

FEMINICIDE: A GLOBAL PHENOMENON FROM SANTIAGO TO BRUSSELS



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FROM SANTIAGO TO BRUSSELS

Heinrich Böll Stiftung

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Editorial

Patricia Jiménez, Heinrich-Böll-Stiftung – European Union, Brussels

In order to fight femicide/femicide, various Latin American and European countries have adopted increasingly specific laws and legal instruments that penalize femicide. The ratification of the Belém do Pará Convention¹ in Latin America and the entry into force of the Istanbul Convention² in Europe, demonstrate an increasingly stronger international commitment against this kind of violence. The establishment of the Bi-regional Dialogue on Gender by the European Union (EU) and the Community of Latin American and Caribbean States (CELAC), as well as the adoption of the Urgent Resolution on Femicide in the European Union and Latin America³ by the Euro-Latin American Parliamentary Assembly (EuroLat) also express this commitment.

However, **legal norms, agreements, and international dialogues alone are not sufficient** for the eradication of violence against women, nor its most extreme manifestation, femicide.

Traditionally, States were only responsible for their own actions or those of their agents, but international public law has evolved and currently, **the principle of due diligence** makes the State **responsible for the prevention, investigation, and prosecution of violence**, regardless of who commits the crime. The duty of due diligence **obliges States to enter the private sphere**, where historically, they have not intervened, but where the majority of cases of violence against women occur.

Therefore, it is the duty of the State to take all necessary measures to prevent human rights violations, such as femicide, before they occur. This means, on the one hand, adopting pertinent laws and policies to prevent, investigate, prosecute, and punish those guilty of abuse, and on the other hand, successfully implement them.

Developed, as usual, from articles written by prominent advocates of the human rights of women, academics, and civil society representatives from Latin America and the EU, this fourth publication in the series “Femicide: A Global Phenomenon” has as **a common theme the compliance of States to the duty of due diligence**. Once more, the articles show that the situation is similar and serious in both continents, and that written commitments and declarations contained in laws and international treaties must urgently be put into action. These texts also identify different ways to make this possible.

This fourth publication also includes **a chapter on abortion**. Criminalized in the majority of Latin American countries, clandestine abortion, which women are forced to resort to, is the cause of death of numerous women; these are deaths of women for reasons of gender that are perfectly avoidable. **The duty to act with due diligence** to guarantee the life and health of these women, **obliges States to adopt all necessary measures to avoid these deaths** or consequences for the sake of the health of these women. Meanwhile, the States’ passivity, reflected in the preservation of laws that oblige women to risk their lives in clandestine and unsafe abortions, also makes them responsible.

1 Belém do Pará Convention: <http://oas.org/en/mesecvi/docs/BelemDoPara-ENGLISH.pdf>

2 Istanbul Convention: <http://www.coe.int/t/dghl/standardsetting/convention-violence/convention/Convention%20210%20English.pdf>

3 Urgent Resolution: http://www.europarl.europa.eu/intcoop/eurolat/assembly/plenary_sessions/athens2014/adopted_docs/femicide/1026102en.pdf

I. The Application of Due Diligence in Femicide/ Feminicide Cases in Latin America

Anya Victoria Delgado / *Due Diligence Project*

The **principle of due diligence** acquires regional scope in Latin America when it is specifically applied to the area of human rights in the judgment given by the Inter-American Court of Human Rights (IACHR) in the case of *Velásquez Rodríguez v. Honduras* (1988).⁴ Since then, **it has been attested in a succession of international instruments, opinions of treaty bodies, and case law of universal, regional, and constitutional courts.** The aforementioned have more clearly established its relevance when addressing the matter of violence against women (VAW) in terms of the obligations and limits of State responsibility for acts or omissions of state and non-state agents.

In the 1990s, a specific universal system is developed for the defense and protection of women, given that the limited international human rights framework was insufficient and often inadequate in the guarantee of effective protection and promotion of women's rights. During this time, major steps are taken to formally recognise VAW as a gender-based violation of human rights and, in addition, to incorporate the principle of due diligence for the prevention, punishment, and elimination of this type of violence **in both the public and private sphere.**⁵

In Latin America, on the basis of the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights and, in particular, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (or "Convention of Belém do Pará"), we have witnessed how the Inter-American Commission on Human Rights (ICHR) and the IACHR **have interpreted the principle of due diligence as applied to individual cases.** As a result, they have given substance to the obligations to prevent, investigate, and punish promptly and without delay all acts of violence against women, including gender-based female homicides. In turn, several countries have passed laws that classify femicide/feminicide as a crime.⁶

The ICHR made a **positive connection between due diligence and VAW** for the first time in the background report of the *Maria da Penha Maia Fernandes (Brazil)* case in 2001, where it was stated that the obligation of the State to act with due diligence is not only the obligation to process and sentence the offenders, in this case an individual person, but also **the obligation to "prevent these degrading practices".**⁷ The ICHR has developed the concept more in depth, with

4 In *Velásquez Rodríguez v. Honduras*, the Court acknowledged for the first time that the States can be responsible at international level for actions committed by individuals "not for this particular act, but for failing to act with due diligence to prevent the violation or to deal with it in the terms required by the [American] Convention. IACHR. *Velásquez Rodríguez v. Honduras* (1988) par. 172

5 Particularly through General Recommendation 19 of the Committee of the United Nations on the Elimination of Discrimination against Women (CEDAW) (1992), the Declaration of the UN on the Elimination of Violence against Women (1993) and the Vienna Conference (1993).

6 Brazil, Chile, Costa Rica, El Salvador, Guatemala, Mexico, Nicaragua and Peru have classified femicide/feminicide as a crime. It should be mentioned that no international treaty requires the inclusion of this figure in penal codes or special laws. However, the international framework of women's rights interpreted in light of the principle of due diligence has sufficient basis to justify its incorporation in determined contexts.

7 ICHR, Background Report No. 54/01, Case 12,051, *Maria da Penha Fernandes, Brazil*, 2001, par. 56.

its most recent input being the background report of the *Paloma Angélica Escobar (Mexico)* case in 2013, which uses due diligence as a parameter to analyse a series of irregularities during the investigation of the disappearance and subsequent death of a girl.⁸

Similarly, the IACHR has contributed to the development of State responsibility regarding VAW, specifically in terms of femicide/feminicide and the disappearance of women, through the paradigmatic case of *Campo Algodonero vs. México* (2010) and the case of *Veliz Franco v. Guatemala* (2014).⁹ From the Court's analysis, it has been determined that due diligence involves recognising the close connection between discrimination and VAW, and that the States need to guarantee:

- Action with **utmost diligence** in contexts where a widespread situation of VAW based on gender prevails; adoption of comprehensive measures, such as the effective implementation of legal frameworks for protection and preventive measures and policies in specific cases;

- Availability of **effective, impartial judicial mechanisms** for VAW victims; appropriate procedures for filing reports and efficient action in response to these reports;

- Use of the gender perspective during the investigation; **fast, immediate action and effective investigations from the first judicial proceedings**; availability of specific protocols for the investigation of gender-based homicide cases and VAW in general; adoption of effective measures to determine the whereabouts of victims;

- Existence of **strict due diligence obligations** for women who are highly vulnerable. For example, when there is a real and immediate risk that



a woman could be sexually abused, subjected to ill-treatment and killed, or when a situation involves a girl that is or may be affected by acts that currently or potentially involve gender-based violence or could result in such violence.

Case law development in Latin America confirms that **due diligence is a human rights principle** in international law, **which in real terms means that it is a state obligation**. With regard to VAW, due diligence serves as a suitable tool for mainstreaming the gender perspective in all actions, which allows for the detection and elimination of barriers and obstacles that, on the one hand, discriminate against women and, on the other, increase the risk of violence against them because they are women. Furthermore, **it allows the States to put their obligations into practice** by adopting concrete, efficient, procedural measures,¹⁰ both at systemic level and in individual cases.

Finally, due diligence allows for the establishment of **objective parameters under which the States will be held accountable**. As a result, no action of prevention and response to femicide can omit this approach under the penalty of incurring State responsibility.

8 ICHR, Background Report No. 51/13, Case 12,551, Paloma Angélica Escobar Ledezma et al., Brazil, 2001, par. 86 and 87.

9 IACHR, González et al. ("Cotton Field") v. Mexico (2009) par. 258, 283, 293, 300, 301, 366, 403, 409; IACHR, Veliz Franco v. Guatemala (2014) par. 134, 141, 156, 185, 191, 210, 226.

10 These measures will depend on the particular events and context of a situation, as well as the specific vulnerability that women may face due to their gender, ethnic or social origin and migration status, among other conditions of risk.

1. CHILE

THE LIMITED CONCEPTION OF VIOLENCE AGAINST WOMEN AND FEMICIDE IN CHILE

Lorena Astudillo and Paula Santana /
Chilean Network against Violence towards Women

Chilean legislation in the Criminal Code defines femicide as: "Any person who, being aware of the relationship that binds them, shall kill his father, mother or child, or any of his ascendants or descendants, or his current or former spouse or cohabitant, shall be guilty of parricide and shall be punished with the maximum duration of long-term imprisonment to life imprisonment. If the victim of the crime described in the previous subsection is the current or former spouse or cohabitant of the perpetrator, the crime will be called femicide". **This definition does not portray the true sense of the crime of femicide**, as it confines it to family relationships, excluding murders of women that are committed in other spheres of life with the same motive: misogyny, subjugation, oppression, and contempt for the life of women.

Obviously, this limited concept does not allow for the problem of violence against women to be dealt with seriously and effectively, and we can state with certainty that **the Chilean State does not comply with its duty of due diligence to protect women**: 45% of the women who were murdered between 2011 and 2012 had previously reported abuse. The seriousness of the situation becomes more evident if we consider that the Intra-Family Law was passed without any funding, which means that there are no institutional networks to produce the investigative reports required to provide evidence for legal proceedings so that perpetrators can be sentenced.

Out of all of the women murdered due to femicide between 2010 and 2012, who had previously filed a criminal case, more than half had filed more than one case and **40% were murdered within three months** of the most recent case filed. If one adds to this the fact that requesting investigative reports in exceptional circumstances of cases of intra-family violence takes at least eight months, then one can see the **system's incapacity and lack of interest** to protect the women who are at risk.

Furthermore, the **protection measures** that are currently issued by the law courts to save women's lives **are not adequate** because: first, the enforcement and effectiveness of these measures needs to be revised, and this is not done; second, the law, which issues that "all the measures that are deemed necessary" will be taken to safeguard the victims, is ignored.

Regarding registration and information systems about femicide, the difficulties that arise from the limited understanding of violence against women could be summed up in the lack of communication and practically complete separation of the different institutions that collect and produce useful data about femicide in Chile.

80% of all allegations of Intra-Family Violence (IFV) are of violence against women committed by their partners or former partners. 56% of these allegations are for injuries, but 89% go unpunished. This **impunity reinforces the naturalisation and tolerance of violence** against women.

16% of the women who committed suicide between 2010 and 2012 had filed a case in the Public Prosecutor's office for partner violence. Despite the fact that violence committed by a father against a mother is explicit knowledge, Chilean courts continue to give parental responsibility of minors to the perpetrators. 77% of murders of children at the hands of their father, during the same period, were as revenge against the mother due to marital conflict. 78% of attempted murders were also for the same reason.



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Nowadays, **one femicide is committed every week** in Chile and statistics reveal that there are twice as many attempted murders as actual murders.

The statistics, the perception of civil servants of the services concerning the State's response and the press, the legal situation of some cases, and the women and families themselves that have been affected by female violence confirm the lack of due diligence and various shortcomings that exist. The **misguided understanding of the problem** and the naturalisation of violence lead to indifference and negligence, which means that in the end, the violence continues and women are not saved from death. Together with social and cultural normalisation of violence against women, violence is seen as an escalation or a series of episodes that progress in a gradual, upward process. This way of seeing violence is expressed in: the Intra-Family Law, where it **must be proven that the violence occurs "regularly" for it to be considered a crime**; the slow, weak, or lack of reaction of public services responsible for protecting women from situations of violence or requests for assistance; and, the scepticism of family members regarding the "seriousness" of the problem, when dealing with issues "specific to couple relationships".

The **limited understanding** of violence against women on which public policies are based **is responsible for the characteristics inherent in these policies**: fragmented, with explanatory models that pathologise the perpetrators, and that normalise the problem instead of prompting the social and cultural changes needed to eradicate it.

We can see that up to now, the integration of a conceptual framework that considers the human rights and gender perspectives in public policies has been totally insufficient, as it generally remains on paper and is mentioned in debates, but is not put into practice. **Public policies are handled like technical tools**, losing sight of the political background and social change that inspire them. The gender perspective, in the way that it is being currently addressed, **blurs the importance of power relations between men and women**, giving a sense of neutrality. It renders invisible the specificity of this type of violence when directed particularly at women and its structural causes of this, such as chauvinism, misogyny, and sexism, among others, thus weakening the strategies to confront it.

2. PERU

THE NEED TO BREAK WITH TRADITIONAL APPROACHES TO ERRADICATING FEMINICIDE IN PERU

Liz Meléndez / *Flora Tristán Centre for the Peruvian Woman*

The Peruvian State has the **obligation to comply with the principle of due diligence** when facing cases of violence against women, as a way of guaranteeing citizenship rights and a life free of discrimination. The principle should be implemented through a **comprehensive approach**, which is unfortunately lacking in current laws and policies.

Assaults leading to femicide are the most terrible and painful confirmation of low State capacity in collectively and collaboratively implementing the principles of due diligence: prevention, protection, prosecution of perpetrators, and reparation to victims. As Rashida Manjoo stressed: “Such killings are not isolated incidents that arise suddenly and unexpectedly, but rather the ultimate act of violence which is experience in a continuum of violence.”¹¹ There certainly is **inadequate compliance with the principle** when the cycle of violence against women remains unbroken, coupled with a failure to guarantee equal access to justice, to adequately protect and compensate women and their families, to eradicate impunity, but above all, to contribute to the erosion of the concentration of power that generates the inequality that sustains violence in its different forms.

Actions have been taken to tackle femicide in Peru. For example: Law 30068 prosecutes

and penalizes perpetrators of this crime, and the National Plan to Eradicate Violence against Women (2009 – 2015) incorporates the problem in legislation. **Despite the significance of these actions, they are insufficient when they are not considered within a comprehensive approach**, or within a political framework that adequately tackles all forms of violence against women. Therefore, femicide continues to be a latent risk, as shown in the following data:

- More than 36% of women have suffered from some form of physical or sexual violence from their partners, and close to 63% experience situations of domination.¹²

- The Public Prosecutors’ Office recorded **a total of 17,763 allegations of sexual assault** in 2013, in which 70% of the victims were girls and adolescents.

- Data on femicide provide evidence of this terrible reality; between 2009 and 2014 a total of 663 feminicides and 605 criminal attempts were recorded, which constitutes a total of **1,268 assaults leading to femicide directed at women over six years**.¹³ Attempted feminicides tripled in this same period, **increasing from five monthly cases to 16 cases reported per month** in 2014.

Furthermore, only 25% of assaulted women formally report the incidents;¹⁴ the majority do not do so out of shame or do not consider it necessary in light of the high rates of impunity. Indeed, the levels of prosecutions of perpetrators of this kind of violence are incredibly low, and one cannot rely on public records about the number of court proceedings or convicted offenders of gender violence in Peru.

This reality deepens when disaggregated by region, for it is indigenous Amazonian and rural farm women that not only suffer violence because

11 Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, http://www.ohchr.org/Documents/Issues/Women/A.HRC.20.16_En.pdf

12 Demographic and Family Health, ENDES, 2013. Chapter on Violence Against Women.

13 Statistical information from the Ministry of Women – Record completed in 2014 and update of revision in February 2015.

14 ENDES, 2013, Chapter on Violence Against Women.

they are women, but also because they find themselves in a racist and classist environment that excludes them. Consequently, the policies formulated to deal with this kind of violence are not completely adapted to women's cultural and linguistic differences, thus making it impossible for them to gain access to justice.

This calls attention to **a State that does not comply with due diligence in the most comprehensive and effective sense of the term**; this is one of the principal reasons why, despite the creation of an important body of legislation to address violence in the last two decades, it does not yield results in any significant way; therefore, **femicide continues to be a painful reality**.

The policies ultimately focus on the levels of prosecution of perpetrators and care of victims. While these measures are certainly important, they are insufficient, for they are not implemented with complementary processes to break the endless reproduction of violence. This deficiency is reflected in assessments of existing procedures, which conclude that policy **design and implementation is done within traditional approaches** that do not manage to erode the structural roots of violence, and do not challenge the power structures that sustain it. **The tendency is to always address familial violence rather than the different forms of violence against women**, including violence that is exercised when a woman's sexual and reproductive rights are restricted.

Therefore, it is important that new paths be taken to prevent, sanction, and eradicate violence against women. The comprehensive implementation of the principle of due diligence is one route, which combines different dimensions that are intrinsically necessary to achieve results.

This presents major challenges for States that are 'conservative,' because it implies breaking with traditional approaches and adopting, for example, a **comprehensive legislative framework** to address violence against women. This would allow for the application of pre-existing legislation, its improvement and its endowment with a degree of common sense, **in order for femicide to be addressed and prevented as it should be: as the consequence of a chain of discriminations and aggressions based on gender**. Furthermore, it is necessary to focus on guaranteeing sexual and reproductive rights, for the arguments that restrict these liberties are the same as those found behind all forms of violence and discrimination against women.

Finally, in the implementation of a comprehensive principle of due diligence within the legislative framework, **the Peruvian State faces the challenge of overcoming traditional views and approaches**, pushing for structural changes in which **autonomy** is considered the pillar of citizenship, and the **starting point for the creation of policies** that advance the prevention and eradication of violence against women.



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3. BRAZIL

THE PATH TO THE RECOGNITION OF FEMINICIDE IN BRAZIL

Leila Linhares Barsted / *CEPIA*

Up until the mid-1990s in Brazil, citizens' juries often acquitted or gave moderate sentences to husbands and partners who murdered their wives claiming a **"legitimate defence of honour"**. Since the end of the 1970s, women's groups and movements have protested, condemning the unlawful nature of this argument and demanding that the perpetrators of these crimes be punished. In 1991, in one particular case, the Supreme Court explicitly dismissed the "legitimate defence of honour" argument and annulled the decision made by the citizen's jury that declared an ex-husband not guilty after he had murdered his wife.

This decision was reinforced in 1994, when the *Convention of Belém Do Pará* was signed and ratified by the Brazilian State, and when various other resolutions, declarations, and actions plans that defined violence against women as a violation of human rights were adopted by the OEA and the United Nations. In Brazil, this doctrinal and regulatory international framework allowed for the development and adoption of the *Maria da Penha Law on Domestic and Family Violence* in 2006.

Despite this progress, gender-based murders of women in Brazil are still common, even after the Maria da Penha Law came into force. Since the Law has been implemented, however, the State and society have put more effort into **collecting and recording data, in order to evaluate the extent of crimes** committed against women in Brazil. While this information is still insufficient, investigations carried out over the past decade give us a glimpse of the seriousness of this phenomenon.

The *Map of Violence – Murders of Women in Brazil* of 2012, based on data of the Ministry of Health, gave evidence that **more than 92,000 women** had been murdered **between 1980 and 2010**, with **43,700 occurring in the last decade alone**. The number of deaths during this period increased from 1,353 to 4,465, which represents an increase of 230%; therefore, the number of female homicide victims had increased threefold in Brazil. As a result, according to the World Health Organisation, the rate of 4.4 murders for every 100,000 women, positions **Brazil among the countries with the highest rate of female homicide**.

The *Map of Violence* showed that even though **firearms** are the main instrument used to murder women (50%), the use of sharp, penetrating, or blunt objects and suffocation are used more often in cases of violence against women, as they are the cruellest forms of murder. **About 41% of these deaths took place in the home**, highlighting the domestic nature of these crimes. The majority of female victims are between 15 and 29 years of age.

In 2014, a government survey conducted by the Institute of Applied Economic Research (IPEA) ratified and updated the 2012 Map, and indicated that 61% of these murders were committed against black women, which illustrates the connection between gender and race/ethnicity in these crimes. This investigation showed that the extent of female murders was high in every region of the country, including the richest regions. IPEA estimates that **between 2009 and 2011, Brazil recorded 16,900 feminicides**, i.e. "gender-based murders of women", especially in cases where the violent acts were perpetrated by the intimate partner. This is a rate of 5.8 cases per 100,000 women.

This data, however, does not allow for the classification of other murders of women, which could also have been gender-based, particularly in situations of drug trade-related crime, with circumstances that include mutilations, torture, and disappearance of bodies.



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The revelation of the *Map of Violence* was instrumental in initiating the debate about femicide in Brazil, for up until then, there had been no consideration or consensus in State institutions or women's movements about the need for punishing feminicide. In this regard, the initiative of a group of women, led by the Presiding Judge of the First Domestic and Family Violence Court of the State of Rio de Janeiro, was groundbreaking. They submitted a document, calling for the inclusion of femicide in the Brazilian Criminal Code as a circumstance in the category of homicide, to the senator who served as the Rapporteur of the Parliamentary Commission to Investigate Violence against Women.

In 2013, this Parliamentary Commission proposed a specific bill to the Senate regarding murders of women and in 2014, the Senate approved the inclusion of feminicide in the Criminal Code as a circumstance in the category of homicide. Finally, in March 2015, Law 13.014, which classifies feminicide as a circumstance in the category of homicide, was sanctioned by the President of the Republic. **The law, however, has not retained the words “gender-based”** from

the original draft, and defines femicide as a circumstance that aggravates homicide committed against women “for being female”, which includes domestic and family violence, and contempt or discrimination against women. The sentence is increased by one-third or half, if the crime is committed: against women that are pregnant or have given birth in the previous three months; against people under 14 or over 60 years of age or disabled people; and, in the presence of ascendants or descendants of the victim. Accordingly, the sentence could range from 12 to 30 years in prison.

This classification does not include the full scope of the definition proposed in 2008 by MESECVI,¹⁵ which defines **femicide as the violent death of women for gender reasons, which encompasses more** than the phrase “for being female” in Brazilian law. This phrase **does not explicitly indicate the State's responsibility** either, which causes the death of women due to the **action or omission of its agents**. Furthermore, an interpretive effort is necessary for the concrete application of “contempt or discrimination against women”.

15 See <http://www.oas.org/es/mesecvi>

4. COLOMBIA

GAPS IN THE PREVENTION, INVESTIGATION, AND PROSECUTION OF FEMINICIDE IN THE COLOMBIAN STATE

**Adriana María Benjumea Rua /
Humanas Corporation, Regional
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Justice in Colombia**

Colombia has made some progress in living up to its international commitments to eradicate violence against women. **Law 1257** from 2008, with which the State sought to **raise awareness of, prevent, and prosecute different forms of violence and discrimination against women**, is one such measure. This law stipulates that the Colombian State should provide female victims of any form of violence with **comprehensive assistance** through sufficient coverage, that is accessible and of quality, in addition to providing **protection** for the victim and her children.

The list of reasons for the adoption of the Law includes the recognition that violence against women is a manifestation of discrimination and constitutes a violation of women's human rights; is closely linked to unequal relationships of power between men and women; and constitutes one of the obstacles "to the accomplishment of equality between men and women and to the full exercise of citizenship."

Despite this progress, the criminal nature of femicide is not contemplated in Colombian law. Rather, femicide is considered a circumstance of punitive aggravation when a homicide is committed against a woman for the mere fact of being a woman. This offence was added through clause 11 of article 104 of the Penal Code, and through article 26 of Law 1257.

For many years this 'aggravating circumstance' clause proved to be ineffective: neither investi-

gative nor judicial entities enforced the clause in homicide cases in which a woman was killed for being a woman. The argument used to support the lack of investigation was the difficulty in estimating, in terms of providing evidence, when a woman was killed "because of the mere fact of being a woman".

However, March 4th 2015 saw the **Supreme Court issued the first judgment in which the existence of homicide is recognized**. The judicial authorities introduced new jurisprudence by indicating that a **charge of domination and subordination** of a woman can be considered an 'aggravating circumstance of a homicide' when a sentence is to be determined. This was the case when the Supreme Court confirmed the 23-year prison sentence against Alexander de Jesús Ortiz Ramírez, who stabbed his wife to death out of jealousy.

The Court indicated that the **aggravating circumstance** arose as a result of "the consequence of the violence against women that happens in a **context of (public or private) domination**, and where the cause is associated with the manipulation to which the woman has been the object".

"In other words, the death of a woman is a result of the fact that she is a woman, when the violent act that leads to her death is due to the subordination and discrimination to which the woman is a victim, wherein a situation of extreme vulnerability is produced," said the Court.

The judge that passed sentence in the first instance explicitly rejected the 'aggravating circumstance of femicide' with the argument that the motive had been jealousy, and not discrimination or domination. In its reassessment, the Supreme Court ruled against the judge's original verdict, saying that it was not dealing with a homicide that resulted from jealousy, nor was it a "crime of passion". The Supreme Court declared that the homicide of a woman by her ex-partner was considered an **aggravated circumstance due to familial implications and also to the fact that she was a woman**. Therefore, it was clear that the accused considered his victim as property,



denied her dignity and liberty, and never stopped discriminating against her, harassing, abusing, or intimidating her, and that he made it known to her “that she had to be with him and no other and, that he would kill her”.¹⁶

Despite this emblematic sentence, or the existence of laws aimed at preventing and sanctioning violence against women, and despite the existence of the ‘aggravating circumstance’ clause, various problems persist regarding compliance with the principle of due diligence in cases of femicide. Furthermore, its **characterization as an autonomous offense** – independent of the ‘aggravated circumstance’ clause – **shows no signs of occurring** in the near future. And even if this autonomy is achieved, it does not guarantee a better understanding of the concept of femicide; on the contrary, it **could result in greater burden of proof for victims**, which could not be construed as progress on this issue.¹⁷

With or without autonomous criminal classification, the Colombian State should scale up its efforts to overcome current barriers with regard to the prevention, investigation, and prosecution of femicide in the country. Some challenges are:

- The prevention of femicide requires, first of all, **acknowledgement of its occurrence by the authorities** that have jurisdiction on this matter (the police, judicial, investigative, and administrative entities);

- The enactment of protective measures for women who are victims of violence is fundamental to guaranteeing access to justice under safe and secure conditions. In this regard, Colombia faces two complex circumstances: the first is the failure to have government officials enforce the law on the protection of female victims of violence (act 4799 of 011); the second is that the law envisages few measures that protect female victims of men that do not cohabit with them (such as boyfriends or sporadic partners);

- Authorities responsible for care and protection services need to **reconsider their ideological approach to the concept of “family” and their conceptualisation of “crimes of passion”**. Such authorities must apply differentiated measures to women, they must increase awareness of the cruel forms of this type of violence, such as the use of acid, and they must recognize the difficulties that women face in order to report crimes and depend on judicial procedures;

- The authorities must **overcome** the bureaucratization of legal procedures and **approaches that lead to re-victimization**;

- The authorities must **listen to the parties separately**, in administrative as well as judicial processes, as established by the law, since the risks for women increase in these settings.

- **Incorporate in public policy protocols of attention**, orientation and care guidelines for violence against women; the advancements of Medellín and Bogotá in this matter can serve as a point of reference for other cities in the country.

16 Supreme Court of Justice, Criminal Court, Sentence SP-2190 (41457). Judge Patricia Salazar. April 12, 2015.

17 After the project that recognized the criminal nature of femicide, furthered by senator of the Polo Democrático Gloria Inés Ramírez, new initiatives are not known.

5. HONDURAS

THE WEAKNESS OF THE RULE OF LAW AND FEMICIDE IN HONDURAS

Florencia Quesada / *Tribune of Women against Femicide*

In Honduras, women are **exposed to diverse expressions of gender-based violence on a daily basis**, as a consequence of the inequality in power relations imposed by a hetero-patriarchal system. This violence against women happens in public, as well as in private and intimate spaces of life.

One of the diverse expressions that frequently occur are femicides, hate crimes against women. **Between 2002 and 2014, 4,460 women were killed in Honduras**, of which 531 cases (11.9%) were recorded in 2014.¹⁸ According to the data collected by women's organizations and the office of the Honduran ombudsman, **a woman is killed every sixteen hours**.¹⁹

The **weakening of the rule of law** has influenced the increase of widespread insecurity and has put women at greater risk. This can be observed in the systematic and uninterrupted way **the rights of women are violated in their homes, in the streets, in their jobs**, etc. All of which occurs without the State being able, by means of its institutions, to safeguard, for example, the right to a life free of violence.

The main reason is that the State cannot count on the political will necessary to identify, prevent, and prosecute perpetrators of violence against women. Furthermore, despite the creation of new law enforcement and investigation agencies, and several changes to the criminal justice system, **it has been impossible to eliminate the high rates**

of impunity that persist in Honduras, with cases of femicide **higher than 90%**.²⁰

Despite recent formal advancements, such as the **classification of the crime of femicide in the Penal Code**, the rate of impunity has not diminished and the day-to-day implementation of this reform has been very difficult. Consequently, some cases of female homicide have not been judged as femicides or the crime was not considered applicable in certain contexts; this was so in a case of human trafficking, since Honduran legislation **favours the application of the criminal offense of intimate femicides**, at the expense of other cases. Moreover, specialized prosecutors for the District Attorney office do not have access to efficient tools or mechanisms to investigate crimes committed against women.

Furthermore, there is **persistent failure** to comply with **constitutional and conventional mandates** that require the Honduran State to establish regulatory mechanisms, undertake projects, and assign resources to offices and programmes that focus on ending violence against women. On the other hand, there are examples of the reorganization of public administration that do not favour the identification of violence against women, for some institutions **now focus on working with the family**, while the National Women's Institute has lost its rank and budget (among other reasons, because it has become a program that is part of the State Secretariat).

Underreporting still persists in cases of violence, such as femicide, or other forms of violence that are not registered as such. The lack of systematic and adequate records of the current situation makes it difficult to have effective monitoring of femicides. For example, there are discrepancies in the data between investigations carried out by women's organizations and the ones recorded by police and the public prosecutor's statistics department.

18 Data from the Human Rights Commission, <http://www.latribuna.hn/2015/03/17/honduras-mas-de-cuatro-mil-mujeres-fueron-asesinadas-en-los-ultimos-12-anos/>

19 Ibid.

20 <http://www.revistazo.biz/web2/index.php/nacional/item/856-impune-el-94-de-femicidios-en-honduras>



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These situations highlight the fact that **the State does not address the issue of violence against women from a human and gender rights approach**, and that public policies meant to identify, prevent, and prosecute perpetrators of violence have not turned out to be entirely successful. Furthermore, all of the recurring and aggravated expressions of violence year after year also represent a sort of violence against women, since it **represents governmental or institutional violence**. The State has the obligation to guarantee the right to a life free of violence through suitable mechanisms, and to guarantee a proper investigation that will allow for the prosecution, without re-victimization, of every type of violence. **The sole characterization of femicide cannot be used as exoneration** of the State in relation to violence against women.

Honduran citizens need a State that guarantees their rights, as well as strengthened institutions that allow for the full enjoyment of restitution rights and the guarantee of non-repetition. This requires:

- In the first place, the Honduran State owes women the **creation of adequate and efficacious public policies** that reduce the inequality that exists between men and women, including meas-

ures that prevent and sanction violence against women;

- **Public prosecution offices specializing in women's issues should be strengthened**, and already existing investigative units for crimes against women should be maintained. Furthermore, offices should be opened in places where they do not exist or where the rate of occurrence of these crimes is high;

- **Adequate investigative protocols and mechanisms** should be adopted, since an adequate investigation would lead to the prosecution of cases, and the conviction of those who are guilty. **Law enforcement bodies** (for example, the Public Prosecutor's office and other justice operators) **should also be trained**, so that femicide cases are addressed from the perspective of gender, and avoid re-victimization, through the utilization of the Gesell chamber, for example, to avoid direct contact between victims and perpetrators;

- The characterization of the crime of femicide should be reworked to **include** all those **homicides that could be committed within the framework of human trafficking** or other situations of **organized crime**.

6. EL SALVADOR

FEMINICIDE: A HIDDEN REALITY IN SOCIETAL VIOLENCE

Morena Herrera / *Feminist Collective for Local Development*

In El Salvador, the high rates of social violence and homicides **act as a curtain** that ensures the invisibility of violence against women and feminicide, making them low-status and low priority issues.

Salvadorian society has one of the **highest rates of feminicide in the world**, characterized by an important increase in the levels of **crucelty** against victims. El Salvador has high rates of delinquent, social, and homicidal violence in general, which far exceed the levels that the Pan-American Health Organization (PAHO) has determined as constituting an epidemic.

Although the **crime of feminicide has been classified** within the framework of the *Comprehensive Special Act on a life free of violence for women* (LEIVLM) in El Salvador, every day the lack of understanding of gender-based violence in general, and of feminicide as the most extreme form of violence against women, becomes more evident. This applies to both those who are tasked with delivering justice, and to those who define public security and safety policies.

Allegations of sexual assault and domestic violence show that the main victims are women, especially girls and minors below the age of 19.²¹ In feminicide cases, the most frequent victims are between the ages of 18 and 30.²² This complex reality, which encompasses different dynamics of violence and inequality, is mainly **analyzed** from

the **perspective of homicides and the presence of gangs**, while other types of violence are considered to be less important.

Despite the fact that new legislation about violence against women clearly establishes that feminicides are homicides of women, and that in differing circumstances, are motivated by the *contempt of the condition of being a woman*, there are very **few cases**, even when the aggressor of the feminicide is clearly identified, **in which the new law is applied**. This is due to the **chauvinistic** and patriarchal **ideology** that is deeply rooted in the institutional structures of justice (police, prosecutors, the State attorney, judges), the **lack of efficient investigation**, and **poor use of the tools** developed for such purposes within the framework of the LEIVLM.

In this context, it is difficult for women and their families to access locations where complaints can be filed, while **lack of trust in the justice system and in the institutions** that are responsible for providing care **predominates**. To this is added the dynamics of re-victimization to which the victims and their families are subjected.

As indicated by the IUDOP,²³ great discrepancies exist in the statistical information collected by different institutions responsible for matters relating to violence against women, including the Institute of Legal Medicine, the Office of the Attorney General of the Republic, the National Civilian Police and the Salvadorian Institute for the Development of Women (ISDEMU). Although **LEIVLM established the National Statistical System** on violence against women in 2012, **delays** in the creation of the system reflect the **low priority of this issue**.

We are in a country in which delays in judicial processes are common, with a **low percentage of convictions in cases of violence, and in which**

21 The situation of security and of justice 2009-2014. University Institute of Public Opinion (IUDOP), of the Universidad Centroamericana Simeón Cañas of El Salvador (UCA). El Salvador, 2014.

22 Observatory of Gender Violence against Women, ORMUSA. Access: <http://observatoriodeviolencia.ormusa.org/>

23 The situation of security and of justice 2009-2014. See note 1.



impunity is the order of the day. Lack of access to justice for women, impunity, and the dynamics of re-victimization are factors that **dissuade complainants**. Added to that is a **culture that is tolerant of violent male conduct** against women, making El Salvador a society where being a woman is a risk, especially if you are young or an adolescent.

Is it possible to change this reality?

In order to overcome this reality, it is necessary to **elevate the levels of social conviction** in cases of violent acts against women. Additionally, it is also important to disseminate recent declarations by the President of the Republic and the political and social leadership condemning violence against women.²⁴

The **development of non-sexist education in educational centres at all levels** is critical, with the objective of counteracting the chauvinist culture disseminated through the media and other forms of socialization.

Furthermore, in order to **overcome chauvinist interpretations within the judicial system**, there must be **systematic training of those in the justice system** (the police, judges, prosecutors, State attorneys, etc.) about existing legislation, its range,

and its application. This is crucial, as is establishing **indicators for monitoring purposes, with the participation of citizens in evaluation processes**. In other words, the implementation of campaigns within criminal justice institutions about State obligation to prevent, prosecute, adequately investigate, and punish violence against women, is necessary and urgent.

The creation of **inter-agency protocols between the healthcare and justice systems** is also critical in cases of violence against women, in order to guarantee timely, effective, and non-revictimizing processes.

Close **coordination between the justice services and women's rights networks and advocates** that provide information for and focus on women that face violence is equally important, ensuring due protection of those among the population that take on the commitment of supporting other women.

Finally, the **increase in the number of Citizen Attention Units specialized in the care of women** in the most important departmental communities and municipalities is vital for assuring that women can depend on specialized personnel. To that end, it is essential to equip the ISDEMU with the necessary political, judicial, jurisdictional, and budgetary tools, so that it may assume, in its improved capacity, its role as the leading entity of law and policy enforcement in bringing attention to, preventing, and punishing violence against women.

Facing feminicide and overcoming violence against women requires **State and civil society commitment that will challenge the root of inequality between men and women**.

²⁴ In a statement he made on March 7th, 2015, the President of the Republic, Salvador Sánchez Cerén, explicitly called for the end of discrimination against women, chauvinism, and in particular, of violence against women. More recently, in his speech as President of the Republic for the closing act of the peace march convened by the Citizen Security Council, Sánchez Cerén also called for the country to condemn and overcome violence against women.

7. GUATEMALA

THE NEED FOR A COMPREHENSIVE APPROACH TO FEMICIDE IN GUATEMALA

Maya Alvarado / National Union of Guatemalan Women (UNAMG)

To address femicide in any area of the world requires a perspective that explains both the multiple causes and the interconnections of this crime, which constitutes the ultimate expression of violence against women.

In Guatemala, the State has tried to patch up an open wound, deeply embedded over time in Guatemalan society. The signing of the Peace Agreements generated State commitments that were favourable to women; however, they have not successfully materialized beyond the broadening of some legal frameworks. Eighteen years after the Agreements were signed, it is necessary to confront the existence of these mechanisms with the reality of violence, subordination, and diverse oppressions that still exist in the life of women.

When the International Day for the Elimination of Violence against Women was celebrated on the 25th of November 2014, the Non-Violence Network – which brings together diverse women's organizations from different regions that struggle to put an end to femicide violence in Guatemala – recorded **the death of 635 women that year**. By the end of the year, this number **exceeded 700**.

Since 2009, the number of reported violent deaths of women has **increased annually by 2 to 3%**. In January 2015, these deaths represented an increase of 8.06%, in comparison with the same period the previous year.²⁵ Despite these daily observations, in the report of his third year in office, the President of the Republic declared 2015

“The Year of Non-Violence.” The same day that he made this declaration six people were killed, two of them women.

Nevertheless, femicide cannot only be analyzed in terms of data. In fact, this is one of the State's weaknesses, for the data vary depending on the situation. Furthermore, this perspective only highlights actions by designated security authorities, omitting social, political, and economic issues that frame women's lives.

The 2008 **Law Against Femicide and Other Forms of Violence Against Women** typifies a **series of crimes that up until then had not even been named**. The Supreme Court of Justice established specialized jurisdictional bodies, and the Public Prosecutor's Office created a **Specialized Prosecutor's Office for women**. There are **comprehensive care centres, and several women's organizations offer refuge**. It is also important to keep records of civil society organizations and, especially, of the actions of women's movements that have unveiled **State accountability through State action, omission, or conspiracy**. Furthermore, since femicide has become more visible and has been named as such, the number of accusations has increased; Special Rapporteurs from the United Nations have visited the country and there have been different expressions of concern from national and international authorities.

Nonetheless, nothing has prevented femicide violence, nor have the assailants of female victims of this kind of violence been dissuaded. **There are institutional structures and there are laws**; Guatemala is one of the few States that has ratified almost all **international conventions** in favour of women; and **yet, the phenomenon grows**.

Different governments have provided different answers, but other than starting from an analysis based on political and historical perspectives, they **have taken isolated actions**, establishing reactive mechanisms **from positions of authority and control**.

²⁵ Datos del Grupo de Apoyo Mutuo (GAM), 2015.

As indicated by the ex-Prosecutor General, Claudia Paz y Paz in 2013, when she remarked on the **more than 45 thousand accusations** of violence against women received by the Public Prosecutor's Office that year: **"There is no institution that has sufficient resources to handle this problem"**; she also highlighted the need to not only focus on prosecutions, but also on **the State's and society's responsibility to work towards prevention**.

From our perspective, it is a fallacy to pretend that specific actions would work in an environment of widespread insecurity, conditioned by the denial of rights, and drowned in impunity. There is no action, as well intended as it could be, that will be sufficient if dealt with in a fragmented manner. **The weakness of State actions** is not only a consequence of the lack of political will or the absence of a comprehensive vision, but also of the **tendency to launch programs directed at women from the needs that condition their lives, rather than from the acknowledgment of their citizenship and human rights**. The State has the responsibility to develop plans, policies, and programmes with the aim of guaranteeing of a life free of violence for women within the framework of a guarantee for society as a whole.

It is necessary to understand **femicide** from a historical perspective, and as the result of **multiple oppressions that are manifested on the bodies and in the lives of women**. Violence is a social control mechanism that is legitimized by an existing acquiescence of the inequality of social, economic, and political relations.

This legitimization generates **social imaginaries** that operate at all levels, from the tangible



action of assaulting women, through the difficulties women face when reporting such crimes, to the evaluation of their condition of subordination, and to the obstacles women must face when attempting to report the crime so that the relevant government officials can provide comprehensive care that is of quality, and with compassion, in relation to healthcare and equal access to the law.

Claiming to eradicate femicide violence solely through the classification and persecution of such crimes will only maintain the reality that propagates this crime intact. Unequal power relations between women and men that are at the foundation of such violence are embedded in the social structures that operate from a logic of accumulation of power and resources and, therefore, of hierarchy, exclusion, and marginalization. Consequently, it is necessary that concrete actions, such as the adoption of laws, policies, and programmes specifically geared towards these crimes, are assumed within the framework of a more comprehensive, complex, and radical political undertaking.

8. MEXICO

JUDICIAL DECISIONS ON FEMICIDE: A WAY OF COMPENSATING VICTIMS AND THEIR FAMILIES

**Martha Yuriria Rodríguez Estrada /
National Citizen Femicide Observatory**

On the 28th of June 2010, the lawyer Mariana Lima confided in her mother, Irinea Buendía, about her decision to leave her husband and escape the violence he exerted on her. The following day, Mariana was found dead in her home. Her body was wet; she had scratches around her neck and bruises around her ankles. Despite all the evidence and Irinea Buendía's testimony about how her daughter's husband – a judicial police officer – had threatened to kill her on several occasions, the Attorney General's office (PGJ) of the State of Mexico ruled her death a "suicide". Since then, Irinea Buendía has fought to achieve justice for Mariana.

From the outset of the investigations, **omissions and gross negligence** by the PGJ of the State were reported. The team that conducted the investigation did not pay attention to valuable clues, secure the scene of the crime, collect evidence, nor did it provide conclusive expert and documentary reports on discovering the facts. The PGJ also **ignored Irinea's testimony**, giving more weight to the husband's testimony, despite his record as an aggressor.

In light of the PGJ's refusal to thoroughly investigate the crime and the recurring impunity in Mariana's case, as in thousands of other cases in Mexico, Irinea Buendía took her struggle all the way to the Supreme Court, by means of an appeal in which she requested that the case

be reopened and that a series of investigative actions be fulfilled from a gender and human rights perspective.

In 2013, the **Supreme Court** ruled that cases like Mariana's were not isolated cases, but rather **symptomatic of the systemic impunity existing in legal proceedings regarding gender violence**. This standard impunity can also be found in criminal **investigations of female deaths** because such deaths are not formally investigated, judged, and sanctioned. This is due to the **"absence of specialized bodies** that efficiently and transparently conduct investigations, as well as the **predominance of a patriarchal culture** in government authorities, which promotes inefficiency and negligence."²⁶

On March 25th 2015, the First Chamber of the Supreme Court of Justice of Mexico unanimously ruled in favor of Irinea Buendía, recognizing that the **government's failure to act, and its indifference** in the face of allegations of gender-based **violence**, reproduces the same kind of violence it should prevent, and implies **discrimination against women in accessing justice**. The Court ordered the PGJ of the State of Mexico to reopen Mariana's case and initiate an investigation with a series of **actions that guaranteed due diligence**, from a gender and human rights perspective, so as to address the negligence, irregularities, deficiencies, omissions, and obstructions of justice that originally prevented the truth from being known.

The judgment has set a precedent for the establishment of a standard in the investigation of violent female deaths and feminicides in Mexico. It is the **first sentence passed by the highest national court** in the Latin American region about the implementation of international standards in relation to feminicide. These standards had initially been considered in the conviction of the case of Campo Algodonero, as dictated by the Inter-American Court of Human Rights, and other international documents.



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At the national level, the judgment has an impact on the investigations of violent female deaths that are conducted on a daily basis, because **six women are killed through violence every day in Mexico.**²⁷ According to the information provided by the Attorney General's office,²⁸ between 2012 and 2013, 3,892 women were murdered. Only 15.75% of the cases were investigated as femicides. In 25.12% of these cases, the alleged perpetrators had been identified, while 24% were still under investigation. **Only 1.6% of the cases resulted in a conviction, and in 43.55% of the cases, the responsible authority did not provide any information about the status of the cases.**

These figures show that the **authorities responsible for administering justice are inefficient**, because they do not recognize violence against women in its most structural form. The figures reflect a **lack of commitment by Mexican authorities** who do not properly investigate and therefore, **justify the actions of perpetrators or blame victims** for their own deaths.

The sentence issued in favor of Ms. Irinea Buendía reflects the essence of the sentence of the Inter-American Court in the case of Campo Algodonero, with regard to compensating victims. Indeed, considering the structural discrimination that frames the killing of women, a return to the same structural situation of violence and discrimination is not admissible; it is necessary for reparations to have a corrective effect.

The **"corrective reparations"** or "reparations with corrective effect" should look beyond comprehensive reparation, with corrective elements, as the opportunity to **drive a democratic transformation in societies.**²⁹ Reparations should have a corrective effect and should not only remedy the damages caused by processes of victimization, but also **transform the condition of the victims that allowed for or facilitated their victimization.**

The relevant authorities must ensure and administer justice, and apply the essential aspects of the judgment in favor of Irinea Buendía; a judgment, which recognizes the **unending struggle of the mothers and family members of women who are victims of femicide**, as well as the extensive work of **human rights organizations, feminists**, and experts, who, in their protracted struggle, have been critical to the understanding of the issue of femicide in Mexico and in Latin America.

27 Data from National Citizen Femicide Observatory (OCNF).

28 Information provided by the OCNF through requests to access information, with replies until the month of July 2014.

29 Uprimny, Rodrigo and Saffon, María Paula. (2009). Transformative Reparations, Distributive Justice, and the Deepening of Democracy. In Catalina Díaz, Nelson Camilo Sánchez, Rodrigo Uprimny (eds.), *To Repair in Colombia: The Dilemmas in Contexts of Conflict, Poverty, and Exclusion*. (pp. 31-70). Colombia: ICTJ.

II. Violence against Women – The Due Diligence Principle in Europe³⁰

Colette De Troy / *European Women's Lobby Observatory on Violence against Women*

The legal basis for applying the due diligence principle with respect to violence against women (VAW) in Europe are the universal and regional standards and documents on human rights and women's rights, Council of Europe (CoE) and European Union (EU) standards, and documents in the field and related case-laws.

All European countries are bound by *Committee on the Elimination of Discrimination against Women* (CEDAW), its Optional Protocol (OP), and provisions on fundamental rights and non-discrimination based on sex contained in the UN Human Rights Charter. Concluding observations and recommendations to governments on VAW, issued by UN treaty bodies, are also a source of State obligations under the due diligence principle. These countries are also obliged to respect this principle under the European Charter of Human Rights (ECHR) and its Protocols, and to refrain from violations of the fundamental human rights and freedoms enshrined in it, by undertaking requisite positive obligations and respecting the principle of anti-discrimination, according to the affirmed case-law of the *European Court of Human Rights* (ECtHR).

The scope of due diligence in cases of VAW under international law is also defined by the relevant case-laws of respective international courts and treaty bodies.³¹ All case-law is valid and States are obliged to respect and develop the due

diligence principle. The cases concerning Europe indicate the strength and influence of women's civil society organizations (CSO) and movements in the region. Cases from Bulgaria and Croatia³² demonstrate that international due diligence in VAW is being shaped by cases from Eastern Europe as well.

Sixteen years after the Beijing Platform of Action, which contains the main elements of a global strategy to abolish VAW, a regional standard on VAW was adopted in Europe – the *Convention on preventing and combating VAW and domestic violence*, known as the “Istanbul Convention”.³³ The Convention adopts a comprehensive approach, encompassing prevention of violence, protection of victims, and prosecution of perpetrators. It integrates criminal and civil remedies. The convention defines VAW as a violation of human rights and set forth the State's obligation (Due Diligence Principle) to prevent violence, punish perpetrators, and protect victims (Article 5). **Also, a monitoring body, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)**, was established to ensure the adequate implementation.

The EU does not have any specific binding documents on the obligations of Member States **with respect to VAW**. This is a field where the EU, with all its current and potential influence, **clearly lags behind** in comparison to other regions.

30 This article is based on the research on the European part of the Due Diligence Project – State accountability Framework for Eliminating Violence against Women where the EWL coordinated the European part - <http://www.duediligenceproject.org/> and the work of the EWL Observatory on VAW, notably the EWL Barometer on Rape <http://www.womenlobby.org/spip.php?article5119>

31 The CEDAW OP. For example, A.T. v. Hungary, Fatma Yildirim (deceased) v. Austria, SahideGoekce (deceased) v. Austria, V.K. v. Bulgaria, R.K.B. v. Turkey and V.P. v. Bulgaria.

32 The ECtHR. For example, M.C. v. Bulgaria, Bevacqua and S. v. Bulgaria, Opuz v. Turkey, Rantsev v. Cyprus and Russia, A. v. Croatia and D.J. v. Croatia.

33 As of April 2015, 18 countries on 47 have ratified the Convention. The Convention was adopted in May 2011 in Istanbul and came into force in August 2014.

Nevertheless, **several EU standards can be used** as a reference point for the due diligence principle, especially in dealing with trafficking, sexual harassment, and equality in employment. The adoption in 2012 of **the Directive** establishing **minimum standards on the rights, support, and protection of victims of a crime**,³⁴ should bring more protection and rights to the victims, and notably ensure that they are treated with respect; that police, prosecutors, and judges are trained to properly deal with them; that victim support exists in every Member State. EU countries have until the 16th of November 2015 to integrate the directive into their national laws.

While the EU does not have a common policy to deal with violence against women, it does have a **mandate to take action against this severe form of gender inequality**. In fact, VAW cannot be understood outside the social structures, gender norms, and roles that support and justify it as normal. Some **Member States** have shown particular political progress in addressing male VAW. For example, after passing an **integrated law on gender-based violence (GBV)** in 2004, **Spain has come to be regarded as the “leader”** in combatting domestic violence against women.

The 2013 European Survey on VAW³⁵ revealed that **one woman in three** in the EU has **experienced** physical and/or sexual **violence** since the age of 15. This shocking figure shows the need for more action to protect women and prevent all forms of violence against women, but also the **gaps in the Due Diligence Principle**. This is certainly true when looking at other forms of violence against women. While there has been some progress on legislation, protection measures, and awareness-raising and prevention campaigns on domestic violence, **few have been done on rape and sexual assault**. Prevention campaigns on sexual violence were launched in only 11 of 28 EU Member States in the past five years. **Specialized support services for victims of sexual violence**

are generally lacking: in 18 countries, there are NO specific services and/or special help lines for women victims of rape. And everywhere, NGOs denounce resources dedicated to dealing with this matter. Sweden, parts of UK, and Ireland being exception, as support services for rape survivors/victims are generally provided by rape crisis centres operated by local health boards and NGOs funded by the Department of Health.

Specific provisions for **migrant women victims of violence** vary significantly across countries. Less than half of the European countries have such provisions. Spain, Germany, Ireland, and Finland are among these countries. The Women's Aid National Helpline in Ireland is free and offers a language line facility for immigrants. Some minority communities, mainly Romani, are targeted in Bulgaria, especially in trafficking prevention; these programmes do not, however, reach other vulnerable groups.

The obligation to protect women is far from being respected in Europe. Many women are dying due to the lack of **immediate protection** or lack of consideration/understanding of the risks and danger of VAW. In many countries, while good legislations are adopted, **lack of funding remains a barrier for implementation**. For example in France, protection orders are issued in 26 days, which is far too long in an emergency. **A third of the demands for protection orders are rejected** on the grounds of insufficient evidence of violence suffered and the dangerous nature of the violent husband. In 2011, **146 people were killed** by their partners or ex-partners (**122 women, 24 men**). Many of the murdered women **had previously reported the violence to social service and police agencies**. **Shelters and services** for women victims of violence **are closing** down everywhere, due to lack of funding.

We hope the Istanbul Convention will revitalise the Due Diligence Principle and commitments of States to fully respect women's human rights.

34 The Directive 2012/29 of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.

35 Violence against Women: an EU-wide survey, EU Agency for Fundamental Rights
<http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>



1. SPAIN

DENIED PROTECTION ORDERS AND FEMINICIDE IN CATALONIA

Beatriu Masià / *TAMAIA –
Viure Sense Violència*

The relentless succession of deaths of women in Catalonia demonstrates how urgent it is for States to act not only in relation to the prevention, investigation, and punishment of femicide cases, but also in regards to prevention and reparation for victims. When **the State does not diligently assume the competencies that correspond to it** – Organic Law 1/2004² and Law 5/2008³ of the Generalitat Government of Catalonia, nor the international treaties that it has signed, such as the Istanbul Convention, which is the most recent one – it is not complying with its duty to protect a significant part of the population. Lack of due diligence in the actions needed to put a stop to this violence **makes the State a symbolic and structural accomplice** in the perpetuation of the violence.

As already mentioned, there are two specific laws in Catalonia: one is a civil law (5/2008) and the other is a criminal law (1/2004), as well as various legislative provisions in the area of criminal law that are applied in relation to gender violence and/or male violence against women. Nevertheless, **the concept of femicide** – the death of women due to “gender violence” – **is only applicable in cases where the perpetrator is or has been the victim's partner**, as stipulated in Law 1/2004, **which omits other forms of femicide**.

In our understanding, the fact that current legislation does not recognise all cases of femicide is not only due to the lack of a unified, recognised concept of the act of femicide and its subsequent legal framework. There is also an underlying patriarchal structure that forms part

of criminal law and of the willingness to enforce this law. This underlying structure **weakens and renders of little use** Law 1/2004 which, on the other hand, is considered to be one of the best laws at the European level.

This weakness is also expressed in the case of **preventing feminicides**, especially those perpetrated in intimate and/or partner relationships, where women are more vulnerable and at higher risk of suffering femicide. There are higher prevalence rates in Catalonia than in other regions of the State, where the annual average over a five year period is 5.76 women murdered per million women. In most cases, these women were murdered by their intimate partners, so it is necessary to **assess the impact** that the **denial of 66% of protection orders requested in Catalonia** has on the perpetrators of femicide.³⁶

While our intention is not to establish a direct link between the denial of protection orders and femicide cases, we know from the female victims of intimate and/or partner male violence that we attend to in Tamaia that the **attitude of their partners** and/or ex-partners is much **more threatening** and arrogant **when protection and/or restraining orders are denied**. Relying on justice is the last resource that women who are at risk of femicide have to try to put an end to the violence.

Feminist and women's rights organisations have been pursuing this issue for a long time and demanding that measures be taken **to investigate what mechanisms have failed in the cases of femicide**, fourteen in Catalonia in 2014, seven of which had been previously reported.

In view of this situation, which has now become systemic and where different legal proceedings do not protect the right of women to a life free of violence, we consider that the States, in their different levels, need to implement the following strategies:

36 In 2014, 5,342 protection orders were applied for, 1,812 (34%) of which were adopted and 3,530 (66%) were denied.



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- **Targeted training** for all **law officers** who are involved in the cases of female violence and femicide.

- **Expose** and eliminate the **symbolic violence** against women in the judicial bodies, in legal proceedings, in the evaluations of advisory services, **by not lending credibility to their testimonies** in the cases of violence against women.

- Review the criteria upon which protection orders are granted or denied in order to **establish clear instructions** on the matter **in all courts**.

- That women have access to **legal advice** starting from the first moment they file the report and that this advice is **free of charge**.

- That the State investigate the cases of femicide that were previously reported where protection orders were denied, in order to **correct the practices that do not adapt to the legal system** and **that the operators** who did not intervene with due diligence **are penalised**.

- **That the State act as private prosecution** through the Office of the Public Prosecutor in

all cases where the victim has no family and/or does not have the resources required to continue with the proceedings against the perpetrator, and/or when there are abandoned minors.

- Include the **criminal definition of femicide** in all cases where women die just because they are women.

- That the State act to put a stop to the structural violence against women, as the **continuance of different economic and social inequalities** put women at risk of male violence.

- That the contribution and experience of **women who have survived** femicide and their experiences and coping strategies are seen as a value that changes society's view of victims of femicide, giving it **top political consideration**. Also, the contributions made by women, who have worked and continue to work from different aspects of feminism, to guarantee the human rights of women and for truly fair justice, must also be recognized.

2. UNITED KINGDOM

THE NEED FOR A BROADER APPROACH TO FEMINICIDE

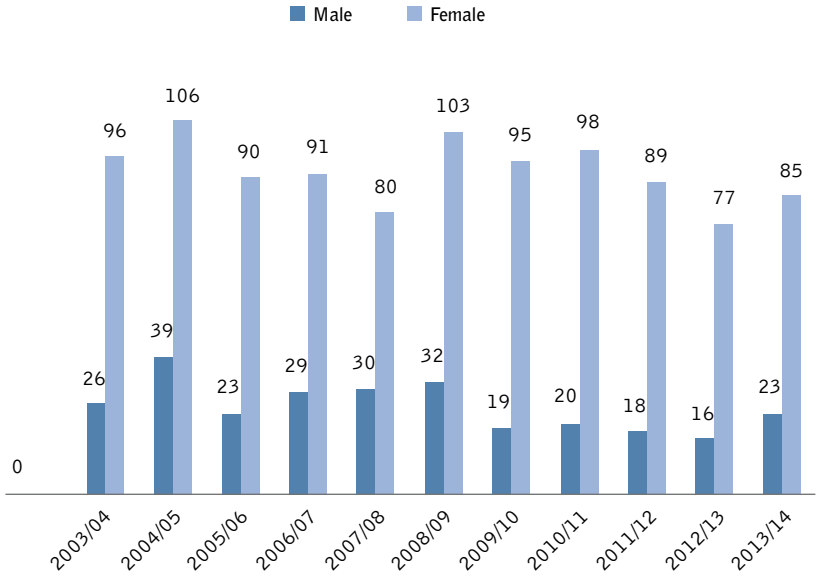
Karen Ingala Smith / *Nia*
Hilary Fisher / *Women's Aid*

The United Kingdom's government does not have an agreed definition of nor does it publish data on femicide. The findings of the Office for National Statistics from the 2013/14 Crime Survey for England and Wales show that men continue to be more likely to be killed than women, since they represent 64% of homicide victims. Although the sex of the primary suspect/perpetrator is not disclosed in the survey, court proceedings that had

concluded indicated that, from the total perpetrators, 90% were male and 10% were female. This indicates that men are more likely to be killed, but also that their killers are overwhelmingly men. **Women are less likely to be killed**, but when they are, they are very frequently **killed by a man**.

With respect to intimate partner homicides, however, the sex of perpetrators is known. In the United Kingdom, over the last ten years, **on average, two women a week are killed by their male partners or former partners**. Frequently, these murders have been **premeditated** and follow a pattern of violence and abuse that terrorise the victim. Women are far more likely to be killed by their partners/ex-partners than are men, as the table below indicates (46% of female victims compared with 7% of male victims).

NUMBER OF HOMICIDE VICTIMS AGED 16 AND OVER KILLED BY PARTNER/EX-PARTNER, BY SEX OF VICTIM, 2002/03 TO 2013/14³⁷



37 Office for National Statistics, Crime Survey for England and Wales 2013/14, Chapter 2: Violent Crime and Sexual Offences – Homicide, <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2013-14/rpt-chapter-2.html>

The UK definition of intimate partner homicide includes killings by a “spouse, cohabiting partner, boyfriend/girlfriend, ex-spouse/ex-cohabiting partner/ex-boyfriend/girlfriend and adulterous relationship” but also “lover’s spouse and emotional rival”. In addition to men being much less likely than women to be killed by a partner or former partner, men are much more likely to be killed by the spouse of a partner or a love rival (14 out of 57 men between 2011/12 and 2013/14, compared to none of 249 women); and, men are much more likely than women to have been killed by someone of the same sex (21 of 57 male homicide victims between 2011/12 and 2013/14 were killed by a man, compared to one out of 249 women).³⁸

After intimate partner homicide, the next biggest category of women victims of femicide is mothers killed by their sons.³⁹ 43 women were killed by their sons between 2012 and 2014, an average of over one per month.

An inquiry into the police response to domestic violence in 2014 by *Her Majesty’s Inspectorate of Constabulary* (HMIC) found **significant failures by the police response**, which put victims’ lives at risk. The inquiry report noted failures in **leadership, core policing** – such as evidence gathering – skills and knowledge, and in **opportunities to learn**.

One of the key learning opportunities comes from **Domestic Homicide Reviews** (DHRs); however, HMIC noted that while police officers participate in DHRs, *“there is insufficient evidence to show how learning from the reviews is being used to improve police practice”* and recommended that police force action plans be developed with reference to homicide reviews.⁴⁰

DHRs were introduced in 2011 to identify and share learning amongst the agencies involved. Local

areas are expected to undertake a multi-agency review to identify lessons with the aim of preventing further homicides.⁴¹ A review by the Home Office of 54 DHRs received by March 2013 identified a number of common themes, including a **lack of understanding by professionals of domestic violence, particularly coercive controlling behaviour**, which is a high risk factor for femicide, poor information sharing, and **appropriate management of perpetrators when bail is breached**.

Women’s Aid continues to receive reports from survivors and organisations that support survivors that they **are not confident that the police are able to keep them safe and deal effectively with perpetrators**. There is a concern that risk assessments currently used do not adequately assess for **psychological abuse** and **coercive control** and miss prior known incidents, and that a risk-based approach fails to identify coercive control and **provide survivors with the safety and support they need**. The failure to support victims adequately is compounded by the cuts in dedicated specialist domestic violence services that provide life saving support. On just one day in 2014 in refuge services: 112 women and their 84 children were turned away because of a lack of spaces.⁴²

In order to tackle femicide, the UK must first **agree on a definition of femicide and record data on all femicides**, not just those of women killed by current or former intimate partners. The UK’s government should ratify and implement the **Istanbul Convention**. To reduce the number of femicides, the response must be multi-dimensional and **tackle inequality between women and men** and the social context conducive to men’s violence against women and girls. Action must be taken, coordinated and consistent on the cultural, institutional, local environment and individual level.

38 Ibid.

39 Karen Ingala Smith, *Killed By Their Sons*, 2014 <http://kareningalasmith.com/counting-dead-women/mother-killers/>

40 Op.cit, HMIC 2014, p16.

41 Domestic Violence, Crime and Victims Act 2004, Section 9, which came into force on 13 April 2011.

42 Women’s Aid’s Annual Survey 2013/14, <http://www.womensaid.org.uk/page.asp?section=000100010014001300050001§ionTitle=Annual+Survey+Moment+In+Time>



The UK's data focus on sex differences in intimate partner homicide and the exclusion of a broader approach to femicide **creates a false equivalence between female and male victims and perpetrators of intimate partner homicide.** Women who experience domestic violence have specific support, service, and legal needs, but the killings of women through intimate partner homicide have much more in common with those of women killed by men who are not former or current intimate partners than the much smaller numbers of men killed through intimate partner violence.

All front line police officers and professionals working in the criminal and civil justice system should receive domestic violence awareness training, including instruction on the nature and impact of coercive control. Every police force should have a **specialist dedicated to the Domestic Violence Unit**, whose primary role

is protecting victims and **providing specialist advice and support to frontline police and effective investigation methods** to ensure successful prosecution of perpetrators. Any risk assessment carried out should **focus on the safety and needs of individual women** and they should be referred to **specialist domestic violence services.**

An essential component of protection is the **collection of data** on violence against women. It is for this reason that Women's Aid and Karen Ingala Smith have launched the UK's **first census** on women killed by men. The Femicide Census will provide a clearer picture of femicide, by including domestic homicides in the UK, **identifying trends, providing information to support advocacy and enable comparisons** and parallels between cases, and identifying where there is the potential for a systemic argument against the State for failing to protect the Right to Life.⁴³

43 <http://www.womensaid.org.uk/page.asp?section=00010001001400130010§ionTitle=Femicide+Census#femcensus>

III. Femicide and Clandestine Abortions in the EU and Latin America⁴⁴

Patsilí Toledo / *Professor at the University Pompeu Fabra*

“My definition of femicide also includes covert forms of the killing of females, such as when patriarchal governments and religions forbid women's use of contraception and/or obtaining abortions. Consequently, millions of pregnant women die every year from botched attempts to abort their foetuses.”⁴⁵

For more than twenty years, the expression femicide has been utilized as a political and analytical category to identify the extreme in a continuum of violence that affects women due to the fact that they are such in patriarchal societies. Since the first projects that developed this

concept, the death of women due to clandestine abortions, to which they are forced to resort to due to the criminalization of abortion, is now considered femicide.⁴⁶

Every year, approximately 70 thousand women die as a consequence of abortions performed in unsafe conditions in countries where abortion is illegal or restrictive.⁴⁷ Although for the most part, countries in Europe and North America recognize a woman's right to abortion, there are serious exceptions and recently, some governments have promoted several initiatives intended to restrict this right.



In **Spain**, voluntary termination of pregnancy (VTOP) is legal up to 14 weeks of gestation. In some regions, however, it can only be performed in **private medical centres or centres that provide this service do not exist**. Foreign undocumented women do not have the right to healthcare, and consequently, to abortion.

The current government, in a retrograde attack, tried to restrict the right to an abortion to only exceptional circumstances, but the women's movement managed to stop it.

Even so, the government has modified the law so that sixteen and seventeen year-old women need the explicit consent of their legal guardians.

44 The texts presented below have been developed thanks to the collaboration of Patsilí Toledo Vázquez, Hilary Fischer (Reino Unido), Campanya pel Dret al Propi Cos (Cataluña, España), Martha Yuriria Rodríguez Estrada (México), Maya Alvarado (Guatemala), Morena Herrera, (El Salvador), Florencia Quedada (Honduras), Adriana María Benjumea Rua (Colombia), Leila Linhares Barsted (Brasil), Liz Meléndez (Perú), Lorena Astudillo y Paula Santana (Chile).

45 Russell, Diana (2011). *The origin and importance of the term femicide*.
http://www.dianarussell.com/origin_of_femicide.html

46 Russell, D. and Caputi, J. (1990). *'Femicide': Speaking the Unspeakable, Ms.*, Sept-Oct/1990.

47 <http://www.fpa.org.uk/unplanned-pregnancy-and-abortion/abortion-your-questions-answered>



Since 1967, the law in **England [1]**, **Wales [2]** and **Scotland [3]** allows an abortion up to 24 weeks of pregnancy, if two doctors agree that it necessary to avoid physical or mental health complications of the pregnant woman.⁴⁸

In **Northern Ireland [4]**, on the other hand, it is only permitted when there is a real and substantial risk to the life of the pregnant woman. In any other case, **abortion is a crime that carries a 14-year prison sentence.**⁴⁹ Due to this, women are forced to travel and pay thousands of pounds to access safe and legal abortion services that women in the rest of the UK are entitled to. **Women living in poverty do not have this option.**

The main **cause of clandestine and unsafe abortions is the total or widespread criminalization of abortion.** This criminalization is still, as a general rule, largely abided by in Latin America, where one can find some of the few countries in the world that still **prohibit abortion without exception.**



In **Mexico [1]**, the **Federal District is the only federative entity where termination of a pregnancy is legal during the first twelve weeks of gestation.** In the rest of the country, abortion is a crime, except when the pregnancy is the result of rape or other exceptions that vary depending on the district. Since 2008, reforms of sixteen state constitutions to protect life “from conception”, have **generated a climate of criminal persecution towards women and of confusion among the personnel of reproductive health services.** This worsens the lack of access to abortion, even in those cases in which it is permitted, provoking women to resort to clandestine abortions that, in many cases, put their health and lives at risk.

El Salvador [2] has **one of the most restrictive abortion legislations in the world.** In 1999, the Constitution was reformed to protect life from the moment of conception, which has led to the **penalization of abortions as aggravated homicides, with 30 to 40 year prison sentences.** The complete prohibition of abortion impacts the morbidity and mortality of pregnant women, in cases that are obviously preventable, especially for young women and those that live in poverty. This also reflects the increase of suicides among pregnant women, especially adolescents, in the last few years.

48 <http://www.fpa.org.uk/unplanned-pregnancy-and-abortion/abortion-your-questions-answered>

49 Center for Reproductive Rights, 2014, Abandoned and stigmatized. *The impact of the Irish Abortion Law on women.*

Abortion in **Honduras [3]** is **penalized in all its forms, without exception**. Women that terminate their pregnancies do so clandestinely, putting their lives in danger. Since hospital records began to be used in Honduras, **abortion is the second cause of hospital discharge after birth**.

Honduran women almost always **sicken and die** from problems related to the **exercise of their sexuality and their reproduction**, absolutely **preventable** in most cases.

In **Guatemala [4]**, abortion is penalized and **is only permitted to save the life of the pregnant woman**. This prohibition affects women and, especially, 10 to 14 year old girls that are forced to give birth. In 2014 alone, 60,000 babies were born to mothers younger than 19 years old.

It is estimated that **65,000 induced abortions** occur in Guatemala annually and this **represents the third leading cause in maternal death**.



In 2006, abortion in **Colombia [1]** was **decriminalized by the Constitutional Court** in cases of rape, deformity of the foetus, or when the woman's life was at risk. A wide gap exists between legal guidelines and reality. In Colombia, of 400,000 abortions, **only 0.8% were performed within the Court's established legal framework**.⁵⁰ This is due to the lack of adequate, straightforward, and accessible information, worsened by **governmental officials that, in violation with the secular state, impose a religious perspective against this right**. That is how women continue being victims of a multitude of obstacles and discriminations that impede their access to this service.

Brazilian [2] legislation **severely punishes voluntary abortion**, except when there is **risk of death** for the pregnant woman, the pregnancy is the product of **rape**, or in cases of **anencephaly**. Aside from these cases, women are obliged to resort to clandestine abortions.

In **Brazil**, it is recorded that **70 maternal deaths** occur per 100.000 live births, which is another example of **gender-related** female deaths that could be avoided. Unsafe abortions represent 81% of obstetric deaths.

⁵⁰ CFR.. Panel on the life and health of Women, Debate of the political control of the voluntary termination of pregnancy. Seventh Committee Session of the Senate of the Republic, 16 of September 2014. Available in: <http://www.despenalizaciondelaborto.org.co/index.php/documentos/1-publicaciones/file/46-barreras-para-la-garantia-del-derecho-a-la-ive>

In **Peru [3]**, abortion is only permitted to save the life of or prevent serious or permanent damage to the health of the pregnant woman. Rape is not a valid exception.

Of the total number of raped adolescents, 34% of them became pregnant. Similarly, according to the Ministry of Health, in 2013, **suicide was the principal indirect cause of maternal deaths among adolescents, representing 56% of deaths.**

Chile [4] is one of the five countries around the world that penalizes abortion in any circumstance; albeit historically, the health code contemplated therapeutic abortion, but this was repealed towards the end of the Pinochet dictatorship.

Although **the current government has presented an initiative to permit abortion** in cases of non-viability of the foetus, risk to the mother's life, and rape, these reasons only take into account 2% of women that abort in Chile and continue to be reasons that **do not recognize a woman's right to choose.**

This past April in Paraguay **[5]**, the case of a 10 year-old girl, **impregnated as a consequence of being raped by her step-father**, was made known. Despite strong international pressure and insistent requests by her mother, the Paraguayan authorities **have not allowed the girl to have an abortion.** In Paraguay, abortion is legal only when necessary or inevitable if it poses a serious risk to the life or health of the pregnant woman. The interpretation of this legal provision, however, is extremely restrictive and has never been applied in favor of a girl. In this case, the State has limited itself to **keeping the mother in prison** – for concealment of the rape – separating the girl from her family and leaving her in a situation of greater abandonment. She is **forced to continue with a pregnancy that involves health risks** and possible long-term consequences to her physical and mental health.

Statistics show that, **every year**, approximately **700 girls between 10 and 14 years** of age become mothers in Paraguay.⁵¹ Without doubt, many of them have also been victims of rape.

51 Amnesty International. Urgent Action 100/15. Index: AMR 45/1554/2015. Issue date: 28 April 2015.

Links

International and European Union instruments to eradicate violence against women

— Conventions of the UN, the OAS, and the ECHR

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), 2011.

http://www.coe.int/t/dghl/standardsetting/convention-violence/about_en.asp

Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Belém do Pará Convention), 1994.

<http://www.cidh.org/Basicos/English/basic13.Conv%20of%20Belem%20Do%20Para.htm>

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979.

<http://www.un.org/womenwatch/daw/cedaw/>

— Council of the European Union

Declaration by the High Representative Catherine Ashton, on behalf of the European Union, on the International Day for the Elimination of Violence against Women, 25 November 2012.

http://eeas.europa.eu/delegations/syria/press_corner/all_news/news/2012/20121125_1_en.htm

Council Conclusions on Improving Prevention to Tackle Violence against Women and Care to its Victims within the Scope of Law Enforcement, 2010.

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http://ec.europa.eu/justice/grants1/programmes-2007-2013/daphne/index_en.htm

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<http://www.europarl.europa.eu/committees/en/femm/home.html>

European Parliament Subcommittee on Human Rights.

<http://www.europarl.europa.eu/committees/en/droi/home.html>

European Parliament Resolution of 5 April 2011 on Priorities and Outline of a New EU Policy Framework to Fight Violence against Women.

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0127+0+DOC+XML+V0//EN>

European Parliament Resolution on the Escalation of Violence in Mexico, 2010.

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0067+0+DOC+XML+V0//EN>

European Parliament Resolution on the Elimination of Violence Against Women, 2009.

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— EUROLAT, Euro-Latin American Parliamentary Assembly

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Urgent Resolution on Femicide in the European Union and Latin America.

http://www.europarl.europa.eu/intcoop/eurolat/assembly/plenary_sessions/athens2014/adopted_docs/femicide/1026102en.pdf

Links to article references and authors' organisations

Campanya del Dret al Propi Cos, Spain – <http://sosdretalpropicos.blogspot.com.es/>

CEPIA, Brazil – <http://www.cepia.org.br/>

Chilean Network against Violence towards Women, Chile

<http://www.nomasviolenciacontramujeres.cl/~nomasvio/nomasviolenciacontramujeres.cl/frontpage>

European Women's Lobby (EWL), *EWL Observatory on Violence against Women*, Belgium

<http://www.womenlobby.org/spip.php?rubrique219&lang=en>

Feminist Collective for Local Development, El Salvador – <http://www.colectivafeminista.org.sv/>

Flora Tristán Centre for the Peruvian Woman, Peru – www.flora.org.pe

Due Diligence Project, <http://duediligenceproject.org/>

Humanas Corporation, *Regional Centre for Human Rights and Gender Justice in Colombia*, Colombia

<http://www.humanas.org.co/>

National Citizen Femicide Observatory, Mexico – <http://observatoriofemicidiodimexico.org.mx/>

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Tribune of Women against Femicide, *National Campaign against feminicides*, Honduras

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UNAMG, National Union of Guatemalan Women, Guatemala – <http://www.unamg.org/>

Women's Aid, United Kingdom – <http://www.womensaid.org.uk/>

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The creation of the “Bi-Regional Dialogue on Gender” between the European Union and the Community of Latin American and Caribbean States (CELAC) in Santiago in January 2013, which takes into account the struggle against violence towards women, shows the commitment both regions have made to tackle this kind of violence. However, this dialogue, as well as other international and national instruments, alone is not sufficient for the eradication of violence against women, nor its most extreme manifestation, femicide.

The principle of due diligence within international public law makes the State responsible not only of acting adequately against human rights violations, such as femicide, but also of preventing them. This involves, on the one hand, adopting pertinent laws and policies that prevent, investigate, prosecute, and

punish those guilty of abuse, and on the other hand, successfully implement them. Without this implementation, States continue to fail in their international obligations.

Developed, as usual, from articles written by prominent advocates of the human rights of women, academics, and civil society representatives from Latin America and the EU, this fourth publication of the series “Femicide: A Global Phenomenon” has as a common theme the compliance of States to the duty of due diligence.

The articles show that the situation is similar and serious in both continents, and that commitments and declarations must urgently be put into action.

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