

Monitoring of Chapter 7 of the EU-CELAC Action Plan on Gender 2015-2017

Main concerns and proposals from women's organizations

The eradication of violence against women in the bi-regional work

Violence against women (VAW) and, in particular femicide/feminicide, is a phenomenon highly prevalent in Latin America and Europe and one of the main causes of death, disability and disease among women on both continents. It is a serious public health problem but, above all, a **serious democratic deficit**, as fundamental rights are denied to women. So this deeply rooted, persistent and often tolerated form of crime requires the states to implement adequate policies to approach and eradicate it.

Therefore, the 1st EU-CELAC Summit in Santiago de Chile in January 2013, in response to the requests from various women's organizations, included a chapter specifically dedicated to ensuring gender equality and the protection, effectiveness and promotion of the rights of women, including the eradication of all forms of VAW as one of its axes, in its 2013-2015 Action Plan. This chapter was also integrated into the 2015-2017 Action Plan, confirming the political will of both regions to work on the development of policies that guarantee human rights for women and **especially the elimination of all forms of gender-based violence**.

Women's organizations of both regions have systematically contributed specific recommendations in order to provide content for the actions initiated in Chapter 7¹ and have persevered in their monitoring. However, it has been difficult to identify concrete activities or measures, beyond specific actions without continuity and with restricted scope. The few initiatives promoted by certain Governments - like the "Workshop on Femicide/Feminicide and VAW" organized by Argentina in 2013² - did not obtain that the issues expressed there were considered as a priority in the work of the European External Action Service (EEAS), which shows the discrepancy between the issues discussed by the countries and the action of the EU³.

¹ For example, the Conclusions and Recommendations of civil society for the EU CELAC Summit on violence against women and femicide / feminicide of the VIII Conference on feminicide / femicide (June 10, 2015)
https://eu.boell.org/sites/default/files/la_viii_conferencia_sobre_femicidio_femicidio-spanish.pdf (pp. 15 - 17).

² Done in Buenos Aires on 28 and 29 November 2013

³ As it is clear from the response of VP Mogherini on behalf of the Commission to questions of MEPs regarding (ES E-001619/2016 of 06/15/2016).

<http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2016-001619&language=ES>

Bi-regional normative framework

In Europe, the entry into force of the *Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)* in 2014, has established an equivalent normative framework to which corresponds the *Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará)*, adopted in 1994 in Latin America. These instruments, together with the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* within the system of the United Nations, provide the bases for the States' obligations in regards of the eradication of VAW. The recommendations of the bodies in charge of monitoring, namely the CEDAW Committee and the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) including its Committee of Experts (CEVI), as well as the incipient work of the Committee of Experts of the Istanbul Convention (GREVIO) **should form the guidelines for actions implemented in Chapter 7**⁴.

Areas of concern

The poor implementation of Chapter 7 in relation to the eradication of VAW reflects a limited political will as well as limited human and economic resources dedicated to it. The EEAS' initiatives are not part of a set of coherent policy actions based on normative standards of the above-mentioned treaties and the recommendations of their respective committees. The political will should be build on these bases and sufficient economic resources should be put together which are both justified by the Action Plan and by the fulfilment of the Sustainable Development Goals (the SDG 5 includes the eradication of violence as one of the main sources of exclusion that must be addressed to progress in achieving gender equality).

Women's organizations have expressed concern about the **lack of implementation of the recommendations** made by international human rights organizations regarding VAW, the persistence of discriminatory laws in many countries, as well as **laws that define or address gender violence in a restricted way by taking into account only the violence that occurs within families or couples**. We have insisted that public policy should include adequate protection systems for women considering the multiple forms of violence that are affecting them, both in the public and private sphere and the diversity of situations in which women may find themselves.

Official bodies such as the MESECVI and the CEDAW Committee have specified the States' obligations to facilitate compliance. One of the most important contributions of the MESECVI, for example, has been the development of a set of indicators to monitor/evaluate

⁴ The Euro-Latin American Parliamentary Assembly, in its *Resolution of Urgency on Femicide in the EU and Latin America*, adopted on 29 March 2014, also calls on States to deepen the implementation of recommendations given by the monitoring bodies of the various international human rights instruments

the impacts and the level of compliance of States' obligations regarding their response and the eradication of VAW.

The CEDAW Committee, inter alia, expressed its concern about the low number of **reported crimes, prosecutions and convictions** in cases of VAW in countries of both regions, therefore it has recommended to many of them to strengthen their systems of information and registration, in order **to measure the number of cases reported as well as the response of the judicial system to them**⁵.

The Committee has also drawn attention to the **need for training and sufficient specialization in women's rights for all civil servants relevant to cases of VAW**, especially for judicial officers⁶. Experience shows that training and specialization offered by States often only consists of isolated workshops or courses which neither have a structural impact on the vocational training nor have a permanent character, nor are their impacts evaluated.

Priority fields of work and bi-regional cooperation

The existing normative framework, as well as the multiplicity of recommendations from international human rights organisations working in this field should be the basis for the development of Chapter 7 on VAW, prioritizing actions that have a **greater potential for collaboration, implementation and impact on both regions**.

Considering the above, as well as issues that have been relieved in the discussion of States⁷ we think that the priority fields of work in terms of eradication of VAW at bi-regional level should include:

1. The introduction of adequate legislative or regulatory measures to **ensure that the addressing of VAW is not limited to violence in within couples or families**. Many countries in both regions have laws, strategies and resources that only focus on the domestic level and therefore fail to fulfil their obligations under the existing international legal framework, which requires them to address both VAW exercised in the public and private sphere.
2. The production of **official and accessible statistical information on all forms of VAW in the private or public sphere and in particular on femicide / feminicide**, including: number of reported crimes, protective measures, initiated investigations, prosecutions, convictions and sentences imposed on perpetrators and reparations provided to the victims. Information should be disaggregated including lesbians,

⁵ See, among others, the Concluding Observations of the CEDAW Committee to Sweden, 2016; Spain, 2016; Uruguay, 2016; Denmark, 2015; Bolivia, 2015; Ecuador, 2015; Venezuela, 2014; Belgium, 2014; Venezuela, 2014; Cuba, 2013; Colombia, 2013; Guyana, 2012; Brazil, 2012; Jamaica, 2012; Chile, 2012; Costa Rica, 2011; and Argentina, 2010.

⁶ See, among others, the Concluding Observations of the CEDAW Committee to France, 2016; Sweden, 2016; Spain, 2015; Bolivia, 2015; Ecuador, 2015; Peru, 2014; Colombia, 2013; Guyana, 2012; Brazil, 2012; Jamaica, 2012 and Paraguay, 2011.

⁷ As mentioned above in the Workshop on Femicide / Feminicide and VCM (Buenos Aires, 2013) which highlighted the importance of statistical information and training at the judicial level.

bisexuals and transgender, considering age, ethnicity, nationality, immigration status, disability, sex of the victim and the perpetrator as well as the link between them, to develop adequate public policies. A mechanism including human, technical and sufficient financial resources should be set up to analyze these data.

3. **The training and specialization of public prosecutors, police and judges and other officials relevant to cases of VAW**, including forensic scientists and doctors who deal with female victims to ensure strict application of laws on VAW, eradicate gender stereotypes and apply gender-sensitive procedures to deal with victims.

It is necessary to ensure the participation of women's organizations, women and the civil society in the implementation of all these measures, by expanding spaces of dialogue and cooperation between them and the EU-CELAC. Therefore the existence of a structured platform is essential, on which the civil society can make regular follow-ups on the recommendations, which permits accountability.

