



Rapporteurship

9th Conference on Femicide / Femicide

WE WANT US ALIVE!

Eradication of Violence against Women in Bi-regional Relations

EU-CELAC

18 September, 2017, San Salvador

Introduction¹

The objective of the 9th Conference on Femicide/Femicide² was to reflect on the situation of femicide/femicide in Latin America (LA) and in the European Union (EU), and to discuss the most recent proposals to combat this phenomenon. These are: the call by the United Nations (UN) Special Rapporteur on Violence Against Women (VAW), which includes the creation of an “Observatory against Femicides”³ and the collaboration between the follow-up mechanisms of the Inter-American Convention for the Prevention, Sanctioning and Eradication of VAW (Belém do Pará Convention) and the Council of Europe Convention on Preventing and Combating VAW and Domestic Violence (Istanbul Convention), the framework for Chapter (7) on gender of the Action Plan EU-CELAC⁴.

¹ Moderator: **Molly Scott Cato**, Member of the European Parliament, Green Group/EFA

Panelists: **Mariana Moisa**, President of the Feminist Collective for Local Development

Federico de Torres Muro, Spanish Ambassador to the Republic of El Salvador

Dubravka Simonovic, Special Rapporteur of the United Nation (UN) on violence against women, its causes and consequences

² The 9th Conference on Femicide/Femicide was organized by the Heinrich-Böll Foundation European Union and El Salvador, the Feminist Collective for Local Development and Ernest Urtasun from the Group of the Greens/EFA of the European Parliament.

³ Joint call of the UN Rapporteur on VAW and All other Global and Regional Mechanisms to end Femicides and Gender Based Violence

http://www.oas.org/en/iachr/media_center/PReleases/2016/172.asp

⁴ European Union – Community of Latin American and Caribbean States (EU-CELAC).

We call feminicide/femicide the murder of a woman for being a woman, which constitutes in itself a violation of the right to life. Nearly all countries in the world currently have violent expressions of oppression in their societies which subordinate women and girls and in some cases, in the ultimate act of violence, kill them.

These conferences on feminicide have tried to give visibility to the terrifying reality of feminicides, denounce the impunity which surrounds these crimes and call for universal responsibility. Through the organisation of conferences in different locations, such as Madrid (2010), Santiago de Chile (2013), Brussels (2015) or the one organized on 18 September, 2017, there have been calls for the EU to incorporate this issue into its relations with LA, and for the governments of the EU-CELAC to take measures to guarantee the right to a life free from violence.

During the last decade there has been a growing awareness of the issue (with large demonstrations in various Latin American and European countries) and significant progress has been made in the long struggle against gender-based violence in which the work of feminist organisations has been crucial. Thus, today, we have regulatory frameworks such as the CEDAW, the Belém do Pará Convention, the sentence against Mexico in the Inter-American Court for Human Rights (CIDH)⁵ in the “Campo Algodonero” (Cotton Field) case, the Istanbul Convention, recently ratified by the EU, as well as various laws that criminalize femicide/feminicide, mostly in LA.

However, currently women all over the world continue dying for simple fact of being women. VAW statistics continue to be alarming and unacceptable in many LA countries. For example, El Salvador, host country of this 9th conference, has the highest rate of feminicides in the world, where sexual violence is one of the greatest threats for women and girls.

In this context, the EU-CELAC Action Plan, which provides guidelines for agreements on cooperation between the two regions, contains a chapter, the seventh, specifically about gender. In this chapter, one of the main objectives is the elimination of all forms of VAW and girls, including sexual violence. Unfortunately, in the seven years that have elapsed since the adoption of Chapter 7, no significant cooperation has occurred in this area.

The links created between the Istanbul Convention and the Belém do Pará Convention offer a new opportunity to make real progress in the cooperation between the two continents. In this context, the 9th Conference debated and proposed specific actions based on human rights regulatory systems at a global and regional level in order that the EU, CELAC and the States in both regions implement Chapter 7, at the same time as fulfilling the agreements on the eradication of all forms of VAW.

This link between the Conventions should be accompanied by the initiative of the UN Special Rapporteur on VAW its causes and consequences to establish feminicide observatories or femicide watch and the recommendations of the *Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW)⁶.

The UN Rapporteur is also in agreement about the persistence of VAW throughout the world and is alarmed by increasing numbers in some regions such as Latin America. She sees the variations in feminicide from country to country as partly a reflection of differing attitudes and manifestations of VAW. One of the objectives of her mandate, therefore, is the collection of data on VAW in order to measure and establish those differences.

⁵ CIDH, Case of González et al. (“Cotton Field”) v. Mexico
http://www.corteidh.or.cr/docs/casos/articulos/seriec_205_ing.pdf

⁶ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW):
<http://www.un.org/womenwatch/daw/cedaw/>

While each country has its own particular characteristics, the Rapporteur views the main causes of femicide from a global perspective and seeks to identify the legal frameworks that will decrease its incidence, as well as ensuring the implementation of international treaties that guarantee its prevention. The Rapporteur recognizes that in some places there are already some “good practices” regarding data collection, but she also recognizes that there are many difficulties and differences to overcome. In Argentina, for example, despite of the existence of femicide observatories, the data only includes cases that have been through the courts, thereby neglecting large numbers of women who are victims of sexist violence.

According to the Rapporteur, the priority must be prevention by means of the introduction and implementation of the international and regional treaties that deal with the rights of women and VAW. She also insists on the need to guarantee the protection and the providing of shelters for the victims, as well as learning from cases of gender-based violence.

The IX Conference on Femicide/Femicide

The Conference addressed the following issues:

- I) The potential collaboration of the Istanbul Convention and the Belém do Pará Convention in the struggle against VAW and, in particular, the proposals for the implementation mechanisms of both conventions: MESECVI and GREVIO
- II) The views of representatives of civil society on the proposals of the UN Special Rapporteur and those of MESECVI and GREVIO
- III) The sexual and reproductive rights of women and, specifically, the legalization of abortion as tool to reduce femicide.

I. Advance towards the eradication of femicide in Latin America and Europe with the support of the Istanbul Convention and the Belém do Pará Convention⁷

- Belém do Pará Convention: more than 20 years

Despite the bi-regional agreement between EU and CELAC member countries to try to eradicate VAW, the European External Action Service (EEAS) and the members of the EU and CELAC have developed few initiatives in this respect. In the evaluation of the EU-CELAC Action Plan 2015-2017 regarding the implementation of Chapter 7, Exterior Ministers of both regions wrote the following: “*It is essential to carry out additional result-oriented activities on outstanding issues and a stronger effort is needed to implement this chapter of the Action Plan.*”

Furthermore, the few initiatives that have been developed lack coherence both between themselves and with international norms that exist to protect the rights of women, especially with the Belém do Pará and Istanbul Conventions.

⁷ Moderator: **Patricia Jimenez**, Heinrich-Böll Foundation European Union

Panelists: **Luz Patricia Mejía**, Organization of American States, Coordinator of the Technical Secretariat,

Rosa Logar, Vice-President GREVIO

Andreu Bassols, Head of the Delegation of the European Union to El Salvador

20 years after the Belém do Pará Convention, there are many reasons why this Convention could bring its experience to support the progress of the Istanbul Convention, as both regions share similar problems, albeit with certain differences.

It is vital to identify VAW so as to have comparative data that would enable us to evaluate the current situation and take measures to establish efficient public policies. The representative of MESECVI, which already works in this area, presented a report with the third round of the multilateral evaluation which takes into account the implementation of the articles of the Convention referring to special preventative measures to eradicate VAW.

145 indicators were selected in order to evaluate the levels of implementation achieved in the region of measures for the prevention of discrimination and VAW. An evaluation of the gaps could then be made between a life free from violence and the cultural transformation necessary for the regulations to be really effective. The results of the report show that more than 50% of the States provided no information, rising to 57,69% in the case of the access to justice module.

MESECVI points to three areas of vital importance. The first of these is **prevention**, which can be divided into two types; on the one hand, general prevention in the first instance, and on the other hand, specific prevention after the risk factor is known. In other words, there is an obligation to **provide protection and prevent repetition** to women who survive violence and for potential victims.

Secondly, with adequate protection in place, it is vital to **guarantee access to justice** for women and girls, which also represents a challenge for the two regions, one in which universal access and the preparedness of the criminal justice system and more concretely the training and monitoring of judges and prosecutors, plays an essential part.

The third element deals with the **adaptation of the criminal justice system** to VAW. In LA there are femicide laws and criminal codes that establish aggravating factors or separate types of femicide (in Argentina, Bolivia, Costa Rica, Honduras and Mexico, among others). These laws aim to establish sexist violence as a relevant category in the criminal justice system. However, it is necessary to investigate whether the different criminal systems have been properly designed to deal with the specific characteristics and manifestations of VAW, and whether existing laws are sufficient and are being properly implemented in the countries.

In this context, it should be noted that statistics relating to women victims of this crime are very scarce. Moreover, the majority of women who die in their homes, at the hand of their partners, have previously reported violence to the authorities. The States provide partial information from different sources, making it difficult to arrive at a definitive figure for femicides/femicides at a regional level. Only 5 countries⁸ provide data on something as important as the average time taken from initiation of the legal process to final sentencing.

⁸ Argentina, Bolivia, Ecuador, Peru and the Dominican Republic

- *The Istanbul Convention: the beginnings*

The Council of Europe spent 10 years working to finally get the European Convention to be adopted in Istanbul in 2011. The first vice-president of GREVIO, Rosa Logar, claimed that the creation of this Convention was in part inspired by its Latin American counterpart, the Belém do Pará Convention. The Istanbul Convention is a very comprehensive instrument with two monitoring mechanisms: GREVIO (comprising independent experts) and the Committee of the Parties (ratifying States). The monitoring work has begun; in September 2017 the reports of Monaco and Austria were presented.

The Istanbul Convention contains a comprehensive analysis of VAW, examining not only the prosecution but also prevention and provision of support to victims. The survivors need protection and support of the law as gaining access to justice is sometimes very difficult in the EU. In spite of the work carried out, there is still a lot of prejudice in some EU states. In the investigation process women feel undermined by questions such as why they left their houses so late or why they didn't do as their husbands or partners requested. For this reason, a protection system is crucial, in addition to shelters for victims of VAW, to which the Convention dedicated an entire chapter. It is essential that the focus of the programs is survivor-centred and that everyone involved with VAW prioritize the rights, needs and wishes of the survivors.

GREVIO emphasized the need to protect migrant and undocumented women as well as the application of the principles of non-discrimination and an assurance that all women can enjoy the same rights. There are, for example, women from LA residing in the EU who are undocumented and have no access to public services or victims' centres, and can thus not be guaranteed the right to a life free from violence.

Emphasis was also placed on the due diligence of States. In many cases authorities were aware of incidences of violence against women but failed to take appropriate action. Many of the cases of VAW could be avoided if they were taken seriously by the police, the courts, and the criminal justice system. There are sentences from the European Court of Human Rights that determine the responsibilities of certain States, after they failed to protect women victims of gender-based violence. Therefore, authorities are urged to comply with the systemic risk assessments laid down in the Istanbul Convention; in other words, to evaluate all types of manifestation of VAW, and not only high risk cases. All levels of VAW are unacceptable and the authorities must act decisively by offering more support in the cases of repeated and escalating violence.

Finally, there was a call **for States to support and to augment the work of feminist and human rights groups** and to recognize the importance of their role in the struggle against VAW. We should never forget that the cooperation between civil society and governments is one of the basic instruments to tackle the issue of femicide.

- *Towards a future collaboration EU – Latin America*

MESECVI, for its part, argued that VAW is not an isolated act and proposed three areas of work for collaboration with the European region. First, **raising awareness of the femicide phenomenon**, a task that the Belém do Pará Convention has spent two decades working on and which has resulted in 12 countries criminally classifying femicide. In the EU, however, given that almost no country has laws of this type, the Belém do Pará Convention would appear to have much to offer.

The second element discusses the need for both regions to produce **reliable data** for publicizing, analysing, and identifying the causes of VAW so as to create public policies and effective laws. MESECVI point out that the resources available to deal with the VAW epidemic are very limited; just 0.01% of the national budget in the best of cases. While there has been

clear legislative progress, there have still not been changes in the structures that deepen VAW, at the centre of which is the dominance over women.

Regarding the third element of collaboration, MESECVI sees positive results from the European experience of prevention of VAW. It recognizes that in the EU there has been greater progress in the area of gender stereotyping, in community education and in media attitudes. Similarly, they see some measures such as the Joint Councils for the Evaluation of sexism in advertising and television as very positive steps.

GREVIO, as mentioned above, are aware that the Belém do Pará Convention inspired many of the principles contained in the Istanbul Convention. With that in mind, the GREVIO representative showed great interest in the obstacles and difficulties faced in the Latin American region in those years, so as to be able to optimize work which was just beginning in Europe.

Another of the priorities for GREVIO, and where cooperation with MESECVI would be very effective, is to make the institutions on both continents more accessible for the exercise of human rights and to ensure that women play an important role in this. This access to the justice system should be extended to migrant women on whom some of the most flagrant abuses are perpetrated.

In summary, it was clear that the two regions' mutual learning processes would be extraordinarily beneficial as a means of focusing the struggle against VAW. The framework offered by Chapter 7 of the Action Plan is without doubt the most adequate to unite the Istanbul Convention and the Belém do Pará Convention, including the recommendations of CEDAW and the Joint Call of the Special Rapporteur for the eradication of femicide. Another great advantage of this collaboration would be to avoid unnecessarily duplicating work.

II. Civil Society perspective on the proposals of the representatives of MESECVI, GREVIO and the UN Special Rapporteur on violence against women, its cause and consequences⁹

After the presentations of the UN Rapporteur, MESECVI and GREVIO, it was the turn of the representatives of civil society to express themselves on the proposals described above. Experts in women's rights from LA and the EU offered their views on the EU-CELAC Action Plan and its implementation with regard to the eradication of VAW. They also discussed the possible areas of participation for civil society actors.

Femicide is far more complex than the simplifications in the EU-CELAC Action Plan in Chapter 7 would suggest. There are many other factors that have an effect on VAW, such as sustainable development, climate change or biodiversity for which bilateral efforts to confront the problems cannot be limited to gender questions in only one chapter.

It has taken feminists in the Latin American region many years of effort to pressure countries to formally accept that VAW exists, that women are killed for being women and that femicide is not something that applies only to couples. Above all, it has cost the deaths of many women.

VAW and femicide are problems arising from the political and economic systems in place and this fact must underpin any plan of cooperation between the two regions. There is also a

⁹ Moderator: **Ana Martínez**, Feminist Collective

Panelists: **Ana Carcedo**, Feminist Centre for Information and Action (CEFIMINA)

Maria Ysabel Cedano, Estudio para la Defensa de los Derechos de la Mujer (DEMUS)

Gema Fernández Rodríguez de Liévana, Women's Link Worldwide

relation between the strength of the social fabric and femicide, in the sense that the lower the level of the former the greater the possibilities that numbers of the latter will rise. The more power wielded by powerful lobbies, the more insecure the situation of women.

Migration, for example, is a factor that increases femicide. In the U.S. border region VAW is a common occurrence. These are foreseeable femicides which could be avoided if immigration barriers were lifted, but the States have relinquished their authority to put order in one of the most threatening scenarios for women. In sum, there exists a chain that cannot be encapsulated and needs to be totally reconsidered.

Femicide needs a wider perspective, and one where changes in current reality are sought. It is necessary to recognize VAW in public spaces as well as that perpetrated by other actors, especially the State and its complacency. In this sense, it is imperative to consider the criminalization of abortion as a femicide scenario.

The initiative of the UN Special Rapporteur regarding the creation of observatories was celebrated by feminists in the region. However, there was some concern that much of the progress achieved in many countries of Central America could go ignored, and some of the ongoing processes fall apart.

Neither the Belém do Pará Convention nor the specific femicide laws in LA exist by chance. They are the fruit of many years of struggle and a huge effort where women's organisations have carried out investigations, created a methodology and set up observatories such as those of Costa Rica and Honduras. This is why they call for institutions to take on board the advances on the continent for the debate.

In spite of the advances, Latin American feminists are aware of the gap that exists between a formal conquest of rights and the real exercise of such rights. After Belém do Pará the laws in many LA countries began to conform to the standards laid down in the Convention, so the challenge of today lies in the implementation, given that despite the policies and laws, "they keep on killing us," say feminists. Civil society and feminists organisations in LA realize that they need to rethink their strategies to confront new challenges and ideological battles, such as those arising from the alliance between catholic and evangelical establishments - which no longer walk separate paths - and who now jointly threaten to destroy what has been achieved in gender equality. This dispute has to be about ideas and strategies to preserve the rights that have already been gained; it has to be about respecting those rights so as not to return to the status quo ante.

Among the women and human rights organisations of in Europe region, the EU-CELAC Action Plan is unknown. Despite being a relevant plan, unfortunately it has been given little exposure. The meagre advances of Chapter 7 since the Chile Summit of 2013 have given rise to a certain scepticism about its ability to achieve changes.

The proposal of European civil society for Chapter 7 was for the design of a system of indicators that would permit the measurement and evaluation of results. Without a system of indicators, it is difficult to make an analysis and identify opportunities for improvement. For such tasks, consultation with female experts and organisations in the field is necessary.

The second aspect dealt with was the legal disparity within the European region regarding VAW. Each country offers different protection and gender-based violence is conceptualized in a different way, without any coherence with the established international standards. There are also gaps in legislation, such as the lack of a European Directive on gender violence. However there is a Directive on the protection of victims of crime in which VAW is included.

Both Europe and Latin America are facing a regression in women's rights and gender equality. The CEDAW Committee in its Recommendation No. 35 (updated by No. 19) talks about a

context of erosion, often justified with a resurgence of fundamentalisms, and cuts in public spending during the financial crises and especially in the provision of basic services that guarantee freedom from violence.

Some progress can be noted however, such as the 2002 and 2004 Equality Directives on equal opportunities in employment access, the 2011 Directive on preventing and combating trafficking in human beings and protecting its victims, or the EU recent accession to the Istanbul Convention. However, there have been concerns about how far-reaching the implementation of the Convention will be. Women's organisations have suggested that it would have been more expedient to have passed a Directive on gender violence.

It is therefore suggested that attempts should be made to improve the uniformity of European legislation on VAW, thus avoiding fragmentation. However, the real challenge lies not in the legislation itself but in putting it into practice. The focus should therefore be put on implementation. In this respect, we should not forget that gender stereotyping by justice professionals is at the basis of the failure of implementation, in spite of the standards about equality in access to justice contained in Recommendation No. 33 of the CEDAW.

Similarly, the struggle against VAW must be strengthened through the EU's external policies, especially through the European Union External Action Service. Bi-regional cooperation offers opportunities such as: 1) The analysis of the causes of VAW and the nature of the violence in different contexts can be common to both regions; ii) The reading of the reply of the States to VAW and the failures in protection systems; iii) The cooperation between States to improve preventive mechanisms; iv) The alignment of regional and international standards on VAW.

The mission of European civil society in this area must be to demand that EU institutions in the EU-CELAC Action Plan not only serve business interests but also guarantee that economic development is combined with social and ecological justice and that VAW forms a central part in this cooperation. We should work towards ensuring that EU investment projects do not generate violence, displacement and dispossession and insist on the idea that there is no displacement because there is violence but also that there is violence for displacement to occur.

As women comprise 50% of the population it is necessary to start a movement towards social change, towards a life free from violence and a dignified life. To this end, feminism has a lot to offer.

III Feminicide and sexual violence: links of terror in the chain of violence against Latin American women¹⁰

Sexual violence is one of the cruellest forms of violence that can be inflicted on a woman. Sexual violence is a very old form of warfare, in constant use in our countries from times immemorial. In El Salvador, when the peace agreements were signed, no concern was given to the fate of women during the war, rendering null and void any attempt or proposal to seek reparations in this matter. The extent of the sexual violence during the war is reflected in statistics which show that between 2012 and 2016 there were 29,772 cases of rape.

This violence, which is rooted in culture, has two functions: one expressive and one instrumental. Expressive violence produces pregnancies which are imposed on women, and induces suicide, commits feminicides and is a violence that influences the behaviour of the victims and other women in the area. The culture of instrumental violence seeks to maintain women under constant threat of terror.

The term “culture of violence” is used in the sense that sexual aggression has become a practice, that though socially censured is so generalized that it is considered acceptable and just another part of being a woman. It is part of their reality, it has become the norm, and it is the result of the learning that, in their patriarchal and sexist society, power belongs to men. This conceptualization of VAW as a culture of violence contains various elements: it dehumanizes women, humiliates and degrades them; it imposes an “ethic” of silence inhibiting the speaking out about acts committed on them; it usurps the credibility of the victims and creates forced reproduction. We can say the following:

It dehumanizes women. It reduces them to living beings without the power to decide about their own bodies, or their sexuality, or their reproduction. The aggression degrades, humiliates and subjugates them. This violence produces devastating consequences, which go far beyond the act of rape itself. It induces women to devalue their own bodies, to reduce themselves to victim status, to blame themselves for the violence inflicted upon them.

After being subjected to sexual violence, victims find it hard to talk about the experience. They then have to endure *the sexual ethic of silence* where socially and culturally engendered norms of behaviour dictate that decent women do not talk about their sexual experiences. This ethic, socially learned in LA culture, impedes the victim from “talking about her situation” and reporting it to authorities. This ethic betrays the victim who, by not speaking out, becomes the perpetrator’s protector. The blame thus returns to the woman, making her responsible for what happened (the aggression).

Widespread incidence of rape in our societies usurps the credibility of the victim. If she decides to talk, she is breaking the silence, and her attitude will be questioned, “Why did you report this now?” “And how were you dressed?” “Why did you not defend yourself?” “Why did you not speak up before?” In this way her credibility is systematically destroyed while feelings of guilt and degradation come to the fore.

One last element that forms part of the culture of violence is the remedial value of rape, forced reproduction. Many international rules and regulations make clear that forced pregnancy is a

¹⁰ Moderator: **Alba Evelyn Cortez**, Union of Salvadorian Women (UDEMAS)

Panelists: **Silvia Juárez**, OEMUSA, El Salvador, **Miuriel Gutiérrez**, Network of Women against Violence, Nicaragua, **Suyapa Martínez**, Women’s Studies Centre (CEM-H), Honduras. **Elba Nuñez**, **Latin American and Caribbean Committee for the Defense of Women’s Rights** (CLADEM)

form of torture. Failure to legislate against this is tantamount to accepting that the State owns women's bodies.

In El Salvador, the number of forced displacements, of homicides, of sexual violence, and of crimes committed by gangs is more than sufficient evidence of the level of violence in their communities. As if that were not enough, there are new scenarios of risk and new contexts of conflict in the region. The CEDAW should not only be involved in the prevention of international armed conflict, but also at the level of violence in communities, states of emergency and repression. Given the lack of security in the region, the logic of armed security puts a weapon in the hands of men but not of women.

The Rapporteur on New Forms of Slavery in 2006 issued a press release and a report with evidence that there is a form of sexual slavery of women and girls in El Salvador. There is also evidence of incest. A large part of violence committed occurs in a home setting, in a space which one assumes is the most secure.

But how are these aspects linked to feminicidal violence? First, the victims are dehumanized and made to feel guilty. Then through silence there is impunity for offenders. This violence and the imposed pregnancies will only end when women will have the right to a live free from violence.

- *And what legislative progress has been made on this issue?*

There has been legislative progress but impunity is rooted into the system in LA as a mechanism of power, and it remains hidden in various areas. For example in El Salvador, the health system, sexual violence – as prevalent as it has become - is not treated as a medical emergency.

The remedy to violence has to come from the legislative process but also from the security offered to women by the State. It is an area where international cooperation is helping El Salvador. However, to adequately coordinate this support one must consider the impact on women of the armed, violent and hegemonic masculinity which exists in nearly every country in the region.

In Nicaragua, women who live in isolated areas where State presence is minimal, have no access to the justice system. Together with state abandonment, another factor also reinforces patriarchy, namely religion. Fundamentalist religion has a big influence on the proposals, the passing and enactment of public policies which fail to offer support for the protection of women, despite the fact that according to their respective constitutions LA countries are secular.

In Nicaragua, two recent feminicides have become landmark cases. The first victim – Carla – was murdered by her ex-partner after having reported him three times to the police. The police failed to do their job and the feminicide occurred. In the second case – Vilma – she was burned alive on her community. This feminicide brought together a number of factors, from misogyny, mixed with extreme male-oriented ideologies and religious beliefs, to extreme cruelty and a complete lack of State presence in her community.

Legislative reforms to protect the rights of women in Nicaragua could best be described as weak efforts and the recent *Ley integral contra la violencia hacia las mujeres (ley No.779)* (Integral law against violence towards women) represents some progress but it typifies feminicide in only three areas: a) Interpersonal relations, b) relationships in a couple c) intimate feminicide. This limited classification is a violation of the Belém do Pará Convention as it reduces the minimum standards established by the Convention, which stipulates that VAW transcends all sectors of society. Under this law, by contrast, violence in other spaces such as at work, in the community or in public spaces is not considered.

According to the observatory *Voces contra la Violencia* (Voices against Violence) of the group “Catholics for the Right to Decide”, there were 38 feminicides registered in Nicaragua in 2017. The number would be higher if the public feminicides not included in the law were counted. *Frustrated or attempted feminicide* is not classed as a crime, but as *minor injuries* because it is considered that it does not directly affect the life of the woman.

In Honduras, women’s organisations have spent many years combatting feminicide and in spite of the CEDAW, Belém do Pará, national legislation and the Agenda 2030 for Sustainable Development, Honduran women feel insecure in their country. They live in militarized communities and face violence both at home and on the streets. As with other countries in the region in Honduras the bodies of women are discovered, victims of violence, viciousness, evidence of rape and even with political messages on their bodies.

In the context of this lack of security, female defenders of human rights are also being murdered. Defenders of the land Margarita Murillo and Berta Caceres, an indigenous and environmental leader, respectively, were both murdered. The “*Centro de Estudios de la Mujer*” (CEM-H) (Women’s Studies Centre) accused the company *Desarrollos Energeticos S.A.* (DESA) of being intellectually responsible for the death of Berta Caceres and the company is now facing a lawsuit.

In Honduras, there have been 5,196 feminicides in the past 14 years. In the years before the coup of 2009, the average number of murders of women was 228 feminicides. After the coup, between 2010 and 2016, the figure rose to 514 deaths per year. A key factor in the increase has been the militarization of security.

Of the cases reported in the last 8 years, only 34% were prosecuted in a court and of those in only 17% of the cases sentences were handed down, though these were not for feminicide but for homicide, murder, or parricide. Despite the creation of the crime type of feminicide in 2013, only after 2015 were 10 cases tried under this crime. Institutional weakness and the lack of a specific focus during criminal investigations makes the law difficult to apply.

The situation is not helped by the fact that the budgets to strengthen institutions and defend the rights of women are very low. Courts specializing in domestic violence are allocated only 1.08% of the budget for the judiciary. The Special Prosecutor for Women receives less than 2% of the budget of the public ministry. The category of the National Women’s Institute was lowered and it was awarded less money than that dedicated to Zoology. The absence of political will is reflected in the current deficit of human and material resources, as well as the incapacity of the State to apply standards of human rights, such as those of the Convention Belém do Pará.

There is an urgent need of a cultural change in order to highlight the importance of work against VAW and feminicide. It is necessary to revise and to improve national and regional legislation, systems of legal training and the system of registries, as well as access to the courts. The procedures and methods of investigation also have to be revised, as well as accountability and the strengthening of the relation between government institutions and women’s organisations.

In spite of all the problems we also have to acknowledge the successes of the feminist movement and use the example of VAW becoming a national issue both in the public and the private spheres. From CLADEM the law is seen as a vital tool for change, and progress has been achieved with regard to legislation. However, when we examine the execution of the laws, when we securitize the budgets allocated, and the institutional mechanisms for applying these laws, numerous weaknesses are brought to light.

Neither should we forget that currently a counter-reaction is now underway among conservative circles at a global level to attack the achievements of the women's movement, which borders on fascism when discussing issues such as equality and women's freedoms as citizens. While States call themselves secular and purport to follow the recommendations of Belém do Pará by establishing specific legislation against VAW, the rise of religious fundamentalism has put a brake on the democratic process. One clear example is the so-called "gender ideology" promoted by religious groups, priests, evangelical ministers and the like in several LA countries, even in the north. They are violently opposed to educational policies that propose the integration in the national curriculum of a focus on gender. At heart, it is an antifeminist fundamentalism that is currently building at the same time that numerous cases of femicide have reached public consciousness.

However, thanks to the strength of the feminist movement in alliance with human rights movements across the region, the campaign "Not One Less" ("*Ni Una Menos*") has been launched. This campaign and the strike of March 8, show that the feminist movement gained public awareness, we have presented ourselves as subjects of law and we have campaigned for States to be held responsible for guaranteeing women a life free from violence. Faced with the setbacks in various regions, and as part of a historic process, the current challenge is to reconfigure the strategies of struggle of the women's movement and deepen the unity and coordination of social movements, in order to face the challenges head on.

The EU and CELAC could contribute by making a call to States to stand firm and uphold the progress achieved so far. The slogan would be, "Not One Step Backwards". The States and international institutions like the EU that do not intervene to stop VAW, can be viewed as complicit in these crimes. One appropriate strategy would be to expose them to international shame and force them to explain themselves, something that has worked on some occasions.

In general, there has been progress at the level of drafting and passing national laws. However, the allocation of sufficient budgets, institutionalisation and its instruments of implementation still constitute serious and difficult challenges. Similarly, in the majority of national experiences there have been legal setbacks in relation to typifying certain crimes and the application of justice, especially in the case of femicides. There is a need to push for a cultural change where the violence becomes the subject of increasing public attention and concern. The naturalization and impunity of VAW must no longer be considered acceptable in any form.

There are new scenarios of violence due to the militarization of some countries. The number of attacks on human rights and environmental campaigners and those who defend their land and their territory has increased. Religious fundamentalist groups have also posed a threat in attempts to block or turn back legislation and eliminate education programs in schools and colleges. There have been both advances and setbacks in the various countries' compliance with the standards set out in the Belém do Pará and CEDAW Conventions.

IV Reproductive Rights in a context of absolute criminalization of abortion and preventable maternal deaths¹¹

Reproductive rights are human rights which recognize that women are free to decide about their bodies and their reproduction. The State should provide secure, quality services without discrimination, without duress or violence to guarantee access to these rights.

The legal situation of abortion in El Salvador does not guarantee this right. As in many other countries, in El Salvador exists a legal framework that regulates sexual and reproductive rights. The “*Ley Especial Integral para una Vida Libre de Violencia hacia las Mujeres*” (Special Comprehensive Law for a Life Free from Violence towards Women) is one example of such regulation. However, there are contradictions between this law and the 1998 Penal Code which completely criminalizes abortion, thus threatening the health and the life of women. The Code also blocks the implementation of the above law and other laws, while it undermines the secular State generating discussions and taking decisions from a religious perspective.

The 1998 Criminal Code totally prohibits abortion and does so on the basis of the reform of the first Article of the Constitution of the Republic, which recognizes a foetus as **a complete human being from the instant of conception**. This article creates a conflict between the legal rights of the mother’s life versus the legal rights of the unborn. The Code dedicates its title 2 to the crimes relating to the life of a human being in the process of creation and criminalizes different types of abortion with different sentences. Thus, in article 133 abortion with consent or self-induced abortion is penalized with between 2 and 8 years in prison.

In order to amend article 133 of the Penal Code, Lorena Peña, a congresswoman of the FMLN¹², a left-wing party currently in power, presented a proposal to the Legislative Assembly. The proposal called for abortion to be legalized in the following conditions:

- When the life and health of the woman is at risk.
- In case of rape or human trafficking and with the consent of the woman.
- When the foetus presents characteristics not compatible with extrauterine life.
- In the case of rape or statutory rape of a child or adolescent.

These conditions are subject to prior medical opinion, the consent of the woman, and that the abortion is performed in secure conditions with correct hygiene and health.

The party of the right – ARENA¹³- presented two proposals. The first proposed increasing sentences from 30 to 50 years in prison. The placing of advertisements for abortion services in the media to be sanctioned by between 1 and 3 years of incarceration, and for the illegal sale of abortifacients from 6 months to 2 years in prison. The second proposal called for the depenalization of abortion under two conditions: when the pregnancy is produced by a sexual aggression or rape and when the life of the woman is in danger.

Discussions of these proposals are taking place at the Legislative Commission. The Health Ministry has delivered to the Legislative Assembly a petition with 700 signatures from health professionals which supports the FMLN proposals. This support for the depenalization of

¹¹ Moderator: **Sara García**, Feminist Collective for Local Development,
Speakers: **Anabel Belloso**, Representative of the Legislative Assembly of El Salvador. **Eduardo Espinoza**, Vice Minister of Health, El Salvador. **Carolina Mena**, Medical Union for the Health and Life of Women. **Angélica Rivas**, Lawyer, Feminist Collective, El Salvador.

¹² Frente Farabundo Martí para la Liberación Nacional.

¹³ Alianza Republicana Nacionalista.

abortion is significant as the signatories are health professionals and workers who are experts in the issues being debated.

The complete ban on abortion threatens the life and health of women. Statistics show that imposing ever stricter laws does not improve the situation. Maternal mortality rates and the numbers of abortions being performed have not been reduced.

In the countries where abortion is criminalized, there is generalized under-reporting of the number of abortions or the deaths caused by abortion. Given the conditions in which the abortions are carried out – clandestinely, illegally and with the stigma and the fear of being criminalized, true figures for maternal deaths and injury may never be known as the victims never reach a hospital.

El Salvador, Honduras, Nicaragua and the Dominican Republic are countries where abortion is completely prohibited. In these countries abortion without risk is a privilege open to only those who have the means to travel to a country where abortions are legal. Women without means frequently seek out the service of backstreet practitioners, resulting in women nearly always suffering complications and in many cases death.

Only the most serious cases reach hospitals, especially those suffering haemorrhages or other serious complications. In 2016, the Health information system showed more than 7,500 cases of septic abortions, which is to say spontaneous or induced abortions which have resulted in pelvic infections. The Ministry of Health considers that women have a right to quality health services in situations resulting from an abortion, and that care must be given to women unconditionally, even though abortion is prohibited and carries penal sentences. The health services must not consider the fact that the woman in question may subsequently be subject to a criminal conviction. In no case should they use the woman's initial declaration as evidence against her or against those who performed the abortion.

Current legislation in El Salvador creates great fear on the part of health professionals, because there have been cases where medical staff have been punished. Current legislation incites or forces the breaking of ethical codes and medical secrecy, because women who have received medical attention for reasons related to abortion are prosecuted.

There are other problems where therapeutic abortion should be permitted. In the most frequent and numerous case, ectopic pregnancy, 406 ectopic pregnancies were registered in 2016, followed by cancer, lupus, heart disease, hypertension and other diseases. There were also 20 cases of foetal abnormality incompatible with life which should have resulted in therapeutic termination of pregnancy. In these cases, medical staff have to wait for bleeding of the woman to occur in order to intervene, even though the foetus has no possibility of surviving. Ectopic pregnancies are the most dramatic cases and exemplify the irrationality of criminalization of all abortions.

The example of five cases of abdominal ectopic pregnancy, in which the mother or the foetus or both died, highlighted the tragic effects of existing legislation. When foetal malformations incompatible with life are found, doctors cannot formulate an adequate medical response.. In other words, even though the mother is aware that the baby will not live, she must continue with the pregnancy and give birth. The law prohibits medical intervention and women are denied the right to decide whether to continue with the pregnancy. There can be no discussion on the matter because doctors are not allowed to offer the option of abortion. This results in Public Health services that are not fit for purpose, where the psychological damage to the mother is not taken into consideration.

The Salvadorian Medical Union for the Health and Life of Women, which represents many doctors, especially gynaecologists, visited the Legislative Assembly to present its opinion on

pregnancy interruption in these cases. In line with the World Health Organisation (WHO), the Obstetrics Foundation, the National Bioethics Commission and others, the Medical Union takes an ethical and scientific position regarding pregnancy termination. It proposes changes to the legislation that would allow for dignified treatment to patients and the provision of all the modern medical options that exist to deal with high risk situations, foetal abnormalities incompatible with life, and pregnancy caused by rape.

In El Salvador, apart from the complete criminalization of abortion, the feminist movement itself has been censured. This censure arose from the article in the Penal Code that penalizes any encouragement or help for abortion. Until 2006 there was silence on this issue on the part of feminist organisations. However, in 2006 the Feminist Collective decided to define a strategy to keep the debate on abortion in the national agenda. The current legislation, which prohibits all types of abortion, is causing numerous deaths of women. Moreover, sentences of up to 30 years can be expected for induced abortions or spontaneous abortions.

Added to the draconian legislation faced by women in El Salvador, attempts by groups like "Pro-Life" make matters worse and are backed by evangelical fundamentalists who are influential in public health policy development. These groups are multi-national and can count on international support to run a non-stop campaign against abortion and interfere and impede the progress of necessary reforms, such as the reform of the Penal Code.

Women have a right to receive quality treatment in public health centres. To have women in the country locked up for abortion, should be the subject of international shame. The women who end up in prison are the poorest, the ones who cannot afford to pay for quality treatment in a private clinic and whose only recourse is to public health service.

The current challenge is to reach an agreement within the Legislative Assembly which would allow a reform of the Penal Code that would guarantee the reproductive rights of all women.