

ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS

1995, No. 27

Resolution Ratifying the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

WHEREAS the Ratification of Treaties Act provides in section 3(1) (c) that where a treaty to which Antigua and Barbuda becomes party is one which affects or concerns the relationship of Antigua and Barbuda with any international organisation, agency, association or similar body, such treaty shall not enter into force with respect to Antigua and Barbuda unless it has been ratified or its ratification has been authorised or approved in accordance with the provisions of the Act;

AND WHEREAS the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women to which Antigua and Barbuda is a party is an international agreement which is governed by International Law;

AND WHEREAS the said convention affects the relationship of Antigua and Barbuda with an international organisation, namely the Organisation of American States;

NOW THEREFORE, BE IT RESOLVED by this Honourable House that the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, which Convention is attached hereto as a Schedule, be ratified as a Treaty under section 3(1) (c) of the Ratification of Treaties Act.

Passed the House of Representatives this 24th day of August 1995.

B. Harris,
Speaker

SCHEDULE

INTER-AMERICAN CONVENTION ON THE PREVENTION, PUNISHMENT AND ERADICATION OF VIOLENCE AGAINST WOMEN "CONVENTION OF BELEM DO PARA"

The States Parties to this Convention,

Recognizing that full respect for human rights has been enshrined in the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights, and reaffirmed in other international and regional instruments;

Affirming that violence against women constitutes a violation of their human rights and fundamental freedoms, and impairs or nullifies the observance, enjoyment and exercise of such rights and freedoms;

Concerned that violence against women is an offense against human dignity and a manifestation of the historically unequal power relations between women and men;

Recalling the Declaration on the Elimination of Violence against Women, adopted by the Twenty-fifth Assembly of Delegates of the Inter-American Commission of Women, and affirming that violence against women pervades every sector of society regardless of class, race or ethnic group, income, culture, level of education, age or religion and strikes at its very foundations;

Convinced that the elimination of violence against women is essential for their individual and social development and their full and equal participation in all walks of life; and

Convinced that the adoption of a convention on the prevention, punishment and eradication of all forms of violence against women within the framework of the Organization of American States is a positive contribution to protecting the rights of women and eliminating violence against them.

Have agreed to the following:

CHAPTER I

DEFINITION AND SCOPE OF APPLICATION

ARTICLE 1

For the purposes of this Convention, violence against women shall be understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.

ARTICLE 2

Violence against women shall be understood to include physical, sexual and psychological violence:

- (a) that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse;
- (b) that occurs in the community and is perpetrated by any person, including, among others rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and
- (c) that is perpetrated or condoned by the state or its agents regardless of where it occurs.

CHAPTER II**RIGHTS PROTECTED****ARTICLE 3**

Every woman has the right to be free from violence in both the public and private spheres.

ARTICLE 4

Every woman has the right to the recognition, enjoyment, exercise and protection of all human rights and freedoms embodied in regional and international human rights instruments. These rights include, among others:

- (a) The right to have her life respected;
- (b) The right to have her physical, mental and moral integrity respected;
- (c) The right to personal liberty and security;
- (d) The right not to be subjected to torture;
- (e) The right to have the inherent dignity of her person respected and her family protected;

- (f) The right to equal protection before the law and of the law;
- (g) The right to simple and prompt recourse to a competent court for protection against acts that violate her rights;
- (h) The right to associate freely;
- (i) The right of freedom to profess her religion and beliefs within the law; and
- (j) The right to have equal access to the public service of her country and to take part in the conduct of public affairs, including decision making.

ARTICLE 5

Every woman is entitled to the free and full exercise of her civil, political, economic, social and cultural rights, and may rely on the full protection of those rights, as embodied in regional and international instruments on human rights. The States Parties recognize that violence against women prevents and nullifies the exercise of these rights.

ARTICLE 6

The right of every woman to be free from violence includes, among others:

- (a) The right of women to be free from all forms of discrimination;
- (b) The right of women to be valued and educated free of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination.

CHAPTER III

DUTIES OF THE STATES

ARTICLE 7

The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:

- (a) refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation;

- (b) apply due diligence to prevent, investigate and impose penalties for violence against women;
- (c) include in their domestic legislation penal, civil, administrative and any other type of provisions that may be needed to prevent, punish and eradicate violence against women and to adopt appropriate administrative measures where necessary;
- (d) adopt legal measures to require the perpetrator to refrain from harassing, intimidating or threatening the woman or using any method that harms or endangers her life or integrity, or damages her property;
- (e) take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence and tolerance of violence against women;
- (f) establish fair and effective legal procedures for women who have been subjected to violence which include, among others, protective measures, a timely hearing and effective access to such procedures;
- (g) establish the necessary legal and administrative mechanisms to ensure that women subjected to violence have effective access to restitution, reparations or other just and affective remedies; and
- (h) adopt such legislative or other measures as may be necessary to give effect to this Convention.

ARTICLE 8

The States Parties agree to undertake progressively specific measures, including programs:

- (a) to promote awareness and observance of the right of women to be free from violence, and the right of women to have their human rights respected and protected;
- (b) to modify social and cultural patterns of conduct of men and women, including the development of formal and informal educational programs appropriate to every level of the educational process, to counteract prejudices, customs and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on the stereotyped roles for men and women which legitimize or exacerbate violence against women;

- (c) to promote the education and training of all those involved in the administration of justice, police and other law enforcement officers as well as other personnel responsible for implementing policies for the prevention, punishment and eradication of violence against women;
- (d) to provide appropriate specialized services for women who have been subjected to violence, through public and private sector agencies, including shelters, counseling services for all family members where appropriate, and care and custody of the affected children;
- (e) to promote and support governmental and private sector education designed to raise the awareness of the public with respect to the problems of and remedies for violence against women;
- (f) to provide women who are subjected to violence access to effective readjustment and training programs to enable them to fully participate in public, private and social life;
- (g) to encourage the communications media to develop appropriate media guidelines in order to contribute to the eradication of violence against women in all its forms, and to enhance respect for the dignity of women;
- (h) to ensure research and the gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women, in order to assess the effectiveness of measures to prevent, punish and eradicate violence against women and to formulate and implement the necessary changes; and
- (i) to foster international cooperation for the exchange of ideas and experiences and the execution of protecting women who are subjected to violence.

ARTICLE 9

With respect to the adoption of the measures in this Chapter, the States Parties shall take special account of the vulnerability of women to violence by reason of, among others, their race or ethnic background or their status as migrants, refugees or displaced persons. Similar consideration shall be given to women subjected to violence while pregnant or who are disabled, of minor age, elderly, socioeconomically disadvantaged, affected by armed conflict or deprived of their freedom.

CHAPTER IV

INTER-AMERICAN MECHANISMS OF PROTECTION

ARTICLE 10

In order to protect the right of every woman to be free from violence, the States Parties shall include in their national reports to the Inter-American commission of Women information on measures adopted to prevent and prohibit violence against

women, and to assist women affected by violence, as well as on any difficulties they observe in applying those measures, and the factors that contribute to violence against women.

ARTICLE 11

The States Parties to this Convention and the Inter-American Commission of Women may request of the Inter-American Court of Human Rights advisory opinions on the interpretation of this Convention.

ARTICLE 12

Any person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the Organization, may lodge petitions with the Inter-American Commission on Human Rights containing denunciations or complaints of violations of Article 7 of this Convention by a State Party, and the Commission shall consider such claims in accordance with the norms and procedures established by the American Convention on Human Rights and the Statutes and Regulations of the Inter-American Commission on Human Rights for lodging and considering petitions.

CHAPTER V

GENERAL PROVISIONS

ARTICLE 13

No part of this Convention shall be understood to restrict or limit the domestic law of any State party that affords equal or greater protection and guarantees of the rights of women and appropriate safeguards to prevent and eradicate violence against women.

ARTICLE 14

No part of this Convention shall be understood to restrict or limit the American Convention on Human Rights or any other international convention on the subject that provides for equal or greater protection in this area.

ARTICLE 15

This Convention is open to signature by all the member States of the Organization of American States

ARTICLE 16

This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

ARTICLE 17

This Convention is open to accession by any other state, Instruments of accession shall be deposited with the General Secretariat of the Organization of American States.

ARTICLE 18

Any State may, at the time of approval, signature, ratification, or accession, make reservations to this Convention provided that such reservations are:

- (a) no incompatible with the object and purpose of the Convention, and
- (b) not of a general nature and relate to one or more specific provisions.

ARTICLE 19

Any State Party may submit to the General Assembly, through the Inter-American Commission of Women, proposals for the amendment of this Convention.

Amendments shall enter into force for the states ratifying them on the date when two-thirds of the States parties to this Convention have deposited their respective instruments of ratification. With respect to the other States Parties, the amendments shall enter into force on the dates on which they deposit their respective instruments of ratification.

ARTICLE 20

If a State Party has two or more territorial units in which the matters dealt with in this Convention are governed by different systems of law, it may, at the time of signature, ratification or accession, declare that this Convention shall extend to all its territorial units or to only one or more of them.

Such a declaration may be amended at any time by subsequent declarations, which shall expressly specify the territorial unit or units to which this Convention applies. Such subsequent declarations shall be transmitted to the General Secretariat of the Organization of American States, and shall enter into force thirty days after the date of their receipt.

ARTICLE 21

This Convention shall enter into force on the thirtieth day after the date of deposit of the second instrument of rectification. For each State that ratifies or accedes to the Convention after the second instrument of ratification is deposited it shall enter into force thirty days after the date on which that State deposited its instrument of rectification or accession.

ARTICLE 22

The Secretary General shall inform all member states of the Organization of American States of the entry into force of this Convention.

ARTICLE 23

The Secretary General of the Organization of American States shall present an annual report to the member states of the Organization on the status of this Convention, including the signatures, deposits of instruments of ratification and accession, and declarations, and any reservations that may have been presented by the States Parties, accompanied by a report thereon if needed.

ARTICLE 24

This Convention shall remain in force indefinitely, but any of the States Parties may denounce it by depositing an instrument to that effect with the General Secretariat of the Organization of American States. One year after the date of deposit of the instrument of denunciation, this Convention shall cease to be in effect for the denouncing State but shall remain in force for the remaining States Parties.

ARTICLE 25

The original instrument of this Convention, the English, French, Portuguese and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall send a certified copy to the Secretariat of the United Nations for registration and publication in accordance with the provisions of Article 102 of the United Nations Charter.

Printed at the Government Printing Office, Antigua and Barbuda,
by Rupert Charity, Government Printer
—By Authority, 1995.