



By reforming national penal codes and enacting special laws, Latin American countries are taking first steps towards eradicating femicide in the region.

BUILDING LEGAL FRAMEWORKS TO ADDRESS FEMICIDE IN LATIN AMERICA

SUMMARY

In the face of increasing cases of femicide, Latin American countries responded by ratifying the first and only regional instrument aimed at eradicating violence against women, the [Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women](#), in 1994. Since then, governments across the region have demonstrated their commitment by pushing through reforms to national criminal justice systems in an attempt to effectively address this phenomenon.

This Brief begins with an overview of the main causes and manifestations of femicide in Latin America, followed by a descriptive analysis of two particular kinds of reform pushed through in recent years. First, the criminalisation of femicide in national penal codes in countries such as Chile, Mexico and Peru, and second, the adoption of special laws in Costa Rica, Guatemala and Mexico. Based on this case study analysis, some initial observations of impacts are presented before a discussion of the contextual factors that have helped drive these changes forward. Finally, some of the strengths and weaknesses of the Latin American models are identified, which provide interesting lessons for readers other regions of the world.



FEMICIDE: A COMMON CHALLENGE FACING LATIN AMERICA AND OTHER DEVELOPING REGIONS

Despite a global trend of political commitment to protecting and advancing women's rights,¹ statistics show that on average approximately 66,000 women and girls were violently killed each year between 2004 and 2009, representing 17 percent of all murder victims globally.² Of the 25 countries and territories

¹ For further information please read the [ELLA Guide: Gender Equality in Latin America](#).

² Small Arms Survey, 2012. [Femicide: A Global Problem](#). Graduate Institute of International and Development Studies, Geneva.

KEY LESSONS LEARNED

The criminalisation of femicide in national penal codes and new laws represents an important first step to effectively prosecuting extreme violence against women in Latin America.

Special laws can provide an effective framework for tackling femicide by mandating governments to carry out a range of measures aimed at achieving long-term changes to norms and practices that have helped perpetuate and normalise violence against women.

Specialist tribunals staffed by judges and other personnel trained in human rights and gender issues provide a successful model for improving access to justice in cases of femicide.



with the highest rates of femicide in the world, 14 are located in Latin America and the Caribbean. El Salvador heads the list with an average rate of 12 victims per 100,000 women, followed closely by Jamaica, Guatemala, and South Africa.³

Common characteristics in these countries that may explain increases in femicide include gender discrimination in the public and the private spheres, a dominant patriarchal culture which tolerates violence against women, and the absence of government mechanisms for addressing femicide and safeguarding women’s rights.⁴ In particular, the strong influence of patriarchal ideology on socio-cultural norms in many regions of the world has helped perpetuate asymmetrical power relations which lend themselves to creating an atmosphere of tolerance towards the subordination and abuse of women.⁵ As such, femicide is a phenomenon linked closely with other forms of gender violence that can result in death.

Regional reports on femicide in Latin America indicate that violence against women occurs more frequently during internal armed conflict because women’s bodies are often considered “trophies” of war.⁶ This is evident in countries across the Central America region, where rape, torture and murder of women have been used as military weapons during more than 30 years of internal conflicts.⁷ Similarly, organised crime - such as drug and human trafficking - and gang violence also increase the risk of femicide since women are often targeted for smuggling drugs, commercial sexual exploitation and rape.

It is also the case in Latin America that many public officials, such as police officers, prosecutors and judges, are influenced by gender stereotypes. Traditional views of women’s role in society quite often normalise violent behaviour and attribute higher levels of blame to the victims themselves. This bias can influence the outcome of legal processes, thereby limiting women’s access to justice.⁸ The absence of government mechanisms to prevent, address and investigate femicide, as well as a lack of public sector training to support women victims, have created a context of impunity that requires urgent redress.⁹

Box 1: What is Femicide?

The term *femicide* was first coined in 1976 by the American sociologist and feminist Diana Russell to describe the killing of women or girls by men because they are female. Since then, feminist movements in Latin American countries have adopted this term as distinct from the gender-neutral concept of homicide.

In 2004, the Mexican feminist Marcela Lagarde developed a more complex definition of what she renamed *feminicidio* – or ‘feminicide’ - which encompasses a range of crimes against women and girls including murder, kidnapping and disappearance. The term feminicide is political in the sense that it holds responsible not only the perpetrators but also the government and judicial structures that normalise misogyny; whether through the commission of killings, tolerance of acts of violence, or omission of state responsibility to ensure the safety of its female citizens. Mexico and Guatemala are two countries in Latin America that have adopted the use of the broader term ‘feminicide’ in national jurisprudence.

Nowadays, regional courts and agencies such as the Central American Council of Human Rights, the Inter-American Court of Human Rights and the Economic Commission for Latin America and the Caribbean (ECLAC) view femicide/feminicide as the maximum violation of a woman’s human rights to be protected by national and international justice systems and guaranteed by the state and public authorities.

Sources: Russell, D. 2011. *Femicide: The Power of a Name*. Online publication. Central American Council of Human Rights 2006, see n7 below. Economic Commission for Latin America and the Caribbean (ECLAC). 2009. *No More: The Right of Women to Live a Life Free of Violence in Latin America and the Caribbean*. ECLAC, Santiago. Guatemalan Human Rights Commission (GHRC). 2009. *Guatemala’s Femicide Law: Progress Against Impunity?* GHRC, Washington, DC.

³ Ibid.

⁴ Committee on the Status of Women (CSW). 2013. *NGO CSW Outcome Document for Latin America and the Caribbean*. CSW, Geneva.

⁵ Amorós, C. 1991. *Hacia la Crítica de la Razón Patriarcal (Towards a Critique of Patriarchal Reasoning)* Anthropos, Barcelona.

⁶ Facio, A. 2002. *Engenderando Nuestras Perspectivas (Engendering Our Perspectives)*. In: *Otras Miradas* 2(2) 49-79.

⁷ To learn more about gender violence in contexts of conflict, see the [ELLA Brief: Access to Justice for Survivors of Sexual Violence in Armed Conflict: Three Latin American Approaches](#).

⁸ Central American Council of Human Rights. 2006. *Regional Report: Situation and Analysis of Femicide in the Central American Region*. Inter-American Institute of Human Rights, San José.

⁹ Inter-American Commission on Human Rights. 2007. *Access to Justice for Women Victims of Violence in the Americas*. Inter-American Commission on Human Rights, Washington, DC.

⁹ Inter-American Commission on Human Rights. 2007, see n9 above.



LATIN AMERICA: POLITICAL COMMITMENT LEADING TO CHANGES IN NATIONAL LEGISLATION

In 1994, all Latin American countries ratified the [Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women](#) (hereinafter Belém do Pará), the only binding regional agreement on violence against women in the world. In order to implement the convention, governments first focused on amending legal frameworks, making intra-family or domestic violence illegal and punishable in a court of law. However, most of the new laws were written in gender neutral language and failed to identify femicide as a specific and distinct form of violence perpetrated against women. This meant that court rulings did not correspond to the seriousness of the crime of femicide and conciliation settlements often replaced prison sentences.¹⁰

Increases in cases of extreme violence against women in Latin America intensified debate between feminist and human rights organisations, political authorities and the judiciary around the necessity for due recognition of specific forms of violence against women, including femicide, in domestic legal frameworks. Various rulings on cases of violence against women made by the [Inter-American Court of Human Rights](#) (hereinafter the Inter-American Court) reinforced this urgent requirement and highlighted the responsibility of governments for protecting the right of women to live free from violence and guarantee access to justice.¹¹ One emblematic femicide case brought before the Inter-American Court - known as the 'Cotton Field' case - is renowned across the region for having exposed the structural causes of discrimination and violence against women. As such, the court ruling included specific actions to be carried out by the Mexican government aimed at preventing the future reoccurrence of femicide by eliminating institutional prejudices and impunity.¹²

Over the last five years various Latin American countries have renewed their commitment to eliminating violence against

women by pushing through two kinds of reform that are the focus of this Brief. Firstly, the declaration of femicide as a criminal offence in national penal codes and, second, the adoption of special new laws mandating specific measures to combat the underlying causes of femicide.¹³ Both types of reform mark important progress towards the implementation of a more comprehensive strategy for preventing, addressing and eradicating femicide, as advocated by international, regional and civil society organisations.¹⁴

Research on these reforms has consisted of a review of regional and national reports and academic research on femicide and human rights. The author also consulted feminist human rights experts during the Seminar on Women, Violence and Justice organised by the Mexican Civil Society Organisation (CSO) [Fundar](#).

Criminalising Femicide in the National Penal Code

National penal codes are documents setting out criminal law in any given country. Typically, penal codes contain a list of offences recognised in the specific jurisdiction, penalties which might be imposed for these offences and some general provisions (such as definitions and prohibitions on certain types of sentencing). Latin American countries have been incorporating femicide into national penal codes in ways that are having different practical implications on how such cases are interpreted and prosecuted in national courts of law.

Defining Femicide

In Latin America, a key factor affecting the effective prosecution of femicide is the official definition of the crime as set out in the national penal code. Countries like Chile and Peru amended their national penal codes to include femicide as an "aggravated circumstance of homicide" in 2010 and 2011 respectively.¹⁵ In terms of law enforcement, this definition makes it relatively easy to investigate and

¹⁰ Carcedo, A. 2006. [We Will Not Forget Nor Will We Accept: Femicide in Central America](#). CEFEMINA, San José.

¹¹ Garita Vilchez, A. I. 2013. [La Regulación del Delito de Femicidio/Femicidio en América Latina y El Caribe \(Regulation of the Crime of Femicide/Femicide in Latin America and the Caribbean\)](#). United Nations Secretary General's Campaign to End Violence Against Women, Panama. To learn more about the role of the Inter-American Court of Human Rights in confronting femicide please read the [ELLA Brief: The Inter-American Human Rights System: New Approaches to Fighting Violence Against Women](#).

¹² Inter-American Court of Human Rights. 2009. Case of Gonzalez *et al.* ("Cotton Field") vs. Mexico. Judgement of 16 November 2009.

To learn more about the Cotton Field case, see [ELLA Brief: The Cotton Field Case in Mexico: Setting Legal Precedents for Fighting Gender-based Violence](#).

¹³ Garita Vilchez. 2013, see above n11. Vázquez, T. P. 2009. [Feminicidio \(Femicide\)](#). UN Office of the High Commissioner for Human Rights, Mexico City. Mechanism to Follow up on the Implementation of the Convention on the Prevention, Punishment and Eradication of Violence Against Women (MESECVI). 2012. [Second Hemispheric Report on the Implementation of the Belém Do Pará Convention](#). MESECVI, Washington, DC.

¹⁴ In 2012, the Federation of Associations for the Defence and Promotion of Human Rights ([Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos](#)), a non-governmental organisation with consultative status with the United Nations Economic and Social Council, issued a statement calling on governments across the region to adopt to a [Protocol for Investigating Gender-related Deaths: Femicides](#).



prosecute femicide because it is only necessary to prove that the murder of a woman took place. Since the context of the murder is not considered important, the prosecution is not obliged to demonstrate how social or cultural factors, such as misogyny, may have motivated the crime. Notwithstanding, the Chilean and Peruvian models demonstrate a serious weakness since femicide is also defined as a form of parricide. This means that prosecution is limited to cases where a woman is murdered by someone with whom she had an intimate relationship, such as a marital or common-law partner.¹⁶ This leaves a significant loophole in the event that a woman is killed by someone with whom she does not have a formal relationship, such as a public authority.¹⁷ Thus in Chile and Peru femicide resulting from any form of discrimination produced by society or by public authorities remains invisible and its persecutors immune to prosecution. This has the added effect of diminishing public awareness of femicide as an extreme form of violence against women.

In contrast, reforms to the federal penal code in Mexico have allowed the country to gain significant ground in efforts to end femicide. In the code, femicide is considered a separate crime in breach of the norms set out in the [General Law for Women's Access to a Life Free from Violence](#) enacted in 2007. It includes a broader definition of femicide; one which accounts for acts of violence committed outside the domestic sphere, including by government institutions and public officials.¹⁸ The code also guarantees the right to redress for victims' relatives (such as parents and children) and establishes comprehensive reparation measures including health care, psychological support, financial compensation, as well as measures to prevent repetition.¹⁸ As such, the Mexican case demonstrates the practical implications of the scope of the definition of femicide in the national penal code for improving access to justice.

Penalties

Also key to the effective prosecution of femicide are the penalties that are imposed according to the gravity of each case. In all Latin American countries where femicide is included in the national penal code, it is punishable with a prison sentence.

Defining a maximum sentence or special punishment helps to establish the severity of femicide alongside other types of crime that threaten the physical integrity of people and society at large.²⁰

Both Costa Rica and Guatemala punish femicide with the same penalties that apply to aggravated homicide, which varies between 20 to 50 years of imprisonment.

In Chile and Peru femicide is considered as a crime similar to parricide. In the case of Chile it is punished with life imprisonment, the highest penalty established in the penal code for an aggravated homicide. However, in Peru femicide is only punished with 15 years of imprisonment which is less than the penalty assigned to aggravated homicide, which is 20 to 25 years.

Mexico's penal code represents an interesting example. Femicide is punished with a special sanction that assigns between 40 and 60 years in prison, a US\$2,000 fine, and the loss of inheritance rights. Whenever, the authorities cannot demonstrate that the killing of a woman qualifies as the definition of femicide, the penalty assigned is the one of homicide in its most aggravated form. It is punishable with 30 to 60 years of imprisonment.

Conciliation measures - such as pardoning or any other form of punishment that may substitute a prison sentence - are not permitted for rulings on femicide in any of the cases explained.

A clear lesson for other regions is that femicide can be considered as an aggravated form of homicide or similar, or a specially sanctioned crime, as the Mexican case. In any case, penalties must be sufficiently severe so that the perpetrator, and society more generally, understands the gravity of femicide (as compared to other crimes) and that due punishment is issued.

Enacting Special Laws

Special laws to address femicide go one step further than national penal codes in that they mandate governments to take action. Several countries in Latin America have enacted such laws including Costa Rica (2007), Mexico (2007), Guatemala (2008), El Salvador (2010), and Nicaragua (2012).²¹ Based on principles

¹⁵ Guatemalan Human Rights Commission (GHRC). 2009. *Guatemala's Femicide Law. Progress Against Impunity?* GHRC, Washington, DC. MESECVI. 2012, see above n13; Carcedo. 2006, see above n10.

¹⁶ Consult notes 48 and 49 of the Mechanism to the Belém do Pará Convention 2012 which describe penal codes in Chile and Peru.

¹⁷ Aguilar Cabrera, D. 2013. *Feminicidio en el Perú: Crítica a La Nueva Ley de Feminicidio. (Feminicide in Peru: A Critique of the New Law on Femicide)*. Carlos Parma, Online publication.

¹⁸ Article 325 of the [Mexican Federal Penal Code](#).

¹⁹ Garita Vilchez. 2013, see above n11.

²⁰ Vázquez. 2009, see above n13.

²¹ GHRC. 2009, see above n15; MESECVI. 2012, see above n13; Carcedo. 2006, see above n10.



of human rights, these new laws include a comprehensive definition of femicide and establish the administrative and legal obligations of the state in terms of addressing and preventing femicide and improving access to justice for victims and their relatives. This Brief focuses on the cases of Costa Rica, Guatemala and Mexico because of the evidence and analysis available on femicide legislation in these countries.

Costa Rica

Costa Rica was the first Latin American country to pass special legislation on gender violence.²² [The Law for the Criminalisation of Violence against Women](#) was enacted in 2007 thanks in large part to active lobbying from feminist organisations and the National Institute of Women ([Instituto Nacional de las Mujeres - INAMU](#)), a leading women's rights organisation in the country.

The Law for the Criminalisation of Violence against Women in Costa Rica states that violence against women results from asymmetrical power relations and discrimination. The law identifies different forms of gender violence such as intimate and sexual violence. However, the definition provided for femicide is limited to that of murder committed "within the marital relationship or *de facto* union, declared or otherwise".²³ A key weakness of the Costa Rican Law is that it excludes other cases in similar situations such as adolescents and young women beaten by boyfriends, women who are divorced, or those who live with the perpetrator but are not considered common-law spouses.²³ This does not mean that aggressor may not be punished for committing homicide, but it has the added effect of hiding the real scope and magnitude of femicide in the country, since many cases go unreported.

According to the Costa Rican law, the state has two main obligations regarding femicide. In the first place, public authorities aware of any instance of femicide must immediately intervene. Second, the government must ensure that judges, prosecutors and public authorities, such as the police, undertake criminal investigations and carry out judicial processes without a gender bias. Any attempt by public authorities to block this process is punishable by law.

Although the Costa Rican law goes some way to dealing with institutional failures in investigating and prosecuting cases of femicide, it fails to acknowledge that femicide can also be committed in the public sphere. As such, the state's obligations

as mandated by the law are mainly limited to penalising individual perpetrators rather than addressing broader structural cases. Furthermore, the law says nothing about the need for adequate redress and compensation for victims.

Mexico

Mounting pressure from the international community and CSOs in the face of increasing cases of femicide in Mexico led to the enactment of the [General Law for Women's Access to a Life Free from Violence](#) in 2007. Marcela Lagarde, a leading Mexican feminist and political representative at the time, strongly supported the new law when it was presented to the Mexican Congress. The law constituted an attempt to align Mexico with the [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW) and the Belém do Pará Convention, with the principal aim of protecting women's rights, especially the right to live free from violence.

The Mexican law defines femicide as "the most extreme form of gender violence against women, produced by the violation of their human rights in public and private spheres and formed by the set of misogynist actions that can lead to the impunity of society and the State and culminate in homicide and other forms of violent death of women." This is a broad interpretation of femicide which clearly takes into account the structural and social factors that motivate perpetrators of this crime. The main benefit to incorporating such a broad definition is that it provides the legal grounds on which to mandate comprehensive state action to tackle the underlying causes of extreme violence against women.

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](#). By mandating state actions to address all forms of violence against women, the Mexican law attempts to drive forward broader changes to the social and institutional contexts in which femicide is committed. For example, the law encourages judges to implement protection measures for victims of any form of gender violence in an attempt to prevent future cases of femicide. The use of protection orders is taking time to convert into practice, having been issued in just 7% of gender

²² Vázquez, 2009, see above n13.

²³ Article 21 of the Law for the Criminalisation of Violence against Women. See also Carcedo, 2006, above n10.

²⁴ Chouza, P. 2013. [Sólo el 7% de las Mujeres que Denuncian en México Violencia Consiguen Protección. \(Only 7% of Women Denouncing Violence Obtain Protection Orders\)](#). *El País*, online edition, accessed 16th September 2013.



violence cases brought before the courts between 2011 and 2012. Reasons for this include ignorance and fear amongst victims and a lack of adequate guidelines for judges.²⁴

The Mexican Law also makes special provisions to guarantee adequate reparation for victims (usually awarded to relatives in the case of femicide), which can include economic compensation and other symbolic measures, such as a public apology. In 2012, amendments were made to the law mandating the General Attorney's Office to collect and maintain reliable and disaggregated data on the characteristics of violence against women and to adopt new protocols for carrying out criminal investigations with a gender perspective.

Guatemala

Due to the increasing violence against women in Guatemala, feminists and CSOs have lobbied hard for official recognition of femicide as an extreme form of violence against women, as well as against sexual discrimination and institutional impunity.²⁵ In April 2008, the Guatemalan Congress passed the [Law Against Femicide and Other Forms of Violence Against Women in Guatemala](#). The Guatemalan law is the most comprehensive example of femicide law in Latin America, given the range of measures and actions that it mandates.

The Guatemalan law is inspired by the Belém do Pará Convention, defining femicide as a violent crime committed against women in the context of asymmetrical power relations between men and women, where social factors including machismo, misogyny and gender bias are the principal motivations of the perpetrator.²⁶ As in Mexico, this broad definition provides the legal basis for setting out a range of obligations that the state must meet to address the structural causes of femicide. One such requirement is the creation of new units within the government to work on cases of femicide. Within the national police and the prosecutor's office, for example, special units have been set up to investigate cases of violence against women. These units are staffed by police officers and other personnel that have received training on

gender issues and human rights.²⁷

Another example is the creation of special courts for prosecuting cases of femicide. These tribunals are staffed by judges and public officials trained in women's rights and gender issues, and are open 24 hours a day for women to report violent crimes.²⁸ Specialised tribunals are currently operating in Alta Verapaz, Chiquimula, Huehuetenango and Quetzaltenango, where they helped contribute to a 60 percent drop in violent crimes against women between 2011 and 2012.²⁹

Under the Guatemalan law, the government is mandated to allocate a budget to the Attorney General's Office for the operation of these units. Despite this order, evidence indicates that insufficient budget has been allocated to these tribunals, or is lost due to corruption, threatening their operation. In some cases, financial resources from international aid agencies and NGOs such as Oxfam have been key to maintaining these tribunals open.³⁰

Created before the enactment of the law in 2001 to develop public policy on violence against women, the National Coordinator for the Prevention of Intrafamilial Violence and Violence against Women (CONAPREVI) was subsequently mandated by the 2008 law to monitor its own implementation. CONAPREVI is run by representatives from the Special Unit for Gender Affairs, the Attorney General's Office, and members of the *Red de la No Violencia* (the Network for No Violence). CONAPREVI developed the [National Plan for the Prevention of Intrafamilial Violence and Violence against Women 2004-2014](#) which includes the provision of technical assistance to government ministries for investigating cases, including femicide. CONAPREVI is also in charge of building the capacity of CSOs to transform the social contexts in which gender violence is perpetrated in Guatemala.³²

In a similar vein, the law also orders the Government of Guatemala to provide adequate compensation to victims, as well as integral redress measures that foster changes in society and the justice system. Finally, the law holds the government responsible for any act or oversight by public officials that blocks a fair criminal prosecution of femicide.³³

²⁵ GHRC. 2009, see above n15.

²⁶ GHRC. 2009, see above n15.

²⁷ GHRC. 2009, see above n15.

²⁸ Article 15 of Law 22-2008, Guatemala.

²⁹ Centro de Reportes Informativos sobre Guatemala (CERIGUA). 2012. [CSJ Inaugura Centro que Atenderá Delitos de Femicidio y Otras Formas de Violencia Contra las Mujeres \(CSJ Opens a Gender Centre Addressing Gender Based Violence and Femicide\)](#). CERIGUA, online publication.

³⁰ Europa Press. 2010. [Al Menos 97% de los Femicidios Quedan Impunes en Guatemala. \(97% Impunity of Femicide Cases In Guatemala\)](#). Europa Press, online publication.

³¹ Secretaría Presidencia de la Mujer (Ministry for Gender Issues). 2009. [Respuesta al Cuestionario sobre la Aplicación de la Declaración y la Plataforma de Beijing. \(Responses to the Questionnaire on the Implementation of the Beijing Declaration and Platform\)](#). Ministry for Gender Issues, Guatemala.

³² El Metropolitano. 2011. [CONAPREVI Celebra su X Aniversario \(CONAPREVI Celebrates its 10th Anniversary\)](#). El Metropolitano, online publication.

³³ Garita Vilchez. 2013, see above n11.



IMPACTS

Given the relative novelty of reforms to national penal codes and the enactment of new laws in Latin America, there is still little evidence pointing to the direct impacts of these initiatives on eliminating femicide. This is understandable, however, since significant changes in the legal system, institutional behaviour and social norms take time to come about. In general, up-to-date information on public institutions and the judiciary is not publicly available in Latin America and this creates a further obstacle to carrying out an objective assessment of impacts. However, some initial observations can be made.

Prosecuting Femicide

The most important impact of these two kinds of reform is that femicide is now more visible since it is officially recognised and punishable as a serious crime in many Latin American countries. While there is still insufficient data available to confirm whether more cases of femicide are reaching Latin American courts thanks to these reforms, it can be observed that they are building people’s confidence in the willingness and capability of their governments to tackle femicide.

Monitoring Cases of Femicide

The creation of independent gender observatories, such as in [Guatemala](#) and [Mexico](#), responsible for building and maintaining national databases on femicide is helping to improve reporting and transparency, as well as build public awareness around femicide.³⁴ These observatories also monitor the progress of governments in dealing with femicide and support victims and their families to hold states to account for safeguarding women’s rights.

Improving Access to Justice

By including femicide in the national penal code and special law, Guatemala has improved women’s access to justice. According to statistics provided by the National Centre for Analysis and Judicial Documentation ([Centro Nacional de Análisis y Documentación Judicial](#)) in Guatemala, only 7.5% of femicide and gender violence cases presided over by ordinary courts have resulted in a conviction, while specialised courts have judged and convicted more than 30 percent.³⁵ This is mainly thanks to the specialised training provided to judges and other personnel.

Providing Integral Redress

In many Latin American countries, new laws addressing femicide mandate the state to provide comprehensive compensation to victims and their families, as well as to establish integral redress measures that attempt to modify the wider institutional infrastructure and social context. Examples from across the region include the development of specific protocols for investigating femicide in countries like Chile, El Salvador and Mexico.³⁶ In 2011, the Regional Office of the United Nations in Panama collaborated with the judicial branch in the drafting of a protocol for the investigation of femicide in El Salvador. Among other things, the protocol promotes the use of criminal investigation techniques that assess any possible gender motives behind a killing.³⁷ Another example is the Chilean Femicide Circuit Protocol, a coordinated cross-sector mechanism providing comprehensive assistance (psychological, social, medical and legal) for the direct victims of attempted femicide and indirect victims of femicide, such as children and other family members.³⁸

³⁴ Most of the data can also be found on the [Gender Equality Observatory of Latin America and the Caribbean](#) website managed by the [Economic Commission of Latin America and the Caribbean](#).

³⁵ Reynolds, L. 2013. [Magistradas Juzgarán Casos de Femicidio en Guatemala. \(Women Judges Will Preside Over Femicide Cases in Guatemala\)](#). *Radio Netherlands Worldwide*, online publication.

³⁶ United Nations Office of the High Commissioner for Human Rights. 2013. [Statement of the UN Deputy High Commissioner for Human Rights at the Gender-related Killings of Women](#). United Nations Office of the High Commissioner for Human Rights, online publication.

³⁷ Ibid.

³⁸ Academic Council on the United Nations System (ACUNS). 2013. [Femicide: A Global Issue That Demands Action](#). ACUNS, Vienna.

CONTEXTUAL FACTORS

ENABLING THE LATIN AMERICAN RESPONSE



Besides ratification of the Belém Do Pará Convention, transition to democracy has been a key process leading to the creation of new national legal frameworks that include a human rights approach, and in particular special measures for groups that have been historically excluded from effectively exercising their rights.

Feminist and human rights organisations have played a key role in lobbying for legal reforms that criminalise femicide and also take into account the social and cultural context in which this crime occurs. Likewise, these organisations have helped to get femicide onto the public agenda by running campaigns and publicising information and statistics, as well as reporting

failures by governments to adequately deal with cases of femicide.

The progressive role of the Inter-American Court of Human Rights in resolving emblematic cases such as the Cotton Field case has helped set regional standards and protocol, including defining femicide as a gross violation of human rights and establishing specific measures to improve investigative processes.

Finally, governments have demonstrated the political commitment to train civil servants such as police officers, prosecutors and judges in gender issues as a strategy for bringing institutional impunity to an end.

LESSONS LEARNED

- 1 By lobbying governments and building public awareness, civil society movements can play an important role in driving forwards the enactment of legal reforms for eradicating femicide. International conventions and regional court rulings are just two of the instruments that CSOs can utilise for this end.
- 2 The incorporation of femicide into national penal codes and new laws represents a political triumph for feminist and human rights organisations. The effectiveness of these reforms for prosecution depends to a large part on the precise definition of femicide, as well as the appropriateness of the penalties imposed.
- 3 Special laws can provide an effective framework for tackling femicide by mandating governments to carry out a range of measures aimed at achieving long-term changes to behaviours, norms and institutional practices that, up until now, have helped to perpetuate and normalise violence against women. Independent oversight bodies, such as gender observatories, are key to holding governments accountable for these actions.
- 4 Specialist tribunals staffed by judges and other personnel trained in human rights and gender issues provide a successful model for ensuring the effective application of the law and improving access to justice in cases of femicide.

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