

COMMUNITY OF LATIN AMERICAN AND CARIBBEAN STATES (CELAC)/

EUROPEAN UNION (EU)

WORKSHOP ON VIOLENCE AGAINST WOMEN/ FEMICIDE/ FEMINICIDE

City of Buenos Aires, Argentina

28-29 November 2013

Final Report

The Workshop on “Violence against Women, Femicide/ Femicide” —which had been proposed by Argentina and approved in January 2013 by the 1st CELAC-EU Summit held in Santiago, Chile— took place within the framework of the Dialogue on Gender between the Community of Latin American and Caribbean States (CELAC) and the European Union,

During the meeting, that took place on 28th and 29th November at the Palacio San Martín, Ministry of Foreign Affairs of the Argentine Republic, the experts analyzed the different aspects of the violence against women, which affects countries in both regions.

The workshop focused on the topics identified during the discussions held by the two regions during 2013, namely: Legislation on Femicide/ Femicide, Protocols for investigating gender – related deaths and Statistics on Femicide/ Femicide. These topics were considered a priority by countries in both regions, Latin America and the Caribbean and the European Union.

From different perspectives, but sharing the same values, experts discussed on the current situation in the two regions, in order to find the most relevant aspects that would help identify common priorities and challenges. They also offered suggestions to facilitate the tasks that each country has to undertake to combat Violence against Women.

The workshop was opened by the Undersecretary for Foreign Policy of the Argentine Ministry of Foreign Affairs, Ambassador María del Carmen Squeff, the Head of the EU Delegation to Argentina, Ambassador Alfonso Diez Torres, and the coordinator of the EU-LAC Foundation, Bettina Trueb.

Experts from more than 50 countries participated in the Workshop, including authorities from National Mechanisms of Women, diplomats and experts on this issue.

The first panel on “Legislation on Femicide/ Feminicide” included Marcela Eternod Arámburu, Executive Secretary of the National Institute for Women (México); Mo Hume, from the University of Glasgow; Lourdes Bandeira, Executive Secretary of the Secretariat for Women of Brazil; Sena Latif, Romanian Chargée d’Affaires to Argentina; and Verónica Ferrucci, Counsellor of the Italian Embassy to Argentina. It was moderated by Argentinian Federal Judge Carlos Rozanski.

The concepts of Femicide and Feminicide were discussed on the basis of the experiences of the different countries, the scope of their legislation, the importance of the prevention of this crime and the different strategies proposed for its accomplishment. Regarding the concepts of “femicide” and “feminicide”, several countries referred to the theoretical debate on the use of one concept or the other. And they underscored the importance of deepening the conceptual developments so as to comprehend this phenomenon in all its complexity and diversity.

Taking into account the experience of the countries that have already implemented this type of legislation, the advantages of having specific legislation on femicide (eg Costa Rica) or introducing femicide by modifying the Penal Code (as an autonomous crime or aggravating factor/specific law), in regard to laws on domestic/ intrafamily/ family violence and gender violence laws. The importance of taking into account the special situation of victim’s children was also highlighted.

Experts agreed in the importance of counting on a specific femicide/feminicide law as this crime becomes more visible and important. Although, they pointed out that criminal proceedings are not the only tool for states to solve this type of problems and that the legal frame is insufficient to give an account of the complexity of this phenomenon.

The second panel dealt with protocols. The panellists were Deputy Prosecutor Patricia Velásquez, from El Salvador; Helena Ewalds, from the National Institute for Health and Wellbeing of Finland; María Dolores Luzuriaga, from the Commission on the Transition to Define Public Institutionalality in Ecuador; and Emmanuelle Latour, from the General Directorate of Social Cohesion of the French Ministry of Women’s Rights.

The panel was moderated by Miryam Naveiras, Counsellor of the Spanish Embassy to Argentina.

The experiences of several countries that have implemented protocols in specific fields—such as security or the judiciary—as well as other countries that have general manuals without any specificity between fields were presented. It was compared the advantages and disadvantages of each model and the importance of preserving evidence and information and the proper recording of cases.

The Regional Representative of the High Commissioner for Human Rights, Dr. Amerigo Incalcaterra, talked about the Protocol elaborated as an initiative of the High Commissioner for Human Rights of the United Nations, which is being validated by Latin American and Caribbean countries.

The third panel, on “Femicide/ Feminicide, Collecting Data and Statistics” was composed by the Regional Director of SERNAM in the Maule Region, Ana Paola Ponce from Chile; María José Magalhães, from Universidade do Porto, Portugal; Polly Olliver, Coordinator of the Gender Affairs Division of the Ministry of National Mobilization, from Saint Vincent and the Grenadines; and Karin Proidl, Austrian Ambassador to Argentina. It was moderated by Natalia Gherardi, a CEPAL Advisor. The experts agreed on the necessity of official statistics and emphasized the importance of building reliable indicators and statistical availability on violence, in order to lay the foundations needed to conduct public policies based on actual diagnosis on the issue. Many of them agreed on the lack of official statistics in most cases. The experts also shared similar experiences related to the fact that generally first statistics available are compiled by NGOs that collect the data from surveys made by the media.

Experts observed that the approach to gender violence or violence against women—in Latin America and the Caribbean and Europe—has been historically based on a domestic perspective of the issue. However, nowadays gender violence has transcended to the public sphere since it became evident that we are in the presence of a serious problem concerning different countries, regions and social classes.

During the workshop it became clear that there is a tendency to typify femicide/feminicide through different modalities. In some cases, it was included in comprehensive laws against violence that may or may not contemplate specific penalties;

in other cases, specific laws were created; finally, in some other cases, changes were introduced in the Penal Codes, as an autonomous legal form or as an aggravation. Those countries that do not have a specific legal form for femicide/feminicide in their legislation are now considering to incorporate it through different projects.

Experts also agreed that there are difficulties concerning how gender violence is dealt with. In that regard, it was underscored that gender violence episodes are probable precedents for femicide/feminicide and that is why it is crucial that prevention takes place in that moment, without any delay.

To do so, it is a priority to have public servants who are capable of recognizing and working with gender violence scenarios. Unluckily, nowadays most of the countries recognize that judicial institutions not only are unable of developing these tasks of prevention and early assistance but they also often reproduce violence, revictimizing women and their children. The necessity of providing public servants with training was emphasized. Nevertheless, experts stated that removing public servants from their positions should be taken into account as despite processes of training and awareness campaigns chauvinist prejudices remain in many cases.

The importance of an education based on the respect of human rights and diversity was highlighted. In that sense, good practices were shared among the participants. Also, experts agreed on the importance of the relationship with the media in order to guarantee a proper approach to these issues that would not reproduce stereotypes which lead to apologetic attitudes towards gender violence.

The experts further agreed that it is crucial to implement Comprehensive Action Plans on Violence, take into account the situation of children who witness violence in order to avoid the intergenerational repetition of the problem and develop programs to treat the perpetrators.

In addition, the experts considered it fundamental to guarantee that mechanisms for the punishment and criminalization of offenders are implemented, since impunity contributes to the growth of the problem.

During the last part of the debate concern about burn out syndrome was expressed by several countries, regarding the devastating effects on the professionals that deal with this hard situations and the need of implementing strategies to prevent that syndrome.

Finally, the participants underscored that the Dialogue on Gender between CELAC and the EU is an opportunity to promote international cooperation between the two regions in order to promote women's rights in general and specifically the elimination of gender violence. The participants thanked the Government of Argentina and the EU for organizing this event and looked forward to continuing with this dialogue and cooperation.

Last words were in charge of Mrs. Eva Giberti, Coordinator of the "Victims against Violences" Programme of the Ministry of Justice and Human Rights from Argentina and Ambassador Alfonso Diez Torres, Head of the EU Delegation to Argentina. Mrs. Giberti explained the functioning of the Programme she coordinates foregrounding the attention given by 137 phone number line that works during 24 hours, 365 days. The Programme of accompaniment implies the deployment of mobile brigades including professionals to the place where the victim and children are at the moment they made the call. The expert emphasized that political will is essential to put into practice these policies. Ambassador Diez Torres agreed with Mrs. Giberti and assured that the Workshop showed the existence of that political determination to combat this crime. He thanked Argentine Government the proposal of the Gender Dialogue and for preparing the Workshop. He expressed his aim to deepen this Dialogue organizing future actions.

The Government of Argentina, as coordinator of the dialogue, informed that a next meeting will take place in March 2014, in New York, within the framework of the Commission on the Status of Women of the United Nations (CSW) whose priority theme is "Challenges and achievements in the implementation of the Millennium Development Goals for women and girls".