



The Greens | European Free Alliance
in the European Parliament



Second Conference on Femicide ; NO MORE KILLING OF WOMEN !

**State of Play and Perspectives
European Parliament**

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Report

Introduction

Femicide is the most extreme form of violence against women. As ending point of a history of aggression, Femicide refers to cases in which the victims are killed because they are women. Thus, it expresses control, domination and power. Femicide can take place in times of peace or war and can be committed by men that are known to the victim as well as by strangers. This extreme violence roots in cultural practices that are discriminatory to women.

In order to consider the recent developments, the current challenges and the future aims, the Greens/EFA group in the European Parliament and the Heinrich Böll Stiftung organised the 2nd conference on Femicides and a Strategy Meeting in November 2009.

This report presents the entire versions of the speakers' presentations. Please also see the report of the Strategy Meeting as well as the summary of the speeches given at the conference on our webpage.

Welcome and Introduction

Raul Romeva i Rueda, Member of the European Parliament (MEP) and Eva-Britt Svensson, MEP, chair of the European Parliament Committee on Women's Rights and Gender Equality

The EU Resolution on Feminicides: how to Advance from a Stepping Stone to a Milestone?

On 19 November 2009 the Greens/European Free Alliance and the European Office of Heinrich Böll Foundation organized a conference and a strategy meeting on the issue of Feminicides, the killing of women in Mexico and Central America. In his welcoming speech, Raul Romeva i Rueda, Member of the European Parliament thanked the conference partners and emphasized the aims of the conference: to evaluate the progress since the first event on the European Parliament (EP) on Feminicides in 2006 the adoption on 2007 of the EP Resolution on the murder of women (Feminicide) in Mexico and Central America and the role of the European Union in fighting the phenomenon and to consider the current challenges. Raul Romeva i Rueda underlined his hope that the Spanish presidency would put violence against women on its agenda and take the leadership in this still highly relevant topic.

First round table

Stocktaking in Europe: Instruments, programmes, dialogues and their impact in Mexico & Central America

Chair: Eva-Britt Svensson, MEP, chair of the European Parliament Committee on Women's Rights and Gender Equality

Davide Zaru, Policy desk officer and Gender focal point at the Human Rights Unit in the EC, DG External Relations, Directorate for multilateral affairs and Human rights.¹

The Commission at Work: Achievements so far and Challenges for the Future Commission.

First of all let me thank the organisers of this meeting for this opportunity to discuss together the continued challenge of the elimination of gender-based discriminations and the fight against violence against women worldwide and specifically in Central America, and the EU's policy in this area.

A couple of months ago the European Parliament in a resolution on mainstreaming Human Rights and Gender equality policy underlined that the systematic integration of a Gender dimension into all areas of EU external policies and actions is a complex

¹ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2007-0431>

and structural challenge. The EP also acknowledges the recent achievements of the EU in this regard. I would like to refer to two of these achievements:

In December 2008, the EU Ministers for Foreign Affairs adopted two important documents that contribute to strengthen the EU policy on this area. The first is a global approach to combat violence against women and to protect women in the context of armed conflicts as well as to promote women participation in peace building. This is the **“EU Comprehensive Approach for the Implementation of UN Security Council Resolutions 1325 and 1820 on Women, Peace and Security”**. The second document is the “EU Human Rights Guidelines on Violence and Discrimination against Women”.

The Guidelines foresee a consistent action from the EU at the field level, i.e. by the European Commission Delegations and the EU Member States embassies in all third countries. The implementation outlines in particular regular assessments of the situation of women’s rights on the ground. COHOM, which is the working group of the Council on human rights, has the mandate to oversee this process and launch complementary initiatives at the global level.

This implementation focus on the field has been very successful as we received feedback from 90 EU diplomatic posts in third countries. Among them, I would refer for instance to the work currently done in Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama.

Now, let me give two examples of the focus on implementation in Mexico and Guatemala.

As to Mexico, Gender equality issues have been systematically discussed in contacts with the government at various levels. An example of political dialogue is the Joint Committee EU-Mexico, which should also discuss co-operation on Human Rights and the implementation of the recommendations of recommendations stemming from the UN Universal Periodic Review. One of these recommendations concerned the functioning of the National Commission to Prevent and Eradicate Violence against Women.

Other examples of activities are the visit of Deputy Heads of Missions of the EU MS that was organized in April 2009 in/for the state Guerrero with a particular emphasis in the situation of women, or the visit of the EP HR Committee in autumn 2007 to Ciudad Juarez to meet with the new Prosecutor in Chihuahua. The EU locally has regular contacts with civil society organisations working on violence against women and discrimination.

Complementing the political dialogue on Human Rights, the EU MS and the EC Delegation engage in cooperation activities that support civil society activities in the issue of Human Rights and violence against women. In the case of the commission, the Delegation manages a so called “country-based support scheme” under the European Instrument for Democracy and Human Rights, in order to provide support to Mexican NGOs working in the field of human rights. In the last year, three out of seven projects funded dealt specifically with violence against women. Finally, the EU-Mexico Human Rights Cooperation Program funded under the new Social Cohesion chapter of bilateral EU-Mexico Cooperation for 2007-2013, which began

activities at the end of 2008, includes the prevention of violence against women and the promotion of women's rights as one of its main objectives.

A new dedicated Human Rights dialogue, as agreed by EU Ministers for Foreign Affairs in December 2008, will provide a unique opportunity to further the exchange and co-operation on Gender equality issues, including violence against women. In principle, indeed, a core objective of the dialogue is to feed into the programming of external assistance and be embodied in dialogue in other sectors.

Now, moving on to Guatemala. The EU is engaged with Guatemala in a constructive dialogue about the promotion of Gender equality and the fight against violence against women. Back to back to these efforts, the EC uses a range of financial instruments and activities to support the governments in its actions and to enhance complementary actions by NGOs. The following can be mentioned:

Through the European Instrument for Democracy and Human Rights, the EU gives supports to the CICIG – the International Commission against Impunity in Guatemala, which undertook investigation, for example, on a case of violence against three teenagers who were raped and murdered.

- The EC Delegation funds a number of NGO micro projects on health, food and Human Rights etc, which include a major Gender dimension.
- We fund awareness raising campaigns promoted by the government, aimed at mainstreaming Gender and a communication campaign on the eradication of all forms of violence against women.
- We supported the government's effort to produce and implement the new law against Femicide.
- Above and beyond these initiatives we have an important programme on the fight against exclusions which promoted institutionalization of public policy on Gender equality.
- Through its co-operation with the authorities, the EU has been able to support the strengthening of women's access to justice, for instance through the free legal assistance provided by the Public Institute for Penal Defence and the service of a telephone line (1571) which works as a 24 hours call centre for legal consultations in cases of violence against women. This helpline serves more than 100 phone calls per day from the whole country.
- Following the fruitful experience in working with women organizations, the EC Delegation convened a meeting in 2001 and created an internal mechanism to improve the coordination among the projects and programmes co-financed by the EC on Gender equality. This mechanism is referred to as the Gender Table. This experience is continuing and last year the Gender Table met on the issue of violence against women and the implementation of the law on Femicides.

Conclusions:

In the future, we consider:

- To further promote the share of best practice among the various countries in the region, in order to consider using the mid-term review of Country Strategy Paper

(CSP) in order to strengthen the work done on Gender equality and women's rights. The EC is committed to promote consultations with the civil society and stakeholders for the review of the CSPs.

- to further promote the policy coherence of all tools available in EU external action that are relevant for the protection and promotion of Human Rights (ranging between political and trade dialogue, support to civil society and so on).
- To continue to build on the recommendations stemming from the UN Universal Periodic Review, from the CEDAW Committee and the UN Special Procedures to engage in a constructive dialogue and co-operation with the partner country.

Andrea Medina Rosas², CLADEM (Latin American and Caribbean Committee for the Defence of Women's Rights), Mexico

What is the Outcome of EU Initiatives in the Region? And what are the Expectations from the Mexican and Central American Citizens?

I truly appreciate the Böll Foundation's efforts to generate awareness and coverage of Feminicide in Latin America, and the impetus of the members of the Green Party to ensure that Feminicide is adopted as one of the priorities in the institutions of the European Union: in the Council, the Commission and the Parliament. Three years ago they invited me here and I was working to rally support. Now we're back here to reflect on what has happened; what our situation is. And —because we know that there is a future— to think about what we want to achieve and what we can do in the next few years about this serious social problem.

Since I was invited to come here I've been thinking about what I want to share with all of you. In order to analyze different forms of violence against women, I've been conferring over the last two months with colleagues in the region, and friends who work to prevent and combat such violence. I want to make it very clear that the women I've been collaborating with —from South America, Central America, the United States, Central Europe, Spain, England and Germany— are highly professional and have a high capacity for scientific inquiry, as well as creative and decisive thinking. It is admirable and moving the way they can transform such hatred of women into a passion for life and humanity. I want to emphasize this because there has, at times, been some confusion: we are not an improvised group; we know what we need to guarantee a woman's right to a life free from violence, and we know that it plays an unmistakable role in democracy.

On that base, I wanted to explain our ideas to this particular audience, which forms part of the decision-making bodies of the European Union. Yet, apart from knowing what it is we want to say, it is important to know how to say it. I must confess that

² **Andrea Medina Rosas**, Attorney. Expert in gender-based violence against women. She is an integral part of the Latin American and Caribbean Committee for the Defense of Women's Rights (Cladem), through which she has coordinated investigative reports such as "Monitoreo sobre femicidio/feminicidio en El Salvador, Guatemala, Honduras, México, Nicaragua y Panamá" and has been involved in litigation of Feminicide, such as the "Campo Algodonero" case against the state.

last night I was overcome by the sense that I didn't know how to best present our ideas. I was uncertain because I felt that reality we face in the Americas seems literally unbelievable to those who live in a place with other customs and a different regional past, whose States function in an entirely different way. With such differences, how can I explain what our citizens expect of you, and describe the results your initiatives have had in our region? I'm going to try:

First of all: the results. Currently, the Mexican government is preparing to give account of its actions to ensure women the right to a life free from violence. The EU is not present among the references and institutions that are to be addressed; Mexico will not answer to the European Parliament and its resolution of 2007, nor the European Council with its 2005 report, nor the recently approved directives from the Council and the Commission. The Mexican State is preparing to answer to the Committee on the Elimination of Discrimination against Women (CEDAW), and to receive the sentence dictated by the Inter-American Court of Human Rights, for the disappearances, torture and murder of three women in the context of Feminicide in Ciudad Juarez, Mexico.

Both institutions have been ratified by legal instruments that are binding for the Mexican State. The civil society organizations in support of the women's movement of the country are preparing an alternative report for the CEDAW Committee, and preparing for the long haul, to make sure the sentence from the Inter-American Court is carried out, whatever the outcome is. Yet I have to say that in our civil society organizations we don't have strong enough support from the European Union to make demands to the Mexican Government. What I mean by this is that although we have worked and collaborated with many members of the European Union who are dedicated to securing women's rights in our region, we still don't have the numbers or strength needed for practical support in the work we do on the ground in Mexico.

That may be one of the reasons I've had difficulty finding the right way to explain myself. Among our allies, there is already understanding and solidarity regarding the emerging and urgent situation in Mexico; yet, what I see with other public officials, what I hear and read on their faces, seems to be an inflexible assumption that the talks and resolute affirmations made during our meetings are enough to change the reality. They seem to think that by establishing the priorities of a cooperative effort, the projects will be carried out successfully, and each State will follow through with the decided course of action, just like that. Truthfully, it would be a very logical way of doing things... in fact, we would also hope for that from our government.

But Mexico, and here I will only talk about my country —any resemblance to other countries arises from your own conclusions—, Mexico succeeds in simulating compliance with Human Rights and democracy. In effect, Mexico has solid institutions, upholds the electoral process, maintains sufficient human rights discourse for the international community, and does everything it needs to so that on the outside, and alongside the declarations, it appears to satisfy the given promises and recommendations. Yet, the truth is much more complex. A simulation means that what is presented is not really what it seems, but may not be the complete opposite either. Some things may be similar to what is presented, although different on a fundamental level. According to the dictionary, "to simulate is to make something seem to be what it is not or occur as it does not in reality".

For the last 16 years, Mexico has justified its actions by saying that it doesn't have the capacity to investigate, detain and sanction those responsible for the disappearances and killing of women. During that time, the State has asked for financial assistance in order to strengthen the police and other bodies of public security, for the purpose of reaching the needed capacity. The simulation consists of saying that after receiving such assistance, it still doesn't have the capacity to prevent or combat Feminicide in Ciudad Juarez. The truth is that such assistance has strengthened the police force in a very effective way, but it has been used to oppress and criminalize social movements; we only have to recall Atenco and Oaxaca from three years ago, where the women who protested were assaulted and tortured sexually by police and officials from all ranks of government. In fact, one of the officials responsible for Atenco, Eduardo Medina Mora, continues to be rewarded by the federal government and is now working as the Mexican ambassador in London.

I would like to share three more examples of simulation. One: due to the impunity and corruption throughout Mexico, its territories –and the territories of women's bodies— are currently being fought over by powerful de facto groups that have taken over the population through economic extortion and by limiting the freedom of movement. This has reinforced the government's notion that the answer lies in expanding and strengthening public security forces as well as the army. Ciudad Juarez, for example, has not only failed to improve in the area of women's safety, but with the military occupation it has seen an exponential rise in the cases of sexual violence toward women; reports show an increase in cases of sexually transmitted diseases, unwanted pregnancies and abortions performed in bad conditions, among women who have obvious ties to military personnel. The escalation and brutality of the killing of men and women still continues – last Friday two female bodies were found, ages 18 and 22; they were dumped in a public place, and showed clear signs of sexual violence. Speaking of Ciudad Juarez, it is important to recall that Arturo Chávez Chávez, the former attorney general for the area, is another of the men responsible for the impunity that abounds in such cases. He has been rewarded by the federal government for his ineffectiveness in investigating the killing of women, and now holds the office of Attorney General of the Republic.

A second example: In 2004 and 2005 the international community cooperating with the Mexican State carried out a series of events and publications geared to align Mexican legislation with women's Human Rights. People from civil society organizations from all over the country and from government institutions were called together by the Secretariat of Foreign Affairs. Even members of the judicial branch were present at some of the meetings. Together, they published nearly 800 pages worth of documents, which line the shelves of thousands of bookstores, yet the proposals never reached the legislative branch. Regarding one of the fundamental rights of women, the Supreme Court of Justice of the Nation declared, on August 28th, 2008, that it was constitutional to decriminalize abortion before 12 weeks of gestation, a motion that was approved by the Legislative Assembly of the Federal District. In that sense, all three branches of government have acted in support of women's rights. However, in the last few months, 24 states (out of 32 in the Republic) have entered in debates over constitutional reform, with the aim of contesting women's rights and giving precedence to the rights of the unborn child; 17 states have already succeeded in reforming their constitutions. Now let's look at the

effectiveness of such reforms as they are enforced: in Quintana Roo last month Yasuri Sac-Nicté Pool, a 22 year-old Mayan women, mother of two children and seven months pregnant, began to bleed after moving some furniture and suffered a miscarriage. The first hospital she went to refused to give her medical attention; several hours later in another city, the doctors attended to her and removed the fetus, then turned her in to government authorities. On October 12th she was sentenced to 30 years in prison for first-degree murder. Nine days later, the Quintana Roo Attorney General overturned the legal action. Women's rights are now subject to the authorities' inclinations and discretion in the three powers of the State.

The third example: yesterday the Inter-American Court of Human Rights ended the debate to decide how it will sentence Human Rights violations in the Mexican State, which involved the disappearance, torture and murder of three women in Ciudad Juarez. Mexico argued that there is no violence against women in Ciudad Juarez, and that the Court is not authorized to pass sentence upon violations of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. By sending low level officials to speak at the public hearing this April, they chose to treat the hearing as a laughing matter, answering the court with absurd responses, instead of taking the issue seriously and acting to save the lives of Mexican citizens.

In Mexico, this is what we call feminicidal violence: violence that may turn into or cause the violent deaths of women, simply because they are women. The definition given in the General Law on Women's Access to a Life Free from Violence (published at almost the same time as the European Parliament Resolution) adds a guarantee: the Gender Alert, established so as to act swiftly in those places where serious women's rights violations are detected, in order to prevent Femicide. Not only has Mexico not wanted to implement that alert anywhere in the country, but the Congress of the Union is currently debating the possibility of eliminating the laws that provide such a guarantee.

In this situation it is understandable to ask what we want from the European Union's civil society institutions and why. We have high expectations because you have created them. Through a cooperative effort you have established articles that uphold democracy and Human Rights, which is why we hope you will not tolerate further simulation from the Mexican State and that you will act decisively to help us end Femicide. Furthermore, we have seen common elements in your discourse and ours. We too affirm that democracy and the assurance of Human Rights are essential acts of the State, and we have heard you declare that that equality between men and women, while constructively acknowledging sexual differences, should be a requirement of every State.

We agree that democracy and Human Rights are created through structural processes and not just circumstantial acts.

We also agree that the awareness of gender issues in all ranks of government would mean specific and consistent actions that would also be reflected in the life of every citizen.

Like you, we are worried about the damage done to a whole generation, damage which, in our country, is setting in as we speak. The extreme violence we see in Mexico, which is being played out at the expense of women's lives and liberty, is

seen by generations that are left as orphans, who have their sisters stripped away and who are left with nothing, not even truth or justice for their daughters. These generations are marked by the hatred and violence toward women. That's why we are convinced that from civil society we must gather our strength, and continue with our professional efforts, which to this day consists mostly of volunteer work without pay or rest. We remain steadfast despite the continually growing threats against those who defend women's rights. This is Feminicide.

Our institutions and States have proven to be effective in repressing and violated women's rights; the legislative, executive and judicial branches have all given clear indication of that. At the same time, they carry on with the simulation by creating courts, committees and boards with no jurisdiction, with insufficient funds and inadequate framework; they claim to be incapable when really they are deliberately ineffective in assuring women's lives and liberty. So, one of our greatest necessities is to have precise and effective means of monitoring such activity, mechanisms in place for compliance, transparency and accountability. We need to know where the resources go, what they are being used for, and most of all, what are the short-term, medium-term, and long-term effects. We need to see that the obvious complicity in the act of simulation will have the political consequences that it should.

It is of no help for the Mexican State to receive more funds that will go to reinforcing the discourse of simulation. We urgently needed institutions and collaborators, who will, in the political realm of hatred toward women and simulation, set specific boundaries, establish clear points of reference, develop official procedures to ensure accountability and effectively fulfil the promises that have been made. The sentence from the Inter-American Commission on Human Rights should come out in the next few days. I urge you all to take that sentence into account, and offer full support in implementing the court's decision. The majority of the victims' families are at great risk, and thus their need to leave the country arises as the only alternative to the government's simulation. That means we must talk about our borders, about the need for your countries to offer asylum to the Mexican citizens who are in danger. The international community cannot just delegate this responsibility of promoting and defending women's rights to those of us who are still doing most of the work for free. The interpretation that the Court gives regarding women's right to a life free from violence should be the needed step to demand the States' accountability and to strengthen the political fight for women's life and liberty, to ensure that women are guaranteed rights without having to shield themselves behind men.

To ignore such simulation, or the Mexican State's complicity in the violent deaths of women who die simply because they are women, would be to mimic those acts, and we are convinced that Europe has much more to offer Latin America than just words, much more than cooperation without any kind of accountability.

**Walda Barrios³, Tenured professor at the University of San Carlos,
President of the National Union of Guatemalan Women.**

***What is the Background, the Reason and the Potential Solution for
Impunity in Guatemala?***

In Guatemala, women's advocacy was strengthened when the Peace Treaties were signed: a woman's right to own land was recognized and we also gained a certain institutional presence, including the office for the Defence of Indigenous Women, the Presidential Secretary of Women, and participation in municipal committees and development departments, which act as local authorities.

Signing the Peace Treaties put an end to 36 years of armed internal conflicts and formed the basis of a new societal pact. After that, women began to form alliances and networks, and pushed for new legal initiatives: the law for Social Development, budgetary classification by Gender, the Law for Family Planning and other bylaws, and the Law Against Feminicide. After signing the agreements there was a brief calm period. However, the different paramilitary groups were not dismantled, and a spiral of violence began. The killing of women grew to such magnitude that the women's movement succeeded in pressuring the Congress of the Republic to pass a law to deter perpetrators from committing those acts of violence.

The law against Feminicide and other acts of violence against women (Decreto Ley Número 22-2008) was published in the State's official bulletin on May 7, 2008. It aims to reinforce the observance of Constitutional principles, such as respect for life, and fulfilment of those guarantees made by the Guatemalan State when it ratified the CEDAW and Belem Do Para Conventions.

Although Guatemala has a judicial ordinance that protects women, over a year has gone by since the law was passed and the spiral of killing continues. In 2008, 722 women were killed, and in 2009, there were 575 killings, according to Rita Cassisi of UNIFEM. Furthermore, Guatemala comes in last regarding Gender equality, according to a report published by the World Economic Forum (WEF).

For these reasons, the Secretary General of the UN decided to launch a regional campaign to fight violence toward women in Latin America, which, incidentally, will begin in Guatemala on November 25th. This campaign will end in 2015 with an analysis of the statistics and other indicators that will enable us to determine if the situation has improved and if the violence has been eradicated.

The biggest problem is eliminating with impunity. Due to the seriousness of the situation, the Congress of the Republic accepted the presence and aid of the International Commission against Impunity in Guatemala (CICIG), headed by the Spanish judge Carlos Cartesana.

³ Walda Barrios is an attorney from Guatemala, a rural sociologist and a feminist. Walda is the acting President of the National Union of Guatemalan Women, the coordinator of gender studies at the *Facultad Latinoamericana de Ciencias Sociales* (FLACSO), and tenured professor at the University of San Carlos. In the 2007 elections, Walda was the vice-presidential nominee for the Guatemalan National Revolutionary Unity (URNG - Maíz) party.

The three challenges outlined by the MEP Raül Romeva, are still pertinent: break the silence, stop impunity and demand universal responsibility.

The silence has begun to be broken, with legal actions, these Forums, and with the launch of the Secretary General's November 25th campaign, Latin America: Unite to End Violence against Women.

It is evident that in Guatemala there is a correlation between impunity and Femicide, in addition to deficient institutional action during the investigation of the crimes; weaknesses in forensic procedures favour impunity.

Furthermore, there is no inter-institutional collaboration. The law against Femicide establishes inter-institutional collaboration as one of the strategies to prevent these crimes, but such collaboration has not yet become a reality.

It is important that these laws exist, even if they are not yet implemented, because they do promote cultural change, in so far as they support a new mindset.

The continuum of violence.

In Central American countries like Guatemala, El Salvador and Nicaragua, where we have lived with armed internal conflicts, we are left with a feeling, embedded deeply in our social fabric, that "life is not worth anything" because the suppression of life has almost become a daily activity. For women particularly, that suppression also involves elements such as sexual violence and extreme brutality.

During the armed conflict in Guatemala, women's bodies were used as part of a genocide strategy, and as a method to debase groups that resisted.

With the signing of the Peace Treaties (1996), women began to reorganize, we started demanding our rights and we tried to occupy public spaces. Femicide has been analyzed through the perspective of the woman's movement as a call for women to return to domestic spaces. In Guatemala, the women who have been killed tend to be young, women who work in maquiladoras (assembly plants, like those in Ciudad Juarez), and university students (among them, the prototypical cases of Claudina Velasquez and Nancy Peralta).

The fight for human rights.

In this region there is a prevalent lack of respect for human rights, especially when it comes to women, due to a patriarchal ideology. As I have already pointed out, Guatemala comes in last in terms of Gender equality in Latin America, which implies the generalized violation of women's rights. The Global Gender Gap Report (WEF, October 2009) analyzed economic participation, educational opportunities, health factors and political power.

One of the main obstacles for women trying to find work was the lack of opportunities, which has led to more migration.

Access to justice

The lack of access to judicial processes, in a system that has arisen out of armed conflict, and which still contains paramilitary groups that were not dismantled after

the Peace Treaty, has made it hard to reconstruct the social fabric and difficult for citizens to effectively exercise their rights. The administration became a means of repression. Even with the ratification of the Peace Treaties and the efforts of the CGIG, that situation has not changed.

The reality we are facing.

In February 2009 Guatemala presented a report using the framework established at the 43rd Session of the CEDAW Committee. There were four alternative reports: one was prepared by CLADEM, along with other women's organizations, including the National Union of Guatemalan Women (UNAMG), which I am involved in; another from the Women's Civil-Political Convergence (Convergencia Cívico Política de Mujeres); and for the first time, an alternative report was presented by a Mayan women's movement; and another was prepared by the movement for Sexual Diversity.

Those alternative reports call attention to an increase in the killing of women. We want to stress that a large part of the violence toward women is not reported out of fear; a study of women's perception of violence, presented in October 2008, reveals that more than 90 percent of Guatemalan women are aware of the violence, 54 percent have witnessed an act of violence, and 88 percent believe that those cases are not reported out of fear. Obviously, this situation promotes impunity.

In the Declaration on Feminicide, approved in the fourth meeting of the Committee of Experts on Violence (CEVI) as part of the follow-up mechanism for the Convention of Belem Do Para, several recommendations were made to the member States that we must emphasize and incorporate in our own demands: that the extenuating cause "Crime of Passion" not be used to diminish the responsibility of the perpetrators of Feminicide;⁴ and that the States sanction public officials, such as police or those in charge of judicial and forensic processes, if they do not exercise due diligence. It is also recommended that the media show non-sensationalist coverage, so as to not exacerbate new public fears, and to avoid "the dissemination of morbid details and sexist or degrading stereotypes of women. The media should play a role in the ethical education of citizens, promote Gender equity and equality and contribute to the eradication of violence against women".⁵

In February 2009, the International Commission against Impunity in Guatemala (CICIG) will present proposals for legislative reform, including one medium-term proposal for a new Penal Code that addresses the criminal evolution in the country. In our alternative report we ask that Guatemala be presented with the following:

4 CONAPREVI, National Coordinator for the Prevention of Domestic Violence and Violence against Women. Follow-Up mechanism for the implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, the Convention of Belem do Para. Guatemala, November 2008.

5 Idem, p. vii.

Recommendations:

- The Guatemalan State should fulfil its commitment to guarantee safety and life for all of its citizens.
- The State should strengthen the judicial system and train judicial officials taking into consideration a gender-conscious perspective in order to confront, investigate and report cases of violence against women.
- Strengthen the Civil National Police, so it can fulfil its obligation to keep citizens safe, particularly women.
- Provide these institutions with sufficient human and material resources, as well as an adequate budget to carry out their duties.
- Penalize public officials from the police and the judicial system who do not exercise due diligence.
- Do not stigmatize the victims of violence.
- Implement a Security System.”

Siglo XXI published⁶ the results of an investigation on the ineffectiveness of Guatemalan judicial system. From January 2007 to March 2009 there were a total of 1,324 sentences concerning the six crimes against humanity. That figure represents only 4% of the total cases reported to the courts, 32,328, from that period. (p.2)

Those crimes include homicide, manslaughter, kidnapping, rape, grand theft, and illegally carrying a firearm. The newspaper's editorial addresses the same issue, pointing out that: “delinquents have an advantage due to our dysfunctional system of criminal prosecution.”⁷ (p.16)

Constant turnover in the government and police lead to lower success rates in the investigation of these crimes. The Report on Human Development in Central America 2009-2010 names Guatemala as one of the most violent countries in the world; the violence has grown constantly for the last seven years. The UNDP points to the homicide rate of 2008: 33 homicides per 100,000 inhabitants, more than triple the homicide rate worldwide, 9 per every 100,000 inhabitants.

As of October 15th 2009, 4,752 Guatemalans had lost their lives through violence, which represents a 16.31% increase over the 3,977 deaths reported in the first ten months of 2008, according to the National Institute of Forensic Science (INACIF); 473 of the deceased were women.⁸

The killings of women often show signs of being hate crimes, and thus may be characterized as Femicide. In the context of such violence, being a woman is a dangerous condition.

⁶ Siglo XXI, Monday, July 20th, 2009; Issue No. 6965, pp. 2-3.

⁷ *Ineficiencia al desnudo*, Siglo XXI, Monday July 20th, 2009; Issue No. 6965, p. 16.

⁸ El Periódico, Nacionales, October 21st, 2009; p. 5.

What are our requests?

Three kinds of action: national, regional and international.

- At the national level: in order to regain confidence in national institutions, we must put an end to impunity and see that the judiciary system functions correctly; national institutions and officials must apply due diligence and meet the recommendations put forth by the CEDAW Committee and other international organizations.
- At the regional level: develop strategies to spread awareness, considering the regional character of feminicidal violence.
- International Solidarity. The Secretary General of the UN has taken a first step with his campaign, Latin America: Unite to end Violence against Women, which will be launched on November 25th in Guatemala, with the express aim of calling attention to the extreme situation we face in this country. This conference is also an important source of support in our struggles. International solidarity has been essential in other moments of Latin America's history, and Central American women are calling for International Solidarity once again, this time to stop the Femicide that is occurring in our countries.

Mirta Kennedy, Director of the Centre of Women's Studies Honduras

What it is the Difference between the Violent Deaths of Men and of Women in Honduras and how did the Coup d'état Affect the Security of Women?

I am going to talk about Honduras. I am very grateful for the invitation and would like to thank the organizations that are responsible for this event today. I am very pleased to be here in this forum with you today.

Honduras is a Central American country with seven million inhabitants. 64 % of its population live in poverty while 51 % of these are women. After 8 years we have implemented the strategy against poverty and we have had two decades of neo-liberal policies. The country has been in political instability for 27 years. This year we had a coup d'état. Honduras has had a lot of institutional reforms, which were illegal. In the 90ies the country experienced a lot of important legal, institutional reforms. Despite of these reforms, organized women played a very important role when contributing to create a legal basis that would favour women's human rights. This means that we obtained rights against domestic and sexual violence as well as against trade in women. We created a commission to deal with these crimes and implemented a judge for domestic violence. Also within the police we obtained a lot of changes. In 2007, we developed an emergency line and an investigations unit to investigate crimes against women.

However, despite all these reforms, towards the year 2000 we started to see that the level of violence against women was not decreasing. Instead, we continued to have a high rate of violence against women. In fact, violent death of women was actually increasing. But the forms of violence where changing. Previously, the aggressors were very often closed male family members. Suddenly there were new actors, like e.g. gangs. In Central America, we call them "madrás". They are involved in drugs

trafficking and also include policemen. Very often the perpetrators are strangers to their victims. Those gangs of men went out at night to perpetrate crimes. The deaths that were occurring, just like in Guatemala and in Mexico, showed extreme cruelty. Bodies were dismembered and thrown in the street. They had suffered from torture and it was really a horrendous scene of violence that we had not seen in the country before. This put us on alert and we started to see the importance of re-evaluating the situation. We started to call upon the government to create institutional reforms in order to stop this violence. We tried to make the Honduran Congress aware of the situation. However, the achievements were very slow. We cooperated with the Congress and created a institutional commission where different elements of the government could work together on violence against women. The aim was also to develop a legal reform in order to strengthen the investigations into the crimes and to stop the impunity.

The Commission took up its work in 2005 under the limited scope of one million dollars. To increase the sentences for the criminals, we were also lacking a concept of Femicide. Furthermore, the constitution has lost its validity since we are facing a coup d'état. Thus, the institutionalism that we created with so much effort over 20 years has started to loose its capabilities. Whereas on the one hand side the police are now attacking women, reports of domestic violence reduced on the other hand side.

The institutional commissions for domestic violence, Femicide and sexual exploitation are not meeting anymore. The relationships between the government and the civil society are completely broken and there is no dialogue. In addition, the government sector is completely dedicated to looking at social protests and is no longer interested in stopping violence against women. This year, we had 335 cases of violent death of women reported, which is a very worrying figure.

Currently there is also repression against women who are participating in civil society. We have seen at least 400 women arrested and beaten by the police. Seven rapes/ multiple sexual violations have taken place by the police against women who were participating in protests. Two women have died from intoxication when the police have thrown out gases towards the protestors. Several women organizations have been shut down. The people who are defending human rights are constantly being threatened because they are always watched. Under this situation we are trying to continue our work for the defence of women's Human Rights. In a political crisis such as is happening now in Honduras, there is a direct relation between increased violence against women and the lack of protection that the state offers to women. Impunity is rooted in our system and society. And after the coup d'état the situation is even more problematic then in the past. I think we need to bear in mind the fact the fight against violence against women needs to be directly related to the strengthening of democracies. Under dictatorships we will never be able to have appropriate conditions.

Currently there is a lack of resources as well as a lack of interest shown by the authorities when setting out processes. Consequently, investigations are ineffective and the judicial system even helps the people who are accused of crimes instead of helping the families of the victims and their children. We have always been told that we can't fight crimes against women because there are not enough resources: the police is not working enough, there is no way of investigating; there are not enough

judges. But from one day to the other the streets were full of armed military police. They are very effectively able to repress the population, which is very worrying. We have been talking for years about increasing safety and security for women, but this was understood as being security forces.

Over the past years the police has doubled his members from seven to fourteen thousand. And it has been working very hard to train its forces. The women institute has been undertaking programs for many years now to train everyone from the highest structure of the police right down to the people who are out on the streets. We have been trying to look at issues of equality. But this has all been very quickly forgotten since the coup d'état. The police is now even proclaiming to oppress women in the same way as men because "we are equal". In order to fight against Femicide and violence against women we need to reduce the military presence in our societies and we need to work for peace within the country and among people.

70 percent of the women who have been killed have been done so with war guns of very high calibre which are circulating amongst society. About 55.2 % of the crimes have been committed in the cities, where the economy is moving forward, where we have the banks, where we have commercial services- where we have infrastructure. Violence against women thus is also related to the economic development model. There has been an opening of borders to organized crime.

The victims can be very young but also as old as 80. Nevertheless, the majority is between 16 and 30 years old and usually poor. They are women who experience danger on a daily basis in their poor neighbourhoods. Violence is not just everywhere in the city; it is rather mapped into areas that have been forgotten by the state, areas where there is an illegal economy. In those poor areas, women have to go out on the streets in their daily lives which becomes a risky business.

Honduras has a high level of violence. In 2008 more than 4000 people died- 12 people each day. Most of them were men who died in a role as a protagonist of violence, whether this was participating in violent acts or being involved in gang activities. But women are being attacked when undertaking their daily lives, when leaving their house to go shopping, to take their children to school, to do their jobs- or just simply when walking down the streets. So this is the huge difference: women are facing danger without participating in dangerous violent activities.

77 % of the perpetrators are unknown men- they are not from the immediate circle of the victim. More than half of the crimes that are committed by people who know the victim, have been done by the partners or husbands of the victim. This shows that domestic violence continues to be a very important aspect we really need to look at. In order to significantly reduce violent deaths among women, we need to work a lot harder to eradicate domestic violence. There is no reason for which a civil society should be unable to eliminate domestic violence. We need to stop impunity which is deeply rooted within the states and within its institutions. It is important to strengthen the democratic institutionalism, so that civil society can monitor, participate and control actions to ensure that the resources are invested in what they are designated for.

Second Round Table

The Legal Challenge: Two Steps Forward, One Step Back: How to Won the Fight.

Presidency: Raül Romeva i Rueda, MPE, Vice-President of the Greens/European Free Alliance, member of the European Parliament Committee on Women's Rights and Gender Equality.

Katherine Ronderos, Program Officer for Central America Women's Network (CAWN), United Kingdom:

Legal Initiatives in the Region and Future Challenges.

My intervention looks at identifying legislative developments and defining legal areas in which to focus our work in a most effective and efficient manner in the coming years.

Starting with the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) we can ascertain that the situation in Latin America has advanced slowly. During the 80s many countries signed and ratified the Convention but unfortunately the implementing protocol, operational tool of the Convention, is still awaiting its ratification in many of them. That is the case of countries such as Honduras, El Salvador, Nicaragua and Belize in Central America where the lack of ratification of this protocol has weakened the political intent for the implementation and monitoring of the CEDAW. Yet, the actual the ratification of these two mechanisms in countries such as Mexico and Guatemala has not been sufficient to eliminate Femicide, discrimination and violence against women in those countries.

In 1994, the Committee of the CEDAW included in its Recommendation 19 that violence against women constituted discrimination against them. From that year on the term violence begins to be typified within the legislative and jurisdictional sphere as a Human Rights issue. This was a radical change that helped push the Inter-American Convention to prevent, sanction and eradicate violence against women, signed in Belem do Para, Brazil.

For Latin America, the Inter-American Convention of Belem do Para has been the context and main framework to develop a series of local and national initiatives, specifically on violence against women. The great advantage of this Convention is not only that it re-defines Gender violence as discrimination and abuse against women's Human Rights but also that by making it a responsibility of the state it also forces governments to act and adopt a number of measures against it. Thus transforming the private sphere into the public one.

From the mid-90s in Latin America the debate between the public and the private begins to take form at a national level and new preventative laws against domestic and intra-family violence are adopted. In Central-America during the same decade the post-conflict situation favours debate, the creation of mechanisms for the

implementation and monitoring of these laws. Such is the case in Costa Rica, El Salvador, Guatemala and Nicaragua in 1996 and Honduras in 1997.

Although these laws were originally passed as a preventative measure they have served as a basis to define and establish laws on sexual violence that stipulate sexual harassment and people trafficking as a crime within the penal code. With these processes we begin to distinguish certain advances in legislative and judicial spheres on violence and discrimination. Despite these advances, during this period we begin to see forms of violence against women that are more extreme, systematic and sexualized, resulting in the death of the victims who show signs of torture and dismembering post mortem. Concern for these crimes that has brought academics and feminists to analyze and define them.

The Mexican Marcela Lagarde takes the concept of “Femicide” as defined by Diana Russell and Jill Radford in 1992 and expands it to “Feminicide” as it is not only a crime of violence against women due to their Gender but also institutionalised violence, in view of the high degree of impunity.

The case of Ciudad Juarez in Mexico alerts the international community’s attention for the first time, not only for the high number of Femicides/Feminicides but also for the State’s impunity. Moreover it brought to light the lack of access to justice for the victim’s families, their poor treatment and a social insensitivity for their needs, investigative hold ups and most importantly their victimization.

The term Femicide/Feminicide begins then to be heard around academic circles and women’s movements begin to demand its use within a legislative and judicial framework. The debate brings the issue of violence against women to another level. Domestic and intra-family violence, which in many cases leads to women’s deaths, became a public and a state concern. From then on began the discussion of the institutional, economic, social, political and cultural violence, which demands a more efficient level of responsibility from governments and action against the phenomenon.

In 2007 Mexico adopts the “General law of access for women to a life free of violence” that includes and defines the concept of Feminicide violence. In the same year, Costa Rica approves the “law of penalisation of violence against women” which involves a change in the penal code for the incorporation of 11 new crimes, among them Feminicide. The following year, in 2008 Guatemala passes the “law against Femicide and other forms of violence against women”. This law not only includes within its legal framework Femicide crimes but it also requires the State and its institutions to combat of all forms of violence against women that stem from discrimination and unequal treatment based on Gender.

The political impact of the classification of Femicide/Feminicide at an international level took place in various stages. The Special Secretary of the Human Rights Commission for Violence Against Women included this classification in its reports on Mexico and Guatemala. The European Parliament adopted in 1997 the “Resolution on women’s murders (Feminicides) in Mexico and Central America and the role of the European Union in the fight against this phenomenon”. Article 13 of this resolution requests that the European Union to give priority to “the restructuring and strengthening of the judicial and penal systems of the region, together with the

development of mechanisms of protection of victims, witnesses and family members, specially in cases of Femicide complaints”.

In 2009 Argentina saw the approval of the “Law of full protection for the prevention, sanction and eradication of violence against women in their personal relationships”. This law transcends the definition of violence by moving it from a domestic level to that of economic and institutional violence carried out by the media and government authorities. The law requires that the Ministry of Education is to include in its curriculum the concepts of gender, tolerance and equality as well as to educate teachers in the concept of gender violence and to pay attention to cases of Gender violence from an early age. This demonstrates a holistic approach among different government institutions.

The legal developments over the past two years created a new paradigm in our demands of our governments for prompt action and the way in which these definitions can impact on women’s daily lives on a practical level. Using the right language with specific terminology and well-defined concepts helps us use institutional and Human Rights mechanisms to call our governments to account, one of our greatest challenges at present.

Challenges:

States and their responsibilities:

- Of extreme urgency is the harmonization of laws and public policy related to women’s rights with international regulations and its horizontal integration among them. We need a complex and in-depth holistic interpretation of the laws that include notions and arguments presented by CEDAW and the Convention of Belem de Para. This includes the classification and penalization of violence against women in its various forms – including Femicide/Feminicide – as crimes committed both in the private and public spheres.
- The various forms of Gender violence affect women disproportionately and for this very reason they are a clear form of discrimination against them. The fight for equality has not solved entirely the problem of women’s rights because, even though these have been included in legislation, we are still confronted with a judicial system that is not gender neutral. We find a sexist jurisprudence and obstacles to access the system. The administration of justice blocks the principle of equality consciously or unconsciously and needs to add and implement policies and institutions that are sensitive to a Gender perspective.
- The need to strengthen the judicial code and judicial procedures to investigate and sanction Femicide/Feminicide crimes is of extreme urgency. The obligation of States, when faced with Femicide, to act with due diligence and through specialized investigations should include the adoption of adequate measures. Many cases have not reached the courts nor have been processed due to the high level of contamination of evidence, slow investigative process and the lack of response of the police forces. These high levels of impunity are multipliers of violence turning it into State violence against women.
- One fundamental issue is access to justice and compensation for the victims and their families. Added to this is a material impossibility to access the criminal

justice apparatus due to geographical constraints, sparse presence of the judicial sector (police, public prosecutors, lawyers or judges) and limited access to justice in remote or rural areas. These deficiencies must be taken into account in policy models and preventative strategies.

- The political effort to undertake preventative programs must be seen reflected by continuous processes of monitoring, implementing and evaluation. The priorities facing these public policies must be taken under the framework of the protection and defence of human rights, the elimination of poverty and development promotion in order to achieve the Millennium Objectives (ODM).
- Focusing on tools such as training, awareness raising, the sensitization of government institutions and the police force on different levels of historical and systematic human rights violations are of a high priority. These must always bear in mind a human rights perspective, as well as the discrimination and diversity of women.
- We know that when a woman arrives at the police to ask for help, report her case and/or to complain against her aggressor it is because she has already run out of options in her environment (family, friends, church etc.) and she does it as a last resort. How friendly and efficient is her reception? This first step becomes another obstacle of the operative system that needs a severe reform from within.
- We consider of great importance the adoption and implementation of gender specific statistical tools, which are essential to control adequate policies in the face of violence against women, including the determination of vital risk factors among others.

Civil Society

- We need a strengthening in the knowledge of the law, in political participation and in the democratization of women. We do so not only to require the fulfilment of their rights but also to for self-determination in fragile and vulnerable democracies, such as those we are seeing in the Central-American region.
- We have many challenges left in the process of our ability to follow the monitoring and evaluation of preventative policies and legislation. Women's organizations encounter constant difficulties in continuing their work of gathering statistical research on Femicides/Feminicides and the requirement of bringing to account matters such as security, peace, corruption and effectiveness.
- One of the most important challenges is the connection of this work with men and themes of non-violent masculinity. This is a process of de-construction and re-education with adults, the young and children.

International Community and the European Union

- Help in financial and human form for the work on violence against women must be increased in a sustainable manner and with a long-term logic. This should be mainly directed to local women's organizations and civil society involved in the work of the eradication of Gender violence.

- In article 3 of Resolution of 2007 the European Parliament specifically calls upon “Member State governments, in the context of their bilateral relations with the countries of Latin America, and calls upon the European institutions, in the context of their strategic partnerships with the same countries, to support - by means of cooperation programmes and financial and technical resources - prevention and protection policies relating to violence against women, such as creating or reinforcing awareness-raising and training programmes on Gender issues, to increase the budget for the bodies responsible for investigating the killings, to create effective protection arrangements for witnesses, victims and their relatives, and to develop the capacity of the courts”. The execution and implementation of this type of resolution will contribute to the advancement and the eradication of violence.
- The European Union for its part, at the end of 2008, adopted the “EU Directives on the Matter of Violence Against Women and the Fight of all Forms of Discrimination Against them” in response to its political intention to prioritize women’s rights and in the execution of a number of specific projects financed by the EU and member states. We trust that this cooperation tool and Gender mainstreaming will have the necessary impact for a complete and efficient execution that can benefit directly women affected, their families and their communities.

Kerrie Howard, America’s Deputy Director at Amnesty International

What are the Obstacles in Protecting Human Rights and Cooperating in Fighting Violence Against Women?

Amnesty International greatly appreciates the opportunity to be able to share with so many experts and interested parties the analysis of our organisation on the situation of Feminicides and the killing of women and girls in Mexico and Central America.

Amnesty International began its work on the killing of women and girls in Mexico and Central America in 2004 when we launched two major pieces of research, one on Ciudad Juarez in Mexico and the other on the killing of women in Guatemala. Since then we have been campaigning throughout the world for improvements in the situation, specifically in these two countries, and have been closely monitoring the situation.

For Amnesty, the killing of women in Mexico and Central America is still a pressing concern, as much today as it was when the issue was first raised. The killing of women anywhere in the world is a tragedy, but it is a double tragedy and a Human Rights issue when the state fails to respond to such abuse and is even complicit, wittingly or unwittingly, in covering up or preventing the crime from being remedied.

2008’s statistics show that almost 11% of all murders in Guatemala were of women. A percentage that is much higher than the expected average.

In the first 6 months of 2009 Mexican women’s organisations documented 20 cases in Ciudad Juarez of women and girls whose disappearance has been registered with the authorities but whose whereabouts remain unknown.

Amnesty welcomes the ratification of international regional Human Rights treaties regarding the protection of women rights as well as the various national initiatives to improve the legal normative framework. However, we would not be here today if it was not clear that much more needs to be done to achieve an impact on this situation.

The evidence shows that greater awareness on the killing of women and girls and greater legal obligations are not leading to substantive improvement in the situation. In particular, the level of impunity for cases of gender-based killing of women remains largely intact and justice is not being delivered. Access to justice for the victims and relatives is a critical issue. Amnesty has found that access to justice is frequently obstructed by persistence discriminatory practices.

Discriminatory practices against victims and their relatives persist despite the existence of positive legislation.

Article 180 of the Guatemalan Penal Code, which has not been repealed regarding sexual activity with a minor states that the victims must be “Una mujer honesta”.

Likewise in Chihuahua, Mexico, the Alba Protocol, for initiating searches of missing girls defines as high priority cases girls under the age of 16 “without a criminal record”.

Also in Guatemala perpetrators can evade justice and exonerate themselves under article 106 of the Penal Code, which stipulates that the forgiveness of the victim will remove the criminal responsibility of the guilty party. Article 106 has been used to pressure female victims of rape and sexual abuse or harassment into forgiving their perpetrators.

Discrimination of legal codes is often replicated in practices and behaviours. Relatives of missing women and girls frequently report that authorities refuse to register their complaints; they are insulted and humiliated when they approach the officials seeking support for their cases.

Amnesty International frequently finds that the only cases recorded by the authorities are those presented and supported by local women’s rights organizations, meaning that those without this support face significant, sometimes insurmountable problems in registering their case.

Officials who failed to investigate, cover up or obstructed investigations are rarely sanctioned. To make matter worse, the authorities while investigating cases have committed further human rights violations. The torture of suspects to force confessions may have led to wrongful convictions.

Denial of the magnitude of the problem and the number of cases is common at both local level as well as at the higher level. For instance, in the Chihuahua state government report written this year, “Homicidios de mujeres in Ciudad Juarez in 2008:” the government claimed that there were 28 women killed in Ciudad Juarez in 2008. Women and human rights organisations, journalists and academics recorded between 75 and 90 cases of killing of women and girls for that year. The state government failed to explain how they identified these 28 cases as gender-based killings and how they distinguished them from the other cases which it is presumed,

but never clarified, were classified as organised crime killings. Why the full scale of the problem in that report was omitted is not clear.

Misrepresentation of the facts and failure to collect reliable evidence is a very significant problem. Amnesty International was recently forced to write to the Inter-American Court for Human Rights to correct claims made by representatives of the Mexican government that Amnesty International had evaluated their efforts to prevent and investigate the killing of women as sufficient.

Women's human rights defenders campaigning to help victims and relatives are frequently the target of intimidation and harassment. In Guatemala Norma Cruz, the director of the City-based Fundacion Sobrevivientes has received death threats pressuring her not to fight the case of a rape victim.

In Mexico, women's rights organisations such as "Nuestras hijas de regreso a casa" and "Justicia para nuestras hijas" have also faced public criticism by officials for highlighting gender-based violence because they claim it damages the reputation of the city. They also faced repeated threats and harassment because of their work but official investigations have never led to the identification of anyone responsible for these campaigns of harassment.

Authorities have also often failed to incorporate the proposals of the experts from civil society into official policy and practices. Despite repeated conferences, dialogues, papers, mesas de dialogue, when the documents are written, the papers are signed, the proposals from the Human Rights and women organisations are often omitted.

Looking at the wider context, the severity of the public security crises in Mexico and Central America cannot be underestimated. Official resources and efforts are consumed by the urgency of the problems in the struggle against organised crime. This is understandable. However the killing of women and girls is also a public security issue. It must be treated as such, with the same level of urgency and importance.

International cooperation has often focused strongly on strengthening institutions to better deliver their services and their responsibilities and duties in relation to respect for women Human Rights and the prevention of killing against them. Amnesty believes this strategy needs to be reviewed. More focus must be given to civil society organisations and more attention must be placed with the victims and their relatives.

Some of the issues that Amnesty believes should and could be a priority and could lead to better and more effective results through international cooperation in this area relate to prioritising the victims and their relatives so that they and their cases are at the heart of the official efforts to stop the killing of women and girls.

Insisting on the immediate reform of all existing discrimination legislation, policies and practices as well as sanctions against officials who fail to act diligent when receiving complaints and investigating complaints is something that is tangible and concrete and can be worked on effectively.

International cooperation can also put great emphasis on improving investigations. Despite new funding and new equipment a recent report in Guatemala shows that only 6.4% of investigative tasks are of a scientific forensic nature

Cooperation can also be used to strengthen investment in women's and social organisations and other sectors of the civil society collecting data and information on progress of official efforts to combat violence against women. This is a critical strategy for improving accountability. They can also help improve the evidence of data collection, accurate diagnosis and drafting relevant and effective solutions.

Finally, it's important to stress continuing support for activities such as this which develop understanding of the situation and the urgent need to keep pressure on the authorities to overcome the human rights abuses that are being committed.

Rosa Celorio, Legal Advisor, Special Rapporteurship on Women's Rights, Inter-American Commission on Human Rights, Organization of American States

How to Improve Access to Justice and Respectful Treatment for Female Victims?

First, I want to express my gratitude to the Inter-American Commission on Human Rights (IACHR) and the Rapporteur on Women's Rights, for their kind invitation to participate in this conference on violence against women, a topic of upmost concern, in all of its facets, to the Inter-American Commission on Human Rights. I'd like to share with all of you the conclusions, recommendations and lessons we have learned from the historic work of the IACHR and the Inter-American System of Human Rights, and speak more generally on the topic of violence in Central America, in the context of the American continents, and as it relates to a global strategy of fighting violence against women.

Basic Information about the functions of the Inter-American System of Human Rights, and the Rapporteurship on Women's Rights:

As many of you know, the Commission is one of two main bodies that constitute the Inter-American System of Human Rights, and serves to promote the observance and defence of Human Rights in the Hemisphere. The Rapporteurship on Women's Rights was established by the Commission in 1994 to monitor Member States, and analyze the extent to which laws and practices that affect women's rights comply with the broad obligations of equality and non-discrimination set forth by regional organizations such as the American Convention and the Inter-American Convention of the Prevention, Punishment and Eradication of the Violence against Women ("Convention of Belem do Para"). According to the Commission's rules of procedure, for States that have accepted the contentious jurisdiction of the Inter-American Court of Human Rights, as pertaining to the Inter-American System of Human Rights, when the Commission deems that the State in question has not followed its recommendations, then the case may be brought before the Court.

The Commission and the Rapporteur have historically applied a number of mechanisms to evaluate the development and challenges of protecting women's rights in the context of violence against women, and make specific recommendations

to the States on how to better meet the commitment to ensure Human Rights. The following mechanisms are three of the most commonly used by the court:

- Processing of **individual petitions** which allege Human Rights violations, in accordance with regional institutions that protect human rights, such as the American Convention and the Convention of Belem do Para.
- Organizing **on-site visits** to specific countries in the region in order to evaluate the State's response to the phenomenon of violence against women, and to make recommendations to the State regarding areas such as legislation, public policy, and the actions of the judicial system, among others.
- **Publishing regional reports** on important topics relating to the protection of women's rights in the region.

First of all, I want to point out that implementing these mechanisms at a regional level has revealed two important needs at the national level in order to achieve eradication, prevention and non-repetition of violent acts against women:

- The need to emphasize and reiterate the State's obligation to act with the diligence necessary to prevent, investigate, punish and atone for violent acts against women (physical, as well as psychological and sexual acts that may occur at home or in the community). At the national level it is increasingly important to adopt specific goals and precise measures in order to fight those violent acts and ensure that they do not remain in a state of impunity, as is so often the case.
- The need to identify, at a national level, strategies to eradicate discrimination against women, as we understand that this discrimination sustains and promotes the recurrence and tolerance of violent acts against women. As an institution that monitors the observance of Human Rights, it is clear to us that unless we combat discrimination against women, and eliminate the discriminatory socio-cultural patterns which perpetuate the notion that women must be treated as inferiors, it will be impossible to eradicate the problem of violence against women.

Processing of individual petitions:

Over the years, the Commission has performed its duties in order to make a series of practical recommendations aimed at defining the States' obligations to act with due diligence and to organize government institutions in order to prevent, investigate and punish acts of violence against women and eliminate the discrimination that encourages such acts. The following are among the chief recommendations made by the Commission:

- Quickly and effectively prosecute the perpetrators of violent acts, including domestic and sexual violence, through an impartial judicial process;
- Perform serious, impartial and exhaustive investigations to determine the culpability of the aggressors;
- Train judicial authorities to regard violence and discrimination against women as violations of Human Rights and understand the necessity to treat victims with respect when they seek the aid of judicial institutions;

- Offer comprehensive compensation to the victims of violence against women.

One of the Commission's most important decisions in this area was the Maria da Penha Fernandes case (in Brazil), through which the Commission reaffirmed the obligation of the State and the State's officials to act with the diligence needed to investigate and punish acts of violence against women, and to prevent and eliminate the discriminatory socio-cultural patterns that perpetuate and tolerate this phenomenon. The recommendations in this report of the IACHR are applicable, to a great extent, to all the cases of violence against women. The case was presented by a victim of domestic violence in Brazil, left paraplegic from beatings and attempted homicide by her husband. In the resolution of this case the Commission applied the Convention of Belem do Para for the first time and concluded that the State had violated its obligation to uphold Human Rights, by waiting 17 years to punish or condemn the aggressor on account of unjustified delays, despite clear and conclusive evidence against him. Along those lines, the Commission observed a general pattern of State tolerance and judicial ineffectiveness in cases of domestic violence. The Commission was clear about its ruling that the States' obligation to act with due diligence goes beyond prosecution and conviction, and includes the obligation to prevent these degrading practices.

A wide range of cases relating to the phenomenon of violence against women in Ciudad Juarez, Mexico and in Guatemala were brought before the IACHR, under allegations that reveal clear patterns in the methodology used to process these killings; that indicate a link between individual cases of killings of women and general patterns of violence against women at a national level, which suggests the State's awareness of a serious problem and therefore increases State's responsibility at an international level; that depict the recurrence of violent acts against women and discrimination against women, especially by state institutions and processes, such as the public prosecutor's office or the police; and show the continued need for comprehensive action by the State, to effectively prevent, investigate, prosecute and atone for these violent acts.

One case that stands out is that of Claudia Ivette González and other women (known as the "Campo Algodonero" case), which has been handled by the IACHR since 2002 and is currently before the Inter-American Court of Human Rights. This is the first case that was submitted to the Court by the IACHR, and it illustrates not only the importance of combating violence against women in the Inter-American System of Human Rights, but also the severity of the problem and its prevalence in the region.

In this group of cases, the petitioners alleged that the Mexican State had committed multiple Human Rights violations, due to irregularities and inconsistencies in the process of investigating the disappearances and deaths of three women in Ciudad Juarez, Mexico in November 2001. I will highlight some important aspects of the petitioners' allegations, which are symptomatic of deficiencies that still exist in the State's reaction to these crimes, in Mexico and throughout the region:

- The victims had been reported missing and the authorities told their families that they had to wait 72 hours before they begin a search.
- Once their bodies were found, there were glaring mistakes in the process of investigation, including: the evidence collected at the scene of the crime was not

analyzed immediately; there was no effort to clarify the facts of the case; the authorities did not determine the cause of death; there was no follow-up of key testimonies with relevant information for the investigation; there was evidence of negligence in the handling of the victims' bodies and in determining the identities of the victims; and there was evidence of negligence in preserving the scene of the crime, among other serious irregularities. Generally speaking, the Commission observed that from the very beginning there had been no clear line of investigation or use of methodology, due to the fact that the disappearance and murder of these women was not considered a priority by the State.

- It is the will of the family members that drives the investigation.
- After 8 years, the crimes are still in a state of impunity and the perpetrators have not been identified or punished.
- The Commission found that the State had committed Human Rights violations by not adopting reasonable measures and not acting with due diligence to protect the lives and prevent the deaths of the three victims; nor did they carry-out a prompt, exhaustive and impartial investigations to find those responsible for the crimes. Furthermore, the Commission found that throughout the investigation of these crimes the family member had been mistreated by state authorities, and were not informed of progress made in the investigations. Through these cases the Commission reaffirmed that the obligation to act with due diligence may be applied to all acts of violence, those committed in public as well as in private.

The verdict of the Inter-American Court in the Campo Algodonero case may well provide greater detail regarding the components of comprehensive treatment from the States, in accordance with the principle of due diligence, especially in defining States' obligations concerning the prevention, investigation, punishment and compensation, and the measures that must be taken to prevent the reoccurrence of these crimes, (especially for women of different ages and with diverse socio-economic backgrounds).

Results of on-site visits:

As a complement to the system of individual petitions, the Commission may visit Member States of the Organization of American States in order to examine the general human rights conditions in specific countries, through interviews in different sectors, such as government institutions, the judicial system, civil society organizations and universities, among others. Those visits are usually followed by a report analyzing the Human Rights situation in the particular State and offering recommendations designed to aid the State in fulfilling its international obligation to uphold human rights.

In February 2002, the Special Rapporteur conducted the first visit to personally examine the situation of violence against women in Ciudad Juarez, State of Chihuahua, Mexico. The visit was prompted by numerous statements signed by hundreds of people and organizations, which indicated that more than 200 women had been brutally murdered in the area since 1993 and that there were obvious deficiencies in the actions adopted by the State to deal with the problem.

The Rapporteur published a report in 2003 emphasizing that, despite visible progress, the authorities' responses to these crimes had been considerably lacking: a large majority of perpetrators still had impunity and just as the rate of the killings began to increase, some of the officials in charge of the investigation and prosecution of the murders began to adopt a discourse that definitively placed blame on the victims. The Rapporteur indicated that the killings and disappearances that had occurred in Ciudad Juarez were dramatic manifestations of the violent attitudes based on Gender and discrimination. In the report, the Commission emphasized the Mexican State's obligation to exercise due diligence to combat these crimes, given that an effective investigation aims to clarify the facts and establish a course of action that aligns with responsibility to prosecute and convict the perpetrators, and given that most of the investigations had never reached the part of the process involving conviction and punishment. The report made a number of recommendations to the Mexican State, including measures to ensure that officials acted with due diligence during the investigation, prosecution and conviction of those responsible for violence against women in Ciudad Juarez, with the objective of overcoming the problem of impunity.

In 2004 the Rapporteur conducted an on-site visit in the Republic of Guatemala, during which meetings were held with the highest-ranking authorities of the Guatemalan State, as well as civil society organizations, academics and other entities relevant to the defence of Human Rights, so as to investigate and gather information about the situation of discrimination and violence against women; to evaluate the effectiveness of policies and institutions in preventing those violations; and to analyze the current challenges concerning access to the judicial system. Furthermore, given the multiethnic and multicultural character of the Guatemalan State, the visit was also directed at assessing the situation concerning the rights of indigenous women.

Among the most important findings gathered from the visit to Guatemala, was the confirmation by State authorities that 1,188 killings of women were reported between 2001 and 2004; and there were 352 cases reported in the country between January and September 2004. There were many reports of "characteristic" killings, in which the abuses indicated by the condition of the victim's body and the place where the corpse was left were intended to send a message of terror and intimidation. The state authorities, as well as the civil societies reiterated during the visit that the judicial system had not been effective in its response to the crimes, which promoted impunity and increased the sense of insecurity among women.

Results from regional thematic reports:

Finally, I'd like to point out that many of the patterns and problems regarding violence against women, which were identified through the decisions and interpretations of the IACHR, and by the International Community, are further discussed in the Commissions regional report on Access to Justice for Women Victims of Violence in the Americas, with findings and recommendations that apply to all of the countries in the hemisphere. The report endeavours to offer a prognosis concerning the main obstacles for women seeking effective legal remedies for acts of violence. In that sense, the IACHR formulates conclusions and recommendations to ensure that States act with the due diligence, offering an effective and appropriate

response to these incidents. A copy of this report is available at the IACHR website (www.IACHR.oas.org).

In this report and other analyses of regional tendencies the IACHR finds that despite the State's official acknowledgement of violence against women as a high-priority challenge, there is great discrepancy between the high incidence and the severity of these cases and the quality of the judicial system's response.

Although some States have adopted policies and judicial framework to address violence against women, there is still discrepancy between the official availability of certain resources and real-life application of those resources. The majority of the cases of violence against women are not formally investigated, prosecuted or punished by the institutions that administer justice in the hemisphere.

The IACHR has found that in many countries of the region, a pattern of systematic impunity persists with respect to the judicial prosecution of these cases. The IACHR is also concerned about the low incidence with which female victims of violence seek recourse with the justice system, the abuses that the victims and their families may receive when seeking such recourse and the persistent lack of confidence in the judicial institutions' ability to remedy acts of violence. That situation not only increase the victims' sense of insecurity, helplessness and mistrust regarding the judicial system, but it is this context of impunity that perpetuates violence against women as an acceptable occurrence in these American societies with increasing loss of human rights.

The IACHR also expresses great concern for the inefficiency of the judicial systems in prosecuting and convicting the perpetrators of violence against women. Although there may be structural deficiencies in the area of economic and human resources that affect the speed and effectiveness with which cases are processed, it is important to note that, frequently, the deficiencies in the investigation of such acts, and the judicial systems' ineffectiveness in prosecuting and convicting cases of violence against women, are affected by the prevalence of socio-cultural patterns of discrimination against women. The socio-cultural influence can be seen at all levels of the judicial branch, with officials who consider these cases of violence to be unimportant and who discredit and frequently blame the very victims of these acts. Officials fail to extract key evidence to determine who the perpetrators are, and place emphasis only on physical and testimonial proof, disregarding the victims' earnest declarations; and are disrespectful of the victims and their relatives when they try to cooperate in the investigation. With so many systemic failings, the number of trials and convictions is still very small by comparison to the many complaints filed and the prevalence of the problem.

Therefore, the IACHR has recommended that States devise comprehensive and properly resourced policies to ensure that women who are victims of violence will have adequate access to justice and that acts of violence will be prevented, investigated, punished and adequately redressed. The commission also urges the States to create the necessary conditions so that women are able to seek assistance from the justice system to remedy acts of violence perpetrated against them, and so that public officials will treat female victims respectfully when they turn to the various judicial bodies for protection.

Now I will share some of the specific recommendations from the report concerning the work carried out by judicial institutions regarding cases of violence against women:

- Build up the capacity of the judicial institutions, such as the public prosecutor's office, the police, the courts and services of forensic medicine, by increasing the financial and human resources, in order to combat the pattern of impunity in the cases involving violence against women.
- Create adequate and effective judicial bodies and resources in marginalized, economically disadvantaged and rural areas so that all women are guaranteed full access to effective judicial protection against acts of violence.
- Increase the number of court-appointed attorneys available for women who are victims of violence and discrimination.
- Create units specializing in women's rights within the public prosecutor's offices, police and the courts, with specialized expertise and sufficient resources to ensure a gender-aware perspective when addressing cases of violence against women.
- Create and improve systems for recording statistical and qualitative data on incidents of violence against women within the administration of judicial systems. Consolidate the recorded data from cases of violence against women, to ensure that they are uniform, reliable and transparent.

Specific recommendations from the report as applied to the investigation, prosecution and punishment of acts of violence against women:

- Take immediate steps to ensure that the public officials involved in prosecuting cases of violence and discrimination against women (including prosecutors, police, judges, court-appointed attorneys, and professionals of forensic medicine) are properly educated about women's rights, and trained to apply domestic and international laws to duly prosecute these crimes, and to uphold the integrity and the dignity of the victims and their relatives when they file a complaint and throughout their involvement in the judicial process.
- Design protocols to facilitate and promote the effective, uniform and transparent investigation of acts of physical, sexual and psychological violence, which describes the process of evidence collection, and give specifics about the basic evidence that must be gathered to properly substantiate a case: including scientific, psychological and physical evidence as well as testimony; encourage Multidisciplinary Investigation of these crimes.
- Take measures to institutionalize collaboration and information sharing between the authorities in charge of investigating acts of violence and discrimination, particularly between the public prosecutor's office and the police.

Conclusion:

I will conclude my presentation by reiterating the Rapporteur's willingness to support initiatives like this conference, and all the work being conducted by the European Union to combat impunity, which is still a major factor in cases of violence against women. Promoting equality and eliminating all kinds of discrimination and violence

are essential if we are to fully uphold Human Rights in our countries at a national level.

Juan José Molinos Cobo, Spanish Presidency, Counsellor at the Permanent Representation of Spain

Global Partnership in the Fight Against Femicide and Impunity?

1. The resolution from the European Parliament states that:

“(...)Violence against women has not only a regional but also a global dimension and concerns all countries, including those in Europe; (...) This Resolution should be considered as part of a global strategy designed to enable the European Union and its partners to undertake joint actions and make efforts intended to eradicate and prevent violent deaths of women everywhere; (...) it is also necessary to promote dialogue, cooperation and the mutual exchange of good practices between the countries of Latin America and Europe (...)”

Certainly, this criminal phenomenon of violence against women is not exclusive to one part of the world, although it has taken on greater dimensions in some places than in others; and neither is it limited to one particular social group. The fight against this type of criminal act must therefore be global and, in that sense, the EU should continue with the commitment to fight such violence, both within and outside of the European borders.

For that reason, and although it is not the central topic of this conference, I must mention the initiative that Spain is going to present with the support of other Member States, for a European mandate of protection, which if approved will extend the measures of protection available in one Member State to any victim of a crime who moves to another Member State; the proposal will be presented in December of this year, or January of next year, on the grounds that currently there is no legal mechanism to extend such protection.

In connection with the cited European Parliament Resolution, I would like to mention the following developments:

- Publication on July 15, 2008 of the **communication from the Commission "Towards an EU-Mexico Strategic Partnership"** (COM(2008)0447);
- and more recently, the approval of the **European Parliament Recommendation to the Council of 12 March 2009 on a EU-Mexico Strategic Partnership**. (2008/2289(INI)), of which I'd like to highlight the following points concerning the campaign against the crimes addressed at this conference:

The Parliament...

1. considers that fighting **Femicide** in both regions, on a basis of dialogue, cooperation and the exchange of good practices, falls within the range of its activities;
2. wishes to establish clear guidelines on how best to ensure close cooperation intended to promote effective multilateralism and reinforce the UN's

- capacities for preserving and consolidating peace and upholding Human Rights, while also tackling, in the framework of international law, common threats to peace and security such as drug and arms trafficking, organized crime, terrorism and **human trafficking**, in line with the Lima Declaration;
3. expresses support in this area for the Mexican government: in its contributions to the work of the UN and in its fight against drug trafficking, international terrorism and organized crime, especially in light of the increasing numbers of **victims of drug trafficking** and consumption
 4. calls for the reaffirmation of the commitments needed to achieve the Millennium Development Goals and for renewed awareness of the need for close cooperation in the areas of social cohesion, **Gender equality**, climate change, sustainable development, the fight against international terrorism, drug trafficking and organized crime, food security, and the fight against poverty.

The referenced documents suggest that most of the difficulties arise from:

- States of law that do not function properly and institutional structures which must be better adapted to fight these crimes with a different focus, that which considers the social and educational environment, the family, the media, and certainly, the police, the judicial system and the administration;
- Shortcomings in the national legislation and failure to ratify international institutions.
- The need for intervention in the area of culture and social practices, and the need for women to gain economic independence.
- From the Communication from the Commission of 2008 ("Towards an EU-Mexico Strategic Partnership"), which highlights the main areas of coordination between the EU and Mexico, we must especially emphasize those areas relating to the fight against human trafficking in which we hope for improvements. The EU and Mexico have established active cooperation in the area of development, and for the period 2007-2013 around 55 million Euro have been allotted through the Development Cooperation Instrument, with three established areas for cooperation (social cohesion, sustainable and competitive economy, and education and culture), as relating to problems such as human trafficking and gender-related issues. On June 17, 2009 Spain and Mexico signed a Memorandum intended to aid in the fight for Gender equality and the protection of women.

2. In terms of how we might strengthen the impact of the European Parliament Resolution, and just how to implement the resolution, one important step would be for the Member States, as well as other European institutions, to show support by creating cooperative programs, pooling technological and financial resources, and developing policies of prevention and protection to combat violence against women; they could also show support by creating or strengthening awareness programs, and helping to provide specific training for those people working with the victims. Other steps include: increasing the budgets of the institutions in charge of investigating the killings; creating effective witness protection programs for victims and their relatives; strengthening the capacity of the judicial institutions, security forces and prosecutors

in order to prosecute and punish the perpetrators and fight against drug trafficking and organized crime, redoubling the efforts to eliminate secondary victimization.

We should encourage cooperation and dialogue between the EU and Central American countries, supporting all kinds of initiatives to eradicate violence against women and strengthen measures for adequate protection of victims and their relatives.

The Governments of Central American countries and of Mexico will need to eliminate any and all discriminatory references toward women in systems of internal law, and promote legislative initiatives to classify domestic violence as a crime, as well as sexual harassment in different arenas, including in the workplace.

The exchange of good practices in the fight against gender-related violence is another essential element for the cooperation between the EU and the countries of Central America and Mexico.

3. What are the tasks that will be assigned to the next Commission?

- The inclusion of a reciprocal obligation designed to create mechanisms for implementing the Human-Rights and democracy clause, whose formulation should be based on the obligations stemming from the international pacts signed by the Member States, Mexico and the countries of Central America, with particular reference to respect for women's rights and Gender equality as stated in the CEDAW, the Optional Protocol to the CEDAW, and the American Declaration of the Rights and Duties of Man;
- The presentation of proposals for effectively coordinating the various EU initiatives designed to combat Femicide and the impunity of the perpetrators, through cooperation with local institutions and organizations, while making the staff of those institutions and organizations aware of Gender issues and violence against women;
- To ensure that the Human-Rights programs for Mexico and the countries of Central America are covered by a separate budget heading devoted to bilateral cooperation, in order to prevent the limited financial resources allocated from being affected;
- Assessment of the impact on sustainable development to be complemented by an assessment of the impact on equality between the sexes.

In conclusion, we have taken steps of unquestionable importance in the fight against such crimes, and one of the most vital steps has been creating awareness in our own societies, evidenced by this conference. Nevertheless, we have a long road ahead in the struggle to defeat the terrible injustice of this kind of crime; that is why we must keep moving ahead, and as fast as possible.

The conference and the strategic meeting were organized with the cooperation of Amnesty International, Central American Women's Network (CAWN) and the European Center for Constitutional and Human Rights (ECCHR).