

EURO-LATIN AMERICAN PARLIAMENTARY ASSEMBLY



URGENT RESOLUTION

on femicide in the European Union and Latin America

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with the support of the European Parliament delegation to the Euro-Latin American
Assembly (Article 8(3) of the Rules of Procedure)

Saturday, 29 March 2014, Athens

EUROLAT – Resolution of 29 March 2014 – Athens

[with the support of the European Parliament delegation to the Euro-Latin American Assembly (Article 8(3) of the Rules of Procedure)]

Femicide in the European Union and Latin America

The Euro-Latin American Parliamentary Assembly,

- having regard to the 1948 Universal Declaration of Human Rights and the 1966 International Covenants on Human Rights,
- having regard to the 1993 UN Declaration on the Elimination of Violence against Women, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979, and the 1999 Optional Protocol thereto,
- having regard to the 1995 Beijing Declaration and Platform for Action on violence against women, and UN General Assembly Resolution 63/155 of 2008,
- having regard to the Inter American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) of 1994, and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), adopted in 2011,
- having regard to the 2012 report by Rashida Manjoo, UN Special Rapporteur on violence against women, its causes and consequences¹,
- having regard to the 2009 judgment of the Inter American Court of Human Rights in the case of González et al (‘Cotton field’) v. Mexico,
- having regard to the European Parliament report on the murder of women (femicide)² in Central America and Mexico and the role of the European Union in fighting the phenomenon (2007/2025(INI)),
- 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 part, the Association Agreement between the European Community and Chile, the 2003 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, the framework Cooperation Agreement between the European Economic Community and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama of 1993, and the 2010 EU-Central America Association Agreement, the trade chapter of which has now entered into force,

¹http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add4_en.pdf

² The terms femicide and femicide refer to the same phenomenon, namely the killing of a woman on grounds of gender, irrespective of whether she is killed by a stranger, her partner, her former partner, or a relative.

- having regard to the 2003 Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Andean Community and its member countries, of the other part, and the multipartite Free Trade Agreement between Colombia, Peru and the EU, which has entered into force provisionally,
 - having regard to the chapter on gender issues in the EU-CELAC Action Plan 2013-2015,
- A. whereas violence against women ‘is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men’³; whereas the Belem do Pará Convention notes that death is an extreme form of such violence and Article 5 thereof recognises that violence against women prevents and nullifies the exercise of their human rights, which are guaranteed by the State;
 - B. whereas it is expressed in various forms of physical, sexual and psychological violence which affect women of all ages in their public and private lives and are perpetrated by partners, relatives, strangers, criminal groups and even agents of the State, according to UN reports⁴, resulting in extreme cases in the killing of women for gender-based reasons, known as femicide;
 - C. whereas violence against women is frequently equated with domestic violence, thereby affecting the development of laws and public policies to address it;
 - D. whereas the figures for femicide constitute concrete, reliable and comparable data providing a key indicator of violence against women; whereas according to the 2012 Report by the UN Special Rapporteur⁵, femicide figures continue to rise in countries where male homicide is decreasing;
 - E. whereas violence against women is a global phenomenon which calls for the application of joint action and efforts by Latin America and Europe, based on dialogue, cooperation and reciprocal exchange of best practices between countries in order to prevent, punish and eradicate it;
 - F. whereas femicide is a diverse phenomenon and the widespread accessibility of weapons, together with armed violence, organised crime and weak justice systems in some countries – particularly in Central America and Mexico – facilitate the increasing frequency, extent and impunity of these crimes;
 - G. whereas femicide should be combated taking into account the local contexts in which it occurs, including socio-economic contexts that are unfavourable for women – even more

³ Declaration on the elimination of violence against women, of 20 December 1993: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>.

⁴ Report of the Special Rapporteur on violence against women, its causes and consequences, Ms Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2000/45 'Violence against women perpetrated and/or condoned by the State during times of armed conflict (1997-2000)' E/CN.4/2001/73, 23 January 2001, and E/CN.4/1998/54 of 26 January 1998, on 'violence perpetrated or condoned by the State'.

⁵ This assessment is presented in the 2012 Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk: Indicators on violence against women and State response.A/HRC/7/6, 29 January 2008.

so in the case of indigenous and rural women –, factors such as economic dependence, high poverty rates, and the presence of criminal gangs and armed groups; whereas femicide is very closely linked to contexts of violence and social breakdown, as well as the socio-economic transformations resulting from the presence of multinational companies and 'maquiladora' assembly plants that tend to make women's situation more precarious;

- H. whereas, since the critical reports on savage femicides in places such as Ciudad Juárez and Guatemala, and thanks to the constant activism of the women's movement, more than a dozen Latin American countries have adopted specific laws and national plans to punish femicide in the past decade⁶; regrets that most of them are restricted to domestic violence or violence within families and do not incorporate the necessary gender and human rights perspective;
- I. whereas the EU has also made progress on drawing up instruments to tackle violence against women, adopting provisions that pay special attention to the needs of women who have suffered gender violence in legislation such as the European Directive on victims of crime⁷, and the Directive on the European protection order⁸; regrets that in many countries femicides are not specifically recognised/recorded or recognition is restricted to killings of women by their partners or former partners;
- J. whereas the European Parliament has been proactive in combating violence against women, regularly adopting resolutions or declarations⁹ and also expressing its concern and highlighting the importance of European Union action on femicide in Latin America, particularly in Mexico and Central America¹⁰, and whereas the Latin American regional parliaments have also been paying attention to this topic;
- K. regretting the alarming levels of impunity that characterise acts of violence against women in general and femicide in particular and the ensuing message of tolerance and social acceptance;
- L. whereas femicide is still under-recorded, despite the efforts made by women's organisations; regretting the lack of proper and full official records that would make it possible to understand the phenomenon and draw up appropriate public policies;
- M. whereas there are shortcomings in the judicial institutions of many countries in both regions as regards recognising and responding to situations of gender violence, i.e. taking preventive action and providing early assistance, and instead these institutions often reproduce the violence by re-victimising women and their families; appealing to States'

⁶ *Costa Rica, Guatemala, Colombia, Chile, El Salvador, Peru, Nicaragua, Honduras, Mexico (and more than 20 bodies).*

⁷ *Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.*

⁸ *Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order.*

⁹ *For example, the European Parliament resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women (2010/2209(INI)) (2012/C 296 E/04), the European Parliament resolution of 26 November 2009 on the elimination of violence against women (2010/C 285 E/07), and the Declaration of the European Parliament of 9 September 2010 on establishing a European Year of Combating Violence against Women (2011/C 308 E/18).*

¹⁰ *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)).*

responsibility for the ineffectiveness of their justice systems in the face of these crimes, for the absence of budgetary resources earmarked for action to combat them, and for the difficulties faced by women victims and their family members in accessing substantive justice, which leads to the absence of penalties, i.e. impunity for these crimes;

- N. whereas the ruling handed down by the Inter-American Court of Human Rights against Mexico in the Cotton Field case¹¹ has set an extremely important precedent in case law as regards States' specific obligations in relation to preventing, investigating, punishing and providing reparation for gender-based killings of women, since this ruling underlines the responsibility which weighs on States when their justice systems are negligent in dealing with crimes affecting women;
- O. whereas action to combat femicide and impunity needs to include strengthening preventive measures, eliminating all legal discrimination, providing adequate training for judicial and police staff, facilitating complaints and ensuring that women complainants are protected, and reinforcing the judicial system and judicial procedures (especially in the fight against organised crime) from the judicial investigation to the enforcement of sentences;
- P. whereas the reinforcement or reconstruction of public institutions is essential if gender violence is to be combated effectively, and this requires adequate human and financial resources;
- Q. whereas Latin America and Europe have specific international instruments that seek to eradicate violence against women and list States' obligations in this regard: the Belem do Pará Convention and the Istanbul Convention, even though the latter has not yet entered into force owing to the lack of ratifications, including by some EU countries and the EU itself, which the European Parliament has called on to ratify the Convention¹²;
- R. whereas despite the aforementioned legislative and governmental action, the number of cases of femicide is increasing at global level;
- S. whereas it is the responsibility of the Union and its partners to ensure, when signing an international agreement with a third country that includes a reciprocity clause on human rights, that the third country in question respects international human rights standards¹³;
- T. whereas the structural adjustment policies currently being implemented in the European Union, which are similar to those in place in Latin America since the 1990s, are violating people's rights and seriously undermining the policies designed to prevent and raise awareness of violence against women¹⁴, as they involve budget cuts and the closure of

¹¹ Inter-American Court of Human Rights, judgment *González and others v. Mexico* ('Cotton Field'), of 16 November 2009.

¹² See <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2014-0126>, paragraph 4, and the European Parliament's 'European Added Value Programme', p. 30

http://www.europarl.europa.eu/meetdocs/2009_2014/documents/femm/dv/eav_violence-against-women-en.pdf

¹³ European Parliament resolution on the human rights and democracy clause in European Union agreements (2005/2057(INI)). OJ E 290, 29.11.2006, p. 107.

¹⁴ In Spain the 'Impacto de Género' campaigning platform has criticised the fact that, in the 2013 national budget, funding for equality policies has been cut by 24 % on 2012 – almost three times as much as the average cuts made to the budgets of government ministries (8.9 %) – and policies to combat gender violence have seen

public services, and lead to the knowledge built up by specialist staff being lost;

- U. whereas the EU-CELAC Action Plan 2013-2015 includes for the first time a chapter on gender issues and envisages the creation of a bi-regional dialogue forum on gender and the promotion of measures to combat and eliminate all forms of violence against women and girls; whereas the Euro-Latin American Parliamentary Assembly is well placed to draw up the broad outlines for such strategies and measures;
1. Notes that improving regulatory procedures and public policy development with the aim of eliminating violence against women have not yielded real results for women's lives;
 2. Recognises that it has not been possible to curb the increase in femicide in Latin America and Europe, and States therefore still need to perform an in-depth analysis of the reasons and develop a strong, effective solution;
 3. Assumes responsibility for monitoring the practical and effective execution of the EU-CELAC 2013-2015 Action Plan regarding the elimination of violence against women;
 4. Calls on European States which ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention – 2001) to make a greater effort to comply with the recommendations laid down in the various international human rights instruments mentioned previously and in particular the Optional Protocol to CEDAW;
 5. Strongly urges States to eliminate all forms of discrimination against women from their laws; and for all forms of gender violence against women and, in particular, femicide and sexual harassment, in all areas of public and private life, to be classed as criminal offences; requests that legislative frameworks and public policies be established to effectively help eradicate these practices, with adequate human and financial resources for their implementation, particularly with regard to training for legal, administrative, police and health staff;
 6. Strongly stresses that the judicial services must investigate all reports of people smuggling, the kidnapping of women and girls and the trafficking of women and girls and prosecute those who are found to be responsible;
 7. Calls on governments to continue their efforts to tackle impunity, guaranteeing access to an effective legal system and redress for victims and their families; encompassing women's physical, economic and cultural access to legal systems, in accordance with the parameters laid down in the Cotton Field sentence, which include free legal assistance for the victims and their families; also asks States to increase their commitment to improving training for law enforcement agents and procedures for monitoring their work and imposing penalties for negligence or failure to fulfil duties, as well as increasing support and protection for women's rights and gender justice organisations;

their budgets reduced by 7 %. This amounts to a reduction of 39 % and 27 % respectively when compared with the 2011 budget. <http://impactodegeneroya.blogia.com/2012/110501-presupuestos-del-estado-2013-24-menos-en-politicas-de-igualdad-y-del-estado-de-b.php>

8. Calls on the two regions to review the development, implementation and redrafting of the public policies relating to violence against women, from a gender and human rights perspective, including gender violence prevention training and awareness at all social and institutional levels;
9. Calls on States to adopt adequate legal measures providing special protection for children of victims of femicide in all respects and to apply criminal law to the perpetrators of femicide;
10. Suggests that a budget be allocated to the drawing-up of standardised protocols for gathering information and creating comparable databases; demands that every effort be made to provide full and accessible official statistics on femicide in all countries, developed in collaboration with feminist and women's organisations working in this area;
11. Calls on States to establish minimum ethical criteria for the media portrayal of violence against women, particularly femicide, and to promote and oversee compliance with these criteria;
12. Calls on all authorities to collaborate with women's rights organisations and in the design and oversight of the public response to violence against women, to respect and facilitate action by organisations which support victims of femicide and their families, and to provide adequate protection for witnesses and human rights defenders, who are especially vulnerable in the most violent situations;
13. Urges the High Representative of the EU and the future Presidencies of the European Union to respect the existing guidelines¹⁵ on violence against women and girls and to adopt specific guidelines to end femicide;
14. Calls on the Latin American States in particular to revise their current strategies for combating armed violence, drug trafficking, people trafficking and organised crime, bearing in mind the disproportionate impact of these problems on the lives and security of women; calls for the implementation of truth, justice and reparation measures for dealing with massive violations against women and femicides in specific contexts such as forced sterilisations in Peru, internal armed conflict in Colombia and femicide in Mexico, Guatemala, El Salvador and Honduras;
15. Calls on the European institutions and on governments, in the context of bilateral relations, regularly to include these issues in the structured areas of political dialogue, with the continuous involvement of civil society; calls for regular, transparent information on strategies for implementing political dialogue and on the dates and agendas of meetings and the participants; requests detailed reports on the legislative progress made in each country, budgets allocated to combating femicide and completed projects;
16. Demands that the bi-regional action defined in the EU-CELAC Action Plan 2013-2015 include adequate financial and budgetary resources for its effective implementation, as well as best practice exchange;

¹⁵ http://europa.eu/legislation_summaries/human_rights/human_rights_in_third_countries/dh0003_en.htm

17. Requests that, in the framework of current agreements and those being negotiated, mechanisms be established to implement the reciprocal and mandatory clause on human rights and democracy, in order to meet obligations under CEDAW and its Optional Protocol;
18. Asks the EU-CELAC Summit to undertake to systematically include regular and effective follow-up, together with all relevant parties, of the item 'Gender-based violence, Femicide and Impunity in Latin America and Europe' in their respective official meeting programmes;
19. Calls for the EU-CELAC gender dialogue defined at the recent summit in Santiago de Chile to be developed with the participation of women's organisations and civil society representatives from both regions; in this regard, the EuroLat Parliamentary Assembly is the ideal forum for stimulating, reinforcing and sustaining this dialogue.