

Femicide or feminicide as a specific type of crime in national legislations in Latin America: an on-going process

By 2015 16 countries in Latin America had modified their laws to include a specific type of crime referring to the murder of women under the name of femicide or feminicide, or as an aggravating circumstance of homicide.

This shows a considerable leap since 2010, the year in which the Gender Equality Observatory for Latin America and the Caribbean started measuring women's deaths at the hands of their intimate partner or former partner when only four countries had categorized femicide/feminicide and only two had created an aggravating circumstance for murder. This situation shows the centrality which has been given to this serious and extreme expression of violence against women in the region.

The last countries to enact femicide laws have been Brazil in March 2015, and recently Colombia in July 2015.

Some countries have resolved the creation of an independent penal type named femicide or feminicide: Chile, Ecuador, Guatemala, Honduras, Nicaragua, Panama and Dominican Republic refer to it as femicide; and Bolivia, Brazil, Colombia, Costa Rica, El Salvador, Mexico and Peru talk about feminicide, while Argentina and Venezuela include aggravated homicide for gender-related reasons.

Legislation on femicide/feminicide is, without a doubt, a great leap in women's rights; however, it is necessary to emphasize as the Mechanism for the Tracking of the Belém do Pará Convention (MESECVI as it is known in Spanish) outlines the necessity for justice administration organisms to follow-up on the implementation of the penal law and the aggravating circumstances presented therein.

The decision to include the penal figure of femicide (in any of its variations) does not necessarily guarantee an advance in the investigation of femicide or its register in order to provide information on this extreme form of violence against women. Consequently, the use of special methods of investigation like the one proposed in the *Latin American model protocol for the investigation of gender-related killings of women (femicide/feminicide)* takes a special relevance to overcome the limitations of ordinary procedure and surpass the obstacles that hamper access to justice.

It is also important to improve administrative records; such as the experience of the Public Ministry of Peru which developed a Femicide Registry that allows recording of women's deaths in case of intimate feminicide, non-intimate feminicide and feminicide based on connections, and manages to arrive at an official national number, making it a best-practice model for improved research processes and generation of evidence for decision-making on public policies.

Countries in Latin America (16) that typify femicide and feminicide and aggravated homicide for gender-related reasons. Name of the law, year and penal type created.

Country	Name of the law	Year	Penal type
Argentina	Law 26.791	2012	Aggravated homicide
Bolivia (Plu. Sta. Of)	Law N° 348	2013	Feminicide
Brazil	Law 13.104	2015	Feminicide
Chile	Law 20.480	2010	Femicide
Colombia	Rosa Elvira Cely Law	2015	Feminicide
Costa Rica	Law N° 8.589	2007	Feminicide
Ecuador	Organic Integral Penal Code (COIP, for its Spanish initials)	2014	Femicide
El Salvador	Decree 520	2010	Feminicide
Guatemala	Decree 22-2008	2008	Femicide
Honduras	Decree 23-2013	2013	Femicide
Mexico	Decree that reforms and adds different dispositions of the Federal Penal Code, of the General Law for Women's Access to a Life Free of Violence, the Organic Law of Federal Public Administration and the Organic Law of the Republic's Attorney General's Office	2012	Feminicide
Nicaragua	Law N° 779	2012	Femicide
Panama	Law 82	2013	Femicide
Peru	Law 30.068	2013	Feminicide
Dominican Rep.	Law 550/14 enacted the Criminal Code of the Dominican Republic	2014	Feminicide
Venezuela (Bol. Rep. of)	Organic law on women's right to a life free of violence	2007	Aggravated homicide

Source: Economic Commission for Latin America and the Caribbean, (ECLAC), Gender Equality Observatory for Latin America and the Caribbean. Based on official information.

The promotion of penal reforms is linked to the necessity of better tools to sanction femicides/feminicide, given the generalized impunity that becomes detrimental, not only to the victim's right for reparation of damages, but also for the rule of law of a democratic society.

Challenges:

- Incorporate victim's protection measurements that guarantee the implementation of the law.
- Develop follow-up on the norms' effectiveness, in particular of the judicial processes for its correct implementation by actors from the justice administration system: police forces, public prosecutors, members of the judicial power, amongst others.
- Work on increasing the awareness and improved skills of justice operators based on humans rights and a culture of equality perspective.

