



CORTE INTERAMERICANA DE DERECHOS HUMANOS  
COUR INTERAMERICAINE DES DROITS DE L'HOMME  
CÔRTE INTERAMERICANA DE DIREITOS HUMANOS  
INTER-AMERICAN COURT OF HUMAN RIGHTS



PRESIDENTE DE LA CORTE

San José, June 8, 2016

Dear Special Rapporteur,

I have the honor to address you in response to your kind communication from April 11, 2016. In your letter you asked the Inter-American Court of Human Rights for its input and views regarding the issue of violence against women in international human rights law and its implementation at the domestic level.

At the outset, allow me to express that the Court strongly believes in the importance of the dialogue between this Tribunal and the United Nations Special Procedures Mechanisms. Our dialogue will only strengthen the development and effective implementation of human rights standards around the world.

As you are aware, within the framework of the Inter-American Human Rights System, the main instrument that addresses the protection and elimination of violence against women is the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, also known as the "Convention of Belem do Pará". In several judgments the Court has reiterated its compulsory jurisdiction to address violations of Article 7 of the Convention of Belém do Pará. This article describes the specific obligations of State Parties regarding the protection of women against violence. These obligations include, among others, the duty to prevent, investigate and punish such violations as well as to adopt domestic legislation and implement measures to eradicate violence against women.

By applying the American Convention on Human Rights and the Convention of Belém do Pará, the Court has developed an important body of case-law on all forms of violence against women. These developments are important to give scope and content to the obligations of State Parties to the American Convention.

In various cases, the Court has taken into account the cultural contexts that lend to the discrimination against women. The Tribunal found that gender stereotyping refers to preconceptions about personal attributes, characteristics or roles that correspond or should correspond to either men or women. The subordination of women can be associated with practices based on persistent socially-dominant gender stereotypes. This situation is exacerbated when the stereotypes are reflected, implicitly or explicitly, in policies and practices, and particularly in the reasoning and language of the judiciary police. The creation and use of stereotypes becomes, at once, one of the causes and one of the consequences of gender-based violence against women.

Ms. Dubravka Šimonović  
Special Rapporteur on violence against women,  
its causes and consequences  
Office of the High Commissioner  
Human Rights – United Nations

The Court has also developed relevant international standards on sexual violence and its constitutive elements, as well as violence against women as a form of torture, among others.

Access to justice for women who are victims of all forms of violence has also been a concern of the Court. The Tribunal has stated that States must adopt comprehensive measures to comply with due diligence in cases of violence against women. In such efforts, it has ordered specific policies, actions and measures that States should undertake in order to fulfil this obligation. The Court has emphasized the importance of adopting a comprehensive gender-based perspective from the beginning of each State's domestic investigations. The Tribunal has recognized, made visible and rejected gender stereotyping by which girls and women are assimilated to particular profiles or roles that could undermine police investigations or judicial proceedings. In addition, it has determined that States have the obligation to take into account the special situation of vulnerability that women endure in order to adopt special measures to protect them and prevent the violation of their rights.. A situation of vulnerability can arise due to a specific context, such as nationality, socio-economic or refugee status. It can also arise due to particular circumstances, such as being an indigenous woman, a human rights defender, or being subject to the deprivation of liberty or forceful displacement.

In many cases the Court has established that States must comply with specific obligations in order to carry out due diligence in the investigations of violence against women. However, in order to make these obligations operative and general the Tribunal has ordered that States should design, adopt or modify existing protocols of action that include these specific obligations when investigating, prosecuting, and punishing violence, as well as when assisting victims.

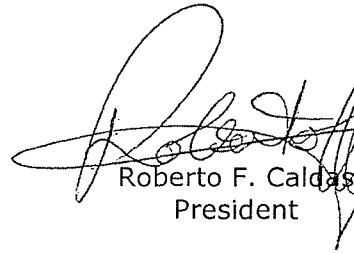
The Court has also underscored the importance of implementing reparations that incorporate a community scope to allow the victim to reinsert herself into her living space and cultural identity, as well as re-establish the fabric of the community. In that regard, for instance, the Court has ordered the establishment a of women's center in an indigenous community which would provide human rights-related educational activities from a gender and indigenous perspective.


In another case, the Court determined that there was a generalized practice of rape as well as other forms of sexual violence that were used as a war strategy. These strategies particularly affect women in the context of an armed conflict. The Court ordered the State to implement a mechanism to allow, upon request, all female victims of such violations to have access, free of charge through the State's public institutions, to specialized medical, psychological and/or psychiatric rehabilitation.

These are just some examples of how the Court has defined the scope and content of States' obligations in relation to the rights of women to live free of violence. Our case-law also provides a good example of the interaction between international human rights law and domestic law. Attached to this communication, you will find a list of relevant cases.

Please do not hesitate to contact me or the Registry if you or your staff requires further information about the case-law of the Inter-American Court or need any assistance in a matter that would fall under our mandate.

I wish to take this opportunity to express the assurances of my highest consideration.

  
Roberto F. Caldas,  
President



The seal is circular with the text "CORTE INTERAMERICANA DE DERECHOS HUMANOS" around the top and "San José, Costa Rica" around the bottom. The center of the seal is empty.