



The Greens | European Free Alliance
in the European Parliament



Second Conference on Femicide

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; NO MORE KILLING OF WOMEN !

State of Play and Perspectives

European Parliament

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Summary

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. In any case this extreme violence roots in cultural practices that are discriminating 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 summary presents the main ideas and concerns expressed in the conference. Please also see the entire versions of the speakers' presentations at the conference as well as the report of the Strategy Meeting on our webpage.

1. Introduction

In their welcoming speech, Raul Romeva i Rueda, Member of the European Parliament, thanked the conference partners and emphasised the aims of the conference. These are, mainly, to evaluate the progress since the first event of 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.

2. The Commission at work: achievements so far and challenges for the future Commission

Davide Zaru, the International Relations officer for Human Rights and Democratisation, referred to the EP when considering the systematic integration of a gender dimension into all areas of EU external policies and actions a structural challenge. In 2008, the EU adopted two important documents that contribute to strengthen the EU policy on this area. The 'EU Comprehensive Approach for the Implementation of UN Security Council Resolutions 1325 and 1820 on Women, Peace and Security' and the 'EU Human Rights Guidelines on Violence and Discrimination against Women'. To implement the latter at the field level, the European Commission Delegations and the EU Member States' embassies in all third countries are requested to measure the situation of women's rights and to develop a programme of action. This process is supervised by COHOM, the working group of the Council on Human Rights and a designer of complementary initiatives at the global level. Thus, in all Central American countries and in Mexico implementation strategies on discrimination and violence against women have already been developed.

In Mexico, Gender equality issues have been systematically discussed in contacts with the government at various levels, e.g. in the Joint Committee EU-Mexico which also considers recommendations stemming from the UN UPR. One of these recommendations concerned the functioning of the National Commission to Prevent and Eradicate Violence against Women. Another example for political dialogue is the visit of Deputy Heads of Missions of the EU Member States (MS) in/for the state Guerrero with a particular emphasis on the situation of women. 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 area of human rights and violence against women. The EC Delegation also 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 2008, three out of seven projects funded specifically dealt with violence against women.

Davide Zaru pointed out, that Guatemala shows constructive commitment in terms of addressing challenges in the promotion of gender equality and the fight against violence against women. Through the European Instrument for Democracy and Human Rights, the EU gives support to investigations conducted by the International Commission against Impunity in Guatemala to increase the visibility of violence against women. The EC Delegation also funds NGO micro projects on health, food and Human Rights etc, which include a major Gender dimension as well as awareness raising campaigns promoted by the government. 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 Public Institute for Penal Defence, which offers free legal assistance and the highly frequented 24-hours helpline.

Davide Zaru has emphasised the need to multiply best practices among the various countries in the region. The EC is committed to promote consultations with civil society and stakeholders for the review of the Country Strategy Papers (CSP). He has also deemed it necessary 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.

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

Andrea Medina Rosas from the Latin American and Caribbean Committee for the Defense of Women's Rights in Mexico (CLADEM) emphasized the need to mark violence against women as a priority on the agenda of the EU. Concerning the results of EU efforts, she pointed out that the Mexican government is taking account of its actions to ensure women's right to the Committee on the Elimination of Discrimination against Women (CEDAW) and the Inter-American Court of Human Rights but not to the EU.

She believes that Mexico succeeds in simulating compliance with human rights and democracy at international level. On the one hand the country has solid institutions, upholds the electoral process and maintains sufficient Human Rights discourse to satisfy the promises given to the international community. On the other hand and for the last 16 years, Mexico pretends not to have the capacity to investigate the cases and not to sanction those responsible for the disappearance and killing of women. However, after the police forces were strengthened through international assistance, they were used to oppress social movements, e.g. in Atenco, where women who protested were assaulted and abused sexually. Eduardo Medina Mora, the state official responsible during the Atenco events, was rewarded by the federal government and is now working as Mexican Ambassador in London.

Due to impunity and corruption throughout Mexico, powerful de facto groups 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 the army, which led to an exponential rise of sexual violence towards 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. Again, the Mexican state rewarded Arturo Chávez Chávez, the former attorney general for the area, with the office of Attorney General of the Republic.

In 2008, the Supreme Court of Justice of the Nation declared that it was constitutional to decriminalise abortion before 12 weeks of gestation. The motion was approved by the Legislative Assembly of the Federal District. However, the case of Sac-Nicté in Quintana Roo shows that the reform lacks effectiveness. Sac-Nicté Pool, a 22 year-old Mayan women, was sentenced to 30 years in prison for first-degree murder after involuntary abortion due to health issues. Nine days after the sentence, the Quintana Roo Attorney General overturned the legal action. Thus, women's rights are subject to the authorities' personal inclinations and discretion.

According to Andrea Medina Rosas, the state is deliberately ineffective in assuring women's lives and it is of no help to the Mexican state to receive more funds that will go to reinforcing the discourse of simulation. What they need are 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.

Women's Rights organisations need means to monitor where the resources go to, what they are being used for, and most of all, what the short-term, medium-term, and long-term effects are. They wish to see that the obvious complicity in the act of simulation will have the political consequences that it deserves.

The majority of the victims' families are at a great risk, and thus their need to leave the country arises as the only alternative to the government's simulation. EU countries should provide asylum for Mexican citizens who are in danger. The international community cannot just delegate this responsibility of promoting and defending women's rights to those who are still doing most of the work on a voluntary basis.

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

In her speech, the tenured professor at the University of San Carlos, President of the National Union of Guatemalan Women, Walda Barrios, pointed out that women's advocacy and reorganisation were strengthened when the Peace Treaties in Guatemala were signed. Thus, women's right to own land was recognized and their institutional representation was improved, and pushed for new legal initiatives, e.g. the law against Femicide of 2008. The law aims to reinforce the observance of constitutional principles, such as respect for life, and fulfilment of guarantees made by the Guatemalan State.

However, the different paramilitary groups were not dismantled and the spiral of killing continues, furthered by the lack of access to judicial processes and the difficulty to exercise basic rights. Additionally, Guatemala comes last regarding Gender equality in economic participation, educational opportunities, health factors and political power, according to a report published by the World Economic Forum (WEF).

The Report on Human Development in Central America names Guatemala as one of the most violent countries in the world, while the killings of women often show signs of being hate crimes, and thus are characterised as Femicide. For these reasons, Guatemala was chosen symbolically by the Secretary General of the UN to launch a regional campaign to fight violence toward women in Latin America, thereby addressing the current impunity. Due to the seriousness of the situation, the Congress of the Republic Guatemala accepted the presence and aid of the International Commission against Impunity in Guatemala (CICIG), which is headed by the Spanish judge Carlos Cartesana. In order to break the silence, stop impunity and demand universal responsibility, which the MEP Raúl Romeva i Rueda described as the most urgent challenges, inter-institutional collaboration and cultural change have to be promoted.

Due to armed internal conflicts in Central American countries, suppression of life and lack of respect for human rights have almost become a 'daily norm'. Sexual violence and extreme brutality against women were also used as part of a genocidal strategy. Currently, in particular female workers in 'maquiladoras' and students are at risk of becoming victims of a patriarchal ideology — and of Femicides. The 43rd Session of the CEDAW Committee in 2009 made clear that women do not report cases of violence out of fear and because of the experienced ineffectiveness of the Guatemalan judicial system. In addition, cases of violence were not investigated due to the governments' instability and security system. Still, the Law on Femicide demands that states sanction public officials and that the media should play a role in the ethical education of citizens and promote gender equity and equality. Furthermore, the state should strengthen the judicial

system and train judicial officials and the police, taking into consideration a gender-conscious perspective. In general, lasting strategies have to address the national institutions and regional officials as well as the international community, as Walda Barrios points out.

5. What 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?

Mirta Kennedy, the director of the Centre for Women Studies in Honduras, illustrated the current situation in the country after 27 years of political instability. The coup d'état in 2009 broke up the dialogue between the government and the civil society. The constitution basically lost its validity while there is also no more trust in the institutions. The structures — such as an emergency line and investigations unit — that women organisations had implemented with a lot of effort, lost their capabilities. The government sector is completely dedicated to oppressing social protests and is no longer interested in stopping violence against women.

In 2009, there were 335 cases of violent death of women reported which indicates a total increase compared to the figures of the years before. Previously, the aggressors were very often close, male family members, while nowadays 77 % of the perpetrators are unknown men. The new attackers are e.g. gangs which are involved in drug trafficking and policemen. These cases showed extreme cruelty. This horrendous scene of violence put women organisations on alert. The co-operation with the Congress as well as the creation of an institutional commission lacked resources and a clear concept of 'femicide' in order to stop impunity. There is also a lack of interest shown by the authorities, who would rather help perpetrators than the families of the victims. Whereas the state pretended that it has no capabilities to fight crimes against women, the armed military police is effectively able to repress the population. Over the past years the police has doubled its force from 7000 to 14000 members. Mirta Kennedy reports about at least 400 women who were arrested, beaten or even raped by the police. 70% of the women who have been killed have been done so with war guns of very high calibre which are circulating amongst society. Reduced military presence and lasting peace are central elements for preventing Femicide.

Most of the crimes against women have been committed in the cities — thus in the most developed areas where organised crime and illegal economic activity take place. The majority of the victims are young women who experience danger on a daily basis in their poor neighbourhoods. They are attacked when going about their daily lives. While men who died violently did so as protagonists of crimes, women are facing danger without participating in violent activities.

Several women organisations have been shut down while human rights defenders are constantly threatened. Mirta Kennedy illustrates the direct relation between increased violence against women and the lack of protection that the state offers during such a political crisis. Thus, 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.

6. Legal Initiatives in the Region and Current Challenges

Katherine Ronderos, UK Program Officer for Central America Women's Network (CAWN), states that even if many countries signed the Convention on the Elimination of all Forms of Discrimination, the implementing protocol was still not ratified by all of them. This weakened the

political will for monitoring the CEDAW. Likewise, the actual ratification of these two mechanisms in countries such as Mexico and Guatemala have not been sufficient to eliminate Femicide, discrimination and violence against women.

In 1994, CEDAW stated that violence against women constituted discrimination and therefore has to be typified as a human rights issue within the legislative and jurisdictional sphere. This was a radical change that helped push the Inter-American Convention to prevent, sanction and eradicate violence against women which became the main framework for a series of local and national initiatives. The Convention re-defines Gender violence as a responsibility of the state and forces governments to act and adopt a number of measures against it. It is thus transforming the private sphere into a public one. Especially, the concern about increasingly extreme, systematic and sexualized crimes caused academics and feminists to analyse and define them.

The concept 'Femicide' defines violence against women due to their gender as institutionalised violence, in view of the high degree of impunity and lack of access to justice for the victim's families. The academic discourse on institutional, economic, political and cultural violence demanded governmental action against the phenomenon, as, for instance, the Guatemalan 'Law against Femicide and other forms of Violence against Women' (2008) shows. Furthermore, the EP adopted in 1997 the 'Resolution on Femicides in Mexico and Central America and the role of the European Union in the fight against this phenomenon'. Since 2009 Argentina has a law that 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. This holistic approach includes concepts of Gender, tolerance and equality in the education curricula.

Still urgent is the harmonisation of laws and policies related to women's rights with international regulations and its horizontal integration among these. In addition, preventative programmes, policies and legislation must be reflected by continuous processes of monitoring, implementing and evaluation. This should be done within the framework of the protection and defence of Human Rights, the elimination of poverty and development promotion in order to achieve the Millennium Development Goals Also of importance is the adoption and implementation of Gender specific statistical tools to control adequate policies and determine risk factors. We moreover need to strengthen self-determination of women by improving knowledge of the law and political participation. Similarly, we need to analyse security, corruption and effectiveness and support schemes of non-violent masculinity.

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

Kerrie Howard, America's Deputy Director at Amnesty International stated that the killing of women is a tragedy but it is a double tragedy and a serious human rights issue when the state fails to respond to such abuse or even covers it.

She said that the severity of the public security crises in Mexico and Central America demands to address the killing of women and girls with the same level of urgency and importance as other crimes.

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 but whose whereabouts remain unknown. Greater awareness on the killing of women and extended legal obligations alone are not leading to substantive improvements in the situation. Impunity for cases of gender-based killing of women remains largely intact.

Amnesty has found that access to justice is frequently obstructed by persistent discriminatory practices. For example, in Guatemala, the Penal Code regarding sexual activity with a minor, states that the victims must be 'Una mujer honesta' and in Chihuahua, the Alba, initiating searches of missing girls, defines as high priority cases girls under 16 'without a criminal record'.

Relatives of missing women report to be humiliated by the authorities who frequently refuse to register their complaints. Amnesty frequently finds that the only cases recorded by the authorities are those supported by women's rights organisations. Officials failing to investigate, obstructing investigations or even using torture to force confessions are rarely sanctioned.

Denial of the magnitude of the problem, misrepresentation of facts or failure to collect evidence is common at the local and higher level. For instance, the Chihuahua state government report of 2009 claimed that there were 28 women killed in Ciudad Juarez in 2008, while human rights organisations, journalists and academics recorded between 75 and 90 cases of killing of women for that year. Similarly, the Mexican government wrongly claimed at the Inter-American Court of Human Rights that Amnesty International had evaluated their efforts to prevent and investigate the killing of women as sufficient.

Women's human rights defenders are frequently the target of unsanctioned intimidation and harassment. According to Amnesty, international cooperation should pay more attention to civil society organisations as well as to the victims and their relatives instead of focusing strongly on strengthening institutions.

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

After her introduction on the functions of the Inter-American System of Human Rights and the Rapporteurship on Women's Rights, Rosa Celorio, Legal Advisor and Special Reporter on Women's Rights, said that violence against women is a topic of utmost concern to the Inter-American Commission on Human Rights (IACHR). Rosa Celorio emphasised the state's obligation to prevent, investigate and punish violent acts against women and demanded precise national measures to fight impunity. She attached similar importance to anti-discrimination strategies since certain socio-cultural patterns perpetuate the notion that women are inferior. Likewise, the judicial authorities should receive gender-sensitive training.

The IACHR dealt with cases of violence against women in Ciudad Juarez, Mexico and in Guatemala that revealed clear patterns in the methodology used to process these killings; that indicated a link between individual cases of killing of women and general patterns of violence against women at a national level. This suggests the state's awareness of a serious problem and therefore increases the state's responsibility at an international level to depict the recurrence of violent acts and discrimination against women, especially by state institutions and processes, such as the public prosecutor's office or the police, and to show the continued need for comprehensive action by the state, to effectively prevent, investigate and prosecute these violent acts.

In the 'Campo Algodonero' case, the petitioners alleged that the Mexican state had violated human rights by showing inconsistencies in the investigation of the disappearances of three women in Ciudad Juarez, Mexico in 2001. Firstly, the relatives waited 72 hours before the police started searching. Then the cause of death was neither determined nor was there a follow-up of key testimonies. That the perpetrators have not been identified or punished yet demonstrates the negligence of the state towards the killing of women. Thus, the Commission accused the state of having committed human rights violations by not protecting the lives of its citizens. Because more

than 200 women had been brutally murdered in the area since 1993, the IACHR urged the Mexican state to stop impunity and recommended the implementation of measures to ensure effective investigation. The Special Rapporteur called the killings dramatic manifestations of violent attitudes based on Gender and discrimination.

As an on-site visit found, there were 352 cases in Guatemala between January and September 2004. 'Characteristic' killings indicated abuse and symbols of terror and intimidation. State authorities and civil society complained about the ineffectiveness of the judicial system, which promoted impunity and contrasts the state's official acknowledgement of violence against women as a high-priority challenge. Despite improved policies and judicial frameworks, the sense of insecurity among women increased due to the discrepancy between the official availability of certain resources and their application.

In many Latin American countries the low numbers of case- registration due to the persistent lack of confidence in the state institutions, as well as socio-cultural patterns of discrimination at all levels of the judicial branch, further impunity. Thus, authorities frequently emphasise only physical or testimonial proof and therefore blame and humiliate the victims and their relatives. Consequently, the IACHR recommended comprehensive and properly resourced policies to ensure adequate access to justice and respectful treatment for female victims. Further recommendations address the enlargement of the capacity of the judicial institutions as well as extended resources and improved structures in rural areas. But also the importance of gender-aware perspectives and of reliable data collection was addressed by Rosa Celorio.

9. Global Partnership in the Fight Against Femicide and Impunity?

Juan José Molinos Cobo, Counsellor at the Permanent Representation of Spain to the European Union, stated that violence against women is not limited to one particular social group or one specific region of the world. The fight against this type of criminal act must therefore be global and requires the commitment of the EU. Juan Jose Molinos Cobo underlines the importance of a European mandate on the protection of any victim who moves to another Member State.

He refers to the EU-Mexico Strategic Partnership and the consideration of the EP to fight Femicide with the help of dialogue, cooperation and the exchange of good practices. The EU and Mexico have established active cooperation in the area of development issues that also relate to human trafficking and gender. In 2009, Spain and Mexico signed a Memorandum concerning the fight for Gender equality and the protection of women.

Juan José Molinos Cobo also illustrates the importance of tackling common threats to peace and security such as drug trafficking, organised crime and human trafficking. Furthermore, he emphasises the role of the UN in upholding human rights and the need for close co-operation in order to achieve the Millennium Development Goals. Difficulties in doing so arise from ineffective judicial, administrative and informational structures. Juan José Molinos Cobo furthermore sees a need for intervention in the area of culture and social practices, and for empowering women's economic independence.

In order to strengthen the impact of the European Parliament resolution, the first steps would be implementing co-operative programmes, pooling resources, and developing protection policies. Increasing the budgets for investigation, creating effective witness protection programmes and strengthening the capacity of security forces, are similarly important. Other recommendations are to increase efforts to eliminate secondary victimisation and to punish perpetrators effectively.

The governments of Central American countries and of Mexico will need to eliminate discriminatory references toward women 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 co-operation between the EU and the countries of Central America and Mexico. Likewise, it is important to effectively co-ordinate the various EU initiatives and to ensure that the human rights programmes for Mexico and the countries of Central America are covered by a separate budget.

Not least, assessing the impact on equality between the sexes and creating awareness in our own societies will help not to lose time in fighting crimes against women.