

# The AMERICAs

## It's time to put an end to violence against women 25 November – International Day for the Elimination of Violence Against Women<sup>1</sup>

**The Americas : It's time to put an end to violence against women.**

Today, we celebrate the tenth anniversary of the second World Conference on Human Rights in Vienna, which declared violence against women to be a **violation of human rights**, or in the Americas, we could look forward to the tenth anniversary of the adoption of the Convention of Belém do Pará – the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women by the General Assembly of the Organization of American States (OAS) in 2004.

However, in the Americas, we are still not in a position to celebrate the elimination of violence against women (VAW) for several reasons. First, although international and national legal protection frameworks for women have been strengthened, impunity prevails in the great majority of cases of violence against women. This is due to the fact that there are gaps in the legislation on violence against women. Moreover, judicial inexperience, the lack of legal training and also the lack of political will to confront this grave problem means that there are serious deficiencies in the implementation of the laws that do exist.

Second, there have not been substantial changes in social and cultural patterns and gender relations. As long as discrimination on the grounds of gender, sexual orientation, race and economic status continues to cause poverty, social, economic and political exclusion, and vulnerability for many groups in the region, it will be very difficult to protect women's rights.

Finally, there are specific situations, such as economic liberalization, countries in armed conflict and post-conflict situations, violence in the community and domestic violence, that demand attention within the region because they have the potential to expose an increasing number of girls and women to the scourge of violence in their social, political, work and family lives.

Violence against women cannot continue to be ignored or treated as 'a woman's problem'. We cannot continue to put off finding a solution and treating the issue as though it were not a priority. As part of a State's duty to guarantee security, they should adopt concrete measures -

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<sup>1</sup> 25 November is an **especially important** day for the Latin American women's movement because it commemorates the assassination of Minerva, Patria and María Teresa Mirabal, active opponents of the military dictatorship that ruled the Dominican Republic in 1960. They were beaten to death but it was claimed that this crime was an accident and it passed into history with total impunity.

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--not only legislative ones--- that tackle the problem in depth, and implement internal laws and international legislation that work in favour of women's human rights.

**VAW and the State**

In times of both war and peace, official tolerance and social legitimisation of violence against women checks the progress achieved in international human rights law. When States do not act with due diligence to prevent, suppress or eliminate acts of violence against women, this validates – in both the public and private spheres– everyday male violence and the subordination of women to men, to the detriment of the inalienable rights of women.

In **Haiti**, a march organized by Haitian women's organizations in March 2003 in Port au Prince to commemorate International Women's Day was forcibly broken up by the police. Participants and journalists were threatened and ill-treated by opposing demonstrators who were pro-government, in the presence of officials. It is sad and ironic that this event occurred on a day that was intended to celebrate women's rights.

In **Costa Rica**, the police were called out by a woman who reported that her former partner was throwing stones at her window and threatening to kill her. When they arrived and saw that the dispute was between a lesbian couple, the police not only refused to intervene, but stayed to watch from their car.

**VAW and armed conflict and post-conflict situations**

Armed conflicts, such as in **Colombia**, have particularly affected women. Esperanza Amaris Miranda was kidnapped by paramilitaries, who frequently operate in coordination with security forces, in the city of Barrancabermeja, on 16 October 2003. Although her daughter attempted to save her, the men threw her onto the street and kicked her. A few minutes later, Esperanza's body was abandoned on the street after being shot dead. Esperanza was a member of the *Organización Femenina Popular (OFP)*, Popular Women's Organization, which has fought for women's rights for more than 30 years.

In the case of Colombia, rape, mutilation and the abuse of women and girls have been used as a weapon of war to generate fear and silence. "To constantly remember what happened to them is a strategy to terrorize communities and women."<sup>2</sup>

In post-conflict situations, such as in **Guatemala** and **Peru**, Truth Commissions have allowed women and society to understand the dimensions of gender and class discrimination in the atrocities suffered by women during the conflicts. However, it is clear that impunity and social injustice are the most evident remnants of the peace processes.

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<sup>2</sup> Report on social and political violence against women, young girls and children in Colombia, 3rd report, February 2003.

In **Peru**, this year's Truth and Reconciliation Commission report concluded that "sexual violence against women in the context of massacres, arbitrary executions (...) arbitrary detentions and the forced disappearance of people, was a generalized practice." The report stresses that the context of discrimination against women and racial discrimination were the bases of these practices. The Commission has made specific recommendations about gender discrimination with a view to promoting reforms in this area.

### **VAW and domestic violence**

Domestic violence is present throughout the region and causes serious harm. For example, in **Guatemala**, the *Red No Violencia contra las Mujeres*, Network for Non-Violence Against Women, reports that nine out of every ten women have been victims of violence within the home. The Human Rights Procurator has recorded 19,863 denunciations this year in Guatemala. The United Nations Special Rapporteur on Violence against Women reported that in the **United States**, 671,110 women were victims of domestic violence in 1999.

In **Nicaragua**, domestic and sexual violence is the most common form of violence. Recent statistics show that 70% of women have suffered physical violence at some time in their lives. In November 2002, reports showed that 45 women and girls had been killed by violent husbands, jealous boyfriends and rapists during that year. Most cases are dealt with outside the legal system. The cases that make it to the courts normally end in not-guilty verdicts, due to the authorities' judicial inexperience and the lack of legal training in this area. While in **Uruguay**, the *Comisión de la Mujer Zona 9*, Women's Commission Zone 9, reported that 18 women were murdered in domestic violence incidents in 2002.

Unfortunately, the figures from other parts of the region show the same pattern, with high numbers of women ill-treated and/or murdered in domestic violence incidents. In **Paraguay**, a woman is killed every ten days and in **Puerto Rico**, the *Coordinadora Paz para la Mujer*, Coordinating Group for Peace for Women, reported that 287 women were murdered between 1990-2002.

Another big challenge posed by domestic violence are the gaps in the legal system's ability to punish those responsible and bring them to justice. In **El Salvador** in 1999, nine year old Katia Miranda was raped and murdered during the night in her family home, while her father, uncle (both members of the security services) and grandfather (lawyer and main suspect) were sleeping in the vicinity. The scene of the crime was destroyed. The case was plagued by errors and delays and the accused (father, grandfather and two bodyguards) were finally acquitted. Although the Office of the Human Rights Procurator strongly condemned the way the case was handled, including at the highest level, NGOs are still fighting for such crimes to be fully investigated and for those responsible to be punished.

Also, we are confronted with the excuses offered by the perpetrators of these violent acts that are accepted by the authorities and by society in general. Reports indicate that domestic

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violence increased by 17 per cent in **Ciudad Juárez** in **Mexico** last year. The emergency telephone switchboard received an average of 100 calls per week to deal with such situations. The perpetrators of these acts of violence attributed their violent behaviour on poverty, unemployment, drug addiction and alcoholism; however, none of these reasons justifies the ill-treatment of women and/or girls within the family. A woman who was a victim of domestic violence in Ciudad Juárez said, "He hits me a little, and only when he's been drinking." It is important to break with this way of thinking once and for all.

**VAW and violence in the community**

Sexual violence against women in the community and brutal murders, committed by NSAs is currently common practice throughout the region. Similarly, the levels of impunity and absence of access to justice for victims and their families are alarming.

Local women's organizations in **Guatemala** have reported an unprecedented wave of violence against women in the community. In one and a half years, 271 women have been killed. The majority were killed with a firearm or knife. A considerable number were raped or suffered other forms of sexual violence before being killed by their aggressor. In September, the Human Rights Procurator revealed that these crimes were committed using "the same *modus operandi*" by several different groups, including youth gangs known as *maras*, members of organized crime, clandestine and drug-trafficking groups.

In **Honduras**, there have been reports of extrajudicial executions of street children, some were female members of gangs or *maras*. According to reports, although most victims were young men, the number of women attacked increased from 21 in 2000 to 70 in 2002. Reports indicate that these young women were often the "victims of sexual violence and torture" before being killed.

In **Chihuahua, Mexico**, Neyra Azucena Cervantes, a 17 year-old student who disappeared on 13 May, was identified and buried on 15 November 2003. Her remains were found by a passer-by on 15 July on the outskirts of the city. Seven days previously, Diana Yasmín García Medrano, aged 18, was also identified. She too had been reported as missing in Chihuahua on 27 May 2003 while she was on her way to school. Dozens of other missing young women have been found murdered since 1993, many of them with marks of sexual violence and cruelty which has been ignored by the authorities. As in their cases, many investigations are plagued by irregularities or are at a standstill. Their right to life was not respected, and after their deaths, their mothers have had no right to justice.

**VAW and economic liberalization**

In the next decade, women who have historically been vulnerable members of society, will face the possibly negative effects of free trade agreements such as the Free Trade Area of the Americas (FTAA), which should be concluded by the region's governments in 2005.

Concerns about the link between economic liberalization and the violation of women's rights must be addressed since a heightened level of violence against women may be one of the most serious effects of the agreements, unless trade negotiations incorporate guarantees to respect women's rights, safeguard against discrimination, and include a gender perspective. Like all human rights, women's rights are universal and indivisible and economic policies that may affect inalienable rights must take this into account.

### **Achievements and Opportunities**

In the Americas, the women's movement has been an irreplaceable motor for change. Women are not just victims, they are more than anything, agents of change. In **El Salvador**, women's organizations work at different levels, promoting legislation and changes in the law, in education, in campaigns to improve women's conditions in different areas, including violence against women. For victims of domestic violence and sexual violence, they provide legal and psychological support, run hostels, disseminate information and promote policies at local and national levels. They have been successful in raising the profile of this issue, in educating women and in increasing the level of reporting and knowledge of the problem.

Another achievement we can point to is the application of the Inter-American system's Convention of Belém do Pará, the only regional treaty on violence against women. In 2001, the Inter-American Commission on Human Rights for the first time used the Convention in a case of domestic violence in Brazil. The case is that of Maria da Penha, who had suffered physical and psychological violence at the hands of her husband since 1983. He twice tried to kill her and left her paralysed at the age of 38.

Fifteen years later, the judicial investigation initiated by Maria da Penha had not been concluded. The *Centro por la Justicia y el Derecho Internacional (CEJIL)*, Centre for Justice and International Law, and the *Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM)*, Latin American and Caribbean Committee for the Defence of Women's Rights, were the petitioners. The Inter-American Commission on Human Rights concluded that the State was responsible for not having acted with due diligence, and that there was "inefficiency, negligence and failure to act on the part of the authorities and an unjustified delay in the prosecution of the accused, that stands in the way of punishment of the accused". The Commission concluded that the duty to prevent and investigate violence had been violated and affirmed that the "general and discriminatory judicial ineffectiveness

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also creates a climate that is conducive to domestic violence, since society sees no evidence of willingness by the State, as the representative of the society, to take effective action to sanction such acts.”

**Conclusion**

State and society cannot continue to view violence against women as taboo. It must be perceived seriously as a shameful social act and recognized as a violation of human rights and humanitarian law that constitutes a crime against humanity in situations of armed conflict and where abuse is generalized and systematic.

In almost all countries on the American continent, the criminal justice system has failed. It has been insensitive to the needs of the victims, who are not treated as people with inalienable rights. This manifest injustice must be eliminated and the rights of victims to live a life free from violence and discrimination must also be respected. States must condemn violence against women and not invoke custom, tradition and religious or cultural practices to escape from their duty to eliminate this violence.

The next decade must focus on the “effective implementation” of strategies so that the ban on violence against women ceases to be mere words and becomes a tangible reality for women in the Americas.