

FROM MEXICO TO LIMA
FEMINICIDE:
A GLOBAL PHENOMENON?



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Heinrich Böll Stiftung

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Interviews (included in various parts of the publication)

- Andrea de la Barrera, Latin American and Caribbean Committee for the Defence of Women’s Rights (CLADEM), Mexico
- Silvia Chejter, Culture and Women Meeting Center (CECYM), Argentina
- Cecilia Enríquez, Women’s Promotion Center Gregoria Apaza, Bolivia
- Alba Estela “Lola” Maldonado, Guatemalan feminist, social activist and ex-parliamentarian
- Liz Melendez, Peruvian Women’s Center Flora Tristán
- Soledad Rojas Bravo, Chilean Network against Domestic and Sexual Violence

Preface

“We face three challenges:

First of all, to **break the silence** of these murders whose targets are women, secondly, to **end the impunity** in which these crimes are involved and finally, to call for a **universal responsibility**, since, when I did a presentation on femicide before the European Parliament, I had the perception it was regarded as a local problem.”

Raül Romeva i Rueda

I. What is feminicide?¹

The term feminicide arises from the legal definition of violence against women as established by Art. 1 of the Convention of Belém do Pará: "(...) violence against women shall be understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere."²

The feminicide phenomenon was defined as such for the first time in Mexico in 2006, as: "the **set of crimes against humanity consisting of the murders, kidnappings and disappearances of girls and women in a context of institutional collapse**. It is indicative of a fractured rule of law which favors impunity. Feminicide is a crime of the state."³

In the classic article "Femicide" from 1990, by Diana Russell and Jane Caputi, femicide is considered to be "**on the extreme end of a continuum of anti female terror** that includes a wide variety of verbal and physical abuse (...). Whenever these forms of terrorism result in death, they become femicides."⁴

It is "the murder of the generic woman", just like with genocide, that is, **men murdering women because they are women**. The murders target a whole category, not a specific person.⁵

The term "**social feminicide**" refers to the role of governments and societies in places where women are allowed to die because of misogynist attitudes, sexist laws or social institutions.⁶ Such governments and societies produce and perpetuate **impunity** for the murderers. In these places the dominant social and cultural environment is conditioned by the strong presence of **patriarchy and male chauvinism**, through which power and



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In order to eradicate feminicide "it is necessary to change the living conditions of women, to modify the relationship of male supremacy and the patriarchal content of the laws and institutions". Nothing less.⁷

- 1 Marcela Lagarde quoted by Ana María Portugal, El feminicidio a la OEA, 2006 (www.mujireshoy.com).
- 2 Convention of Belém do Pará, Art. 1.
- 3 Feminicide violence in the Mexican Republic, Chamber of Deputies of the Union Congress. LIX Legislature. Special Commission to understand and monitor investigations related to femicide in Mexico and the corresponding access to justice. Mexico 2006.
- 4 Jane Caputi and Diana Russell: Femicide: Speaking the Unspeakable, 1990 (published in Diana Russell and Jill Radford: Femicide: The Politics of Woman Killing, New York 1992).
- 5 Rita Laura Segato: What is feminicide. Notes for an emerging debate. Brasília, 2006. <http://www.isis.cl/Feminicidio/doc/doc/Segato.pdf>
- 6 Monitoreo sobre femicidio/feminicidio en El Salvador, Guatemala, Honduras, México, Nicaragua y Panamá, Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) 2007.
- 7 Some feminists in the region have coined the term feminicidio as a political and legal concept to emphasise that it is not only the violent killing of women but also the impunity in bringing the perpetrators to justice. Women's organisations in Central America use the term "feminicidio" instead of "homicidio" in order to draw attention to the murder specifically of women. The term in English is "femicide" and was first introduced by Jill Radford and Dianne Russell (1992) in their book Femicide: the Politics of Woman Killing. In this publication, the term "feminicide" is used as direct translation from the original Spanish text.

masculinity become synonyms. Femicide is a crime of power which has intensified and worsened as women's liberation has challenged male dominance. The aim is to re-establish and uphold patriarchal laws – control of the female body and male superiority – in the framework of historically unequal power structures between men and women.

Femicide emerges in a social context conditioned by a patriarchal mentality, where most domestic and reproductive labor is performed by women, whose independence in society is consequently impaired.⁸ Furthermore, as women enter the workforce and provide services outside of the home they are doing so in inferior and exploitative conditions: either working as maids in individual houses, informally selling products in the street, or laboring in the maquiladoras which have sprung up in the last few decades with production for a global market. Rather than freeing themselves of subordination by working, women are joining the workforce in unequal and denigrating conditions, which allow for exploitation and consolidate the image of second-class citizens.

The general context in which femicide is perpetrated is characterized by:⁹

- **Impunity** understood as “non-existence – in law or in fact – of criminal, administrative, disciplinary or civil liability of the perpetrators of the acts referred to, the failure to investigate or sanction the acts, the lack of budgetary resources and the frequent obstacles to access to justice encountered by female victims¹⁰ and their relatives” is created by the corruption and inefficiency in the judicial system and presupposes complicity with and protection of the criminals, both directly and

indirectly. This situation encourages the repetition of crimes and creates a climate of collective insecurity. Crimes committed specifically against women are consistently given greater impunity than other crimes.¹¹

- Throughout Latin America there is a great degree of **social inequality**.¹² Even though in Central America women are in charge of many (in some places a majority) of the homes, the cultural conceptions and the laws bind women to economic dependence on men. The Latin American social structure is based on a patriarchal mentality, by which violence against women is considered normal and even valued. The patriarchal system does not only accept and legitimize violence against women but also leads to severe segmentation of the labor market and hinders the recognition of political contributions made by women.

- **Economic modernization** since the 1990's due to the growing presence of *maquiladoras* (assembly plants), many of them funded with European capital: Many, often a majority, of the workers in these plants are young and female. There have been many reports regarding the appalling conditions in which they have to work, without fixed contracts, and in denigrating conditions, using precarious and unreliable transportation to the workplace and inadequate public infrastructures. Lack of respect for female employees' labor rights, and consequently their human rights, reinforces a cultural image of women as inferior beings who may be easily discarded.¹³

- **Insufficient rule of law and ineffective institutional structures:** There is evidence to suggest that these nations cannot guarantee the effectiveness of the judicial system, failing to provide justice and safety or even full assurance of human rights for their citizens. The criminal justice systems in many of the region's countries

8 Raúl Romeva i Rueda, Project Report 2007/2025 (INI).

9 Without forgetting the specific local characteristics, for example, Ciudad Juárez sharing a border with the U.S., with drug trafficking and rapid growth without the adequate services, etc.

10 Resolution of the European Parliament “K”, October 2007.

11 As the UN Secretary General points out in the campaign to eradicate violence against women, which was launched for the celebration on March 8 2007.

12 For example, Honduras is the third poorest country in Latin America, with 80% of the country living in poverty; In Nicaragua 50% of the inhabitants is below the poverty line.

13 El femicidio en la industria Maquiladora, Francesca Gargallo, FIDH, 2005 (<http://www.rebellion.org/noticias/2005/7/18009.pdf>).

are too weak to prevent the violation of human rights. In Central America, as well as Peru and Columbia, there are ever-present reminders of the civil wars of the past decades, with many paramilitary and clandestine organisms still intact. In those countries as well as in Mexico new mafia organizations have arisen along with drug trafficking networks, making it even more difficult to reinforce the rule of law. Furthermore, in military organizations women are always seen as spoils of war.

— **Stigmatization of victims by the authorities, or the culture of "she probably deserved it":** How the victims dress, the type of work they do, their personal relationships, or a degrading image of women are often used by police and legal authorities to cast doubt on the victims' credibility, reduce the cases to isolated incidents, and distract attention from what really matters: the right to life, security and dignity of the murdered women and girls. The murders are often blamed on situations involving prostitution, etc. in order to minimize the problem and the responsibilities of the authorities.

— The murders are characterized by their **highly violent nature**, bearing the marks of hate and misogyny. The women are kidnapped, sexually abused, tortured, murdered and mutilated; their bodies are left in the desert, by the roadside, in markets or in vacant lots; all of which is proof of the dehumanization of women as a gender.

— The **lack of financial and human resources** is the main obstacle facing the government institutions created to tackle the femicide problem.¹⁴

— **Shortcomings of national legislation and the ratification of international instruments:**

Some Latin American countries have national plans and laws for the prevention and eradication of violence against women, including the fight against femicide, but in most cases they are not being implemented effectively.¹⁵



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14 Which is the case for the Plan Nacional de Prevención y Erradicación de la Violencia Intrafamiliar contra las Mujeres, PLANNOVI in Guatemala.

15 Nicaragua, for example, has not ratified the Optional Protocol of the CEDAW, which establishes a procedure for reporting violations of human rights, through which the Committee is allowed to initiate investigations of serious violations of women's rights.

II. The "known" cases: Mexico and Central America¹⁶

Mexico and **Central America** have witnessed a sharp increase in documented cases of violent murders in the last few years. Thanks to the greater public attention and a stronger organization of the victims' relatives and friends to publicly denounce the cases, the phenomenon is becoming increasingly visible, although the campaign against it has yet to make sufficient progress.

According to the official statistics from **Mexico**, 6000 girls and women were killed between 1999 and 2006.¹⁷ In **Guatemala**, 1288 women were killed between 2001 and August 2004,¹⁸ in **El Salvador**, there were 2374 killings in 2001, a figure that rose to 2933 in 2004. In **Honduras**, 442 women and girls were the victims of violent murders between 2002 and 2005.¹⁹ In **Nicaragua**, the national police presented statistics from the last few years which show that violence against women is increasing: 203 women were victims of murder between 2003 and 2005; between January and April 2007, the figure was as high as 20, which indicates an alarming increase compared to the same period from the previous year, in which 8 cases were reported.²⁰ The situation worsened in Nicaragua when therapeutic abortion was outlawed in 2006. Currently, Nicaragua is one of three countries in the whole world that prohibits abortion under any circumstance, even in cases of rape, incest or risks to the health and safety of the pregnant mother. Many women died because they were denied emergency obstetric care.²¹

In **Ciudad Juárez** and in **Guatemala**, the killings of women have been characterized by their incredible brutality. The governments have begun taking legislative measures to confront the problem, yet, the preventative measures are few and the proposed actions are not implemented; the investigations are still lacking and the majority of offenders have not been prosecuted. Consequently, there has not been sufficient progress in dealing with the sources of femicide. Every murder is a tragedy. Yet, the cases of two European women murdered in Latin America call attention to an important fact: it is not a question of internal politics, in which case outside interference would be uncalled for, but rather, it is a case of human rights violations in which interference is not only justified but necessary. For that reason, the cases of the two European women murdered in Mexico are particularly symbolic: Hester Van Nierop,²² in 1998 in Ciudad Juárez, and Brenda Susana Margaret Searle in 2001 in Chichen Itzá Yucatán.²³

Mexico as well as Central American countries have been able to gain visibility and document such cases of extreme violence against women. However, the notoriety and awareness they have achieved does not mean that they are the only countries facing this situation.²⁴

16 Based on the Report by Raúl Romeva i Rueda, 2007/2025 (INI).

17 Report of the Special Commission on Femicides of the 59th Legislature of the Deputy Chamber.

18 Based on data from the press and the Instituto Nacional de Estadística.

19 Data from the National Police, see the report from CLADEM 2007.

20 Network of Nicaraguan women against violence, Agencia Adital.

21 The other two countries are Chile and El Salvador. Human Rights Watch: Over Their Dead Bodies. Denial of Access to Emergency Obstetric Care and Therapeutic Abortion in Nicaragua, 2007 (<http://www.hrw.org/en/reports/2007/10/01/over-their-dead-bodies-0>) ; IPAS: Los rostros detrás de las cifras: Los efectos trágicos de la penalización del aborto terapéutico en Nicaragua, Managua, 2007 (http://www.ipas.org/Publications/asset_upload_file689_3316.pdf).

22 The case still has impunity.

23 Lack of clarity in the case of Hester Van Nierop and the slowness in the prosecution of Brenda's murderers show the considerable inadequacies in the judicial system. Brenda Searle's murderers were not found guilty until 2007.

24 Interview with Andrea de la Barrera from CLADEM Mexico.

III. “New” countries – feminicide: a global phenomenon?²⁵

“There are feminicides in every country where there is violence against women, that is to say, all over the world. It is certainly not a unique phenomenon in Ciudad Juárez. It is completely widespread.”²⁶

However, the countries with the highest degree of inequalities are those that are most affected by the phenomenon; which means that in the context of greater inequality women suffer the most, and are prisoners of the hatred, resentment and frustrations generated by different sources.²⁷

The concept of feminicide refers to the murder of women due to their gender, and serves as a form of domination, power and control. It can occur during peacetime or wartime, and it can be committed by someone known or unknown. What these acts have in common is that they originate in the unbalanced power structures between men and women.

The majority of Latin American countries does not have an official system for the collection of data, which would enable them to understand the exact magnitude of the problem and therefore search out the adequate solutions. In many cases, the only sources available for research were newspapers, which are rather incomplete and have a considerable margin of error. Furthermore, when there are official statistics, they are always lower than those reported by non-governmental organizations, which indicates a tendency on the part of governments to minimize the problem.²⁸ The fact that the governments are minimizing the problem demonstrates the lack of interest and the general dehumanization of women under such governments.

The following examples are of "new" countries that have recently begun to use the term "feminicide" and classify as such the type of crimes that constitute feminicide.



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²⁵ Much of the following information is derived from the Feminicide databases produced by ISIS International (Servicio de Información y Comunicación de las Mujeres) sponsored by Unifem (www.feminicidio.cl; www.isis.cl).

²⁶ Interview with Silvia Chejter from CECYM (Culture and Women Meeting Center, Argentina).

²⁷ Interview with Liz Melendez de Flora Tristán, Peru.

²⁸ *Feminicidio en América Latina*. Document compiled for the Hearing on Feminicidio en América Latina before the Inter-American Commission on Human Rights, March 2006 (<http://www.isis.cl/Feminicidio/fdocumento.htm/>).

Argentina²⁹

The concept of femicide/femicide started to be used in the last few years. Argentina is the second country, following Costa Rica, to conduct a statistical study of femicide. The study covers 7 years (1997-2003) and is based on data from one of the most populated provinces of the country: the **Buenos Aires province**, with approximately 10 million inhabitants (of a total of 38 million in the whole country). The results showed an average of 180 cases of femicide each year, which means that on average one woman is murdered every two days in the province.³⁰ Currently, a statistical study is being conducted for the whole country.

According to research conducted in **Mendoza**, between January and December 2005, husbands, cohabitants and boyfriends killed 22 women. In 31 percent of the cases the killers used firearms.³¹ According to the records of the Argentinean press, there were 56 cases of femicide in 2006; 38 in 2005 and 34 in 2004. Between January and October 2007 there were 47.³²

Bolivia³³

Collecting data about the murder of women is difficult, due to: inadequate information, incomplete records, the lack of records for the cases which are handled, the absence of individual files for cataloguing information, the existence of double information that raises questions about the accuracy of the data, the evidence of alternative processes or sub-processes that are never concluded, the bureaucracy involved in police procedures which impede the reviewing of data

and, finally, the failure to recognize these crimes in the investigation of cases in which violence against women has the characteristics of femicide.

A study conducted in the capital cities of 9 Bolivian departments, between 2002 and 2004, determined that more than 90 percent of the gender-based murder ended in **impunity** because the files had already been archived, and **only two percent of the cases** resulted in the criminal being sentenced. The same study revealed that some of the victims' family members negotiated with the killer. In rural areas, for example, a woman's life could be compensated for with a couple of cows or a little bit of money in exchange for the impunity granted to the killer.³⁴ In a study of femicide for 2003 and 2004, there were 373 documented cases of women being murdered.³⁵

Brazil

In the **Pernambuco** state of northern Brazil 36 women were killed in January of 2006; however, the official statistics show that the number of killings in 2005 was only 25. Pernambuco is the **most violent state in the nation**, with the highest murder rates in the world and increasing rates of crime against women. The majority of the 36 victims in January 2006 had a history of conjugal violence.³⁶

The Observatory of Violence against Women counted 528 gender-based killings between 2002 and 2004 in Pernambuco. From January to September 2007, the number of femicides in the state reached 215.³⁷

29 Interview with Silvia Chejter from CECYM, 2008.

30 A much higher figure than the statistics show for Spain which has a considerably greater population.

31 María Paula Vetrugno. "Pasión y muerte. Mujeres asesinadas en Mendoza, 2004-2005." Asociación Civil Espacios para el Proyecto Social, 2006.

(<http://www.iansa.org/women/documents/Como-mueren-cuando-matan-a-mujeres-Mendoza2004.pdf>).

32 Gabriela Barcaglioni. Artemisa Noticias.

33 Interview with Cecilia Enríquez from the Women's Promotion Center Gregoria Apaza, 2008.

34 Red Nacional de Trabajadoras (es) de la Información y Comunicación (Red-Ada) and the Women's Promotion Center Gregoria Apaza. "El inventario de la muerte. Femicidio en Bolivia", 2005.

35 It is believed that these figures do not accurately reflect the reality of the situation, since the estimates are conservative in the sense that many cases of assassination or murder of women are not even reported. There are larger numbers of killings that appear in the newspapers and few are reported to the authorities; see the Document presented before the Audience concerning "Femicidio en América Latina" for the Inter-American Commission on Human Rights, March 2006.

36 Catholic Women for the Right to decide.

37 Folha de Pernambuco.

Chile³⁸

In Chile, as in other countries in the area, networks of women and militant feminists are beginning to investigate and give visibility to femicide, as part of the campaign “For the life of women, not one more death.”³⁹ Today femicide is a **public issue** in Chile, however, unlike Mexico and Central America, it has not attracted the commitment of human rights organizations at a national level.

According to the study “Femicide in Chile” covering the years 2001-2002 there were 84 cases of femicide; that is half of the murders on women during that period in the country.⁴⁰

In 2007, according to the data compiled by the National Service for Women and the Carabineros

(Chilean national police force and gendarmerie), there were 65 cases of gender crime, in a country with an approximate population of 16 million. A total of 300 women were murdered between January 2001 and June 2007.⁴¹ These figures may be even higher if we consider that they only include murders in the relationships provided for in the Law on Domestic Violence (PIV), which leaves out crimes of sexual violence against women that result in death.⁴²

Colombia

Murders that grew out of the civil war years have been on the rise. From an average of one victim every 36 hours in 1999 there was a murder every 24 hours from October 1999 to September 2000. Moreover, each day one woman was the victim of a **forced disappearance**.⁴³



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- 38 Based on an interview with Soledad Bravo Rojas of the Chilean Network against Domestic and Sexual Violence in 2008.
- 39 Proposed in 2001 by the Network of Latin American and Caribbean Feminist Against Domestic and Sexual Violence.
- 40 The sources used to determine this figure were the autopsy reports of violent deaths of women “assaulted”, led by the Forensic Medicine Department, who were followed through the relevant files in courts of justice. Additionally, by way of contrast the information and attempts to establish a figure to expose the magnitude of the phenomenon, were collected reports of crimes against women in the press during the same period.
- 41 Dossier Informativo. Chilean Network against Domestic and Sexual Violence (this figure was estimated by the network based on statistical information prepared by the Carabineros de Chile from 2005 and press information for previous years).
- 42 Domestic Violence consists of any behavior that omits an act committed by any family member against another to abuse their power relationship, whether within or outside their home and damaging their welfare, their physical or psychological their freedom and their right to full development.
- 43 Working Group on Women and Armed Conflict. Preliminary Information.

In one year, 363 women were victims of armed violence. 277 were killed by extrajudicial executions, 27 by forced disappearance.⁴⁴

Between 2002 and 2006, there were 377 cases of femicide in 9 out of the 32 departments of the country. They were **political murders** accompanied by sexual violence.⁴⁵

It is particularly difficult to gather verified data on sexual violence exerted by the paramilitaries. Some initial indicators came to light when demobilized paramilitaries testified before the public prosecutor, revealing unparalleled cruelty. However, **impunity is total**.

Peru⁴⁶

For the last few years, the term “femicide” has begun to be discussed and named in Peru.⁴⁷ Despite an absence of official figures we consider there is femicide in Peru. The country has a serious problem of violence against women as evidenced in the daily murders of women by their husbands, couples, partners and family, among others. Regrettably, this reality has not been understood in its magnitude and is tolerated by citizens, who are not surprised by the announcement of a new murder, which has become part of

faceless statistics in the news. Between January 2004 and July 2007 a total of 403 women have been killed, which means that every month 9 women die victims of discrimination and gender violence. During the same period a total of 306 women were victims of attacks that put their lives at serious risk, subjected to what is called “femicide violence”, i.e. every month 7 women were victims of attempted murder (excluding accidental deaths, caused by theft or other criminal cases).⁴⁸ Only one third of the offenders are in custody, reflecting somehow the degree of impunity of the system and the **social tolerance towards violence and hatred for women**. 40% are fugitives from justice and will probably never be caught.⁴⁹



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44 Colombian Commission of Jurists.

45 BDF. Isis International.

46 Based on an interview with Liz Melendez de Flora Tristán, Peru.

47 Mainly dealing with the issue in Peru DEMUS organizations (Study for the Defense of the Rights of Women) and Flora Tristán (Peruvian Women's Center).

48 National Report on Femicide in Peru, prepared jointly by the CMP Flora Tristán and Regional CLADEM Demus for the period 2004-2007. Survey carried out in 10 regions of the country, covering more than a third of the country. The database was compiled according to the cases published in two newspapers of local circulation in the region studied. These data were compared and analyzed using secondary sources of information.

49 Study conducted by DEMUS, Femicide in 2004.

IV. What can (or should) the Latin American Nations do?

“Every woman has the right to be free from violence in both the public and private spheres.”⁵⁰

Femicide, especially as seen in the light of their impunity, constitutes a continuous and systematic violation of women's rights and international law.

The majority of Latin American states are not complying with the international obligations they agreed to in signing and ratifying the instruments that protect women's rights, such as the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* of 1979, its Optional Protocol of 1999 and the Inter-American Convention of the Prevention, Punishment and Eradication of the Violence against Women *“Convention of Belém do Pará”* of 1994.

Latin American governments should respect and apply the principles stated in these conventions. In essence, the implementation of these treaties is lagging in Latin America, affirmed by the fact that the women in Latin American countries are still suffering from discrimination and violence in various aspects of life.⁵¹

The **obligations** of the CEDAW and the Convention of Belém do Pará can be summarized in five points:⁵²

1. Protection of women's lives, a woman's right to a life without violence and right to unrestricted access to justice;

2. Access to statistical information about violence against women, specifically on the murder of women;

3. Equal opportunities and treatment / non-discrimination of women in social contexts (health, education, work, home, political involvement etc.);

4. Public policies and budgets aimed at preventing, punishing and eradicating violence against women;

5. Research and educational programs designed to increase the social awareness of femicide.

Furthermore, the Latin American governments should have the political will to treat violence against women as a specific phenomenon relating to the society.⁵³

The state must:

- Enact **legislative reforms** in order to provide official information and facilitate access to the judicial system;

- Define **public policy** and create **budgets** for the fight against institutional causes of discrimination;

- Create **awareness** at all levels of government and in society as a whole as to the severity of the problem;

- Reinforce **preventative measures**, eliminate any kind of discrimination in the area of legislation, facilitate the process of reporting a crime and create measures to protect the accusers;

- Strengthen **the rule of law** and the judicial processes (especially against organized crime), from legal investigations up to the carrying-out of sentences;

- Reconstruct and strengthen **institutions** that are essential to effectively combating violence against women;⁵⁴

50 Article 3 of the Convention of the Prevention, Punishment and Eradication of the Violence against Women.

51 Femicidio en América Latina, document presented before the Audience concerning “Femicidio en América Latina” for the InterAmerican Commission on Human Rights, March 2006.

52 Monitoreo sobre femicidio/femicidio en El Salvador, Guatemala, Honduras, México, Nicaragua y Panamá, Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) 2007.

53 Human Rights and Citizenship department of the Morada Corporation. Femicide in Chile, 2004.

54 Resolution of the European Parliament, October 2007.

— Consider the **institutional causes** of discrimination, subordination and exclusion of women in the immediate sense: redeem and restore the image of women in the mentality of the society, sensitize the public opinion in the most

effective way as to the benefits of a society which considers equality between men and women to be fundamental;

— Create a **penal category specifically for femicide** (of the same class as "genocide").⁵⁵



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55 "Femicide is the annihilation of a sector of population with common features" (Lola Maldonado).

V. What can the European Union do?⁵⁶

The **Resolution of the European Parliament** on the killings of women (femicide) in **Central America** and Mexico, and the European Union's role in fighting against this phenomenon (2007/2025 (INI)) states:

“(...) violence against women has not only a regional but also a global dimension and concerns all countries, including those in Europe; (...) this Resolution should be considered as part of a global strategy designed to enable the European Union and its partners to undertake joint actions and make efforts intended to eradicate and prevent violent deaths of women everywhere; whereas it is also necessary to promote dialogue, cooperation and the mutual exchange of good practices between the countries of Latin America and Europe (...)”⁵⁷

The development and consolidation of democracy and the rule of law, as well as the respect for human rights and fundamental freedoms, must be an integral part of the external action of the European Union.

The nature of the relations that link the EU to Latin America and the commitment of all the parties involved in the full enjoyment of human rights, **forces the EU to act and to offer its full support so that the murders of women are never left unpunished**, using all instruments at its disposal, from preventive programs to the support of the reconstruction and strengthening of institutions.

The existing agreements between the parties provide a sufficient basis for action. A series of partnership agreements have been already signed, others are under negotiation; all of them are based on three pillars: Political Dialogue, Cooperation

and Trade. The **(re) establishing of the rule of law**, where the legal system is restructured to function without corruption and to allow access to all citizens, should be a priority within Cooperation and Political Dialogue, from the European Union.

Similarly, this should be the reference point of the third pillar of their relations, namely trade issues, particularly where European equity firms are involved. In the absence of binding laws (which must be the ultimate goal), it is necessary to implement systematically a **Corporate Social Responsibility (CSR)**, which involves **gender issues** such as decent wages and equal protection of female workers against gender discrimination in the workplace, as well as security issues in their journeys from/back to work.⁵⁸

The European Parliament resolution addresses both the governments of the region and the European institutions, since the EU has agreements with both Mexico and Central America based on the human rights clause.

The report as a whole – including the above-mentioned resolution and an explanation of reasons – **requests to put this issue on top of the bilateral and bi-regional political agenda**. It suggests, in particular, **to develop an action plan** that includes a high-level roundtable on this issue, awareness and training programs for judges and police officers, the restructuring of weak legal systems, as well as guarantees for effective protection and free legal advice to victims.

Finally, this report calls for a greater and more explicit coordination of all activities undertaken by the EU representations in the region. This said coordination should include staff from

56 Based on Draft Report 2007/2025 by Raül Romeva i Rueda, (INI).

57 European Parliament resolution on the murders of women (femicides) in Mexico and Central America and the European Union's role in combating this phenomenon (2007/2025 (INI)) "G", October 2007.

58 More information on Corporate Social Responsibility in Latin America and the Caribbean see: FOCAL, Policy Paper, 2004 (http://www.csr-weltweit.de/uploads/tx_jpdwnloads/csr_Latin_America_Caribbean_04.pdf).

the so-called Contact Point of the “Guidelines for Multinational Enterprises” adopted in June 2000 by the **OECD** (Organization for Economic Cooperation and Development), which exists in every member country of the OECD, such as the EU and Mexico, and the relevant bodies of the **ILO** (International Labor Organization) for all countries, since a high percentage of femicide occurs in areas where multinational companies operate.

MEPs also commit themselves with the resolution to **integrate the issue in each of their trips to the region.**⁵⁹

The **role of the European Parliament and the Euro-Latin American Parliamentary Assembly** in the case of femicide and impunity in Latin America is, above all, to **monitor what the Commission and the Member Countries do** in the region to **eradicate** the problem and to actively **promote** effective policies and mechanisms to ensure the protection of the rights of women.

Specifically, we propose the European Union:

- To have **qualified personnel on gender issues** within the EU representations in the countries concerned;

- To assume **specific responsibilities** such as a coordinator post on gender issues and femicide;

- To issue **reports** on progress and problems in the matter to be sent to the Commission, Council and Parliament;

- To establish a **compulsory item on femicide and impunity on the agendas** of the various levels of Political Dialogue, including the Board and the Joint Committee;

- To create a **permanent Round Table on femicide** in cooperation with the OECD in particular, at the National Contact Point for the OECD, responsible for keeping respect for the Main Guidelines for Multinational Enterprises;

- To incorporate the issue of the struggle against femicide and impunity in the “**Country Strategy Papers 2007-2013**”, by their triennial review at the latest, in addition to the promotion and re-humanization of the image of women;

- To provide this issue a privileged place in the negotiations of **Association Agreements** with Central America, the Andean Community (CAN) and Mercosur.⁶⁰



⁵⁹ Press Release South Group, 2007.

⁶⁰ Raül Romeva i Rueda, Draft Report 2007/2025 (INI).

VI. Voices from Latin America

Alba Estela “Lola” Maldonado, a feminist, social activist and ex-parliamentarian from Guatemala:

*“Ensuring public safety and the life of citizens in all aspects of their human activities are among the state’s constitutional obligations, as well as prosecution and enforcement of justice in due process. **To protect women’s lives is a constitutional duty.** And we are speaking of femicide when state powers, as in Guatemala, are responsible by omission or commission of the violent deaths of women.*

Besides, civil society, as part of the state, has an important role in the proposal, the auditing, but also in the participation of local officials for the development of strategies, public policies and programs.”

Andrea de la Barrera, Latin American and Caribbean Committee for the Defence of Women’s Rights (CLADEM), Mexico:

*“I believe the construction of human development, democracy and respect for human rights is a **commitment and challenge belonging to all persons and institutions, both public and private.** For example, to monitor states we have the necessary resources such as reports, or justice as the case before the Inter-American Court of Human Rights, but this difference does not exclude the society’s involvement to fight femicide.*

The denunciation and monitoring the European Union has carried out from its various institutions, such as the recent European Parliament report on femicide in Central America and Mexico, is essential to continue efforts to access to justice and to conceptualize violence against women as a serious violation of human rights. Despite the visibility of these cases, there is still local and international resistance, both social and institutional, to recognizing the full complexity and seriousness of violence against women. I think these forms of resistance have to do with the implications at political and sexual levels, as well as in the field of

justice and rights, to which they are attached when conceptualized as femicide or violence against women. In this way, I consider very important for the European Parliament and the various institutions of the European Union not to interrupt this follow-up on reports and recommendations they have produced.

*For the CLADEM, this is also a process of joint construction, in which we want (in addition to monitoring) to **strengthen opportunities for dialogue and to share work experiences.** Violence against women is a violation that, unfortunately, occurs in all countries; and in order to find solutions, though local situations present differences, we must acknowledge that violence against women and **femicide** are a fact that, in greater or lesser degree, **occurs in all our countries.”***

Liz Melendez, Peruvian Women’s Center Flora Tristán:

*“We are facing a widespread problem of large magnitude; in this sense, **state institutions are key players** in its eradication and prevention, but they must also engage the efforts of **civil society organizations and citizenship at large.***

The state organizations must make the problem visible and translate it into public policies in order to eliminate the structural causes of the persistence of violence against women. Civil society also plays an important role and has an ethical responsibility when it comes to monitoring compliance with the state in defending human rights of women.

*The **European Union** could support deeper research on the subject and its dissemination with the aim of **generating interest and sensitivity within the population.** It is also important to support and promote through the recommendations to the states the development of public programs and policies that encourage the defense of human rights of women.*



Furthermore, the EU could channel all the information existing in Latin America and the world, and the experiences drawn from different studies, to locate the necessary strategies and preventive actions. The unification of efforts and a global campaign covering information from the realities women have to face (sometimes involving death risk) can become a **major political action of social impact.**"

Peruvian NGOs:⁶¹

"As civil society organizations we call on states to commit to action to help eradicate violence against women, prevent and address cases of femicide. We must have legislative sources to combat gender violence against women, regardless of whether they maintain or modify the law against domestic violence. States must comply with the commitments made by signing and ratifying various international treaties.

It is vital the adoption of a new National Plan to Combat Violence against Women, the Judiciary's commitment to develop, adopt and implement a protocol of care for cases of femicide judicial body, and the agreement to assign 1% of the national budget to fight this serious issue of violation of human rights of women that hampers their development.

On the other hand, it is important to join efforts among various civil society agents, the state and the international community to increase the development of research in this field, and thus to position it socially and politically. To develop advocacy strategies within the national authorities, and raise awareness, train and inform employees from justice and service sectors, as well as the media, about the importance of the way in which these cases are treated and to eradicate speeches that discriminate and blame the victims for their deaths, maintaining impunity for these crimes."

Soledad Rojas, Chilean Network against Domestic and Sexual Violence:

*"The **state** has the responsibility and obligation to guarantee the rights of people, their integrity and their lives. This calls for strict regulations to guarantee women's protection, care, access to justice and reparation of law as subjects and not merely as "victims"; and for investment of resources to promote culture changes aimed at eradicating all forms of discrimination against women – a substrate that facilitates violence and femicide.*

*On this basis, **civil society** has an important role to play in tasks of prevention and cultural change, in particular women's organizations and networks, which have made sustained efforts to make visible and to demand public policies in this regard. However, it requires the commitment of all sectors in the defense of human rights of women.*

*A contribution of the **European Union** would be to expand the report to the Andean Region and Southern Cone and to urge governments to take swift measures to address and eradicate the problem. The European Union, in the framework of their **bilateral relations** with Chile, can offer support through its programs of cooperation, coordination and adoption of comprehensive public policies for addressing violence against women and the sustained implementation of training programs on issues of gender and human rights for public officials, particularly those who have the responsibility*

to care for women at the different times of the critical path ahead of them from the beginning of their institutional pilgrimage. Likewise, the EU should urge the Chilean government to ratify the optional protocol of CEDAW and the Rome Statute of the ICC, and to fully comply with their commitments under the Belém do Pará Convention.”

Silvia Chejter, Culture and Women Meeting Center (CECYM), Argentina:

“It is a problem in which **all sectors have responsibilities**. It is a problem that belongs to society and to the state. It is true that we cannot stop or prevent all potential murders, but experience has painfully shown us that many of them could indeed have been avoided. **There are many things to be done.**

In a definition of thematic priorities we must make visible the severity and extent of violence against women, which in many cases results in femicide. In this sense the European Union and nation states have to promote policies and strategies for prevention and early intervention in response to situations of violence against women. Violence against women must remain a **priority on cooperation policies** – both in the field of intervention (campaigns, direct intervention projects) as well as in the support and promotion of the improvement of statistical systems– so that data (which do exist but are poorly categorized or tabulated) can be used to obtain more precise measurements (necessary information for the public policy against gender violence that must be

implemented). When institutions and individuals do not react to violence, victims are left in utter helplessness, perpetrators enjoy the perpetuation of impunity, and violence recurs.”

Cecilia Enríquez, Women’s Promotion Center Gregoria Apaza, Bolivia:

“We must promote the improvement of existing legislation as well as services to prevent, punish and eradicate violence within the family, at school and at work. In legal matters we should promote legal reforms and initiatives, ensuring a national legal framework that overcomes all discrimination against women and a judicial system that favors an equal administration of justice for men and women. Finally, state powers and institutions must ensure that women are not discriminated because of gender issues and that they enjoy equal rights with men in all areas, whatever their marital status, ethnicity, culture, religion or social class. A priority is to strengthen **prevention work** in domestic violence, then to **reinforce instances** and to create new specifics for women working from a feminist perspective and to advocate to **improve the national legislation.**

The application of justice must take place to prevent a further series of femicide. The lack of justice has shown impunity. And **impunity prevents social reconciliation**. If there is no justice and a prompt resolution of cases, our society will continue with its open wounds, and femicide will be still present in the future.”

Future prospects

Thanks to the various efforts of civil social players and of the political sphere, femicide has become an increasing priority on political agendas and social awareness on the seriousness of this problem has risen.

However, there is still much to be done in the struggle against impunity for these horrible crimes. Latin America needs a regional front consisting of civil society organizations, state institutions and the citizenship as a whole to prevent and eradicate femicide. It will also be necessary to count on the support of the European Union in all possible ways.

Despite the bad news, such as a new wave of femicide in Ciudad Juárez in Mexico, there are also positive signs. The fact that for the first time femicide cases have been presented to the Inter-American Court of Human Rights bears an important symbolic value.⁶² Sentences from international courts not only support the efforts of local justice but also set precedents for progress in the conceptualization of femicide and in the requirements for meeting the obligations of the states to prevent, respond, punish and eradicate violence against women.

We wait for the day our demand is achieved:
“No more killing of women – No more impunity!”



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62 Lawsuit against Mexico for three cases of femicide victims in Ciudad Juárez, Chihuahua (case known as "Campo Algodonero"), more information can be found at: http://www.cladem.org/espanol/regionales/litigio_internacional/CAS7_Notadeprensa.asp

¡CUIDADO!

EL MACHISMO MATA

© Silvia Brügger



María Rosa Silva H. (35)
Baleada por su esposo
12 enero de 2005



Mariela H. S. (9)
Baleada por su padre
12 enero de 2005



Isabel Martínez Holguer (67)
Asesinada a golpes por su hijo
06 marzo de 2005



Marcia Lastra Campos (24)
Embarazada, asesinada
5 febrero de 2004



Magaly Jara (39)
Violada y asesinada por ex esposo
25 noviembre 2004



Daisy Caamaño M. (42)
Violada y asfixiada por desconocido
22 de junio de 2004



Stephanie de Lourdes Catalán (20)
Asesinada por un cliente
19 diciembre de 2004



Cynthia Cortés Pérez
Asesinada por su ex pololo
Noviembre de 2004



Carolina Tapia R. (20)
Acuchillada por su pololo
14 marzo de 2003

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Links

European Parliament Resolution on the murders of women (femicide) in Central America and Mexico and the role of the European Union in the fight against this phenomenon (2007/2025(INI))
<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2007-0431&language=EN&ring=A6-2007-0338>

Resolution 1454 (2005) of the Council of Europe's Parliamentary Assembly (Disappearance and murder of a great number of girls and women in Mexico)
<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta05/ERES1454.htm>

Convention on the Elimination of All Forms of Discrimination Against Women (**CEDAW**) of 1979, its Optional Protocol of 1999
<http://www.un.org/womenwatch/daw/cedaw/>

Inter-American Convention of the Prevention, Punishment and Eradication of the Violence against Women "**Convention of Belém do Pará**" of 1994.
<http://www.cidh.org/Basicos/English/basic13.Conv%20of%20Belem%20Do%20Para.htm>

Euro-Latin American Parliamentary Assembly
http://www.europarl.europa.eu/intcoop/eurolat/default_en.htm

Femicide Data Bank
<http://www.femicidio.cl/>

Latin American and Caribbean Committee for the Defense of Women's Rights **CLADEM**
<http://www.cladem.org/english/>

International Human Rights Federation **FIDH**
<http://www.fidh.org/>

Peruvian Women's Center **Flora Tristán**
<http://www.flora.org.pe/>

Estudio para la Defensa y los Derechos de la Mujer **DEMUS Perú**
<http://www.demus.org.pe/>

Chilean Network against Domestic and Sexual Violence
<http://www.nomasviolenciacontramujeres.cl/>

Culture and Women Meeting Center **CECYM Argentina**
<http://www.cecym.org.ar/>

National Network of IT and Communications workers **RED-ADA Bolivia**
<http://www.redada.org/>

Women's Promotion Center **Gregoria Apaza Bolivia**
<http://www.gregorias.org.bo/>

Mexican Commission for the Defense and Promotion of Human Rights **CMDPDH**
<http://www.cmdpdh.org/>

Center for Legal action on Human Rights **CALDH Guatemala**
<http://www.caldh.org/>

Femicides is the most brutal form of violence against women

Femicides was defined for the first time in Mexico in 2006, as: "the set of crimes against humanity consisting of the murders, kidnappings and disappearances of girls and women in a context of institutional collapse. It is indicative of a fractured rule of law which favors impunity..."¹ As such, Femicides is a crime of the state.

In Diana Russell and Jane Caputi's article "Femicides" from 1990, femicides is considered to be "on the extreme end of a continuum of anti-female terror that includes a wide variety of verbal and physical abuse (...) whenever these forms of terrorism result in death, they become femicides."²

By the end of 2007, the European Parliament adopted a resolution on the murder of women in Mexico and in Central America and the role of the EU in fighting Femicides. While underlining the states' responsibility to prevent, punish and eradicate violence against women, the EP resolution inspired a number of legislative initiatives to end impunity in Latin America and listed demands to the European institutions to combat Femicides.

This publication, first published in Spanish, aims to give visibility to the femicides phenomenon, present what different countries and the European Union can do to combat violence against women. It intends to support women's organizations in their Femicides conceptualization work and the identification of the states executive obligations to eradicate violence against women as well as the identification of EU responsibilities and opportunities to support Latin American countries in their fight against impunity and Femicides.

- 1 Femicide violence in the Mexican Republic, Chamber of Deputies of the Union Congress. LIX Legislature. Special Commission to understand and monitor investigations related to femicide in Mexico and the corresponding access to justice. Mexico 2006.
- 2 Jane Caputi and Diana Russell: Femicide: Speaking the Unspeakable, 1990 (published in Diana Russell and Jill Radford: Femicide: The Politics of Woman Killing, New York 1992).

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