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## **Commission on Crime Prevention and Criminal Justice**

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**Use and application of United Nations standards and  
norms in crime prevention and criminal justice**

### **Information on gender-related killings of women and girls provided by civil society organizations and academia**

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\* E/CN.15/2014/1.



## **I. Introduction**

1. In its resolution 68/191, entitled “Taking action against gender-related killing of women and girls”, the General Assembly encouraged civil society organizations and academia to share with the United Nations Office on Drugs and Crime (UNODC) relevant information concerning best practices and other relevant information related to the investigation and prosecution of gender-related killing of women and girls, in accordance with national legislation.
2. In November 2013, UNODC contacted relevant civil society organizations and academia requesting the above information. By 5 May 2014, 18 submissions had been received from different civil society organizations, universities and independent researchers.
3. UNODC welcomes the contributions of the members of the Alliance of NGOs on Crime Prevention and Criminal Justice, in particular that of the Academic Council on the United Nations System (ACUNS), to the preparation of the present conference room paper, which provides a synthetic overview of the replies received and is structured on the basis of the main aspects on which information was provided. Not all replies contained information on all of these aspects and the substantive focus and level of detail varied considerably. The content of the present document reflects the information and views expressed in the replies, which do not necessarily coincide with the views of UNODC or Member States, nor does it imply any endorsement.

## **II. Definition and contextual background**

4. Despite the fact that Commission on the Status of Women, in its Agreed Conclusions adopted at its 57th session, and the General Assembly, in resolution 68/191, used the term “gender-related killing of women and girls” most replies referred to the term “femicide”. This is reflected in the present document.
5. The term “femicide” was publicly introduced by Diana Russell while testifying about murders of women at the International Tribunal on Crimes Against Women in Brussels in 1976, but not explicitly defined by her at that time. In 1992, Russell and Jill Radford defined femicide as “the misogynistic killing of women by men,” and Radford specifically identified it as a form of sexual violence. In 1998, Jacquelyn Campbell and Carol Runyan redefined femicide as “all killings of women, regardless of motive or perpetrator status.”
6. In 2001, Russell adapted her definition to “the killing of females by males because they are females.” She intended to highlight femicide in the context of unequal gender relations and the notion of male power and domination over women. She also recognized that many girls and female infants are victims of femicide, and that young boys can also perpetrate these crimes.
7. The use of the terms femicidio/feminicide with a gender-related meaning has been spreading throughout Europe since the last decade of XXI century, after the international exposure of the events in Ciudad Juárez, Mexico, in particular with the contribution of Spanish women’s rights activists.

8. The first reference to femicide in official documents of the European Union was in the course of the hearing on feminicidio (killing of women) in Mexico and Guatemala at the European Parliament (EP) in April 2006. In October 2007 the EP adopted a resolution on the murder of women (femicide) in Mexico and Central America and the role of the European Union in fighting the phenomenon.

9. It was highlighted that femicides needed to be addressed in the specific contexts in which they occur, and not as isolated incidents. Attention needed to be paid to sociopolitical and economic dynamics, as well as overall patterns of gender-based violence, and how they affect the nature of femicide in a particular community, country, or region.

### III. Statistics and data

10. The Guidelines for Producing Statistics on Violence against Women: Statistical Surveys<sup>1</sup> were prepared to assist countries in assessing the scope, prevalence and incidence of violence against women. These Guidelines respond to the need to provide methodological advice regarding selection of topics, sources of data, relevant statistical classifications, outputs, wording of questions and all other issues relevant for national statistical offices to conduct statistical surveys on violence against women.

#### A. The need for adequate indicators

11. Indicators are needed to summarize complex data into a form that is meaningful for people working on programmes, for policymakers and the general public. Indicators on violence against women could be used to create awareness, guide legislative and policy reforms, ensure adequate provision of targeted and effective services, monitor trends and progress in addressing and eliminating violence against women and assess the impact of measures taken. With their associated benchmarks, indicators contribute to organizing data into a form, which facilitates the evaluation of policies and monitoring of progress in achieving goals.

12. The literature provides a number of different ways to classify indicators in general, including those on violence against women. A useful classification also used in monitoring and evaluation (M&E) of violence against women programme implementation is the division in outcome, process and impact indicators.

13. *Outcome indicators.* In programme M&E these indicators would show whether or not a programme target has been reached. In the context of monitoring global and local efforts to eliminate all forms of violence against women, outcome indicators are those that measure the scope, prevalence and incidents/frequency on violence against women. When measured properly, they enable comparison of trends over time, as well as within and between settings and countries. Examples of these are: number of incidents of rape by others than partners experienced by women aged 15-49 in the past year; proportion of women aged 15 years and older who experienced

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<sup>1</sup> Henrica Jansen, *Prevalence surveys on violence against women: Challenges around indicators, data collection and use*, 2012, available at <http://eige.europa.eu/literature-and-legislation/prevalence-surveys-on-violence-against-women-challenges-around-indicators>.

physical abuse by an intimate partner at any time in their life; proportion of women aged 18-24 who were married before age 18.

14. *Process indicators.* These are indicators to measure the coverage of measures undertaken to address violence against women. In programme M&E they would demonstrate how well a programme has been implemented, with focus on implementation and coverage. Examples of these are: proportion of health units that adopted a protocol for clinical management of rape survivors; proportion of prosecuted violence against women cases that resulted in a conviction, or in the area of prevention: number of schools delivering violence prevention and respectful relationship education.

15. The report of the Special Rapporteur on violence against women, its causes and consequences on “Indicators on violence against women and State response”<sup>2</sup> proposes indicators covering responses by States. Some of these are considered process indicators. The report introduces another category, namely structural (or institutional) indicators, for some measures of state response, in particular those reflecting the ratification/adoption of legal instruments.

16. *Impact indicators.* In the context of programme M&E impact indicators attempt to measure how much of the observed change can be attributed to the programme (such as reduction of violence against women prevalence rates following an intervention to prevent violence). They have to be measured through evaluations that are complex and have special design requirements.

## **B. Sources of data and information**

17. *Police.* Because of their role in investigating homicides, police can capture detailed information needed to identify and document cases of femicide. When complete, police reports provide data on victim-perpetrator relationship and contextual factors, including the time and location of the murder, weapon used, and other details uncovered during the investigation process.

18. *Medical examiner (mortuary).* Medical examiner systems are effective resources for identifying female homicide victims, because cases are classified regardless of motivation or legal outcome, ensuring that cases not pursued by the criminal justice system are included. The North Carolina Medical Examiner System, for example, routinely identifies about 12 per cent more homicides than the State Bureau of Investigation. Medical examiners also collect health and demographic information about victims, which could be made accessible through centralized databases.

19. *Justice sector (court and criminal law enforcement).* Justice sector data are important for understanding the response to femicide. In South Africa, a study incorporated information regarding legal and non-legal outcomes of femicide cases to ascertain factors correlated with conviction and sentencing rates. Studies in Latin America included data collated from attorney general offices regarding cases brought to trial and successfully prosecuted.

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<sup>2</sup> A/HRC/7/6.

20. *Media reports.* Newspaper accounts are often the only available source of information on incidents of femicide, particularly when official statistics are difficult to obtain, or for undocumented forms of femicide. Studies in southern Africa and Peru, and of so-called honour crimes in Pakistan, for example, relied heavily on media accounts of murdered women.

21. *Population-based data.* A number of studies have increased the evidence base on femicide with the collection of data that can be generalized to larger populations. Such studies employ a range of statistical methods to draw inferences from sample data that can be applied to a broader community, and to make comparisons with other populations.

22. *National homicide databases.* A number of countries, primarily in high-resource areas, maintain systematic national-level collection of data on homicide incidence from police records, which are available to the public. With respect to femicide, these databases represent a “silver standard” for data collection.

#### Box 1

#### **Femicide in Europe**

In Europe, the database of the United Nations Economic Commission for Europe (UNECE) Statistical Division contains official data on femicide, i.e. data on victims of homicide by relationship of the perpetrator to the victim, sex of the victim, country and year. However, it was suggested that the majority of the European countries were not able to provide the UNECE with the disaggregated data that are necessary, which represented an obstacle to a comparability.

Partner violence accounts for a high proportion of homicides of women all over the world: 40 per cent to 70 per cent of female murder victims (depending on the country) were killed by their partners/ former partners, whereas the comparable figure for men is 4 per cent-8 per cent.

The most complete data collection on femicide in Europe is included in the International Report on Partner Violence against Women compiled by the Queen Sofia Center Study (Spain). The available national statistics confirm that in all European countries, the majority of female homicide are gender-based murders (femicide). Most femicides are committed by partner or other relatives. The report shows that the average prevalence is: Internationally, the highest prevalence rates of female homicides are those from Central and South America, but Lithuania occupied the third place with 51,32 femicides per million women and Estonia the sixth place with 40,01 femicides per million women (2006). EU countries' medium rate is 21,79 per cent. WHO data referring to the year 2005 also confirm that the Baltic countries (Latvia, Lithuania, Estonia) present figures three/four times higher than the rest of Europe.

The data for the period 2000-2006 show a decrease or stable trend in femicides in most European countries. Spain, for example, has been recording a 45,33 per cent decrease, Denmark 66,47 per cent, and Slovakia 51,68 per cent. Instead, femicides are increasing in Cyprus (303,15 per cent) and in Luxembourg (83,37 per cent). The most relevant variations included the following:

In Denmark a decrease in domestic femicides was recorded (11,85 per cent);

Cyprus saw an increase in partner femicides (277,13 per cent);

England and Wales, Norway, Hungary, and Iceland saw a decrease of femicides, either in general or perpetrated within the family or by the partner;

Spain, despite a decrease of femicide (45,33 per cent), has been recording a 6,73 per cent increase of domestic femicides, and a 15,16 per cent increase of partner femicides;

in Finland, both total and domestic femicides decreased, while partner femicides increased.

In Italy, official data collected by EURES confirm that, even if the total number of homicides (male & female murders) is decreasing, female homicides are increasing from 15,3 per cent of total homicides during 1992-1994 to 23,8 per cent during 2007-2008. NGO data also show that femicides are increasing.

### C. Summary of recommendations made by researchers and advocates

23. Researchers and advocates made a number of recommendations for strengthening data on femicide. These can be summarized as follows:

(a) National-level data, national registries, or dedicated sections on femicide are needed in existing homicide databases. Such registries should include collated data from a range of sources, including police, mortuaries, courts, medical examiners, and other services in a position to identify cases of femicide and the circumstances surrounding them. Ongoing surveillance using medical examiner databases, such as the New York City femicide database, and efforts to link homicide and medical examiner data as currently done by the US Centers for Disease Control and Prevention are needed;

(b) Standardized guidelines and categories for identifying and documenting cases of femicide, including intimate-partner femicide, are needed. In addition, guidance for homogeneity in documenting victim-perpetrator relationships and information regarding history of violence or threats of violence in those relationships are needed. Specific attention needs to be given to what may or may not be feasible in resource-poor regions;

(c) Ongoing training is needed to strengthen the capacity of police, mortuary staff, medical examiners, and hospital and other health care personnel to identify and document cases of femicide and the circumstances surrounding them. In addition, sensitizing of media staff through awareness raising and training are needed to strengthen skills in gender-sensitive, complete reporting on femicides;

(d) Comprehensive, centralized reports on the incidence and consequences of femicide need to be developed, disseminated, and publicized for use in awareness-raising and advocacy around femicide. This can only be accomplished in tandem with strengthening overall data collection;

(e) Quantitative and qualitative research methods that improve understanding of the social context, including the characteristics, dynamics, and circumstances surrounding femicides, need to be strengthened. Gaps in research on specific forms of femicide need to be addressed.

## Box 2

**Good practice: data collection in Finland on gender-motivated killings as a result of domestic violence**

The Finnish police use nationwide data systems called RIKI and Patja to record the reported crimes. The report form contains both compulsory and optional information on the crime. Gender and others personal data such as the age and address of the suspect and the complainant are always recorded. The form contains a field where it is possible to define the crime or case as “domestic violence”.

Information on the relationship of the suspect to the victim is optional. Statistic Finland use police data combined with data from family statistics to produce statistics on domestic violence and all related crimes.

Statistical tables on causes of death make it also possible to know how many women are killed by domestic violence each year (number of intimate partner feminicides). The source for these statistics is the death certificates made by medical authorities combined with data from the Population Register Centre. When the cause of death is not clear but an indicator of violence is present, the death certificate is not written until the preliminary result from police investigation on whether the case is a suicide, accident, or crime are available.

#### IV. International legal instruments and national legislation

24. Information on relevant international legal instruments was provided only in relation to binding instruments of the Council of Europe, including the European Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols No.1 and No.4 to the Convention, and especially the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

25. The Istanbul Convention makes it clear that violence against women and domestic violence can no longer be considered as a private matter but that states have an obligation to prevent violence, protect victims and prosecute the perpetrators. More comprehensive in nature than any of the previously available instruments, the Council of Europe Istanbul Convention significantly reinforces action to prevent and combat violence against women and domestic violence at global level through the “4 Ps approach”: (a) Prevention, (b) Protection and support, (c) Prosecution and (d) integrated Policies.

26. The application of measures to protect the rights of victims shall be secured without discrimination on any ground. No individual who has suffered gender-based violence should be excluded from the protection and support set out in the Istanbul Convention. This includes women and girls from any background, regardless of their age, race, religion, social origin, migrant status, gender identity or sexual orientation.

27. The Istanbul Convention includes an explicit definition of the “due diligence” obligation of states to prevent, investigate, punish and provide reparation for acts of violence perpetrated by non-state actors (Article 5.2).

28. The Istanbul Convention is the first international treaty to contain a definition of gender as a socially constructed category that differentiates between “women” and “men” according to socially assigned roles, behaviours, activities and attributes.

29. The Convention acknowledges the transnational nature of violence against women and demonstrates a commitment to transnational solutions. This innovative cross-border approach to violence against women is manifested in the Convention’s provisions offering protection to migrant women, refugee women and women asylum-seekers, as well as specific provisions addressing forced marriages, and provisions on jurisdiction.

30. The Istanbul Convention also provides for a monitoring mechanism to ensure the implementation of the Convention and guarantee its long-term effectiveness. The group of experts (GREVIO) will not only monitor implementation, but also make recommendations to countries, thus offering advice and support.

31. It was highlighted that the Istanbul Convention was made in Europe but not for Europe only. Open to accession by any country in the world, the Convention and its monitoring system represented a unique chance to achieve universal and unconditional commitment to the elimination of all forms of violence against women.

32. The ground-breaking nature of the Convention was being recognized the world over. It is gaining ground as a standard reference text, at the European and global level. The Agreed Conclusions adopted by the Commission on the Status of Women (CSW) refer to the importance of regional standards and the action proposed corresponds to a number of provisions of the Istanbul Convention — in substance and in the language used.

33. The Istanbul Convention was also seen as fully aligned with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and based on the premise that violence against women cannot be eradicated without investing in gender equality and that in turn only gender equality and a change in attitudes can prevent such violence from happening. This meant that signing and ratifying and ultimately implementing the Convention would also contribute to the implementation of the “women’s rights bill”, the CEDAW, as well as the United Nations framework for prevention and combating violence against women, including the Agreed Conclusions of the 57th session of the CSW.

34. Although the Istanbul Convention has existed for less than three years, it was considered to already catalyse change to improve policies and legislation and protect women from violence. However, it was pointed out that changes happened very slowly and require sustained effort, political will and commitment. It was thus necessary to join forces and pool resources to make sure the promise of the Istanbul Convention as a powerful tool to build a Europe and a world free from violence becomes reality.

35. It was also highlighted that, in order to fulfil their international obligations to protect basic human rights, States agreed to take appropriate measures, including improvement, enactment and enforcement of legislation. In order to gradually change social and cultural attitudes of people towards gender equity and women’s human rights, strong political will was needed to set an example for socially acceptable behaviour, whilst punishing the violation of law without any exceptions.



At present, 17 states in Latin America had adopted specific legislation on domestic violence<sup>3</sup> including, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Peru, Puerto Rico, Uruguay and Venezuela.

| Box 3<br>Overview of national legislation on femicide in some States of Latin America |  |  |
|---|--|--|
| State   | National legislation   | Statistics   |
| Argentina   | <i>Law 26,485 on Violence against Women</i> was enacted in April 2009. The main obstacles for successful implementation of the law include lack of real understanding of scope of the problem, adequate inclusion of the different levels of gender violence in all educational curricula, and insufficient number of shelters. It has been noted that access to justice with free legal support and assignment of an appropriate budget are necessary in order to fully implement the law. Another deficiency is an adequate funding system of bodies such as <i>The National Women's Council (CNM)</i> , which has been instrumental in tackling femicide, but has lacked influence due to underfunding. Additionally, Law 26,485 lacks the creation of a Femicide index, which is essential for estimating the effectiveness of the law. <sup>4</sup> | 231 femicides in 2009; 260 in 2010; and 282 in 2011.<br><br>Between 1st January and 30th June 2011, 151 women and girls were victims of femicide. These numbers do not include "victims linked to femicide". |
| Brazil  | "Special women's police stations, staffed with multi-disciplinary female teams equipped to respond to the different needs of victim-survivors, have been set up in several countries as an attempt to make police stations more accessible to women. The first such station was established in Sao Paulo, Brazil in 1985 in response to women's complaints that they could not report violations in regular police stations because they were treated with disrespect and disbelief. Brazil's success encouraged Argentina, Colombia, Costa Rica, Peru, Uruguay and Venezuela to set up their own specialized units." <sup>5</sup>   | 2000-2010:<br>43654 femicides/<br>disappearances   |

<sup>3</sup> The signing of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women in 1994 provided the momentum to enact such legislation.

<sup>4</sup> The "Women's news network-Argentina" provides statistics on the practice of femicide, available at <http://womennewsnetwork.net/2012/04/06/argentina-statistics-femicide> (accessed on 20 November 2013).

<sup>5</sup> "Domestic Violence against Women and Girls" (Innocenti Digest 6, 2000), available at <http://www.unicef-rc.org/publications/pdf/digest6e.pdf> (accessed on 13 October 2013). "Femicides in Latin America: 21 Countries Face Alarming Violence", available at <http://proyectocuerpodemujerpeligrodemuerte.wordpress.com/2013/08/22/femicides-in-latin-america-21-countries-face-alarming-violence-2013> (accessed on 7 December 2013).

|             |  |   |
|-------------|--|---|
| Chile       | <p>“In the 1990s, Chile signed the CEDAW and by 2005, it enforced a new law that required all public institutions to respond and protect every victim of abuse. With increased pressure from the <i>National Women’s Service</i> (SERNAM), who publicized acts of femicide through local press, the country enacted the Law 20,480 in 2010. Under this new legislation, the Chilean government now prosecutes femicide as an offensive crime, punishable under Article 290 by the penal code, and works to provide women more legal protection from all forms of abuse.”<sup>6</sup></p>   | <p>2011 – 29 femicides/<br/>disappearances</p> <p>2012 – 34 femicides/<br/>disappearances</p>   |
| Costa Rica  | <p>Costa Rica was the first Latin American state to pass special legislation on gender violence. <i>The Law for the Criminalization of Violence against Women</i> was enacted in 2007, however, it only covered cases related to murder committed “within the marital relationship or de facto union, declared or otherwise”, leaving outside of the scope of the law those who are not considered as common-law spouses. Additionally, it recognized the need for sufficient investigation, and under Article 5 stipulated that public officials who deal with violence against women “must act swiftly and effectively, while respecting procedures and the human rights of women affected or risk being charged with the crime of dereliction of duty.”<sup>7</sup></p> | <p>2011 – 11 femicides/<br/>disappearances</p> <p>2012 (first 6 months)<br/>– 6 femicides/<br/>disappearances</p>   |
| El Salvador | <p>The Special Integrated Law for a Life Free of Violence against Women in El Salvador came into effect on 1 January 2012. It addresses crimes specifically related to gender-based violence and includes concrete steps for identification and prevention of violence, including the crime of femicide, establishing measures to protect and assist survivors and families of the victims. Additionally, the first dedicated police unit offering specialized assistance has been established as a part of comprehensive adaptations of the legal system in 2012. The</p>   | <p>The number of women and girls murdered rose from 580 in 2010 to 647 in 2011, according to the Policía Nacional Civil (PNC). Nearly 90 of those victims were girls under the age of 18.</p> |

<sup>6</sup> “The International, Learned strategies and best practices”, available at <http://www.theinternational.org/articles/468-mounting-research-on-femicide-sparks-legi> (accessed on 10 November 2013).

<sup>7</sup> “Building legal frameworks to address femicide in Latin America”, available at <http://www.fundar.org.mx/mexico/pdf/Brief-.pdf-> (accessed on 8 November 2013), “Femicides in Latin America: 21 Countries Face Alarming Violence”, available at <http://proyectocuerpodemujerpeligrodemuerte.wordpress.com/2013/08/22/femicides-in-latin-america-21-countries-face-alarming-violence-2013> (accessed on 7 December 2013).

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|-----------|---|---|
|           | <p>unit offers a designated space for reporting acts of violence against women, legal advice and information, and follow-up and support for cases filed.</p> <p>In 2012, the Attorney General of El Salvador approved a national protocol designed by the United Nations Office of the High Commissioner for Human Rights (OHCHR), which is now guiding officials tasked with investigating the crime of femicide and is enabling proper implementation of the law. It is based on national legislation and international human rights standards, including both the United Nations protection system and the Inter-American Human Rights System.<sup>8</sup></p>   |   |
| Guatemala | <p>In 2008, the Law against femicide and other forms of Violence against Women was adopted which led to Guatemala being the first country in the world that created specialized courts for femicide and other forms of violence against women. These tribunals are staffed by judges and public officials who are trained in women's rights and gender issues, and are open 24 hours a day for women to report violent crimes. The cases in front of these courts are heard by specially trained women judges in justice and gender issues.</p>   | <p>7.5 per cent of femicide and gender violence cases in ordinary courts resulted in a conviction. Specialized courts judged and convicted over 30 per cent.</p>  |
| Mexico    | <p>The General Law for Women's Access to a Life Free from Violence was adopted in 2007, containing a broad definition of femicide, to take into account all the cultural, structural and social factors that can encourage perpetrators of this crime and to tackle underlying causes of extreme violence against women.</p> <p>The Mexican Law mandates the establishment of a National System to Prevent, Address and Eradicate Femicide consisting of nine government ministries responsible for implementing the policies set out in the Comprehensive Programme to Prevent, Address and Eradicate Violence against Women. Many measures are provided, such as economic compensation and a public apology. One of the preventive measures is a temporary action of restraint when a woman finds herself at risk, which must remain in effect permanently and should guarantee that its term</p> | <p>Of the cases registered by the National Centre against Femicide between 2010 and 2011, authorities reported 60 per cent of cases as pending and 19 per cent as processed. In 34 per cent of the cases the motives of the murder were known. Only in 4 per cent of the cases, perpetrators were sentenced, although it was unknown if these sentences were convictions or</p> |

<sup>8</sup> "Femicide in Latin America" (UNWOMEN)  
<http://www.unwomen.org/en/news/stories/2013/4/femicide-in-latin-america> accessed 10 December 2013.

|           |  |  |
|-----------|--|--|
|           | be solely determined by the court. However in 20 states the application of such restraint measures have a maximum duration of 72 hours. By establishing this time frame the lives of women who seek protection have been put at serious risk.  | acquittals.  |
| Nicaragua | “The law “Ley 779” passed a year ago has brought strong reactions from both sides of the issue. Ley 779 punishes those guilty of inflicting physical or psychological harm to women of all ages. The punishment is hefty according to its critics, carrying prison sentences of up to 30 years.” <sup>9</sup>  | 2012 (first 6 months) – 48 femicides/ disappearances   |
| Panama    | “In 2011, Panama’s ruling government began phased implementations of an accusatorial criminal justice system in two provinces, Coclé and Veraguas, while nationwide implementation will finish by September 2014. Among other characteristics, the new justice system will better provide victims and defendants the use of more efficient alternatives to court litigation.” <sup>10</sup>  | According to the 2011 UNODC Homicide report, more than 300 women were murdered in Panama from 2008 to 2013.        |
| Peru      | “Peru passed a law in December 2011 that punishes perpetrators for gender-based crimes.” <sup>11</sup>   | 2009-2011<br>116 – 384 femicides/ disappearances   |
| Bolivia   | “Bolivia passed <i>La Ley Integral Para Garantizar a las Mujeres una Vida Libre de Violencia</i> . Additionally, a special police force has been created to enforce the law <i>Policia Fuerza Especial de Lucha Contra la Violencia</i> . Data from Cochabamba, Bolivia, indicates that 27 out of 170 criminals convicted under the new law have received prison sentences, about 10.5 per cent. A small percentage but on the right track.” <sup>12</sup> | 2010 – 89 femicides/ disappearances<br>2011 – 94 femicides/ disappearances<br>2012 – 104 femicides/ disappearances |
| Haiti     | Haiti has proposed new legislation. <sup>13</sup>  |  |

## Box 4

**Good practice in legislation and implementation: Spain — Organic Law 1/2004**

The Spanish Organic Law 1/2004 on comprehensive protection measures against gender-based violence is widely considered a promising practice. With the adoption

<sup>9</sup> Ibid.

<sup>10</sup> The International: Mounting research on femicide sparks legislative response in Panama” <http://www.theinternational.org/articles/468-mounting-research-on-femicide-sparks-legi> (accessed 21 September 2013).

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

of Organic Law 1/2004 of 28 December regarding integral protection measures against gender-based violence, Spain became the first country in Europe to have a law of such characteristics, i.e., a law on gender-based violence (not on domestic/family violence) that joins educational, preventive, civil, penal and social aspects in an integral and multidisciplinary way. Spanish Organic Law abides by all the due diligence obligations standards on violence against women that the State has to respect. This law spans all legal domains (criminal, civil, administrative, labour, family). Not only are a wide range of offences penalized at a higher level than in general criminal law, but all court cases are referred to specialized courts as soon as it becomes evident that some element of gender violence is involved. Spanish Organic Law abides by all due diligence obligations standards for violence against women that States have to respect.

The effectiveness of these measures is monitored through an observatory in the form of annual reports supported by a comprehensive set of indicators and by regularly collected data (Gobierno de España/Ministerio de Igualdad 2007, 2009b). Observatory reports are regularly published on the website of the Spanish Ministry for Equality, which contains an extra site on violence against women. Several of the reports are also available in English. Statistics on femicide (women killed by partners or ex-partners) are published monthly. The Spanish model of monitoring and evaluation measures to prevent gender-based violence and to generate and publish data serves as a good practice model in the EU. The initiative of the Spanish EU presidency to establish a European observatory on gender-based violence against women is to be supported and such observatory should be based on the experience of the Spanish observatory.

## V. Prevention measures and strategies

36. Preventing violence against women and domestic violence requires far-reaching changes in attitude of the public, overcoming gender stereotypes and most importantly raising awareness. Effective preventive measures against femicide were considered of utmost importance, including those recommended in General Assembly Resolution 48/104 of 1993. It was highlighted that, in addition to criminalization of violence against women, more international cooperation was required on the following:

(a) *Raising awareness of the general public.* There was a need to engage the public through the media worldwide and to encourage initiatives that expose all forms of violence against women and help avoiding that the perpetrators find safe havens;

(b) *Special measures for the education of girls.* Girl child education was not only an important part of the Millennium Development Goals but also a fundamental means to prevent violence against women and femicide. Education of girls up to the tertiary level was considered an urgent priority,

(c) *Affirmative action in appointing women.* It was considered necessary to advocate for the appointment of women at national and international levels, so that they may occupy at least 35 per cent of all positions. Such appointments bring

women into limelight and help counter the sometimes perceived cultural inferiority of women. This also helps by giving women a louder voice;

(d) *Leadership by the United Nations*. It was considered necessary to keep femicide as a consequence of violence against women on the agenda of the United Nations, to be researched by study groups, which would submit their findings to the appropriate bodies for deliberation, with a view to working towards a global standard, rather than leaving individual countries alone in dealing with this important matter.

37. In many cities women and girls face violence not only in their homes and in relationships, but also in public spaces due to poor urban design and poor management of public spaces. The Women's Safety Audit is a tool that enables a critical evaluation of the urban environment. The Women's Safety Audit tool was first developed in Canada following the recommendations of the 1989 report on violence against women and has further been developed by UN-HABITAT in the cities of Cape Town, Johannesburg, Durban, Dar es Salaam, Abidjan, Nairobi and Warsaw. The Women's Safety Audit tool can lead to modification of the design, planning and management of public spaces in order to contribute to reducing the feelings of insecurity and victimization.

38. It was emphasized that femicide and violence against women must be addressed at the family, societal, governmental and international level if we are to expect any reduction. Resources and assistance from the international community, particularly with hiring and training police officers, can help but will not be sufficient to bring about major qualitative improvements.

39. It was stressed that violence against women can best be addressed by changing the negative aspects of patriarchal systems of government, by ongoing training to better prepare police for responding to victims, and by developing useful mechanisms to reduce the incidence of victimizations.

40. A number of good practices were identified with regard to effective prevention measures and strategies, including: (a) focusing on the local level, (b) engaging government support, (c) involving professionals and key decision-makers, (d) researching women's security, (e) Creating a collaborative community structure, (f) ensuring representation of the community, especially the most vulnerable, (g) establishing a dedicated team and clarifying responsibilities, (h) confidence-building and education, (i) setting realistic goals, and (j) timing for change.

Box 5

**Prevention in accordance with the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)**

Article 12 of the Istanbul Convention sets out a number of principles to be respected in order to effectively prevent violence against women. Parties of the Convention, shall be encouraged to take necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on stereotyped roles for women and men. Necessary legislative and other measures to prevent all forms of violence are to be established and culture, custom, religion, tradition or so-called "honour" shall not be considered as justification for any acts of violence

covered by the scope of the Convention.

Thus, the Convention mandates several actions, including:

appropriate training of professionals who are in close contact with victims or perpetrators on the prevention and detection of such violence, the needs and rights of victims, as well as on how to prevent secondary victimisation (Article 15);

awareness campaigns or programmes, including in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organizations, to increase awareness and understanding among the general public of the different manifestations of all forms of violence, their consequences on children and the need to prevent such violence (Article 13);

setting up treatment programmes for perpetrators of domestic violence and for sex offenders (Article 16);

taking steps to include issues such as gender equality and non-violent conflict resolution in interpersonal relationships in teaching materials (Article 14);

working closely with NGOs and involve the media and the private sector in eradicating gender stereotypes and promoting mutual respect (Article 17).

## VI. Investigation and prosecution

41. The Istanbul Convention defines and criminalizes the various forms of violence against women as well as domestic violence. To give effect to the convention, States parties have the obligation to introduce a number of new offenses where they do not exist. These may include: psychological and physical violence, sexual violence and rape, stalking, female genital mutilation, forced marriage, forced abortion and forced sterilisation. In addition, state parties will need to ensure that culture, tradition or so-called “honour” are not regarded as a justification for any of the above-listed courses of conduct.

42. Once these new offenses have found their way into the national legal systems, there is no reason not to prosecute offenders. On the contrary, state parties will have to take a range of measures to ensure the effective investigation of any allegation of violence against women and domestic violence. This means that law enforcement agencies will have to respond to calls for help, collect evidence and assess the risk of further violence to adequately protect the victim.

43. Furthermore, state parties will have to carry out judicial proceedings in a manner that respects the rights of victims at all stages of the proceedings and that avoid secondary victimisation.

44. Under Chapter V (Substantive Law), the Convention sets out the commitment to ensure a variety of civil law remedies to allow victims to seek justice and compensation, primarily against the perpetrator, but also in relation to state authorities if they have failed in their duty to diligently take preventive and protective measures.

45. For that, the Convention mentions in Article 29 to provide victims with adequate civil lawsuits and remedies against the perpetrators. The right to claim

compensation for damages suffered as a result of any of the offences established in this Convention is laid out in Article 30, and Article 31 implies that parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.

46. Chapter VI (Investigation, prosecution, procedural law and protective measures) contains a variety of provisions that cover a broad range of issues related to investigation, prosecution, procedural law and protection against all forms of violence covered by the scope of this convention, in order to reinforce the rights and duties laid out in the previous chapters of the convention.

47. Recommendations concerning investigations and prosecutions of gender-related killings can also be found in the Model Protocol for the investigation of femicide in Latin America, in particular as regards the timing and initiative of the investigation and its quality.

48. *Timing and initiative of the investigation.* Once there is awareness of a violent crime such as the killing of a woman, State authorities are obliged to start *ex officio* without delay, a serious, impartial and effective investigation by all legal means available and focused on the determination of the truth, and the pursuit, capture, prosecution and eventual punishment of the perpetrators, especially when State agents are involved.

49. This principle stressed the importance of collecting the basic elements of tests within a reasonable time and on their own initiative. Not start an immediate investigation impedes research on essential acts such as the timely collection and preservation of evidence or eyewitnesses. The Inter-American Court of Human Rights has reiterated that time has a direct relationship with the limitation for testing and/or testimonials, making even more difficult the collection of evidence and testimonies aimed to clarify actual facts during the investigation. Lack of opportunities during the investigations often leads to a clear and fair criminal prosecution.

50. *Quality of the criminal investigation.* The duty of conducting an exhaustive investigation, effective, serious and impartial of crimes, was reiterated by the Inter-American Court of Human Rights, stating that: “An investigation must have an objective and be assumed by the State as its own legal duty, not as a step taken by private interests that depends upon the initiative of the victim or his family or upon their offer of proof, without an effective search for the truth by the government”.<sup>14</sup>

51. The investigation must be comprehensive, this implies that it must exhaust all legal means available and focus on the determination of the truth, capture, prosecution and eventual punishment of those responsible. As recalled by the Minnesota Protocol, the investigation must include:

- (a) To identify the victim;
- (b) To recover and preserve evidentiary material related to the death to aid in any potential prosecution of those responsible;

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<sup>14</sup> Inter-American Court of Human Rights, Velasquez Rodriguez Case, Judgment of July 29, 1988, para. 177.



(c) To identify possible witnesses and obtain statements from them concerning the death;

(d) To determine the cause, manner, location and time of death, as well as any pattern or practice that may have brought about the death;

(e) To distinguish between natural death, accidental death, suicide and homicide;

(f) To identify and apprehend the person(s) involved in the death;

(g) To bring the suspected perpetrator(s) before a competent court established by law.

52. Any deficiency or flaw in the investigation affecting the clarification and effectiveness of the case, such as the cause of a killing or to identify the perpetrators or masterminds of a crime, constitutes a failure to comply with the procedural obligations to protect the right to life. The Inter-American Court of Human Rights recognized the obligation to effectively investigate when it comes to a woman who suffers killing, abuse or when her personal freedom is affected within a general context of violence against women and that, when an attack is motivated by race, it is particularly important that the investigation is carried out with vigour and impartiality, also taking into account the need to continually reiterate the condemnation of racism by society and to maintain the confidence of minorities in the authority's ability to protect them from the threat of racial violence. This criterion is fully applicable when examining the scope of due diligence in the investigations related to gender-based violence. Finally, the Inter-American Court of Human Rights estimated that certain investigation procedures, which fail certain systematic analyses or patterns in human rights violations, can generate insufficiency in the investigations.

53. The European Court of Human Rights has reiterated that the investigations (i) should be made by independent and impartial individuals, (ii) it has also establish that it should be conducted in a transparent manner and with sufficient publicity with the aim of ensuring accountability and respect for the rule of law and to protect any kind of collusion and illegality.

54. The obligation of investigating violence against women requires professional staff capable of identifying the different factors surrounding violence against women, in accordance with international bodies and treaties. Research should be conducted by competent professionals using the appropriate procedures and effective resources. Supportive technical material and personnel is also required.

Box 6

**Good practice: Best Practice: Sweden – Manual on violence against women for patrol officer and detectives and guidelines for prosecutors**

Sweden has a manual for patrol officers and detectives on how to prevent, detect and investigate men's violence against women, as well as guidelines for prosecutors to improve preliminary investigations and also to ensure professional and efficient support to victims from the first point of contact with law enforcement and throughout the entire legal proceedings. These guidelines include special information about dealing with honour-based crimes.

55. *Specialization.* A number of Member States now entrust intervention to specialized units in the police and/or prosecution service. Such procedures are often regulated regionally, especially in larger countries such as France, Germany, and Spain where there are different levels of government involved. Specialized courts to handle cases of domestic violence or gender-based violence have been established throughout the United Kingdom and Spain and represent a major effort to ensure effective intervention. Germany has taken its cue from the success of these courts to move responsibility for protection orders to the family courts, thus addressing the intersection between child protection and protection of women from intimate partner violence.

56. *Cooperation.* Prescribing and empowering multi-agency cooperation is another important field of promising practice. In recent years it has become a mainstay of addressing intimate partner violence in some Member States, such as Germany, the Netherlands and the United Kingdom. In the Netherlands, Veiligheidshuizen (“Safe Houses”) create a structure that facilitates multiagency cooperation (police, prosecutors, municipality, support workers and child protection). The idea is that much violent crime, including intimate partner violence or child abuse, is complex and multifaceted, needing to be combated in a multidisciplinary fashion. All the actors meet, sometimes on a daily basis, and discuss cases that have been reported during the past 24 hours, each party bringing in his/her own expertise. During these meetings they try to come up with a bespoke approach for each case.

57. *Women in Policing.* The benefits of employing women in policing have been recognized and advocated, not only in the United States, but also in countries such as Mexico and Peru. Their existence in policing in Latin America can be seen as a sign of progress, but progress may be tempered by structural differences in the police hiring process. The national police forces of Latin America do not follow the model in which all first-time applicants to state and local police forces without any prior sworn law enforcement experience begin at the lowest rank and then progress upward with a unitary career ladder. Countries in Latin America that have a national police force as their main law enforcement mechanism employ an entry process with at least two tines. Applicants can qualify for either a beginning or lowest starting rank, or enter an advanced multi-year academy after which they are appointed to a rank that typically equates with the rank of lieutenant in large municipal police agency in the United States and which is also comparable to the officer ranks in the military.

58. To affect the police organization as a whole, it is important for women applicants to be able to apply for and hold officer rank beginning with lieutenant or its equivalent. This will ultimately allow them to affect policy and influence the organizational climate from the top-down and to change the male oriented command model to a more egalitarian system where men and women are equal.

Box 7

**Good practice: Access to the police via the internet in Chile**

Many national police forces have a web presence. Information on recruitment, crime prevention, telephone contacts, and locations of police stations, and even video-based announcements, are the norm. Beyond this basic information, many agencies also have links to special areas and topics and permit email contact. Most interesting are the websites of the Carabineros de Chile and the Policia de Investigaciones de

Chile. Their websites provide the public with access to various organizational departments, agency reports, hiring requirements, crime prevention information, and to the organization's magazine. There is also additional information that can be accessed after registering and obtaining a user name and password.

## VII. Recommendations

59. The following sample of strategies adopted by civil society to eradicate violence against women in Latin America could be adapted and used as practical recommendations for other parts of the world as well:

- (a) Promote legal reform (penal codes and special laws against violence);
- (b) Promote the design and implementation of national plans against violence;
- (c) Ensure access to justice for abused women both in peace and war;
- (d) Encourage cooperation between lawyers and doctors in giving support to victims with regard to the legal framework, medical certificates, training, participation in legal processes;
- (e) Strengthen monitoring to guarantee the fulfilment and due diligence of the State in the protection of women and girls against human trafficking;
- (f) Create and support networks for tackling and preventing violence against women;
- (g) Place the issue of violence against women on public agendas related to citizen security;
- (h) Carry out prevention activities with specific groups;
- (i) Launch mass campaigns to raise awareness and disseminate information;
- (j) Introduce consideration of the violence issue in indigenous communities;
- (k) Explore the relation between HIV and violence, both as a cause and a consequence;
- (l) Introduce consideration of the violence issue in indigenous communities.