

ACCESS TO JUSTICE FOR VICTIMS OF DOMESTIC VIOLENCE DURING THE COVID-19 PANDEMIC: DEVELOPMENTS AND GOOD PRACTICES IN LATIN AMERICA AND THE CARIBBEAN

ACCESO A LA JUSTICIA PARA VÍCTIMAS DE VIOLENCIA DOMÉSTICA DURANTE LA PANDEMIA DE COVID-19: AVANCES Y BUENAS PRÁCTICAS EN AMÉRICA LATINA Y EL CARIBE

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ABSTRACT

Because of the COVID-19 pandemic and the associated confinements, the number of domestic violence cases in Latin America and the Caribbean rose drastically. Faced with a second pandemic (a shadow pandemic of violence against women), State authorities issued several new and original responses to tackle this overwhelming surge of violence. Especially with regard to access to justice for women victims of domestic violence, there are many new developments worth highlighting, fostering and promoting.

According to the standards set out by the United Nation's Committee on the Elimination of Discrimination against Women, this paper analyses new developments as well as good practices in the field of access to justice for women victims of domestic violence that were advanced during the COVID-19 pandemic in Latin American and Caribbean States. This includes measures related to support and reporting mechanisms as well as services within law enforcement and the

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judiciary, with a focus on the accessibility of such services, issues related to protection orders as well as initiatives in connection with action guidelines and capacity-building for public officials.

Keywords: Women's rights, domestic violence, COVID-19, access to justice, good practices

RESUMEN

Como consecuencia de la pandemia de COVID-19 y los confinamientos asociados a ella, el número de casos de violencia doméstica en América Latina y el Caribe aumentó drásticamente. Ante una segunda pandemia (una pandemia de sombra de violencia contra las mujeres), las autoridades de los Estados formularon varias respuestas nuevas y originales para hacer frente a esa abrumadora ola de violencia. Especialmente en relación al acceso a la justicia de las mujeres víctimas de violencia doméstica, se produjeron muchos nuevos avances que merecen ser destacados, fomentados y promovidos.

De acuerdo con los estándares establecidos por el Comité para la Eliminación de la Discriminación contra la Mujer de las Naciones Unidas, este trabajo analiza los nuevos avances así como las buenas prácticas en el ámbito del acceso a la justicia para las mujeres víctimas de violencia doméstica que fueron desarrolladas durante la pandemia de COVID-19 en los Estados de América Latina y el Caribe. Eso incluye medidas relacionadas a mecanismos de apoyo y denuncia, así como servicios dentro de las fuerzas policiales y el poder judicial, con un enfoque en la accesibilidad de dichos servicios, cuestiones relacionadas a órdenes de protección e iniciativas relativas a directrices de acción y capacitación para funcionarios públicos.

Palabras clave: Derechos de la mujer, violencia doméstica, COVID-19, acceso a la justicia, buenas prácticas

A. INTRODUCTION

“*But violence is not confined to the battlefield. For many women and girls, the threat looms largest, where they should be safest. In their own homes. And so, I make a new appeal today for peace at home – and in homes – around the world. We know lockdowns and quarantines are essential to suppressing COVID-19, but they can trap women with abusive partners. Over the past weeks as economic and social pressures and fear have grown, we have seen a horrifying global surge in domestic violence. [...] I urge all Governments to make the prevention and redress of violence against women a key part of their national response plans for COVID-19.*” (UN Secretary-General António Guterres, 2020, 0:17 to 1:15)

The COVID-19 pandemic has notably been in the centre of the lives of most people around the world in 2020 and 2021. It has globally called for very restrictive social isolation measures and has worsened the economic situation of millions of persons (UN Entity for Gender Equality and the Empowerment of Women [UN Women], 2020a, p. 2). Additionally, these challenging times had in many ways a disproportionate impact on women (Alon, Doepke, Olmstead-Rumsey, & Tertilt, 2020, p. 1; UN Population Fund [UNFPA], 2020, p. 5; UN Women, 2020a, p. 21). One aspect of this heavy impact that the COVID-19 pandemic had on women was the extreme increase of domestic violence that could be observed during confinements (UN Women, 2020a, p. 2; World Health Organization [WHO], 2020, p. 1). In the context of the COVID-19 pandemic the number of calls to telephone hotlines to report cases of domestic violence vastly increased (UN Women, 2020b, p. 3). It is against this background that the UN Secretary-General António Guterres made

the above statement, encouraging States to find solutions to this unprecedented situation and to the tragic increase in scale of the problem.

As numbers of domestic violence rose, States did not only have to address the COVID-19 pandemic, but also to respond to the “shadow pandemic” of violence against women and girls (UN Women, 2020b, p. 2, & 2020c, para. 1). Although there is no doubt that the COVID-19 pandemic amplified existing inequalities, States all over the world were offered the rare opportunity to “build back better”, and to shape their responses to transform society into a more equitable and stable one (HLCP Inequalities Task Team, 2020, p. 1; UN Human Rights Council, 2020, p. 1). Indeed, in the context of the COVID-19 pandemic, several State authorities issued new and insightful responses to tackle domestic violence. Such positive developments in the fight against this scourge need to be highlighted, fostered and promoted.

That is what this study aims to do by illustrating and identifying new developments and good practices regarding access to

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justice for women victims of domestic violence in the context of the COVID-19 pandemic in Latin America and the Caribbean. For this purpose, the responses by the authorities of the thirty-three States comprising Latin America and the Caribbean are considered.² In order for these new developments to be considered good practices, they need to be aligned with the views and recommendations of the Committee on the Elimination of Discrimination against Women (hereafter CEDAW Committee).

It should be emphasised that this study is heavily focused on reports, guidelines and regulations that were issued by the countries themselves. It is based on these documents, that the study will analyse the measures taken by State authorities to combat domestic violence in the context of the COVID-19 pandemic. Therefore,

the study cannot, and does not attempt to either, evaluate the efficiency of said investigated measures, nor can it assess or control their level of implementation.

B. FRAMEWORK OF THE STUDY

Before heading into the material analysis, it is necessary to set out the framework for this study. This includes an overview of the legal framework, an outline of the concept and definition of domestic violence as well as a short examination of the interplay between domestic violence and the COVID-19 pandemic. It should furthermore be noted that this study was written in English since the investigation was conducted at the University of Zurich, where papers must be submitted either in a Swiss official language or in English.

1. Legal framework

With regard to women’s rights, and in this case domestic violence in particular, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (6 September 1994, 33 I.L.M. 1534, entered into force 3 May 1995), the so-called Convention of Belém do Pará, is the most relevant regional convention. It is a legally binding treaty that 32 States, including all Latin-American and Caribbean States, have ratified (Organization of American States, 2023). In addressing domestic violence, the Convention of Belém do Pará is arguably the strongest existing instrument, as it is also the most ratified treaty in the Inter-American Human Rights System (Bettinger-Lopez, 2018, p. 166; Grossman, 2000, p. 57; O’Connell, 2019, p. 141 f.). It

2. Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay and Venezuela.

makes it clear that the obligation of the States to protect women extends to the private sphere, too, and it expresses that States Parties have an obligation to exercise due diligence in response to violence against women, meaning that States Parties must take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise. (Caplan, 2000, p. 452; see also Antkowiak & Gonza, 2017, p. 120).

For this study however, the focus will lie on the most significant international human rights treaty, which is the Convention on the Elimination of All Forms of Discrimination against Women (18 December 1979, 1249 U.N.T.S. 13, entered into force 3 September 1981), hereafter CEDAW, as well as its general recommendations, specifically Nos. 19, 28, 33 and 35 (CEDAW Committee, A/47/38, 1992, & CEDAW/C/GC/28, 2010, & CEDAW/C/GC/33, 2015, & CEDAW/C/GC/35, 2017). There are 189 States Parties to the CEDAW (UN Treaty Collection, 2023), whereby all Latin American and Caribbean States have ratified it.

The CEDAW, which is legally binding, can be described as an “international bill of rights for women” (Freeman, 2019, p. 86; Special Rapporteur on violence against women [SRVAW], 1996b, p. 85). According to the CEDAW, not only do the States Parties have to eliminate all social and cultural practices and stereotyped behavioural patterns explicitly based on sex or causing indirect discrimination, but they also have a positive obligation to proactively address issues of discrimination against women (Byrnes, 2012a, p. 53). Furthermore, the CEDAW stipulates a due diligence standard. This due diligence standard is of crucial importance for issues relating to violence against women and specifically domestic violence, as in those cases the violence is often per-

petuated by private individuals such as partners or family members (Abi-Mershed, 2008, p. 132 f.; Byrnes, 2012b, p. 87; Chinkin/Freeman, 2012, p. 10). Moreover, in Article 17 the CEDAW establishes the CEDAW Committee to monitor its implementation. The CEDAW Committee does so by employing its various concluding observations, jurisprudence and inquiries, as well as the general recommendations, in order to continuously interpret the CEDAW’s provisions and set out the ideal standards (Otto, 2018, p. 317). These standards will be used as the benchmark for the analysis of State responses in this paper.

2. Concept and definition of domestic violence

It is undisputed that domestic violence is one of the most common forms of violence against women (UN General Assembly [UNGA], A/RES/58/147, 2003, para. 1b). Violence against women is understood as violence that affects women dispropor-

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tionately (CEDAW Committee, U.N. Doc. A/47/38, 1992, para. 6). This means that these forms of violence are either committed more often against women than against people of other genders or that they have a larger and different impact on women than on people of other genders (Chinkin, 2012, p. 452).

The CEDAW Committee however does not present a distinct legal definition of domestic violence (Chinkin, 2012, p. 456), and is not consistent in its terminology either, although recent concluding observations tend to use the expression “domestic violence” instead of other expressions such as “violence within the family” or “intimate partner violence”.³

Nevertheless, the Special Rapporteur on violence against women, its causes and consequences, states that “domestic violence is gender-specific violence directed against women, occurring within the family and within interpersonal relationships” (SRVAW, 1996a, paras. 2b & 5). Family is defined in that same report as “the site of intimate personal relationship”, whereby it should not be focused on State-based definitions of family but rather on the subjective notion of family, centred on the ideals of nurturance and care. This concept is also widely recognised by the UN General Assembly, and is thus the concept followed in this paper, too (SRVAW, 1996a, para. 25; UNGA, A/RES/58/147, 2003, para. 1a).

3. Domestic violence and the COVID-19 pandemic

Domestic violence was widespread and highly prevalent in Latin American and Caribbean States before the COVID-19 pandemic already. By then, statistics showed that every one in three women experienced violence throughout their life (Bott, Guedes, Ruiz-Celis, & Mendoza, 2019, p. 9; Spotlight Initiative, 2020, p. 6). However, the COVID-19 pandemic as well as the associated confinements had a disproportionate effect on women, highlighting and exacerbating existing gender inequalities such as domestic violence (Follow-up Mechanism to the Belém do Pará Convention [MESECVI], 2020, p. 9 f.), which is greatly impacted by social, cultural and environmental changes and factors. This exacerbation of existing gender inequalities was evidenced by the

3. For example: The term “domestic violence” is used in CEDAW Committee, CEDAW/C/DNK/CO/9 (2021) and CEDAW Committee, CEDAW/C/NLD/CO/4 (2007), while in CEDAW Committee, CEDAW/C/2005/OP.8/MEXICO (2005) the Committee uses “violence within the family” and in CEDAW Committee, CEDAW/C/ISR/CO/6 (2017) “intimate partner violence”.

fact that numbers of domestic violence cases increased palpably during the State-ordered confinement (Inter-American Commission on Human Rights, 2020, para. 2). All over Latin America and the Caribbean, increased numbers of physical and psychological violence in the private sphere and many more femicides by intimate partners or ex-partners were documented in the context of the COVID-19 pandemic (MESECVI, 2020, p. 10; see also *Diario Libre* (ARG), 2020; *Infobae* (MEX), 2020; *La Cuarta de Todos* (CHL), 2020; *La FM* (COL), 2020). According to estimates by the UN, for every three months of confinement, additional fifteen million women were anticipated to be victims of violence (UN System, 2020, p. 46).

As domestic violence increased, services for victims of domestic violence such as hotlines and other support and reporting mechanisms, as well as services within law enforcement and the judiciary, came under a lot of pressure (Fraser, 2020, p. 5). Suddenly, they were faced with an overwhelming mass of women in need of help (CEDAW Committee, CEDAW/C/DNK/CO/9, 2021, para. 20c; UN System, 2020, p. 45 f.). And it is the States' reactions to this situation that lay the groundwork for this paper.

C. ACCESS TO JUSTICE IN THE CONTEXT OF THE COVID-19 PANDEMIC

The CEDAW Committee states that the right to access to justice is an indispensable element of the human rights guaranteed by the CEDAW (CEDAW Committee, CEDAW/C/GC/33, 2015, para. 1). Key aspects for ensuring access to justice include the availability, accessibility and good quality of justice systems, as well as the provision of remedies for victims (CEDAW Committee, CEDAW/C/GC/33, 2015, para. 1). In the following two sub-

sections, this study will consider the CEDAW Committee's views and recommendations as well as State authorities' responses during the COVID-19 pandemic to two important elements of the right to access to justice, namely measures related to support and reporting mechanisms as well as measures related to law enforcement and the judiciary.

1. Support and reporting mechanisms

According to the CEDAW Committee, support services provided by States Parties should include appropriate health services, psychological and social counselling as well as assistance (for example through telephone hotlines, which provide both counselling as well as a tool for reporting), access to accessible shelters, legal aid and other rehabilitation services (CEDAW Committee, CEDAW/C/36/D/2/2003, 2005, para. 9.6 II g, & CEDAW/C/72/D/65/2014, 2019, para. 11b (iv)). The CEDAW Committee expects such services to be of good quality, meaning that they should be available and accessible to all women, including in rural and remote areas of the States Parties (CEDAW Committee, A/47/38, 1992, para. 24o). They should furthermore be properly funded, be operated by trained staff and be monitored regularly (CEDAW Committee, CEDAW/C/IRQ/CO/7, 2019, para. 22d; *Alyne da Silva Pimentel Teixeira v. Brazil*, 2011, para. 8 (2b)). However, it is an issue often addressed by the CEDAW Committee that there are insufficient human and financial resources allocated to institutions and mechanisms responsible for support services, for example hotlines and shelters (CEDAW Committee, A/54/38/Rev.1, 1999, para. 373, & CEDAW/C/AND/CO/4, 2019, para. 26d, & CEDAW/C/BIH/CO/6, 2019, para. 26b). Since these shortcomings can render efforts to improve the situation of

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victims inefficient and thus largely inadequate and ineffective (CEDAW Committee, A/54/38/Rev.1, 1999, para. 373), the CEDAW Committee recommends assigning these institutions and organisations adequate funding, to ensure they are able to operate twenty-four hours, seven days a week.

Going on to the analysis of State authorities' responses, it is important to first take a closer look at the context of the COVID-19 pandemic. In many countries, the declaration of the state of emergency triggered the question of whether support services could remain open even during lockdown. To tackle that concern, several countries declared that support services for women suffering from violence, including healthcare, hotlines and shelters, were essential services, so that they could continue functioning throughout the social isolation period. In Colombia, for example, the Ministry of Justice and Law declared through Decree No. 460/2020 that the institutions responsible for support services in cases of domestic violence (the so-called family

commissariats) would remain open and continue their work (Decreto No. 460 (COL), 2020, art. 1). Similarly, in Peru, the Ministry of Women and Vulnerable Populations issued executive decree No. 1470, holding that support services for women victims of domestic violence, including healthcare, hotlines and shelters, are considered essential services (Resolución de la Dirección Ejecutiva No. 20-2020-MIMP-AURORA-DE (PER), 2020, art. 1). The same was reconfirmed by Ministerial Resolution No. 031-2021-MIMP in the beginning of February 2021, when Peru returned to the state of emergency (Resolución Ministerial No. 031-2021-MIMP (PER), 2021, art. 3). In Argentina too, support services were declared essential through Administrative Decision 524/2020 (Decisión Administrativa 524/2020 (ARG), 2020, art. 2).

Another issue regarding support services that arose during the COVID-19 pandemic was that, through social isolation measures, staff of support services, as well as victims, were not allowed to leave their homes. To bypass that impediment, in Argentina, Administrative Decision 524/2020 determined that people working for the support and care of victims of violence against women, as well as women victims of violence themselves were exempt of the prohibition of circulation (Decisión Administrativa 524/2020 (ARG), 2020, art. 1 (9)).

Other countries also provided for female victims to be directly assisted at home. One very interesting example can be found in Peru, where there is a so-called Servicio de Atención Urgente (emergency care service) and the additional and complementary Atención Itinerante Urgente (itinerant emergency care) (Ministerio de la Mujer y Poblaciones Vulnerables (PER), 2021). Both are mobile care teams comprising specialised staff that reaches out

to victims and offers attention at home in cases of violence against women. Although the Ministry of Women and Vulnerable Populations had already established these mechanisms before the breakout of the COVID-19 pandemic, it must be noted that they alleviated the situation tremendously during the states of emergency. Mobile care teams were able to reach women that urgently needed help, even if they did not want or feel safe to leave their homes because of COVID-19, or because they lived in rural and remote areas far away from shelters or other support services (UN Joint Global Programme, 2020, p. 9).

Moreover, many countries developed specialised guidelines concerning support services for women victims of violence during the COVID-19 pandemic, aiming at providing clearer instructions on the treatment of these cases of violence. In Paraguay, the Ministry of Women developed the Protocol for the Prevention, Attention and Follow-up of Victims of Violence against Women in the Context of COVID-19, which establishes that women who have suffered from violence can access healthcare services in hospitals (Ministerio de la Mujer (PRY), 2020, para. 5.4). A similar protocol was also created in Ecuador, where, in collaboration with various Ministries and Directorates, the National Service for Risk and Emergency Management elaborated the Protocol for the Communication and Care of Cases of Gender-Based and Family Violence during the Health Emergency of the Coronavirus (Servicio Nacional de Gestión de Riesgos y Emergencias del Ecuador (ECU), 2020). And in Brazil, the Ministry of Women, Family and Human Rights also created a protocol containing recommendations on the treatment of domestic violence cases in the context of COVID-19 (Ministério da Mulher, da Família e dos Direitos Humanos (BRA), 2020a).

In the following two subsections, particular attention will be paid to the analysis of telephone hotlines as one of the main support and reporting mechanisms, and more generally to mechanisms that were either expanded or even completely newly developed in view of the COVID-19 pandemic.

i. Telephone hotlines in particular

With regard to counselling and assistance, the CEDAW Committee recommends establishing a nationwide support hotline that is free and available twenty-four hours a day (CEDAW Committee, CEDAW/C/AND/CO/4, 2019, para. 25a). The staff of those hotlines should be trained and allow for victims to report violence (CEDAW Committee, CEDAW/C/ITA/CO/7, 2017, para. 30f). States Parties are called to encourage the reporting of all forms of violence against women (CEDAW Committee, CEDAW/C/KAZ/CO/5,

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2019, para. 26d). Offering mechanisms to report is especially important in cases of domestic violence, as it stresses that domestic violence is not considered to be a private matter but a socially unacceptable problem. The CEDAW Committee also states that complaint procedures should be accessible and effective, and that the complaint lodging procedure should be gender-sensitive (CEDAW Committee, A/47/38, 1992, paras. 24a and I, & CEDAW/C/PER/Q/9, 2020, para. 6). Since the CEDAW Committee holds that there are a cultural and social stigma as well as attitudinal barriers connected to reporting cases of violence against women, States Parties should create a supportive environment, so that women feel they can report violence through the hotlines without being stigmatised (CEDAW Committee, CEDAW/C/PER/Q/9, 2020, para. 6, & CEDAW/C/GC/33, 2015, paras. 17e and 25a (ii)).

It should be noted that, even before the COVID-19 pandemic, most countries in Latin America and the Caribbean already had hotlines that were available

twenty-four hours a day, seven days a week. Nevertheless, as States expanded and strengthened their existing hotlines, improvements were made both to their accessibility and availability. In Argentina, the service provided by the already existing support hotline was expanded by creating a dedicated e-mail account and by establishing the possibility of reporting situations of domestic violence via WhatsApp (Ministerio de las Mujeres, Géneros y Diversidad (ARG), 2020a, p. 1). In Colombia, the national Government also strengthened its hotline 155, called línea púrpura (purple hotline), by offering the possibility for victims of domestic violence to seek support through either e-mail or WhatsApp (Decreto No. 460 (COL), 2020, art. 1c and d). Other countries where support and reporting services were expanded to include access through WhatsApp are Antigua and Barbuda (Directorate of Gender Affairs (ATG), 2021), Peru (Decreto Legislativo No. 1470 (PER), 2020, art. 7.5; Poder Judicial del Perú (PER), 2020, para. 1), Bolivia (Servicio Plurinacional de la Mujer y de la Despatriarcalización (BOL), 2020, p. 10), Chile (Ministerio de la Mujer y la Equidad de Género (CHL), 2020, para. 8), and Guyana (Ministry of Human Services and Social Security (GUY), 2020). In some cases, States expanded the scope of hotlines originally designed for other purposes, in order for them to handle domestic violence cases, too. In Barbados, the hotline that had been initially created to provide assistance to elderly people and disabled persons (among other) was broadened during the COVID-19 pandemic to also provide assistance to victims of domestic violence (Government Information Services (BRB), 2020, para. 3). In Guatemala, the Public Ministry broadened the scope of the existing hotline for the reporting of disappearances of women to include any cases related to violence against women

(Republic of Guatemala, 2020, p. 8 f.), and in Colombia the Office of the Attorney General could start receiving domestic violence complaints, too (Republic of Colombia, 2020, p. 22 ff.).

Furthermore, in Antigua and Barbuda as well as Guyana, hotlines for domestic violence were rendered cost-free through the cooperation with telecommunication companies, to prevent insufficient financial means from becoming a barrier to those seeking support or wanting to report violence (UN Joint Global Programme, 2020, p. 9; Department of Public Information (GUY), 2020, para. 1). However, only very few countries strengthened their hotlines by increasing the allocation of either human or financial resources. In Honduras, the National Women's Institute established new response teams composed of volunteers from the Municipal Offices for Women and from universities, to provide virtual psychological and social counselling to women victims of violence (Instituto Nacional de la Mujer (HND), 2020, p. 2), and in Colombia, additional financial resources were dedicated to expand and reinforce the hotlines' staff responsible for psychological support (Republic of Colombia, 2020, p. 29).

ii. Expansion of existing and development of new reporting mechanisms

Generally, also reporting mechanisms other than hotlines have been improved in many ways during the COVID-19 pandemic. These developments happened because the traditional reporting channels such as onsite reporting at a police station or calling a hotline were hindered by the measures imposed due to the COVID-19 pandemic. Victims were bound to stay at home with their families, which led to a lack of privacy and made it more di-

fficult for them to call hotlines with their abuser being home as well. As a result, existing reporting mechanisms needed to be expanded, and new reporting mechanisms had to be created to overcome the difficulties of reporting domestic violence during the COVID-19 pandemic.

First and foremost, the pandemic highlighted the importance of free mobile phone applications for the reporting of domestic violence. Although most of these applications existed before the pandemic already, they gained a lot of additional weight. In Argentina, the application called Línea 144 – Atención a mujeres y LGBTI+ (Line 144 – Support for women and LGBTI+), that can be downloaded both with Android and Apple devices, offers women victims of violence assistance and counselling, and identifies and indicates the nearest support centres or shelters (Gobierno de Argentina, 2020). In the Mexican State of Sonora, the Sonora State Commission on Human Rights runs a similar application too, under the name of CEDHSON (Comisión Estatal de Dere-

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chos Humanos de Sonora (MEX), 2021). And in Colombia, the Office of the Attorney General strengthened their reporting mechanisms by ensuring that complaints could be filed and received twenty-four hours a day, seven days a week, through the official app ADenunciar (Denounce), too (Republic of Colombia, 2020, p. 32). Finally, in Brazil, the Ministry of Women, Family and Human Rights even launched a newly created application for victims to report violations to their human rights, including domestic violence, called Direitos Humanos BR (Human Rights BR) (Ministério da Mulher, da Família e dos Direitos Humanos (BRA), 2020b).

What deserves a short mention here, too, is the increased importance that the so-called anti-panic buttons have gained during the COVID-19 pandemic. These mechanisms, which can either be in the form of distinct phone-like devices or an application for mobile phones, aim at directly putting the victim in contact with the police by pressing an alert button. Some buttons even allow for the localisation of the woman using it. Examples are the Botón antipánico (anti-panic but-

ton) in Argentina and the Botón de pánico (panic button) in Guatemala (Republic of Argentina, 2015, p. 31; Observatorio de las Mujeres del Ministerio Público (GTM), 2021).

As mentioned above, the COVID-19 pandemic also called for the creation of new reporting mechanisms. An example of such a newly established reporting mechanism is the “#BarbijoRojo” (red mask) initiative in Argentina, launched by the Ministry of Women, Gender and Diversity in collaboration with the Argentinian Pharmaceutical Confederation (Ministerio de las Mujeres, Géneros y Diversidad (ARG), 2020a, p. 3). This initiative allows victims to directly report domestic violence in pharmacies, where the pharmacists are equipped with guidelines as to when and how to react (Ministerio de las Mujeres, Géneros y Diversidad (ARG), 2020a, p. 3, & 2020b, p. 1). When asked for a red mask, pharmacists will know that the woman in question is suffering from domestic violence, and will thus write down name, address and phone number of the victim and subsequently get in touch with the hotline 144, for the victim to receive assistance and counselling (Ministerio de las Mujeres, Géneros y Diversidad (ARG), 2020b, p. 2 f.). Likewise, in Chile there was the new Mascarilla 19 (mask 19) campaign which was initiated, and according to which women can report domestic and gender-based violence in pharmacies by asking for a Mascarilla 19, and the pharmacists will then register the women’s personal information and get in touch with either the support hotline or the police (Ministerio de la Mujer y la Equidad de Género (CHL), para. 7). Brazil followed a similar approach, too. In collaboration with over 11’000 pharmacies countrywide, the National Council of Justice and the Association of Brazilian Magistrates set up the Sinal Vermelho contra a violência doméstica (red sign against domestic violence)

campaign (Conselho Nacional de Justiça (BRA), 2020; Associação dos Magistrados Brasileiros (BRA), 2020). According to this campaign, women suffering from domestic violence can draw a red cross (“x”) on the palm of their hand or on a sheet of paper and show it to the employees in the pharmacies, who have been instructed on how to proceed in such cases (Conselho Nacional de Justiça (BRA), 2020, “Como funciona a campanha”).

Another example of a newly created mechanism is the #EspaciosSeguros (safe spaces) strategy within the #EnCasaSinViolencias (at home without violence) campaign, which was initiated in the Colombian District of Bogotá, and which also ensures that women can report domestic violence in public places such as supermarkets or pharmacies (Secretaría de la Mujer de la Alcaldía Mayor de Bogotá D.C. (COL), 2020a, p. 1). This strategy resulted from the cooperation between the Secretariat for Women, the National Federation of Merchants and some supermarkets and pharmacies (Secretaría de la Mujer de la Alcaldía Mayor de Bogotá D.C. (COL), 2020a, p. 1). Lastly, in the Dominican Republic, the Ministry of Women and a chain of supermarkets called Grupo Ramos (Ramos Group) launched a new initiative too (Ministerio de la Mujer (DOM), 2020). This initiative provides women with the possibility of reporting domestic violence in supermarkets by requesting a Comprobante Fiscal 212 (tax receipt 212), whereupon the employees will set up communication with the support helpline 212 (Ministerio de la Mujer (DOM), 2020, para. 5 f.).

2. Law enforcement and judiciary

Law enforcement and the judiciary play an important role in combating domestic violence and, particularly, in ensuring access to justice for female victims. This

is highlighted repeatedly by the CEDAW Committee, who considers addressing the lack of law enforcement and compliance with the rules that provide for the punishment of perpetrators of domestic violence to be a priority (CEDAW Committee, A/54/38/Rev.1, 1999, para. 373). The CEDAW Committee affirms that remedies for victims should be available, publicly accessible, adequate, effective, promptly attributed, holistic and proportional to the harm suffered, and that such remedies should involve restitution, compensation and rehabilitation (CEDAW Committee, CEDAW/C/GC/33, 2015, para. 19a and b, & CEDAW/C/ROU/CO/7-8, 2017, para. 11a; R.P.B. v. The Philippines, 2014, para. 8.3). For the remedies to be accessible, the CEDAW Committee also states that victims need to have sufficient means to bring their case to court (CEDAW Committee, CEDAW/C/GC/35,

“(...) The CEDAW Committee affirms that remedies for victims should be available, publicly accessible, adequate, effective, promptly attributed, holistic and proportional to the harm suffered, and that such remedies should involve restitution, compensation and rehabilitation (...)”

“(...) Besides, coordination between these different levels and branches of authorities within the States Parties should be ensured (...)”

2017, para. 32a), which, in certain circumstances, requires States Parties to enable waivers for expert or document fees and court charges as well as reimbursement of transportation and other costs (CEDAW Committee, CEDAW/C/OP.8/KGZ/1, 2018, para. 80). The overall aim of the remedies should be to ensure protection or redress (CEDAW Committee, CEDAW/C/GC/33, 2015, para. 19a), and that perpetrators are prosecuted and appropriately punished (CEDAW Committee, CEDAW/C/KGZ/CO/4, 2015, para. 18a).

Besides, as the CEDAW Committee states, not only do States Parties need to establish laws, institutions and a system to address violence against women, but they also need to ensure their effective functioning in practice (Magdulein Abaida v. Libya, 2021, para. 6.3). The mechanisms in place must be supported by all public officials, especially by law enforcement officers and judicial representatives (Magdulein Abaida v. Libya, 2021, para. 6.3). Besides, coordination between these different levels and branches of authorities within the States Parties should be ensured. The CEDAW Committee recommends States Parties to guarantee that law enforcement and judicial officers coordinate their work, for the mechanisms to be more effective (CEDAW Committee, CEDAW/C/2005/OP.8/MEXICO,

2005, p. 266; Fatma Yildirim et al. v. Austria, 2007, para. 12.3c).

In Colombia for example, the Office of the Attorney General took measures to improve cooperation between law enforcement and the judiciary during the state of emergency. They did so by prompting the lower sectional Attorneys' Offices to immediately contact the national police and the family commissariats when faced with a case of domestic violence, to ensure a rapid collaboration between these institutions, especially in urgent cases (Republic of Colombia, 2020, p. 24). Also in Colombia, through the Presidential Decree 1710 of 2020, the President adopted the Joint Mechanism for the Comprehensive Approach to Violence Based on Sex and Gender (Decreto 1710 (COL), 2020). This mechanism was created to facilitate and promote the best possible coordination among institutions on a national, regional and local level. It recommends authorities to join forces to work on awareness-raising campaigns and the dissemination of information regarding hotline numbers, as well as for police, prosecution and health institutions to cooperate in cases of domestic violence (Decreto 1710 (COL), 2020, art. 4.3). Furthermore, local authorities may also ask for technical support and assistance by the joint mechanism if needed (Republic of Colombia, 2020, p. 25 f.).

In the following three subsections, measures related to the accessibility of law-enforcement and judicial services, to protection orders and to action guides and capacity-building trainings will be analysed in further detail.

i. Accessibility of law enforcement and judicial services

One of the main concerns that the COVID-19 pandemic raised, was whether

services of law enforcement and the judiciary could continue functioning throughout the lockdowns. As countries became aware of the extent and risk of domestic violence, and numbers of domestic violence cases started to rise rapidly, many governments recognised how important it was for law enforcement and the judiciary to continue handling these cases. In Ecuador, throughout the state of emergency, staff working in judicial units that were handling cases of violence against women were still allowed to go to work, in contrast to workers of other judicial units (Resolución 031-2020 (ECU), 2020, art. 2). Similar efforts could also be seen in Bolivia, where the Prosecutor's Office ensured that all prosecutors' services related to domestic violence would continue to be delivered throughout the state of emergency (Fiscalía General del Estado (BOL), 2020). The Supreme Court of Justice of Costa Rica, too, declared that in cases of domestic violence the courts could continue to conduct normal hearings, even while the country was in the state of emergency (Poder Judicial de Costa Rica (CRI), 2020, p. 8; Circular No. 147-2020 (CRI), 2020, paras. 1b (II) and (IV)), and in Chile, courts were allowed to hold hearings on site in cases of domestic violence, and for family courts it was even possible to run virtual hearings (Ley No. 21.226 (CHL), 2020, art. 1a and b).

Which brings us to a new and very important development. Generally, the CEDAW Committee calls upon States Parties to use modern information technology in innovative and creative ways to ensure access to justice for victims and to develop Internet infrastructure in order to hold virtual hearings and facilitate the exchange of data and information among different authorities (CEDAW Committee, CEDAW/C/GC/33, 2015, para. 16a and 17d). The pandemic has now forced the States Parties to advance the deve-

lopments in this field. For example, the Colombian Judiciary as well as the President of the Republic, both ordered that courts should use technology in their judicial proceedings and hearings (Acuerdo PCSJA20-11546 (COL), 2020, art. 12 f.; Decreto Legislativo No. 806 (COL), 2020, art. 2), and the Secretariat of Women assured that virtual access to services such as legal aid, police and judicial services would not cease to be provided (UNGA, A/75/274, 2020, p. 9). In Argentina, through Resolution SC No. 816/20, the National Supreme Court enabled hearings to be conducted virtually, using adequate software such as Microsoft Teams (Resolución SC No. 816/20 (ARG), 2020, art. 1). The Eastern Caribbean Supreme Court, which Antigua and Barbuda, Dominica, Grenada, St. Kitts and Nevis, Saint Lucia and St. Vincent and the Grenadines are member States of, also issued indications on this topic in several Practice Directions

“(...) As countries became aware of the extent and risk of domestic violence, and numbers of domestic violence cases started to rise rapidly, many governments recognised how important it was for law enforcement and the judiciary to continue handling these cases (...)”

“Furthermore, due to the special circumstances of the pandemic, several States realised that cases of domestic violence had to be treated as a priority or else the situation would worsen even further (...)”

aimed at facilitating remote court hearings, where it stated that as many hearings as possible should be conducted remotely, in view of the COVID-19 pandemic (Practice Direction No. 5, 2020, art. 5; Practice Direction No. 1, 2021, art. 5). Finally, also the Peruvian and the Guatemalan judiciaries adopted the option of conducting virtual hearings during the COVID-19 pandemic (Resolución Administrativa No. 000173-2020-CE-PJ (PER), 2020, art. 1 and annex; Organismo Judicial de la República de Guatemala (GTM), 2020).

Furthermore, due to the special circumstances of the pandemic, several States realised that cases of domestic violence had to be treated as a priority or else the situation would worsen even further. Therefore, in Brazil, cases concerning violence against women were considered urgent regarding the issuing of provisional measures as well as the consideration of legal matters (Lei No. 14.022 (BRA), 2020, art. 4). Moreover, in Argentina, the Supreme Court of Justice ordered all courts to treat cases related to family matters as essential and as a priority, so that they

could hold the hearings and pass judgement on the date that had originally been scheduled (Acordada No. 6/2020 (ARG), 2020, art. 4). In Colombia, as of April 2020, the Office of the Attorney General prioritised the investigation of cases of violence against women (Fiscalía General de la Nación (COL), 2020, para. 1), and the same happened in Peru upon decision of the Superior Court of Justice in Lima (Resolución Administrativa No. 000135-2020-P-CSJLI-PJ (PER), 2020, art. 1(2)). Due to the urgency of the issues, the Government of Peru even declared that, in the context of the COVID-19 pandemic, all complaints regarding domestic violence were to be immediately received by the police and then immediately communicated to the competent court, irrespective of the risk level present in the case (Decreto Legislativo No. 1470 (PER), 2020, art. 4.2).

ii. Protection orders

Effective access to justice also includes the prevention of further or potential violence against women (CEDAW Committee, CEDAW/STA/9156/E, 2020, p. 1 f.). To fulfil that requirement there is a need for protective mechanisms (CEDAW Committee, CEDAW/C/GC/35, 2017, para. 31a (ii)), which encompass an immediate risk assessment and if necessary, the granting of protection and restraining orders (CEDAW Committee, CEDAW/C/GC/35, 2017, para. 31a (ii); S.T. v. Russian Federation, 2019, para. 11b (iv)).

Due to the confinements and uncertainties related to the pandemic, several States extended the duration of already granted protection orders. In Argentina, both the national and provincial branches of the judiciary announced that protection orders for victims of domestic violence, which would have expired in the course of the state of emergency, were automatically

extended (they were then extended again during the anew declaration of the state of emergency) (Oficina de Violencia Doméstica (ARG), 2020). In Brazil, through Law No. 14022, protection measures for women at risk of domestic violence were extended during the state of emergency (Lei No. 14.022 (BRA), 2020, art. 5). Likewise, in Guatemala, the judiciary ordered that all protection measures granted in cases of domestic violence be extended automatically (Corte Suprema de Justicia (GTM), 2020, para. 4).

Besides, many States Parties developed new ways of requesting protection orders. In Chile (Ley No. 21.226 (CHL), 2020, art. 1a and b), Colombia (Secretaría de la Mujer de la Alcaldía Mayor de Bogotá D.C. (COL), 2020b), Costa Rica (Circular No. 67-2020 (CRI), 2020, para. E.2), Dominica (Government of Dominica (DMA), 2020) and Trinidad and Tobago (Judiciary Trinidad and Tobago (TTO), 2020) protection orders could then also be requested remotely, in most cases through e-mail or via phone. In the State of São Paulo in Brazil, the police even established an online platform where victims of domestic violence can make remote requests for protection orders (Polícia Civil do Estado de São Paulo (BRA), 2021).

Furthermore, and as shortly mentioned above, many States Parties also took measures to ensure that requests for protection orders are granted in a shorter time frame. In Colombia, the inter-institutional coordination between the police and the family commissariats was strengthened to ensure the speedy request of protection orders in cases of domestic violence (Republic of Colombia, 2020, p. 26). A comparable approach can be found in Peru, where the National Police and the family courts specialised in domestic violence created a joint web system, so that any information regarding complaints

of domestic violence can be shared between the two institutions and thus enable a quicker issuing of protection orders (Ministerio del Interior (PER), 2021). And under certain circumstances, the Peruvian judiciary was even allowed to grant protection orders digitally (Decreto Legislativo No. 1470 (PER), 2020, art. 4).

iii. Action guidelines and capacity-building

Another very important element in the discussion on access to justice is the treatment of domestic violence cases by public officials. The main recommendation of the CEDAW Committee in this regard is that States Parties should establish mandatory gender training for all public officials, and especially for judges, prosecutors, the police and other officials in law enforcement or the judiciary (CEDAW Committee, CEDAW/C/GC/28, 2010, para. 38c, & CEDAW/C/GC/33, 2015, paras. 29a and 30, & CEDAW/C/GC/35, 2017, para. 30e, & CEDAW/C/QAT/CO/2, 2019, para. 27c; *Karen Tayag Vertido v. The Philippines*, 2010, para. 8.9b (iv)). States Parties should instruct public officials on the content and provisions of the CEDAW and on its general recommendations, especially general recommendations Nos. 19, 28, 33 and 35, as well as on the Optional Protocol (Fatma Yildirim

“Another very important element in the discussion on access to justice is the treatment of domestic violence cases by public officials (...)”

“(...) Public officials should hence be taught to strictly apply criminal law provisions in cases of violence against women, to be able to prevent or detect such violence and to respond in a gender-sensitive and victim-centred way while ensuring confidentiality, for example by guaranteeing (...)”

et al. v. Austria, 2007, para. 12.3d). According to the CEDAW Committee, for the CEDAW to be effectively implemented, such training is essential (R.P.B. v. The Philippines, 2014, para. 9b (iv)). This gender training should be systematically included in the capacity building of public officials working in law enforcement or the judiciary (CEDAW Committee, A/54/38/Rev.1, 1999, para. 286). It should aim at educating and sensitising public officials about violence against women and all its manifestations, so that they can handle relevant cases in an appropriate, gender-sensitive and effective way (CEDAW Committee, A/58/38, 2003, para. 73). Public officials should hence be taught to strictly apply criminal law provisions in cases of violence against women, to be able to prevent or detect such violence and to respond in a gender-sensitive and

victim-centred way while ensuring confidentiality, for example by guaranteeing the possibility for victims to not have their identity disclosed in any judicial proceedings (CEDAW Committee, CEDAW/C/GC/35, 2017, para. 31a (i), & CEDAW/C/LTU/CO/6, 2019, para. 23c). According to the CEDAW Committee, a gender-sensitive approach is required and central in any investigation procedures, interrogations and other police practices (CEDAW Committee, CEDAW/C/OP.8/KGZ/1, 2018, para. 79). According to the CEDAW Committee, the training of law enforcement and judicial officials should address issues such as the stigmatisation of female victims of violence, the undermining of their credibility, as well as the often-heard accusation of supposedly inappropriate behaviour of women (CEDAW Committee, CEDAW/C/GC/33, 2015, paras. 25a (ii) and 29c (i-ii)).

Furthermore, the CEDAW Committee also looks favourably upon the creation of specialised entities within law enforcement or the judiciary that aim at handling cases of domestic violence (CEDAW Committee, A/54/38/Rev.1, 1999, para. 218, & CEDAW/C/GC/33, 2015, para. 17e). Such entities should be available, accessible and should be subject to the same requirements as regular entities (CEDAW Committee, CEDAW/C/GC/33, 2015, para. 56a). Staff managing domestic violence cases should be equipped with special competences and knowledge on that particular issue as well as on gender issues in general (CEDAW Committee, CEDAW/C/AND/CO/4, 2019, para. 26a). Generally, the CEDAW Committee recommends States Parties to allocate sufficient financial and highly qualified human resources (CEDAW Committee, CEDAW/C/GC/33, 2015, para. 39a). However, responses like the one from Colombia, where there were additional

financial resources allocated to the police forces' resources, stand out as quite unique in all of Latin America and the Caribbean (Vicepresidencia del Gobierno de Colombia (COL), 2020).

The analysis of States Parties' responses and measures taken show that there have been some attempts to sensitise public officials by issuing guidelines or conducting capacity-building training. However, as far as research has shown, guidelines and capacity-building were only ever directed at police officers and prosecutors. Research did not indicate any such measure aimed at targeting judges in Latin American or Caribbean countries during the COVID-19 pandemic.

In Honduras, for instance, the National Women's Institute, the National Emergency System (911) and the COVID-19 working group on violence against women conducted capacity-building training for national police officers (Instituto Nacional de la Mujer (HND), 2020, p. 4). These trainings were focused on how police officers should use a human rights-based and gender-sensitive approach when confronted with domestic violence cases. In Colombia, the Office of the Attorney General also released internal guidelines that prescribe capacity-building courses for public officials (Republic of Colombia, 2020, p. 22 f.). Among other things, these guidelines recommend including topics such as the prevention of domestic violence, the reception of complaints, risk identification and care for victims of domestic violence in the capacity-building course (Republic of Colombia, 2020, p. 22 f.).

In Argentina, the Ministry of Women, Gender and Diversity together with the Public Prosecutor's Office and other institutions established a comprehensive, gender-sensitive intervention protocol

with guidelines for police officers to follow during the confinement (Ministerio Público Fiscal (ARG), 2020). Among other things, these guidelines state that at no point should the danger to which the victim is exposed be played down, or else one risks to revictimise the person in question. Furthermore, the Argentinian Specialised Unit on Violence Against Women also issued urgent and specific recommendations to all prosecutors, which include the importance of prioritising cases of domestic violence as well as taking complaints either in the home of the victim or remotely, but preferably through female police officers (Unidad Fiscal Especializada en Violencia contra las Mujeres (ARG), 2020, p. 3 f.). Lastly, the Plurinational Service for Women and Depatriarchalisation in Bolivia also developed an action guide containing instructions for police officials as to how to proceed when facing a situation of domestic violence (Servicio Plurinacional de la Mujer y de la Despatriarcalización (BOL), 2020, p. 8).

D. LESSONS LEARNT

There are three key elements that stand out from the previous analysis and are important potential areas of developments going forward. They are the use of information and communication technologies and social media, the establishment of new and innovative alliances, and the – usually insufficient – allocation of financial resources.

1. Use of information and communication technologies and social media

As identified above, information and communication technologies as well as social media are being used increasingly by States in their responses to domestic violence. Over the last years, the number

“However, despite the advantages of using information and communication technologies as well as social media to fight against domestic violence, their use is not exempt from bearing certain risks (...)”

of people having access to and using the Internet worldwide increased dramatically (Muggah & Diniz, 2013, p. 28). The same applies to the number of people owning a smartphone (Poushter, 2016, para. 1). Such a trend of course shows the relevance of using the Internet as a key channel to address domestic violence. It thus has become critical for States Parties to address the issue of domestic violence through digital means, such as information and communication technologies, as well as through social media platforms, to increase their reach and the effectiveness of their measures. Especially in the context of the COVID-19 pandemic, these channels and platforms became even more relevant. The pandemic highlighted how much individuals and States depend on the Internet, among others as a means for accessing information as well as a communication channel (see Bahia & Delaporte, 2020, p. 46 f.). Information and communication technologies have hence become important pillars to promote and foster access to justice for victims of domestic violence.

States should therefore make use of as many different communication channels

as they can, in order to disseminate as widely as possible the relevant information related to support and reporting mechanisms. Information and communication technologies provide a good tool to do so (El Morr & Loyal, 2020, p. 1372). States need to encompass the distribution of information through social media, also to reach more and younger generations of women. Furthermore, hotlines should continue to be complemented with the possibility of using e-mail, WhatsApp or other mobile applications to contact support services or public officials. That too increases the reach of support and reporting mechanisms. And whether it is to provide virtual access to law enforcement or judicial services such as virtual hearings, or to request and grant protection orders remotely, the usefulness of websites, e-mail and phones to access such services is undisputed. Finally, yet importantly, such technologies also help improve both interinstitutional coordination as well as the collection, monitoring and analysis of statistical data through different standardised and online mechanisms.

However, despite the advantages of using information and communication technologies as well as social media to fight against domestic violence, their use is not exempt from bearing certain risks. Specifically, there are still a lot of open questions when it comes to the collection of data as well as privacy, confidentiality and data security considerations (Diamond, Fiesler, & Bruckman, 2011, p. 414 f.). Going forward, the relationship between tackling domestic violence by using information and communication technologies and the associated data and privacy concerns needs to be further researched, as there is not much data on this issue.

To sum up, the large number of women that have used digital channels, for exam-

ple to get in touch with support or reporting services, highlights how information and communication technologies and social media can be a fruitful instrument when combating domestic violence, and it makes it clear that they are a promising tool that needs to be further exploited.

2. Increased coordination and new alliances

A functioning, properly integrated system of different actors, as recommended by the CEDAW Committee, is critical in the fight against domestic violence. The significance of this recommendation is also highlighted by other entities such as UN Women (2020b, p. 4) or the UN Office on Drugs and Crime (2020, p. 4). For such a system to work, roles and responsibilities must be clearly assigned, and authorities must ensure coordination on an institutional level as well as collaboration with organisations outside of the State's apparatus (Hilder & Bettinson, 2016, p. 2; Kaugia, 2019, p. 49). In the context of the COVID-19 pandemic, both the institutional coordination as well as the collaboration with non-governmental organisations were strengthened in many States, which is a promising practice to continue for the future. Thanks to the collaboration between support and reporting services, law enforcement, the judiciary, private companies and other organisations, victims can be referred to the right place more easily and authorities can better prevent that the cases do not remain unattended or are overlooked (UNGA, A/75/274, 2020, p. 5). Among others, it was also the increased use of information and communication technologies that enabled a more efficient coordination and cooperation.

Making hotlines available and accessible by establishing alliances between States'

authorities and mobile phone companies, television channels and radio stations has been an innovative and necessary step forward. Also, the cooperation with supermarkets and pharmacies was a strong, original and urgently needed measure in the context of the COVID-19 pandemic, which States should further promote and use in the future.

Cooperation among different actors to serve the cause of fighting domestic violence against women are commendable for several reasons. First, cooperation attempts at improving the effectiveness and efficiency of mechanisms, which is desirable (Shorey, Tirone, & Stuart, 2014, p. 364). Second, it reduces the barriers that women face when seeking support or access to justice, as it makes referral pathways and instructions clearer for victims and thus makes the process work more smoothly and in a more gender-sensitive way. Third, it ensures that each institution and organisation can act according to its competence and expertise. Hence, from the measures that States took in the context of the COVID-19 pandemic, the collaboration with diffe-

“Making hotlines available and accessible by establishing alliances between States’ authorities and mobile phone companies, television channels and radio stations has been an innovative and necessary step forward (...)”

“(...) The CEDAW Committee urges States Parties to adequately fund organisations and institutions that work in the field of violence against women (...).”

rent stakeholders is a key element to be considered and further implemented in the future.

3. Insufficient allocation of financial resources

Even if this study in principle aims at identifying and analysing good practices, one particularly important underdeveloped practice must be highlighted, nonetheless, and it is the insufficient allocation of adequate financial resources. The CEDAW Committee urges States Parties to adequately fund organisations and institutions that work in the field of violence against women. This includes non-governmental organisations and institutions that offer support or reporting services such as hotlines and shelters, as well as the law enforcement and the judiciary. Furthermore, States Parties should also allocate sufficient financial resources to the implementation of policies addressing violence against women. A lack of appropriate and sustainable funding in any of these areas seriously compromises the effectiveness of all States' measures, even if well intended and implemented (Seguino, 2017, p. 6). The UN Development Programme [UNDP], UN Women and the WHO even characterise the availability of funding for women's rights or-

ganisations as one of the critical areas for action regarding the fight against violence in the context of the COVID-19 pandemic (UNDP & UN Women & WHO et al., 2020, p. 2).

According to the UNDP, worldwide measures taken to combat violence against women during the COVID-19 pandemic primarily focused on the prevention or response of violence against women, but very few States did adequately fund those measures (UNDP & UN Women, 2020, p. 6). Some isolated approaches to increase financial resources (as observed for example in Colombia), included funding the staff responsible for psychological support as well as police forces (Republic of Colombia, 2020, p. 29). However, such measures were the exception rather than the rule in Latin America and the Caribbean. The alleged strengthening and expansion of support services and reporting mechanisms in some States implicitly suggests that additional financial resources were made available for that matter and that the additional funding is simply considered an incidental element to the measure taken. However, and as per the analysis made in this study, States that said to have “strengthened” and “expanded” their services did not give information on how much more funding was really invested in those measures or even if there has been additional funding at all, which indicates that the allocation of financial resources may not have been a significant part of the measure. While the workload of staff of support and reporting services as well as of officials of law enforcement and the judiciary increased massively in the context of the COVID-19 pandemic, it must be emphasised that, in many cases, no additional funding was allocated by States to compensate for the extra workload (UN Trust Fund to End Violence against Women, 2020, p. 8).

Unfortunately, this is not a new phenomenon. Especially funding for non-governmental organisations concerned with women's rights is low and constitutes only a small investment towards the achievement of gender equality (Esplen & O'Neill, 2017, p. 218). Despite the indispensable knowledge, experience and the importance of the role of women's rights organisations, States continue to fail to acknowledge and involve them in their processes, and they are still actively counteracting the chronic underfunding of such organisations (Arutyunova, 2020, p. 247 f.).

Lastly, even if many States Parties should be commended for the good-practice responses to address domestic violence issues during the COVID-19 pandemic, all such measures will become ineffective if not financially sustained over time. To ensure that measures can be effective in practice, and to adhere to the obligations emanating from the CEDAW, States Parties must necessarily allocate adequate financial means to organisations and institutions operating in the field. Without it, even well-intended measures will only become meaningless over time and expose a hypocritical approach of States in the fight against domestic violence.

E. CONCLUSION

The COVID-19 pandemic undeniably had a devastating impact on women's rights, with gender inequality being exacerbated enormously. Undoubtedly, there is still a very long way to go for States until domestic violence is completely eliminated. Still, to some extent the COVID-19 pandemic created a momentum in the fight against domestic violence. Latin Ameri-

can and Caribbean States reacted with different promising measures that the CEDAW Committee can commend. The understanding of gender-sensitive issues was promoted and creative as well as innovative solutions were implemented, such as the use of information and communication technologies. Moreover, new alliances led to a more efficient use of previously existing instruments and to the establishment of a variety of new mechanisms.

Nevertheless, what the analysis of States' responses also shows is that, while States generally tried to improve the situation, they often did not deem necessary to underpin and reinforce their measures with sufficient financial resources. This was ill considered and counterproductive, as no measure can be sustainable if not adequately funded.

In conclusion, a key goal of States Parties to the CEDAW for the future must be the promotion and further development of the various good practices identified, but also the tackling of the issue of not allocating an adequate amount of financial resources, which is critical in order to make more concrete and sustainable steps toward the elimination of all forms of discrimination against women. The importance of achieving this goal is expressed in the UN Secretary-General António Guterres' video message from 6 April 2020:

"Women's rights and freedoms are essential to strong, resilient societies. Together we can and must prevent violence everywhere, from war zones to people's homes, as we work to beat COVID-19." (UN Secretary-General António Guterres, 2020, 1:37 to 1:50) ◆

F. APPENDIX

1. Analysed State responses: general support services and telephone hotlines

State	Authority	General measures	Improved hotlines
Antigua and Barbuda	Directorate of Gender Affairs	-	<ul style="list-style-type: none"> • Toll-free calls • WhatsApp
Argentina	Chief of the Cabinet of Ministers	<ul style="list-style-type: none"> • Declaration of support services as essential services • Exemption of prohibition to circulate 	-
Argentina	Ministry of Women, Gender and Diversity	-	WhatsApp
Barbados	Ministry of People Empowerment and Elder Affairs	-	Broadened scope of hotline for support
Bolivia	Plurinational Service of Women and Depatriarchalisation	-	WhatsApp
Brazil	Ministry of Women, Family and Human Rights	Development of a protocol for support services	-
Chile	Ministerio de la Mujer y la Equidad de Género	-	WhatsApp
Colombia	Ministry of Justice and Law	Declaration of support services as essential services	-
Colombia	Office of the Vice President	-	Increased financial resources
Colombia, City of Bogotá	Office of the Vice President	-	-

Colombia, District of Bogotá	Secretariat of Women	-	WhatsApp E-mail
Ecuador	National Service for Risk and Emergency Management	Development of a protocol for support services	-
Guyana	Ministry of Human Services and Social Security	-	WhatsApp
Honduras	National Women's Institute	-	Increased human resources
Mexico	National Women's Institute	-	WhatsApp
Paraguay	Ministry of Women	Development of a protocol for support services	<ul style="list-style-type: none"> · Broadened scope of hotline for support · WhatsApp
Peru	Ministry of Women and Vulnerable Populations	<ul style="list-style-type: none"> · Declaration of support services as essential services · Mobile care teams 	WhatsApp
Uruguay	Ministry of Social Development	-	Increased human resources

2. Analysed State responses: other reporting mechanisms

State	Authority	Reporting mechanism	Name of new reporting campaign	Partners
Argentina	Ministry of Women Gender and Diversity	<ul style="list-style-type: none"> · Mobile application · Panic button · Pharmacies 	#BarbijoRojo	Argentinian Pharmaceutical Confederation

Brazil	Ministry of Women, Family and Human Rights	Mobile application	Direitos Humanos BR	-
Brazil	National Council of Justice and Association of Brazilian Magistrates	Pharmacies	Sinal Vermelho contra a violência doméstica	Over 11'000 pharmacies
Chile	Ministry of Women and Gender Equality	Pharmacies	Mascarilla 19	Over 3'000 pharmacies
Colombia	Office of the Attorney General	Hotlines expanded to receive domestic violence reports	-	-
Colombia	Secretariat of Women	Supermarkets Pharmacies	#EspaciosSeguros	National Federation of Merchants Several supermarkets and pharmacies
Dominican Republic	Ministry of Women	Supermarkets	Comprobante Fiscal 212	Chain of supermarkets
Guatemala	Public Ministry	• Hotlines expanded to receive domestic violence reports • Panic button	-	-
Mexico, State of Sonora	Sonora State Commission on Human Rights	Mobile application	-	-
Peru	Superior Court of Justice of Lima	• E-mail • WhatsApp	-	

3. Analysed State responses: law enforcement and judiciary

State	Authority	General measures	Accessibility of courts	Protection orders	Action guidelines and capacity-building
Antigua and Barbuda	Eastern Caribbean Supreme Court	-	Virtual hearings possible	-	-
Argentina	Supreme Court of Justice	Cases of domestic violence considered priority	Virtual hearings possible	-	-
Argentina	Public Ministry of Defence	-	-	Extension of protection orders	-
Argentina	Ministry of Women, Gender and Diversity and Office of the Attorney General	-	-	-	Development of intervention protocol for police officers
Argentina	Specialised Prosecutors Entity of Violence Against Women	-	-	-	Recommendations for prosecutors handling domestic violence cases
Bolivia	Office of the Attorney General	Declaration of services by prosecutors as essential services	-	-	-

Bolivia	Plurinational Service for Women and Depatriarchalisation	-	-	-	Development of intervention protocol for police officers
Brazil	National Congress	Cases of domestic violence considered priority	-	Extension of protection orders	-
Brazil, State of São Paulo	Civil Police Force of São Paulo	-	-	Remote request of protection orders	-
Chile	Supreme Court	-	Hearings on site possible in cases of domestic violence	-	-
Chile	Ministry of Justice and Human Rights	-	-	Remote request of protection orders	-
Colombia	Secretariat of Women	Declaration of police and judicial services as essential services	-	Remote request of protection orders	-
Colombia	Office of the Attorney General	Cases of domestic violence considered priority Increase in financial resources	-	-	Training for prosecutors
Colombia	Superior Council of the Federal Judiciary and Ministry of Justice	-	Virtual hearings possible	-	-

Costa Rica	Supreme Court of Justice	Declaration of judicial services as essential services	Hearings on site in cases of domestic violence	Remote request of protection orders	-
Dominica	Eastern Caribbean Supreme Court	-	Virtual hearings possible	-	-
Dominica	Ministry of National Security and Home Affairs	-	-	Remote request of protection orders	-
Ecuador	Council of the Federal Judiciary	-	Permission to work for judicial staff handling domestic violence cases	-	-
Grenada	Eastern Caribbean Supreme Court	-	Virtual hearings possible	-	-
Guatemala	Constitutional Court	-	Virtual hearings possible	-	-
Guatemala	President of the Judiciary	-	-	Extension of protection orders	-
Honduras	Office of the Attorney General	Free transportation for victims	-	-	-
Honduras	National Women's Institute et al.	-	-	-	Training for national police officers

Peru	President	Cases of domestic violence considered priority	-	Granting protection orders remotely	-
Peru	Judicial Council	-	Virtual hearings possible	-	-
Saint Kitts and Nevis	Eastern Caribbean Supreme Court	-	Virtual hearings possible	-	-
Saint Lucia	Eastern Caribbean Supreme Court	-	Virtual hearings possible	-	-
Saint Vincent and the Grenadines	Eastern Caribbean Supreme Court	-	Virtual hearings possible	-	-
Trinidad and Tobago	Judiciary	-	-	Remote request of protection orders	-

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