

**Expert Meeting “Gender-related murders of women in Latin
America – a pressing problem which needs to be tackled now”
Round-table discussion organized by Heinrich Boell Stiftung
(Brussels), CIFCA, Oxfam Solidarite, ODHACO and ALOP**

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Statement by

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Violence against Women, its Causes and Consequences**

Madam Chairperson, Distinguished Guests,

It is an honour and a privilege to be at this expert meeting to address you on gender-related killings of women in Latin America. I thank Patricia Jimenez of the Heinrich Böll Stiftung and the other partners for inviting me.

The focus of my report to the Human Rights Council this year has been dedicated to the issue of gender-related killings of women. It is a global problem with differing manifestations and forms. Terms such as femicide, feminicide, honour killings, crimes of passion, and so on, have been used to define such killings. Rather than a new form of violence, gender-related killings are the extreme manifestation of existing forms of violence against women. Such killings are not isolated incidents which arise suddenly and unexpectedly, but are the ultimate act experienced in a continuum of violence.

My report begins with an analysis of the conceptual evolution of the terminology to describe gender-related killings of women, and the use of the terms femicide and feminicide. I argue that femicide/feminicide is a State crime tolerated by public institutions and officials - due to the inability to prevent, protect and guarantee the lives of women, who have consequently experienced multiple forms of discrimination and violence throughout their lifetime.

The report provides an overview of the global trends and manifestations of gender related killings of women, which are currently reaching alarming proportions. These include: killings of women as a result of intimate partner violence; killings of women due to accusations of sorcery/witchcraft; killings of women and girls in the name of “honour”; killings in the context of armed

conflict; killings of indigenous women; extreme forms of violent killings of women, such as those related to gangs, organised crime, drug dealers, and human and drug trafficking chains; killings as a result of sexual orientation and gender identity; and other forms of gender-related killings of women and girls, such as female infanticide. I argue that these manifestations are culturally and socially embedded, and continue to be accepted, tolerated or justified - with impunity as the norm. States' responsibility to act with due diligence in the promotion and protection of women's rights, is largely lacking as regards the killing of women.

Let me highlight a few of the manifestations of gender-related killings of women in Latin America and responses taken by some States. This region is one of the poorest regions in the American continent with high levels of social exclusion (UNDP Human Development Index 2010). Some relevant contextual factors in this region include: post-conflict situations with fragile States and institutions; the establishment of conservative governments; the influence of neo-liberal economic policies; little or no efforts at justice for crimes committed during the conflict; the absence of disarmament and reintegration programmes for military and paramilitary personnel (which has made them an easy target to be absorbed by organised crime and private security companies), amongst others. These factors and others have contributed to the establishment of a culture of terror, corruption and impunity at the state and non-state levels.

The devastating effects of neoliberal economic policies and Structural Adjustment Programmes imposed in this region, and in the case of Mexico, the North America Free Trade Agreement (NAFTA), have resulted in the creation of export-oriented manufacturing industries i.e. the maquilas. The maquila

industry absorbs cheap female labour, particularly poor and illiterate women, coming from rural areas. These women are employed with temporary contracts with insecure working conditions such as, for example, no entitlement to healthcare benefits, maternity leave and benefits, annual leave, decent and fair wages etc which has led to abuses and exploitation. This is often accompanied by an unsafe environment where women, compelled to work long shifts, return home late at night, walking through areas without lighting or security measures.

The region has been characterised by increasing levels of violence perpetrated within the family and also the community. Such violence has disproportionately affected more women than men. While killings of men have been stable over the last few years, the increase in killings of women is shocking compared to that of men. For example:

- in 2004 in Guatemala, the increase of women killed reached 141 per cent against 68 per cent of men killed;
- in 2006, the increase of murders of women in El Salvador reached 111 per cent compared to 40 per cent of murders of men;
- in 2007 in Honduras, the murders of women increased 166 per cent against 40 per cent of murders of men.

Studies have shown that victims come from a wide range of social and economic backgrounds, which vary from country to country, as do the circumstances in which they are killed. In Costa Rica for instance, migrant women are especially targeted, while in Nicaragua femicides are linked to domestic violence. Many of the murdered women come from the most marginalized sectors of society, are poor and from rural areas, and are from

minority and indigenous groups, sex or maquila workers. Young women between 16 and 24 years old are the most vulnerable group. However, many women victims across the region do not conform to this stereotype. Apart from Ciudad Juarez, 85% of women killed in Mexico are not maquila workers, while 45% of victims in Guatemala are housewives.

The perpetrator can be either known or unknown to the victim. When the perpetrator is known by the victim, it is often a current or former intimate partner, a family member, a friend of the family or a person with a position of authority. Most of these cases show a history of physical, psychological and sexual violence experienced by the victim for long periods. In the majority of the cases, the family or the community know who the perpetrator is, but there is no formal investigation or punishment. When the killer or killers are unknown to the victims, studies show that gangs, organised crime groups, drug dealers, human and drug trafficking networks, or random perpetrators acting alone, are usually the perpetrators.

Femicide constitutes a serious violation of the human rights of women, notably their rights to life, not to be subjected to torture and other cruel, inhuman, or degrading treatment or punishment, personal integrity and liberty, and non-discrimination. The obligation of States to realize these rights under international human rights law arises in particular from the duty of States to prevent, protect, punish and compensate individuals for human rights violations. The failure of States to guarantee women's right to a life free from violence allows for violence to continue, including the violent deaths of women.

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention “Belem do Pará) has provided an excellent normative framework for legislative initiatives and reforms on violence against women in Latin America. The Inter-American Commission and Court have also comprehensively addressed the issue of femicide/feminicide in the case of González et al. (“Cotton Field”) v. Mexico. Amongst others. The Court found violations of the general duty to ensure the human rights of the three victims under Article 1.1 of the American Convention, by reason of the State’s failure to act with the due diligence required to protect their rights to life, humane treatment, personal liberty, and their right to be free from violence, and to conduct an adequate and effective investigation into their disappearances and homicides. The Court also addressed the issue of reparations through a gender perspective, particularly measures of satisfaction, rehabilitation, guarantees of non-repetition and compensation. The judgment also discusses in detail the obligation of States to provide adequate access to justice and remedies to victims and their family members in situations of gender discrimination and violence against women, and how this obligation relates to due diligence.

Following these developments, Costa Rica and Chile have recently passed laws that criminalise femicide. Three other countries have addressed femicide not only in the private sphere but also in the public sphere. In Guatemala, the “Law against femicide and other forms of violence against women” was passed in 2008. In Mexico, the General Law on Women's Access to a Life Free of Violence came into force in 2007. In 2010, El Salvador passed the “Integral Law for a Life Free of Violence for Women”. This law defines and classifies two types of femicide: “femicide” and “aggravated femicide”. This specific

definition of the crime of femicide was one of the main recommendations following my visit to El Salvador in 2010, where I argued for the recognition of femicide as a separate category of crime, and also for increased and enhanced access to justice for women.

In May 2010, the sixth EU-Latin America and Caribbean (LAC) Summit of Heads of State and Government took place in Madrid and concluded with the adoption of the Madrid Declaration and Action Plan for 2010-2012. The commitments agreed to during the Summit include, inter alia, to promote cooperation programmes to combat and prevent trafficking and migrant smuggling networks, and to assist the victims, with special attention to women and children. There is however no reference made to other forms of violence against women which are pervasive in the Latin-American region, such as domestic violence or femicide. Building on the momentum generated, the issue of violence against women should be addressed as a priority theme for the EU and the CELAC Summit to take place in Chile in January 2013, to ensure that specific commitments in this regard are included in its Declaration and Plan of Action.

Finally, I would like to make reference to an initiative that is currently being launched in a cooperative effort between European and Latin American experts on violence against women, to draft a “model Protocol” on the prevention, legal investigation and effective documentation of femicide in Latin America and the Caribbean. The document aims to provide judicial, fiscal, and medical-legal guidance on the investigation and documentation of crimes against women, as well as establish the ethical guidelines and functions that lawyers, doctors and other service providers should follow when dealing with victims and their

families. Through a series of workshops, experts including civil servants, academics, and UN officials have discussed the scope and content of this regional document. European support has been paramount to this process and it is my hope that this will continue as the document is finalized and shared with member States for their endorsement at the international level.

I would like to conclude by recalling the recommendations made in my report on gender related killings of women. I stress the need to ensure effective investigations, prosecution and sanctions; guaranteeing de jure and de facto access to adequate and effective judicial remedies; treating women victims and their relatives with respect and dignity throughout the legal process; ensuring comprehensive reparations to victims and their relatives; identifying certain groups of women as being at particular risk for acts of violence, due to multiple forms of discrimination; and modifying the social and cultural patterns of conduct of men and women as well as eliminating prejudices, customary practices and other practices based on the idea of the inferiority or superiority of either of the sexes, and on stereotyped roles for men and women.

I thank you very much for your attention and look forward to a constructive discussion.