Sweden
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WOMEN'S LAW CENTRE

UN WOMEN

STUDY

ON THE INTERNATIONAL APPROACH

TO FEMICIDE

CHIȘINĂU, 2025

The study on the international approach to femicide was developed as part of the project *„Supporting multi-sectoral efforts to prevent violence against women by providing comprehensive services to survivors, including through economic empowerment programs”* implemented by the Women's Law Center with the support of UN Women and financial support from Sweden.

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INTRODUCTION

„Femicide is the most serious form of violence against women and girls. (...) It is part of a broader picture of violence that is often justified and tolerated in society and not treated by states with the necessary responsibility and punishment."
Phumzile Mlambo-Ngcuka,
former Executive Director of UN Women

Femicide, a deeply negative and widespread phenomenon, has a devastating impact on women's rights, making its recognition in international law imperative. Addressing this phenomenon through international law is essential to ensure the protection of women's and girls' rights to life and to promote a world where they can live without the constant threat of gender-based violence.

This study aims to review the current international legal framework on the criminalization of femicide in order to highlight the critical need for a more coherent and comprehensive definition. This analysis also explores recent legislative developments in the Republic of Moldova in order to formulate recommendations for improving both the national legislative framework and national judicial practice in this area with the aim of preventing femicide.

Femicide is not just an isolated, individual tragedy; it reflects the existence of broader structural inequalities and serious systemic problems in ensuring adequate protection of women's rights. Although gender-based violence is recognized in several international instruments, such as the UN Convention on the Elimination of All

Forms of Discrimination against Women (CEDAW)[1] and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention),[2] significant gaps still remain in the protection of women and the prosecution of these cases.

International law does not currently contain specific provisions recognizing and criminalizing femicide, so that various definitions of the phenomenon have been formulated, different forms of criminalization have been established, and inconsistent enforcement mechanisms have been put in place in national jurisdictions. Initiatives such as the Belem do Para Convention in Latin America and the Istanbul Convention in Europe have enabled some progress in addressing various forms of violence against women. However, these conventions cover a limited regionally area of application and are not binding on all countries worldwide.

A comparative analysis reveals that some countries in Latin America have adopted national legislation specifically regulating femicide, with the study providing valuable information on models of criminalization that can serve as examples of best practices. However, the application of these laws varies significantly and many challenges remain due to institutional reluctance and lack of awareness. In contrast, other regions, including the Middle East, Africa, Asia, and some European countries, do not have binding legal provisions criminalizing femicide.

The absence of regulations on femicide in international law could be considered a failure of the global community, while the explicit recognition of femicide as a distinct crime in international law (particularly in international criminal law) could highlight more strongly

[1] United Nations Convention No. 115 of 18 December 1979 on the Elimination of All Forms of Discrimination against Women, https://www.legis.md/cautare/getResults?doc_id=115575&lang=ro

[2] Council of Europe Convention on preventing and combating violence against women and domestic violence, adopted in Istanbul on May 11, 2011, https://rm.coe.int/168046253e

the seriousness of this crime and the systemic deficiencies that make it possible.

A binding international legal framework would provide uniform standards, facilitate international cooperation, and ensure the accountability of perpetrators. Such a framework would improve prevention measures, strengthen prosecution efforts, and ensure adequate support for surviving victims and their families. Given the serious consequences of femicide, the appropriate criminalization of these acts is essential in the global fight against gender-based violence. Ultimately, femicide is relevant in international law because gender-based violence is deeply rooted in the shared historical experience of women's oppression. By establishing clear and binding commitments for all states, an international legal framework would promote a more uniform and effective response to femicide globally, which is a crucial step toward achieving gender equality and protecting the lives of women around the world.

However, in recent decades, international recognition of femicide as a distinct and extreme form of gender-based violence (GBV) has become a broad process and has advanced significantly. The phenomenon, broadly defined as the intentional killing of women and girls because they are women, represents the culmination of a continuum of violence and discrimination. Globally, violence against women (VAW) remains at dangerously high levels, and femicide is the most brutal manifestation of this phenomenon, reflecting structural inequalities of power between the sexes [4].

In the context of this grim reality, several countries, particularly in Latin America, have begun to adopt specific legislation to define and punish femicide as a distinct crime in their criminal codes [5]. This legislative trend raises pertinent questions about the legal conceptualization of femicide, the effectiveness of such laws, and the potential challenges in their implementation.

The Women's Law Center (CDF) has consistently advocated for the recognition of femicide at the national level. Thus, in 2019, for the first time, the National Study on Femicide Cases in the Republic of Moldova[3] was developed, which addressed the particularities of femicide in the country, analyzed cases of murder of women between 2016 and 2019, and formulated recommendations to improve institutional mechanisms for responding to cases of gender-based violence and domestic violence.

A major step forward at the national level was taken with the ratification of the Istanbul Convention through Law No. 144 of October 14, 2021[4]. Through this exercise, the Republic of Moldova demonstrated the importance it attaches to preventing and combating violence against women and domestic violence and its firm commitment to taking the necessary measures in this regard.

In order to prevent the risk of lethality, by Joint Order[5] of the Ministry of Internal Affairs, the Ministry of Justice, the General Prosecutor's Office, the Ministry of Health, the Ministry of Labor and Social Protection, the Ministry of Education and Research No. 89/22/172/56/20/121 of 28.02.2022, a mechanism was established for monitoring and analyzing cases of domestic violence resulting in death or serious bodily harm to victims. To implement this mechanism, ***a Commission for Monitoring and Analyzing Cases of Domestic Violence Resulting in Death or Serious Bodily Injury to Victims*** (*hereinafter* referred to as the Commission) was established. The new entity has established a mechanism for intersectoral cooperation consisting of representatives of authori-

[3] National Study on Femicide Cases in the Republic of Moldova, CDF 2019. Available at: https://cdf.md/wp-content/uploads/2022/02/Studiul-national-de-analiza-a-cazurilor-de-femicid.pdf

[4] Law No. 144 on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence of 14.10.2021. Available at: www.legis.md/cautare/getResults?doc_id=128240&lang=ro

[5] Joint Order of the Ministry of Internal Affairs, Ministry of Justice, General Prosecutor's Office, Ministry of Health, Ministry of Labor and Social Protection, Ministry of Education and Research No. 89/22/172/56/20/121 of February 28, 2022. Available at: https://www.legis.md/cautare/getResults?doc_id=149337&lang=ro

ties and institutions with powers to prevent and combat domestic violence, non-commercial organizations, service providers in the field of preventing and combating domestic violence and violence against women, as well as development partners. The case analysis reports prepared by the Commission in 2023 and 2024, with the support of the Women's Law Centre and the UN Women Office in Moldova, separately explore cases of femicide committed as a result of domestic violence, thus confirming the alarming figures mentioned above. Accordingly, in 2022[6] 24 women were recorded as victims, and in 2023, another 21 women were killed in their shared homes[7].

On October 26, 2023, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) adopted the Evaluation Report on legislative and other measures taken at the national level to implement the provisions of the Istanbul Convention[8]. This document is the result of the first (baseline) evaluation conducted in relation to the Republic of Moldova. The baseline assessment focuses on measures taken in relation to „all forms of violence against women, including domestic violence, which disproportionately affect women," while also including the experts' conclusions and recommendations. In this context, GREVIO strongly encourages the authorities of the Republic of Moldova to improve the implementation of the Istanbul Convention with regard to the prevention of all forms of violence against women covered by this international act.

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6 Analysis report on cases examined by the Commission for Monitoring and Analysis of Cases of Domestic Violence Resulting in Death or Serious Injury bodily integrity of victims in 2022. Available at: https://cdf.md/wp-content/uploads/2023/08/raport-letalitate-ro-final-2.pdf

7 Analysis report on cases examined by the Commission for Monitoring and Analysis of Cases of Domestic Violence Resulting in Death or Serious Injury to the physical integrity of victims in 2023. Available at: https://cdf.md/wp-content/uploads/2024/10/raport-letalitate-2023.pdf

8 GREVIO baseline assessment report on the Republic of Moldova, published on November 14, 2023. Available at: https://social.gov.md/wp-content/uploads/2023/12/GREVIO-final-_report_RO_2023.pdf

In mid-April 2024, public opinion in the Republic of Moldova was shaken by the brutal murder of Ana-Maria Guja, a 19-year-old woman from Orhei. The case was even more shocking because at the time of the crime she was six months pregnant. On April 29, 2024, the Women's Law Center launched a public appeal calling for the introduction of the concept of femicide into Moldovan legislation. The initiative was signed by over 1,500 people and supported by 160 civil society organizations[9]. Following the appeal, the Vice-President of Parliament Doina Gherman initiated the respective bill. Thus, through Law No. 231 of July 31, 2024[10] amending Law No. 45 of March 1, 2007 on preventing and combating domestic violence (in force since August 15, 2024), the term „violence against women" was introduced into the text of Law No. 45 of March 1, 2007, and the concept of **femicide** was defined in national legislation for the first time. According to the text of the law, the concept of femicide is defined as an act of violence against women, including girls, which results in the death of the victim, as a result of the crime of intentional homicide or the crime of intentional serious bodily harm or injury to health, or the crime of domestic violence, or the suicide of the victim, as a result of incitement or facilitation thereof or as a result of domestic violence, committed for reasons of gender-based prejudice.

In the next stage, through Law No. 252 of July 10, 2025[11], the General Part of the Criminal Code of the Republic of Moldova was supplemented with Article 134[27] "Femicide". In the context of the

[9] Public appeal: We demand recognition of the concept of „femicide" in Moldovan legislation and diligent investigation of all cases of murder of women. Available: https://cdf.md/noutati/apel-public-cerem-recunoasterea-notiunii-de-femicid/

[10] Law No. 231 amending Law No. 45/2007 on the prevention and combating of domestic violence of 31.07.2024 Available at: https://www.legis.md/cautare/getResults?doc_id=144562&lang=ro

[11] Law No. 252 amending certain legislative acts of July 10, 2025 (will enter into force on February 14, 2026). Available at: https://www.legis.md/cautare/getResults?doc_id=150197&lang=ro

aforementioned provision, femicide is understood as an act of extreme violence against women, committed on the basis of gender bias, which caused the death of the victim.

The introduction of the concept of femicide into the Criminal Code recognizes at the legislative level the most extreme form of gender-based violence, and this step aligns national legislation with international best practices and standards and directly responds to the recommendations of human rights monitoring bodies. The proposed definition is complex and adequately reflects the criminological reality in the Republic of Moldova.

The new provision is designed to ensure seamless integration into the existing architecture of the Criminal Code without generating conflicts: Article 134[27] provides a **legal definition** in the General Part of the Code that **uses and builds on the existing concept** of "motives of prejudice," specifying that the acts are committed for "motives of gender prejudice."

This study aims to provide a detailed analysis, from a legal and comparative perspective, of the situation in this area in countries that have criminalized femicide in their national legislation, but also to monitor the practice of legal classification of acts of femicide in the Republic of Moldova in order to support efforts to prevent this phenomenon.

The objective of the Study is to examine how femicide is criminalized and differentiated from the crime of murder in general; to identify states with such legal provisions; to analyze the specific content of these norms; to compare the legislative approaches of these states; to explore the case law of the European Court of Human Rights in cases of femicide and the challenges related to the practical application and effectiveness of these norms in order to formulate recommendations both on the criminalization of

femicide and on the practice of law enforcement agencies and accountability for such acts. The study will also review the main international and regional legal instruments that address femicide and encourage or oblige states to take measures, including through criminalization.

The methodology used includes an analysis of reports prepared by United Nations agencies (UN Women, UNODC, WHO) and regional organizations (Council of Europe, Organization of American States), specialized academic publications, and relevant national legislation.

I DEFINITION OF FEMICIDE AT THE INTERNATIONAL LEVEL

A. Evolutionary milestones of the concept of femicide

Understanding femicide requires establishing a clear conceptual framework that facilitates the distinction and classification of this crime in relation to general homicide.

Femicide is defined as the killing of a woman or girl because of her gender and can take various forms: the killing of women as a result of intimate partner violence, torture, and misogynistic killings of women. The international classification of crimes provided by the United Nations Office on Drugs and Crime (UNODC) defines femicide as the intentional killing of a woman for misogynistic or gender-based reasons.

The UN Vienna Declaration on Femicide[12] reveals that "femicide is expressed through the killing of women or girls because of their gender," specifying that the phenomenon can manifest itself in the following forms: 1) killing resulting from domestic violence/intimate partner violence; 2) torture or misogynistic killing of a woman; 3) killing of women in the name of honor; 4) targeted killing of women in armed conflict; 5) killing of women related to dowry; 6) killing of women because of their sexual orientation and gender identity; 7) killing of indigenous and aboriginal women and girls because

[12] Vienna Declaration on Femicide.
Available at: https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_22/_E-CN15-2013-NGO1/E-CN15-2013-NGO1_E.pdf

of their gender; 8) female infanticide and foeticide (gender selection of the sex of the foetus); 9) death as a result of female genital mutilation; 10) murder on charges of witchcraft; 11) other forms of femicide related to organised crime, drugs, human trafficking and arms trafficking.

UNODC emphasizes that the intentional killing of female victims by intimate partners or family members is the most common form of femicide. According to data from the Global Study on Homicide (UNODC, 2020), homicides in the private sphere affect both sexes, but the proportion of women killed by intimate partners or other family members is much higher, representing approximately 6 out of 10 people. The home remains the most dangerous place for women, who continue to bear the heaviest burden of this phenomenon, becoming victims and even losing their lives as a result of gender inequality and stereotypes. The killing of women and girls by intimate partners or other family members, those whom they would normally expect to trust, is one of the most extreme manifestations of gender-based violence. Such crimes are often the culmination of previous experiences of gender-based violence, which can include psychological, spiritual, sexual, and physical violence.

According to the same study (UNODC, 2020), it is vital to recognize that women are often victims of violence not only in the private sphere, but also in many other contexts, which highlights the need for comprehensive protection measures for women that go beyond domestic violence prevention and include protection against all forms of aggression, whether the danger of such aggression comes from family members or other individuals/sources. It is crucial to address the gender inequality and stereotypes that fuel the phenomenon by ensuring that the protection offered to women covers all environments in which they may be vulnerable to violence. Thus, it is necessary to expand the scope of legislative

regulation and implement effective programs that protect women in a wide range of situations, reaffirming society's commitment to combating gender-based violence in all its forms.

In 2022, estimates showed that over 89,000 women were killed for gender-related reasons, of which 48,800 were killed by their intimate partner or other family members, with this figure reaching 2,600 in Europe alone[13]. However, the actual number of victims is much higher, as orphaned children, grieving parents, brothers, and sisters are rarely considered direct victims. Gaps in legislation regarding the legal classification of femicide restrict their access to justice, resulting in the neglect of family members of femicide victims. In fact, the lack of a comprehensive response to the phenomenon of femicide not only makes it difficult to effectively prevent and prosecute these crimes, but also essentially deprives surviving victims of the necessary support and exposes them to repeated victimization during the criminal proceedings.

After the phenomenon of femicide became an international concern, attempts were made to define the concept of femicide in certain international instruments:

- Resolution 1654 (2009) of the Council of Europe on femicide states that the act of femicide "constitutes the killing of a woman because she is a woman"[14]. This gender-related motivation is the key distinguishing feature and may be based on gender bias, constituting a distinct form of discrimination based on unequal power relations between men and women, harmful gender stereotypes, or social norms that tolerate violence against women.

[13] EIGE report.
Available at: https://eige.europa.eu/sites/default/files/documents/mh0922372enn.pdf

[14] Resolution 1654 (2009) on the murder of women.
Available at: https://pace.coe.int/en/files/17716/html

- The UN Vienna Declaration on Femicide, adopted on January 1, 2013, warns that "femicide is the killing of women or girls because of their gender."

We consider that **both definitions cover a sufficiently narrow scope**, as their text refers only to acts of homicide (killing), excluding serious bodily harm that may have caused death, incitement to suicide, or facilitation of suicide, etc.

Similar classifications are also formulated by the World Health Organization (WHO). At the same time, the WHO specifies that "femicide differs from male homicides in its own particularities. For example, most cases of femicide are committed by partners or former partners and involve ongoing domestic violence, threats or intimidation, sexual violence, or situations where women have less power or fewer resources than their partners."[15]

In recent years, femicide has been the subject of ongoing research, publications, and statements by UN entities and the Council of Europe. In this regard, the United Nations General Assembly has adopted several resolutions calling on member states "(...) to take measures to prevent acts of violence against women and girls, in particular gender-based crimes, to investigate these acts, to prosecute and punish the perpetrators, in accordance with their domestic law, and to take action at all levels **to end** these heinous crimes against women and girls (...)"[16].

By using the phrase *"put an end to,"* the UN imposes on member states the task of completely eradicating this phenomenon, so that the argument of opponents of the legal recognition of femicide

[15] Understanding and combating violence against women: health consequences https://iris.who.int/server/api/core/bitstreams/ad5c46a1-83ee-46c5-a406-9b652745c4ff/content

[16] Resolution „Taking action against the killing of women and girls based on gender" adopted by the UN General Assembly on December 18, 2013, https://undocs.org/en/A/RES/68/191: Resolution „Taking action against the killing of women and girls based on gender" adopted by the UN General Assembly on December 17, 2015, https://undocs.org/en/A/RES/70/176

(which will be described below), that the small number of victims of this crime does not dictate the need for separate punishment, is completely irrelevant.

In November 2015, the UN Special Rapporteur on violence against women, its causes and consequences, Dubravka Simonovic, urged all heads of state to focus on preventing femicide and gender-related crimes. On September 23, 2016, the official presented to the UN General Assembly the report "Modalities to establish watch panels for femicide/gender-related killings"[17] and recommended the establishment of "femicide watch panels" globally. The document proposed disaggregating data on femicide from general homicide data and including acts of femicide committed by intimate partners or family members, as well as other forms of femicide. In May 2017, a prototype of such an "femicide watch panel" was presented at the 26th session of the UN Commission on Crime Prevention and Criminal Justice in Vienna, Austria.

The use of the term femicide (or feminicide) is also evolving within the Council of Europe and the European Union. For example, in a report published in 2014, the European Parliament's Committee on Women's Rights and Gender Equality calls on *"Member States to legally classify any gender-based killing of women as 'femicide' and to develop a legal framework aimed at eradicating this phenomenon"*[18].

In Europe, the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), whose objective is "the protection of women against all forms of violence," establishes differentiated treatment

[17] Report on the creation of a Femicide Watch in each country. https://agendaforhumanity.org/sites/default/files/Femicide-Volume-VII-Establishing-a-Femicide-Watch-in-Every-Country_0.pdf

[18] Report of the European Parliament's Committee on Women's Rights and Gender Equality with recommendations to the Commission on combating violence against women, January 31, 2014, A7-0075/2014. Available at: https://www.europarl.europa.eu/doceo/document) /A-7-2014-0075_EN.html

for crimes against women. The document defines and criminalises various forms of violence against women (including domestic violence) and **calls on states to introduce new offences where appropriate**. However, it should be noted that the text of the Istanbul Convention does not specifically address the issue of femicide, as this phenomenon is included in the more general term of violence against women.

The European Court of Human Rights (ECtHR) used the concept of femicide in 2017 in a judgment condemning Italy in a case of domestic violence[19]. The ECtHR considered that "the applicant had presented *prima facie* evidence supported by indisputable statistical data showing, on the one hand, that domestic violence mainly affects women and that, despite the reforms undertaken, a large number of women are killed by their partner or former partner (femicide) and, on the other hand, that sociocultural attitudes of tolerance towards domestic violence persist."

The term "femicide" was popularized in academic and activist discourse by Diana Russell in 1976, who initially defined it as "the misogynistic killing of women by men," thus highlighting the deeply sexist motivation behind these acts.[3] Subsequently, the definition evolved to include "the killing of women by men *because they are women*," thus emphasizing hatred, contempt, pleasure, or feelings of ownership over women as possible motivations. Although, according to the fundamental concept, in cases of **"femicide"** the perpetrators are predominantly men, the definition does not exclude cases in which women commit or facilitate the killing of other women if their actions are motivated by misogyny.[9] Current debates are exploring the inclusion of transgender victims and non-binary in the concept of femicide, thus reflecting a more flexible understanding of gender.[10]

[19] Judgment of the European Court of Human Rights in the case of Talpis v. Italy of 02.03.2017. Available at: https://hudoc.echr.coe.int/fre? i=001-171508

At the same time, we note that in 2024 the European Parliament adopted the first European Directive on combating violence against women and domestic violence[20], which, although it does not explicitly regulate the concept of femicide, it emphasizes prevention measures and requires Member States to recognize certain aggravating circumstances in national criminal law (such as repeated acts of violence against women or violence resulting in the death of the victim), all of which are essential measures in preventing and responding to femicide.

It is crucial to understand that femicide is not an isolated act, but often represents the culmination and most extreme point of a *continuum of violence* against women, which can include verbal, psychological, physical, and sexual abuse, harassment, coercive control, and other forms of terror[21].

International organizations have contributed to the classification of different types of femicide. The UN Vienna Declaration on Femicide and the classifications proposed by the European Institute for Gender Equality (EIGE) identify multiple contexts and forms of the phenomenon, including:

- **intimate femicide:** killing by an intimate partner (current or former), the most common form
- **non-intimate femicide:** killing by a person without an intimate relationship with the victim (e.g., in the context of sexual violence committed by a stranger, organized crime, human trafficking)
- **family femicide:** killing by other family members (father, brother, uncle, etc.)

[20] EU Directive 2024/1385 on combating violence against women and domestic violence of 14 May 2024. Available at: http://data.europa.eu/eli/dir/2024/1385/oj

[21] Measuring femicide in Romania – European Institute for Gender Equality (EIGE). Available at: https://eige.europa.eu/sites/default/files/documents/20211582_pdf_mh0221349ron_002.pdf

- **crimes committed in the name of "honor" ("honor killings"):** the killing of a woman or girl by family members for an alleged sexual or behavioural transgression
- **dowry-related crimes:** the killing of women or girls in connection with disputes over dowries
- **femicide in armed conflict:** the targeted killing of women and girls
- **femicide related to sexual orientation or gender identity:** the killing of lesbian, bisexual, and transgender women
- **racist or indigenous-related femicide:** the killing of women from specific racial or indigenous groups because of their gender
- **femicide related to harmful practices:** deaths resulting from female genital mutilation (FGM), unsafe abortions
- **other forms:** female infanticide, selective sex-based feticide, crimes related to accusations of witchcraft, organized crime, drug/human trafficking.

B. Criminalization of femicide in the legislation of other countries

Latin American countries have opted for a qualitatively different approach. This involves the separate criminalization of femicide. In this context, in Resolution No. 68/191 of December 18, 2013, the UN General Assembly noted that "the killing of women and girls based on gender has been criminalized in some countries as 'femicide' and has been incorporated as such into the national legislation of those states".[22]

Indeed, due to the high number of women killed and in response to internal and external pressure, in the second half of the 1990s several Latin American countries began to adopt punitive

[22] Resolution No. 68/191 of the UN General Assembly of 18.12.2013. Available at: https://docs.un.org/en/a/res/68/191?utm_source=chatgpt.com

measures aimed at preventing and combating violence against women. Thus, a significant number of countries have introduced the crime of femicide or feminicide into their criminal codes or special laws in response to increased rates of violence against women and under the influence of regional legal instruments[23]. By 2022-2023, at least 18 countries in Latin America have adopted such laws: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela. In some of these countries, **criminal law has a separate section dedicated to the crime of femicide**.

For example, in **the Criminal Code of the Republic of Chile**, Title 8 "Crimes and Offenses Against Persons" contains §1 bis "Femicide." The following three articles are particularly relevant in this paragraph[24]:

- **Article 390 bis** – "A man who kills a woman with whom he is or has been in a marriage or cohabitation relationship, or with whom he has or has had a child, shall be punished with life imprisonment. The same punishment shall apply to a man who kills a woman because he has or had a romantic or sexual relationship with her without living together."
- **Article 390 (3)** – "A man who kills a woman because of her gender shall be punished with life imprisonment. A gender-based motive shall be deemed to exist when the death occurs in any of the following circumstances: 1. as a result of the refusal to establish a romantic or sexual relationship with the perpetrator; 2. as a result of the victim's engagement in prostitution or other occupations or professions of a sexual nature; 3. after the victim has

[23] Femicidal Violence in Figures: Latin America and the Caribbean, No. 1 – Cepal. Available at: https://repositorio.cepal.org/server/api/core/bitstreams/db4952b8-c45f-4c9e-8a6a-3fb92004c32d/content

[24] Brânză S., Stati V., „Femicide viewed through the prism of the criminal law of the Republic of Moldova," report presented at the International Scientific Conference „Preventing and Combating Domestic Violence" organized in 2023

been subjected to sexual violence of any kind [...]; 4. because of the victim's sexual orientation, gender identity, or gender expression; 5. in circumstances of obvious subordination conditioned by unequal power relations between the perpetrator and the victim, or for an obvious reason of discrimination."

- **Art. 390 (4)** – "The following are considered aggravating circumstances of the crime of femicide: 1. the fact that the victim was pregnant; 2. the victim was either under the age of eighteen, elderly, or suffered from a disability [...]; 3. the crime was committed in the presence of the victim's ascendants or descendants; 4. the commission of the crime in the context of physical or psychological violence that the perpetrator habitually inflicts on the victim."

The above analysis shows that in Latin America, in particular, the term "feminicide" *(feminicidio)* has also developed, which, in addition to the act of killing, often emphasizes the responsibility and impunity of the state, as well as the structural and social factors that allow and perpetuate such crimes[25]. However, in many legislative contexts, the terms "femicide" and "feminicide" are used interchangeably to refer to the gender-based killing of a woman.[26]

Latin American countries where femicide is covered by a separate article in criminal law

For example, Article 252 bis of **the Bolivian Criminal Code** provides: "Anyone who kills a woman in any of the following circumstances shall be punished with imprisonment for a term of thirty years without the right to pardon: 1. the perpetrator is or was the victim's spouse or partner, is or was linked to her by a similar re-

[25] Femicide or feminicide, accessed on April 14, 2025. Available: https://fspeel.org/wp-content/uploads/2020/11/PIVPNewsletter-Vol3Iss4_March2019.pdf

[26] Femicidal Violence in Figures: Latin America and the Caribbean, No.1 - Cepal, accessed on April 14, 2025. Available at: https://repositorio.cepal.org/server/api/core/bitstreams/db4952b8-c45f-4c9e-8a6a-3fb92004c32d/content

lationship of affection or intimacy, even without living together; 2. because the victim refused to enter into a relationship of marriage, partnership, affection, or intimacy with the perpetrator; 3. because the victim is pregnant; 4. the victim is in a situation or relationship of subordination or dependence on the perpetrator or is in a work relationship or corporate relationship with him; 5. the victim is in a situation of vulnerability; 6. before being killed, the woman was subjected to physical, psychological, sexual, or economic violence by the same perpetrator; 7. a crime against physical or sexual freedom was previously committed; 8. the victim's death is related to human trafficking or migrant smuggling; 9. the victim's death is the result of rituals, group challenges, or cultural practices.

In the same context, Article 108-B of **the Criminal Code of the Republic of Peru** stipulates: "Anyone who kills a woman because of her status as such, in any of the following circumstances, shall be punished with imprisonment of at least twenty years: 1. domestic violence; 2. coercion, harassment [non-sexual] or sexual harassment; 3. abuse of power or trust or any other position or relationship that confers authority on the perpetrator; 4. any form of discrimination against women, regardless of whether there is or was a marital or cohabiting relationship with the perpetrator. The custodial sentence may not be less than thirty years when any of the following aggravating circumstances are present: 1. if the victim was a minor or an elderly person; 2. if the victim was pregnant; 3. if the victim was in the care or responsibility of the perpetrator; 4. if the victim had previously been subjected to rape or mutilation; 5. if, at the time of the offence, the victim suffered from any type of disability; 6. if the victim was trafficked or exploited in any way; 7. if any of the aggravating circumstances set out in Article 108^2 were present; 8. if, at the time of the crime, a child or adolescent was present.

Similarly, Article 325 of the **Federal Criminal Code of the United Mexican States** establishes: "Anyone who takes the life of a

woman for gender-related reasons commits the crime of femicide. Gender-based motives are considered to exist when any of the following circumstances are present: I. the victim shows signs of sexual violence of any kind; II. the victim has been subjected to inhuman or degrading injuries or mutilations before or after being deprived of life, or acts of necrophilia have been committed on the victim's corpse; III. there is a history of violence of any kind in the family, work, or school environment, perpetrated by the perpetrator against the victim; IV. there was a romantic, emotional, or trusting relationship between the perpetrator and the victim; V. there is evidence of threats, harassment, or harm related to the criminal act committed by the perpetrator against the victim; VI. the victim was deprived of liberty before being deprived of life, regardless of the duration of the deprivation of liberty; VII. the victim's corpse is exposed in a public place. Anyone who commits the crime of femicide shall be punished with imprisonment of forty to sixty years and shall pay a sum corresponding to 500-1000 days' fines. In addition to the penalties described in this article, the perpetrator shall lose all rights in relation to the victim, including inheritance rights [...]".

Last but not least, Article 104A of **the Criminal Code of the Republic of Colombia** states: "Anyone who causes the death of a woman precisely because she is a woman, or for reasons of gender identity, or where any of the following circumstances exist or have existed, shall be punished with imprisonment for a term of two hundred and fifty to five hundred months: a) has or had a family, intimate or cohabiting relationship, friendship, corporate or work relationship with the victim, and committed numerous acts of physical, sexual, psychological or patrimonial violence that preceded the crime against her; b) they use sexual violence against the victim or commit acts of oppression and control over the victim's vital decisions and sexuality; c) they commit the crime by taking advantage of the authority they exercise over women, expressed in person-

al, economic, sexual, military, political, or sociocultural hierarchy; d) commits the crime to generate terror or humiliation to anyone considered hostile; e) there is a history or evidence of either violence or threats of any kind in the home, family, work or school environment, perpetrated by the perpetrator against the victim, or of gender-based violence perpetrated by the perpetrator against the victim, regardless of whether the act was reported or not; f) the victim was deprived of liberty before being deprived of life, regardless of the duration of the deprivation of liberty.

The practice of Latin American countries where femicide is considered an aggravating circumstance of murder

For example, Article 312(8) of **the Criminal Code of Uruguay** provides: "Imprisonment for a term of fifteen to thirty years shall be imposed when the murder is committed: [...] against a woman on grounds of hatred or contempt, because of her status as such."

In the same context, Article 80(11) of **the Criminal Code of the Argentine Republic** stipulates: "Life imprisonment shall be imposed [...] on those who kill: [...] a woman when the act is committed by a man, if there is gender-based violence."

Finally, **some countries have implemented special laws that contain provisions criminalizing femicide** (e.g., Article 6 of the Law of the Republic of Guatemala against Femicide and Other Forms of Violence against Women, Article 21 of the Law of the Republic of Costa Rica on the Criminalization of Violence against Women).

The practice of European states that have recognized femicide in their national legislation

In **Europe**, until 2021, no EU Member State had enshrined a definition of femicide in its legislation[27]. However, in recent years, several European countries have introduced specific legislation[28]. Legislative approaches to punishing killings committed in the context of gender-based violence vary significantly, but at the same time, there is a lack of terminological unanimity regarding the distinct criminalization of femicide. For example, in **Spain**, although the Criminal Code does not provide for a separate offense called femicide, Organic Law No. 1/2004 on comprehensive protection measures against gender-based violence introduced specific aggravating circumstances for crimes of homicide or murder committed against a partner or ex-partner, reflecting a legal recognition of the structural nature of gender-based violence (against a partner/ex-partner)[29].

Italy has adopted a similar approach by providing in its criminal law for aggravating circumstances associated with the couple relationship, as well as abject or futile motives, applicable in cases of homicide that have the characteristics or specificity of femicide. In addition, in 2024, the Italian authorities initiated parliamentary debates on a bill dedicated to the explicit criminalization of femicide[30], suggesting a trend towards regulatory consolidation in this direction.

In contrast, **France**, despite a public climate marked by intense debate on the subject of femicide, has not introduced the term into its Criminal Code. The main argument put forward by the French

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[27] Medico-legal recommendations to fight the silent war of femicide in Europe. Available: https://pmc.ncbi.nlm.nih.gov/articles/PMC11445776/

[28] Vieru V., Criminalization of femicide in comparative criminal law: a global analysis of specific legislation, Chișinău, 2024

[29] Organic Law 1/2004, of December 28, on Comprehensive Protection Measures against Gender Violence. - BOE.es.
Available at: https://www.boe.es/buscar/pdf/2004/BOE-A-2004-21760-consolidado.pdf

[30] 17th Legislature – Dossier No. 29 - Senate.
Available at: https://www.senato.it/japp/bgt/showdoc/17/DOSSIER/750635/index.html?part=dossier_dossier1-sezione_sezione2-h3_h31

authorities is that the existing legal framework, which includes aggravating circumstances such as the killing of a partner or former partner, premeditation, and cruelty, is sufficient to cover the seriousness of such acts from a legal point of view[31].

However, several European countries have chosen a different approach and decided to criminalize femicide by introducing the necessary rules into legislation and providing for distinct sanctions and penalties for such actions. Each country has identified its own forms for this exercise; thus, **Malta** (2022) introduced femicide not as a separate crime, but as a sentencing guideline, requiring courts to take gender motives into account when determining the sentence for murder[32]. In **Cyprus** (2022), legislation on violence against women was amended to include the crime of femicide, punishable by life imprisonment[33]. **Croatia** (2024) amended its Criminal Code to include the crime of "aggravated murder of a female person," which is expressly recognized as a gender-based crime[34]. In **Belgium** (2023), a framework law ("Stop Femicide") was adopted that defines femicide and establishes prevention and data collection measures, but at present, the country does not have included a separate offense in the Criminal Codel[35]. In **North Macedonia** (2023), the Criminal Code was amended to define the killing of a woman or girl in the context of gender-based violence as aggravated murder[36]. Below we present a more detailed analysis of how femicide is criminalized in European countries.

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[31] What is the legal status of femicide in French law? Available at: https://www.doc-du-juriste.com/blog/actualites-droit/feminicide-droit-francais-07-10-2024.html

[32] ACT No. X of 2022 – LEĠIŻLAZZJONI MALTA. Available at: https://legislation.mt/eli/act/2022/10/eng

[33] Country profile for Cyprus | European Institute for Gender Equality. Available at: https://eige.europa.eu/gender-basedviolence/countries/cyprus?language_content_entity=en

[34] Femicide as a Separate Criminal Offense: A Milestone in Croatia.
Available at: https://wave-network.org/femicide-criminal-offense-croatia/

[35] Royal Decree of 26/04/2024 creating a scientific committee for the analysis of feminicides and gender-related homicides – Etaamb. Available at: https://etaamb.openjustice.be/fr/arrete-royal-du-26-avril-2024_n2024005020.html

[36] ЛДБИС review of the law – ed. no. 36 / 17.02.2023, effective as of 25.02.2023, text of the Law on the amendment and supplementation of the Criminal Code of the Republic of North Macedonia. Available: https://ldbis.pravda.gov.mk/PregledNaZakon.aspx?id=62139&utm_source.
Disponibil: https://ldbis.pravda.gov.mk/PregledNaZakon.aspx?id=62139&utm_source

In **Malta**, the criminalization of femicide was introduced into the Criminal Code (Art. 211A) through a law adopted in 2022. The Maltese approach is distinct from that of other states in that it does not establish a separate offense of femicide, but rather introduces Article 211A as a *sentencing guideline* stipulating that, upon convicting a person for the intentional killing or attempted intentional killing of a female person, the court must, in determining the sentence, give due consideration to whether the murder or attempted murder: (a) was the result of violence committed by an intimate partner (current or former) or a family member; (b) was gender-based; (c) was committed for reasons of so-called honor; or (d) was committed as a result of harmful practices[37]. The law also had the effect of rendering inapplicable the defence based on "crime of passion" (previously provided for in Article 227) in cases of femicide. Unlike the Criminal Code of the Republic of Moldova, Article 211A of the Criminal Code of Malta does not establish a separate penalty, but guides the court in the process of individualising the penalty for murder/attempted murder. The legislator's intention seems to be to encourage the application of more severe penalties in cases with characteristics of femicide, possibly even the maximum penalty provided for in the Criminal Code for murder[38].

In **Cyprus**, the Prevention and Combating of Violence against Women and Domestic Violence and Related Matters Law of 2021 was amended by Law 117(I)/2022 to include the crime of femicide. Until 2021, the Cypriot Criminal Code did not contain a definition of femicide, with such cases being classified as intentional homicide (Article 203) or manslaughter (Article 205). Following the entry into force of the new amendments, this law defines simple femicide as follows: "A person who, by an unlawful act or omission, causes the

[37] ACT No. X of 2022 - LEĠIŻLAZZJONI MALTA. Available at: https://legislation.mt/eli/act/2022/10/eng

[38] Vieru V., Criminalization of femicide in comparative criminal law: a global analysis of specific legislation, Chișinău, 2024

death of a woman, is guilty of the crime of femicide"[39]. The special law refers to Article 233A of the Cyprus Criminal Code, also specifying that in the process of examining the act of femicide, the court must take into account certain aggravating factors when determining the sentence, including whether the act was committed in the context of domestic violence, for reasons of "honor," in connection with gender motivation, gender identity, sexual orientation, or religion. Acts of femicide are punishable in Cyprus by life imprisonment.

Amendments were made to the **Croatian** Criminal Code, which came into force on April 2, 2024. The Code was supplemented by the introduction of a specific article referring to "Teško ubojstvo ženske osobe" **(aggravated murder of a female person)**, the act being expressly classified as a gender-based crime. This wording reflects an explicit recognition of the structural dimension of violence against women, in line with international human rights standards. An analysis of **the objective aspect** of the crime of **"aggravated murder of a female person"** reveals a number of specific circumstances that must be taken into account in the process of legal classification/qualification of the act. These include: committing the crime against a close person (family member, intimate partner), a person previously abused by the perpetrator, a vulnerable person (due to age, disability, pregnancy, etc.), a person in a relationship of subordination or dependence, committing the crime in circumstances of sexual violence, or because of relationships that subject women to unequal positions or other circumstances indicating gender-based violence. Although **the applicable penalty** is not determined absolutely, according to Article 111(a) of the Croatian Criminal Code, the penalty for this crime may be imprisonment for a term of 10 years or longer. The legal classification

[39] Country profile for Cyprus | European Institute for Gender Equality. Available at: https://eige.europa.eu/gender-based-violence/countries/cyprus?language_content_entity=en

of the act as “aggravated murder” implies, by its nature, a more severe penalty regime than that applicable to simple murder. In addition, **gender-based violence** is recognized as a **general aggravating circumstance** in the individualization of punishment, in situations where it is not already integrated into a criminal offense with a harsher penalty.

In **Belgium**, the Framework Law on the Prevention and Combating of Femicide, Gender-Based Homicide, and Forms of Violence Preceding Them of July 13, 2023, does not introduce a new criminal offense into the Criminal Code, but establishes a comprehensive regulatory framework focused on prevention, conceptual recognition, and institutional intervention. This legislative act officially establishes, for the first time, a **legal definition of femicide** structured around four dimensions: intimate, non-intimate, indirect, and gender-based homicide. In addition, it explicitly addresses **precursor violence**, including the phenomenon of **coercive control**, which is in line with current approaches to the dynamics of gender-based violence[40].

A central element of the institutional architecture provided for by the aforementioned law is **the establishment of the Scientific Committee for the analysis of femicide and gender-based homicide** (Articles 11-14). The body’s role is to consolidate empirical knowledge of the phenomenon through the systematic analysis of individual cases and the institutional response, while also formulating **structural recommendations for prevention** and intervention **policies**.

The law pays particular attention **to victims’ rights** and the establishment of **appropriate protective measures**, without changing the criminal sanctions applicable to homicide offences. Thus, the

[40] Domestic violence: will „coercive control” soon be included in the Criminal Code? - Public Sénat.
Available at: https://www.publicsenat.fr/actualites/parlementaire/violences-conjugales-le-controle-coercitif-bientot-dans-le-code-penal

penalties for homicide or murder remain those provided for in the Belgian Criminal Code. However, **the legal recognition of femicide and institutionalized analysis mechanisms** can significantly influence the **way these cases are investigated, legally classified, and tried**, contributing to a better understanding of the systemic nature of violence against women and strengthening the state's response to this phenomenon.

In conclusion, the diversity of legal regulations on femicide reflects the plurality of approaches taken by states to criminalize and punish lethal gender-based violence. Some jurisdictions, such as Mexico, Colombia, El Salvador, Cyprus, and Croatia, have opted for **the autonomous criminalization of femicide**, thus giving it **increased legal and symbolic visibility** that recognizes the specificity of this form of violence and its structural nature. Other states, such as Argentina, have integrated femicide into crimes against life by specifying **aggravating circumstances**, thus avoiding the explicit stipulation of a new crime, but running the risk of **conceptually diluting** the distinct character of femicide.

Other models, such as **Malta's sentencing directive**, do not change the basic criminalization but provide **judicial guidance** for the application of more severe penalties in cases of gender-motivated homicide. Similarly, **the framework law adopted in Belgium** in 2023 focuses on **conceptual definition, prevention, and analysis of the phenomenon**, without introducing changes to the Criminal Code regarding the crime itself.

A cross-cutting element in these approaches is **the use of objective circumstances** to identify gender-based motivation in the commission of the crime. The laws of Mexico, El Salvador, Colombia, Croatia, Cyprus, and Malta explicitly provide for **factual indicators**, such as the existence of a close relationship between the perpetrator and the victim, a history of violence, sexual violence,

acts of control or domination, but also motivations related to "honor." These elements allow **the act to be legally classified as femicide** or influence **the individualisation of the punishment**, constituting a **pragmatic adaptation** to the difficulty of directly proving misogynistic intent.

By **transforming the subjective element** (gender-based motivation) into **a conclusion derived from objective circumstances**, legislators seek **to ensure the applicability of criminal law** in practice. These circumstances also reflect **recurring patterns identified in empirical research** on the causes and determinants of femicide.

II CHALLENGES IN IMPLEMENTING LEGISLATION ON FEMICIDE

The introduction of provisions on femicide into Law No. 45 of March 1, 2007, and into the Criminal Code represents significant progress for the Republic of Moldova in the legal recognition of lethal gender-based violence and in strengthening the state's response to this extreme form of violence against women. However, the existence of a formal regulatory framework does not, per se, guarantee the effectiveness of institutional intervention or a reduction in the incidence of such acts.

Thus, the actual implementation of the relevant norms faces several systemic, operational, and cultural challenges that can significantly limit the expected impact of the law. These include difficulties in identifying and proving gender-based motivation, insufficient specialized training of actors in the justice system, inconsistencies in the application of norms, and institutional barriers to the collection and use of relevant data. In addition, assessing the effectiveness of legislation can raise complex methodological and conceptual questions related to the definition of impact indicators, the correlation between legal interventions and the social dynamics of violence, and the capacity of the justice system to respond in a coherent and gender-sensitive manner.

This chapter analyzes the main obstacles identified in the implementation of legislation on femicide, highlights the tensions between normative intent and practical realities, and outlines the conditions necessary for the law to become an effective tool for the protection and justice of victims.

A. Obstacles at the stage of criminal prosecution and examination of the case in court

One of the most pressing challenges in applying femicide legislation is **proving gender bias**[41] as a defining element of the crime. Even in jurisdictions that rely on **objective circumstances** to infer the perpetrator's intent, establishing a **causal link between these circumstances and the gender bias motive** of the act remains difficult in the face of the criminal standard of "proof beyond a reasonable doubt." This difficulty necessitates **a paradigm shift in the prosecution and adjudication of cases** that goes beyond the mere finding of the act of murder and includes an analysis of the relational context, history of violence and coercive control, and manifestations of gender bias. Experts emphasise that "in order to identify gender-based motivation, a deep understanding of the dynamics of violence against women and the gender stereotypes that support it is necessary"[42].

An additional impediment relates to **legal interpretation in the application of the law and the prejudices of professionals in the justice system**. Patriarchal attitudes, lack of gender sensitivity, and misunderstanding of the specificity of femicide can result in **restrictive application of the law**, minimisation of the seriousness of the acts, or acceptance of unfounded defences. In Croatia, for example, negative reactions by some judges to the criminalization of femicide have been documented, as they consider it "discriminatory against men"[43].

In addition, **the risk of misclassification** is significant. Femicide cases may be classified as homicides without aggravating circum-

[41] Addressing Femicide Through International Criminal Law: The Need for a Binding Legal Framework. Available at: https://yjil.yale.edu/posts/2025-01-26-addressing-femicide-through-international-criminal-law-the-need-for-a-binding

[42] Trends in addressing femicide in the OSCE region. Available at: https://www.osce.org/files/f/documents/9/8/587250_0.pdf

[43] Femicide as a Separate Criminal Offense: A Milestone in Croatia, accessed on April 14, 2025. Available at: https://wave-network.org/femicide-criminal-offense-croatia/

stances, as negligent homicide, or even as suspicious suicides, in the absence of a thorough investigation to document the specific circumstances provided for by law[44]. A study conducted in Mexico estimated that "approximately 50% of femicide cases are misclassified as homicides"[45], which affects not only **the accuracy of official statistics**, but also **the correct application of sanctions**, contributing to **the perpetuation of the invisibility of the phenomenon**.

B. The persistent problem of impunity

One of the most persistent and systemic challenges in the effective enforcement of femicide legislation is the maintenance of high levels of impunity for violence against women in general and for femicide in particular. This phenomenon, although documented mainly in Latin America, is also attested in other regions of the world, suggesting a transnational problem of justice and accountability.

The functioning of the law is often undermined by the inability of the criminal justice system to respond promptly and effectively to cases of extreme violence. This includes deficiencies in the initial investigation, failure to prosecute suspects, and difficulties in obtaining convictions commensurate with the seriousness of the crimes. Thus, experts acknowledge that we have good laws on paper, but in practice, cases are stalled, trials are delayed, it is difficult to prove gender-based motives because the accused do not make statements, and in cases of femicide, there are usually few witnesses[46].

[44] Femicide laws are failing – Queen Mary University of London. Available: https://www.qmul.ac.uk/sbm/media/sbm/research/research-insights/Brief-3-Femicide-laws-are-failing.pdf

[45] Femicide laws are failing – Queen Mary University of London, accessed on April 14, 2025. Available at: https://www.qmul.ac.uk/sbm/media/sbm/research/research-insights/Brief-3-Femicide-laws-are-failing.pdf

[46] Conclusions of a focus group with specialists in the field organized by the Women's Law Center.

The causes of impunity are multiple and interconnected. These include institutional dysfunctions, insufficient human, financial, and technical resources, shortcomings in the training of law enforcement officers, as well as cultural barriers and entrenched social norms that justify and perpetuate tolerance of gender-based violence. Thus, practitioners recognize that there is a culture of distrust in the system, but also an institutional culture that trivializes violence against women, all of which is essentially a vicious circle.

Another structural factor contributing to impunity in cases of violence against women, including femicide, is the limited capacity of law enforcement agencies to handle the volume and complexity of cases. In the Republic of Moldova, for example, at the practical level, we are witnessing an acute staff crisis in some districts, where only two or three criminal investigation officers are responsible for all categories of criminal cases, and their workload is enormous. Obviously, in such situations it is physically impossible to investigate each criminal case effectively. This overload directly affects the system's ability to respond adequately to cases of gender-based violence, which require a sensitive, multidisciplinary, and prompt approach. This reality creates objective constraints on the quality of investigations.

Furthermore, there are shortcomings in the specialized training of some criminal investigation officers in terms of interviewing witnesses in a manner that allows for the identification of gender-based motives. This gap in professional training can result in the misclassification of facts, the omission of aggravating circumstances, and, ultimately, the undermining of law enforcement.

At the same time, the social perception that acts of violence against women are not adequately punished contributes to the erosion of the preventive effect of the law. This perception is fueled by statistical data indicating stagnation or even an increase in femicide

rates in certain states, despite the adoption of specialized legislative frameworks.

Thus, impunity is not only a failure to enforce the law, but also a symptom of a system that fails to respond coherently and effectively to gender-based violence. Combating this phenomenon requires integrated interventions that address both the institutional and cultural dimensions of impunity.

C. Shortcomings in data collection and monitoring difficulties

Rigorous assessment of the incidence of femicide and the impact of legislative interventions is deeply affected by systemic deficiencies in data collection, classification, and reporting. At the global and regional levels, including in Europe, the lack of standardized definitions and common data collection methodologies hinders the comparability of national statistics and compromises the ability to understand the scale and dynamics of the phenomenon. Thus, without comparable and disaggregated data, we risk fighting a problem that we cannot measure accurately.

In several countries, including the Republic of Moldova, data on femicide are not collected separately but are included in general homicide statistics. These are often insufficiently disaggregated, so they do not allow for the identification of the relationship between the victim and the perpetrator or the gender-based motivation[47].

[47] What is the legal status of femicide in French law? - Doc du Juriste, accessed on April 14, 2025.
Available: https://www.doc-du-juriste.com/blog/actualites-droit/feminicide-droit-francais-07-10-2024.html
Political and Preventable: Femicides in Europe and The Istanbul Convention – Politics4Her, accessed on April 14, 2025.
Available: https://www.politics4her.com/blog/political-and-preventablenbsp-femicides-in-europe-and-the-istanbul-convention

Currently, at the national level, official reports only mention the term “homicide” without specifying whether the victim was a woman, whether the perpetrator was her partner, or whether there was a gender-based motive, making it impossible to conduct a real analysis of femicide, Although there is a Commission for Monitoring and Analyzing Cases of Domestic Violence Resulting in Death or Serious Bodily Injury to Victims, which collects data on the causes of domestic violence resulting in death, this data is compiled manually by the police using a questionnaire. In addition, there is no standardized data, and the National Bureau of Statistics does not collect such information. Accordingly, there is a statistical void in the area of domestic violence in general and femicide in particular in particular, so that, in the opinion of the authors of this study, institutional efforts are needed to develop a system for targeted data collection, starting from the stage of alerting the police about a suspected case of domestic violence or femicide, with subsequent disaggregation and analysis. Based on the statistics obtained, the relevant authorities will be able to develop policies to combat the phenomenon, provide the necessary assistance to its victims, and plan effective interventions.

Even in cases where data is collected, there is still a risk of underreporting and significant gaps, particularly with regard to femicide offences committed outside the intimate sphere (when the perpetrators are not family members within the meaning of Article 1331of the Criminal Code). These cases, which are more difficult to identify and classify, often remain invisible in official statistics.

To address these challenges, international and regional bodies have initiated processes to harmonize and standardize data collection. The UN Statistical Framework for Measuring Gender-Related Killings of Women and Girls, developed by UNODC and UN Women, provides a common basis for defining and classifying femicide. In Europe, the European Institute for Gender Equality

(EIGE) and the Statistical Office of the European Union (Eurostat) are working together to develop comparable indicators and support Member States in strengthening their statistical capacities. However, even with international guidelines in place, their implementation depends on the political will and institutional capacity of each state. In Latin America, the Gender Equality Observatory of the Economic Commission for Latin America and the Caribbean (ECLAC) is an example of good practice in collecting and publishing data on femicide reported by states in the region. This regional model demonstrates that, with a common framework and sustained political commitment, it is possible to systematically monitor the phenomenon[48].

In conclusion, without reliable, disaggregated, and comparable data, public policies risk being reactive, fragmented, and ineffective. Strengthening the national statistical framework and aligning it with international standards is an essential condition for effectively preventing and combating femicide.

D. Evaluating effectiveness: limited evidence of a decline in femicide

The fundamental question that remains in the analysis of criminal policies on femicide is whether the introduction of specific laws actually contributes to reducing the incidence of these crimes. The empirical evidence available to date is limited and inconclusive, suggesting that the preventive impact of legislation itself is, at best, modest and conditioned by a number of structural and contextual factors.

Comparative studies, particularly those analyzing the experience in Mexico, where legislation on femicide has been adopted differentially at the federal state level, have found that the introduction

[48] Femicidal Violence in Figures: Latin America and the Caribbean, No. 2 - Cepal, accessed on April 14, 2025.
Available at: https://oig.cepal.org/sites/default/files/s2301023_en.pdf

of such norms has not led to a statistically significant reduction in femicide rates, homicides of women in general, or the number of missing women[49]. These results show that legislation, in the absence of effective implementation, does not automatically generate deterrent effects. Factors limiting regulatory effectiveness include the general level of violence in society, exacerbated in Mexico by the conflict over drug trafficking, and the persistence of impunity[50] and the lack of adequate resources for the criminal justice system[51].

In Europe, although some data indicate a slow decline in femicide rates in certain regions[52], this trend appears to be associated more with the widespread implementation of legislation and policies on domestic violence than with the existence of specific criminal laws on femicide, and the reduction in the phenomenon in question is not only the result of criminalisation, but also of prevention, protection, and early intervention efforts.

In conclusion, the effectiveness of laws on femicide cannot be assessed in isolation, but must be analyzed in conjunction with institutional capacity, the socio-political context, and the degree of integration of prevention and protection policies. Without a systemic and multisectoral approach, criminal legislation, although necessary, is not sufficient per se to reduce the incidence of femicide.

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[49] Addressing Femicide Through International Criminal Law: The Need for a Binding Legal Framework, accessed on April 14, 2025.
Available at: https://yjil.yale.edu/posts/2025-01-26-addressing-femicide-through-international-criminal-law-the-need-for-a-binding

[50] The causes of femicide in Latin America Celeste Saccomano – Institut Barcelona d'Estudis Internacionals, accessed on April 14, 2025.
Available: https://www.ibei.org/ibei_studentpaper24_71980.pdf,
Femicide laws are failing – School of Business and Management – Queen Mary University of London, accessed on April 14, 2025.
Available: https://www.qmul.ac.uk/sbm/research/research-insights/femicide-laws-are-failing/

[51] Vieru V., Criminalization of femicide in comparative criminal law: a global analysis of specific legislation, Chișinău, 2024

[52] Behind closed doors: the deadly reality of femicide – United Nations Western Europe – Unric, accessed on April 14, 2025.
Available at: https://unric.org/en/behind-closed-doors-the-deadly-reality-of-femicide/

III CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS IN CASES OF FEMICIDE

The following are the most relevant cases from the case law of the European Court of Human Rights dealing with domestic violence and violence against women and the failure of the authorities to prevent them, resulting in the murder of women or their children.

Kontrová v. Slovakia, May 31, 2007

The **Kontrová v. Slovakia** case is a case of femicide and is considered an important precedent in European case law on domestic violence and the failure of authorities to prevent crimes against women.

Over several years, the applicant was repeatedly subjected to domestic violence by her husband. In November 2002, she went to the police to report the violence and explicit death threats from her husband. The police refused to register the complaint and did not intervene. Two days later, her husband killed their two children and committed suicide. The Court found a violation of Article 2 of the European Convention on Human Rights (ECHR) because the police authorities failed to act, even though they were aware of the imminent danger, and their failure to intervene was considered a serious omission on the part of the authorities, who failed to prevent an act of domestic violence resulting in death. Although the applicant survived, the facts of the case constitute femicide, as there are clear elements of gender-based violence and control by the husband, with the authorities systematically ignoring the risk of

serious acts of violence, and the killing of the children occurred as a result of the dynamics of gender-based violence.

Opuz v. Turkey, June 9, 2009

In the case of **Opuz v. Turkey**, the applicant and her mother had been assaulted and threatened for many years by the applicant's husband. On numerous occasions, he had inflicted life-threatening injuries on them. With one exception, no criminal proceedings were brought against the aggressor because both women withdrew their complaints, even though they explained that they had done so under duress from their husband and son-in-law, respectively, who had threatened to kill them. Subsequently, the man stabbed his wife seven times and was punished for his actions with a fine of approximately €385, which could be paid in several instalments. The two women filed numerous complaints stating that their lives were in danger. The aggressor was questioned each time and released. Finally, when the two women were trying to move out, the man shot and killed his mother-in-law, claiming that his honor had been compromised by their actions. He was tried for murder and sentenced to life imprisonment, but was released pending appeal. His wife claimed that once released, he continued to threaten her.

In that case, the ECtHR found that the general and discriminatory judicial passivity in Turkey, although unintentional, mainly affected women. In this regard, the Court considered that the violence suffered by the applicant and her mother could be regarded as gender-based violence, i.e. a form of discrimination against women, due to the ineffective measures taken by the police, the prosecution and the courts to end the violence and protect the victims.

In particular, the materials in Opuz v. Turkey indicated that police officers attempted to persuade women to withdraw their complaints, treated the issue as a "family matter" (*Opuz* § 195), and the courts had unreasonably delayed issuing court orders and had handed down mitigating sentences on grounds of custom and tradition (*Opuz* § 196). For the Court, the reports submitted by the applicant suggested that the authorities had tolerated domestic violence and that the available remedies had not worked effectively (*Opuz* § 197). At the same time, the Court concluded that the applicant was able to provide "a prima facie indication that domestic violence mainly affected women and that the general and discriminatory judicial passivity in Turkey created a climate conducive to domestic violence" (*Opuz* § 198).

In the same vein, it is reiterated that the European Court of Human Rights has previously stated that gender equality is a major objective in the member states of the Council of Europe, noting, for example, in its judgment of 22 March 2012 in the case **of Konstantin Markin v. Russia**, in paragraph 127, that "the advancement/development of gender equality is today a major objective in the member states of the Council of Europe and **very important reasons** would have to be given before a [...] difference in treatment is considered compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms."

In the case of Opuz v. Turkey, the Court ruled that Article 2 (right to life) of the Convention had been violated in relation to the killing of the applicant's mother and that Article 3 (prohibition of inhuman or degrading treatment) of the Convention had been violated as a result of the State's failure to protect the applicant. The Court also found that Turkey had failed to establish and implement a system for punishing domestic violence and protecting victims. The authorities had not even made use of the available protective measures and had discontinued the proceedings, considering the

actions “a family matter” and ignoring the reason why the complaints had been withdrawn. There should have been a legal framework allowing criminal proceedings to continue regardless of whether the complaints had been withdrawn. The Court also ruled – for the first time in a case concerning domestic violence – that Article 14 (prohibition of discrimination) of the Convention, read in conjunction with Articles 2 and 3, had been violated. The Court noted that domestic violence particularly affected women, while the general and discriminatory judicial passivity in Turkey created a context conducive to its occurrence. The acts of violence suffered by the applicant and her mother could be considered to be based on gender and discrimination against women. Despite the reforms carried out by the Turkish Government in recent years, the general lack of response from the judicial system and the impunity enjoyed by the perpetrators, as in the applicant’s case, indicated insufficient involvement on the part of the authorities, who had failed to take adequate measures to combat domestic violence.

Halime Kılıç v. Turkey, June 28, 2016

Another case in which the ECtHR examined femicide is **Halime Kılıç v. Turkey** of June 28, 2016. The subject matter relates to the death of the applicant’s daughter, who was killed by her husband despite the fact that she had filed four complaints and obtained three protection and restraining orders. The Court ruled that in this case there had been a violation of Article 2 (right to life) and Article 14 (prohibition of discrimination) in conjunction with Article 2 of the Convention. The Court found in particular that the domestic proceedings had not complied with the requirements of Article 2 of the Convention, which suggested that the authorities had an obligation to provide protection to the applicant’s daughter. By their inaction, the national authorities failed to sanction the applicant’s daughter’s husband for failing to comply with the orders issued

in her name, namely, which rendered the orders ineffective and created a climate of impunity that allowed the perpetrator to repeatedly subject his wife to acts of violence without being held accountable.

The Court also found it unacceptable that the applicant's daughter had been left without resources or protection against her husband's violent behaviour. The ECtHR further noted that by turning a blind eye to the repeated acts of violence and death threats made against the victim, the authorities had created a permissive climate for domestic violence.

Civek v. Turkey, February 23, 2016

Similar findings are set out in the case of **Civek v. Turkey** of 23 February 2016. The subject matter of the case was the murder of the applicants' mother by their father. The applicants complained that the national authorities had failed to fulfil their obligation to protect their mother's life. The Court ruled that Article 2 (right to life) of the Convention had been violated. ECHR found in particular that, although the Turkish authorities had been informed of the real and serious threat to the life of the applicants' mother and, despite her repeated complaints about the threats and harassment to which she was subjected, they had failed to take the measures reasonably available to them to prevent her murder by her husband.

Talpis v. Italy, March 2, 2017

The European Court of Human Rights used the concept of femicide in 2017 in the case **of Talpis v. Italy**, in which it condemned Italy in a case of "domestic" violence"[53]. The case refers to several episodes of violence against the applicant and her children committed by her husband. After the first two episodes, Ms. Talpis filed

[53] Judgment of the European Court of Human Rights in the case of Talpis v. Italy of 02.03.2017. Available: https://hudoc.echr.coe.int/fre? i=001-171508

a complaint against him and requested protective measures. A judicial investigation was then opened for ill-treatment of the family, grievous bodily harm, and threats of violence. The police interviewed the applicant for the first time seven months after the complaint was filed. The woman toned down her accusations, which apparently led the judge to close the case concerning ill-treatment of the family and threats of violence. However, the proceedings for bodily harm remained open. In the meantime, the third episode of violence resulted in the death of the couple's son and the injury of the applicant. The ongoing trial against the husband for bodily harm ended two years after that tragic episode, with the aggressor receiving a fine of €2,000. The courts also sentenced the husband to life imprisonment for the murder of his son and the attempted murder of his wife, for carrying a prohibited weapon, and for mistreating the applicant, Talpis, and her daughter.

The Court considered that "the applicant had presented *prima facie* evidence supported by indisputable statistical data showing, on the one hand, that domestic violence mainly affects women and that, despite the reforms undertaken, a large number of women are killed by their partner or former partner (femicide) and, on the other hand, that socio-cultural attitudes of tolerance towards domestic violence persist."

In its decision in this case, the Court begins its analysis under Article 14 by noting that the applicant had suffered violence on several occasions and that the Italian authorities were aware of these incidents (§ 142). The high court then lists the authorities' failures in dealing with her individual case:

1) they did not conduct any investigation in the seven months after the applicant filed her complaint, nor did they take any measures to protect her (§ 143);
2) her husband was convicted of grievous bodily harm three years after the applicant lodged her complaint with the authorities,

and only after the aggressor had killed his son and attempted to kill the applicant (§ 143); and

3) the police remained inactive for six months after the prosecutor requested that immediate measures be taken in response to the applicant's request for protective measures (§ 144).

The findings of the UN Committee cited in the judgment show that the high number of cases of femicide in Italy may lead us to believe that the authorities have not taken sufficient action to protect women (*Talpis* § 57). The conclusions of the UN rapporteur on violence against women cited in the judgment note that the government's achievements "have not led to a decrease in the rate of femicide and have not translated into real improvements in the lives of many women and girls" (*Talpis* § 59). It is true that, as Judge Spano points out, the UN rapporteur noted that the Italian legal framework "largely provides sufficient protection against violence against women" (§ 22, citing paragraph 68 of the report). But it is equally true that the UN rapporteur specified that the Italian legal framework is "characterized by fragmentation, inadequate punishment of perpetrators, and the lack of an effective remedy for women victims of violence. These factors contribute to the silencing and invisibility of violence against women, its causes and consequences" (paragraph 68).

The Court found several violations by Italy: a violation of Article 2 of the ECHR for failing to protect the life of the applicant and her son (by six votes to one); a violation of Article 3 for failing to protect the applicant from domestic violence by her husband (unanimously); and a violation of Article 14 in conjunction with Articles 2 and 3 (by five votes to two).

Furthermore, in its judgment of March 2, 2017, delivered in the case of Talpis v. Italy, the European Court of Human Rights ruled that among the positive obligations incumbent on the authorities – in certain cases, under Article 2 or Article 3 of the Convention for

the Protection of Human Rights and Fundamental Freedoms, and, in other cases, under Article 8 or Article 8 in conjunction with Article 3 of the Convention – is their obligation to adopt and apply an appropriate legal framework to provide protection against acts of violence (§ 100).

Tërshana v. Albania, August 4, 2020

Aspects falling within the concept of femicide are analyzed by the Court in the case of **Tërshana v. Albania** of August 4, 2020. The case concerns an acid attack committed against the applicant in 2009. The woman suspected that her former husband, whom she had accused of domestic violence, was behind the attack. She claimed, in particular, that the Albanian authorities had failed to take measures to protect her from the acid attack and had not promptly initiated an effective investigation to identify, investigate, and punish the attacker. The Court ruled that Article 2 (right to life) of the Convention had been violated on the merits, finding that the Albanian state could not be held responsible for the attack. The Court noted in particular that if the State had been aware of the risk to which the applicant was exposed, it would have been obliged to take preventive measures, but in the present case, the national authorities only learned of the violent behaviour of the applicant's ex-husband after the incident. On the other hand, the Court found that Article 2 had been violated in terms of procedural aspects and stated that the authorities' response to the acid attack had been ineffective. In this regard, the court noted that in the investigation of the attack, which had characteristics of gender-based violence and should therefore have prompted the authorities to respond with particular diligence, they had not even managed to identify the substance used in the attack. Moreover, the investigation stalled in 2010 without identifying the person responsible, and the applicant has not been provided with any information on progress since then, despite multiple requests.

Vieru v. Moldova, November 19, 2024

On November 19, 2024, the European Court of Human Rights delivered its judgment in the case **of Vieru v. the Republic of Moldova** (No. 17106/18). The case concerns the authorities' failure to effectively protect T., the applicant's sister, from domestic violence by her former husband, I. C., which culminated in the woman's death, and to conduct an effective investigation into the circumstances of the violence that resulted in the victim's death.

Over a period of two years, at least seven cases were documented in which I. C. beat T. During this time, seven protection orders were requested and six orders were issued against I. C. Repeated incidents of stalking, harassment, and assault were reported to the police, despite the protection orders issued. At least once, misdemeanour proceedings were initiated for causing minor injuries, and at least three times, proceedings were initiated for violating protection orders. Criminal proceedings were brought for domestic violence relating to psychological violence and three episodes of physical assault (one in September 2014 and two in April 2015), including for violation of one (the first protection order of September 26, 2014) of the five protection orders issued. The events escalated, resulting in T. falling from the upper floor and dying from her injuries. On September 8, 2016, the police initiated criminal proceedings against I. C. under Article 150 of the Criminal Code, but the proceedings were discontinued on July 9, 2018.

Before the Court, the applicant based his action on Articles 2, 3, 6, 8, and 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms, invoking, in particular, the lack of an adequate response from the authorities to the ongoing abuse against the victim T. and the fact that this lack of response created a climate conducive to the resumption of violence, which culminated in her death. The applicant also complained that the au-

thorities' failure to provide his sister with protection, both legally and in practice, was the result of a broader institutional tolerance of domestic violence, which affects women more than men. The Court examined only the complaints under Articles 2 (procedural aspect), 3 (substantive and procedural aspects), and 14 of the Convention.

With regard to the alleged violation of Article 3 (procedural aspect), the Court noted that, although a large number of proceedings had been initiated promptly after the relevant events, in practice they had not ensured better protection for T. or held I. C. accountable. The authorities never made a serious attempt to examine the case of the victim T. as a whole. Thus, no investigation was initiated into the psychological violence or physical assaults committed in November 2013 and June and November 2015, or on the violations of protection orders, with the exception of that of September 26, 2014, since acts of domestic violence should never be assessed in isolation, but rather as a single behaviour or a series of related incidents. The subsequent termination of criminal proceedings was based on an unfortunate convergence of factors: no consideration was given to acts of violence other than bodily injury of a certain severity, more lenient criminal legislation was applied, and the statute of limitations had expired.

With regard to the alleged violation of Article 2 (in procedural terms), the Court noted that the investigation into the circumstances of the death of the victim T. was equally deficient. The ECtHR noted that, in fact, the victim T.'s fall from the fifth floor and her death as a result of her injuries occurred in the context of at least two years of recurrent domestic violence and ineffective investigation. The criminal investigation was initiated on the basis of Article 150 of the Criminal Code (contributing to suicide) and, although the constituent elements of the offense under that article required an assessment of possible systematic abuse that could have led T.

to commit suicide, and the witnesses interviewed clearly provided evidence of the context of domestic violence, the investigation only referred to the events that took place on August 22, 2016, to conclude that, on that day, I. C. did not do anything to cause T. to commit suicide.

In the case **of Vieru v. Moldova**, the Court concluded that the State had failed to fulfill its positive obligation under Articles 2 and 3 of the Convention, given the manner in which the authorities had dealt with the reports of domestic violence by the victim T., in particular their failure to conduct an effective investigation into credible allegations of psychological and, on several occasions, physical violence, to ensure the prompt prosecution and punishment of the perpetrator, and also to conduct an effective investigation into the circumstances of the victim T.'s death.

With regard to the alleged violation of Article 3 (in substantive terms), the ECtHR noted that the applicant's complaint addressed two issues. On the one hand, he complained about the shortcomings of the legal framework governing state intervention in cases of domestic violence complaints. On the other hand, he argued that, in practice, the authorities had failed to effectively investigate his sister's specific complaints and prevent the recurrence of violence against her.

With regard to the legislative framework, the Court specified that it had not been able to address a pattern of violence characterized by long-term physical violence, but of low intensity, and by inexplicable psychological violence, which continued even after the aggressor and the victim had divorced and no longer lived together, despite repeated protection orders. The legal framework and its implementation did not comply with the State's positive obligation to establish and effectively implement a system of protection against domestic violence, contrary to Article 3 of the Convention.

With regard to the authorities' investigation into the applicant's sister's complaints, the Court noted that although the initial response appeared prompt in relation to certain incidents, its effectiveness was questionable. In particular, the ECtHR found that the risk assessment system was deficient, or rather non-existent, as evidenced by the fact that the police and the courts did not assess the situation as a whole, seriously underestimating the risk of harm, which resulted in the termination of the investigation into domestic violence and the refusal to issue a protection order at a time of particular vulnerability when I. C. had been released from house arrest on probation.

As regards the alleged violation of Article 14, the Court noted that the authorities had not rebutted the applicant's *prima facie* argument concerning general institutional passivity and/or lack of awareness of the phenomenon of domestic violence and gender-based violence in Moldova. In such a case, it is not necessary for the applicant to prove that she was individually targeted by prejudice on the part of the authorities. The Court found that, in addition, the legal framework and its practical application had failed to address the specific pattern of domestic violence to which the applicant's sister had been subjected. Although it cannot be said that Moldovan legislation had completely failed to address the problem of domestic violence, the way in which the legal provisions assessed in the present case had been drafted and interpreted by the competent authorities was such as to deprive a number of women victims of domestic violence of the chance to benefit from official investigations and thus from effective protection.

The Court therefore held that there had been a violation of (i) Article 2 in procedural terms, (ii) of Article 3 in substantive and procedural terms, and (iii) of Article 14 in conjunction with Articles 2 and 3 of the Convention, and ordered the payment of EUR 20,000 to the applicant in respect of non-pecuniary damage.

An analysis of the practice of the ECtHR in femicide cases shows that in all cases, the high court has highlighted the obligation of due diligence in preventing and combating domestic violence. The lack of such diligence was also established by the European Court in the case of Opuz v. Turkey. Thus, "the State's failure – even if unintentional – to fulfil its obligation to protect women against domestic violence violated their right to equal protection before the law, and the failure of the authorities to intervene with due diligence to prevent the recurrence of acts of violence constitutes discrimination based on gender and therefore amounts to discrimination on the basis of sex within the meaning of Article 14 of the European Convention on Human Rights."

The Strasbourg court held that the positive obligation to protect the right to life (Article 2 of the ECHR) requires state authorities to exercise due diligence, for example by taking effective preventive measures, when protecting a person whose life is in danger. These findings reflect the need for the state to focus on finalizing the legal framework, but also the need to intensify measures to prevent violence against women.

IV THE NEED FOR A SPECIFIC LEGAL DEFINITION IN THE REPUBLIC OF MOLDOVA

In the Republic of Moldova, the concept of femicide was first introduced in 2022 through the Report of the Commission for Monitoring and Analyzing Cases of Domestic Violence Resulting in Death or Serious Bodily Injury to Victims.

As mentioned above, in order to prevent the risk of lethality, by Joint Order of the Ministry of Internal Affairs, the Ministry of Justice, the Prosecutor General's Office, the Ministry of Health, the Ministry of Labor and Social Protection, the Ministry of Education and Research No. 89/22/172/56/20/121 of 28.02.2022, a mechanism was established for monitoring and analyzing cases of domestic violence resulting in death or serious bodily harm to victims, and a Commission for monitoring and analyzing cases of domestic violence resulting in death or serious bodily harm to victims was set up to implement it.

The Commission's objective is to analyze cases within its competence and, as a result, to examine their circumstances objectively and multilaterally in order to identify the actions/inactions of the competent authorities and institutions. In this regard, the Commission aims to identify gaps in the intervention system and to formulate practical, concrete recommendations and measures with a view to ensuring the most effective, appropriate, and prompt response by state authorities to cases of domestic violence. This is done with the support of civil society organizations, in particular the Women's Law Center, and international partners, in particular the UN Women Office in Moldova, to prevent and combat such cases.

A. Analysis of femicide at the national level

The distribution of femicide cases throughout 2024 shows a relatively balanced distribution, but with certain months marked by a slightly higher frequency. Most cases were recorded in **January, February, and December,** with **three cases** each, followed by **April, May, June, and August**, **with two** cases each. Thus, we can see an insignificant concentration of incidents during the winter and seasonal transition periods.

The peaks in the cold months can be associated with:

- more time spent in confined communal spaces, which encourages the escalation of domestic conflicts;
- emotional and economic stress accumulated during the holidays or at the beginning of the year.

At the same time, the months with the lowest incidence – **March (0 cases), July, September, October, and November (1 case each)** – suggest a relative attenuation of risk during periods of increased mobility.

In comparison, in **2023**, most cases of femicide were reported in **February, March, June, August and December**, indicating **a consistent trend of intensification during the winter and summer months**.

Therefore, analysis of the data for 2024 confirms that femicide, although present throughout the year, reaches peak levels during certain critical periods, highlighting the need for targeted and enhanced institutional interventions during months of increased risk, particularly in **December, January, and February**.

In 2024, **two-thirds of cases** occurred in **rural** areas and **one-third** in urban areas. For the entire period analyzed, from 2022 to 2024, **the** exact **same ratio of two-thirds to one-third** was observed, with no major changes.

The distribution of femicide cases in 2024 by month and location highlights significant differences between rural and urban areas, reflecting the particularities of the social context and access to resources in the two environments. Of the 21 cases analyzed, **the majority** (14) occurred in **rural areas**, while another **7 cases** were recorded in **urban areas**. The higher prevalence in rural areas is consistent with general trends in domestic violence, where limited access to support and protection services reduces the capacity for prevention and early intervention.

These findings underscore the importance of **targeted interventions tailored** to the local context, through enhanced prevention efforts, particularly in rural communities, and the streamlining of alert and protection mechanisms during critical periods.

The data reveal a diverse geographical distribution of femicide cases, with a constant presence in several administrative-territorial units (ATUs) across the country. Although the total number of cases varies from year to year, there are certain areas with recurrent incidence and ATUs where the phenomenon occurs in isolation or occasionally. UATs such as **Cahul, Ialoveni, Chișinău, Strășeni, and Ungheni** record cases of femicide almost every year, suggesting a **structural problem** in these regions and the need for strengthened prevention strategies. However, there are also UATs where **no cases of femicide were reported** during the period 2022-2024: Basarabeasca, Briceni, Călărași, Cantemir, Dondușeni, Râșcani, Sângerei, Taraclia.

Of the 21 cases of femicide analyzed by the Commission in 2024, most were classified as **aggravated murder** (Art. 145 para. (2) of the Criminal Code), reflecting **the seriousness and aggravating nature of the act** (family relationship, cruelty, vulnerability). **Art. 201[1] para. (4)** is applied in situations where the act falls under domestic violence but resulted in death, without meeting all the conditions for aggravated murder, and **Art. 27** is invoked in

combination with Art. 145 in cases of subsequent death (e.g., after hospitalisation), which shows that the act was initially classified as attempted murder and then reclassified as murder. In 11 of the 21 cases of femicide, criminal proceedings were initiated on the day the act was committed, and in 10 cases they were initiated later.

This balanced distribution shows that, although the response was prompt in more than half of the cases, in almost half of the cases (10 cases) criminal proceedings were initiated with a delay. This conclusion is all the more relevant in the context of femicide, where the seriousness of the crime requires immediate institutional intervention. The causes of the delay may include difficulties in immediately establishing the facts of the case and in gathering evidence.

In the femicide cases analysed, most of the criminal proceedings initiated (15 out of the total) were concluded with the drafting of an indictment and referral to court, reflecting the seriousness of the acts and the need for full criminal prosecution. In two cases, prosecutors issued orders to send the case to court with the aim of applying medical coercive measures. Three other criminal cases were still under investigation when the Commission drafted its 2024 Report. The distribution found confirms a clear interest in criminal prosecution in cases of femicide, with an emphasis on firm judicial intervention.

An analysis based on the circumstances indicated by the investigating officer in the 21 criminal cases of femicide revealed the following:

- Femicide occurs within the family environment. The family environment is the most dangerous place for women in abusive or tense relationships.
- The perpetrators have a close relationship with the victim (husband, partner, son).

- Alcohol consumption is a major factor, trigger, or catalyst for aggression.
- The methods are brutal, direct, and often involve multiple injuries, which indicates the intensity of the violence.
- Premeditation and cruelty are evident in many cases, and the acts are rarely isolated, occurring instead in the context of a history of conflict.
- External intervention is limited, which increases the severity and lethality of the acts.

Of the **17 criminal cases** for which an indictment or order to refer the criminal case to court for the application of coercive measures of a medical nature has been drawn up, in **12 cases a court decision** has already **been handed down**.

An analysis of certain cases has highlighted certain shortcomings in the classification of the offense by the criminal investigation authorities and prosecutors. In this regard, the following case may be cited[54]: *"On July 7, 2024, citizen M.V., while intoxicated at home, following a conflict with his partner's mother, struck the woman several times with his fists, and when the victim tried to call the police, he stabbed her in the neck with a knife. As a result of the blows, the victim died in hospital on 08.07.2024. On the same day, criminal proceedings were initiated against M.V. under Article 145 par. (1) let. e1) of the Criminal Code. The aggressor, M.V., is an alcoholic and is known to the police as a domestic abuser. Previously, several complaints had been received from the victim and her daughter, who was living with the aggressor. On 14.09.2021, the latter was sentenced under Article 320[1] of the Criminal Code to 130 hours of unpaid community service. On February 28, 2024, pursuant to Article 201 par. (1) let. b) and Article 201 par (2) let a) and (a)[1] was sentenced to four years, with a conditional suspension for a probation-*

[54] c/p 2024360227

ary period of five years. Also, between 2022 and 2023, was fined eight times under Article 69 par (1), Article 354 par. (1), and Article 355 par. (2) of the Code of Administrative Offenses. At the same time, he committed offenses during the probation period after his criminal conviction pronounced on 28.02.2024 under Art. 201[1] par. (1) let .b) and Art. 201[1] para. (2) let. a) and let. a)[1] of the Criminal Code. The offense was reclassified in court on the basis of Article 145 par. (1) of the Criminal Code, i.e., it was not recognized as domestic violence. The defendant was sentenced to imprisonment for a term of 12 years and 6 months. Pursuant to Article 85 par. (1) of the Criminal Code, the sentence imposed on February 28, 2024, was only partially combined, and the final sentence was set at 15 years' imprisonment, to be served in a closed prison.

The reclassification of the perpetrator's actions under Article 145 par. (1) of the Criminal Code suggests the need to revise the current wording of Article 133[1] of the Criminal Code, which defines family members in cases of domestic violence. Although the reference norm attributes the status of family member to persons in relationships similar to those between parents and children (minors are not specified), not all professionals recognize the status of family member of the aggressor, for example, the parents of the cohabitant, even if they share a common residence. In fact, this problem is becoming even more pressing today, when more and more people prefer cohabitation to formal marriage.

In other words, this case confirms that the lack of adequate response from the authorities results in extremely serious consequences. It was found that there had been previous cases of domestic violence, with the aggressor's wife and children as victims. The perpetrator, repeatedly violated the protective measures imposed on him, but the most severe sanction was the application of unpaid community service. In several cases of domestic violence, the police preferred to initiate administrative proceedings

based on acts of insult (Article 69 of the Code of Administrative Offenses), minor hooliganism (Article 354 of the Code of Administrative Offenses), etc. Even in a situation where the aggressor had exhibited stable aggressive behavior over several years, after committing several crimes and misdemeanors, on February 28, 2024, he was still given a non-custodial sentence for repeated acts falling under Article 201[1] and Article 201 par. (2) let. a) and a1) of the Criminal Code. We recall that, according to Article 90(1) of the Criminal Code, a suspended sentence shall be imposed if the court, *"...taking into account the circumstances of the case and the person of the offender, concludes that it is not reasonable for the offender to serve the sentence imposed..."*. The court did *not consider it necessary, at least, to require the offender to participate in programs to correct violent behavior*. The court did not consider it necessary, at least, to oblige the aggressor to participate in programs to correct violent behavior. The court's decision not to impose a prison sentence on the aggressor, even though he had consistently exhibited antisocial behavior, to a certain extent encouraged him to commit an even more serious crime during his probation period, namely, to kill a family member.

In the Commission's analysis of cases, it has been found that in some situations, state prosecutors fail to indicate the aggravating circumstances provided for by law, such as the commission of the offense by a person who has previously been convicted of a similar offense or other acts relevant to the case in question; the commission of the crime while intoxicated; the commission of the crime with full knowledge, taking advantage of the known or obvious helplessness of the victim due to advanced age.

An analysis of sentences handed down in femicide cases has identified a shortcoming in terms of investigations: often, **insufficient attention is paid to the history of gender-based violence and domestic violence to which the victims have been subjected**.

This is a concern also raised by international experts, who emphasize that femicide is the culmination of a series of systematic and cyclical violence endured by women. The UN Special Rapporteur on extrajudicial, summary, or arbitrary executions has highlighted the need to use a gender perspective and specific protocols in investigating the killings of women and girls in order to ensure truth, justice, and reparations for victims and their families, as well as more accurate data collection and analysis in order to provide the information necessary for the investigation process and strengthen prevention. It is essential that authorities adopt legal and administrative measures to uphold the rights of women and girls by applying a gender perspective in conjunction with a multidisciplinary approach to effectively investigate and eradicate cases of femicide.

Although most of the reasons listed above are based on gender bias, **in none of the femicide cases analyzed by the courts did the courts ask questions to determine whether the crime committed was based on gender bias**. Identifying the motive in cases of femicide is crucial to understanding the dynamics and context of the crime. It is essential that courts ask questions that would help them determine whether gender bias played a role in the commission of the crime. This involves a careful examination of power relations, social perceptions, and the dynamics of the relationship between the perpetrator and the victim. Without such questions, there is a risk of overlooking critical factors that could influence the verdict and sentence. It is therefore imperative that the prosecution and trial process include a detailed investigation of possible gender motives in order to ensure a complete understanding of the case and to promote justice and gender equality. Failure to ask clarifying questions during the criminal process should therefore be considered a significant shortcoming in the examination of femicide cases, which has prevented the establishment of gender-based motives in the commission of these crimes.

B. Recognition of the concept of femicide in national legislation

Law No. 231 of July 31, 2024, amending Law No. 45 of March 1, 2007, on preventing and combating domestic violence, added a new concept to Article 2: femicide. Thus, the phenomenon was recognized by law as the most extreme form of gender-based violence. Currently, femicide is defined as an act of violence against women, including girls, which results in the death of the victim as a result of the crime of intentional homicide or the crime of intentional serious bodily injury or harm to health, or the crime of domestic violence, or the suicide of the victim, as a result of incitement or facilitation thereof or as a result of domestic violence, committed for reasons of gender-based prejudice.

By Law No. 252 of 10.07.2025[55], the General Part of the Criminal Code of the Republic of Moldova was supplemented with Article 134^{27} "Femicide". In the context of the aforementioned provision, femicide is understood as an act of extreme violence against women, committed on the grounds of gender bias, which caused the death of the victim. The introduction of the concept of femicide into the Criminal Code recognizes at the legislative level the extreme form of gender-based violence, and the proposed definition is complex and adequately reflects the criminological reality in the Republic of Moldova.

The new provision is designed to ensure seamless integration into the existing architecture of the Criminal Code without generating conflicts: Article 134^{27} provides a **legal definition** in the General Part of the Code that **uses and builds on the existing concept** of "motives of prejudice," specifying that the acts are committed for "motives of gender prejudice."

[55] Law No. 252 amending certain legislative acts of 10.07.2025 (will enter into force on 14.02.2026).
Available at: https://www.legis.md/cautare/getResults?doc_id=150197&lang=ro

Based on the legal recognition of femicide, but also on the need to raise awareness that the violent death of women and girls is a crime that should not be confused with the term homicide, the Commission for Monitoring and Analyzing Cases of Domestic Violence Resulting in Death or Serious Bodily Injury to Victims analyzes data on cases of femicide separately, as femicide differs from other crimes in the following ways: (i) in most cases, acts of femicide are committed by current or former partners; (ii) acts of femicide are preceded by ongoing domestic violence, threats or intimidation, and sexual violence; (iii) acts of femicide are characterized by an unequal balance of power and resources between the victims and their partners.

It is important to recognize that by establishing the Commission, our country has taken an important step in researching femicide, but in the three reports produced up to the time of writing this study, the Commission has only analyzed cases of domestic violence resulting in the death of the victim or serious bodily injury, and the term femicide is limited to femicide committed by an intimate partner or family member.

Research into the doctrine/scientific studies dedicated to the analysis of femicide revealed a strong tendency to use the term femicide in relation to any crime resulting in the death of a female person, regardless of the form of guilt manifested by the perpetrator (both intent and negligence) and regardless of the motives that led to the commission of the crime.

Since there is no universal and unambiguous definition of the concept of femicide, we consider the formula introduced by the legislator in Article 2 of Law No. 45 of March 1, 2007, on the prevention and combating of domestic violence to be sufficiently broad so as to cover the main alternative ways of committing harmful acts that can be classified as femicide (murder, injury resulting in death, incitement to suicide, etc.).

At the same time, the explicit phrase referring to the motive for committing the act *"...committed for reasons of gender-based prejudice"* allows these acts to be classified under the components of the crime provided for in Art. 145 para. (2) letter i), Article 150 par. (2) letter c), and Article 151 par. (2) letter i) of the Criminal Code.

However, by classifying these acts as aggravating circumstances of a general nature – murder/injury/incitement/facilitation on grounds of prejudice – the legislator does not place female victims under a special protection regime. However, in the provision Art. 145 para. (2) let. i), Art. 150 para. (2) let. c), Art. 151 para. (2) let. i) of the Criminal Code, no distinction is made between female victims and male victims. Furthermore, according to this provision, it is irrelevant whether the perpetrator of the crime is male or female.

Thus, in Article 134[21] of the Criminal Code, by "prejudice" the legislator implies the perpetrator's preconceived ideas based, among other things, on considerations of sex or gender. The Criminal Code already contains the idea of aggravated liability for crimes committed out of hatred towards women. For many practitioners, it is unclear why the same paragraph (e.g., Article 145 par. (2) of the Criminal Code) should contain both a general aggravating circumstance (referring to any kind of prejudice) and a special aggravating circumstance (referring to prejudice specifically against women). It is argued that this renders the concept in Article 134[21] of the Criminal Code meaningless and that separate aggravating circumstances should be formulated for each particular criterion of prejudice.

There is another aspect that, in the opinion of the authors of this study, needs to be considered. Here we refer to possible solutions for classification in practice. If, for example, a woman is murdered out of hatred for women in general, some practitioners will be tempted to retain not only the aggravating circumstance of "hatred for women" but also the aggravating circumstance of "prejudice," even though the definition in Article 134[21] of the Criminal Code will remain unchanged.

In order to criminalize femicide as a separate offense or to classify it as a separate aggravating circumstance under Article 145 par. (2), Article 150 par. (2), Article 151 par. (2) of the Criminal Code, a draft amendment to the definition in Article 134^{21} of the Criminal Code would have to be proposed – for reasons of legal certainty and consistency. (2) of the Criminal Code would have to be proposed – for reasons of legal certainty and consistency. (2) of the Criminal Code, a draft amendment to the definition in Article 134^{21} of the Criminal Code would have to be proposed – for reasons of prejudice – and the idea in question would have to be subject to public debate to determine the feasibility of this approach.

At the same time, the separate criminalization of femicide is indispensably determined by the assessment of Moldovan society's receptivity to this approach.

Although a considerable part of Moldovan society, in which patriarchal attitudes and traditions continue to persist, accepts the separate criminalization of femicide, an analysis of the position of the academic community and some legal practitioners reveals a certain degree of reluctance. Supporters of this more reserved position argue, for example, that no convincing argument can be found for criminal law to protect the life of a woman and the life of a man unequally. At the same time, in our opinion, the reluctance to criminalize femicide separately is based on the fear of treating the murder of a woman differently from the murder of a man, which would essentially constitute an acknowledgment of gender-based discrimination and the fact that violence disproportionately affects women.

V CONCLUSIONS AND RECOMMENDATIONS

At present, in the Republic of Moldova, we have a double enshrinement of the concept of "femicide" in legislation, both in Law No. 45 of 1 March 2007 on the prevention and combating of domestic violence and in the General Part of the Criminal Code, without, however, the latter providing for a distinct criminalization and punishment in a component of the offense provided for in Chapter II. Offenses against the life and health of the person. Thus, the legislative amendment process should continue, with successive amendments to be made to the Special Part of the Criminal Code.

However, the legal definition of femicide also presents certain challenges. Criminal law must comply with the principle of legality (lex certa), requiring clear and precise definitions of the constituent elements of the crime. It is difficult to include complex subjective motivations related to gender ("because she is a woman") in a legal formulation that is applicable in practice. Broad academic definitions, which encompass political, social, or cultural contexts, can be difficult to translate directly into a criminal law provision that requires proof of intent and specific circumstances "beyond a reasonable doubt." Legal definitions therefore tend to rely on objective, factual circumstances (such as the existence of an intimate relationship, documented prior violence, signs of sexual violence) as indicators of gender-based motivation. Such a pragmatic approach is necessary to ensure the applicability of the law, but at the same time it risks not covering the full complexity of femicide as a phenomenon, as it is understood in a broad sense, possibly

leaving outside the scope of specific criminal law certain forms of gender-based killing, such as those resulting from systemic state neglect or the indirect impact of deeply rooted cultural norms, in the absence of previous acts of direct violence. Lawmakers are therefore faced with the task of balancing the need for legal and evidentiary clarity with the imperative to reflect as accurately as possible the specific and multidimensional nature of femicide.

In practice, the number of femicide cases in Moldova is quite high, with about 24 cases per year, according to data from the Commission for Monitoring and Analyzing Cases of Domestic Violence Resulting in Death or Serious Bodily Injury to Victims. In Moldova, this rate is **almost twice as high** as the EU average and even higher than in countries with higher rates in the EU, estimated at around 1.74 per 100,000 population.

Although opponents of the separate criminalization of femicide subscribe to international requirements aimed at eradicating gender-based violence and consider the use of the term "femicide" by the media, institutions, non-governmental organizations, and the general public to be encouraging, as it contributes to increasing the visibility of the phenomenon, as well as raising awareness of violence against women, believing that public debate on the scourge of "femicide" is truly imperative. However, they also believe that the eradication of violence against women should not necessarily seek to criminalize femicide as a *nomen juris* in criminal law. In their opinion, the inclusion of such an offense in the criminal law of the Republic of Moldova would be superfluous and symbolic, their main argument being that various forms of femicide are already covered by criminal law in the context of general and/or special provisions. As a result, from the opponents' perspective, reconfiguring this act as a *nomen juris* in the Criminal Code, would make the existing texts illegible and generate parallels. Secondly, their argument is that this criminalization risks overshadowing the need for authori-

ties to adopt truly necessary measures to prevent gender-based violence and support its victims. In other words, they believe that victims of violence against women need concrete action, not just symbolic measures to "appease public opinion."

In this context, taking into account the scale of the phenomenon in Moldova, we nevertheless consider that a separate criminal offense will provide women with additional protection, without legally establishing a new category of crime that applies exclusively to a certain category of persons, but simply recognizing and specifically addressing a particular form of violence that is already criminalized.

Furthermore, the Criminal Code of the Republic of Moldova criminalises intentional homicide (Article 145) and provides for harsher penalties depending on aggravating circumstances. Thus, Art. 145 para. (2) lit. e) imposes a harsher penalty in the case of the murder of a **pregnant woman** or murder committed by taking advantage of the victim's helplessness. Therefore, in certain circumstances, the legislator offers increased protection to pregnant women without treating the legal provision as potential discrimination.

The aggravated punishment provided for in Article 145 para. (2) let. (e) of the Criminal Code applies in specific situations involving concrete aspects of femicide (the killing of a pregnant woman) that go beyond the mere exploitation of the victim's vulnerability. In this context, an explicit definition of femicide with a description of its forms of manifestation, even outside the Criminal Code (in the text of a special law), would clarify the constituent elements of the offense. In practice, even if the existence of a situation of vulnerability of the victim is proven, it may be difficult to conclusively prove that this was, per se, the main motive for the murder. In practice, even if the victim's vulnerability is proven, it can be difficult to conclusively prove that this was, per se, the main motive for the murder.

At the same time, the penalties provided for in Article 145 of the Criminal Code, even with aggravating circumstances, may not reflect the particular seriousness of femicide, a phenomenon that has much deeper implications for society. We therefore consider that a separate criminal offense would allow for the establishment of more severe penalties, adapted to the seriousness of the crime and acting as a deterrent to potential offenders.

Thus, the following options for criminalizing femicide emerge, namely:

Option 1. Emphasis on the inadequacy of Article 145 and the need for a separate criminal offense

An analysis of Article 145 para. (2) let. l) of the Criminal Code of the Republic of Moldova shows that, although it provides for harsher penalties in certain situations with aggravating circumstances that may be associated with femicide, this is not a sufficient approach. The complexity of femicide, as an extreme form of gender-based violence, requires a separate criminal offense with a clear definition and penalties commensurate with the seriousness of the crime. The complexity of femicide, as an extreme form of gender-based violence, requires a separate criminal offense, with a clear definition and penalties commensurate with the seriousness of the crime. This approach is essential to ensure more effective protection of women, more rigorous combating of femicide, and greater accountability of the state. Such criminalization will also facilitate the collection of more accurate statistical data and more effective monitoring of the phenomenon.

Option 2: Focus on the need to develop a separate special law on femicide and introduce a specific offense of femicide into the Criminal Code

The drafting of a separate special law on femicide and the introduction of a specific offense of femicide into criminal law is supported by several arguments[56]:

1. **Explicit recognition:** It names and recognizes the gender-specific nature of the crime, removing it from the anonymity of general homicide and emphasizing that these crimes are motivated by misogyny, discrimination, and power inequalities.
2. **Awareness:** It increases the public and political visibility of the issue, contributing to changing social attitudes that tolerate violence against women.
3. **Justice:** Facilitates targeted and appropriate prosecution by allowing prosecutors and judges to focus on the specific elements of gender-based crime.
4. Symbolism and deterrence: Sends a clear message that society strongly condemns the killing of women for gender-based reasons. Although the deterrent effect is debated and difficult to prove empirically, the hope is that a specific and severe penalty can have a preventive impact.
5. **Honoring international commitments:** Help states honor their commitments under international and regional treaties to prevent and combat violence against women.

[56] Addressing Femicide Through International Criminal Law: The Need for a Binding Legal Framework.
Available at: https://yjil.yale.edu/posts/2025-01-26-addressing-femicide-through-international-criminal-law-the-need-for-a-binding

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