



## Economic and Social Council

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### Commission on the Status of Women

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**Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”: implementation of strategic objectives and action in critical areas of concern and further actions and initiatives**

### **Statement submitted by Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, a non-governmental organization in consultative status with the Economic and Social Council**

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



## Statement

Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, Spain, is committed to the defence of women against gender-based violence, including its most extreme form, femicide. For years, we have been involved in numerous activities, seminars and projects developed in Latin America, collaborating with independent experts, judges, prosecutors, forensic scientists, Latin American institutions, the Conference of Ministers of Justice of Ibero-American Countries, the Council of Ministers of Women's Affairs of the Central American Integration System, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), and the Office of the United Nations High Commissioner for Human Rights (OHCHR), among others. We have also relied on the sponsorship of the Human Rights Office of the Ministry of Foreign Affairs and Cooperation of Spain and Carlos III University of Madrid.

It is evident that in the case of femicide, there is a lack of adequate investigation that leads to impunity. Not only does impunity take away incentives to obey the law, it also leads to structural violence against women. In this sense, it is imperative, in the field of femicide, for States to have standardized instruments and procedures to improve the effectiveness of investigations, data collection and the implementation of best practices.

Developing protocols containing common recommendations on matters of criminalistics and forensic pathology, clues and the preservation of evidence, forensic anthropological research, the identification of corpses and human remains and the creation of genetic databanks will strengthen both the investigation processes and the criminal proceedings to punish persons responsible for these types of crimes.

On the other hand, these measures are insufficient if the following are not strengthened within a national system: the right to access to justice and free legal assistance for victims and families with insufficient resources; and guaranteed access to litigation lawyers in all processes and proceedings relating to gender violence to which they are parties.

Our Federation and Carlos III University of Madrid, together with associations, universities, Latin American organizations and experts in multidisciplinary fields on gender-based violence, sponsored by the Human Rights Office of the Ministry of Foreign Affairs and Cooperation of Spain, are drafting a model protocol for the effective investigation of femicide in Latin America in order to prevent and investigate femicide and monitor and punish perpetrators of femicide, promoting the rights of the victims and their families to due process.

The objective of this model protocol is to establish a guide for suitable practices, minimum procedures and basic rules for justice operators throughout Latin America. While interpreting the current regulations in each country, this model protocol allows victimized women in precarious situations access to justice, guaranteeing them effective judicial protection and due process. Following the methodology that gave rise to the Istanbul and Minnesota Protocols, this will be a reference tool for States in Latin America. Once consensus is achieved in Latin American countries and after its publicity in civil society, this model protocol will be submitted to the Human Rights Council and will further promote the involvement

of international institutions, regional organizations and civil society for its final presentation, with universal vocation, before the General Assembly.

Within the project framework, the first workshops with Latin American experts were organized by Carlos III University in Getafe (Madrid) in order to begin the project. Three multidisciplinary workshops were held on 27 and 28 June 2011, with the participation of the Human Rights Office of the Ministry of Foreign Affairs and Cooperation of Spain, the Conference of Ministers of Justice of Ibero-American Countries, the OHCHR Office in Colombia and the OHCHR Regional Office for Central America. In July 2011, the Ministry of Foreign Affairs and Cooperation of Spain also organized seminars in Cartagena de Indias, Colombia, to discuss gender-based killings.

In 2011 and 2012, the Federation held meetings with: UN-Women, OHCHR, the Special Rapporteur on violence against women, its causes and consequences, the Conference of Ministers of Justice of Ibero-American Countries, the Inter-American Court of Human Rights and specialized non-governmental organizations (NGOs). It also organized several workshops in Madrid with multidisciplinary experts, lawyers, forensic scientists and psychiatrists who specialize in training on and the prevention of gender-based violence and femicide.

In June 2012, a workshop of Ibero-American multidisciplinary experts was held in Panama. The workshop was organized by the OHCHR Regional Office for Central America, with the help of UN-Women and the Federation, and was attended by representatives from Spain, with the special participation of Spanish forensic experts specialized in training and on the prevention of femicide in Latin America. The purpose was to discuss and elaborate the first regional document containing recommendations on the instrument, and its scope, as well as field investigation and reparation.

On 25 June 2012, the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, presented before the Human Rights Council in Geneva, the Report of the Special Rapporteur on violence against women, its causes and consequences. In that report, she stated that despite progressive jurisprudence from the regional human rights systems, often there is no mechanism to coordinate the implementation of the judgments at the national level, with some authorities stating that the absence of a special implementing law precludes fulfilment. It is argued that in order to facilitate compliance with such rulings, the creation of an international standard for the investigation of femicide, which ensures compliance with the guarantee of non-repetition, is necessary. An Action Protocol, aimed at the judiciary, prosecutors and political bodies, can outline guidelines for the prevention of and investigation into incidents of femicide.

The Spanish Agency for International Development Cooperation held another workshop from 24 to 27 September 2012 in La Antigua, Guatemala, organized by the Federation and Carlos III University and sponsored by the Human Rights Office of the Ministry of Foreign Affairs and Cooperation of Spain. This workshop was attended by multidisciplinary experts, legal operators, State institutions and organizations of the region. The purpose of the event was to collect more information and commentaries in order to advance the creation of a model protocol with common recommendations on the efficient investigation and documentation of extreme violence against women for gender-based reasons.

Specific mention of this workshop was made at the twenty-first session of the Human Rights Council and, on 20 September, a declaration was approved, which stated: “In this sense, the lack of a proper investigation leads to impunity, which is one of the main causes of the continuation of these crimes. Therefore, the development of international guidelines for the documentation and investigation of gender-based killings, which ensures compliance with the guarantee of non-repetition, is necessary. The preparation of such guidelines, which may be used by the judiciary, law enforcement prosecutors and political bodies, can strengthen both the investigation processes and the criminal proceedings to sanction the perpetrators of such crimes. Some initiatives try to respond to this need, such as the model protocol for effective investigation of femicide, which is being drafted this September in Guatemala by multidisciplinary civil society experts in gender-based violence (forensic experts, legal experts and investigators), with the help of UN-Women and OHCHR.”

A draft is currently being developed with the recommendations and conclusions derived from the workshop held in Guatemala. Additional data and inputs will be obtained from South American experts and the upcoming workshops that will be held with members of the Common Market of the South and associated countries. The next event is scheduled for January 2013 in Brazil.

In conclusion, from the point of view of States, the model protocol for the effective investigation of femicide in Latin America is important in that it will reflect the recommendations of the most relevant experts, thereby helping States to conduct effective investigations to control the numerous cases of impunity for crimes of extreme violence and femicide in the region and to prevent such impunity in the future. Likewise, it is hoped that the international community will welcome this document so that the guidelines for the investigation of femicide can be accepted as international standards.