

August 13, 2009

CSW Communications Procedure  
Women's Rights Section / Division for the Advancement of Women  
Department of Economic and Social Affairs, United Nations  
DC2, 12th Floor, New York, NY 10017

Dear Sir or Madam,

Violence against women, including domestic violence, is one of the most serious forms of gender-based violations of human rights. It deprives women of their ability to enjoy fundamental freedoms and represents a serious obstacle to equality between women and men. Despite positive developments in law, policies and practices, it still occurs in Portugal and every European Union member state.

For women affected by domestic violence, fear often serves as a control mechanism that inhibits escape and blocks potential avenues for help. When domestic violence aggressors possess firearms, this mechanism is exacerbated considerably. Many people do not realise that the greatest threat of gun violence to women around the world is not on the streets, or battlefield, but in their own home. Women are three times more likely to die violently if there is a gun in the house, yet are statistically a small fraction of the owners of such weapons.

When a woman is killed in the home, it is her partner or male relative who is most likely to be the murderer, often with a prior record of domestic abuse. Gun violence can be part of the cycle of intimidation and aggression that many women experience from an intimate partner. For every woman killed or physically injured by firearms, many more are threatened.

Within The Observatory on Gender and Armed Violence (OGAV) of the Centre for Social Studies in the University of Coimbra, Portugal, studies and assessments are undertaken to measure the threat level Portuguese women face due to small arms proliferation. Results are produced with the intention of influencing domestic policy, and contributing to international campaigns protecting women from gun violence. This includes interviewing women about the impact of guns on their lives. One such interview from Central Portugal highlights the problem:

In 2004, following years of physical and verbal abuse, "Anna" sought a divorce. Her husband responded to her inquiries into separation by acquiring a hunting rifle easily available in Portugal for sport. Her husband remained with his weapon at all times to instil fear in Anna and often placed the weapon on the couple's bedroom nightstand while they slept. Anna and her daughter were subject to death threats the aggressor promised to carry out if Anna did not discontinue these inquiries. She still speaks under anonymity out of fear.

So far this year 10 women are formally reported to have died through domestic violence in Portugal. 50% of these involved guns and include:

| <b>NAME</b>         | <b>DATE KILLED</b> | <b>LOCATION</b>        | <b>NOTES</b>  |
|---------------------|--------------------|------------------------|---|
| Deolinda Rodrigues  | May 2009           | Silves                 | Shot by husband in front of granddaughter (3 years of age), 2 weeks following separation from partner |
| Marilia Madeira     | May 2009           | A-do-Neves             | Shot by intimate partner.   |
| Laura Jorge Andrade | April 2009         | Frazão                 | Shot by husband 15 days after they separated.   |
| Tania Moreira       | February 2009      | Julião do Total Loures | Shot by intimate partner who then killed himself.   |
| Name Unavailable    | February 2009      | Alvelos Barcelos       | Shot by husband who then killed himself.  |

Portugal's (population 10.6 million) registered gun ownership is near 1.4 million. Despite a licensing process that is designed to limit all firearms for personal ownership, hunting rifles and sporting guns are recognized by the authorities including the police, and the media, and the general public as being easier to obtain. As a result, the proliferation of hunting rifles in Portugal is reflected in women's death statistics in the country. According to UMAR (one of the largest women's organizations in Portugal), approximately 49% of women killed between 2004–2008 were shot with hunting rifles.

These statistics do not include the number of illegal weapons in Portugal which is predicted, by the police, to amount to 500 thousand-1.4 million.. As Portugal increasingly becomes an entry point for weapons parts destined for reassembly and distribution in Europe, it is also important to consider the impact this has on women and the increase in gun violence against them.

Presently, the efforts of The Centre for Social Studies and The Observatory on Gender and Armed Violence are partnering with The International Action Network on Small Arms (IANSA) on the Disarm Domestic Violence campaign. This is the first international campaign to protect women from gun violence in the home. The main goal is to ensure that anyone with a history of domestic abuse is denied access to a firearm, and have their license revoked.

The law can help. Australia, Canada, South Africa and Trinidad & Tobago are among the handful of countries that have harmonised their legal frameworks on gun licensing and on domestic violence. This means the gun law prohibits ownership by domestic violence offenders, and the domestic violence law requires the removal of guns. In addition to strengthening gun control legislation, domestic violence legislation may include prohibitions against perpetrators of domestic violence from purchasing or possessing a firearm when it poses a threat to the victim.

In fact, such a prohibition is included in the 1996 United Nations recommendations of the Special Rapporteur on Violence Against Women for legislation on domestic violence. In 2008, an Expert Group organized by the United Nations Division for the Advancement of Women recommended that prohibiting the purchase of a firearm be included in protection orders for victims of domestic violence.

Portugal has started to implement measures to protect women from violence and to create avenues to report domestic violence. According to PSP (Portuguese National Police), women between the ages of 25 – 64 reported 6,474 more cases in 2008 than were registered a year earlier. This trend is largely attributed to a raised awareness of domestic violence as a crime. At the same time, and despite reference to firearms in the Portuguese firearms and ammunition laws (Law 5/2006 and Law 17/2009), Portuguese domestic violence laws make no specific connection between firearms and domestic violence. In a 35-page document detailing the PSP's DV response and action plan, the right to confiscate gun licenses between 6 months and 5 years following suspicion or conviction of domestic violence offences is only briefly mentioned. However, the strategy does not define the process by which a gun should be removed and licence revoked or suspended, nor is it explicit about the links to the law and how this would be implemented on a national level. Much more needs to be done to raise awareness of armed domestic violence and to remove guns from perpetrators of domestic violence. At a minimum, police should be required to consult the spouse or former spouse before approving a gun license application. This is crucial because in many cases, the man who kills a woman has previously threatened or committed violence, without coming to the notice of police. A sharp increase in DV complaints in Portugal indicates women are speaking out on the issue. They will respond similarly to laws that are designed to protect them from gun violence in the home.

The purpose of this communication is to respectfully bring this phenomenon to your attention and to outline some of the ways in which women's human rights must be upheld, be further protected, and fatalities prevented in Portugal.

Yours faithfully,

Tatiana Moura  
Observatory on Gender and Armed Violence (OGAV)  
Centre for Social Studies, University of Coimbra