



Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide)



Regional Office for Central America

ISBN 978-9962-5559-0-2

This publication was developed by the Regional Office for Central America of the United Nations High Commissioner for Human Rights (OHCHR) with the support of the Americas and the Caribbean Regional Office of United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), in the framework of the United Nations Secretary General's Campaign UNiTE to End Violence against Women.

This content can be freely cited and reproduced as long as there is proper attribution to the source and a copy is sent to OHCHR and UN Women.

This publication is available online at: www.oacnudh and www.onumujeres.org

The concepts and commentary included in this publication reflect the point of views of the authors and not necessarily those of OHCHR and UN Women.

Coordinator

Carmen Rosa Villa Quintana, Representative for Central America, OHCHR

Authors

Camilo Bernal Sarmiento, lawyer and criminologist, National University of Colombia and the University of Barcelona, Spain

Miguel Lorente Acosta, forensic doctor, tenured professor of legal medicine at the University of Granada, Spain

Françoise Roth, Regional Gender Advisor, OHCHR

Margarita Zambrano, consultant, UN Women/OHCHR

Editors

Françoise Roth, Regional Gender Advisor, OHCHR

Alejandro Valencia Villa, professor in human rights, humanitarian law and transitional justice, Colombia

Design and layout: Diseños e Impresiones Jeicos, S.A., Panamá

Printing: Diseños e Impresiones Jeicos, S.A., Panamá

Cover Photo: UN Women Mexico/Ina Riaskov

Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide)



Regional Office for Central America

Table of Contents

ABBREVIATIONS	ix
FOREWORD	xi
PREFACE AND ACKNOWLEDGMENTS	xiii
INTRODUCTION	3
Objectives of the Model Protocol	4
Scope of the Model Protocol	5
Criminal investigation, prosecution and conviction as mechanisms to prevent VAW	5
Guidelines that should be adapted to the characteristics of each country	5
International law as the normative reference and standard for interpretation	5
Public servants working in the administration of justice, as well as other professionals representing the victims or providing expertise in these cases	5
Crimes addressed in the Model Protocol	6
Cases in which the Model Protocol can be applied	6
Complementarity of the Model Protocol with Other Protocols	7
Structure of the Model Protocol	7
CHAPTER I. DEFINING THE CONCEPTS “FEMICIDE” AND “FEMINICIDE”	13
The Definitions of the Concepts of “Femicide” and “Feminicide”	13
Structural Factors of femicides/feminicides	14
Categories of Femicides: active or direct and passive or indirect	14
Types of femicides	15
CHAPTER II. THE INTERNATIONAL DUE DILIGENCE STANDARD APPLIED TO CASES OF FEMICIDE	21
International obligations of the state regarding gender-based violence	21
The International due diligence Standard Applied to VAW	22
The duty to prevent	23
The state obligation to modify, transform, and eliminate wrongful gender stereotyping	23
The duty to investigate and punish	25
The duty to guarantee just and effective reparation	26

Applicable international standards for evaluating the adequacy of criminal investigations	27
The independence and impartiality of the judiciary	27
The ex officio and timely initiation of the investigation	27
The quality of the criminal investigation	28
The effective collection and safeguarding of evidence	29
The effective participation of the victims and their representatives	29
CHAPTER III. THE GENDER ANALYSIS AND THE INTERSECTIONALITY OF DISCRIMINATION IN THE CRIMINAL INVESTIGATION OF FEMICIDES	35
How to identify a femicide	35
Why identify the gender-related motives in the investigation of the killing of women?	36
How to identify gender-related motives: gender analysis as a tool	38
A framework for interpretation: the feminist ecological model	40
The intersectionality of discrimination in the analysis of femicides: attention to economic, cultural, age, and racial differences	43
What must be investigated in cases of femicide? Context, scenarios, perpetrators, victims, types of violence, and manifestations of violence before and after the femicide	45
Circumstances and specific contexts	49
Elements associated with the characteristics of the victims	49
Girls or adolescents	49
Elderly women	50
Women with disabilities	50
Indigenous women	50
Transsexual or transgender persons	51
Migrant women	51
Elements associated with certain contexts	52
Femicides in armed conflict zones or settings	52
Enforced disappearances	52
CHAPTER IV. THE DESIGN OF THE CRIMINAL INVESTIGATION OF FEMICIDES	57
Notice of the crime and institutional action	57
Preliminary steps and urgent actions	58
The design of the investigation	58
The methodological plan or program for the investigation of femicides	58
The factual component	60
The legal component	63
The evidentiary component	64
The lines of inquiry	66
The consolidation of the program, the verification of the hypothesis, and procedural actions	67

CHAPTER V.		
THE SIGNS AND INDICATORS OF A FEMICIDE: MEDICAL-FORENSIC ACTION AND CRIMINAL ANALYSIS		71
The signs and indicators of femicide in the scope of partner and familial relationships	72	
The signs and indicators of intimate femicides in the autopsy findings	72	
The signs and indicators related to the crime scene	73	
The signs and indicators related to the circumstances surrounding an intimate femicide	74	
The signs and indicators related to the prior situation of the victim of intimate femicide	74	
The signs and indicators associated with the background of the relationship and the possible existence of gender-based violence	74	
The signs and indicators associated with the impact and consequences of gender-based violence on the health of the woman	75	
The signs and indicators related to the perpetrator of an intimate femicide	76	
The background associated with perpetrators of gender-based violence that may go so far as to commit intimate femicide	77	
The background of the relationship and the possible existence of gender-based violence	77	
The behavior and attitude adopted by the perpetrator of a femicide in relation to the partner or family member after the crime	77	
Elements identified as “risk factors” associated with cases of intimate femicides	78	
The signs and indicators of sexual femicide	80	
The signs and indicators of sexual femicide in the autopsy findings	81	
The signs and indicators associated with the crime scene of a sexual femicide	83	
The signs and indicators related to the prior situation of the woman victim of sexual femicide	84	
The signs and indicators related to the perpetrator of sexual femicide	85	
The signs and indicators of femicide within the context of a group structure	88	
Elements associated with the since the commission of the femicide and attempts to Destroy the body	89	
Integrating the data and information provided by the documentation of the signs and indicators associated with femicide	90	
CHAPTER VI.		
ELEMENTS FOR BUILDING THE THEORY OF THE CASE		97
CHAPTER VII.		
THE RIGHTS OF INDIRECT VICTIMS, FAMILY MEMBERS, AND WITNESSES IN THE INVESTIGATION AND PROSECUTION OF FEMICIDE		105
The public prosecutor’s office and its role as guarantor of the rights of victims	105	
The victim and the administration of criminal justice	106	
Guiding principles for working with indirect victims and family members in cases of femicides	108	

Free legal counsel and representation	108
Respect for human dignity and differences	108
Avoiding secondary victimization	110
Participation in a broad sense: information, assistance, protection, and reparation	111
Information	112
Assistance	112
Protection	113
Reparation	114
CHAPTER VIII. RECOMMENDATIONS FOR THE APPROPRIATION AND APPLICATION OF THE MODEL PROTOCOL	121
To States generally	121
To Public Prosecutors' offices, other prosecutorial authorities, and judicial bodies	123
To the Media	124
SELECT BIBLIOGRAPHY	127
Books and articles	127
Protocols, guides, and manuals consulted	132
Human-rights reports of interest	134
ANNEXES	
Annex 1	
Summary Analysis of the Codification of Gender-related Killings of Women in Latin America	141
Criminal-policy options for the criminal codification of femicidal conduct	141
Creating an autonomous criminal definition for femicide/feminicide	141
Including a circumstantial element as an aggravating factor or a sentence enhancement to simple homicide	142
Modification of the crime of parricide	142

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_22200

