

Call for femicide related data and information

Further to her report to the General Assembly **A/71/398**, of 23 September 2016 in which the Special Rapporteur on violence against women, its causes and consequences, called for the prevention of femicide, or gender killing of a woman and the establishment of femicide watches and/or observatories on violence against women in line with the modalities explained in the same report, the Special Rapporteur has since been working with other UN and regional mechanisms towards promoting measures aimed at analyzing and preventing femicide.

Since the 2016 report, some progress has been made in developing national observatories and collection of data with the aim of analyzing the causes of femicide. Over the course of the next two years, the Special Rapporteur aims to continue cooperating with national, regional and UN mechanisms and processes in order to pursue the implementation of the recommendations in her report to the General Assembly. Information provided by your organisation will be important to achieving this.

With this objective in mind, the Special Rapporteur kindly seeks your support in accelerating efforts to prevent gender related killings of women and respectfully requests information on:

- **administrative data on gender related killings of women for 2016-2018;**

The Committee identifies femicide as the most extreme and irreversible expression of violence and discrimination against women. It is diametrically opposed to all rights and guarantees established by national and international human rights law. It is an act of violence that undermines humanity, and concentrates, in one moment in time, the hegemonic vision of man over woman as an object of transgression and symbol of weakness. It is the physical manifestation of the structure of the patriarchal system of domination.

The Committee has defined femicide as, “the violent deaths of women, based on their gender, whether they take place within the family, domestic unit, or in any other interpersonal relationship; and in the community, whether committed by individuals or tolerated by the State and its agents, by action or omission”.¹

In the Third Round of Multilateral Evaluation of the Follow-up Mechanism to the Belém do Pará Convention, the Committee requested information on legislation pursuant to the Convention. 17 States of the region responded with information on the punishment of femicide: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic and Venezuela.

¹ MESECVI, Declaration on Femicide. OEA/Ser.L/II.7.10 MESECVI /CEVI/DEC. 1/08 15 August 2008. Available at <http://www.oas.org/es/mesecvi/docs/declaracionfemicidio-en.pdf>

As shown below, the definitions lack uniformity with respect to the terms used, which vary by country. The most commonly used terms are femicide/feminicide and the violent death of women. These types of crimes have modified criminal codes or comprehensive laws for the protection of the right of women to live free from violence. However, as CLADEM noted in its shadow report² “in the face of phenomena such as femicide, among others, it is worrisome that in the region there is, specifically, a low investment on the part of the States to adopt and implement prevention measures for violence against women”.

The following table shows the countries that classifying as crimes the phenomenon of the violent deaths of women because they are women.

² 93 CLADEM, 2016. Alternate Regional Report to the Committee of Experts (CEVI) Third Round of Multilateral Evaluation of the Belém do Pará Convention (MESECVI), paragraph 22.

Table 3.- Laws in the region classifying femicide/feminicide as a crime

State Party	Article/Law
Argentina	Art.80 of the Criminal Code, as amended by the law " <i>Femicide – Criminal Code. Amendments. Incorporation of them</i> ", N° 26.791, 2012
Bolivia	Art. 252 bis of the Criminal Code as amended by the " <i>Comprehensive Law to Guarantee Women a Life Free From Violence</i> ".
Brasil	Art 121 of the Criminal Code as amended by the law " <i>Femicide. Amendment to the Criminal Code</i> ", N° 13.104, 2015.
Chile	Art. 390 of the Criminal Code as amended by the law "Amends the Criminal Code and Law N° 20.066 prohibiting domestic violence and establishing "Femicide", increases the applicable sentences for this crime and reforms the regulations governing parricide, Law, Ley N° 20.480, 2010
Colombia	Art. 104 of Law 599 of 2000 (Criminal Code) as amended by Law "Whereas we classify Femicide as a separate crime and order other dispositions (Rosa Elvira Cely)", N° 1.761, July 2015.
Costa Rica	Art. 21 of the "Law for the Criminalization of Violence Against Women", N° 8.589, 2007.
Ecuador	Art. 141 of the Criminal Code of 2014
El Salvador	Art. 45 of the "Special Comprehensive Law for a Life Free from Violence for Women and Prohibiting Violence Against Women" (Dto.520/2012)
Guatemala	Art 6 of the "Law Prohibiting Femicide and other forms of violence against women" (Dto. 22-2008)
Honduras	Art. 118 A of the Criminal Code incorporated by Law Dto 23/2013.
Mexico	Art. 325 of the Federal Criminal Code, as amended by the Law "Whereas we reform and add various provisions to the Federal Criminal Code, of the Law of General Access for Women to Live Free From Violence, of the Organic Law of the Federal Public Administration and the Organic Law of the Public Defender of the Republic" 2012.
Nicaragua	Art. 9 of the "Comprehensive Law Prohibiting Violence Against Women", N° 779, 2012
Panama	Art. 132 A of the Criminal Code introduced by Art. 41 of the "Law to adopt measures for the prevention of violence against women and amend the Code Ley", N° 82, 2013
Paraguay	Art.50 Law No. 5777. Comprehensive Protection of Women against all forms of violence. Assumption December 29, 2016
Peru	Decree 1323. Modification of Art. 108 B of the Criminal Code introduced by the "Law that incorporates 108 A into the Criminal Code and amends articles. 107, 46 B and 46 C of the Criminal Code and Article 46 of the Code of Criminal Proceedings, with the goal of preventing, punishing and eradicating Femicide", Ley N° 30.068, 2013 (modification of the numeration of the article by Legislative Decree 1237/2015, fe errata)
Dominican Republic	Art. 100 of Ley N° 550, 2014
Venezuela	Art. 57 of the "Organic Law for the Right of Women to a Life Free From Violence", as amended in the law of reform, 2014.

Gonzalez-Perrett Diana and Deus Alicia. Input for a Model Inter-American Law for the Eradication of the Violent Death of Women

Source: In-house, based on information submitted by the States Party in the Progress Indicators presented by the States Party in the Third Round of the Multilateral Evaluation of MESECVI.

However, in spite of the development of legislation in some States that recognizes femicide as a form of gender-based violence, a large part of society has yet to forcefully call for its categorical rejection, condemnation, and prohibition. The recognition of and fight against this phenomenon remain an outstanding issue for this part of the world, and a review of the contributions of the participating states demonstrates, for the most part, disinterest and a lack of commitment to combat and reduce this crime to an absolute minimum.

In addition to requesting information on laws, the Committee also inquired, through a system of indicators, information on the number of proceedings, completed investigations, cases advanced, and the number of decisions and compensation orders generated as a result of these acts, in order to determine to what degree the system of administration of justice contributes to the mechanisms of impunity that allow the replication of violence against women and girl children.

Of the 24 countries that participated in this Evaluation Round, only 8 States Party⁹⁴ provided information on their efforts to reduce femicide. This makes an effective diagnosis of the current status in the region considerably more difficult.

In general, the information provided shows that the decided cases are not proportionally represented with respect to the total number of investigations reported for this crime. This could be interpreted as an expression of impunity on the part of the judicial authorities and the corresponding judicial system and therefore represents a systemic violation of women's rights and a consolidation of discrimination against women.

In the same way, those States which did provide information focused on the multiple collection sources and registries of these crimes originating from a variety of sources, including the different units and offices related to women's issues and the police and prosecutors. These sources of information are not comparable and do not permit an objective evaluation in absolute terms of the phenomenon or of the public sector's response. In addition, it is worrisome to observe the need to incorporate and strengthen the official mechanisms to combat this crime, to build a structure to prevent and recognize it, and to adopt the measures necessary to reduce it.

In other cases, the response was associated with the absence of the legal provisions necessary to distinguish cases of femicide from those of general homicide. This question is of particular concern to the Committee, as it points us to the need to increase awareness, education and training activities to drive a fundamental shift in the States' paradigm on the approach to cases of femicide.

The Committee, however, does value the efforts on the part of the States to prevent and confront this scourge that passes for an ideological understanding of the historic differences that tolerate the concept of violence against women. The inclusion of a gender perspective

must be a fundamental component for civil servants within the public administration in order to achieve the effective application of justice in these cases.

- **the number of women killed by their partners (intimate partner killings) or by family members or other killings by unrelated persons but gender related;**

With respect to cases of femicide, not only are the numbers not encouraging, but also they come from the same States that reported a significant increase in complaints.

Of the 24 countries that participated in this review, only 9 States Party³ provided information, and this gives us only a vague idea of the efforts conducted by the States to reduce femicide. This assertion is based on the fact that 50% of the participating States failed to provide the information requested, sending a clear signal of indifference to the need to understand and diagnose the status of this crime in the region.

Table 19.- Summary of Number of Femicides/Feminicides per State Party:

Country	Cases of Femicides/Feminicides
Argentina	233
Bolivia	96
Chile	98
Ecuador*	51
El Salvador*	185
Guatemala	97
Mexico	2.289
Uruguay	29
Total	789

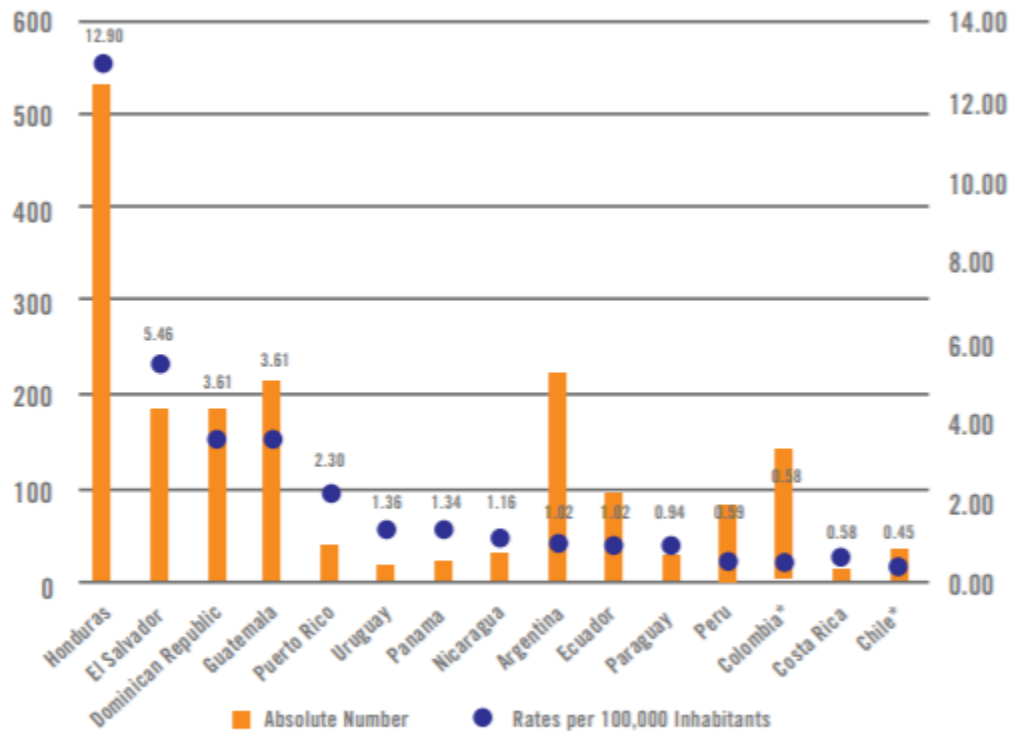
*Ecuador: The Attorney General's Office also points out that there were 98 femicide complaints between 2014-2016.

The Economic Commission for Latin America and the Caribbean (ECLAC) in its Report on the Autonomy of Women and Equality in the Sustainable Development Agenda of December 2016 also reflects an alarming figure of 2,089 cases of Femicides/Feminicides corresponding to 2014 based on information submitted by 25 States of the Region

³ Argentina, Bolivia, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico and Uruguay

(Autonomy of Women and Equality in the Sustainable Development Agenda Report (2016) pages 113- 115).

Graph 14.- Latin America (15 countries): feminicides or femicides, 2014

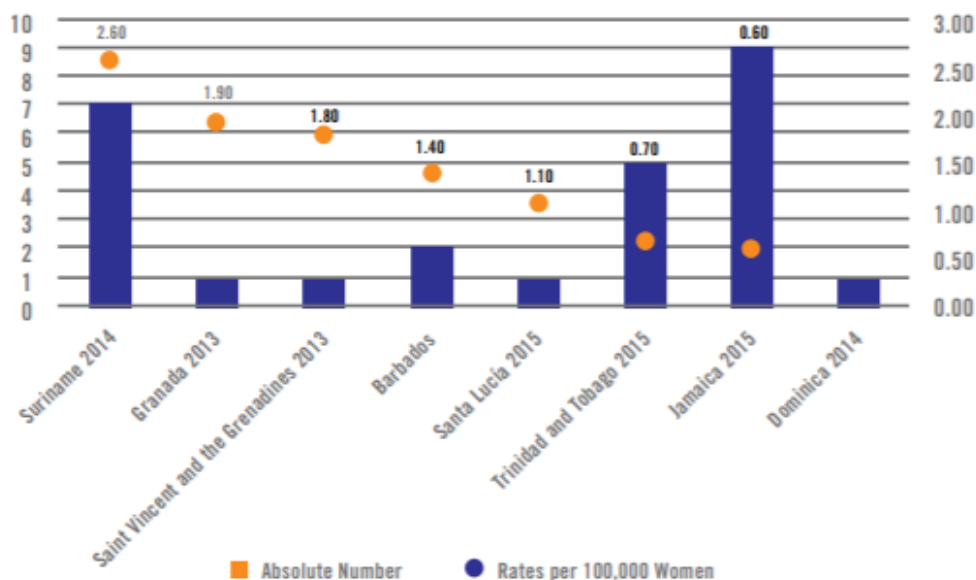


Source: Report on Autonomy of Women and Equality in the Sustainable Development Agenda (2016) page 115. Economic Commission for Latin America and the Caribbean (ECLAC), Observatory on Gender Equality in Latin America and the Caribbean.

* Colombia and Chile only report cases of intimate femicide (that is, committed by the intimate partner or ex-partner).

In the case of the Caribbean Islands, the following information is detailed below:

Graph 15.- The Caribbean (8 countries): death of women caused by their intimate partner or intimate partner (intimate feminicides), last year with available information.



Source: Report on Autonomy of Women and Equality in the Sustainable Development Agenda (2016) page 115. Economic Commission for Latin America and the Caribbean (ECLAC), Observatory on Gender Equality in Latin America and the Caribbean.

These figures show a situation that should generate alarm in the region with the objective of decisively coordinating public policies that account for effective results to protect the life and physical integrity of women and girls in the region. These indicators speak of an escalation of violence that finds women the easy prey of protection systems that do not guarantee their life, safety or freedom. This applies both to those who have previously reported being victims of violence and to those who the state has failed to protect within the doctrine and jurisprudence of the Inter-American System for the Protection of Human Rights in relation to the general prevention of violence and specifically to the violence experienced by women and girls who are particularly vulnerable.

Based on the aforementioned, below is part of the information submitted by the participating States:

- Argentina. In accordance with the statistical data on femicide obtained from the Judicial Branch, Argentina reported that only 7 out 233 cases resulted in guilty verdicts (3%) and 7 were dismissed (3%). 14% correspond to other forms of the

termination of the process during instructions, or oral arguments, 29% are still at trial and 51% are still being investigated, with at least 1 person near indictment. Acquittals are not recorded. In other words, only 3% of the cases in 1 year received a guilty verdict, while 94% of the cases have not yet been decided.

- Bolivia reported that in 2015, there were a total of 133,518 cases involving violence against women, according to data from Bolivian Police and the Office of the Attorney General. 96 of these were considered femicide and 78 of them are still under investigation. No additional information was provided on the crimes, the status of the investigations or the number of judgments motivated on these grounds.
- Chile reported that, according to data from the Office of Violence Against Women, there were 45 proceedings, of which 11 resulted in a guilty verdict (22.2%), 13 were dismissed following the suicide of the aggressor (28.8%), and the remaining 21 cases (46.6%) were still under investigation, a number which represents the largest percentage of cases. The Judicial Branch also reported an increase in the cases of femicide, from 69 in 2011 to 98 in 2015.

Of the 98 cases, 53 proceeded to trial, or 54%. Here we see a reaffirmation of the need to unify the methods and tools used to collect information and we reiterate the importance of providing the regional follow-up mechanism more, and more detailed, information.

- Ecuador indicated that, according to data provided by the Council of the Judiciary, they received 51 cases of femicide, 19 of which resulted in a guilty verdict (37.25%) and 1 acquittal (1.96%.); 36 cases of attempted femicide, of which 9 received a guilty verdict (25%) and 2 acquittals (11,06%). At the same time, this organ reported that 3 cases of femicide were converted to murder, and 2 resulted in a guilty verdict (66, 67%); 9 cases of femicide by physical violence, of which 5 were found guilty (55, 56%); and 1 attempted femicide to murder which is still under investigation. In addition, the Office of the Attorney General reports a change in the number of complaints received between 2014 (21) and 2015 (52), followed by a decrease in 2016 to 28, at the date the information was sent. At the same time, there has been an increase in the number of criminal proceedings in process, going from 3 to 15 in 2016. With respect to the number of decisions, of 101 cases received in 3 years, barely 30 received a decision, and 11 were classified in the category of no further action.
- El Salvador presented data for the period 2015 and 2016 that reflects the number of cases ending in guilty verdicts and acquittals. 64 guilty verdicts were rendered per year, for a total of 128. At the same time, there was an increase in acquittals from 26 to 31, for a total of 57, which results in an overall total of 185 decisions.

- Guatemala reported 97 cases of femicide to specialized and ordinary courts. Of those 97, 93 were either decided as guilty or as not guilty, but no additional information was provided on how many cases received which verdict, the year the cases were entered, the type of reparations awarded or any possible comparison to previous time periods.
- Similarly, Costa Rica indicated that 2 people were tried for the crime of femicide, but did not provide information on total numbers, or the percentage thereof.
- For its part, Mexico presented the number of alleged “Homicides of Women that occurred in 2014”, a figure that reaches a total of 2,289 homicides, with a national rate of 3.7 per 100,000 women, according to the National Institute of Statistics and Geography (INEGI) and the National Council of Populations, this figure is the highest obtained through this consultation. The CEVI notes with concern that the rate of women killed between the ages of 20 and 35 rises to 5.5 women per 100,000 from the review of disaggregated figures by age group.
- Uruguay still does not define femicide as a separate crime, and gender-based killings of women are registered as homicides. Given this information, the government reported that there were 29 cases of homicide where the woman victim is a partner, ex-partner (26), and family member (3). They also noted that in these cases, the perpetrator was identified by the justice system. At the same time, they note that, according to data obtained from the Ministry of the Interior, the rate of homicide per 100,000 women between the years 2011 and 2015 varied between 1.5 and 1.59 in the last year⁴.

In spite of these numbers, none of the States reported decisions referencing reparations to survivors or victims of violence.

In this context, the Committee refers to recommendations 5 and 6 from the Follow-up Report to the Recommendations issued in the First Multilateral Evaluation Round, with respect to the obligation of the States to provide the, “number of victims of femicide and trials with sentences” and “implement registries in the police and judiciary at the national level to maintain statistics on femicide that categorize the data by age, civil status and geographical location”.

⁴ For the preparation of this report, Uruguay did not classify femicide as a crime within its legislation, however, recently the Senate Chamber approved the bill that modifies articles 311 and 312 of the Penal Code, in which it was introduced feminicide as a specifically aggravated form of homicide to a woman.

- **Number of killings of children, disaggregated by sex, in the contexts of gender related violence against women;**

The Committee of Experts has expressed its concern over the Guatemalan case of the 41 girls who died and the 16 girl survivors seriously affected by the fire in the Seguro Hogar Virgen de la Asunción, a dependent institution of the Secretariat of Social Welfare of the Presidency that housed hundreds of child and adolescent victims of domestic violence, poverty, situations of homelessness, drug addiction, abandonment and sexual abuse, among other associated problems. According to various media and civil society organizations, the incident took place as part of a demonstration by the girls, who were denouncing constant verbal, physical, psychological and sexual abuse by the responsible authorities at the center.

Through testimonies received from survivors and victims' relatives, the Committee of Experts found that the measures that led to the deaths of the girls and the damage to the physical and psychological state of the survivors was caused by disproportionate disciplinary measures taken without consideration of their condition as girls and that ultimately led to the violent death of the girls during the fire. In this context, the CEVI argues that these deaths fit into the concept of femicide or feminicide, which refers to the violent death of women due to their gender.

Guatemala has ratified the Convention of Belem do Pará, a human rights treaty that requires States to take all measures to prevent, investigate, punish and redress violence against women, with sexual violence being an extreme manifestation of this form violation of human rights, even more so in the case of girls.

Some girls trapped in this state home had arrived as a result of prior sexual abuse. It should be remembered that Guatemala, within its normative framework, has protocols for attention and action regarding sexual and reproductive rights and sexual violence, aimed at assisting girl victims of sexual violence, which in this case clearly went unimplemented. In this scenario, the Committee refers to the obligation of the State to duly implement the Convention of Belém do Pará, an international instrument signed and ratified by Guatemala.

621. This situation highlights the vulnerability and consequences that girls face in the country in the face of serious violations of their human rights, specifically in regards to the sexual

violence that thousands of girls experience. The concern is exacerbated when dealing with underage girls, because sexual violence against them carries greater medical and psychological risks.

622. The Committee of Experts of the MESECVI recommends that the State of Guatemala strictly comply with the duty of due diligence in the investigation to clarify the causes of the tragedy. In addition, the Committee calls on the authorities to clarify and reveal the alleged sexual violence and other abuses brought to light by the deceased girls and the survivors inside the center.

- **information on the existence of or progress in the creation of a national femicide watch and/or observatory on violence against women; Information on analysis of cases and actions undertaken in this respect;**

The MESECVI has inquired about the “Production of statistics-based reports and specialized studies from diverse disciplines on violence against women”. This indicator is constructed based on 2 recommendations of the CEVI that establish the obligation to “collect and make publicly available information categorized by sex, age, civil status and geographical location on the number of women victims of violence, number of prosecutions and convictions for violence against women and number of femicide cases and convictions”.

Of the countries in the region, 41% produced produce this type of report: Argentina, Bolivia, Colombia, Costa Rica, Ecuador, Grenada, Mexico, Paraguay, Peru, the Dominican Republic, Uruguay and Venezuela.

It is worth highlighting the Observatory of Criminality of the Office of the Public Prosecutor in Peru, that submitted information provided by prosecutors on a national level from the Registry of Femicide (intimate). This registry is regulated by a resolution of the Office of the Attorney General of the Nation. Between 2013- 2015, it issued 4 reports or specialized studies on the problem of femicide. In 2013, it conducted a study on protective measures for victims of femicide and attempted femicide; in 2014, it published 2 specialized reports: Femicides per Province and Attempted Femicides per Province, respectively and, in 2015, began the development of a study looking at the characteristics of gender-based violence within the context of attempted femicide and femicide.

The Committee has insisted on the need to establish observatories that enable the identification and measurement of the impact of the social and official practices that promote and consolidate systematic discrimination against women and girl children. In addition, they call on civil society to organize collective spaces for the gathering of different sources of information that could serve as witnesses to acts that constitute violation of the human rights of women. The participating States reported the existence of Observatories in the area of gender-based violence in a variety of different modalities.

A few examples stand out:

Argentina, through the National Institutions of Human Rights in the Provinces of Buenos Aires and Tucumán is able to monitor the situation of the rights of women in both territories. According to the Shadow Report⁵ submitted to the Committee by the Civil Communication Association for Equality, in 2006 the Observatory for Discrimination on the Radio and Television was created within the framework of the National Plan against Discrimination. The National Council of Women and INADI manage this Observatory, together with the AFSCA. The Observatory promotes the prevention, awareness and discussion on gender-based discrimination against women in the media, through reports related to media content and capacitation activities, coordinating its tasks with the DPSCA on similar topics.

For its part, the Judicial Branch in Costa Rica created the Observatory on Gender-Based Violence Against Women and Access to Justice; the Public Defender's Office is a member of the interagency Network for the Treatment of Women and Dependent At-risk Family Members linked to criminal proceedings; The Center for Research and Women's Studies (CEIM) at the University of Costa Rica created the Observatory on the image of women and violence against women in the media; and a group of academic institutions in Costa Rica, coordinated by the National University of Distance Education (UNED), run an Observatory on the Trafficking of Persons.

Other similar examples include: the Observatory of Sexual and Reproductive Health, a mixed project of civil society and the State; the National Observatory of Violence in Honduras; the Observatory of Criminality in the Ministry of Public Affairs and the Unit for the Generation of Information and Knowledge Management of National Program Against Sexual and Domestic Violence (PNCVFS) in Peru; and the Observatory of Justice and Gender in the Dominican Republic.

- **Information on related investigations, prosecutions and convictions of all cases of gender related killing.**

The MESECVI required information about the average time between the initial phase of a criminal trial for violence against women in its different manifestations and/or femicide and the sentence (condemnatory or acquittal).

Information was received from 5 States Party and of these, only 2 provided data in response to that requested, Peru and the Dominican Republic. The information submitted was not adapted to that requested in the indicator, however, in general terms, the States referred to: I) the legal

⁵ Chaher, S. and Pedraza, V. (Coord.), Foundation for the Development of Sustainable Policies and the Association for Civil Communication for Equality, 2016. Gender-Based Violence and Communication Public Policy. First Edition, Cordoba.

obligation to increase the number of structures that handle judicial matters (Bolivia) and II) the future possibility of improving the quality of the data for record-keeping and indicators (Argentina).

The submissions of Peru and the Dominican Republic are aware of the temporary measurements they are taking of the material in question.

Peru, for example, provides official data from the People's Ombudsman's office for the period between 2012 and 2015, which reveal that of a total of 46 cases analyzed, in 21 cases (45.7%), the sentences were pronounced more than 360 days after the crime was committed. 41.9% (19 cases) of the criminal proceedings conducted under the model defined in the Criminal Proceedings Code of 2004, finished prior to the 360 days after the commission of the crime, while under the old criminal proceedings model, only 1.3% of the cases issued sentences before this time period, and the overwhelming majority (73%) of final decisions were issued after the 360-day mark.

For its part, the Dominican Republic reported that for the year 2014 for crimes related to sexual assault and domestic violence, decisions were issued an average of 238 days after the commission of the act. Cases of gender-based violence saw the shortest lapse of time with 174 days; and the crime with the longest passage of time was that of "violation of minors" with 309 days. This situation draws the attention of the Committee, as it is imperative to take whatever measures necessary to reduce the time elapsed and streamline the processing of these types of crimes. The prosecution of the violation of minors should manifest the strongest and fastest effects of the administration of justice, eradicating impunity and imposing the full force of the law against this type of aggressor.

In conclusion, the main outcome of the analysis is the marked absence of information reported by the participating States. The Committee particularly values the input provided by Peru and the Dominican Republic on the establishment of a 365-day threshold as an acceptable time limit to measure the degree of effectiveness of judicial action, as well as to strengthen the response of the State to combat and bring justice to cases of violence against women in the region. The Committee of Experts of the MESECVI calls on the States to modernize, automate and encourage the expeditious execution of the administration of justice, facilitating the mechanisms for access to justice, the streamlining of the proceedings and the effective response in pursuit of a reduction of the levels of impunity that exist in the Region.