

Murder of women in Mexico and Central America

European Parliament resolution of 11 October 2007 on the murder of women (femicide) in Mexico and Central America and the role of the European Union in fighting the phenomenon (2007/2025(INI))

The European Parliament,

- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both of 1966,
- having regards to the protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime 2003 (Palermo Protocol),
- having regard to the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) of 1994,
- having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 and its optional protocol of 2002 and the desirability of their more effective implementation,
- having regard to the Convention on the Elimination of All Forms of Discrimination against Women of 1979 (CEDAW) and its Optional Protocol of 1999,
- having regard to the American Declaration of the Rights and Duties of Man of 1948 and the recommendations contained in the report by the Inter-American Commission on Human Rights of 7 March 2003 on the Situation of the Rights of Women in Ciudad Juárez, Mexico: the right to be free from violence and discrimination,
- having regard to the third report of the Mexican Commission for the Prevention and Eradication of Violence Against Women in Ciudad Juárez for May 2005 to September 2006,
- having regard to the recommendations contained in the report of 12 May 2005 by the Council of Europe's Committee on Equal Opportunities for Women and Men on the disappearance and murder of a great number of women and girls in Mexico, those contained in Resolution 1454 (2005) of the Council of Europe Parliamentary Assembly's on the same subject, and those contained in the reply adopted by its Committee of Ministers on 28 September 2005,
- having regard to the recommendations contained in the report of 13 January 2006 on the Integration of the Human Rights of Women and a Gender Perspective: Violence against Women, which set out the findings of UN Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, following her mission to Mexico,
- having regard to the recommendations contained in the report of 10 February 2005 on the

Integration of the Human Rights of Women and the Gender Perspective: Violence against Women, which set out the findings of Yakın Ertürk following her mission to Guatemala,

- having regard to the joint public hearing on Femicide: the case of Mexico and Guatemala on 19 April 2006 by Parliament's Committee on Women's Rights and Gender Equality and its Subcommittee on Human Rights,
 - having regard to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part¹, the Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, of the other part, signed in 2003, and the Framework Cooperation Agreement between the European Economic Community and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama²,
 - having regard to, respectively, the Commission's Regional Strategy Paper for Central America and its Country Strategy Paper for Mexico for the periods 2001-2006 and 2007-2013,
 - having regard to the third Millennium Development Goal (MDG) to promote gender equality and empower women,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Women's Rights and Gender Equality (A6-0338/2007),
- A. whereas Mexico and all the Central American countries have signed and ratified the Universal Declaration of Human Rights,
- B. whereas Mexico has also been elected to the presidency of the UN Council on Human Rights,
- C. whereas Mexico has had observer status in the Council of Europe since 1999, and whereas, on the basis of that status, Mexico attends the meetings of the Committee of Ministers and Ambassadors; whereas Mexico has also ratified the Palermo Protocol,
- D. whereas Mexico has ratified the Rome Statute of the International Criminal Court,
- E. whereas the term femicide emanates from the definition of violence against women which is laid down in Article 1 of the Convention of Belém do Pará as follows: 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; whereas the punishment and eradication of femicide is an obligation and must be a priority for any state based on the rule of law,
- F. whereas this Resolution constitutes an invitation to make effective improvements to the unsatisfactory situation prevailing in certain countries and whereas the statements and

¹ OJ L 276, 28.10.2000, p. 44.

² OJ L 63, 12.3.1999, p. 39.

suggestions contained herein do not, therefore, constitute any kind of accusation or charge-sheet against the governments of fully sovereign states which are recognised as equal partners in international politics,

- G. whereas violence against women has not only a regional but also a global dimension and concerns all countries, including those in Europe; whereas 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,
- H. whereas the killings of women in Ciudad Juárez, Mexico and in Guatemala have been characterised by exceptional brutality and many of the victims have suffered sexual violence, which is itself a form of cruel, inhumane and degrading treatment; whereas, in the case of Ciudad Juárez, a combination of factors play a role, including population growth, migration and the presence of organised crime, and a high percentage of those murders have taken place where Mexican manufacturing companies known as maquiladoras operate and those companies lack the necessary means of security to protect women; whereas, as is made clear in the UN Special Rapporteur Yakin Ertürk's above-mentioned report on Mexico, it is essential to ensure that those areas have the infrastructures required for the safer transportation of workers,
- I. whereas the feminicides that are the subject of this Resolution cannot be explained in terms of a 'general climate of violence', but, rather, account must be taken of discrimination and of a local social and economic context that is unfavourable to women (in particular, indigenous women), as well as high rates of poverty, the economic dependence of women, the operation of gangs, and the failure to disarm the illegal security forces and clandestine security apparatuses,
- J. whereas Resolution 1454 (2005) of the Council of Europe's Parliamentary Assembly states that considerable efforts are now being made by the Mexican authorities at all levels to repair the social fabric of these cities, to fight violence against women, to investigate the murders and disappearances of women and bring to justice both the authors of the crimes and those officials who initially botched the investigations and perverted the course of justice,
- K. whereas there are certain cases of impunity, in other words, 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 victims and their relatives,
- L. whereas a state that respects the rule of law must pursue policies ensuring that women in general, and, in particular, those who are least advantaged, have appropriate protection against discrimination, violence and, ultimately, femicide; whereas the first step is to raise awareness, among authorities at all levels and society as a whole, of the seriousness of the problem,
- M. whereas action to combat femicide and impunity must include strengthening the means of prevention, eliminating all discrimination at legislative level, facilitating complaints

and the protection of women complainants, and reinforcing the legal system and the judicial procedures (especially in the fight against organised crime), from the penal investigations to the implementation of sentences,

- N. whereas the reconstruction or reinforcement of institutions is essential if gender violence is to be combated effectively, and requires human and financial resources,
- O. whereas in paragraph 9 of the Platform for Action mission statement arising from the UN's Fourth World Conference on Women in Beijing in 1995 a fundamental principle enunciated in all the international conferences of the preceding decade is set out as follows: 'The implementation of this platform, including through national laws and the formulation of strategies, policies, programmes and development priorities, is the sovereign responsibility of each State, in conformity with all human rights and fundamental freedoms, and the significance of and full respect for various religious and ethical values, cultural backgrounds and philosophical convictions of individuals and their communities should contribute to the full enjoyment by women of their human rights in order to achieve equality, development and peace',
- P. repudiating altogether the use of torture for the purpose of obtaining self-incriminating confessions from the presumed authors of feminicides,
- Q. whereas femicide has claimed the lives of two Dutch citizens: Hester Van Nierop in 1998 and Brenda Susana Margaret Searle in 2001¹, sentence having been pronounced on 26 February 2007, when the convicted perpetrators were sentenced to 33 and 39 years' imprisonment respectively, that sentence being the subject of a pending appeal,
- R. whereas the issue of femicide and, in certain cases, the impunity of the perpetrators of crimes against women still persists,
- S. whereas violence in countries in which society's social stereotypes make women the prime victims of the various manifestations of such violence is a recurring phenomenon,
- T. welcoming the legislative measures which have been adopted in Mexico, in particular the February 2007 General Law on women's entitlement to a violence-free life, as well as the creation of specialised institutions at federal and local level, such as, inter alia, the Special Prosecution Service for crimes related to violence against women, which was set up in 2006, the Juárez Commission, and the National Institute for Women,
- U. acknowledging the efforts being made by the countries of Central America as regards legislating to recognise women's rights within their legal systems, but remaining concerned about the problems and delays affecting the implementation of that legislation,
- V. whereas the Interparliamentary Alliance for Dialogue and Cooperation was created to bring together women parliamentarians from Spain, Mexico and Guatemala with a view to promoting legislative initiative for the eradication of violence against women,
- W. whereas the development and consolidation of democracy and the rule of law, together with respect for human rights and fundamental freedoms, must be an integral part of the European Union's external action,

¹ In the Searle case, the criminal proceedings against the perpetrators lasted five years (up to 2007).

- X. whereas the human-rights and democracy clause contained in the EC-Mexico Economic Partnership, Political Coordination and Cooperation Agreement has legally binding and reciprocal effects,
- Y. whereas when entering into an agreement that contains a human-rights and democracy clause with a third country, the European Union and its partners take on responsibility for ensuring that the third country in question complies with international human-rights standards, such clauses being reciprocal in nature,
1. Calls upon the region's governments and the EU institutions to ensure full compliance with the recommendations contained in the various reports and international human-rights instruments, in particular those referred to above, concerning, in particular, the human rights of women; in this connection, acknowledges the legislative advances achieved in Mexico as regards equality between men and women, welcomes the federal law on the prevention and elimination of discrimination and urges Mexico to make further progress in this direction;
 2. Urges the governments of Mexico and Central America to adopt the measures needed to achieve the United Nation's MDGs:
 3. Calls upon Member State governments, in the context of their bilateral relations with the countries of Latin America, and calls upon the European institutions, in the context of their strategic partnerships with the same countries, to support - by means of cooperation programmes and financial and technical resources - prevention and protection policies relating to violence against women, such as creating or reinforcing awareness-raising and training programmes on gender issues, to increase the budget for the bodies responsible for investigating the killings, to create effective protection arrangements for witnesses, victims and their relatives, and to develop the capacity of the courts, security corps and public prosecutors' offices in order to facilitate the prosecution and punishment of the perpetrators and to combat drug trafficking and organised crime; calls for the promotion of closer coordination in these areas among all levels of government;
 4. Calls on the European institutions to foster cooperation and dialogue between the European Union and its Member States with Mexico and the countries of Central America, supporting initiatives at all levels to eradicate violence against women and promote suitable protection measures for the victims and their relatives;
 5. Calls on the European Union to promote institutional coordination with Mexico and the countries of Central America by supporting the creation of an exchange and cooperation programme to combat gender violence, and to encourage cooperation between the public administrations of the Member States and their partners in order to implement programmes for assistance and mutual learning in this regard;
 6. Acknowledges the obvious determination to combat impunity which the political parties represented within the Guatemalan Congress have demonstrated through their endorsement of the International Commission against Impunity in Guatemala; urges Guatemala's next elected government to continue their efforts to combat impunity by facilitating the institutional conditions which the International Commission requires in order to fulfil its remit and calls upon the international community to ensure that those efforts are translated into action;

7. Urges the countries of Central America to take all necessary steps to enable violence against women to be combated effectively; calls for the measures taken to ensure full respect for human rights, as defined in the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man by, for example, ensuring the free services of a lawyer for female victims and their relatives; calls on the Mexican Government to continue the firm action undertaken to this end by successive administrations;
8. Calls on the governments of Mexico and the countries of Central America to eliminate from their national laws all discriminatory references to women; acknowledges the progress made by Mexico in this area through the adoption of the federal law on the prevention and elimination of discrimination and the general law on equality between men and women, and calls on the national authorities to promote legislative initiatives defining violence within the family and sexual harassment at work and in all areas of public life as specific crimes and to draw up policies and legislation to deal with impunity and promote gender equality, on the basis of the conclusions and recommendations of the civil-society agents working on femicide and its victims;
9. Urges the governments of Mexico and the countries of Central America to respect and facilitate the role of non-governmental organisations and civil-society organisations working to support the relatives of victims of femicide as well as human rights campaigners by creating effective arrangements for protecting witnesses and promoting reparation mechanisms for the victims' relatives which, not confined to financial compensation, offer them psychological support and access of justice, and to establish a dialogue with those parties as well as recognising their crucial role in society;
10. Urges the governments of Mexico and the countries of Central America to ensure respect for women's labour rights under national law and at all levels of government and calls for companies to be encouraged, within the framework of corporate social responsibility, to respect their workers' integrity, safety, physical and mental wellbeing and labour rights;
11. Urges the governments of Belize, Honduras and Nicaragua to ratify the Optional Protocol to the CEDAW;
12. Calls on the Commission, in the context of the agreements in force and those under negotiation, to promote the inclusion of a reciprocal obligation designed to create mechanisms for implementing the human-rights and democracy clause, whose formulation should be based on the obligations stemming from the international pacts signed by the Member States, Mexico and the countries of Central America, with particular reference to respect for women's rights and gender equality as stated in the CEDAW, the Optional Protocol to the CEDAW, and the American Declaration of the Rights and Duties of Man;
13. Calls on the Commission and the Member States, in their cooperation with Mexico and the countries of Central America, to give priority to the rebuilding and improvement of the region's legal and prison systems, promoting the exchange of good practices and the development of awareness-raising campaigns and mechanisms for protecting victims, witnesses and their relatives, especially in cases of denunciation of femicides; considers that such cooperation could involve other participants, such as the International Labour Office and the OECD, with a view, where appropriate, to developing programmes in order to ensure safety, decent working conditions and equal pay for women;

14. Calls upon the Commission to put forward a methodological proposal - to be discussed, inter alia, within the Euro-Latin American Parliamentary Assembly and at the EU-Latin American and Caribbean (LAC) Summit to be held in Lima in May 2008 - concerning ways of coordinating - in cooperation with local institutions and organisations - the various EU initiatives designed to combat femicide and the impunity of the perpetrators, and to make the staff of those institutions and organisations aware of gender issues and violence against women; calls also for such initiatives to be regularly put forward and discussed by its Committee on Women's Rights and Gender Equality, in conjunction with its Delegation for relations with the countries of Central America and its Delegation to the EU-Mexico Joint Parliamentary Committee;
15. Calls on the Delegation of the Commission in Mexico to implement, as soon as possible, a new human-rights programme which will build on the work of recent years and be based on three priority axes, namely, first, harmonisation of Mexican law with the international commitments entered into in the field of human rights, second, eradication of gender violence, and third, reform of the judicial system;
16. Calls on the Commission to ensure that the human-rights programmes for Mexico and the countries of Central America are covered by a separate budget heading devoted to bilateral cooperation, in order to prevent the limited financial resources allocated from being affected;
17. Urges the Commission and the governments of the Member States to ensure that both their political dialogue with the governments of Mexico and the countries of Central America and their dialogue with civil society include the issues of violence against women - in particular femicide - and access to justice for victims' relatives and support groups,
18. Welcomes the efforts made with regard to gender and urges the Community bodies concerned to support the establishment of a permanent dialogue and an exchange of positive experiences in this area, and to contribute thereto; calls, however, on the Commission to pay greater attention to femicide, violence and discrimination against women in its 2007-2013 Country Strategy Papers and to put forward an action plan;
19. Calls on the Member States to support efforts made as regards non-discrimination between women and men and to contribute to establishing a structured dialogue with a view to exchanging good practices in this field;
20. Calls for the Commission to make an assessment of the impact on sustainable development to be - as soon as possible and in connection with the negotiations regarding the future EC-Central America Association Agreement - supplemented by an assessment of the impact on equality between the sexes, the findings of which will be taken into account during the negotiations;
21. Calls on the Commission to provide information on the progress made on this issue in the context of the negotiations regarding the future EC-Central America Association Agreement, before the negotiations close and in any event before the EU-LAC summit in Lima;
22. Calls on the Member States' permanent representations to the European Union and their embassies to organise a round table discussion on gender violence and its various

manifestations and, in particular, on femicide and impunity in a global context, including input from the different networks and initiatives of a parliamentary nature, as well as research centres, human rights groups, gender associations and the victims' relatives;

23. Calls on its Delegation for relations with the countries of Central America and the EU-Mexico Joint Parliamentary Committee systematically to integrate gender violence, femicide and impunity in Mexico, Central America and Europe in the programmes for their respective parliamentary missions as well as on the occasion of visits to Europe by Mexican and Central American parliamentary delegations, in order to ensure that the human-rights situation is systematically monitored, as provided for in the rules adopted by Parliament's Conference of Delegation Chairs in 2006;
24. Proposes that a joint public hearing be organised by its Committee on Women's Rights and Gender Equality, its Subcommittee on Human Rights, and the delegations concerned, before the 2008 EU-LAC summit in Lima, with a view to evaluating the measures in place in both the European Union and Latin America, including the experiences of the relevant bodies set up in Mexico in the fight against gender violence;
25. Calls for all the cases of victims who are citizens of a Member State to be included in such an evaluation;
26. Urges the Council and the forthcoming Council presidencies, for the reason set out in this Resolution, to adopt guidelines on women's rights, since they would make a vital contribution to consolidating the coherence and consistency of the EU's human rights policy;
27. Instructs its President to forward this resolution to the Council, the Commission, the Council of Europe, and the governments and parliaments of the Member States and of the United Mexican States, Belize, and the republics of Guatemala, Costa Rica, El Salvador, Honduras, Nicaragua and Panama.