending bank accounts and prosecuting women

on charges of terrorism and insurrection. Similarly, a lack of or limited accountability and a marked weakening of judicial independence threaten democracy in Bolivia, Argentina, and Peru. These contexts often lead to the marginalization or dismantling of substantive equality policies. The presence of US military resources has increased in the Southern Caribbean. In the Caribbean Sea near Trinidad and Tobago, lethal attacks are being carried out on vessels, and their inhabitants are being killed extrajudicially and with impunity. The support of these actions by some leaders threatens the region's status as a "zone of peace," which is recognized by the Organization of American States (OAS). This support undermines decades of stability and disproportionately endangers the safety and rights of women and girls. It also diverts resources and political priorities away from gender equality agendas.

To protect the region and its citizens, governments must stand united and firm against the introduction of war or belligerent posturing. They must resort to peaceful negotiations, which have proven to be effective.

Extreme gender-based violence, including trafficking for labor or sexual exploitation, as well as the disappearance of women and girls in contexts of organized crime, human mobility, mining, and other forms of illegal exploitation, disproportionately affects girls, young women, women of African descent, and indigenous women, particularly in border regions. This type of violence is increasing in all countries in the region, and the perpetrators often go unpunished. Similarly, the number of threats, injuries, and murders of women human rights defenders is increasing, including the specific persecution of those who defend sexual and reproductive rights. Violence against Indigenous Peoples, Afro-descendants, and rural communities due to natural resource extraction and land occupation is also on the rise and goes unpunished. We are concerned that in some countries, anti-terrorism laws are being used to criminalize critical thinking and legitimate dissent. Therefore, we urge governments to comply with and effectively implement the Escazú Agreement, which is an essential framework for protecting environmental, land, sexual, and reproductive rights defenders, as well as ecofeminist activists.

The secular nature of the state deteriorated further due to the growth and expansion of religious fundamentalism and conservatism. These forces influenced judicial decisions, restricted rights, and weakened democratic autonomy. The rejection of "gender ideology" is made stronger by denying the diversity and gender identity of women, girls, and families. Women increasingly censor themselves, are excluded from public debate, and suffer from the shrinking civic space.

We are concerned by the promotion of a narrative suggesting the existence of a so-called "false accusation industry" that portrays women's, feminist, and diversity movements as promoters of injustice. In Argentina and Peru, initiatives have been proposed to penalize false accusations of violence against women and simulated assaults. Indigenous women and children are also affected by stigmatization and discrediting when reporting incidents, even within community justice systems where they first turn for help. A punitive approach towards complainants is reinforced. This approach protects perpetrators. It also ignores the structural deficiencies of the judicial system.

States are obligated to effectively prevent, investigate, punish, and redress gender-based violence by adopting a gender-sensitive approach at all stages of the process. Adopting laws that criminalize or threaten victims for reporting violence

is a form of institutional violence that reinforces impunity and deepens revictimization. Thirty-two countries have ratified the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, also known as the Convention of Belém do Pará. However, only 14 of those countries have comprehensive laws against violence against women.

Extreme forms of violence, including femicide, trans femicide, lesbicide, infanticide, and vicarious violence, continue to increase in the region. In 2023 alone, at least 3,897 women fell victim to femicide/feminicide in 27 Latin American and Caribbean countries and territories. That is 11 violent deaths of women due to gender-based violence every day in the region. (Eclac, 2024)¹. The concept of femicide/feminicide has not been incorporated into the legislation of all Latin American and Caribbean countries. Even fewer have incorporated trans feminicide and the other aforementioned forms of violence. Of the 18 countries that had incorporated this criminal concept into their regulations by 2019, some have experienced setbacks. In Peru and Argentina, for example, legal reforms are being proposed to eliminate it.

The magnitude of gender-based violence in the region is alarming, with very serious implications for families, society, and the economy. Governments are urged to reaffirm their commitment to the Belém do Pará Convention and to General Recommendations 39 and 35 of CEDAW, and to adapt their legislation accordingly. States are urged to continue recognizing and guaranteeing the investigation and effective punishment of femicide, transfemicide, lesbicide, and all lethal violence against children, including infanticide and vicarious violence, as well as their respective attempted forms, as criminal offenses.

Although legislation on child marriage and early unions has made progress in Colombia, Peru, Bolivia, and Trinidad and Tobago, the frequency of these practices remains alarming in the region. In Brazil, court decisions normalize or justify these unions, perpetuating impunity. **Strengthening legal frameworks that protect the rights of girls and adolescents, training justice system operators, and guaranteeing comprehensive health, education, and protection services are essential so that girls can fully exercise their rights.**

There is insufficient legal protection for women and young people against violence and harassment in the workplace; only 11 countries in the region have ratified Convention 190 of the International Labor Organization. Structural factors that limit access to decent, safe jobs with social protection exacerbate inequalities and barriers to employment for all of them, particularly affecting indigenous women and young people, those with disabilities, migrants, and refugees. **Governments are urged to eliminate structural barriers to discrimination, ensure fair working conditions for all women, and improve labor legislation. They should make all women's work decent work and urgently address the situation of caregivers, especially grassroots women, and domestic workers. Governments should also ratify and implement Conventions 56, 111, 189, and 190 of the International Labor Organization. The Care Agenda must be a central focus of the policies of government labor and health ministries.”** In order to translate commitments into concrete policies and budgets, we demand the creation of a monitoring mechanism with civil society participation for the implementation of the

¹ CEPAL/Observatorio de Igualdad de Género (2024). Boletín N°3: Violencia Feminicida en Cifras. América Latina y el Caribe. Actuar con sentido de urgencia para prevenir y poner fin a los feminicidios. <https://repositorio.cepal.org/server/api/core/bitstreams/69e978aa-ff89-4afb-afbb-e5d39904b9b1/content>

CELAC-EU Bi-regional Pact on Care. This mechanism must have clear goals, deadlines, and periodic accountability."

The criminalization and restriction of access to abortion are the main causes of reproductive injustice. In Bolivia, access to legal abortions is limited. In Peru and Brazil, even accepted cases of legal abortion are hindered by judicialization, which acts as a disciplinary mechanism for women, girls, and health professionals. **Governments must review their legislation, decriminalize abortion, and ensure compliance with laws recognizing reproductive rights.**

Digital violence is growing in its many forms, including online sexual harassment and abuse (grooming), cyberbullying, and digital persecution and spying (cyberstalking). These practices disproportionately impact girls and adolescents in all their diversity and are often exacerbated by algorithmic racial profiling. They deepen polarization, hate speech, and anti-democratic narratives in political, social, and media spaces. Progress has been insufficient in terms of legal regulations for reporting, investigating, and effectively punishing these practices, as well as in their implementation and enforcement. Therefore, governments are urged to ensure that digital spaces are free from discrimination and violence. They can do so by creating, strengthening, and effectively enforcing laws, regulations, control measures, and ongoing monitoring that prevent and punish digital and algorithmic gender-based violence in all its forms, while also protecting freedom of expression.

Access to justice remains a serious issue. There are significant deficiencies in reporting crimes, accessing justice, and receiving timely protection without being revictimized. These difficulties are compounded for indigenous women due to a lack of identity documents, failure to consider the realities of indigenous peoples, a lack of interpreters or translators, ignorance of regulatory frameworks, corruption, and impunity. There is an urgent need for coordination between state justice systems and those of Indigenous peoples to validate plural legal systems. Women and girls with disabilities face challenges due to the absence of reasonable support and accommodations in legal proceedings. This is due to the lack of capacity among officials and their ignorance of the Convention on the Rights of Persons with Disabilities with regard to legal capacity.

Women who migrate irregularly are in an extremely vulnerable situation, which exposes them to a greater risk of gender-based violence and severely limits their access to justice. Fear of deportation, a lack of cross-border investigative mechanisms, and an absence of clear paths to regularization force migrants to remain in situations of abuse and impunity. It is urgent that states provide safe pathways to migration regularization and ensure access to justice without fear of retaliation. Implementation of the Global Compact for Safe, Orderly, and Regular Migration is limited. Only nine countries have made effective commitments to it.

Women living with HIV face barriers to justice compounded by gender-based violence and deep-rooted institutional discrimination in the workplace, healthcare, and other productive sectors. They experience denial of bodily autonomy, obstruction of the right to pleasure and reproduction, and constant revictimization in the judicial system. These issues affect their overall health and ability to live a life free from violence.

Mandatory training on gender-based violence, human rights, and gender perspectives for police and judicial officials is regulated in several countries in the region. However, this training has not succeeded in reversing discriminatory, racist, and revictimizing

institutional practices that are blind to structural gender inequalities and excessively slow to investigate and punish violations. These practices constitute systematic institutional violence. Growing restrictions on public budget allocations intended to sustain, expand, and reform the justice administration system exacerbate this situation. These restrictions affect every stage of the system, from receiving complaints to processing cases to providing comprehensive care and redress to victims and their families. These restrictions exacerbate the unequal territorial distribution of access to justice. They disproportionately affect rural women and girls, as well as Indigenous Peoples. These restrictions also compound the insufficient number of specialized personnel, their inadequate training, and the limited availability of legal representation and support services. In the face of this shortfall, women's, feminist, and human rights organizations are stepping in to provide essential services that the state has failed to deliver. International cooperation has also been crucial in financing free, specialized legal representation and health services. Therefore, any reduction or interruption in this cooperation increases the vulnerability of women and girls. An example of this regressive trend is Peru's law prohibiting the use of international cooperation funds for judicial, administrative, or other actions that are considered "against" the state. This measure directly affects ongoing proceedings and access to justice, both at the national and international levels.

We urge states to establish justice systems that take an intersectional and anti-racist approach, eliminating the structural barriers faced by women and girls of African descent. We demand the recognition of racial and patriarchal violence as crimes. Justice must be restorative, territorial, and free from racism.

Governments are called upon to:

i) Review and adapt the justice system in accordance with CEDAW General Recommendation 33. ii) Increase public budgets, including programs that educate people about their rights and how to access justice. iii) Implement mechanisms to monitor the actions of the judicial system to ensure that it meets the requirements of an efficient, equitable, and inclusive justice system that acts swiftly and with respect for the human rights framework of the diversity of women, girls, and gender dissidents. iv) Recognize, support, and do not hinder the work of women's, feminist, and human rights organizations. These organizations guarantee access to justice for the intersectional diversity of women and girls in the region.

Women and girls in Latin America and the Caribbean, in all their diversity, demand the realization of their right to live free from violence. They demand a fair and accessible justice system that protects them, punishes perpetrators, and provides swift redress!!