

Committee of Experts of the Follow-up Mechanism
to the Belém do Pará Convention (MESECVI)

DECLARATION
ON FEMICIDE

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Adopted at the Fourth Meeting of the Committee of Experts (CEVI), held on August 15, 2008

MECHANISM TO FOLLOW UP
CONVENTION OF BELÉM DO PARÁ (MESECVI)
COMMITTEE OF EXPERTS ON VIOLENCE (CEVI)
August 14-15, 2008
Washington, D.C.

OEA/Ser.L/II.7.10
MESECVI/CEVI/DEC. 1/08
15 August 2008
Original: Spanish

CIM02232E01

INTRODUCTION¹

Until 1992, the term *femicide* was used by journalists and by society in a colloquial manner in order to refer to the death of women. That year, Diana Russell and Jill Radford gave legal and social meaning to the concept in their text *Femicide: The Politics of Woman Killing*, defining it as the murder of women, committed by men, for the simple reason of their being women². Russell and Radford developed the concept with a view to highlighting the gendered motives behind the deaths of women at the hands of men: attempts to control their lives, their bodies and/or their sexuality, to the point of punishing through death those women that do not accept that submission.

Subsequently, Marcela Lagarde took the notion of *femicide* proposed by Russell and Radford and developed it as *feminicidio*, rather than *femicidio* (which would have been the literal translation). Lagarde's position was that *femicide* could be understood as the death of women without specifying the cause, whereas *feminicide* better encapsulated the gender-based reasons and the social construction behind these

1. The text of this introduction was adapted from the original declaration of the Delegates of the Inter-American Commission of Women of October 2008 (OEA/Ser.L/II.2.34), and updated with information available to the MESECVI as of August 2015.

2. Russell, Diana and Roberta Harmes (2006). *Feminicidio: Una Perspectiva Global*. Mexico City: Centro de Investigaciones Interdisciplinarias en Ciencias y Humanidades of the National Autonomous University of Mexico, p. 74.

deaths, as well as the impunity that surrounds them³. Lagarde uses the term *feminicide* to analyze the murders of women in Ciudad Juárez, Mexico.

In the international sphere however, the two terms *feminicide* and *femicide* have been used interchangeably to name the same problem⁴, although in the case of the Caribbean there is no controversy and the term *femicide* is used exclusively.

The Inter-American Commission of Human Rights (IACHR), on the other hand, has been using the term *feminicide* since 2007 in the case of Bolivia, on the basis of the Secretary General's In-Depth Study on all Forms of Violence against Women, which also named the problem *feminicide*⁵. Previously, the IACHR had referred to the problem as the *murder of women*, and evidenced their concern by convening a Thematic Hearing on the issue (2006). Similarly, the IACHR has admitted four cases of murder of women in Ciudad Juárez, Mexico. The Inter-American Court of Human Rights, in its decision on the

3. Lagarde y de los Ríos, Marcela. *Presentación a la Edición en Español*. En: Russell et al., op.cit., p. 12.

4. The Committee on the Elimination of all Forms of Discrimination against Women (CEDAW Committee) uses the term *femicide* in its reports on Honduras (2007) and Guatemala (2006), whereas *feminicide* is used in the report on Mexico (2006). The Committee of Experts of the MESECVI has decided to use the term *femicide* until it has a chance to carry out more in-depth consultations.

5. Inter-American Commission of Human Rights (IACHR). *Access to Justice and Social Inclusion: The Road towards Strengthening Democracy in Bolivia*. At: <http://www.cidh.org/pdf%20files/BOLIVIA.07.ENG.pdf>

Case of González et al. (“Cotton Field”) v. Mexico, referred to the gender-based killing of women.

In 2008, the Committee of Experts of the MESECVI adopted this Declaration on Femicide, which points out that it constitutes the gravest form of discrimination and violence against women. Since then, eleven countries have typified femicide on the basis of the definition of the Committee, and five additional countries typify or consider it as an aggravating factor in cases of homicide of women.

We, the Committee of Experts (CEVI) of the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, “Convention of Belém do Pará” (MESECVI), at its fourth meeting, in Washington, D.C., on August 14 and 15, 2008, recognizing the serious problem of femicide in Latin America and the Caribbean and expressing our concern about the increasing number of murders of women in the region,

DECLARE:

1. That in Latin America and the Caribbean femicide is the most serious manifestation of discrimination and violence against women. High rates of violence against women, their limited or nonexistent access to justice, the prevalent impunity in cases of violence against them, and the persistence of discriminatory sociocultural patterns are among the causes that influence the rise in the number of deaths.
2. That we consider that femicide is the violent death of women based on gender, whether it occurs within the family, a domestic partnership, or any other interpersonal relationship; in the community, by any person, or when it is perpetrated or tolerated by the state or its agents, by action or omission.
3. That femicide victims are women at different stages, situations or circumstances of their lives.

4. That numerous cases of femicide occur as a result of unequal power relations within a couple, in which the woman has experienced serious or prolonged violence without having found alternatives or support to end the relationship.
5. That the situation of impunity for femicides is exacerbated by situations of emergency, armed conflict, natural disasters, and other hazardous situations.
6. That most femicides go unpunished as a result, among other things, of women's limited access to justice and of gender bias during judicial proceedings and police and investigative work. Cases are either closed because of an alleged lack of evidence or punished as simple homicides with lesser penalties, in which the extenuating circumstance of "crime of passion" is frequently cited to diminish the perpetrator's responsibility.

ACCORDINGLY, WE RECOMMEND TO THE STATES PARTIES:

1. That the extenuating circumstance “crime of passion” not be used to diminish responsibility of the perpetrators of femicide.
2. That they enact laws or strengthen existing legislation on women’s empowerment and their rights and freedoms, so that women experiencing or threatened by violence may find effective and efficient ways to end such relationships and protect their lives.
3. That they include risks to life and personal safety as well as other manifestations of violence against women in their public security policies.
4. That they guarantee increased and enhanced access to justice by women, improving the system for criminal investigation and the protection of women affected by violence, including forensic expertise, and court proceedings to eliminate impunity for perpetrators and adequately punish public officials who did not exercise due diligence in those proceedings.
5. That they develop and utilize data banks, research, and statistics that enable them to assess the magnitude and problematic of femicide in their countries and to monitor State progress and setbacks in this regard.

WE ALSO RECOMMEND TO THE MEDIA:

That it adopt codes of ethics to deal with cases of violence against women, especially femicides, promoting respect for the dignity and integrity of victims and avoiding the dissemination of morbid details and sexist or degrading stereotypes of women. The media should play a role in the ethical education of the citizenry, promote gender equity and equality and contribute to the eradication of violence against women.

Follow-up Mechanism to the
Belém do Pará Convention

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