

Opening the EU's doors to women



*Proposals for the
implementation
in Colombia and
Guatemala, of the
European Union
Guidelines on violence
against women.*

INTRODUCTION

Fourth International Conference against femicide in Latin America, held in the European Parliament on March 3, 2011, highlighted among its findings the need for the European Union (EU) to translate into concrete

actions the good intentions it has expressed in terms of effectively contributing to the eradication of violence against women and femicide in Latin America. For this reason the European NGO networks CIFCA, Grupo Sur and ODHACO have written this report which contains concrete proposals for the implementation of the EU guidelines on violence against women and girls and combating all forms of discrimination against them (hereinafter «the Guidelines»), proposals that can also be used in the design and implementation of cooperation policies as part of the EU's political dialogue with Latin America, and its local human rights strategies.

As a starting point, the report considers the situation in two countries that share a worrying trend in human rights violations, and in particular a serious context of violence against women. The two countries in question are Colombia, a country with a long-running internal armed conflict in the Andean region and Guatemala, a country in post- conflict situation in Central America. In both countries, and indeed throughout the world, violence against women is an expression of the historical relationship of inequality between men and women that has led to domination and discrimination against women by men. The roots of violence against women are therefore found in patriarchy and structural gender inequalities. This violence is the main mechanism used to control women's bodies, sexuality and autonomy. Regardless of specific situations that may exist, in both Colombia and Guatemala women are victims of various types of violence and neither State has taken sufficient steps to confront them.

This report aims to provide useful recommendations adapted to the reality of each country for the implementation of the guidelines; to contribute to their dissemination among women's organisations and human rights defenders in both countries, and to thus help eradicate all forms of violence against women.

The report is divided into three chapters. The first section analyses the current context in both countries, with a specific analysis of the various tools that each State possesses to combat violence against women (Chapter I). Using this analysis as a starting point, the report then presents the priorities for the implementation of the guidelines, based on the guidelines themselves and on priorities identified by organisations in Colombia and Guatemala, who were consulted in the preparation of this report (Chapter II). The report finishes with a series of proposals for concrete actions and mechanisms, in order to facilitate the implementation of these priorities (Chapter III).

A number of tools were used in the methodology process. Firstly, research was carried out on the political situation, the legal context and the current state of

violence against women in both countries. Reports were consulted from leading national and international women's organisations and human rights organisations, as well as the recommendations of the principal international and regional human rights instruments, and EU official documents on relations with Guatemala and Colombia. Secondly, a qualitative survey was developed, which asked seven questions about the implementation of the guidelines. Among those consulted during this stage were a wide range of women's organisations, human rights organisations, consultants, officials from cooperation agencies in EU Member States and the EEAS (European External Action Service). The responses to these questions helped to understand the actions taken by the EU in Colombia and Guatemala, the expectations of civil society organisations regarding the guidelines, and finally to identify priorities and recommendations.

Violence against women

Defined in the United Nations Declaration on the elimination of violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

The Inter-American Convention for the prevention, punishment and eradication of violence against women, known as the Convention of Belem do Pará, defines violence against women as including physical, sexual and psychological violence:

- a. that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse;
- b. that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and
- c. that is perpetrated or condoned by the state or its agents regardless of where it occurs.

I. Political context in Colombia and Guatemala

Colombia

Colombia has been living through a political, social and armed conflict for almost half a century, which has caused serious and widespread human rights violations and infractions of international humanitarian law. The armed conflict is a complex confrontation between the guerrillas (FARC and ELN), paramilitaries and the State's armed forces. To date no progress has been made towards a negotiated solution to the armed conflict.

Between 2003 and 2006, the paramilitaries were officially demobilized by the government of Alvaro Uribe, but in fact they continue to operate, although the current government refuses to identify them as paramilitary structures by referring to them as *BACRIM* (criminal gangs).

Colombia has marked social inequalities, with 46% of the population living in poverty (62% in rural areas) and 17.8% in extreme poverty¹. The country has between 3 and 5 million internally displaced persons (IDP)² and it is estimated that over the past 20 years at least 70,000 people were murdered for socio-political reasons.

Although the new government has a more open public discourse in relation to the human rights situation, this has not translated into concrete policies and actions. In 2010, 32 human rights defenders were killed and 29 more in the first six months of 2011 alone³. At least 17 leaders of IDP communities who demanded the restitution of their land were killed between August 2010 and July 2011. Between January and July 2011, 60 indigenous people were killed, and at least 35 indigenous peoples are threatened with extinction⁴.

Colombia continues to be the country where most killings of trade unionists occur in the world, with 51 murders in 2010 alone⁵. The Attorney General's Office is investigating 27,300 cases of enforced disappearance, with 1130 new cases in the last three years⁶.

Guatemala

In 1996 Peace Accords were signed in Guatemala, after 36 years of internal armed conflict, which left around two hundred thousand people dead. Impunity for past crimes has prevented the purging of State organisms and punishment for those responsible for serious human rights violations (genocide, crimes against humanity and torture)⁷. This encourages continuing extreme violence and impunity as stated by the Special Rapporteur on extrajudicial, summary or arbitrary executions, who noted that "the rate of convictions for murder is no higher than 10%"⁸.

Despite demilitarization and the various attempts by the State to transfer security control to civilian authorities such as the National Civil Police (NCP), the continuing fragility of the State has not permitted it to fully assume its role. As recognised by the United Nations High Commissioner for Human Rights (hereinafter "the UN High Commissioner"), "*Security functions have continued to be handed over, [...] either to private entities over which there is still no effective control, or to the military, through the promotion of neighbourhood patrols and combined police and army patrols.*"

With a human development index of 0.56, Guatemala ranks 116 among 169 countries, 0.7 points below the average for the region. Poverty levels continue to affect most people, especially indigenous peoples, and women, reaching 54.8%, and with 29.1% in extreme poverty⁹. Low taxes do not permit the State to ensure access to economic, social and cultural rights.

In 2010, 5,960 violent deaths were recorded, compared to 6,498 in 2009. In the same year, 250 human rights defenders were attacked, and eight were killed¹⁰ making Guatemala one of the most dangerous countries in the world.

II. Situation of violence against women



Foto: Jorge Mata

Colombia

Women are among the most vulnerable victims of the conflict and face multiple forms of violence: assassinations, forced disappearances, forced displacement, threats, torture, and sexual violence. The Colombian Constitutional Court considers these violations as systematic and widespread, and emphasizes the particularly difficult situation for women in situation of forced displacement.¹¹

Women are victims of extreme social control exercised by the armed groups in the conflict, affecting their social, emotional and sexual wellbeing. Combatants use sexual violence as a weapon of war to punish, control, terrorize, humiliate, silence, expropriate or obtain information from victims. Women's bodies are used as spoils of war to unite a group of fighters and reward them for their efforts in combat.

From January to December 2010, according to State figures, there were 16,916 cases of sexual violence against women. In other words there were 47 cases a day

Guatemala

The situation of women is outlined in the Agreement on the Identity and Rights of Indigenous Peoples (1995), which recognises the need to overcome the double discrimination faced by indigenous women (as both women *and* indigenous people), and the Agreement on Social and Economic Aspects of the Agrarian Situation, which devotes a section to the participation of women in economic and social development, albeit with limited progress.

In relation to violence perpetrated against women, murder and in particular femicide are on the increase and have triggered international alert. According to the High Commissioner, in 2009 the NCP recorded 720 violent deaths of women. It also noted the appearance of bodies with obvious signs of mutilation, sexual violence and other forms of abuse which demonstrate that the victim was attacked because of their gender. Of the 30,873 complaints of violence against women registered in 2009, only 0.7% of cases went to trial, and only 0.2% (70 cases) led to a conviction²⁵.

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or 2 every hour.¹² During the same period 98 cases were reported to the authorities concerning sexual violence against women in the context of the armed conflict; that is in situations related to socio-political violence.¹³ In other words, at least 8 women per month were victims of sexual violence carried out by armed groups.

In addition to the violence that occurs as part of the armed conflict, women also suffer other forms of violence. According to figures from the National Institute of Legal Medicine and Forensic Sciences, in Colombia there were 69,713 cases of domestic violence against women in 2010. In other words, there were 191 per day, or at least 8 per hour¹⁴.

Current legislation

In Colombia, “*Law 1257 on the visibility, prevention and punishment of all forms of violence and discrimination against women*” (2008)¹⁵, recognizes the impact of the conflict on women and outlines a number of recommendations for prevention, public awareness and sanctions. However, there has been no significant progress in implementing this law, it remains largely unknown to workers in the justice system and is therefore only minimally applied. A decree is currently being drafted to regulate protective measures within the justice, education and health systems, and in the workplace.

The penal code has been modified to increase penalties, but has not adopted definitions under international law for crimes of violence against women. As such, these crimes continue to be prosecuted as common crimes¹⁶. Criminal law in Colombia does not incorporate femicide as a specific crime.

The restorative justice process begun under “*law 975 for justice and peace*” in 2005, has not produced results in terms of truth, justice and reparation for victims, including victims of violence against women and girls

Femicides are characterized by widespread impunity, most cases are not investigated and almost none leads to a conviction. According to the United Nations Committee on the Elimination of Discrimination (hereinafter “CEDAW”), in 2007 only 47 cases of violence against women lead to convictions and 41 lead to acquittals.

There has also been an increase in the number of reports of domestic violence, with the figure rising from 37,358 cases in 2008 to 48,437 in 2009. 89% of the victims were women, and in 63% of cases they had been assaulted by their partners. In 2009, 38,756 protective measures were granted.

Current legislation

In 1996, the first “*Law for the prevention, punishment and eradication of domestic violence*” was passed in Guatemala, but is not specific to women.

Since then, there have been legislative developments, including the adoption in 1999 of “*the Law on the Dignity and Integral Promotion of Women*” and its regulatory framework, the Policy for the Promotion and Development of Guatemalan Women and the Equality Plan.

In 2008, the Congress passed “*the Law on Femicide and other Forms of Violence against Women*”. The law is a guarantee for the protection and equality of women before the law, in relation to physical, psychological, sexual and economic violence. The penalties are 15 to 40 years imprisonment for femicide, with aggravating circumstances which may raise the penalty to 50 years.

In February 2009, Congress passed the “*Law against sexual violence, exploitation and human trafficking*”, incorporating sanctions and preventive measures. This legislation is a step towards the proper definition and prosecution of sexual violence and human trafficking, and fills legal gaps by cor-

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in armed conflict. On the contrary, having allowed the return of large numbers of the perpetrators of these crimes to their communities, many women have been re-victimized¹⁷

Colombian Constitutional Court Ruling 092 (2008) makes a direct link between forced displacement and sexual violence, and has ordered the government to investigate 183 cases of sexual violence and to build effective programs for the protection of the rights of women. To date, this Ruling has not been fully implemented by the State¹⁸

Access to Justice

According to the OHCHR 2010 annual report,¹⁹ the official information systems for cases of sexual violence in the armed conflict reflect significant underreporting. The National Demographic and Health Survey (2010)²⁰ noted that 73% of women who had suffered physical violence did not report it. Women's organisations often report that women victims suffer abuse and humiliation during the judicial process.

The State has not carried out gender training among its officials, or training on specific care for women victims of sexual violence. There is no comprehensive support system for women victims of violence during the trial process, reparations are often inadequate and do not include psychosocial support.

To this is added the lack of financial and human resources needed to carry out rigorous investigations. Few cases of violence against women are investigated. In March 2011, according to figures from the Attorney General's Office, of a total of more than 57,000 crimes confessed to under Act 975, only 86 are related to sexual violence. In addition, aside from the 183 cases that Ruling 092 orders the Attorney General's Office to investigate, only 68 further cases of sexual violence related to the conflict are currently being investigated. So far, none has led to a

recting existing regulations in accordance with the main international human rights standards.

Access to Justice

According to the UN High Commissioner, despite the existence of a legal framework that aims to ensure women's right to a life free of violence, there are still difficulties for the prevention and eradication of this violence. The necessary conditions for equality in the enjoyment of the rights of women are not yet present and Guatemala is on the very bottom rung within the region in relation to gender equality.

The *Law against Femicide and other forms of violence against women* constitutes a significant advance in terms of justice for women in Guatemala. Nevertheless, the lack of continuity and coordination of public policies, the prevalence of impunity and the lack of an efficient response on the part of the justice system, allows the perpetuation of structural violence against women.

The UN High Commissioner has stated that: "After 19 months of entry into force of [this] Law, the number of criminal complaints and requests for protective measures increased significantly.

The ability of state response to the law on femicide has not been proportionate or effective in terms of investigation, punishment and reparation. Of the 166 allegations of femicide, allegations were made only 11 and 10 judgments were delivered under the new law.²⁶



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conviction, in fact, in 65 cases the perpetrator has yet to be identified.²¹

Official protection programs (assistance to victims and prosecution witnesses implemented by the Attorney General's Office, and protection for human rights defenders implemented by the Ministry of Interior), have been criticized for failing to include a gender perspective and not being consulted with women.

Advances in public policy

At the national level, the Presidential Adviser on Equality for Women has a mandate to work on gender focus in public policy. Similarly, there is a new program against gender violence (for 2008-2011 in collaboration with UNDP) aimed at assisting victims and eradicating violence against women.

This program has 3 main areas: prevention, care for victims, and developing a legal framework and public policies. The program is fairly new, and so it is premature to evaluate it.

Under the current National Development Plan 2010 -2014, the women's movement gained a commitment from the federal government to including a participatory public policy for gender equality, and specifically to guarantee the rights of women in situations of displacement and a life free from violence. It is especially important for the women's movement that impunity for sexual violence against women is addressed within public policy and that Constitutional Court Ruling 092 is implemented.

Women in situations of particular vulnerability

Women human rights defenders face multiple barriers to their work: they and their families receive frequent threats from armed groups, are forced into displacement, and are also victims of sexual violence and murder. Of the defenders threatened and killed

Advances in public policy

The main government agencies responsible for addressing violence against women, are: the Ombudsman for the Rights of Indigenous Women, (DEMI) the Presidential Secretariat for Women-(SEPREM), the free legal service to victims provided by the Institute of Criminal Public Defense, the National Coordinator for the prevention of domestic violence and violence against women (CONAPREVI), whose main task is to promote compliance with the National Plan for the prevention and eradication of domestic violence and violence against women 2004-2014, prepared in compliance with the Domestic Violence Law.

It is equally important to mention the CAIMUS (Integrated Support Centres for Women Survivors of Violence), an initiative of the Guatemalan organisation GGM, recognized by CONAPREVI as good practice. These centres provide comprehensive support to women victims of violence.

Women in situations of particular vulnerability

Women human rights defenders face multiple barriers to their work, and suffer from a dual vulnerability as women and as defenders. In Guatemala, according to the UN Secretary-General's Special Representative of on the situation of human rights defenders, women defenders are victims of threats, sexual violence, enforced disappearances, murders and attempted murders.²⁷ During the first ten months 2011, there have been 329 assaults on defenders, 23% of which were against women.²⁸ There have also been 16 murders of women during this period, and one of those murdered was a woman defender.



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in 2010, 33 percent and 22 percent, respectively, were women.²² The increase and threats of murder against women defenders shows their high vulnerability.

Indigenous and Afro-Colombian women suffer from threefold discrimination: because they are women, are poor and are from an ethnic group. It is extremely difficult for indigenous women to denounce human rights violations committed against them because of the distance they need to travel from their communities, cultural barriers against medical examinations, language barriers and fear of reprisals.²³

EU official cooperation.

EU cooperation towards Colombia is mostly focused on financial assistance for peace and reconstruction. In 2010, with 37 million Euros, the EU was the largest cooperation donor to Colombia. This aid was divided into three main areas: 70% for peace and stability programs, 20% for strengthening the rule of law, justice and human rights, and the remaining 10% for issues of productivity, competitiveness and trade.

In its Country Strategy Paper for Colombia 2007-2013, the EU summarizes its goals for cooperation as: «[...] the fundamental goal of the response strategy of the EU is to contribute to peace and stability, while not losing sight of the great economic development potential that a peaceful Colombia could generate for the entire Andean region.»

The Paper also mentions the issue of equality between men and women as a major cross-cutting strategy and also the protection of women and children in conflict²⁴.

Similarly many indigenous women suffer triple discrimination for being a woman, poor and indigenous, a situation which is reflected in equally discriminatory laws and policies. This is extremely worrying considering that indigenous women represent roughly 40% of the population according to the 2001 census.

EU official cooperation.

Under the Cooperation Strategy Paper for Guatemala 2007-2013, gender equality was defined as one of the cross-cutting strategies.²⁹ This Paper has formed the basis for EU funding support for programs and projects, through either geographical cooperation, funding for the State, or thematic cooperation which has usually been directed at civil society.

In particular, for the struggle against femicide, it is important to highlight a) the program for struggle against exclusion, which included the strengthening of institutions governing policy towards women, such as SEPREM and DEMI, as well gender mainstreaming and inclusion of the rights of indigenous peoples; b) the Program for the Reform of the Justice Sector; c) civil society cooperation which has included several projects aimed at empowering women and combating violence; and d) the Eurosocal program which funded the development of a strategic plan for implementing the law against femicide.

Foto: PBI - Guatemala.

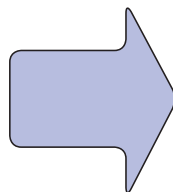


II. Priorities for the implementation of the EU Guidelines on violence against women

The above chapter identifies a general need to establish violence against women and in particular femicide, as a priority for the EU's agenda in its bilateral relations with Colombia and Guatemala, throughout all existing mechanisms at its disposal, including political dialogue, development cooperation, and particularly in the case of Colombia, human rights dialogue.

The guidelines can serve as a tool to facilitate this objective, by implementing the following priorities:

- **Widely disseminate the guidelines and ensure transparency in access to information on the actions implemented by the EU.** There is limited knowledge of the guidelines among women's organisations and human rights organisations. Nevertheless, these organisations recognize the guidelines as a valuable tool which demonstrates the EU's political will to address the issue and adopt various forms of intervention which could be effective and contribute to overcoming this serious human rights violation. There is also a lack of knowledge in relation to the actions implemented by the EU in this field, in its diplomatic work, political dialogue and cooperation. There is therefore a need for greater transparency towards civil society organisations to ensure access to information;
- **Promote opportunities for information exchange and coordination** between the EU delegation and representatives from each of the member states accredited in the respective countries, on the implementation of the EU guidelines in the country. In this regard, the " filter group "³⁰ established in Guatemala should be used as a reference;
- **Include the issue of violence against women and in particular femicide, within the structured mechanisms for dialogue between the EU and Colombia/Guatemala, and include civil society in this dialogue.** The guidelines state the need to regularly address this issue during specific dialogues with governments and the need to promote dialogue and regular consultations with civil society organisations. This is essential in order to identify specific actions for the implementation of the guidelines;
- **Place an emphasis on the promotion of policies to prevent and combat violence against women and the fight against impunity.** The guidelines set out various measures, including highlighting the need to promote by all appropriate means, policies to prevent, punish and eradicate violence against women and femicide in particular; and
- **Strengthen EU development cooperation to support the struggle to end violence against women.** In line with the guidelines, the EU must prioritize the struggle to end violence against women, in consultation with civil society, both in its bilateral and multilateral cooperation. In this context, the EU and Member States cooperation should seek to incorporate the issue into their various funding lines specifically focusing on prevention, access to justice for the victims, rehabilitation, and health care.



III. Specific recommendations to promote the implementation of the identified priorities



Foto: Jorge Mata

1. Widely disseminate the guidelines and ensure transparency in access to information on the actions implemented by the EU.

- Develop a plan for the wide dissemination of the guidelines at the national and local level in both countries led by the EU Delegations, in coordination with the Embassies of the Member States, and in consultation with women's organisations, human rights organisations, and the various authorities and institutions. This plan should include the translation of the guidelines into all major languages spoken in each country, publishing them on the website of the EU delegations, preparation of information leaflets, explanatory workshops in the capital cities and rural areas with women's organisations, human rights organisations, indigenous peoples, afro-descendants and subsistence farmers organisations;
- Publish on the EU delegation websites, the contact details of the liaison officers and focal points in EU embassies for the issue of violence against women; and
- Communicate the main actions taken to combat violence against women and make them known to the organisations concerned, taking into account their observations and recommendations.

2. Promote opportunities for information exchange and coordination between the EU delegation and representatives from each of the member states accredited in the respective countries, on the implementation of the EU guidelines

As stated in the guidelines, the EU should ensure synergies with other EU guidelines on human rights, particularly those relating to human rights defenders. It is important to take into account "good practices" developed for their implementation, both in Guatemala and Colombia. In order to

optimize efforts, it may be practical to build on existing coordination efforts, and incorporate into them the issue of the implementation of the guidelines, as follows:

- a) In Colombia, there is a gender working group for international cooperation whose role is to coordinate aid in the field of gender equality. The participation of civil society in this space is limited; however women's organisations have recognized it as an important advocacy channel.
- b) In Guatemala, an EU gender working group was founded in 2001, with participation limited to EU partner organisations, with the purpose of including a gender perspective in projects co-financed by the EU. Although the working group was discontinued and did not meet for over a year, it has recently been reactivated. There is also a working group of international cooperation donors in which the member countries of the EU, the EU delegation and the UN take part.

These spaces for information sharing and coordination could accomplish several objectives, including:

1. Exchanging information and improving coordination between the EU missions and the Delegation in the respective countries, and also with their respective political and cooperation units;
2. Monitoring the situation of violence against women, in particular the struggle against femicide; examining specific and emblematic cases proposed by civil society organisations, and / or international protection mechanisms according to the criteria defined in the guidelines; defining appropriate measures, and if necessary, making recommendations to the Heads of the EU Missions; and
3. Raising awareness of EU support for women's rights organisations. Among other actions, the EU should visit the offices of national and local organisations, visit local authorities, observe trials and hearings of emblematic cases of violence against women, hold public acts of solidarity, and urge relevant authorities to respect and protect these organisations.

3. Include the issue of violence against women and in particular femicide, within the structured mechanisms for dialogue between the EU and Colombia/Guatemala, and include civil society in this dialogue.

3.1 Dialogue between the EU and the States of Guatemala and Colombia

The guidelines make specific reference to using the existing mechanisms for dialogue between the EU and third countries to exchange views on the matter of violence against women. With regard to Guatemala and Colombia, the existing political dialogue mechanisms are as follows:

- In Colombia there is a twice yearly high-level mechanism for human rights dialogue, which to date has held five sessions. To date, the issue of violence against women has not been included on its agenda, unlike the bilateral political dialogue between Spain and Colombia where the issue of sexual violence in the context of armed conflict has had a special relevance. Soon, as the result of a memorandum of understanding between the Colombian government and the EU as part of the negotiated trade agreement, a bilateral mechanism for political dialogue will be implemented in which the issue of violence against women must also be included in the agenda.
- In Guatemala, the mechanism for political dialogue is bi-regional under the Association Agreement between the EU and Central America. Although the issue of human rights forms part of this agenda, the nature of the mechanism means that specific issues relating to single countries cannot be addressed in depth.

The EU should include the issue of violence against women in these mechanisms and should also set priorities, objectives and performance indicators which enable evaluations of the effectiveness of the dialogues and ensure consistency between these mechanisms and measures taken as part of other EU tools, in particular through cooperation.

Colombia

It is vital that the human rights dialogue is used to urge the Colombian State to:

- Carry out the necessary reforms in the Penal Code so that crimes related to violence against women, which are considered as international crimes under the Rome Statute, are legally treated as such and not as common crimes;
- Make progress in implementing Constitutional Court Ruling 092 (2008). In particular, make enquiries into the status of the investigations by the Attorney General's Office into the 183 cases of sexual violence, and call upon the urgent creation of the 13 programs to safeguard women's rights;
- Implement Law 12-57 (2008) for the prevention of violence and discrimination against women, by designing an effective public policy. In particular, enforce protection measures, measures to ensure that women victims and their children have access to food and shelter, and make progress in the application of sanctions against the aggressors and perpetrators;
- Urge the Attorney General to appoint a senior legal adviser on sexual violence in accordance with the recommendation of the UN Special Rapporteur on violence against women;
- Make progress in the implementation of UN Resolutions 1325, 1820 and 1888 on Women, Peace and Security;
- Remove objections to ratifying the Optional Protocol to CEDAW; and
- Comply with all recommendations and judgments of the Inter-American human rights system

Guatemala

It is urgent to call upon the Guatemalan State to:

- Ratify and implement the Rome Statute of the International Criminal Court, to strengthen, inter alia, the international prosecution of crimes of sexual violence and other crimes against women;
- Visibilize the law against femicide, its scope, punishable offenses and sanctions, the authorities responsible for its implementation and in particular, provide information to victims about where to get help;
- Emphasise EU support for the International Commission against Impunity in Guatemala (CICIG) and urge the State to comply with the recommendations of the Commission;
- Strengthen support to victims, the Comprehensive Care System, the CAIMUS and the Criminal Public Defense system, among others, and promote the creation of a National Institute for Victim Assistance;
- Strengthen public institutions, including CONAPREVI, SEPREM and DEMI, to boost their decentralized action, and the coordination of care and support agencies for victims;
- Strengthen the justice sector, including the capacity for investigation in the Public Ministry, the National Forensic Science Institute, support the creation of the Attorney General's Office for Crimes against life and other forms of violence against women, strengthen and promote new specific courts of violence against women;
- Strengthen the capacity of the National Institute of Statistics and CONAPREVI to speed up the unified data record on domestic violence against women; and
- Comply with all recommendations and judgments of the Inter-American human rights system.

3.2 Promote mechanisms for political dialogue and consultations between the EU and civil society organisations.

The guidelines highlight the need for dialogue and regular consultations with human rights organisations and women's organisations. This is essential to identify concrete actions towards the implementation of the guidelines. These dialogues should meet the following criteria and functions:

- Build on existing coordination mechanisms and restructure them to regularly include dialogue and consultation with human rights organisations in an inclusive manner, by involving indigenous, Afro-descendant and subsistence farming organisations, without the criteria for participation depending exclusively on being a beneficiary of an EU project.
- The dialogue must fulfill several functions, including: a) jointly assessing the progress and difficulties of combating violence against women; b) presenting particularly serious cases according to the criteria defined in the guidelines; and c) providing input to the EU and Member States for the development of programs and projects and for political dialogue.

4. Place an emphasis on the promotion of policies to prevent and combat violence against women and the fight against impunity.

4.1 Promote prevention policies to combat violence against women

- Promote policies, educational and awareness-raising campaigns on equality between men and women, and particularly on violence against women;
- Organize public events of the EU Delegation and the Embassies, together with women's organisations and victims, to make condemnation of all forms of violence against women publicly visible, to show concern about the high rates of rape perpetrated against women and reaffirm the EU commitment to combat this phenomenon;
- Support the implementation of ongoing programs and courses for the education and training of public officials, particularly in the justice, education, health sectors and for police officials, on the rights of women and non-discrimination based on gender or ethnicity;
- Support national plans to combat violence against women, ensuring that their coverage ranges from national to local level, and takes into account the special situation of indigenous, Afro-descendant and subsistence farming women; and



Foto: Laurélie Di Filippantonio

- Support the relevant state agencies in creating and / or updating a differential database that shows violations of women's human rights (forced disappearance, rape, murder, etc.), disaggregated by the victim's ethnicity, age, social class and region of origin, in order to improve understanding of the problem, and the design of programs to address its causes.

4.2 Promote the struggle against impunity.

- Urge the Guatemalan and Colombian States to pursue, by all appropriate means, the adoption of policies to prevent, punish and eradicate violence against women and femicide in particular. Remove all those legal norms that could impede or interfere with the investigation and punishment of violence against women, and guarantee that civil action may be undertaken by victims;
- Urge the Guatemalan and Colombian States as part of their international obligations, to effectively bring to justice ongoing criminal proceedings relating to violence against women and to open, identify, prosecute and punish those who carry out these crimes and those who plan them. Investigations should include a gender perspective and be conducted by trained officials, who must have sufficient financial and technical resources at their disposal. Effective protection must also be guaranteed for victims and their families;
- Support policies to provide redress and reparation to direct victims, the recovery of memory, and non-repetition, in a model that overcomes the structural causes of violence and promotes a life with dignity and peace for women and their families;
- Monitor trials, especially in cases where those suspected of carrying out the crime are state officials;
- Encourage states to investigate, through the competent public institutions, officials accused of irregularities and apply the penalties for those found responsible; and
- Support the Colombian and Guatemalan States to standardize all of their protocols, manuals, ministerial investigation standards, and expertise services, in the investigation of all crimes that relate to forced disappearances, sexual violence and murder of women, according to the Istanbul Protocol, the United Nations Manual on the Effective Prevention and Investigation of Extrajudicial, Arbitrary and Summary Executions and international standards for tracing missing persons, based on a gender perspective.



Foto: Guido De Schrijver

5. Strengthen EU development cooperation to support the struggle to end violence against women in Colombia and Guatemala

- Inform and consult with civil society organisations in a timely and appropriate manner, on the process of developing the new country strategy papers, and the EU human rights strategies, incorporating as a priority within these strategies combating violence against women;
- Promote as a priority, coordinated and complementary action through the EU and its Member States cooperation, to combat violence against women, and to ensure continuity and consistency with political dialogue and human rights dialogue;
- Pay special attention to the inclusion of the issue of violence against women in all existing funding instruments, particularly those which support civil society, such as the European Instrument for Democracy and Human Rights, in order to: a) seek access to justice for victims, and the appropriate legal assistance, b) ensure the protection of witnesses and, c) support psychological support for victims and their families, and social reintegration, d) support awareness campaigns, and training on this issue; and

Colombia

In relation to Colombia it is vital to consider in particular:

- Incorporating a component of combating violence against women within the Peace Laboratories programs implemented by the EU;
- Strengthening support for legal assistance for women victims, taking into account the positive example of the inclusion of such programs in the Instrument for Stability.

Guatemala

With regard to Guatemala it is vital to consider in particular:

- Strengthen CONAPREVI's strategic plan, the implementation of PLANOSI and its comprehensive action plan for the prevention and eradication of violence against women,
- Support the creation and strengthening of CAIMUS,
- Support the development of harmonious and complementary coordination between different national and local public entities that deal with the issue.

Guatemala

Colombia



Endnotes

- 1 Alternative Report to the Fifth Report of the Colombian State to the Committee on Economic, Social and Cultural Rights, Colombian Platform for Human Rights, Democracy and Development, June 2010.
- 2 According to the Colombian government, there are 3.3 million internally displaced persons (excluding refugees), and according to Codhes there are 5.1 million. The differences are partly explained by the fact that the Codhes figure is cumulative since 1985, while the government figure is cumulative only since 2000, and because government statistics do not include intra-urban displacement and displacement caused by crop spraying.
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- 4 See: www.onic.org.co, Sweet Words, Breath of Life, Campaign for Indigenous Peoples at Risk of Extinction in Colombia (2010)
- 5 National Trades Union School (Escuela Nacional Sindical), 2010 Annual Report, www.ens.org.co
- 6 <http://www.hchr.org.co/publico/pronunciamientos/ponencias/po132.pdf>
- 7 National Hearing, Central Magistrates Court No. 1, D.Previas 331/1999. Sentence of January 16 2008.
- 8 February 19 2007, A/HRC/4/20/Add.2
- 9 Human Development Report on Guatemala 2010
- 10 Report of the UN High Commissioner for Human Rights on Guatemala 2010, paragraph 43
- 11 <http://www.corteconstitucional.gov.co/relatoria/autos/2008/a092-08.htm>
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- 17 Op.cit
- 18 <http://www.casmujer.org/Informe%20de%20la%20Mesa%20de%20seguimiento%20al%20Auto%20092.%202011.pdf>
- 19 A/HRC/16/22: Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia, February 2011
- 20 <http://www.profamilia.org.co/encuestas/Profamilia/Profamilia/>
- 21 Amnesty International report. Colombia: "THIS IS WHAT WE DEMAND. JUSTICE." Index Number: AMR 23/018/2011, September 2011
- 22 Of the 32 defenders killed in 2010, 7 were women (22%) and in the 109 recorded cases of threats against defenders, 36 (33%) were against women. We are Defenders Program (Programa Somos Defensores), "Report 2010. Information on attacks against Human Rights defenders in Colombia-SIDDDH", February 2011.
- 23 James Anaya, UN Special Rapporteur on indigenous peoples' rights, expressed in his 2010 report on his visit to Colombia, particularly concern about the increase in sexual violence against indigenous women reported in Constitutional Court Ruling 092.
- 24 European Commission, Colombia: Country Strategy Paper 2007-2013.
- 25 United Nations High Commissioner for Human Rights: report on the activities of her office in Guatemala (2010). <http://www.oacnudh.org.gt/actualizacion2010/UPLOAD/InformeAnual2010%28esp%29.pdf>
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- 29 European Commission, Guatemala: Country Strategy Paper 2007-2013, 5.4, page 26.
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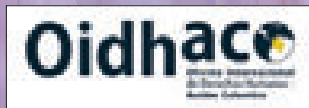
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