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**WORKING GROUP: GENDER PERSPECTIVE ON CITIZEN SECURITY**

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## **1. INTRODUCTION**

There cannot be human prosperity without guaranteeing human rights, dignified living standards for all persons, governability and democracy. Human prosperity must be constructed by redistributing wealth, creating opportunities, curtailing transnational capital gains, increasing the taxes paid by the capital ownership class and reducing the taxes paid by the working class, and by investing in food sovereignty as well.

The notion of security had to expand its framework of reference in order to include a wide variety of threats: international terrorism, drug trafficking and illegal arms, human trafficking, the global sex industry, money laundering, institutional corruption and organized crime. In addition to this, in our countries, the following factors add to the further detriment of citizen security: poverty and the rise of the *de facto* powers that have infiltrated democratic structures; violence against women expressed through feminicide, the feminization of poverty and migration; trafficking in women and girls; illegal traffic; therapeutic abortion.

## **2. MAINSTREAMING THE GENDER PERSPECTIVE**

I consider it essential to attempt a brief explanation of what is meant by mainstreaming the gender perspective. In this case, it means to ponder how drafting or amending a piece of legislation will affect the life and daily living of men and women, focusing on those historical inequalities that still persist in our region. It means zooming in on every line and legislative piece, as we analyze women's reality and whether our action will contribute to bridge the inequality gap or to make it even deeper – and acting upon it. It means undertaking a reengineering project, in order to transform the intent and outcome of legislation, as well as to eradicate its patriarchal and sexist vision.

### **2.1. A methodology to draft gender-sensitive laws**

Ms. Alda Facio suggests a methodology to analyze legal texts. It consists of 6 steps that are quite easy to follow, once we gain awareness of how sexism operates in our lives:

**STEP 1.** Become personally aware of the subordination of the female sex. (For women, this means gaining awareness of their subordinated, discriminated and oppressed condition as persons; for men, of how their privileges are based on women’s subordination).

**STEP 2.** Identifying the various ways in which sexism is expressed in the text – androcentrism, sexual dichotomy, gender insensitivity, overgeneralization, overspecificity, double parameter, taking the easy way out, etc.<sup>1</sup>

**STEP 3.** Identifying the woman who is rendered visible or invisible by the text. In other words, identifying the woman who is being portrayed as “the other” in the male-centred human paradigm and, based on that identification, analyzing how this affects women of every sector, class, ethnic group, creed, sexual orientation, etc.

**STEP 4.** Identifying the woman-concept or woman-stereotype underpinning the text. In other words: Is it the woman-mother, the woman-family or only the woman inasmuch as she resembles man?

**STEP 5.** Analyzing the text, paying attention to the influence of, and the impact on, other components of the legal phenomena.

**STEP 6.** Expanding and delving deeper into the awareness of what constitutes sexism; making this awareness collective. When you truly understand the meaning and significance of sexism, you are impelled by the need to overthrow it. This necessarily implies working collectively.

The newly submitted General Law to Prevent, Combat and Punish Trafficking in Persons, developed by CATWLAC for the Mexican Congress, would be an example of this. [A practical example of his methodology is available upon request.](#)

## 2.2. The XXI Century Challenges

Every day women are murdered, beaten, raped, bought or sold everywhere in the world. Crimes take place in wars or armed conflicts; on the streets, in connection to rape, organized crime, prostitution, vintage or snuff pornography; crimes are committed by women’s husbands, partners, former partners. These are all sexuality-related crimes, where the risk factor is being a woman or a girl.

Although the concept of violence against women has existed for decades, the notion of femicide is rather recent. It refers to the intent to destroy, subjugate and subdue a group, in part or in whole; in this case, the group conformed by women and girls. It is a useful notion because it indicates the social and widespread nature of the violence based on gender inequalities, and it challenges the arguments that tend to dismiss the aggressors as “mad”, or to portray these deaths as “passional crimes”, or to lessen their relevance in cases of armed conflict, organized crime or war, by labelling them as “collateral damage.”

Prostitution and pornography are also manifestations of violence against women<sup>2</sup>, insofar as they perpetuate the patriarchal stereotype according to which women’s and girls’ bodies are meant for men’s sexual pleasure. Prostitution is not a job, but a marginal means of survival associated to the lack of opportunities that makes it possible to perpetuate the aforementioned stereotype. In our societies, the extent to which prostitution is

<sup>1</sup> For further discussion on these forms of sexism, please consult FACIO, Alda (1999). *Cuando el Género Suena, Cambios Trae: Análisis del Fenómeno Legal desde la Perspectiva Género Sensitiva*, Women, Justice and Gender Program (ILANUD), San José, Costa Rica.

<sup>2</sup> UN General Recommendation No. 19 of the Committee for the Elimination of All Forms of Discrimination Against Women.

naturalized makes it easy for organized crime to harness it as a major profit-making enterprise – trafficking in women and girls poses a far lesser risk than drug trafficking, which is the most persecuted evil across our entire continent.

### **3. ORGANIZED CRIME**

The transnationalization of crime has incremented crime-related problems. Organized crime oversteps national borders and adds to the various types of global threats, under which the life, dignity, freedom, integrity and security of women and girls are war prizes, and under which women and girls are reduced to sexual objects as a result of militarization, guerilla warfare, order-enforcing or criminal activities. The objective pursued by organized crime is, in essence, economic. By diversifying its activities and expanding nationally and internationally, it has virtually monopolized the trafficking of women, girls and migrants, as well as abductions, extortions, piracy, smuggling, etc.

#### **3.1. Consequences**

As we indicated, a host of factors influence the increment of violence, crime, deprivation, corruption, impunity and insecurity, which particularly include: inequality and socio-economic polarization; urbanization; poverty and marginalization; the informal economy and unemployment; the absence of the State and the frailty of its institutions; repressive policies that criminalize social protest, poverty and youth; the lack of social integration and cohesion. In addition to these factors, new armed actors make their appearance, especially in areas where the State is hardly visible. They include: the army, vigilantes, watchmen, paramilitary forces, guerillas, drug dealers and hired guns, organized crime, and *maras*.

#### **3.2. The impact of violence**

Violence impacts various spheres:

1. The quality of life, through the increase of fear;
2. Civic coexistence, through decreased levels of trust;
3. Democratic coexistence, through greater disaffection;
4. Private investment, through investment withdrawal;
5. Security investment, through increased public and private expense;
6. Public goods and assets, through neglect;
7. The privatization of solutions;
8. Public policies, by incrementing the complexity of management and institutional designs;
9. Decisions, by creating a sense of urgency and a lack of efficacy;
10. The costs of violence reduce opportunities for development in general and for sustainable human development in particular.

#### **3.3. Insecurity in women's lives**

Despite the many efforts made during the past 30 years, women's homes, as well as the community at large, are amongst the most insecure places for women. The Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women and the Convention of Belem do Para (July 1994) have been fully ratified by all the countries across the region. Yet, neither these ratifications nor UN ongoing campaigns help the fact that our

systems are extremely polarized and unequitable, that they show low levels of social and political inclusion, and that they are characterized by the power and the social divide imposed by the patriarchal system.<sup>3</sup>

### 3.4. Organized crime and the trafficking in women and girls

The current dimensions of sex trade are global and dramatic. Transnational criminal organizations have discovered a gold mine in the illegal trafficking of human beings. The fact that human trafficking is not in the regional public agenda or that – unlike drug trafficking – it is not a continental priority makes it a safer activity to pursue.

Sex trade usually follows a North-South pattern, but inland trafficking exists as well. However, many men travel to “exotic” destinations to satisfy their sexual fantasies, which are repressed in their own countries. Hence, the tourism industry has become the back door to the sex industry in such countries as Cuba, Dominican Republic, Costa Rica, Guatemala, Colombia, Jamaica, Mexico, Brazil, Aruba, etc. Moreover, it has become increasingly common for drug cartels to use girls and teenagers as hired guns, *halconas* (lookouts), mules or sex slaves.

### 3.5. Viewing citizen security through the gender perspective

Citizen security is about the security of persons, not about State security. Insecurity relates to a lack of protection, whereas citizen security refers to the existence of a public citizenry order that eliminates violence threats against the population and enables peaceful coexistence. Citizen security is a core pillar of human security and it refers to specific modalities of vulnerability and to the protection of fundamental human rights. Based on this conception, citizen security is understood as the personal, objective and subjective condition of being free from violence or from the threat of violence or from the intent of deprivation by a third-party.

Along these lines, it is worth noting that the notion of citizen security cannot be addressed without understanding the various forms of vulnerability and discrimination present in our society. Cities, as constructed spaces, are not neutral spaces from a gender perspective; they contain and express the social interactions between men and women as they are created and transformed throughout time, defining notions of “femininity” and “masculinity” that translate spatially and that create separate niches for what is masculine and what is feminine. This affects daily living, opportunities and rights.

Women’s historical lack of participation in the design of living spaces is another important issue. Spaces thus designed overlook women’s experience of issues that affect them closely, such as safety, care, education, public transport, the household, appliances and urban services. In recent studies, female authors cite such paradigmatic cases as the murder and disappearance of women in Ciudad Juárez, Mexico, where such explosive elements as border industrialization, exclusion, migration, exacerbated male chauvinism, drug trafficking, the exploitation of prostitution, impunity, as well as political and police corruption, converge. Similar scenarios exist in Guatemala, Brazil, El Salvador and Colombia. Methods are multifold and include the use of firearms, sharp weapons, torture, rape and murder.

In Latin America, this violence receives little recognition on account of such factors as armed conflicts, criminality, drug trafficking, the fact that women victims of violence rarely or never press charges, public opinion’s no stance position, and last and fundamental, institutional violence emanating from State agents who overlook risk factors and accusations, thus contributing to the extremely high rates of impunity across the region. Oral evidence and

<sup>3</sup> In *Pensamiento Latinoamericano*: <http://www.pensamientoiberoamericano.org/articulos/2/51/4/globalizacion-y-violencia-en-america-latina-debilidad-estatal-inequidad-y-crimen-organizado-inhiben-el-desarrollo-humano.html>

testimony will hardly improve this situation. On the contrary, it will likely propitiate greater impunity for crimes perpetrated against women and girls.

#### 4. CONCLUSIONS

We consider access to justice, its quality and efficiency, the main challenge to a life free from violence for all women across the region. The faint will evidenced by institutional spheres constitutes the main obstacle. The three powers of the State show weakness, as well as a lack of technical, financial and human resources. This is coupled with the persistence of cultural factors that promote women's subordination and fear, thus legitimizing violence. The negative synergy between institutional weakness and the patriarchal culture facilitate impunity<sup>4</sup>.

Furthermore, the array of complex dimensions conformed by Latin America confronts us with increasingly violent cities where the multiplicity of fears and differences still seem irreducible. This escalation of violence and insecurity should be a priority in the legislative agenda. Working towards democratic cities where coexistence is better implies, as a fundamental condition, eradicating violence against women, empowering women and promoting their citizen rights, since women account for more than half of this continent's population. It is necessary to "strengthen the active citizenship of women through the exercise of their rights, in order to reduce the violence perpetrated against them in the public and private spheres."

It is mandatory to develop and implement innovative approaches, to create mechanisms for collaboration and conceptual reflection, to develop and compare intervention experiences, and to enforce the due diligence standard and non-repetition guarantees. All policies designed for prevention, protection, assistance and persecution must be gender-sensitive and centred on the victims' human rights.

There is neither sustainable development nor human development without guarantees of life, freedom, dignity, integrity and security for all the inhabitants of the Americas. Countries are made by the people who inhabit them. The benefits of development have yet not reached the daily lives of many of our people. This should be our priority.

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<sup>4</sup> MONTAÑO, Sonia, *¡Ni Una Más! In Pensamiento Iberoamericano*

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### **SHORT BIO OF THE PRESENTER: TERESA ULLOA ZIÁURRIZ**

Regional Director of the Coalition Against Trafficking in Women in Latin American and the Caribbean (CATWLAC).

Ms. Ziáurriz received her Bachelor of Science in Education from the *Instituto Nacional de Pedagogía*. She got her Masters Degree in Educational Sciences from the London School of Education (London University) and her Bachelor of Science in Law from the School of Law at the *Universidad Nacional Autónoma de México*. In 1997, she earned her Diploma on “The Human Rights of Women and Development” (Belgium), sponsored by the European Union and the International Federation for Human Rights. In addition, she earned further Diplomas on “Education on Values,” “Gender,” “Law,” and “Humanitarian International Law,” from Paris Sorbonne University. Furthermore, she recently earned a Diploma on “Strategic Planning and Public Administration” from New York University.

Ms. Ziáurriz has handled more than 30 000 litigation cases of rape of women and girls, legally representing the coadjutor; in her capacity of expert in issues of gender violence and discrimination, she participated in three cases before the United States Immigration Tribunal, petitioning political asylum for victims of family violence; before the Federal Court of the State of New York, she participated in a case of abduction, where the Hague Conventions were first applied in favour of the mother and girls victims of family violence.

Ms. Ziáurriz has contributed to the drafting and amendment of countless federal and state laws in Mexico, as well as in other countries. In addition, she has assessed and designed state policies and national plans to prevent and punish human trafficking in Latin American countries. At present, she is finishing a new national law to prevent and eradicate human trafficking and related crimes.