

## Concept Note

### **An unwavering commitment: Filling the gaps in the legal treatment of femicide / feminicide in Latin America and the Caribbean**

#### **Presentation and promotion of alliances around the recently approved Model Law on Femicide / Feminicide**

The objective of the panel is to present to representatives of governments, decision-makers and women's organizations, the main findings contained in the *Legislation Analysis Report on Femicide in Latin America and the Caribbean and Inputs for a Femicide / Feminicide Model Law* and the recently approved *Model Law on Femicide / Feminicide* (CIM / MESECVI in collaboration with UN Women), to promote alliances that will advance the use of the Model Law on Femicide in national, regional and sub-regional advocacy and training processes, and encourage a commitment to guaranteeing the right of women to a life free of violence.

#### **Background**

Femicide in Latin America and the Caribbean constitutes an alarming form of violence against women. Rates of femicide / feminicide in the region are among the highest in the world, thus demanding a response from countries of the region. Of the 25 countries that have 'high' and 'very high' rates of femicide / feminicide, more than half are in the Americas: four in the Caribbean, four in Central America and six in South America.

Incidence of feminicide does not appear to be decreasing. Some countries in the region have the highest murder rates in the world, with rates comparable with countries that are officially at war, and where the increase in the number of violent deaths of women is four times higher than men. In Mexico, between 2007 and 2012, there was a 138% increase in suspected femicides. It is therefore necessary to analyse the suitability of the regulations that classify and sanction the crime of femicide / feminicide.

In 1994, the approval of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women ("Convention of Belem do Para") marked the introduction of a new legal framework in defence of women's right to live free of violence. The Convention has provoked vital changes in legislation and influenced the development of public policies aimed at ending violence against women. Latin America has become a pioneering region in this area and in just over 20 years several Latin America and the Caribbean countries have adopted specific laws related to ending violence against women. There is clear consensus that it is the responsibility of States to protect women from violence, and to adopt appropriate measures to ensure that women enjoy a life free of violence. This is evident in the legislative trends of recent years in the region: by 2018, 18 countries had adopted legislation on femicide / feminicide.

However, serious obstacles remain preventing women from gaining effective access to justice, truth and reparations. Despite the progress made in recent decades, international mechanisms for monitoring human rights have highlighted consistent gaps throughout the region between formal rights and effective access to justice for women. The difficulties involved with State responses to femicide/feminicide are particularly reflected in the growing and persistent number of cases and of impunity. Characterizing deaths as femicides / femicides and ensuring that femicide/feminicide are included in the penal codes, has been one strategy to improve the visibility of this social problem and obtain the appropriate responses from governments.

Those countries that have laws criminalizing femicide / feminicide but have not passed comprehensive laws, have focused their response to the problem on the penal system, since the Convention of Belem do Pará requires the criminalization of violence against women, in addition to State actions that prevent, protect, investigate and provide reparations.

In 2016 and 2018, UN Women, in partnership with the Organization of American States (OAS), conducted a regional review of the legislation of countries that criminalize femicide, in order to provide model legislation for all countries in the region. This model legislation was discussed by members of the Committee of Experts of MESECVI - the mechanism created to monitor compliance with the Convention- in meetings held in Panama City in October 2017 and in Trinidad in July 2018. In December 2018, on the premises of the Organization of American States in Washington DC, the Committee of Experts of MESECVI approved the Inter-American Model Law to Prevent, Punish and Eradicate the Violent Death of Women for Reasons of Gender, Femicide / Feminicide.

### **The Model Law on Femicide/Feminicide**

The Model Law is a tool that aims to provide a basis for creating or updating legislation on violent deaths of women in the region. It seeks to strengthen and standardize actions for prevention, protection, care, investigation, prosecution, punishment and comprehensive reparations to guarantee the rights of all women and girls to live free from violence and gender stereotyped roles.

The Model Law is based on principles of equality and non-discrimination, focusing on the rights of victims and the best interests of children and adolescents, always with the due diligence of the State, aiming achieve autonomy for women and the progress of human rights.

From a political and legal point of view, the classification of violent deaths of women as femicide/ feminicide increases the visibility of gender-based violence and strengths the likelihood of the issue being considered a priority.

Therefore, it is proposed to discuss some of the concepts of the Model Law and regional legislation, and some of the challenges and obstacles in the prevention and punishment of violent deaths of women and girls in Member States.

In addition to the participation of representatives from MESECVI and UN Women, a group of representatives of countries will participate, commenting on different contexts and the opportunities that can be derived from the use of the tool. Several of the countries that will be implementing the Spotlight initiative have been invited to join the discussion. Additionally, since throughout the process of creating and approving the Law it became clear that the Caribbean will require an approach that considers the contextual specificities of the region, the panel will also include the participation of a country from that sub-region.

By first analysing existing legislation, provoking debate and suggesting improvements where necessary, both MESECVI and UN Women, intend to provide our region with a Model Law to address the most serious violation of women's human rights.

### **Details of the Event:**

**Location:** Conference Room 12

**Date:** 14 March 2019

**Time:** 15:00-16:00

### Co-Sponsors:

UN Women LAC Regional Office

OAS CIM-MESECVI

Government of Argentina

Government of Ecuador

Government of Trinidad and Tobago

Government of Panama

### Programme of Events:

Remarks from **Luiza Carvalho**, Regional Director of UN Women. Welcome and presentation of the CIM / MESECVI and UN Women alliance and the background of the Law.

Remarks from **Luz Patricia Mejía**, MESECVI. She will provide an introduction to the panel and present several questions aimed at deepening the contents of the law and its objectives, with the aim of extracting recommendations for its dissemination and use.

### The members of the panel will respond to the following guiding questions:

*What is the Law and what was the process that led to its approval?*

**Sylvia Mesa**, CEVI Expert

*What possible synergies can be established in countries where the Spotlight initiative will be implemented, taking into account important legislative advances in the matter (such as the Brisa Law) yet at the same time the high rates of impunity?*

**Fabiana Túñez**, Director of the Women's Institute of Argentina.

*What relevance does the tool have in different sub-regional contexts, where violent deaths of women have not been classified in special legislation, or where criminal offenses are neutral?*

Words from **Penelope Beckles** (PR of Trinidad and Tobago for the UN) / representative of the Women's Mechanism of Trinidad and Tobago. To be confirmed.

*What role do you think different actors can play in the dissemination and use of the tool, for example, the actors of the Justice System, especially those who exercise the right to implement the Law?*

Presentation from **Rocío Rosero**, Secretary against Gender Violence in Ecuador, speaking about advances in Ecuador.