

Lunch Debate : 29 April 2008

"From Mexico to Lima, Femicide: a global phenomenon!"

Speakers: Raúl Romeva i Rueda, *Vice Chair of the European Parliament's Committee on Women's Rights and Gender Equality*, Jeannette Llaja, *lawyer in charge of the DEMUS research think tank on women's rights at the Catholic University of Peru* and Guadalupe Ramos Ponce, *lawyer and legal specialist at the National Observatory on Femicide and CLADEM.*

Chair: *Patricia Jiménez, Heinrich Böll Foundation EU Regional Office, Global Dialogue Programme director.*

Femicide is the murder of women at the hands of men for the sole reason that they are women. It occurs in a social context influenced by a patriarchal mentality, and is a serious problem that affects not only Central America and Mexico, but also other countries in both Latin America and Europe.

The European Parliament resolution on *'The murder of women (femicide) in Mexico and Central America and the role of the European Union in fighting the*

phenomenon' (2007/2025(INI))¹, adopted by the European Parliament in October 2007, is an instrument that, if properly applied, can serve as an appropriate means to fight against this phenomenon.

Through cooperation mechanisms between the EU and Latin America, the resolution can bring the problem to people's attention, promote concrete measures to fight against the causes of femicide and to bring an end to impunity.

I. Economic Dependence and Macho Culture as Causes of Femicide

There are common elements and triggers for extreme violence against women, but there are also those which are specific to each context and different types of violence - some more generalised than others.

Economic aspects, such as social exclusion and the feminisation of poverty, place the woman in a situation of economic dependence upon both men and the system. Discrimination on grounds of poverty results in an inability to enjoy economic and social rights, thereby placing women in a very vulnerable situation. While it is true that poverty is influenced by gender, it is also true that gender-based violence adds its own components.

¹ The text of the resolution is available at the following link:
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0431+0+DOC+XML+V0//EN>

Femicide affects women of all social classes. Indeed the *Maquiladoras* in Mexico are a good example; despite having jobs and independent incomes women still become victims of femicide.

Thus the background to the problem appears to be the macho and patriarchal culture, that is to say, those political and cultural aspects that serve as mechanisms of power and social control. Within this framework, the creation of women's own identity and their rights as citizens is inhibited and therefore the status quo of gender inequality remains intact. Violence against women serves as a means of "discipline" and a way to undermine female self-esteem. Following this logic, one must not only question the economic dependence of women (on both men and the system) but also the patriarchal system that promotes such violence. This link has been clearly taken into account in the new anti-femicide law enacted in Guatemala, which states that "it is the patriarchal system that kills". Avowals of this kind are not common!

II. Conceptualisation, Prevention and Implementation - Fight against Femicide

1. Visualising and conceptualising the problem

It is necessary to integrate the phenomenon of femicides into political agendas and to denounce it at both national and international levels in

order to visualise the problem, and thereby achieve an international commitment to formulate concrete policies and laws to eradicate violence against women. The majority of existing laws are insufficient since they generally only focus on domestic or intrafamilial violence, therefore ignoring the logic of violence and discrimination on the grounds of gender.

At the present time it is very difficult to prove that a woman's life has been taken simply because she was a woman. Therefore, we need a clear and wide-ranging concept of extreme violence against women, or gender-based violence, and we need to transpose such an anthropological and sociological conceptualisation into both legislation and criminal law. A judicial definition of femicide is required, which encompasses all forms of extreme gender-based violence over and above domestic violence.

Femicide could also be considered to be a crime against humanity, as it bears the characteristics of those crimes that fall under the jurisdiction of the International Criminal Court. Such systematic and general crimes make states guilty by omission, and this in itself would justify taking the issue of violence against women to international tribunals.

2. Prevention

Prevention mechanisms mean, above all, the educational policies of individual countries, given that gender-related inequality and violence are the 'cultural harvest' of macho and patriarchal societies. There are, for example, extenuating factors such as violent emotion or "honourable motives", reported by media in a sensationalist manner that ultimately justify such violence.

The opening up of egalitarian educational systems, awareness campaigns, and initiatives like the "gender alert" must form part of any prevention programme.

Taking into account the economic causes of violence against women, it is also necessary to prevent femicide through access to DESCs (Economic, Social and Cultural Rights).

3. Bringing an end to impunity and protecting victims

Impunity, the result of corruption and inefficiency in the judicial system, is a key factor of the problem of femicide - such crimes largely go unpunished because of machismo within the judicial system. It is for this reason that impunity in cases involving violence against women is considered to be the macho response of the state when faced with the problem. Therefore it follows that one can consider femicide as a state crime and a crime against humanity, given that the state plays a role in inducing violence.

Therefore the challenge is to bring an end to impunity. The message must be clear: no act relating to this issue can go unpunished. Arresting, prosecuting and punishing those who are responsible and ensuring the safety of women is a duty of the state. To this end, it is essential to sensitize, educate and reform the entire system from the police through to the judiciary in order to prevent crimes, increase effectiveness of existing laws and avoid impunity from prosecution.

4. Establishing judicial frameworks and implementing the law

All Latin American countries are signatories to the Convention of Belém do Pará that undertakes to fight against gender-related violence and to guarantee women a life free of violence.²

However, no laws or concrete policies have come from this. There are either no specific laws that deal with the issue of violence against women, or else existing laws are insufficient since they only deal with the issues of domestic or intrafamilial violence and ignore the logic behind gender-specific discrimination. Therefore, specific legislative frameworks to fight for the eradication of violence against women are required; for example, a law against femicide as well as a

² Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women Article (3) of the Convention of Belem do Pará states: *“Every woman has the right to be free from violence in both the public and private spheres.”*

criminal policy from a gender perspective in order to prosecute crimes against women.

Existing judicial frameworks must be made effective and fully implemented so that they stipulate both time limits and content, the protection of victims, and a detailed list of concrete measures within specific and targeted frameworks. At present, the laws are not applied, because without political will there are no resources, and without resources nothing can be done.

5. Establishing official statistics

In the vast majority of countries, statistics and official data on violence against women do not exist, and therefore such incidents are greatly under-recorded. Almost all of the existing data comes from civil sources, who have no other alternative than to take information from newspapers - who tend to report incidents in a sensationalist manner.

Statistical databases and official records would make political decision-making and the work undertaken by civil society much easier.

6. Making better use of resources.

The reasons for the insufficient application of judicial frameworks can be attributed to a lack of political will, money and adequate implementation mechanisms. The laws cannot be applied because there are no budgets in place and this leads to failures of means and infrastructure.

Resources are required to facilitate the implementation of laws and the taking of political decisions.

In order to avoid a higher number of unpunished crimes, victims of gender-based violence need recognition, help and protection. The economic and social resources are required to ensure that women can attain the necessary conditions for economic independence.

III. What the European Union can do

In the bi-regional framework between Latin America and the European Union, it is important to strengthen cooperation mechanisms aiming to support the different governments to fight against impunity.

Room for dialogue and cooperation should be opened up between the two regions as well as between civil society, governments and parliaments. Impunity from persecution within the states must be addressed on the national level as well as on the international level via cooperation and association agreements. The European Parliament must insist that judicial frameworks in Latin America are suitably effective.

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The European Parliament's resolution on femicide in Central America and Mexico does not establish a mandate for sanctions - it is only politically and morally binding. It is mentioned in the resolution that concrete proposals would be made at the EU-LAC summit, along with a specific strategy on the part of the European Commission to deal with this problem. But where is this proposal? In order to answer, concrete actions by the European Commission need to be put into place.