



Gender-based violence

Improving legal responses to counter femicide in the European Union:

Perspectives from victims and professionals



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This report is accompanied by further publications on measuring femicide and data collection on violence against women. These resources can be found on EIGE's website (<https://eige.europa.eu/gender-based-violence/data-collection>).

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Abbreviations

CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
DEVAW	Declaration on the Elimination of Violence against Women
ECtHR	European Court of Human Rights
EIGE	European Institute for Gender Equality
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
NGO	non-governmental organisation
SRVAW	Special Rapporteur on violence against women, its causes and consequences
TFEU	Treaty on the Functioning of the European Union
UNODC	United Nations Office on Drugs and Crime

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Glossary

Compensation ⁽¹⁾. Monetary remedy provided for any economically assessable damages sustained as a result of a crime and/or injury caused to a victim, to compensate the victim for their loss. The compensation can be provided for both pecuniary and non-pecuniary damages (e.g. physical or mental harm; material damages or loss of earnings, including loss of earning potential; moral damages; and costs incurred for legal or expert assistance, including medicine and medical services, psychological services and/or social services).

Due diligence. The state's duty to effectively investigate, prosecute and sentence perpetrators and provide reparations in cases of femicide, whether perpetrated by actors of the state or a private person. As noted under international human rights law, due diligence entails both negative and positive duties: state officials must both respect the law and refrain from the commission of internationally wrongful acts and must protect individuals from their commission by other, non-state, actors (Article 5, Council of Europe (2011a) and paragraphs 57–59 (Council of Europe (2022b))).

Femicide. 'Killing of women and girls because of their gender, which can take the form of, inter alia ⁽²⁾:

- the murder of women as a result of intimate partner violence;
- the torture and misogynist slaying of women;
- the killing of women and girls in the name of "honour";
- targeted killing of women and girls in the context of armed conflict;
- dowry-related killings of women;
- killing of women and girls because of their sexual orientation and gender identity;
- the killing of aboriginal and indigenous women and girls because of their gender;

- female infanticide and gender-based sex selection foeticide;
- genital mutilation related deaths;
- accusations of witchcraft; and
- other femicides connected with gangs, organised crime, drug dealers, human trafficking and the proliferation of small arms'.

The research team also considered it relevant to include in this classification the femicides committed in the context of sexual violence. Nevertheless, the focus of this research is intimate partner femicide.

Intimate partner femicide. The killing of a woman by an intimate partner. An intimate partner is understood as a former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim (EIGE, 2017a).

Prosecution. Includes processes of investigation and sentencing, as well as procedures in court. Minimal standards of prosecution by the Member States are set up in the Victims' Rights Directive.

Reparation. Forms of redress other than compensation (non-monetary) to someone who has suffered injury caused by another person, namely to make amends, provide restitution or give satisfaction and guarantees of non-repetition. It also refers to the rehabilitation of the victim, which may include psychosocial, educational and/or legal support.

Victim. A family member of a person whose death was directly caused by a criminal offence and who has suffered harm as a result of that person's death (as per Article 2.1(a)(ii) of Directive 2012/29/EU (the Victims' Rights Directive) ⁽³⁾).

⁽¹⁾ Compensation is also a form of reparation, but, for the purpose of this study, two categories were created to analyse the monetary and non-monetary forms of reparation.

⁽²⁾ This definition is taken from EIGE's gender equality glossary (<https://eige.europa.eu/thesaurus/terms/1128>).

⁽³⁾ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, OJ L 315, 14.11.2012, p. 57.

Executive summary

Femicide, commonly understood as the killing of a woman or girl because of her gender, is the most extreme form of gender-based violence, deeply rooted in the inequalities between men and women in society. It is estimated that, globally, around 47 000 women and girls were killed by their intimate partners or other family members in 2020, and around 2 600 were killed in Europe (UNODC, 2021a). However, the number of victims is much higher. Orphaned children and bereaved parents and siblings of killed women are rarely considered direct victims of femicide. As a result, their needs and rights – both during and after the criminal proceedings – are often overlooked.

With this report, the European Institute for Gender Equality (EIGE) provides a comprehensive analysis of legal responses to counter femicide. The information was collected through desk research, a literature review and a comparative analysis of 109 interviews with professionals and victims⁽⁴⁾ from five selected Member States: Germany, Spain, France, Portugal and Romania.

Using the due diligence standard as a starting point, the report offers a holistic insight into the legal gaps, challenges and good practices in the provision of justice to victims of femicide. The findings focus on investigation, prosecution and sentencing in femicide cases, as well as on the role and rights of the victims, including their right to adequate compensation and comprehensive reparation. Based on the information available, the report provides an initial analysis of the impact of the COVID-19 crisis on the prevention of femicide and examines how the COVID-19 pandemic affected different stages of criminal proceedings in femicide cases.

Advancing prevention and having an integrated response to violence

The professionals and victims interviewed stressed that the prevention of femicide was closely linked to improving the legal response to domestic violence. This relates to early intervention, offering protection and support to victims of domestic violence, and the immediate resolution of parental responsibility cases, ensuring custodial sentences when necessary. Moreover, perpetrators should be held accountable for their actions.

Victims highlighted their difficult personal experiences when domestic violence reports were not met with immediate action by law enforcement officers. Professionals revealed that states fail to prevent femicide by ignoring or undervaluing some of the risk factors, such as death threats and psychological violence. Several reports from professionals and victims provide concrete examples of domestic violence complaints that were not handled promptly and after which, before the evidence was secured, women were murdered. The findings suggest the need for risk assessment procedures that consider lethality risks and offer victims comprehensive, coordinated protection measures and services.

From a broader perspective, professionals emphasised that improving the legal response to domestic violence needs to be seen as an important part of the femicide prevention strategy. Moreover, producing femicide reviews and having interinstitutional meetings to discuss the findings were mentioned as particularly beneficial for preventing femicides, as conclusions from such reviews and meetings can lead to significant policy and procedural changes.

⁽⁴⁾ In recognition of the suffering of families as a result of femicide and their experiences of victimisation, in this report victims are defined as family members of a person whose death was directly caused by a crime and who have suffered harm as a result of that person's death. Victims' legal representatives, non-governmental organisations representing victims and victims' close friends are also integrated in this report as describing victims' experiences.

Optimising investigation and the prosecution of femicide

Effective investigation and prosecution of gender-based violence cases, including femicide, require excellent coordination and the involvement of various actors who have adequate expertise. It is important that they cooperate smoothly with each other and – if necessary – swiftly exchange relevant information.

The study highlighted that, in most of the Member States considered, femicides are investigated as a gender-neutral crime by regular police forces. Professionals from four of the Member States mentioned that, as female homicides to a great extent have gender-related motives, all killings of women should be investigated as potential cases of gender-based violence. In this context, professionals suggested that a gender-sensitive approach to evidence collection be ensured. The findings of the interviews suggest that establishing separate investigative units and prosecution teams specialised in femicide could improve the data collection process and result in successful prosecution.

Of the five Member States considered, Spain has the most comprehensive approach to considering femicide the extreme end of a continuum of violence against women. In Spain, killings of women are framed within the broader concept of gender-based violence and, since 2004, all cases of gender-based violence, including femicides, have been investigated, prosecuted and sentenced by separate, specialised, law enforcement units and courts.

Both the victims and the professionals interviewed in the study seemed to recognise the pivotal role of specialist training for police and criminal justice system officers. Ensuring that investigators and prosecutors have expert knowledge of femicide is crucial for identifying evidence that proves that the killing was motivated by the victim's gender and for holding the perpetrator accountable.

Professionals highlighted that training needs to be provided regularly to all relevant institutions,

on an equal basis. The most important topics to be covered are, among others, the risk factors of femicide, victims' rights, forensic interview techniques and the interpretation of victims' behaviours and silence.

The study highlighted that, in most of the Member States considered, communication between professionals working in the criminal justice system is described as regular, adequate and consistent. However, the evidence suggests that exchanging information between different courts (e.g. criminal, civil and family) and the institutions responsible for supporting victims and child or family protection services is more challenging. To this end, professionals suggested that it is necessary to establish protocols of communication, with clear roles and responsibilities assigned, and to ensure a permanent exchange of information regarding femicide cases and their victims. Victims also pointed out the need to develop the communication skills of professionals involved in femicide cases. Insufficient sensitivity among police officers – especially at first contact, when family are informed of the death and at the start of investigation proceedings – negatively affects victims' experiences with the legal system.

Bringing justice to victims: sentencing perpetrators and compensating victims

The legal frameworks in all of the five Member States studied do not distinguish femicide from homicide. As a result, in all of these Member States, gender-neutral criminal provisions are applicable in cases of killing of women. Nevertheless, in some Member States, legislation allows murder offences to be considered aggravated if they are based on gender (Spain, France and Portugal) or motivated by discrimination (Spain, France, Portugal and Romania). However, a number of professionals identified an urgent need to recognise femicide as a separate criminal offence (Figure 1). Professionals argued that such a change would improve general awareness and would simplify the application of legal provisions.

Figure 1. Arguments for recognising femicide as a specific criminal offence

Source: Prepared by authors.

The results of the study reveal that victims have limited access to compensation, mainly owing to insufficient information and an excessive complexity of procedures. Moreover, even if granted by courts, enforcing the compensation is also challenging for victims, as perpetrators refuse to pay or attempt to hide their assets. As regards compensation provided by the state, the interviewees noted that the amounts granted to victims were significantly lower than those that victims could receive directly from the perpetrator. The scope of compensation is often limited and covers only selected damages and costs or can be sought by only specific family members.

The interviews highlighted a clear lack of comprehensive reparation in all of the Member States. Although some initiatives providing reparation were identified in a few Member States, these were not nationally established by protocols and covered only children as victims. The evidence shows insufficient psycho-emotional support and social and legal counselling both during and after the legal proceedings. Interviewees suggested that a protection, support and reparation protocol be established for victims to ensure comprehensive reparation to all victims according to their specific needs.

Tackling femicide and femicide proceedings during COVID-19

The professionals interviewed explained that, during the COVID-19 pandemic, the legal system remained 'operational' and fully working for urgent cases, including homicide offences, and therefore investigation, prosecution and sentencing were generally not affected by the pandemic. While femicides or intentional killings of women in domestic violence or family contexts decreased slightly in 2020 in Spain, France, Portugal and Romania, some professionals expressed great concern about the risk of femicide following the lifting of restrictive measures.

The interviews suggest that the impact of COVID-19 was twofold. On the one hand, some measures adopted to curb COVID-19 infections, such as allowing fewer spectators and media representatives at court and developing new and less formal channels of communication between institutions and victims' representatives, were a beneficial change that allowed secondary victimisation to be avoided. On the other hand, in some Member States, the pandemic led to considerable delays caused by the closure of courts and lack of human resources. Juries were also cancelled, hearings were postponed and deadlines were extended owing to restrictive measures.

Key recommendations

The research findings set out in this report reveal several legal gaps and challenges in addressing femicide in the EU. On the basis of these findings, the study team identified some overarching recommendations.

- The European Commission and the EU institutions should continue their mission to lead the development of legal standards that protect women from violence and advance victims' rights protection. This can be achieved by acceding to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) and adopting the directive of the European Parliament and of the Council of the European Union on combating violence against women and domestic violence.
- The European Commission, in cooperation with Member States and relevant EU agencies, should continue to strengthen the EU victims' rights framework, in particular in relation to the right to compensation. This requires further monitoring of the implementation of Directive 2012/29/EU (the Victims' Rights Directive) ⁽⁵⁾ and Council Directive 2004/80/EC ⁽⁶⁾ relating to compensation for victims.
- The European Commission, in cooperation with Member States and relevant EU agencies, should continue to support Member States in combating all forms of violence against women by ensuring a coordinated response to violence against women across the EU through policy documents, research and funding. Moreover, the European Commission should lead in outlining a common response to improve the situation of children orphaned by femicide.
- The EU institutions should continue to provide training on, and share good-practice examples of, the prevention of violence against women, via relevant EU agencies. The European Commission, in cooperation with EU agencies, should also encourage Member States to improve their data collection systems on violence against women and femicide.

These research findings also provide useful guidance for policy and legal developments at Member State level.

- Member States should strengthen their legal response to violence against women by recognising femicide as a separate criminal offence and providing training for all actors involved in femicide cases. Member States' actions need to be well coordinated, ensuring that victims receive general and specialist support while their reports of violence are diligently investigated and prosecuted.
- EIGE encourages Member States to ensure victims' access to justice by strengthening the role of family members affected by femicide in the criminal proceedings and promoting their right to compensation and reparation.
- Member States are advised to develop national strategies on gender-based violence in times of crisis in order to address the risk of spikes of gender-based violence in times of crises and natural disasters. Careful crisis preparedness planning is required to ensure that support services remain operational and that victims can rely on Member States' support even in the most difficult circumstances.

⁽⁵⁾ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, OJ L 315, 14.11.2012, p. 57.

⁽⁶⁾ Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, OJ L 261, 6.8.2004, p. 15.

1. Introduction

1.1. Study approach: objectives and methodology

Femicide, commonly understood as the killing of a woman or girl because of her gender, is the most extreme form of gender-based violence, deeply rooted in the inequalities between men and women in society.

The current study builds on the previous work of the European Institute for Gender Equality (EIGE) in the area of femicide. So far, EIGE has developed definitions and indicators of gender-based violence, including intimate partner violence, rape and femicide (EIGE, 2017b). Moreover, based on the findings from its assessment of measuring femicide in the EU and internationally (EIGE, 2021a) and its literature review on defining and identifying femicide (EIGE, 2021b), EIGE has proposed a classification system to measure femicide that could be applied by the EU-27 and the United Kingdom, and has suggested definitions, variables and methodologies for each type of femicide. In 2021, EIGE proposed a classification system for femicide to raise awareness of the fact that femicides can be perpetrated in political (e.g. killing in armed conflict), societal (e.g. honour killings), criminal (e.g. organised crime), sexual (e.g. non-intimate sexual killings) and interpersonal (e.g. killing of women by intimate partners) contexts (EIGE, 2021c). While the study acknowledged some progress in harmonising data collection, it also noted the significant challenges of creating a joint classification system.

The present study focused on experiences of family members of women who have been killed and professionals involved in femicide cases. The overall objective of the study was to improve the institutional response to femicide by identifying the gaps within and between law and practice when providing justice to family members of killed women. The specific objectives of the study included assisting Member States in improving

investigation and prosecution in cases of femicide and strengthening the role and rights of victims in criminal proceedings, in particular their right to compensation and reparation. The study also examined the impact of COVID-19 on institutional responses to femicide. While recognising that femicide can encompass killings of women committed in different contexts, the main results of this study focused on intimate partner femicide, the most prevalent form of femicide across all Member States.

To this end, this report provides a comprehensive analysis of the information collected from desk research and a literature review, and a comparative analysis of interviews conducted with professionals (law enforcement agents and criminal justice system practitioners) and victims (i.e. family members and close friends of the women killed or their representatives) in five selected Member States.

The desk research focused on international and European case-law that potentially referred to cases of femicide and covered mainly the following sources: the International Court of Justice, the European e-Justice Portal ⁽⁷⁾, the Court of Justice of the European Union, the European Court of Human Rights (ECtHR), domestic homicide reviews, femicide observatories, LexisNexis Academic and academic legal databases.

The literature review followed the approach of a scoping review, complemented by a snowballing approach (forward/backward citation search). It sought to summarise international and European legislative and policy frameworks in femicide cases, as well as the development and evolution of the due diligence principle in international law in the context of violence against women, insofar as could be identified in relevant published literature.

(7) <https://e-justice.europa.eu/>

For the purpose of this study, **family members or close friends of the women killed** who had suffered harm as a result of that person's death **were considered victims**.

The in-depth interviews with professionals and victims aimed to identify gaps and challenges in, as well as good-practice examples of, providing justice to victims of femicide cases. They also aimed to assess the impact of the measures to tackle the spread of COVID-19 on the judicial response to and prevention of femicide cases. To visually emphasise and distinguish the unique perspectives of victims from the opinions expressed by legal practitioners, the quotes from the interviews with the victims are presented in orange text throughout the report.

Semi-structured interviews were conducted with professionals, which covered both general (quantitative) and specific (qualitative) questions. General questions aimed to explore how professionals classify different aspects of legal and policy frameworks on femicide and were used to guide further discussion. Interviews were conducted with 27 victims of femicide, legal representatives of victims and non-governmental organisations (NGOs) representing victims and 82 professionals involved in investigating, prosecuting and sentencing in cases of femicide in Germany, Spain, France, Portugal and Romania between April and July 2021.

Annex 1 presents a description of the desk research conducted, the search strategy used for the literature review, the questions included in the interview protocol, the criteria for interviewees' selection and further methodological details.

1.2. Structure of the report

As a starting point, the report describes the evolution of international human rights law in

relation to the issue of violence against women and examines, in detail, Member States' obligation to exercise due diligence when addressing all forms of violence against women, including femicide (**Chapter 2**).

Subsequently, the report presents findings of in-depth qualitative and quantitative research conducted in five Member States (Germany, Spain, France, Portugal and Romania), which includes interviews with professionals involved in investigating, prosecuting and sentencing perpetrators or compensating victims of femicide, and interviews with victims of femicide, their legal representatives and NGOs supporting and advising family members (**Chapter 3**). The findings focus in particular on states' institutional responses to femicide and on investigation, prosecution and sentencing in femicide cases. Additional information on legal provisions applicable in femicide cases and relating to compensation in all five of the Member States analysed is available in **Annex 2**.

The role and rights of the victims and their access to justice was considered as a cross-cutting issue, with special attention given to the issue of compensation and reparation for the victims. The qualitative and quantitative research is complemented by an assessment of the impact of the measures to tackle the spread of COVID-19 on the judicial response to and prevention of femicide cases (**Section 3.5**).

Finally, the information collected through desk research, the literature review and the in-depth qualitative and quantitative research conducted in Germany, Spain, France, Portugal and Romania served as a basis for developing policy recommendations for stakeholders at both EU and national levels (**Chapter 4**).

2. Due diligence obligation and violence against women

Violence against women, deeply rooted in gender stereotypes and persisting gender inequality, continues to be widespread across the globe, with Europe being no less affected. Although all major human rights instruments have guaranteed women's right to gender equality, violence against women was recognised as a violation of human rights only in the 1990s.

In 1992, the Committee on the Elimination of Discrimination against Women, in its **General Recommendation No 19**, started a new chapter for victims of gender-based violence. By recognising that gender-based violence constitutes a form of discrimination prohibited by Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Committee urged state parties to 'take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act' (Committee on the Elimination of Discrimination against Women, 1992). The Committee noted in particular that:

'States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation'

The due diligence obligation was later confirmed by the case-law of the Committee on the Elimination of Discrimination against Women. In several cases, the Committee explained that insufficient efforts to eliminate gender stereotyping and misconceptions in judges' rulings⁽⁸⁾, a failure to provide training for judges, lawyers and law

enforcement⁽⁹⁾, a failure to thoroughly investigate reports of violence⁽¹⁰⁾ or a failure to protect victims from violence⁽¹¹⁾ could constitute a breach of the due diligence obligation.

Building on this momentum and on discussions at the 1993 World Conference on Human Rights, the **Declaration on the Elimination of Violence against Women** (DEVAW) affirmed that 'violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms' (General Assembly, 1993). Consequently, the UN General Assembly urged states to 'pursue by all appropriate means and without delay a policy of eliminating violence against women', not only by refraining from engaging in violence against women, but also by exercising 'due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetuated by the State or by private persons'. The DEVAW also laid out that states must guarantee that victims have recourse to comprehensive reparation for the harm that they suffered (General Assembly, 1993).

Since then, there have been multiple calls for states to act with due diligence in cases of violence against women at international level. This has included appointing the **UN Special Rapporteur** on violence against women, its causes and consequences (SRVAW)⁽¹²⁾ and the adoption of the **Beijing Declaration and Platform for Action** by the Fourth World Conference on Women (1995). In 1996, the SRVAW further noted

⁽⁸⁾ Communication No 18/2008 of the Committee on the Elimination of Discrimination against Women of 16 July 2010, *Vertido v Philippines*, paragraph 8.4.

⁽⁹⁾ Communication No 6/2005 of the Committee on the Elimination of Discrimination against Women of 1 October 2007, *Fatima Yildirim v Austria*, paragraph 12.3. In this case, the committee found that the state had breached its obligation to act with due diligence, given the level of danger that the victim was in, and recommended regular training for judges, lawyers and law enforcement.

⁽¹⁰⁾ Communication No 5/2005 of the Committee on the Elimination of Discrimination against Women of 10 August 2007, *Goekce v Austria*, paragraph 12.3.

⁽¹¹⁾ Communication No 2/2003 of the Committee on the Elimination of Discrimination against Women of 26 January 2005, *A. T. v Hungary*, paragraph 9.3.

⁽¹²⁾ Established by Resolution 1994/45 of the Commission on Human Rights.

the positive obligations of states (UN Commission on Human Rights, 1996):

'where States do not actively engage in acts of domestic violence or routinely disregard evidence of murder, rape or assault of women by their intimate partners, States generally fail to take the minimum steps necessary to protect their female citizens' rights to physical integrity and, in extreme cases, to life'

The SRVAW also noted (UN Commission on Human Rights, 1994):

'a State that does not act against crimes of violence against women is as guilty as the perpetrators. States are under a positive duty to prevent, investigate and punish crimes associated with violence against women'

These obligations were also applied to the issue of femicide⁽¹³⁾ or gender-related killings of women. The **UN General Assembly resolution** on taking action against gender-related killing of women and girls further defined states' obligations in relation to femicide, urging them to (General Assembly, 2014):

'consider undertaking institutional initiatives, as appropriate, to improve the prevention of gender-related killing of women and girls and the provision of legal protection, including appropriate remedies, reparation and compensation, to the victims of such crimes'

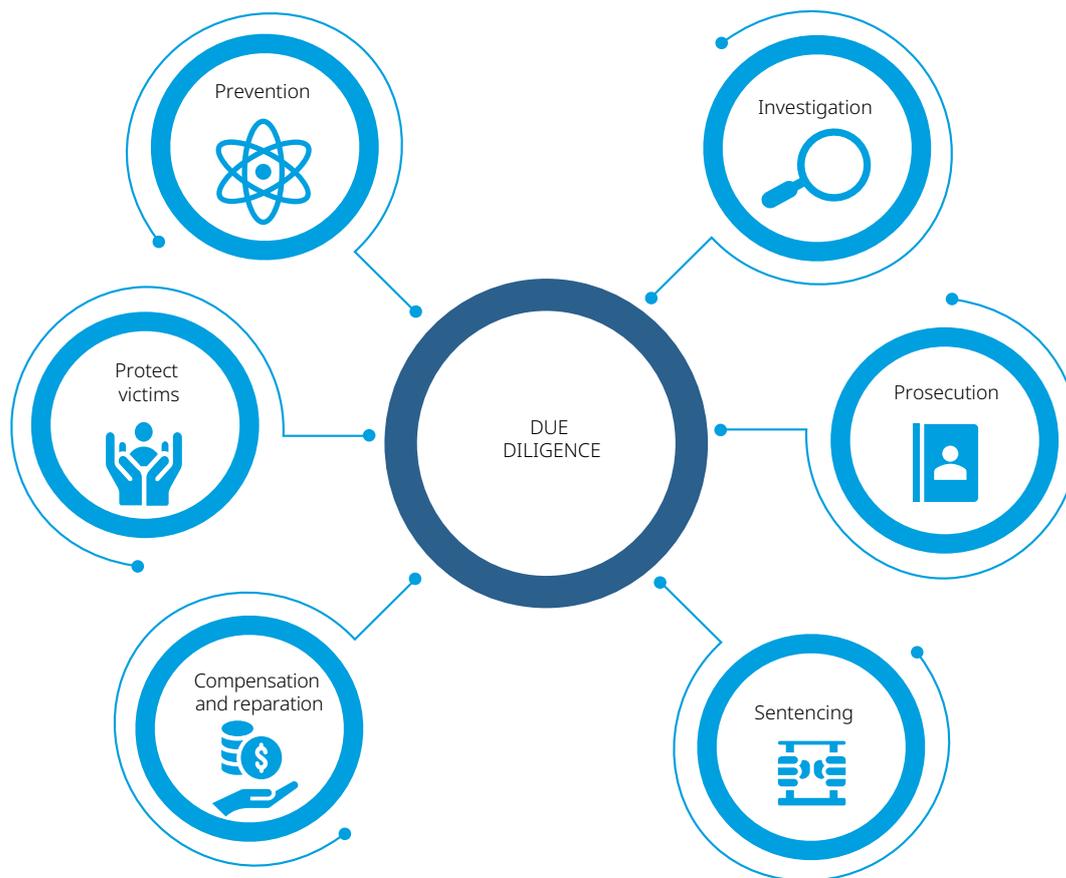
The same resolution also invited Member States to 'address the existing problems of

underreporting by enhancing data collection and analysis'. The SRVAW also noted the urgency to adopt 'specific measures of redress' for women that should 'aspire, to the extent possible, to subvert, instead of reinforce, pre-existing patterns of cross-cutting structural subordination, gender hierarchies, systemic marginalization and structural inequalities' (UN, 2011).

In 2015, the SRVAW, Dubravka Šimonović, called for the creation of national femicide watches or observatories that would examine criminal justice systems and procedures and look into risk factors that would prevent women and girls from being killed (ACUNS, 2017). The recommendations of the United Nations Office on Drugs and Crime (UNODC) for action against gender-related killing of women and girls emphasise specific proposals for data collection and analysis and set out recommendations on prevention, investigation, prosecution, sanctions, and victim support and assistance (UNODC, 2015).

Within the Americas, both the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights have delved into the importance of governmental due diligence as a way of guaranteeing the human rights of women (Figure 2). They have emphasised that states have to eliminate any obstacles to accessing justice, ensure high-quality and timely investigations, show respect to the victims and their families, have systemised data and have comprehensive reparation (OAS, 2018).

⁽¹³⁾ In the 1970s, the term 'femicide' or 'feminicidio' was first used to describe the killing of women and girls because of their gender, this being the most extreme form of gender-based violence. The term was established to draw more political attention to addressing the violent killing of women (Radford and Russell, 1992) and to urge states to improve their responses (Lagarde, 2006). This concept was particularly embraced in Latin America and was eventually accepted by the committee of experts monitoring the implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women and by the Inter-American Court of Human Rights in a landmark case (judgment of the Inter-American Court of Human Rights of 29 July 1988, *Velazquez Rodriguez v Honduras*, Series C, No 4).

Figure 2. Due diligence and Member States' obligations

Source: Prepared by authors.

The due diligence standard was enshrined in the Convention of Belém do Pará (OAS, 1994) and has been accepted in case-law⁽¹⁴⁾ (a full list of the relevant case-law is available in **Annex 3**). In the landmark case of *Velasquez Rodriguez v Honduras*, the Inter-American Court of Human Rights held that the existence of a legal system is not enough: the state has the obligation to take 'reasonable steps' to prevent human rights violations⁽¹⁵⁾. This includes 'all those means of a legal, political, administrative and cultural nature that promote the protection of human rights and ensure that any violations are considered and treated as illegal acts'⁽¹⁶⁾.

Later, the Inter-American Court of Human Rights applied this standard to femicide. In *González et*

al. v Mexico, otherwise referred to as the cotton field case, the court recognised that the state had the duty to investigate properly, prosecute with expediency and ensure that it had standardised protocols and manuals to investigate sexual violence, including the murder of women⁽¹⁷⁾. In *Lenahan v United States*, the court concluded that the United States had violated its due diligence obligation to prevent violations of the right to life, after Jessica Lenahan's abusive partner had abducted and killed their three children⁽¹⁸⁾.

In its 2021 judgment in *Barbosa de Souza and others v Brazil*, the court ruled that Brazil did not act with due diligence, as it conducted the proceedings in a gender-discriminatory way and

⁽¹⁴⁾ For example, the judgment of the Inter-American Court of Human Rights of 29 July 1988, *Velasquez Rodriguez v Honduras*, Series C, No 4, paragraph 167.

⁽¹⁵⁾ Judgment of the Inter-American Court of Human Rights of 29 July 1988, *Velasquez Rodriguez v Honduras*, Series C, No 4, paragraph 175.

⁽¹⁶⁾ Judgment of the Inter-American Court of Human Rights of 29 July 1988, *Velasquez Rodriguez v Honduras*, Series C, No 4, paragraph 175.

⁽¹⁷⁾ Judgment of the Inter-American Court of Human Rights of 16 November 2009, *González et al. v Mexico* ('cotton field'), Series C, No 205.

⁽¹⁸⁾ Report No 80/11 of the Inter-American Commission on Human Rights of 21 July 2011, *Jessica Lenahan (Gonzales) et al. v United States*, Case 12.626, OEA/Ser.L.V/II.142, doc. 11.

failed to take into account a gender perspective⁽¹⁹⁾. Acting with due diligence requires cases of femicide to be investigated in a complete and unbiased manner, free from prejudice about the victim's personal life, behaviour and sexual life.

In Africa, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, otherwise known as the Maputo Protocol (African Union, 2003), was adopted in 2003. The protocol guarantees that 'every woman shall be entitled to respect for her life and the integrity and security of her person'. Accordingly, all forms of exploitation, as well as cruel, inhuman or degrading punishment and treatment, are prohibited.

Within the **Council of Europe regional system**, the state's positive obligation to prevent violence and to ensure effective investigation and prosecution has been well established by the ECtHR⁽²⁰⁾. The ECtHR has affirmed that the state needs to take all necessary measures, particularly with those that are most vulnerable, to protect them against violence that the authorities knew of or ought to have known of⁽²¹⁾. As regards femicide, the intentional killing of women was considered a form of gender discrimination in a landmark case: *Opuz v Turkey*⁽²²⁾. The court's reasoning focused on positive obligations, ascertaining whether:

'the local authorities displayed due diligence to prevent violence against the applicant and her

mother, in particular by pursuing criminal or other appropriate preventative measures against H.O. [her husband] despite the withdrawal of complaints by the victims'

Failing to take measures to avoid that risk goes against the positive obligation of the state. States are obliged to act 'with exemplary diligence' in the course of their duty and investigation⁽²³⁾. The ECtHR has repeatedly held that the state has the obligation to provide for effective criminal law articles to act as a deterrent for the commission of a crime⁽²⁴⁾. In *Aydin v Turkey*, the court also found that the state had failed to conduct a proper investigation because of its failure to seek out witnesses⁽²⁵⁾. It further reinforced that it is irrelevant whether the violation is committed by the state or by a private individual⁽²⁶⁾. Such due diligence should not be theoretical; it needs to be practical and effective⁽²⁷⁾. With regard to the issue of compensation, the ECtHR clarified that victims' right to justice includes compensation not only of pecuniary, but also of non-pecuniary losses⁽²⁸⁾. Such losses can include pain, stress, anxiety and frustration and, when there is just satisfaction, compensation for such losses must be made available⁽²⁹⁾. If the ECtHR finds that the state violated the European Convention on Human Rights, then the court awards compensation for 'just satisfaction' pursuant to Article 41 of the European Convention on Human Rights (Council of Europe, 1953). However, the final amount is left to the discretion of the court.

⁽¹⁹⁾ Judgment of the Inter-American Court of Human Rights of 7 September 2021, *Barbosa de Souza and others v Brazil*, Series C, No 435.

⁽²⁰⁾ Judgment of the ECtHR of 28 October 1998, *Osman v the United Kingdom*, No 23452/94, paragraph 116; see also judgment of the ECtHR of 23 December 1998, *A. v the United Kingdom*, No 35373/97; and judgment of the ECtHR of 10 May 2001, *Z and others v the United Kingdom*, No 29392/95.

⁽²¹⁾ Judgment of the ECtHR of 17 October 2006, *Okkali v Turkey*, No. 52067/99, paragraph 70; see also judgment of the ECtHR of 12 October 2006, *Mubilanzila Mayeka and Kaniki Mitunga v Belgium*, No 13178/03; and judgment of the ECtHR of 10 October 2000, *Akkoc v Turkey*, No 22947/93.

⁽²²⁾ Judgment of the ECtHR of 9 June 2009, *Opuz v Turkey*, No 33401/02.

⁽²³⁾ Judgment of the ECtHR of 24 February 2005, *Isayeva and others v Russia*, Nos 57947/00, 57948/00 and 57949/00, paragraphs 208–213; and judgment of the ECtHR of 9 March 2006, *Menesheva v Russia*, No 59261/00, paragraph 64.

⁽²⁴⁾ Judgment of the ECtHR of 10 October 2010, *Rantsev v Cyprus and Russia*, No 25965/04, paragraph 217; and judgment of the ECtHR of 24 September 2007, *Kontrova v Slovakia*, No 7510/04, paragraph 49.

⁽²⁵⁾ Judgment of the ECtHR of 25 September 1997, *Aydin v Turkey*, No 57/1996/676/866, paragraph 104.

⁽²⁶⁾ Judgment of the ECtHR of 4 December 2003, *M. C. v Bulgaria*, No 39272/98, paragraph 151.

⁽²⁷⁾ Judgment of the ECtHR of 9 October 1979, *Airey v Ireland*, No 6289/73, paragraph 24; judgment of the ECtHR of 23 July 1968, 'Belgian linguistic' case, Nos 1474/62, 1677/62, 1691/62, 1769/63, 1994/63 and 2126/64, paragraphs 3 and 4; and judgment of the ECtHR of 13 June 1979, *Marckx v Belgium*, No 6833/74, paragraph 31.

⁽²⁸⁾ Judgment of the ECtHR of 13 June 2006, *Kontrová v Slovakia*, No 7510/04, paragraph 64; see also judgment of the ECtHR of 17 March 2005, *Bubbins v United Kingdom*, No 50196/99, paragraph 170.

⁽²⁹⁾ Judgment of the ECtHR of 4 March 2001, *Keenan v United Kingdom*, No 27229/95, paragraph 130.

In 2002, states' obligations stemming from the due diligence principle were emphasised in a Council of Europe recommendation on the protection of women against violence (Council of Europe, 2002), which urged Member States to:

'recognise that states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims'

The Council of Europe's recommendation calls on Member States to (Council of Europe, 2002):

'ensure that, in cases where the facts of violence have been established, victims receive appropriate compensation for any pecuniary, physical, psychological, moral and social damage suffered, corresponding to the degree of gravity, including legal costs incurred'

The Convention on Preventing and Combating Violence against Women and Girls and Domestic Violence (the **Istanbul Convention**) (Council of Europe, 2011b), which is considered the gold standard of women's protection against violence, explicitly mentions the due diligence principle in its main text. Although the Istanbul Convention does not explicitly mention femicide, this term is used in reports of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), which commend Member States reporting on femicide (GREVIO, 2018, 2019a, 2019b, 2020a, 2020b, 2020c). Article 5 of the Istanbul Convention states:

'1. Parties shall refrain from engaging in any act of violence against women and ensure that State authorities, officials, agents, institutions and other actors acting on behalf of the State act in conformity with this obligation'

'2. Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide

reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors'

At EU level, the prevention of violence against women is closely linked to the main values of the EU. Article 8 of the **Treaty on the Functioning of the European Union** obliges the EU and its Member States to promote equality between men and women and eliminate inequalities. Declarations annexed to the final act of the Intergovernmental Conference, which adopted the Treaty of Lisbon, signed on 13 December 2007, explain:

'The Conference agrees that, in its general efforts to eliminate inequalities between women and men, the Union will aim in its different policies to combat all kinds of domestic violence. The Member States should take all necessary measures to prevent and punish these criminal acts and to support and protect the victims'

Violence against women needs to also be addressed as a fundamental rights issue. Violence may constitute a violation of several provisions of the **Charter of Fundamental Rights of the European Union**, such as the right to human dignity (Article 1), the right to life (Article 2), the right to the integrity of the person (Article 3), the principle of non-discrimination on the ground of sex (Article 21), the right to equality between women and men (Article 23) and the right to an effective remedy and to a fair trial (Article 47).

The issue of violence against women is addressed by several EU directives, with Directive 2012/29/EU (the **Victims' Rights Directive**)⁽³⁰⁾ particularly important, as it recognises the particular vulnerability of women⁽³¹⁾:

'Women victims of gender-based violence and their children often require special support and protection because of the high risk of secondary and repeat victimisation, of intimidation and of retaliation connected with such violence'

⁽³⁰⁾ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, OJ L 315, 14.11.2012, p. 57.

⁽³¹⁾ A possible revision of the Victims' Rights Directive – in order to improve victims' access to justice, enhance their rights to information about the available compensation and strengthen their physical protection – was announced by the European Commission (2021). The legislative proposal is expected in Q4 2022.

The Victims' Rights Directive provides that family members of femicide victims also benefit from support (Article 9), reimbursement for any expenses incurred in the victim's participation in criminal proceedings (Article 14), restitution of property (Article 15) and compensation from the perpetrator (Article 16).

Council Directive 2004/80/EC ⁽³²⁾ grants victims of cross-border situations the right to claim compensation irrespective of where the crime took place. According to this directive, it should be primarily the perpetrator who compensates the victims and, if this is not possible, the state bears the cost of such compensation (FRA, 2019). However, the **EU strategy on victims' rights (2020–2025)** has acknowledged that victims may face difficulty in obtaining compensation and calls for Member States to address barriers and difficulties that victims may face in accessing reparation (European Commission, 2020a).

In recent years, the European Parliament has also been active in highlighting the magnitude of the problem and the need to protect victims of violence against women in its numerous resolutions (European Parliament, 2009, 2017, 2021a, 2021b). Furthermore, **the European Commission's strategy for Gender Equality Strategy 2020–2025** also aims to achieve 'a gender equal Europe where gender-based violence, sex discrimination and structural inequality between women and men are a thing of the past' (European Commission, 2020b). This strategy not only names eliminating violence as one of its key, but also emphasises that state measures should ensure everyone is safe 'in their homes, in their close relationships, in their workplaces, in public spaces, and online' ⁽³³⁾.

To further strengthen EU action in this area, on 8 March 2022 the European Commission launched a **proposal of a new directive on combating violence against women and domestic violence** (European Commission, 2022). This legislative initiative aims to effectively combat violence against women throughout the EU and ensure a high level of security and the full enjoyment of fundamental rights of women and girls within the EU.

The proposal offers concrete measures to strengthen victims' protection and their access to justice, such as facilitating the process of reporting acts of violence (Article 16), conducting individual risk assessment (Articles 18 and 19) and improving the effectiveness of emergency barring, restraining and protection orders (Article 21). Moreover, the proposal introduces an obligation to adopt guidelines for law enforcement agents (Article 23), equip professionals with necessary skills (Article 37) and enhance inter-institutional cooperation (Article 39).

The proposal also aims to strengthen legal guarantees to compensation from offenders (Article 26), which allows victims and their children to build a new life. Pursuant to the proposal, Member States would be obliged to ensure that victims have the right to claim full compensation from offenders for damages resulting from all forms of violence against women or domestic violence, which would 'place victims in the position they would have been in had the offence not taken place, taking into account the seriousness of the consequences for the victim'.

Moreover, the proposal requires any restrictions to the final amount of compensation to be abolished, such as the fixing of an upper limit, and clearly states that this compensation needs to cover 'costs for healthcare services, support services, rehabilitation, loss of income and other reasonable costs that have arisen as a result of the offence or to manage its consequences', as well as 'compensate for physical and psychological harm and moral prejudice'.

To increase access to compensation and harmonise legislation among Member States, the limitation period for bringing a claim for compensation must be no less than 5 years from the time that the offence took place or 10 years in cases of sexual violence. The limitation period will not commence as long as the offender and the victim share the same domestic unit and, if the victim is a child, the limitation period will not commence before the victim has reached 18 years of age.

⁽³²⁾ Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, OJ L 261, 6.8.2004, p. 15.

⁽³³⁾ Established under the key action 'Being free from violence and stereotypes' (European Commission, 2020b, p. 2).

3. Improving legal responses to femicide in the European Union

3.1. Advancing prevention and having an integrated response to violence

The due diligence principle obliges states to ensure a holistic and sustained model of prevention, protection, punishment and reparation for acts of violence against women, including future violations (Bourke-Martignoni, 2008). This objective can be achieved by diverse means such as action plans, legislation, awareness raising and reinforcing the capacities and powers of police, prosecutors and judges, among others (UN Human Rights Council, 2005, paragraphs 70 and 71). The obligation to prevent gender-based violence also encompasses the provision of protection services, such as shelters and protection measures (UN Commission on Human Rights, 2017, paragraphs 19 and 20).

Preventing femicide also requires strong political action, as noted by the members of the European Cooperation in Science and Technology (COST), a scientific network of experts, in its action on femicide and violence against women across Europe. One of the most feasible actions in the political sphere for preventing femicide in Europe is 'putting femicide on the public agenda', as noted by Vives-Cases et al. (2016). This section summarises the key elements of effective prevention as mentioned by the interviewees and complemented by information collected from desk research and the literature review.

3.1.1. Limited visibility of femicide in national policies

The findings of the study indicate that, while preventing all forms of gender-based violence is

recognised as a priority in numerous human rights instruments and key EU policy frameworks⁽³⁴⁾, femicide is rarely explicitly mentioned in policy documents at national level. For example, while most of the Member States selected for the study have national strategies or action plans on domestic violence, violence against women or gender-based violence⁽³⁵⁾, they rarely consider femicide as the extreme end of a continuum of violence against women or that killing is often a culmination of other forms of violence experienced by victims. As a result, measures dealing specifically with femicide are limited, and prolonged suffering inflicted on victims intentionally by perpetrators prior to killings remains largely invisible.

Of the five EU Member States researched, Spain seems to have the most holistic approach, with femicide clearly recognised within a framework of gender-based violence. This is reflected in the Spanish improvement and modernisation plan against gender violence (Gobierno de España, 2021), which contains a list of 15 measures concerning practical actions for the efficiency and specialisation of services and professionals, and measures for community awareness about gender-based violence in the country. The plan recognises children as direct victims of gender-based violence and offers concrete measures for children of murdered women. These include pensions and orphans' benefits, preferential psychological support, scholarships, support in the grieving process, and economic and housing aid.

The national strategies adopted in the four remaining Member States selected for the study

⁽³⁴⁾ To mention a few, Article 5(a) of CEDAW, Article 12 of the Istanbul Convention, Articles 2(1) and 3(1) of the EU Charter of Fundamental Rights, Article 8 of the Treaty on the Functioning of the European Union (TFEU) and the EU's Gender Equality Strategy 2020-2025.

⁽³⁵⁾ Germany (Bundesministerium für Familie, Senioren, Frauen und Jugend, 2012); Spain (Gobierno de España, 2019); France (Haut Conseil à l'Égalité entre les femmes et les hommes, 2020); Portugal (Diário da República, 2018), which includes an action plan on prevention and fighting against all forms of violence against women and domestic violence; and Romania (Agenția Națională Pentru Egalitate de Șanse pentru Femei și Bărbați, 2018).

do not mention femicide specifically as a culmination of gender-based violence; instead they offer more general measures. In Germany, a second action plan of the federal government to combat violence against women (Bundesministerium für Familie, Senioren, Frauen und Jugend, 2012), which was still in force when this study was conducted, covers, among other preventive measures, legislation, cooperation between institutions and projects, networking of support services, work with offenders, awareness raising among professionals and international cooperation. The plan notes that regional police forces and counselling agencies are increasingly considering conducting analyses of risk and endangerment leading to homicide in a relationship.

The Portuguese Action Plan on prevention and the fight against all forms of violence against women and domestic violence (included in *Diário da República*, 2018) aims to prevent and end the social tolerance of violence against women, enhance the protection already ensured for the victims of such violence and combat practices such as female genital mutilation and forced marriage.

The Romanian National Strategy for the promotion of equal opportunities for women and men and the prevention and combating of domestic violence (*Agenția Națională Pentru Egalitate de Șanse pentru Femei și Bărbați*, 2018) aims to provide victims with easy access to justice and quality assistance, develop measures for perpetrators and strengthen professional competences through training, as well as, in general, to enhance the institutional capacity of central and local public authorities in situations of domestic violence.

In France, the French government organised *Grenelle des violences conjugales*, a set of round tables between September and November 2019, with the objective of bringing together people concerned by issues related to domestic violence. The meetings resulted in the proposal of 46 measures that are currently in force, including

the possibility of reporting domestic violence in hospitals, more shelters and the opening of support centres for perpetrators⁽³⁶⁾. Moreover, commencing work on developing a new interministerial plan addressing violence against women has been recommended by the High Council of Equality between Women and Men (*Ministère des Familles, de l'Enfance et des Droits des Femmes*, 2017; *Haut Conseil à l'Égalité entre les femmes et les hommes*, 2020).

Within the EU policy and legislative frameworks, while preventing violence and domestic violence is recognised as a priority in numerous legislative and policy documents⁽³⁷⁾, including the EU's Gender Equality Strategy 2020–2025, the number of gendered killings across the EU has not decreased in recent decades. The interviews conducted with legal professionals and victims of femicide highlight key elements of effective femicide prevention, as both groups reported failures in the prevention of femicide in all Member States.

3.1.2. Insufficient immediate action following violence reports

According to victims, immediate responses to victims' complaints, conducting effective investigations and ensuring adequate sanctions for the perpetrators in domestic violence cases are crucial for preventing femicide effectively. Several reports from professionals and victims from all Member States point to concrete examples of domestic violence complaints that were not handled promptly and, before the evidence was secured, women were killed.

'When I said publicly that my niece had brought many complaints, which were not found, they could have searched to contradict me, to verify. But there was nothing. No investigation. At the time of the trial, however, they said they had found a complaint, as if by chance. But this boy had not been summoned. ... Why do we train the police to intervene, and they leave without doing anything?'

⁽³⁶⁾ More information on these round tables is available at the *Ministère de la Culture* website (<https://www.culture.gouv.fr/en/Thematiques/Egalite-et-diversite/Actualites/Grenelle-des-violences-conjugales-Mobilisation-du-ministere-de-la-Culture>).

⁽³⁷⁾ To mention a few, CEDAW, the Istanbul Convention, the EU Charter of Fundamental Rights, the TFEU and the EU's Gender Equality Strategy 2020–2025.

And we are surprised that 8 months later we find my niece in a coffin'

(Victim – family member, France)

An interview with an adult child of a woman killed highlights the need to conduct a comprehensive and thorough investigation. The victim noted that when their mother filed a complaint to the police, the law enforcement officers conducted only a limited investigation. The victim is convinced that their mother would still be alive today if the police response was different.

'That, that to me ... that, that saw me off, what, that we [the state, referring more specifically to the police] do not take into account someone who comes to the gendarmerie to file a complaint, that we do not take them into account, in fact. We don't care, we put the file in there, and we don't even forward it. That, that killed me, that. I thought to myself, in fact, if they had done their job right ... It sure is less interesting than going up an entire building at 6 in the morning. Of course, there is less ... it moves less. There is less adrenaline. But in fact, maybe they could have saved my mother, what, then. And that was the worst thing in our life that destroyed me. Because in fact, afterwards, it gives you anti-cop hatred'

(Victim – adult child, France)

Professionals from all Member States emphasise that improving the legal response to domestic violence needs to be seen as an important part of the femicide prevention strategy. Both professionals and victims claimed that early intervention in domestic violence cases, accurate risk assessment and risk management, and support and legal protection from future acts of violence are of crucial importance. Other proposals included ensuring immediate rulings regarding parental responsibilities and the custody of children, and discussions of cases among professionals.

'The reality I know is not so much the criminal proceedings, but the tutelary proceedings of the

regulation of parental responsibilities. And there is always a great litigiousness, because the father himself appears. ... These proceedings should be swift, not to torture the child with hearings, with experiences, sometimes they force the children to visit their father in prison, for example. ... this immediate inhibition of parental authority, this should be done immediately by force of law. Because if we go to a legal dispute, it's a year or two more, sometimes three or four ... with much distress for the child or for the children, and for the mother's family members'

(Professional – judge, Portugal)

Believing victims and validating their experiences was also highlighted. One professional drew attention to the proper legal qualification of femicide attempts, as often they are classified as mere intentional violence. This suggests that courts often lack a so-called gender lens or base their decisions on incorrect risk assessment.

'Attempted homicides, femicides, I think that we must consider, that we must not, how to put it qualify the attempted femicide only as deliberate violence, but consider that she was almost killed and therefore go to trial on a real crime and not a misdemeanour. However, many attempted homicides, femicides, are not qualified as intentional violence'

(Professional from compensation stage, France)

Interviews with professionals from Germany, France, Portugal and Romania revealed that states also fail in preventing femicide by ignoring or undervaluing certain risk factors, such as death threats or psychological violence, even though risk factors for intimate partner femicide have been clearly identified in the literature (Campbell et al., 2003; González et al., 2018). These can include previous incidents of domestic violence, access to or use of firearms, a stepchild from a previous relationship, the victim having a new intimate partner relationship, stalking, forced sex and abuse during pregnancy (Campbell et al., 2003).

3.1.3. Lack of proactive efforts to prevent femicide

Professionals from Germany, France, Portugal and Romania expressed a concern that official responses to femicide focus on reacting to crime rather than on proactive efforts to prevent it. In this context, professionals from Spain mentioned the positive example of the VioGén system (an integral monitoring system in cases of gender violence), which helps to carry out risk assessments in cases of gender-based violence. The VioGén system algorithm contains 35 questions that assess risk at five levels. Each level has associated measures of protection and a time frame for reassessment. Risk assessments are carried out at the police station once a complaint is filed. The system was developed by the Spanish Secretary of State for Security of the Ministry of the Interior and has been in operation since July 2007, in compliance with the provisions of Organic Law 1/2004 of 28 December. While the system was developed to improve the response to femicide and manage the risk of serious domestic violence, professionals in Spain acknowledge that it can have limited effectiveness, as initiating the procedure is still reliant on the victim deciding to file a complaint.

Another important aspect of effective prevention relates to conducting femicide reviews and creating space to examine them in detail. Having meetings to discuss femicide reviews was mentioned by professionals from Germany, Spain, France and Portugal as crucial for preventing femicides. In Spain⁽³⁸⁾, France⁽³⁹⁾ and Portugal⁽⁴⁰⁾, femicide, homicide or domestic homicide reviews are prepared by teams established especially for this purpose. In Germany and Romania, femicide reviews are conducted by researchers or NGOs, such as the European Observatory on Femicide in Germany and the Romanian Observatory on Homicide Studies and Prevention. Retrospective analyses seem to be particularly beneficial, as the results of reviews often provide insights into different aspects of femicide prevention or contribute to policymaking. In Portugal, the knowledge

gained from the reviews has led to significant policy and procedural changes, namely the adoption of detailed guidelines that list the actions that police officers need to undertake within 72 hours after receiving a complaint in the context of domestic violence (Governo Constitucional de Portugal, 2020).

3.2. Optimising the investigation and prosecution of femicide

Under the due diligence principle, states are obliged to effectively investigate all instances of violence against women and prosecute those who have committed the crime. To comply with international standards, such investigations need to be prompt and place victims at the centre. International human rights bodies also recommend taking a multidisciplinary approach, focusing on individual, institutional and structural levels to understand and respond to gender-related killings of women (UN, 2014). The collection of forensic evidence, including information and data about what happened prior to the killing, is necessary for an effective investigation in cases of femicide (UN, 2014, pp. 57–68), which then leads to successful prosecution. The following sections examine the interviewees' proposals and solutions for potentially improving the investigation and prosecution of femicides.

3.2.1. Poorly conducted investigations lacking gender sensitivity

Bringing justice to victims depends on many factors, such as sufficient awareness among legal practitioners and adequate expertise in collecting evidence. In Latin America and the Caribbean, the complexity of femicide prompted the adoption of the Latin American Model Protocol for the investigation of gender-related killings of women. This practical tool offers guidance on investigating and prosecuting gendered killings and helps legal practitioners to overcome the most significant challenges, such as insufficient contextualisation

⁽³⁸⁾ The Observatory against Domestic and Gender Violence of the General Council of the Judiciary.

⁽³⁹⁾ The Delegation for Victims.

⁽⁴⁰⁾ The Team for the Retrospective Analysis of Domestic Violence Homicides.

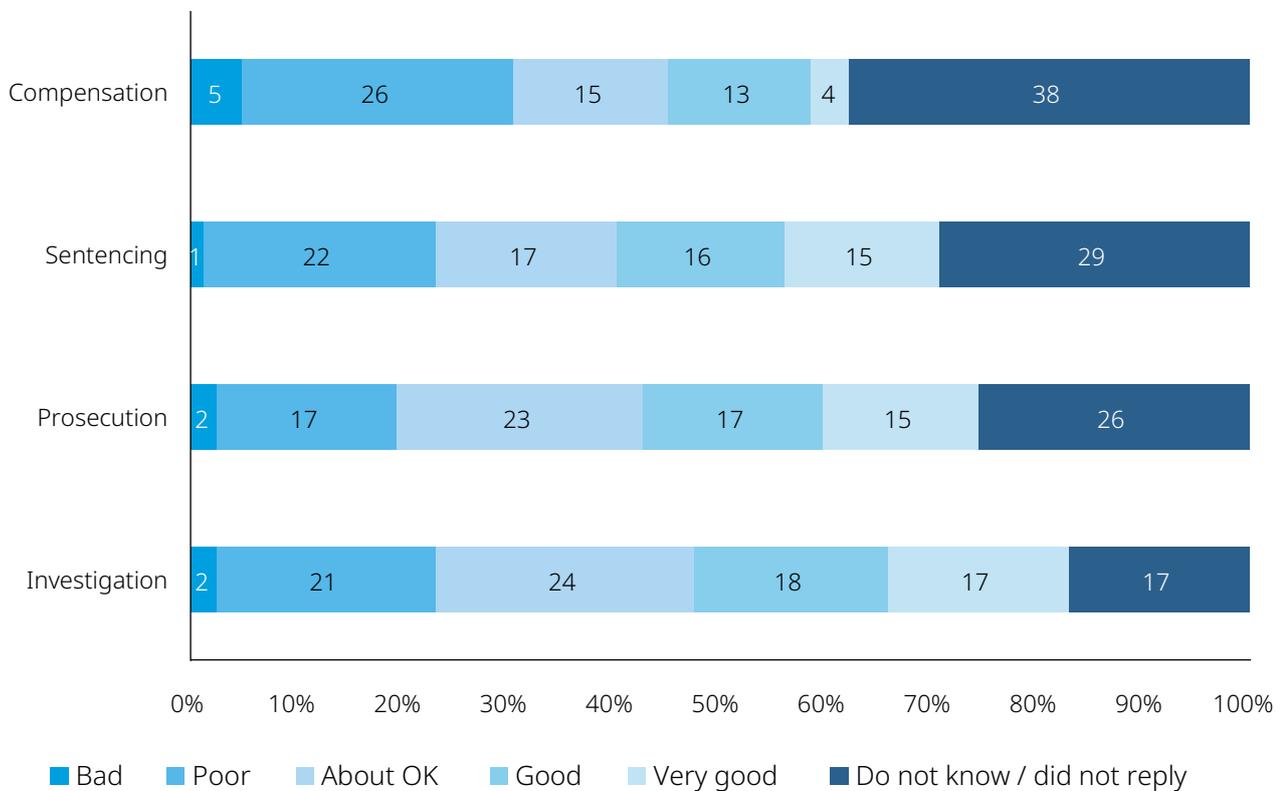
of the cases and the erroneous classification of crimes (UN, 2014). However, the findings from the desk research and interviews indicate that none of the selected Member States has established such a detailed and nationwide protocol for femicide proceedings.

Professionals from Germany, Spain and Portugal noted differences between femicide and other homicide investigation procedures. While some steps, such as the identification of the perpetrator, are faster and easier in femicide than in homicide cases, especially intimate partner femicides, other aspects actually take longer and require a more in-depth analysis, such as the relationship between the victim and the perpetrator and if the killing was gender motivated. The background relationship between the victim and the perpetrator, especially in intimate partner femicides, is

investigated in all Member States more intensively than in homicide cases to uncover any possible history of abuse.

Quantitative results demonstrate that only about 17 % of professionals classify existing policies at the investigation stage as very good (Figure 3). The percentage is lower for all subsequent stages: 15 % at the prosecution stage, 15 % at the sentencing stage and 4 % at the compensation stage. This criticism of existing policies is sustained by the absence of protocols and guidelines specific to femicide in most Member States. Again, professionals from Spain are the only ones who classify the policies more often as good or very good, mainly because of the comprehensive consideration of femicide as a gender-based violent crime in Spain.

Figure 3. Professionals’ rating of the adequacy of policies at different stages of the legal response (% , 5-point-scale from bad to very good, 2021)



NB: The professionals were asked the following question: how would you classify the adequacy of legislation at the following stages: (1) investigating the killing of women (e.g. are there any investigative protocols), (2) prosecuting the killing of women (e.g. are there any specific instructions for prosecutors), (3) sentencing the killing of women (e.g. is this type of killing a separate legal provision, are there aggravating circumstances) and (4) getting compensation or other forms of reparation in cases involving the killing of women?
 Source: Authors’ calculation.

Far from being a homogeneous group, professionals' assessments of policies and procedures are affected by their type of work, experience and place in the hierarchy. Generally, professionals 'on the ground' (specialist lawyers or frontline police) have opinions that resonate more with victims' opinions rather than views expressed by professionals who work in other departments (e.g. prosecutors and judges).

The professionals interviewed listed crucial elements of effective proceedings in femicide cases: an in-depth investigation into the previous relationship history and possible violence between the victim and the perpetrator ⁽⁴¹⁾, listening carefully to victims (and/or family members) ⁽⁴²⁾ and collecting evidence from mobile phones and data and information from social media ⁽⁴³⁾. Professionals from Spain emphasised the need for strong cooperation between the police and the specialised prosecution office on gender-sensitive evidence collection.

Professionals from Germany, Spain, Portugal and Romania mentioned that, as female homicides to a great extent have gender-related motives, all killings of women should be investigated as potential cases of gender-based violence and that professionals should ensure that enough

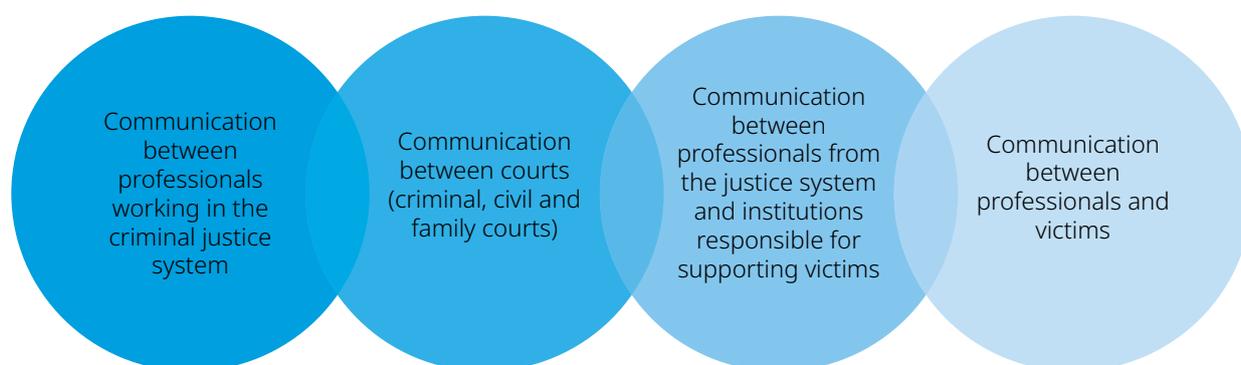
evidence is collected to determine the presence of a gender motivation and any aggravating factors.

3.2.2. Challenging communication between institutions

Effective investigation of gender-based violence, including femicide, requires excellent coordination and the involvement of various actors. It is important that they cooperate smoothly with each other and – if necessary – swiftly exchange relevant information. Communication between the parties involved in femicide cases has four dimensions (Figure 4) and reaches far beyond the actors involved in the criminal proceedings. Owing to the complexity of this type of case, establishing channels of communication between various institutions is required, such as civil courts, family courts and support services for victims.

Based on the interviews, the communication between professionals working in the criminal justice system is described in most Member States as regular, adequate and consistent, apart from in France, where it is considered insufficient.

Figure 4. Dimensions of communication between professionals and victims in femicide cases



Source: Prepared by authors.

⁽⁴¹⁾ Mentioned by professionals from all of the Member States.

⁽⁴²⁾ Mentioned by professionals from Romania.

⁽⁴³⁾ Mentioned by professionals from Germany and France.

However, it seems that, as communication channels extend further beyond the criminal justice system, communication becomes increasingly challenging.

'I often think that there is a lack of communication given by the bureaucracy. A lot of time is lost here and a lot of details are lost. Everything takes a long time, this also happens in forensic medicine. Sometimes we don't have much time to communicate'

(Professional – forensic doctor, Romania)

Professionals from all Member States highlighted the lack of communication between the representatives of the criminal justice system and the institutions responsible for supporting victims and child or family protection services. Professionals from Spain highlighted that professionals in the youth welfare sector lack an understanding of the gender perspective. This problem could be reflected in some of their practices, for example forcing children to visit their parent (the perpetrator) in prison in order to maintain the relationship, despite the circumstances.

Professionals from almost all of the Member States selected (except Romania) noted that specialised teams contributed to improving communication, but they also mentioned regional differences.

'The victim assistance group in police stations follows up on all victims of gender-based violence. We conduct round-table meetings to work on joint cases. When there is a femicide, we also contact them to find out if there is a record of violence in their [victim assistance groups] or our system. We share information to work on it and, above all, to see what deficits there were in the case. If we could have avoided them, if we could have improved something, on their part, on the part of social services or on the part of whoever, you see?'

(Professional – police officer, Spain)

Professionals noted that it is necessary to establish protocols of communication, with clear roles and responsibilities defined, and to ensure a permanent exchange of information regarding femicide cases and their victims. In Spain, there has been some recognition of the need to improve coordination and communication protocols through the development of guidelines for the improvement of interinstitutional and intra-institutional communication⁽⁴⁴⁾.

The evidence suggests that cooperation and communication between professionals often depends on the individual's will, interpersonal relationships and existing informal contacts⁽⁴⁵⁾. As regards obstacles to effective communication, professionals from France and Portugal mentioned issues regarding accessing victims' data owing to data protection rules (e.g. sharing of information between institutions) and other communication gaps (e.g. police forces not being formally informed about the sentencing result). For example, communication between different courts (e.g. criminal, civil and family courts) is unsatisfactory⁽⁴⁶⁾.

'Sometimes in files you realise that there was no communication for example between the investigative judge and children's judge. You can, in an investigation procedure ... retrieve procedural documents from the children's judge ... But there are some investigative judges who forget to do it. ... Which is a real subject because in reality we must be able to talk to each other and be able to be authorised to take documents from file A for file B, because that helps us to better care for minors'

(Professional – judge, France)

3.2.3. Limited specialisation of investigation units and prosecution teams

Each of the selected Member States has a different approach to investigating and prosecuting femicide (Figure 5). While there are no police forces within the selected Member States that are

⁽⁴⁴⁾ This was identified as one of the urgent measures to put in place by the modernisation pact against gender-based violence. More information is available on the Ministry of Equality's website (<https://www.igualdad.gob.es/comunicacion/notasprensa/Paginas/consejo-ministras-catalogo-medidas-violencia.aspx>).

⁽⁴⁵⁾ Mentioned by professionals from Spain, France and Portugal.

⁽⁴⁶⁾ Mentioned by professionals from Germany, France and Portugal.

specialised in femicide or any nationwide investigation protocols on femicide, in most Member States (Germany, Spain, France and Portugal), there are some regions that have specific police departments or police officers who deal with gender-based violence and/or domestic violence.

For example, Spain has specific laws dealing with the investigation of gender-related crimes. In Spain, cases of femicide are investigated within the gender-based violence regulatory framework, ensuring that both police and forensic units have assigned personnel who are well versed in the action protocol dealing with gender-based violence. The government and the autonomous communities further ensure that comprehensive forensic assessment units are in charge of designing integral and comprehensive action protocols in cases of gender-based violence. However, these units are not available throughout the Spanish territory⁽⁴⁷⁾, resulting in an unequal scenario between the different autonomous communities.

In France, professionals highlighted that separate police and gendarmerie units deal with intra-familial violence in cooperation with social workers who support family members. Therefore, the investigation of some femicides – if related to domestic violence – is also undertaken by these units.

In Germany, police departments in several cities have specialised units for gendered and/or domestic violence (e.g. Berlin and Munich). There are some local examples (e.g. in Rhineland-Palatinate and Osnabrück) in which, in high-risk cases, a multiprofessional intervention takes place to stop violence, protect victims and contact perpetrators, avoiding further victimisation. Nevertheless, in Germany, femicides are investigated not by these specific domestic violence units but rather by general crime and homicide units of the Bundeskriminalamt.

In Portugal, femicides are investigated by specialised police officers, but the specialisation is related to homicide (without a specific focus on femicide or domestic violence). The responsibility for the investigation of homicide lies with the judicial police, the police agency responsible for only the most severe crimes in Portugal, while the investigation of domestic violence situations is the responsibility of other police forces⁽⁴⁸⁾. As mentioned by one professional, in cases of femicide, this can lead to potential disputes about which unit is responsible for handling the case.

Romania has only one division specialised in homicides (not femicides), but most crimes are dealt with by units of general criminal competence.

Figure 5. Investigation of femicides and specialisation of police forces in the Member States analysed



Source: Prepared by authors.

⁽⁴⁷⁾ Mentioned by professionals from France and also highlighted by desk research. There are regions that have not yet implemented comprehensive forensic assessment units (as of the date of publication). In Navarra, the unit has been implemented, but, according to LAB-Justizia data, it does not function as such because, among other things, the unit does not have sufficient resources in terms of either materials or personnel. Other regions also have a unit but need more resources (Aragon), while, in some regions, the unit's importance is widely recognised (Andalusia and Basque Country).

⁽⁴⁸⁾ In Portugal, there are three police forces that mainly deal with criminal investigations (the republican national guard, the public security police and the judicial police). The judicial police is the police force that deals with more serious crimes such as homicides and terrorism, among others.

Similarly, there are no prosecutors specialised in femicide in any of the selected Member States except for Spain. Spain, as mentioned, has the most holistic response to femicide and, in 2004, appointed a public prosecutor for cases of violence against women ⁽⁴⁹⁾. In addition, there is a section for violence against women in each provincial prosecutor's office, headed by the respective delegate prosecutors ⁽⁵⁰⁾, who ensure that victims' rights are protected. Germany and Portugal have also been developing specialised teams to tackle the issue of domestic violence at the prosecution stage. In Germany, there are partly specialised units with specific departments for domestic violence that also deal with intimate partner femicide cases. In Portugal, since 2019, specialised integrated domestic violence sections ⁽⁵¹⁾ have been piloted in some regions, which expand the measures for victims' protection and safety, namely by allowing the same magistrates who conduct proceedings related to family law to rule in domestic violence proceedings. The existence of these specialised sections was identified as a good practice that should be promoted in all regions of the country ⁽⁵²⁾. Professionals from Germany, Spain and Portugal noted that specialised prosecution units can potentially improve the prosecution of femicides.

'... there are more and more special public prosecutors' offices now. And there are also specific investigation groups for domestic violence in the police authorities. And I see that as a very, very important means to, first of all, create sensitivity for the problem among the investigating authorities. And then perhaps also to prevent femicides more ... If you simply have this problem, if you simply have a higher level of expertise to tackle this problem'

(Professional – victim support organisation, Germany)

3.2.4. Insufficient specialist training for professionals

Both victims and professionals interviewed in the study seemed to recognise the pivotal role of specialist training for police and criminal justice system officers, which is considered by the World Health Organization as fundamental to ending femicide (WHO, 2012). Legal professionals from four of the Member States (all but Romania) suggested implementing mandatory training on femicide for all professionals involved in these cases, especially those working at judiciary level.

Professionals highlighted that training needs to be provided to all relevant institutions on an equal basis – Spanish professionals noted that agencies that deal with victims, such as the Office of Assistance to Victims of Crime, also require training. Discrepancies in the training received by judicial actors were reported, with professionals identifying that there has been more training for police units than for justice professionals ⁽⁵³⁾.

As for the content of training, professionals highlighted the need for other types of training, including specific programmes covering the risk factors of femicide ⁽⁵⁴⁾, victims' rights ⁽⁵⁵⁾, forensic interview techniques and the interpretation of victims' behaviours and silence. They also noted that these training courses should be more practical and should include case studies that consider the voices and experiences of domestic violence victims and family members to allow a better understanding to be gained of victims' suffering ⁽⁵⁶⁾.

'... we still see inadequate implementation of the rights of the victims, in case the survivors. We still see that especially in cases of gender-based violence, the particular vulnerability of the victims is not recognised. ... So we see a need for

⁽⁴⁹⁾ Organic Law 1/2004 on comprehensive protection measures against gender-based violence.

⁽⁵⁰⁾ More information is available on the website of the Ministerio Fiscal (<https://www.fiscal.es/-/violencia-sobre-la-mujer>).

⁽⁵¹⁾ Regulated by Directive 5/2019 of 4 December 2019, the specialised integrated domestic violence sections are composed of magistrates, supported by psychosocial professionals. These teams include magistrates from the family court, who deal with proceedings related to family law and criminal law.

⁽⁵²⁾ Mentioned by both professionals and victims' representatives from Portugal.

⁽⁵³⁾ Mentioned by professionals from Spain and Portugal.

⁽⁵⁴⁾ Mentioned by professionals from Germany, Spain and France.

⁽⁵⁵⁾ Mentioned by professionals from Portugal and Romania.

⁽⁵⁶⁾ Mentioned by professionals from Portugal.

improvement at the procedural level. And on the other hand, we see a need for improvement in the knowledge of the judges and of course also of the public prosecutors in these cases, because they often do not have any special expertise or specialist knowledge on the topic of gender-specific violence, on the topic of intimate partner violence'

(Professional – victim support organisation, Germany)

'A child who witnesses violence is a victim, at this stage already. And this is not yet a principle that is sufficiently anchored in the mentalities of all actors in the criminal justice ... Once again, in the texts, they are involved, in the texts. OK? Now, in practice, we will say that their trauma, their suffering, are not sufficiently taken into account by the magistrates'

(Professional – victim support organisation, France)

In addition to training focusing on the technical aspects of the investigation and evidence collection, victims emphasised the need to develop communication skills for professionals involved in femicide cases. This is particularly important at the beginning of the investigation process (when family members receive information about the crime) and when dealing with victims at court⁽⁵⁷⁾. One professional noted that selecting people to work on gender-related violence cases should be based not only on their knowledge but also on their sensitivity to the topic⁽⁵⁸⁾.

A lack of such sensitivity has an impact on victims' experiences with the legal system. Victims recount bad experiences with the police, especially at first contact, when the police inform them of the killing and start the investigation proceedings⁽⁵⁹⁾. Moreover, police officers are not sufficiently trained and there is no specific protocol in place regarding how to inform family members about their loss, which, according to victims, is necessary.

'The police should be trained in the announcement. The way we were delivered this announcement was extremely violent. ... [The sister of the interviewee was burnt to death.] I had no idea what had happened at all, and I was thinking of a house fire. And when I asked if my sister was asleep when the fire started, I was told no. So I asked ... I said I didn't understand, why ... and I was brutally told that the perpetrator had set her on fire'

(Victim – family member, France)

3.3. Bringing justice to victims: sentencing perpetrators and compensating victims

All forms of violence against women, including femicide, need to be met with an effective, proportionate and dissuasive sentence. This step requires careful analysis of the circumstances of the case and the correct application of the law. However, victims' access to justice goes beyond the conviction, as they are entitled to compensation, which falls under the right to an effective remedy.

Drawing from the interviews, desk research and literature review, this section outlines key proposals to improve the process of bringing justice to victims, which includes holding perpetrators accountable and ensuring that victims receive appropriate compensation.

3.3.1. Lack of legal recognition of femicide

The fact that femicide is often a culmination of other forms of gender-based violence has already legally been addressed in several Latin American countries. Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and Peru (Gender Equality Observatory for Latin America and the Caribbean, 2015) introduced the crime of femicide to highlight the gravity and scale of this

⁽⁵⁷⁾

⁽⁵⁸⁾ Mentioned by one professional from France.

⁽⁵⁹⁾ Mentioned by victims from France.

phenomenon (González Velázquez, 2014). Recognising femicide as a specific criminal offence also ‘enables the timely identification of the possibility for femicide to occur, a quick response to prevent femicide, effective investigation, processing and the adequate punishment of perpetrators’ (UN Women – Europe and Central Asia, 2020).

Despite these advantages, femicide is not recognised as a specific criminal offence in any European country⁽⁶⁰⁾. Instead, the legal responses to counter femicide in the selected Member States tend to be divided into two types: those that consider femicide as a form of gender-based violence and those that consider femicide as gender-neutral homicide. These two approaches are illustrated in Figure 6.

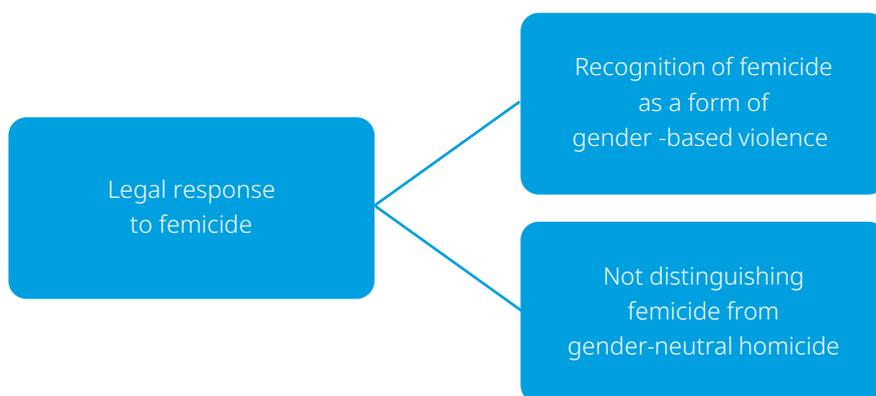
Legal frameworks in Germany, Spain, France, Portugal and Romania do not distinguish femicide from homicide. As a result, in all of these Member States, gender-neutral criminal provisions are applicable in cases of killings of women (for more detailed information, see Annex 2). Nevertheless, in some Member States, legislation allows murder offences to be considered aggravated if they are based on gender (Spain, France and Portugal)

or motivated by discrimination (Spain, France, Portugal and Romania).

For example, pursuant to French criminal law, the perpetrator of a female homicide might be charged with voluntary murder⁽⁶¹⁾. However, committing an offence against a spouse or partner (including civil partners, cohabitees and past partners) can be considered an aggravating circumstance⁽⁶²⁾. The French penal law also considers offences committed based on the sex, sexual orientation or gender identity of the victims as aggravating circumstances⁽⁶³⁾.

In Portugal, gender-motivated killings, in particular intimate partner femicides, are usually classified as qualified homicides – an aggravated type of homicide in which the killing is committed under circumstances that reveal special censurability or perversity⁽⁶⁴⁾. This broad term can include committing a crime against a partner or ex-partner (including non-married couples) or against a particularly defenceless person (e.g. a pregnant woman); killing for the satisfaction of ‘sexual instinct’; or killing based on the sex, sexual orientation or gender identity of the victim⁽⁶⁵⁾.

Figure 6. Types of legal responses to counter femicide in the selected Member States



Source: Prepared by authors.

⁽⁶⁰⁾ In Cyprus, there is currently a proposal to make femicide a distinct criminal offence punished by life imprisonment (Cyprus Mail, 2021).

⁽⁶¹⁾ French Criminal Code Articles 221-1, 221-2 and 221-3.

⁽⁶²⁾ French Criminal Code Article 221-4(4) and (9).

⁽⁶³⁾ French Criminal Code Article 132-77, modified by LOI No 2017-86 of 27 January 2017.

⁽⁶⁴⁾ Portuguese Criminal Code Article 132(1).

⁽⁶⁵⁾ Portuguese Criminal Code Article 132(2)(b), (c), (d) and (f).

A similar approach was adopted in Spain, where the perpetrator of a femicide can be held liable for murder or homicide under the Spanish criminal law ⁽⁶⁶⁾, which could be aggravated, if committed against a spouse, ex-spouse, partner or ex-partner or a person of particular vulnerability ⁽⁶⁷⁾. Moreover, Organic Law 1/2015 of 30 March 2015 further strengthened the protection of victims of gender-based violence by specifying that committing a crime motivated by the victim's gender must be considered an aggravating circumstance. Therefore, this law offers legal protection in all cases of violence motivated by gender, which goes beyond violent acts committed in intimate partner relationships. Moreover, in 2015, the Spanish Supreme Tribunal clarified that this provision needed to be applied in all instances in which the victim was a woman and the harmful action was motivated by a man's desire to subject the woman to his will, demonstrating superiority or an attempt to dominate her ⁽⁶⁸⁾.

The Romanian Criminal Code addresses femicide under gender-neutral provisions of homicide or aggravated first-degree murder ⁽⁶⁹⁾. The gender of the victim can be considered an aggravating circumstance, as can race, nationality, ethnicity, language, religion, sexual orientation, opinion or political affiliation, wealth, social origin, age, disability, chronic non-communicable disease, HIV/AIDS infection, or other circumstances of the same kind considered by the perpetrator as a reason for inferiority of a person ⁽⁷⁰⁾. Moreover, in cases of homicide, aggravated first-degree murder and physical violence, the sentence increases by a quarter if the act was committed against a family member, regardless of their gender ⁽⁷¹⁾.

In contrast, the German legal framework seems to take a more gender-neutral approach to femicide. In Germany, all intentionally committed acts of violence against people that result in the death

of the victim – regardless of their gender – are criminalised as murder, manslaughter or offences against physical integrity, such as bodily harm resulting in death ⁽⁷²⁾. The law allows the crime to be considered aggravated if it was committed with 'base motives' ⁽⁷³⁾. Potentially, this provision could cover hatred or contempt for women on the grounds of their sex or gender.

In this context, it should be noted that a significant number of the professionals interviewed ⁽⁷⁴⁾ recognised the urgent need to introduce a legal definition of femicide in the national law. Professionals argued that such a change would increase general awareness and simplify the application of legal provisions.

'Because this [having femicide as a crime] would immediately call the attention of the interpreter of the law, that we are facing a reality distinct from a homicide. Therefore, I am in favour of having an autonomous legal type of crime called femicide, whether for killings of women in a domestic violence context, or other forms of gender-based violence, for example, a man who rapes a woman who is a stranger to him and kills her'

(Professional – judge, Portugal)

'Because what does not exist, is also not discussed. Neither with the investigating authorities nor with the investigating procedures nor with the judges'

(Professional – counsellor, Germany)

According to the professionals, the legal recognition of a separate criminal offence for femicide could also bring other benefits, including contributing to making femicide more visible and to its prevention, recognising the exposure of women to gender-based violence, preventing domestic violence and increasing reporting to the police by victims ⁽⁷⁵⁾ (Figure 7).

⁽⁶⁶⁾ Spanish Criminal Code Articles 138, 139 and 140.

⁽⁶⁷⁾ Spanish Criminal Code Articles 23 and 57.

⁽⁶⁸⁾ Judgment of the Spanish Supreme Court of 19 November 2018, 565/2018, ECLI: ES:TS:2018:3757; and judgment of the Spanish Supreme Court of 14 September 2020, 444/2020, ECLI:ES:TS:2020:2904.

⁽⁶⁹⁾ Romanian Criminal Code Articles 188 and 189.

⁽⁷⁰⁾ Romanian Criminal Code Article 77(h).

⁽⁷¹⁾ Romanian Criminal Code Article 199(1).

⁽⁷²⁾ German Criminal Code (Strafgesetzbuch), paragraphs 211, 212, 223, 227 and 231.

⁽⁷³⁾ German Criminal Code (Strafgesetzbuch), paragraph 211(2).

⁽⁷⁴⁾ 20 out of the 82 professionals interviewed.

⁽⁷⁵⁾ Mentioned by professionals from all of the Member States studied.

Figure 7. Arguments for recognising femicide as a specific criminal offence

Source: Prepared by authors.

However, about 30 % of professionals ⁽⁷⁶⁾ argued that it is not necessary to create a specific femicide offence. Most of these opinions were accompanied by a lack of a gender perspective in the understanding of femicide.

'... regarding femicide ... when the person commits that violent act, it is directed to the person who is nearer, it's not because they are female or male, it is the person with whom he shares a life, to whom he is close, often it is also his children, but I do not think that it is associated, from my experience and from what we think, with hate regarding gender. I think it is an issue of proximity, of closeness, the person on whom some of the partner's frustrations are released ...'

(Professional – police officer, Portugal)

Some professionals from France argued that it is necessary to keep the law neutral and universal, regardless of the victim's gender. However, while these arguments are often paired with the principle of equality of men and women in the application of the law, they fail to recognise that all forms of violence, including femicide, disproportionately

affect women and therefore constitute a form of discrimination based on sex ⁽⁷⁷⁾.

'I am not convinced that there is a gender dimension to take into account. There are perpetrators and there are victims, and I think that everyone must be taken into account in the same way, there are necessarily, in the cases that we can encounter at the present time, more women victims of femicides than men [interviewee reveals lack of understanding of the term femicide], but after that, should we necessarily take into account the fact that it is a woman? For me we have to take into account the victim as a human being, his status as a victim in fact'

(Professional – public prosecutor, France)

'I do not think a positive discrimination should be created for women'

(Professional – judge, Romania)

It should be noted that there are no specialised courts that would examine cases of femicides exclusively in any of the Member States selected for this in-depth analysis. All of the Member States – except

⁽⁷⁶⁾ 25 out of the 82 professionals interviewed.

⁽⁷⁷⁾ For a more detailed analysis regarding the use and/or legal implementation of the category 'femicide', see EIGE (2021b, pp. 9–10).

for Spain – have opted to establish ordinary national courts ruling in criminal or civil matters separately. Specialised courts – created to deal with specific types of cases – are identified less often.

However, a positive example was identified in Spain, which is the only Member State that has established specialised courts for handling gender-based violence cases and has guidelines on judicial action against gender-based violence issued by a group of experts of the General Council of the Judiciary. So-called violence against women courts were created to ensure an appropriate and effective treatment of the legal, family and special situation of the female victims. As noted in Organic Act 1/2004, these new courts are mandated to examine and rule on criminal cases involving violence against women and any related civil causes. This approach seemed to be assessed positively by one professional from Portugal, who suggested that having mixed competence courts would be beneficial for victims.

Specialised courts on gender-based violence that also sentence femicide cases are deemed to be necessary across all Member States and implemented throughout the country⁽⁷⁸⁾. This seems to be particularly important in the light of an example from France, in which the cour d'assises, a court composed of both magistrates and civil-society juries, was mentioned as causing potential difficulties, as the professionals lack knowledge on gender-based violence.

3.3.2. Traumatizing experience for victims in the justice system

The role of victims in proceedings varies greatly between Member States – mostly because of differences in national legal frameworks and the definitions of a victim (FRA, 2014). For example, in Germany, France, Portugal and Romania, victims can join the prosecution as civil parties to the case, while, in Spain, they are considered qualified witnesses. These provisions allow victims to play an active role in the proceedings. However, professionals recalled that the victim's status, despite being comprehensive, lacks a gender perspective.

The formal recognition of the victim's vulnerability status or rights does not always ensure that, in practice, victims are protected. In addition, the fact that the use or implementation of some measures to support victims during the proceedings is not mandatory might lead to some violations of victims' rights or their re-victimisation. There is a need to involve professionals to better implement the victim status in daily practices.

'Rights [are recognised] as possibilities, and for that possibility to become effective, it has to be fought for in each case ... Rights need guarantees [need to be implemented]'

(Professional – advisor to governmental body, Spain)

Moreover, professionals from France and Portugal noted that family members of murdered women are not seen or recognised as victims in the judicial system. As a result, they are often invisible and neglected by the system.

'We talk about the victim [as the woman killed], and we talk about the perpetrator. However, occasionally, it is mentioned that the victim has a son or daughter, a father or a mother ... they are entirely invisible'

(Professional – psychologist, Portugal)

'So the relatives hardly play a role with us. That is often difficult for the relatives to understand. Because, after all, is a related person who has died. And they are involved very little. But the system doesn't allow that. Because we have a federal law enforcement power here. ... And then the injured party, even if he is a co-plaintiff (Nebenkläger), is actually only a witness. Yes. And has relatively few rights and rights to a say. But that is incomprehensible to many. But it actually makes sense. Yes. It would certainly not inspire the preliminary proceedings or the main proceedings, nor would it improve them or make them clearer, if relatives were able to get more involved than they are. Because it's not about dirty laundry, as a rule, but simply about the murder'

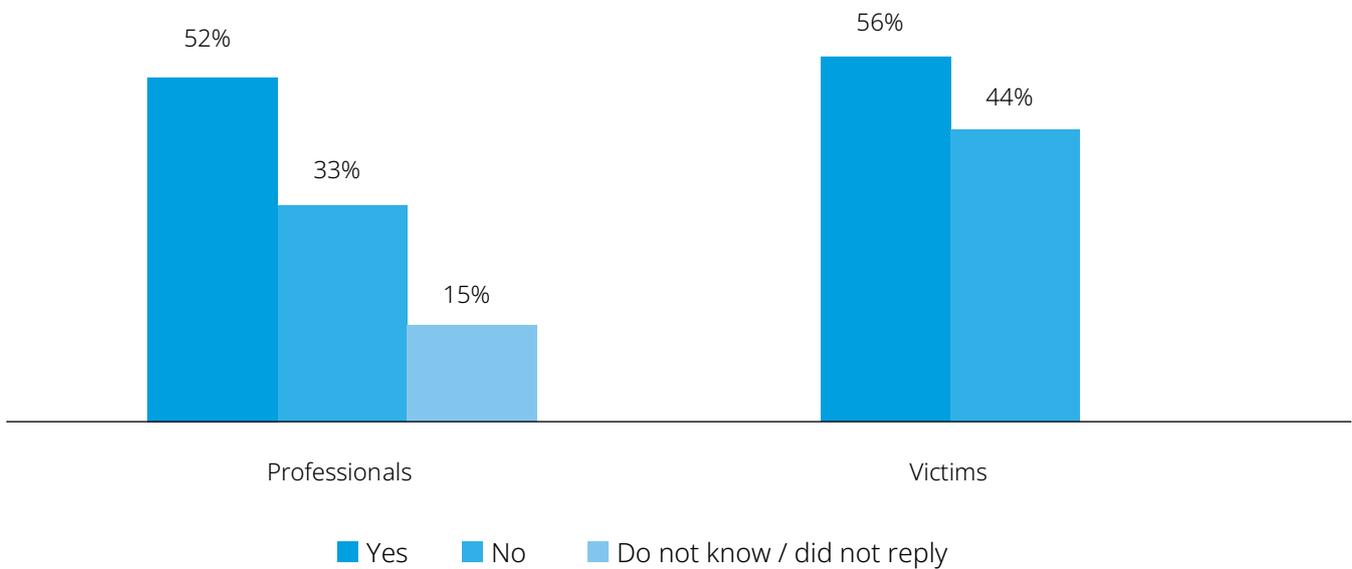
(Professional – lawyer, Germany)

⁽⁷⁸⁾ Mentioned by professionals from Spain, France and Portugal.

Opinions about victims' participation in the legal proceedings diverge among professionals, victims and Member States. Figure 8 presents the overall perspectives of victims and professionals on the active participation of victims in the criminal and civil processes. The proportion of victims who do not perceive themselves as active participants in the proceedings is much higher than the proportion of professionals who do not see the victims as playing an active part in the proceedings (44 % versus 33 %, respectively).

Despite the fact that some legal systems allow the active participation of victims, some interviewees noted that victims rarely participate actively ⁽⁷⁹⁾. While professionals highlighted the importance of decision-making and self-determination among victims, especially in relation to the extent that they want to be involved in the process, they noted that this participation can potentially be traumatic ⁽⁸⁰⁾. For example, some professionals and victims highlighted that, while victims are considered important during the investigation, once it is over they are no longer considered useful to the system and are left alone/neglected ⁽⁸¹⁾.

Figure 8. Professionals' and victims' perspectives on victims' role in civil and criminal proceedings (% , 2021)



NB: The professionals and victims were asked the following question: would you say that victims play an active part in the criminal and civil processes in cases involving the killing of women?

Source: Authors' calculation.

'... they [victims] must undergo traumas inherent to violence, there you have it, femicide. But the criminal procedure is also a trauma to overcome. So it is a double burden for the victims'

(Professional – criminal lawyer, France)

'At a psychological level, the trauma is bigger than we see it as professionals. Yes, they are calling me

to ask me how they can breathe, why they can breathe ... When you say conclusions and the parties cry behind you, it is very difficult. You cannot pretend that you can't see or feel when relatives cry or call you in tears or come to your office in tears ...'

(Victim – legal representative, Romania)

⁽⁷⁹⁾ Mentioned by professionals from France and Portugal and victims from Spain and Portugal.

⁽⁸⁰⁾ Mentioned by professionals from Germany and France.

⁽⁸¹⁾ Mentioned by professionals from Germany, France and Portugal and victims from Portugal and Romania.

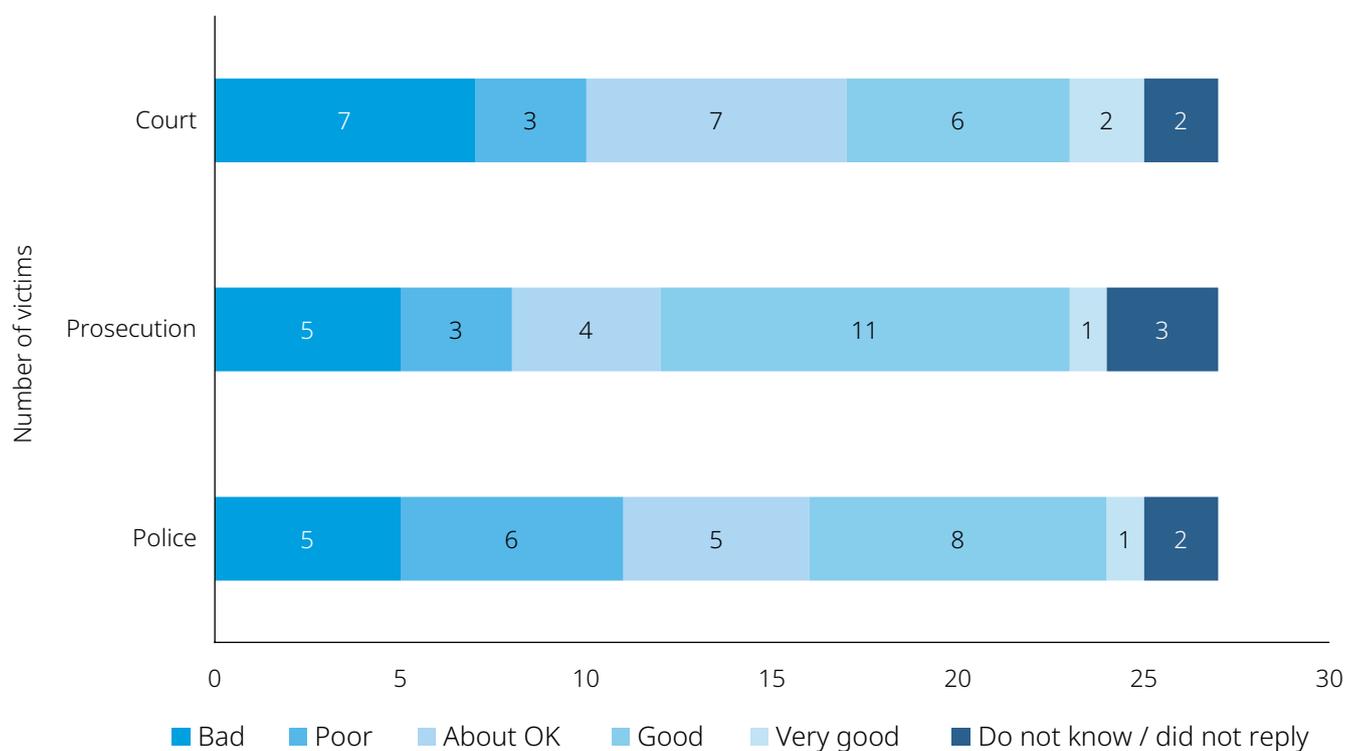
Quantitative results from the victims' interviews give interesting insights into why victims refrain from participating in legal proceedings, as the courtroom seems to be a place where victims mostly feel re-victimised and uncomfortable. The findings demonstrate that victims' experiences vary between different stages of the process, showing that the worst experiences are in courts: 26 % of victims classified their experience at court as bad (Figure 9).

Interestingly, as Figure 10 shows, most professionals believe that victims' rights are being

ensured by the legal system (52 %). However, victims' experience is the opposite, and most victims stated that their rights were not ensured (63 %).

In this context, the interviewees, mainly victims, highlighted numerous unpleasant experiences. The first important aspect related to the proceedings. Although under international standards the rights of victims should be at the centre of all measures ⁽⁸²⁾, professionals and victims claimed that the legal process is too offender oriented and more attention is needed on victims' point of view ⁽⁸³⁾.

Figure 9. Victims' rating of their experiences at different stages of legal proceedings (number of victims, 5-point scale from bad to very good, 2021)



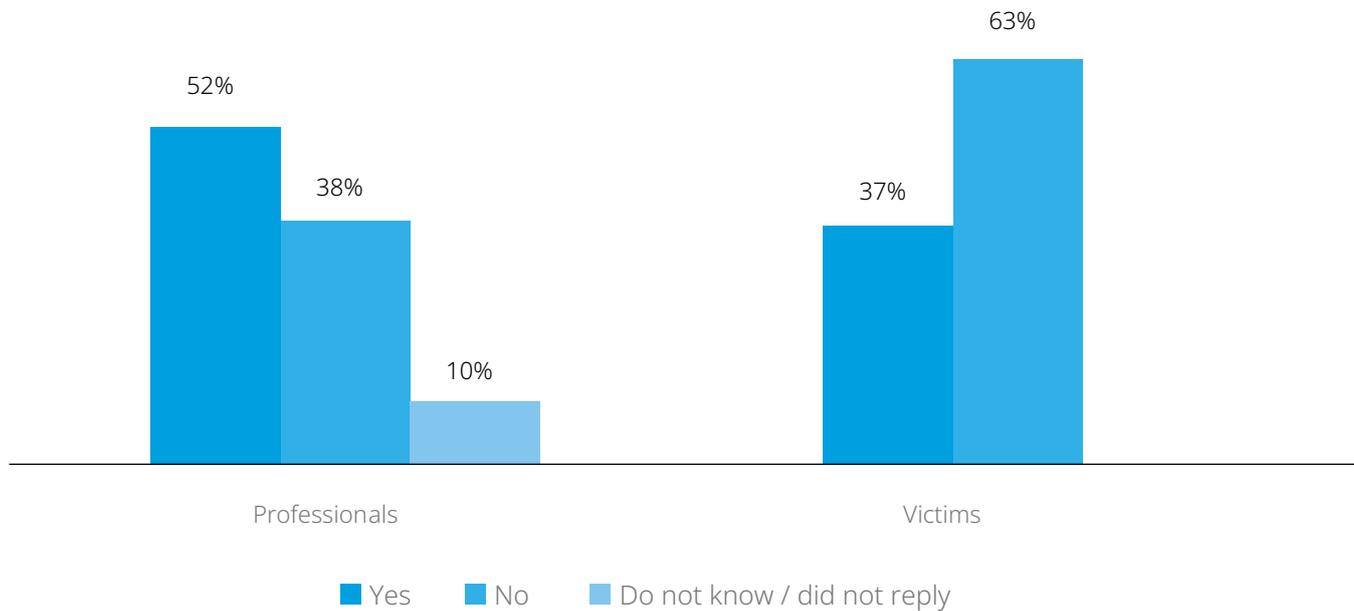
NB: The victims were asked the following question: how would you classify generally your experience with the criminal justice system regarding the femicide case?

Source: Authors' calculation.

⁽⁸²⁾ Article 7(2) of the Istanbul Convention notes: 'Parties shall ensure that policies referred to in paragraph 1 place the rights of the victim at the centre of all measures and are implemented by way of effective cooperation among all relevant agencies, institutions and organisations'.

⁽⁸³⁾ Mentioned by victims from Germany, Spain and Portugal and professionals from France and Portugal.

Figure 10. Professionals' and victims' opinion on victims' rights being guaranteed in cases involving the killing of women (% , 2021)



NB: The professionals were asked the following question: would you say that victims' rights are guaranteed by the legal system in cases involving the killing of women? The victims were asked the following question: would you say your rights were respected by the criminal system?

Source: Authors' calculation.

'We are very focused on the evidence of criminal facts. However, the state is less interested in monitoring those who lost someone in their family and less interested in their emotional recovery. ... people are also orphaned ... orphaned from support [from the state]'

(Professional – psychologist, Portugal)

'Take the victim more into account, to really understand what is happening and to explain a femicide, you need to have the author's version, and knowledge of married life related to the perpetrator, but also related to the victim. What I have seen in French court files is that very often, data on victims, but even basic, sociodemographic data, and it's even worse when you try to know their previous life history earlier, in fact we know very little about the victim, we know a little more about their life with the perpetrator. ... There are cases where I had difficulty even finding the date of birth of the victims. So maybe it has improved in recent years, but there is still a big part in the trials, which revolves around the perpetrator, because he is alive and he is there, but the victim deceased, we talk about them less, which leads to a bias in understanding the situation, I think. We need

to focus more on the victim, but that is not really part of the job of investigators, to ensure the proper care of the family around, and especially the children'

(Professional – prosecutor, France)

As the perpetrator is often at the centre of proceedings, one victim from Portugal noted that there is an imbalance between victims' and perpetrators' allocated time to talk in court, with victims rushed and not having the opportunity to speak freely.

'[I testified] Only once and only in the closing statements. But I was allowed very little time to talk because the judge presiding the panel was very such and such [meaning the person was a practical person]. He [perpetrator] spoke for 8 hours straight, a whole day just for him. When I was saying anything, I was told 'that has already been said, move on'. I started talking, 'that has been said already, move on!'

(Victim – parent, Portugal)

Victims also highlighted their experiences of a lack of sensitivity from judges, judges humiliating or doubting victims, and victim blaming of the women killed. Professionals and victims further claimed that the judges should act more proactively during the proceedings to avoid defence strategies of blaming or discrediting the women killed, including insulting and threatening victims at court.

[During the testimony the perpetrator was present as well as the audience]: Because the [perpetrator] kept laughing at me. And his parents were at the trial. ... And they laughed at me. And the judge didn't stop it. You know what, in my case it was so far that the mother said: 'Yes, now they have her. Now they have her. Now she lied.' As if I had murdered my daughter. I thought I was in the wrong film. And the judge didn't stop it ... he [the judge] then said to me: 'You know, this was a classic adultery. Your daughter was ambivalent', then he turns around and says: 'Mr accused, that you, So this act is not to be forgiven, but how you acted is understandable'. And that's such a misogynistic, discriminatory statement towards my daughter. She's dead. And he says it is classic adultery. It wasn't 1970 that we had. It was [year]. ... And then I also really looked, [name – welfare organisation] also filed an EU complaint. I even got a women's representative on board, because there are also retired lawyers, public prosecutors, judges, but that came to nothing, because nobody dares to do anything against such judge

(Victim – parent, Germany)

Victims reported that detailed information is discussed and presented at court and that there is a lack of sensitivity towards victims, as it is not suggested that they leave the courtroom when distressing evidence is shown⁽⁸⁴⁾. Victims from Portugal highlighted that, after their days at court and being exposed to these proceedings, they experienced depression, other health problems and long-term consequences. However, they explained that they felt obliged to participate in the proceedings to defend the victim's memory in court.

'... [It was] Very difficult to hear how my niece was killed, under very difficult conditions. The experts

who came to testify, deliver the expert reports, it was very, very difficult, I think it was the worst time of my life ... Seeing these images, hearing these things, seeing how someone carries out their threats, you were at the heart of this crime. So it's difficult. Tense. My anger level was at its peak, I was so angry that my shoulders hurt for a week or 15 days I was so tense'

(Victim – family member, France)

'Yeah. And that, that week, it was ... pff atrocious. It destroyed me, that. I had depression after that, and everything. And it was really ... In fact, we weren't prepared for this. We were thrown in there, we had no follow-up, actually'

(Victim – adult child, France)

Victims, especially children of woman who were killed, further suggested that trials of femicide cases should be closed to public proceedings⁽⁸⁵⁾.

'I don't like the fact that the meeting is public. The other things are normal, because it is normal to have the perpetrator present ... everyone expresses their point of view. I want to know what is happening and the perpetrator has the right to know what is going to happen to him. ... I think that, in these special cases, only the parties involved in the case should be present, and the meeting should not be public'

(Victim – adult child, Romania)

'... because it's true that it's super impressive. And there, me, I ... Already, the room is very impressive. You have, I don't know, 100 to 150 people behind you. ... the venue, you come in, it's ... pff, it's huge. It's on purpose, it's oppressive, it's ... I didn't even ... Me, when I took the stand, I couldn't even ... I didn't even have words. I ... I guess, I must have spent half an hour crying, I think. And it was super complicated, yeah. Then, we are not prepared, in fact, us. We don't know what to expect, what. And that's the hard part'

(Victim – adult child, France)

⁽⁸⁴⁾ Mentioned by victims from France and Portugal.

⁽⁸⁵⁾ Mentioned by victims from Germany, Portugal and Romania.

Victims emphasised that the urgency and need to produce evidence must not overshadow the rights of victims; they suggested strengthening measures aimed at supporting victims. For example, victims' support offices in Spain ⁽⁸⁶⁾, despite not being a gender-specialised service, are highlighted as a good example and relevant for supporting and assisting victims during the trial and empowering them to give a more complete testimony. Victims also mentioned other measures that could provide them some comfort, such as being accompanied by a person of trust during the testimony, especially when taking into account that their right to avoid contact with the offender (Article 19 of the Victims' Rights Directive) is described as the one most commonly not followed during trials ⁽⁸⁷⁾.

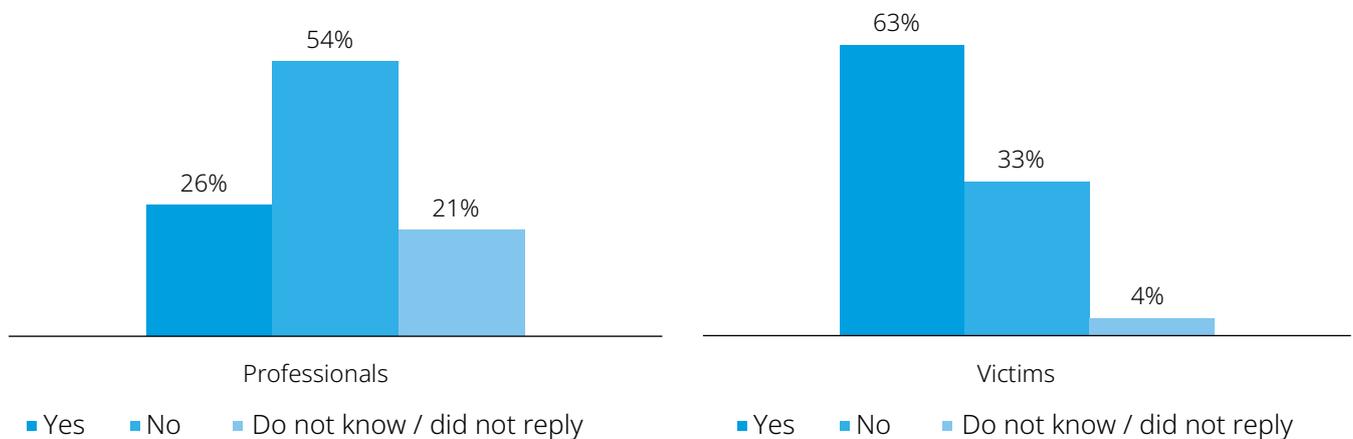
Victims further described that being represented by a lawyer might help to ensure victims' rights in

relation to both increasing the sentence severity and the protection of victims in terms of avoiding their re-victimisation (e.g. not allowing children to be questioned by the police on the day after the killing and not allowing children to be present in court when sensitive evidence is presented) ⁽⁸⁸⁾.

As regards secondary victimisation, more than half of the professionals agreed that secondary victimisation is not prevented (54 %) and most of the victims stated that they had indeed experienced secondary victimisation (63 %) (Figure 11).

Addressing victims' needs is particularly important in the context of the length of legal proceedings and the impact this has on victims. Quantitative results regarding the duration of femicide proceedings demonstrate that large groups of both professionals and victims believe proceedings are 'too long' (Figure 12).

Figure 11. Professionals' and victims' opinion about secondary victimisation prevention (% , 2021)

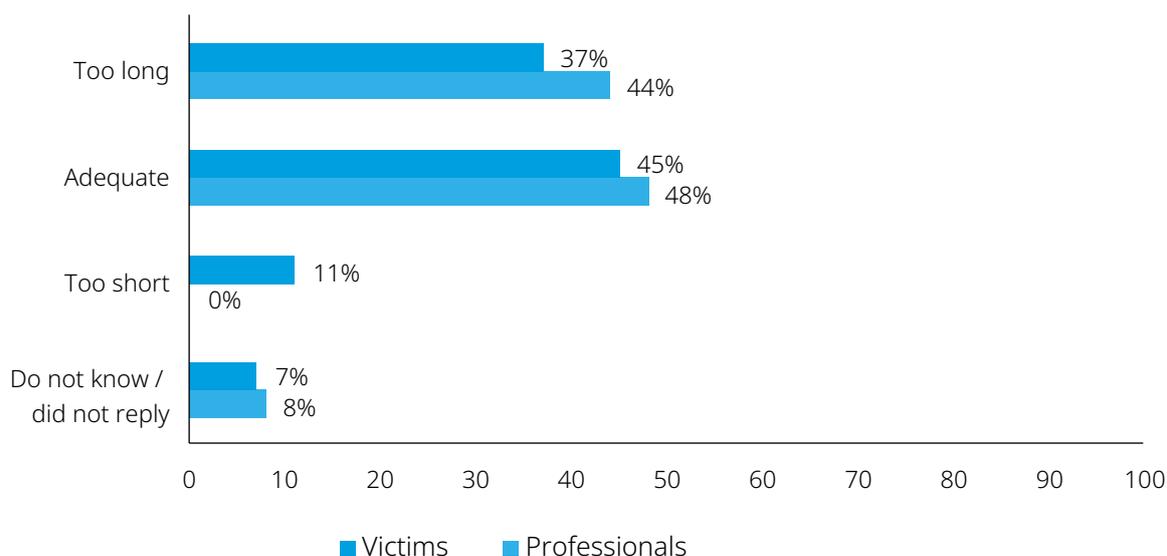


NB: The professionals were asked the following question: would you say that secondary victimisation is prevented by the legal system in cases involving the killing of women? The victims were asked the following question: Research notes secondary victimisation by the process, in other words that you might feel badly treated, humiliated, unprotected or disbelieved. Did you experience anything like this? Source: Authors' calculation.

⁽⁸⁶⁾ Crime victims' support offices are a free public service to aid and assist victims of violent crimes and crimes against sexual freedom; they are staffed by civil servants of the Justice Administration and by psychology professionals. More information is available on the Ministerio de Justicia website (https://violenciagenero.igualdad.gob.es/informacionUtil/recursos/estadoAlarma/docs/Triptico_Oficinas_Atencion_Victimas.pdf).

⁽⁸⁷⁾ Mentioned by professionals from Portugal and Romania and victims from Germany.

⁽⁸⁸⁾ Mentioned by victims from France.

Figure 12. Professionals' and victims' perception of the duration of femicide proceedings (% , 2021)

NB: The professionals were asked the following question: how would you classify the length of the proceedings to investigate and punish the killing of women (from the time of the killing until sentencing and compensation is provided)? The victims were asked the following question: how would you classify the length of the proceedings to investigate and sentence the killing of women (from the time of the killing until sentencing and compensation was provided)?

Source: Authors' calculation.

Lengthy judicial procedures are not compatible with expectations and the psycho-emotional well-being of the victim, and this generates a certain feeling of abandonment, injustice and mistrust towards the justice system.

'It wasn't until a year and a half later that the murder was declared as a gender-based violence. It took a long time. I think that maybe that is a problem, right? Above all, for the family because when it comes to managing aid and all these types of applications. The fact that it takes so long for the murder to be declared as a gender-based violence ... not only on a psychological level, but also on a bureaucratic level'

(Victim – adult child, Spain)

Procedures, legal provisions and thorough criminal proceedings are fundamental in femicide cases, not only because victims are waiting for justice, but also because the conclusion of the trial is experienced as a symbolic burial.

'I think that in a way it [the trial] still allows to restore the victims, in their dignity, I often say that it also allows to give to the victims a 'judicial

burial', a dignified burial, when one arrives at the goal of the process, that we did not know how to prevent it, what we owe to the families and to the victims is this dignified judicial burial to remind them that the person who died has nothing to be ashamed of in the process of taking action. It is only the perpetrators who are responsible. ... So the legal process makes it possible to appease all this and to reiterate that a victim is a victim, and nothing else'

(Professional – prosecutor, France)

3.3.3. Limited measures protecting children from re-victimisation

Children's suffering related to femicide is rarely captured by data. In 2019, the United Nations Studies Association Vienna (UNSA, 2019) demanded that children's suffering be recognised by, at the very least, collecting data on how many children are involved in femicide and assessing the scope of potential short- and long-term consequences.

The need to protect children against suffering during the criminal proceedings has been recognised in all five of the Member States analysed; in all cases, protecting children in an attempt to avoid re-victimisation is prioritised. The interviewees provided interesting insights on this matter, as 68 of the 82 professionals interviewed during this study had some experience of femicides that involved children.

'... society and the state cannot inflict on these children even just one more millimetre of suffering for what they have already gone through, not one more, with long proceedings, with doubts, with multiple hearings. They cannot cause these children even one more gram [of pain]'

(Professional – judge, Portugal)

The professionals seem to agree that the identification by the state of vulnerable victims or victims with special protection needs facilitates the procedure and the participation process for victims⁽⁸⁹⁾. According to some professionals from Portugal, all underage children should be granted the status of particularly vulnerable victims, but, given that the law is not clear on this matter, this is not always the case, with regional differences in terms of this assignment. In Romania, all children under 18 years old are considered vulnerable. Professionals from Spain and Portugal believe that the scope of who is considered a victim should be extended to cover direct family members. Furthermore, professionals suggested that the assignment of a victim as vulnerable should not be limited to one person per case.

Moreover, the interviews reveal that different measures are implemented in each Member State to protect children. In Germany, Portugal and Romania, victims considered particularly vulnerable can be heard through an online conference call or may record statements for future reference. However, declarations taken at the investigation stage for future use in court are not a common practice for adults⁽⁹⁰⁾, despite being set out as a possibility by the victims' rights

directive. As these are not common, adult victims (and sometimes children) are often required to give testimony multiple times in both criminal and civil proceedings, resulting in a greater possibility of re-victimisation. An important aspect of children's hearings was raised by one professional from Portugal, who emphasised that 'declarations for future use' should be used not only for criminal proceedings, but also in the civil proceedings of parental responsibility regulation.

In Spain, the protection of children during their participation has evolved significantly, especially since the introduction of the children's protection law⁽⁹¹⁾. Children always give testimonies in specially designed spaces of the court (the 'Gesell' room), mainly as a 'declaration for future use', meaning that these testimonies are taken before the trial and are later presented to the court.

In Germany and Portugal, children are heard during the proceedings only if their testimony is considered essential. In Romania, children are heard in court only if they are witnesses to the crime or if the defendant's lawyer requests a rehearing for the cross-examination of the minor. Professionals from Spain described the fact that the defence can request the presence of the children in the court as a concern. The hearing of children in Portugal and Romania is reported to occur with the presence of a person of trust and/or a professional who can provide support if needed.

'Children who are under 10 years of age are not normally exposed to such a statement. In fact, in Spain, given the existence of the victims' statute, the statement of the minor has to be taken in a certain way. Not in a trial, not at all, but in a Gesell room by psychologist specialists. Of course the lawyers are not present and the interviews are done by the psychologist in such a way that the child is not exposed to a trial'

(Professional – technical judicial area, Spain)

Another good practice emerged from France, with professionals suggesting that, during the

⁽⁸⁹⁾ Mentioned by professionals from Germany, Spain, Portugal and Romania.

⁽⁹⁰⁾ Mentioned by professionals and victims from Spain, France and Portugal.

⁽⁹¹⁾ Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia.

investigation stage, children should be interviewed at the so-called Mélanie rooms⁽⁹²⁾. These rooms are designed for children to feel safe and at ease, to avoid the intimidation that children could experience in usual court hearing rooms; they are equipped with toys, children's furniture, etc. They are located at court and use recording devices, for two main purposes: first and foremost, children are recorded so that they do not have to go through multiple hearings and relive the trauma over again. Second, the recordings are used by investigators to analyse the children's non-verbal behaviour to detect and/or prove trauma.

As regards the support provided to children, the interviewees highlighted different approaches. While, in some regions of some Member States (France and Romania), children are assisted by a specialised service (a guardian in France and a social worker in Romania), in other Member States (Germany, Spain and Portugal) these services are not a common practice. Support measures available for children were, however, described as insufficient by some professionals and victims from all Member States.

In Spain, professionals highlighted that the commitment to measures to support children was still largely dependent on the willingness and commitment of the individual lawyers and professionals involved. On the other hand, other professionals emphasised that recognising children as direct victims in all cases of gender-based violence (including femicide) was a milestone in guaranteeing their rights. In addition, in Germany, professionals mentioned that, especially since 2017, when psychosocial support started to include social pedagogues, improvements have been noted in child support generally.

In Germany, children who are witnesses or victims in cases of femicide are assisted by the Youth Welfare Office⁽⁹³⁾, which is immediately called in by the police and deals with subsequent issues regarding the children. Despite Portugal having a similar entity, there is no such immediate procedure, and this was criticised by professionals who

work in child protection departments. Victims from Portugal also highlighted the importance of staff of these services undergoing training and having a gender perspective.

In femicide cases in Romania, children receive immediate support from the state and the case is taken over by a team of social workers. Appointing a guardian is identified in France as a good practice that results in the better treatment of minor victims. The guardian is a person appointed to represent the minor within the framework of a determined procedure when the minor's legal guardians are unable to do so or when the interests of the minor are contrary to those of their legal representatives. One prosecutor from France however, suggested that magistrates often do not appoint guardians.

The availability of support in the post-hearing or post-trial experience was mentioned as essential by professionals from Portugal and victims from Romania.

'And what if the child talks and gets destroyed on the inside? Because we know that there are children who, from the moment they talk, it messes with them on the inside, then there is no one to help them. ... She needs to go to court, OK, she will go accompanied by a professional and will ... What next? There is no assistance afterwards, after the hearing. The child is confronted with all that ... Who is there to keep an eye on her afterwards?'

(Professional – child protection services, Portugal)

'I think that after the trial there is much to be worked on. Until people see their issues resolved, their situation resolved, because the situation does not get resolved just because the father is convicted. No, because there are children who are scarred for the rest of their lives. I think that there should be permanent support'

(Professional – public prosecutor, Portugal)

⁽⁹²⁾ These rooms were called Mélanie after the first minor hearing under these circumstances.

⁽⁹³⁾ This is a social service specialising in children (*Jugendamt*) that offers counselling and support services for parents, children and adolescents and looks after the child in need.

3.3.4. Hindered access to compensation

The rights of victims of violent crimes to access justice include the right to compensation, which falls under the right to an effective remedy. At EU level, the right to a judicial procedure for the settlement of claims related to violations is recognised, but is accessed differently, in practice, across the EU (FRA, 2010).

According to the research findings, steps have been taken in all five Member States to promote the right to compensation. Under national legislation, compensation for victims of violent crimes is available in all five Member States and can be obtained for the injuries and/or damages they have suffered. However, as femicide is not legally recognised as a specific type of crime, the general compensation rules are applied.

The research revealed that, in all five Member States, compensation can be obtained by filing a civil claim in criminal proceedings or by initiating separate civil proceedings⁽⁹⁴⁾. However, the scope of claims, as well as some procedural requirements for victims, differ among the Member States (see Table A2.2 in Annex 2 for details of compensation from the perpetrator).

The legal framework in Germany allows a civil claim for compensation to be filed within the framework of criminal proceedings as a so-called adhesion claim. The claim can be made by the family members of the woman killed⁽⁹⁵⁾ when reporting a crime to the police or can be submitted later to the public prosecutor's office or the competent court⁽⁹⁶⁾. The claim allows financial

compensation to be sought for pain, suffering and damages in the event of the death of a person⁽⁹⁷⁾. The perpetrator must bear the funeral costs and family members are entitled to maintenance damages⁽⁹⁸⁾.

Pursuant to Spanish law, victims can decide whether they would like to file a civil action during the criminal proceedings before the local criminal court (*Juzgado de Instrucción*) or reserve the right to claim for the injury suffered later on, in separate civil proceedings. If the victims decide to file a civil claim for property damages and other damages or losses caused by the crime before a criminal court, they can do so at any point in the proceedings provided it is before the beginning of the oral trial. Victims can present the claim either in person⁽⁹⁹⁾ or through a lawyer or a court representative⁽¹⁰⁰⁾, or can request the public prosecutor to bring civil action in their name. In the end, the amount of compensation is decided by the criminal court in its judgment.

In France, the victims, including family members of the femicide victims, can also choose whether they wish to claim compensation before the criminal court as a civil party to the criminal proceedings (*partie civile*) or bring the case to civil court on their own. The criminal court is authorised to order compensation for personal injury and for moral and material damage, including costs related to the trial and damage to property that temporarily or permanently affects the victim's inheritance⁽¹⁰¹⁾. Victims can also rely on the prosecution requesting the compensation on their behalf, whereas victims of civil proceedings have to prove their claim for damages themselves.

⁽⁹⁴⁾ Femicide as a specific type of crime is not yet recognised at EU level and is therefore not included in the national legislation of the five Member States studied.

⁽⁹⁵⁾ According to Section 844 of the German Civil Code.

⁽⁹⁶⁾ More information is available on the European e-Justice Portal (https://e-justice.europa.eu/494/EN/claiming_damages_from_the_offender?GERMANY&member=1).

⁽⁹⁷⁾ According to the German Civil Code (Section 823, Abs. 1), the person who intentionally or negligently injures the life, body, health, freedom, property or other rights of another is obliged to compensate to the extent of the damage caused, which includes pain and suffering caused as a result of a criminal offence.

⁽⁹⁸⁾ According to Section 844 of the German Civil Code.

⁽⁹⁹⁾ When presented in person, it should be presented with 'the statement received when they are offered the possibility of entering the proceedings as a private party' (see the European e-Justice Portal: https://e-justice.europa.eu/494/EN/claiming_damages_from_the_offender?SPAIN&member=1).

⁽¹⁰⁰⁾ More information is available on the European e-Justice Portal (https://e-justice.europa.eu/494/EN/claiming_damages_from_the_offender?SPAIN&member=1).

⁽¹⁰¹⁾ More information is available on the European e-Justice Portal (https://e-justice.europa.eu/494/EN/claiming_damages_from_the_offender?FRANCE&member=1).

However, a medical report can be requested to assess the extent of the victim's harm and to determine compensation ⁽¹⁰²⁾. There is also a maximum amount that can be paid to each victim. The amount of compensation is determined by the jury and by three professional magistrates.

According to Portuguese law, the compensation of victims of violent crime must be sought as a general rule of adherence during criminal proceedings ⁽¹⁰³⁾. The victims must declare their intention to file a civil claim for damages at the time of filing the complaint or before the investigation is finished ⁽¹⁰⁴⁾. There are no time limits for the compensation to be paid by the perpetrator. A judicial decision on the victim's compensation as pronounced by the criminal court can include both damage to property and psychological damage ⁽¹⁰⁵⁾.

With regard to Romania, the family members of a murdered woman who become a civil party against the defendant can bring a civil action to a criminal court. To receive monetary compensation for material and moral damages, the victim must apply for compensation before judicial examination starts. Furthermore, the law contains special provisions for minor children, for whom the legal representative can apply for

compensation. This may be done by filing a claim against the perpetrator for financial loss and damage caused, including medical expenses, material loss or destruction, and/or degradation or misuse of a victim's property. Moreover, in cases in which the victims are members of the family of the killed victim, claims can be made for funeral expenses and loss of income from money that the victim would have earned. The amount of the compensation is determined by the court.

However, the quantitative data collected indicates that the adequacy of legislation regarding compensation ⁽¹⁰⁶⁾ and the policies for compensation ⁽¹⁰⁷⁾ are generally considered poor by most professionals from all of the Member States studied (Figure 13).

Victims' experiences and views on the process of obtaining compensation and on the adequacy of compensation are shown in Figure 14. The majority of the victims interviewed rated their experience with the process of obtaining compensation as 'about OK' and only very few rated their experience as 'good' (n = 2) or 'very good' (n = 1). The adequacy of the compensation amount was classified as 'very good' by only one of the victims. Most often, victims perceived the compensation amount as 'about OK' (n = 5) or 'poor' (n = 4).

⁽¹⁰²⁾ More information is available on the Village de la Justice website (<https://www.village-justice.com/articles/indemnisat-ion-des-prejudices-victime-agression-violences,34411.html>).

⁽¹⁰³⁾ According to Article 4(9) of Law 104/2009, social and educational support measures may also be granted to victims, as well as appropriate therapies for physical, psychological and professional recovery, in compliance with the other applicable legal provisions and within the framework protocols to be signed between the Commission for the Protection of Victims of Crime and relevant public and private entities.

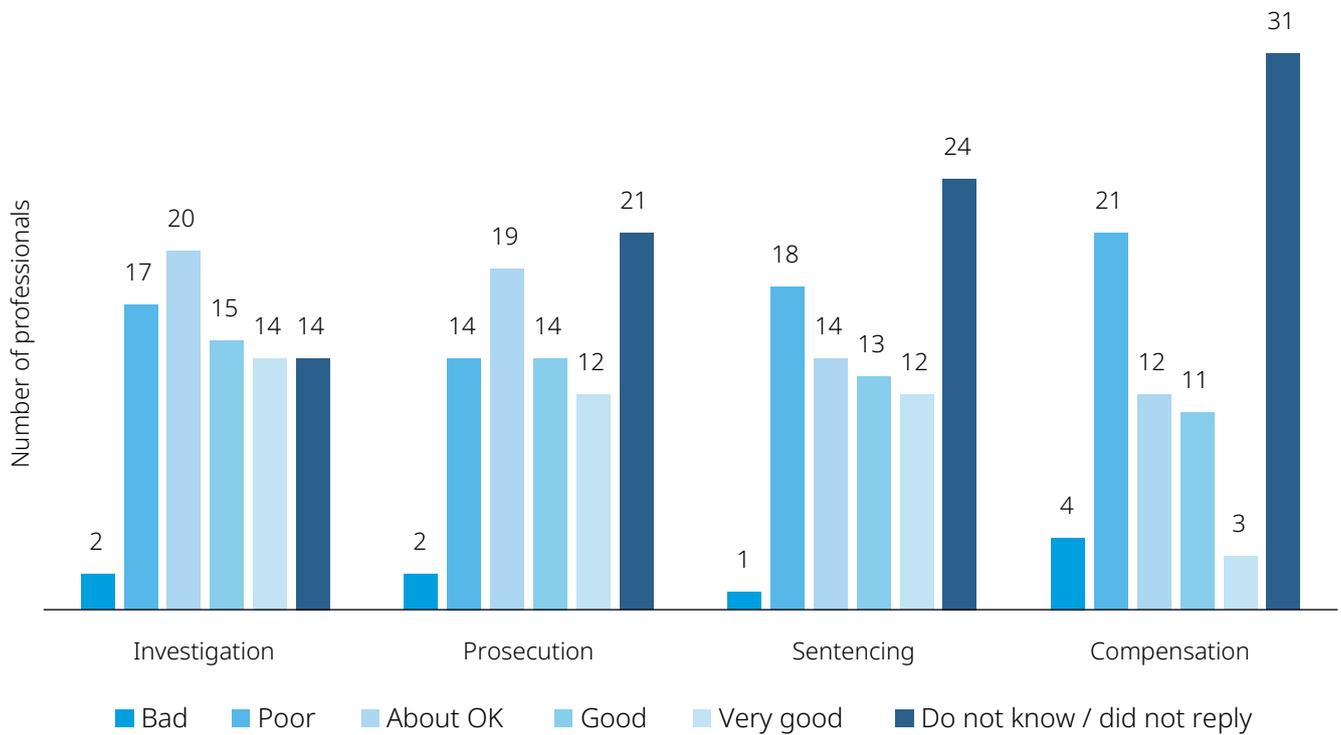
⁽¹⁰⁴⁾ More information is available on the European e-Justice Portal (https://e-justice.europa.eu/494/EN/claiming_damages_from_the_offender?PORTUGAL&member=1).

⁽¹⁰⁵⁾ More information is available on the European e-Justice Portal (https://e-justice.europa.eu/494/EN/claiming_damages_from_the_offender?PORTUGAL&member=1).

⁽¹⁰⁶⁾ Question: how would you classify the understanding of adequacy of legislation in getting compensation or other forms of reparation in cases of a woman killed (e.g. the existence of specific legislation for orphans or a specific act on compensation)?

⁽¹⁰⁷⁾ Question: how would you classify the existing policies in getting compensation or other forms of reparation in cases of a woman killed?

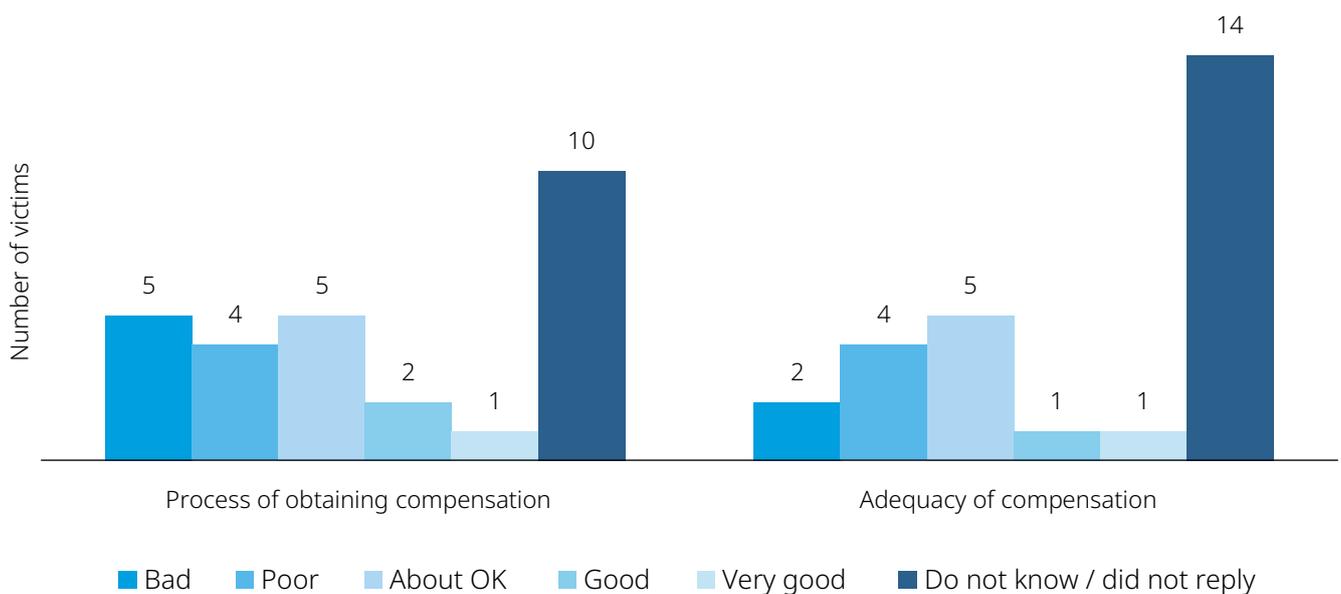
Figure 13. Professionals’ rating of the adequacy of legislation and policies on compensation (number of professionals, 5-point scale from bad to very good, 2021)



NB: The professionals were asked the following question on legislation: how would you classify the adequacy of legislation in terms of getting compensation or reparation in cases of the killing of women (e.g. does specific legislation for orphans or a specific act on compensation exist)? The professionals were asked the following question on policies: how would you classify the existing policies on getting compensation or reparation in cases of the killing of women?

Source: Created by the authors.

Figure 14. Victims’ rating of the process of requesting and the adequacy of compensation (number of victims, 5-point scale from bad to very good, 2021)



NB: The victims were asked the following question on the process: how would you classify your experience regarding the process of requesting compensation? The victims were asked the following question on adequacy: how would you classify the adequacy of the compensation you have received?

Source: Created by the authors.

Findings from the interviews provide strong evidence that procedural hurdles, overly restrictive eligibility criteria and limited support received from national authorities still stand in victims' path to justice. This section further explores these obstacles.

The first gap identified in this area relates to low awareness of the compensation schemes available to victims of femicide. Both victims and/or their representatives interviewed from all five Member States confirmed that most victims do not know about the possibility of requesting compensation from the perpetrator or, in particular, their right to seek compensation from the state if perpetrators fail to pay. The interviews highlighted that, often, victims need to find information about their right to compensation on their own⁽¹⁰⁸⁾, as this issue seems to be considered by the state as a lower priority than the punishment of the perpetrator. This lack of information is even more pronounced when the cases occur in small towns or rural areas⁽¹⁰⁹⁾. Victims are often uncertain about how to proceed to obtain compensation, especially refunds of specific expenses. Their experience is lonely and traumatic, unless they are supported or provided with some sort of guidelines⁽¹¹⁰⁾.

'Yes, they are very lost. Now we are going to draw up a set of guidelines because ... they don't know what to do. Sometimes they call us. Our experience is very brutal. They call us from the funeral because they don't know what to do. We were talking about it yesterday in a meeting. People don't really know how to organise pensions or benefits'

(Professional – member of victims' organisation, Spain)

However, this low awareness is not limited to victims only, but extends also to professionals supporting victims. Professionals and victims from two Member States noted that some social services and lawyers are not specifically familiar with victims' rights to compensation and are not

adequately trained to know how to proceed to apply for such compensation, or within what time frame they need to apply for it⁽¹¹¹⁾.

'The procedure is not very well known. Even lawyers do not know about it. And I speak from experience because I have been taking part in some sessions of lawyer formation. They are not aware of the stipulations of [law regarding victims' protection, No 211/2004] which allows the payment by the state of some sums. It is true, the sums are little, but they are better than nothing'

(Professional – judge, Romania)

For example, judges and criminal lawyers rarely use the adhesion procedure, which allows the civil claim to be asserted in the criminal proceedings. Professionals from Germany further noted that the law does not oblige judges to decide on victims' compensation claims in the criminal proceedings, and some criminal lawyers and judges lack sufficient knowledge on civil law to enforce a claim against the perpetrator.

'But my knowledge is always that the judge who conducts criminal proceedings is not interested in civil law or is not very well versed in it. And just separates it off. And more or less asks that it be done in civil proceedings. But actually, this adhesion procedure could be done so that everything is worked through together. But that's the theory. And the practice is that the criminal lawyer is probably not good at civil law. And then it doesn't make any sense. Yes, if he doesn't feel competent and maybe does the wrong, wrong things or something. Yes. ... I think they no longer try to represent the plaintiffs because they have already had that experience'

(Professional – police officer, Germany)

While the adhesion procedure is intended to strengthen victims' rights to claim compensation or damages and to save victims from having to initiate separate civil proceedings against the

⁽¹⁰⁸⁾ Mentioned by victims from France.

⁽¹⁰⁹⁾ Mentioned by professionals from Spain, France, Portugal and Romania.

⁽¹¹⁰⁾ Mentioned by victims from Spain and Romania.

⁽¹¹¹⁾ Mentioned by professionals from Germany, France and Romania.

perpetrator, its lack of use is described as a trigger for secondary victimisation⁽¹¹²⁾. Professionals seemed to highlight the need to ensure that training sessions on victims' rights include the specificities of the right to compensation and that states take the appropriate measures to ensure greater transparency regarding victims' entitlement to compensation and how these measures are to be enforced. A state-organised legal and specialised counselling service could strengthen victims' rights and would upgrade counselling services through the use of lawyers who are familiar with victims' rights⁽¹¹³⁾.

The procedure for applying for compensation from the state was described differently across the Member States. For example, this procedure was characterised by both professionals and victims as rather complex, lengthy and inconsistent in Germany, Spain, France and Romania. As noted by interviewees from Spain, if victims have specific characteristics (e.g. are foreigners, have had no direct contact in recent years with the woman killed or live in a different region from the one where the femicide occurred), the case becomes more complex and, owing to these multiple factors and vulnerabilities, the authorities that provide compensation are not sure how to proceed⁽¹¹⁴⁾. However, in Portugal, the process of obtaining compensation is viewed as simple and straightforward by the professionals involved in the compensation scheme, in contrast with the experiences of the victims.

It seems that the assessment of eligibility of the compensation request itself can be complicated and very lengthy, especially in some Member States, where there might be different types of state compensation that can be requested.

'Yes, the application itself is not that difficult, but the procedure for checking which type of victim compensation can be paid is, because there are different victim compensation pensions, ... one, two, three, four, five, there are different types of pensions. And the examination of which victim

compensation pensions are to be paid in this case takes up a considerable amount of time. So we're talking easily about a year. Yes. ... So, from that point of view, it is not particularly difficult for the person who applies for it. So, now for me as a legal representative, it's not a difficulty, you can't say that. But the decision-making processes are long, very long. So, it takes time until money starts flowing. It can take years'

(Victim – legal representative, Germany)

This complexity is perceived as extremely stressful and challenging and can lead to re-victimisation, as victims are forced to explain in detail how the crime has harmed them. Moreover, it requires victims' personal commitment during very difficult times⁽¹¹⁵⁾.

'And I had to, that was also really bad, that I then had to write down everything again, the course of events of the murder and everything again just for the [compensation] application, what happened and then submit that'

(Victim – parent, Germany)

'At every office, everywhere they go and make an application, the [victims] have to tell the incident over and over again. That means they are always in the middle of it again. They never manage to get out of it. And when they, for example ... 'Have you ever made an application there and there and there? Why don't you go there? Why do not you ask?' I really get such an answer that they say, 'My goodness, I'm out of there. I couldn't take it anymore. I had to tell everything again. I have my daughter lying there.' Yes, this is re-traumatisation, what they do to people'

(Victim – NGO representative, Germany)

In addition to a lack of knowledge and the complexity of procedures, it is often difficult to guarantee compensation for reasons relating to the perpetrator⁽¹¹⁶⁾. Monetary compensations

⁽¹¹²⁾ Mentioned by professionals from Germany.

⁽¹¹³⁾ Mentioned by professionals and victims' representatives from Germany and Portugal.

⁽¹¹⁴⁾ Mentioned by victims and victims' legal representatives from Spain.

⁽¹¹⁵⁾ Mentioned by the majority of the professionals and victims from all the Member States.

⁽¹¹⁶⁾ More information is available on the Victim Support Europe website (<https://victim-support.eu/publications/vociare-synthesis-report/>).

granted by the courts are usually not received by the victims⁽¹¹⁷⁾, as a large number of perpetrators do not have the necessary means or income to pay compensation. This lack of necessary means is either because the perpetrator is serving a prison sentence and therefore is not in a good position financially⁽¹¹⁸⁾ or because perpetrators state that they do not have the means to pay the amount set by the court (even though they might)⁽¹¹⁹⁾. Although they state that they do not have the means to pay compensation, often perpetrators have expensive private lawyers⁽¹²⁰⁾.

Victims and victims' representatives highlighted their frustration that perpetrators often transfer their assets to members of their family in order to declare that they do not have money or property to pay compensation⁽¹²¹⁾. This procedure is sometimes carried out only after the arrest of the perpetrator and during their imprisonment⁽¹²²⁾. In some cases, the perpetrator not only refuses to pay the sum of the compensation ordered, but also blocks family members from accessing their inheritance⁽¹²³⁾.

'He had, well it's not about him. They had an apartment in [city]. When the tragedy happened, I took over the keys of the apartment. And there was also a piece of land near [city] which was only hers, but as they were together for more than 10 years, it was considered common good. We kept trying to make the succession to recover our goods, but he doesn't want to participate at all. We wanted to go the notary ... he doesn't want to take part in the mediation. And, under the conditions in which I spent millions, I cannot take it anymore, I will never get to an end. I never expect to receive moral compensation, but at least the material one and the trial expenses'

(Victim – family member, Romania)

The absence of mechanisms to identify assets and guarantee payment to victims and the possibility for perpetrators to pay in monthly instalments, which can sometimes be modest amounts, was highlighted as one of the biggest outstanding problems in this context⁽¹²⁴⁾. Moreover, it is considered very challenging for victims to receive compensation under those conditions, as, in most cases, the perpetrators are sentenced to a prison term of at least 15 years and, based on multiple experiences of lawyers⁽¹²⁵⁾, there is no prospect of future payments.

Access to compensation from the perpetrator can be further limited, as, in many femicides, namely intimate partner femicide, the killing is followed by the suicide of the perpetrator and therefore there is no prosecution⁽¹²⁶⁾. This is a paradox in femicide cases because, in the case of the perpetrator's suicide, the criminal liability is extinguished, and civil liability can be demanded only from the perpetrator's legal heirs. Family members of the women killed do not feel comfortable about having to claim compensation from the perpetrators' heirs⁽¹²⁷⁾.

'I mean, I can file a claim against the child [his brother] for what his father did ... but ... what am I going to claim from the child? To claim it from him means to claim it from myself ... We had to draw up a document stating that we were not going to claim anything from him at any time'

(Victim – adult child, Spain)

In this context, professionals from Portugal noted that a mechanism needs to be established to systematically review, in all cases of femicide, if the victims entitled to compensation were granted the compensation and, if so, if they received it, especially given that, in the vast majority of cases,

⁽¹¹⁷⁾ Mentioned by professionals from Germany, Spain, Portugal and Romania.

⁽¹¹⁸⁾ Mentioned by professionals from Germany.

⁽¹¹⁹⁾ Mentioned by professionals from Germany, Spain, Portugal and Romania.

⁽¹²⁰⁾ Mentioned by victims from France.

⁽¹²¹⁾ Mentioned by victims and victims' representatives from Germany, Spain, Portugal and Romania.

⁽¹²²⁾ Mentioned by one victim from Portugal.

⁽¹²³⁾ Mentioned by victims from Germany, Portugal and Romania.

⁽¹²⁴⁾ Mentioned by one professional from Spain.

⁽¹²⁵⁾ Mentioned by professionals from Germany.

⁽¹²⁶⁾ Mentioned by professionals and victims from Spain and France.

⁽¹²⁷⁾ Mentioned by victims from Spain.

compensation is not received even though it has been awarded by the court ⁽¹²⁸⁾.

As receiving compensation from the perpetrator of the crime is infrequent, the state's role in these cases is fundamental ⁽¹²⁹⁾. The EU Strategy on victims' rights (2020-2025) recognises this important aspect of the protection of victims' rights and urges that fair and appropriate state compensations be ensured and reflected in national budgets. Moreover, it notes that 'it has to be the duty of the State to compensate instead of the offender and to implement the violated victim's right' (Milquet, 2019, p. 37). The interviewees seemed to share this opinion; they generally believe that a state has a responsibility to provide victims of femicide with financial compensation if there is no possibility to enforce it from the perpetrator.

In all five Member States, the state can ensure compensation for victims when the perpetrator does not have the means to pay it (see Table A2.2 in Annex 2 for details on compensation from the state). Germany is an exception with regard to the state compensation scheme: compensation is available regardless of whether the perpetrator has been identified or convicted ⁽¹³⁰⁾. In Spain, victims can receive compensation from the aggressor or the state and, in some cases, other complementary compensation may be granted by the autonomous communities ⁽¹³¹⁾.

In Germany ⁽¹³²⁾, in cases in which the state and/or the police failed to protect the victim, the

injured person and the surviving relatives of the injured person (such as the victim's spouse, registered partner, children ⁽¹³³⁾, parents and/or siblings) can request compensation in terms of support for damage to health and for the economic consequences of such damage to health from the state according to the law ⁽¹³⁴⁾. The recognition of family members also as primary victims was described as an important future step in Germany, as it would make it easier for victims to receive compensation from the state compensation services ⁽¹³⁵⁾. Victims can apply for compensation to the relevant state authorities of the federal state in which the crime was committed ⁽¹³⁶⁾.

In Spain, state compensation, called 'aid', is granted to victims of gender-based violence crimes, including family members of women killed ⁽¹³⁷⁾. This is a system of public aid for direct or indirect victims of violent intentional crimes committed in Spain, resulting in death, serious injury or serious damage to physical or mental health. However, the state cannot replace the compensation owed by the perpetrator or cover the moral damage caused by the crime, which can be covered only by the perpetrator. According to a lawyer, this law is a way to 'socialise the risk derived from violent and sexual crimes as a sign of solidarity with the victims'. It is, therefore, an obligation of the state to provide compensation, which – in this context – is similar to a welfare support, but serves a different purpose ⁽¹³⁸⁾. Professionals from Spain also highlighted that

⁽¹²⁸⁾ Mentioned by professionals from Portugal.

⁽¹²⁹⁾ Mentioned by professionals from Spain.

⁽¹³⁰⁾ More information is available on the European e-Justice Portal (https://e-justice.europa.eu/491/EN/if_my_claim_is_to_be_considered_in_this_country?GERMANY&member=1).

⁽¹³¹⁾ Examples include Valencia (<https://www.lasprovincias.es/comunitat/indemnizacion-hijos-mujeres-asesinadas-violencia-genero-75000-20181128145036-nt.html>) and Galicia (<http://igualdade.xunta.gal/es/ayudas/indemnizacion-economica-para-hijas-e-hijos-menores-de-30-anos-de-victimas-mortales-por>).

⁽¹³²⁾ All nationals of non-EU countries who fall victim to a violent crime in Germany receive (retroactively from 1 July 2018) the same compensation as victims who are German nationals. More information is available on the European e-Justice Portal (https://e-justice.europa.eu/491/EN/if_my_claim_is_to_be_considered_in_this_country?GERMANY&member=1).

⁽¹³³⁾ Mentioned by professionals from Germany: there is no separate compensation claim for surviving children, but they can also apply for victim compensation from the state.

⁽¹³⁴⁾ Victim Compensation Act (Opferentschädigungsgesetz), Section 4.

⁽¹³⁵⁾ Mentioned by professionals and victims from Germany.

⁽¹³⁶⁾ There is not yet a standardised application form for family members. They can submit the application informally or contact one of the state pension authorities. More information is available on the Federal Ministry of Labour and Social Affairs website (<https://www.bmas.de/DE/Soziales/Soziale-EntschaeDIGUNG/Opferentschaedigungsrecht/opferentschaedigungsrecht-art.html>).

⁽¹³⁷⁾ Spanish Law 35/1995, on aid and assistance to victims of violent crimes and against sexual freedom, has a subsidiary character and establishes the process for requesting compensation, the time frame and compensation amounts.

⁽¹³⁸⁾

nomenclature is important: while, in terrorism cases, there is a discourse of ‘compensating the victims’, for victims of gender-based violence this is considered ‘aid’, obscuring the right to compensation for these victims.

‘Spanish law, in the case of terrorism, has no objection to calling them compensation. But for victims of other violent crimes, in the case of other victims of violent crimes, it calls them aid, ‘aid to victims’. It does not assume, let’s say, that responsibility to compensate. So, in any case, this aid is, shall we say, subsidiary. If the perpetrator of the crime were to obtain compensation, which I can tell you is absolutely infrequent, this is something that is practically never seen, isn’t it? If compensation is obtained or if there is insurance to cover the damage or whatever, the state has no such obligation’

(Professional – lawyer, Spain)

Furthermore, victims and professionals from Spain noted significant differences in amounts of state compensation granted to victims of gender-based violence, including femicide, and to victims of terrorism. As mentioned by a legal representative of victims, in terrorism cases, the state does not account for the perpetrators having (or not having) the money to pay the compensation, and simply provides the compensation to the victims straightaway.

‘I studied, I read, I looked at the legislation on compensation for victims of ETA [Basque terrorist group Euskadi Ta Askatasuna] terrorism, right? And I started to compare and I got really pissed off because eh, the state in these compensations, regardless of whether eh, the murderer has money, doesn’t have money, it doesn’t matter, they pay a ... simply, look, simply with a conviction, even without a conviction, they pay millions in compensation ... That doesn’t happen in gender-based violence’

(Victim – legal representative, Spain)

In France, a claim for compensation can be made via the crime victims’ compensation recovery assistance service ⁽¹³⁹⁾ for recovery assistance ⁽¹⁴⁰⁾ and then the service would recuperate the damages paid from the perpetrator. Similarly, in Portugal, victims can apply for compensation from the state, but only pecuniary damage is taken into account ⁽¹⁴¹⁾.

Although a number of compensation schemes are established in Europe, there are still several obstacles and challenges related to receiving compensation from the state, including low amounts attributed, restrictive eligibility criteria, a lack of emergency payments or advanced payments, and limited compensation resources in some Member States (Milquet, 2019).

For example, the first difficulty seems to be related to the burden of proof to demonstrate the harm suffered. This requires victims to provide a number of documents when requesting state compensation ⁽¹⁴²⁾. For example, in Portugal, victims must prove the financial impact of the crime when applying. In Romania, victims are also required to initiate the procedure in person by sending the application to the court nearest to the victim’s place of residence. During this procedure, victims bear the burden of proof and must demonstrate what damage they have suffered as a result of the crime. In addition, in Romania, victims must prove that the injured party is insolvent in order to receive compensation from the state. Furthermore, some of the costs (e.g. for the funeral) are reimbursed only upon the presentation of invoices, which is an obstacle, especially for victims in rural areas (who may not be used to keeping invoices). In this context, a positive development is expected in Germany from 2024, when victims will no longer be obliged to prove the amount of damage. This reversal of the burden of proof, in which the authorities are obliged to provide evidence, is set out in the victim compensation regulations of the new law that is due to come into force in 2024 ⁽¹⁴³⁾.

⁽¹³⁹⁾ More information is available about this service (Le Service d’Aide au Recouvrement des Victimes d’Infractions (SARVI)) on the Fonds de Garantie des Victimes website (<https://www.fondsdegarantie.fr/victime-dune-infraction-sarvi/>).

⁽¹⁴⁰⁾ French Code of Criminal Procedure, Article 706(15)(1) and (2).

⁽¹⁴¹⁾ As provided for in Article 2(2).

⁽¹⁴²⁾ Mentioned by victims from Spain, Portugal and Romania.

⁽¹⁴³⁾ Mentioned by one professional from Germany.

Some studies have criticised the eligibility criteria for state compensation for victims of gender-based violence, stating that these criteria lead to ‘deserving’ and ‘non-deserving’ victims (Miers, 2019). The idea that state funds should be directed only to the most ‘deserving’ victims or to victims who are very economically deprived should not apply to femicide cases.

In Spain, state compensation can be received by economically dependent children or incapacitated adults and, if there are no children, it can be received by parents who are economically dependent⁽¹⁴⁴⁾.

In Portugal, state compensation is paid only to the victim’s partner (if that person is not the perpetrator) or to the people to whom the victim would be legally obliged to provide maintenance, namely people who were financially dependent on the woman killed⁽¹⁴⁵⁾. Parents are (usually) not financially dependent on their daughter (woman killed), but the emotional loss can cause them to break down and become unable to work, which can be a serious problem leading to a worrying financial situation that the state does not account for.

‘I was able to continue at my job and do things ... But I could have broken down, I could have been unable to work. In that case, what would we do? We wouldn’t have the right to anything [referring to compensation]’

(Victim – parent, Portugal)

In Portugal, state compensation accounts only for the damage caused in the quality of life of the people who are eligible for compensation.

In Germany, pecuniary damage and financial losses are not compensated under the victim compensation act⁽¹⁴⁶⁾. In some federal states, however, state foundations grant financial support for pecuniary damage upon application and

under certain conditions, according to the desk research and interview data. In many Member States, the eligibility criteria for having the right to obtain compensation from the state and the types of damages covered are too strict and limited⁽¹⁴⁷⁾.

Spain, France, Portugal and Romania have a time limit for applying for compensation from the state. The time limit for cases of gender-based violence in Spain is 3 years from when the crime was committed⁽¹⁴⁸⁾. In France, Portugal and Romania, the time limit is 1 year from the end of the criminal proceedings⁽¹⁴⁹⁾ or up to 3 years after the commission of the crime. If children are involved, these deadlines are extended until the child reaches 18 years of age in Romania and until 1 year after the child has turned 18 years of age in Portugal.

These deadlines sometimes act as barriers to victims requesting compensation, as during these time periods victims will be experiencing enormous suffering. However, the importance of informing victims about these deadlines was highlighted by professionals, so that victims do not lose their right to compensation.

‘The victim has to know that there is a time limit. A victim has to be very prepared to ... Because if not ... Or have a smart lawyer. Because if they don’t, they lose all the paperwork. We have come across cases in which they have not been aware of the time limits, which are three years from the time of the murder or from the time of the final sentence’

(Professional – victims’ support office, Spain)

Compensation from the state in some cases covers only a small part of the compensation determined by courts, as there is a maximum limit, which is usually much lower than the

⁽¹⁴⁴⁾ Spanish Law 35/1995.

⁽¹⁴⁵⁾ Mentioned by professionals from Portugal.

⁽¹⁴⁶⁾ More information is available on the Info Victims website (http://www.infovictims.de/de_en/victim-rights/damages-and-compensation#p-33).

⁽¹⁴⁷⁾ Mentioned by professionals from Spain and Portugal and victims from Germany, Spain and Portugal.

⁽¹⁴⁸⁾ Article 7.4 of Law 35/1995 of 11 December 1995 on aid and assistance to victims of violent crimes and crimes against sexual freedom: ‘Notwithstanding the provisions of the previous paragraphs, in the event that the affected party is a victim of gender violence in the terms set out in Article 2.1 of this law, the period for applying for aid shall be three years.’

⁽¹⁴⁹⁾ Including a final verdict with no possibility of appeal.

compensation amount determined to be paid by the perpetrator ⁽¹⁵⁰⁾.

Therefore, the compensation that these people usually get is through the fund that exists, as you know, for the victims of violent crimes, but which does not pay the full amount, it pays a percentage. Therefore, indemnities, although fixed, are often difficult in fact of being realistically ... for people to get the amount that was actually attributed'

(Professional – judge, Portugal)

The low amounts generally awarded to victims seem to trivialise the seriousness of the crime, and the compensation granted should be adequately calculated to take into account the victim's suffering ⁽¹⁵¹⁾.

'Raising the amounts, and really making sure that even though we know that monetary compensation obviously cannot compensate for the suffering, but there you are, it is only fair. It would be necessary to arrive at sentences that are a little more proportionate, one will say. Really, we are not good at that, we are not at all good at financial compensation, not at all'

(Professional – victim's support organisation, France)

Some professionals argue that state compensation should be higher and should bear the full compensation granted by the court. Alternative funding sources need to be established so that more funds or resources are available to compensate all victims in need ⁽¹⁵²⁾.

'What would be good is to set up such funds by simply forming victim compensation funds and granting compensation statutes under simpler and less bureaucratic conditions, which would also take more account of the relatives – for children, for example, i.e. relatives in the descending line, because they can usually do less. ... With

children, for example, up to 18 or so, hardship arises – or until the end of their education – and they have to be supported when something like this [femicide] happens. ... They lose everything they have and they should certainly get faster and easier compensation'

(Professional – lawyer, Germany)

Receiving compensation is crucial, as victims of femicide face severe financial difficulties owing to the costs of the legal proceedings and psychological/psychiatric care, especially for children ⁽¹⁵³⁾. One victim from Germany suggested that the state should ensure that victims receive (in a non-bureaucratic way) some kind of social security pension for at least 1 year in all femicide cases to ease their fears about their financial situation.

3.3.4.1. Compensation to children

According to the Victims' Rights Directive (Article 23), children must always be identified as vulnerable victims. As such, they should always be entitled to special protection: the needs of the child should always come first. However, victims continue to face many hurdles to claim their rights within the proceedings. In the case of gender-related killings of women, these hurdles are often faced by the children of the woman who was killed, as well as other family members (UNODC Secretariat, 2014). Although the Belém do Pará Convention (OAS, 1994) already contains a related provision, specific measures for the compensation of children are still lacking at international and European levels.

Although there is neither a specific form of compensation nor a specific law for children orphaned as a result of femicide, children in Germany are entitled to a half orphan's pension after the death of one parent. In the case of the death of both parents, children are entitled to a full orphan's pension ⁽¹⁵⁴⁾. In Spain, state compensation is paid directly to children. In addition, they can apply to

⁽¹⁵⁰⁾ Mentioned by professionals from Portugal.

⁽¹⁵¹⁾ Mentioned by professionals from France.

⁽¹⁵²⁾ Mentioned by professionals from Germany, Spain and Portugal.

⁽¹⁵³⁾ Mentioned by victims from Portugal and Romania.

⁽¹⁵⁴⁾ According to the German Social Code VI, Section 48.

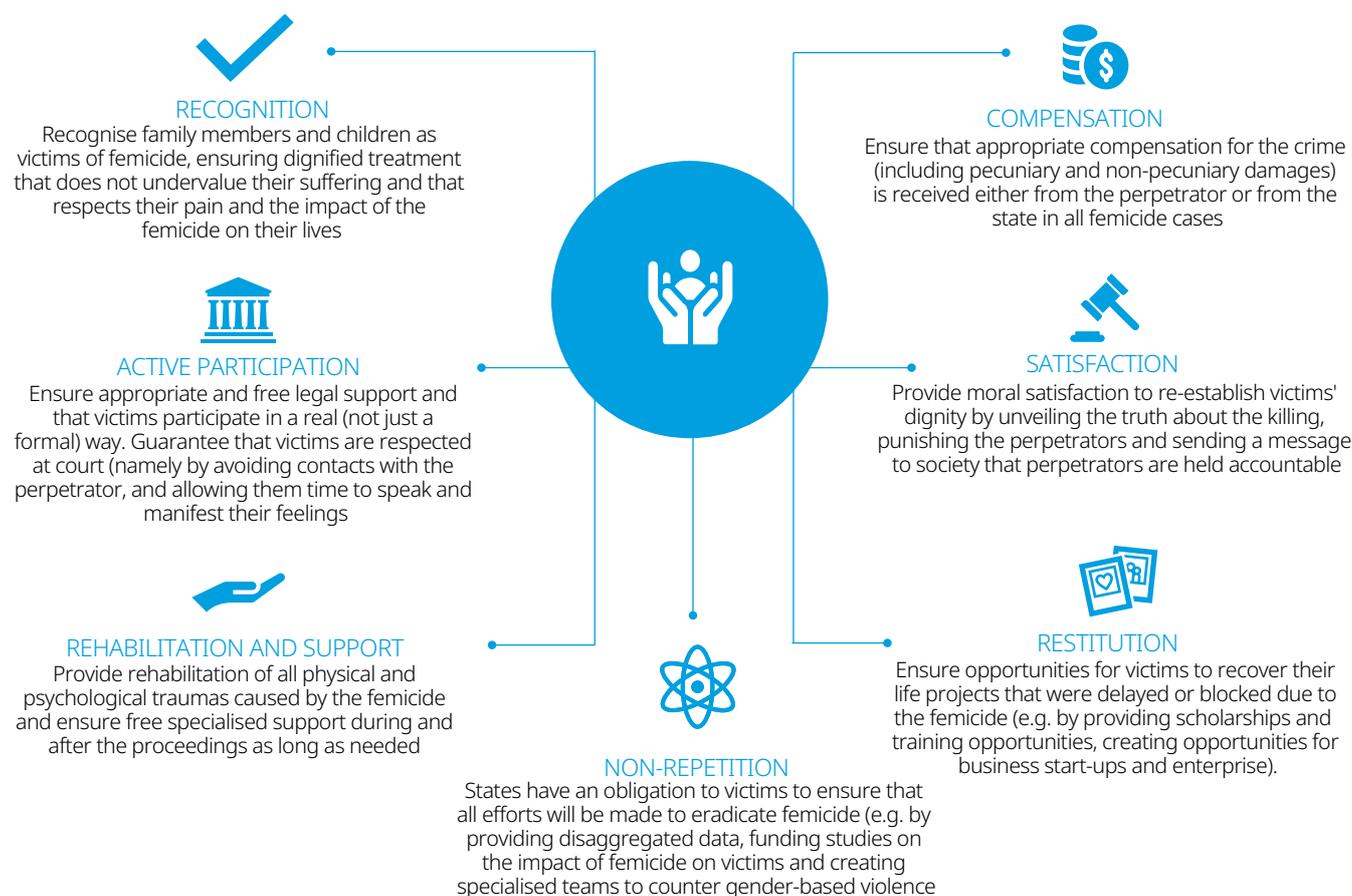
the state for a full orphan's pension, which has been increased recently, and, in some cases, compensation can also be complemented by regional aid. If minors become victims of femicide in Portugal, the public prosecution is obliged to apply for civil compensation for these victims. Similarly, in Spain, payments to children suffering from severe economic deprivation are made faster and transferred to the child's bank account to prevent others from using their money.

Professionals also emphasised that the amount set for state compensation should comply with a criterion of the children's needs throughout their life (e.g. potentially different limits if the children are 3 or 17 years old) instead of being a fixed amount ⁽¹⁵⁵⁾.

3.3.5. Lack of comprehensive reparations for victims

The systemic due diligence principle obliges the state to ensure a comprehensive and sustained model not only of prevention, protection and punishment, but also of reparation for acts of violence against women, including future violations (Bourke-Martignoni, 2008). Adequate reparation measures may include the provision of quality support services for victims of violence (including femicide) to address emotional consequences (e.g. psychosocial support or counselling centres and trauma therapy). Comprehensive reparation should encompass recognition, active participation, rehabilitation and support, compensation, satisfaction, restitution and guarantees of non-repetition measures. All these measures are further explained in Figure 15.

Figure 15. Comprehensive reparation



Source: Created by the authors.

⁽¹⁵⁵⁾ Mentioned by professionals and victims from Portugal.

Unfortunately, very little information is available regarding the states' provision of reparation. The findings suggest that there are no systematic means of reparation in any of the Member States analysed. Reparation measures are either non-existent, as in Germany and Portugal⁽¹⁵⁶⁾, or generally poor, as in Spain, France and Romania (with the exception of some forms of reparation for children). According to the quantitative data analysis, of the 27 femicide victims analysed, only three victims (3 %) received some form of reparation other than monetary⁽¹⁵⁷⁾ (Figure 16).

At the same time, the need for comprehensive reparations is imminent. When a femicide happens, there are some immediate basic requirements that need to be ensured, namely social and housing issues of victims and the financial conditions of the families who have taken responsibility for the children of the killed woman⁽¹⁵⁸⁾.

'... because these really are people who need support, need urgent assistance, practical assistance, and have many needs. Especially when we're talking about children or young people who need a

much more directed and specialised support, right? In several dimensions. We can't forget that all families have social issues, practical issues, housing issues, cultural issues. All of this needs to be supported'

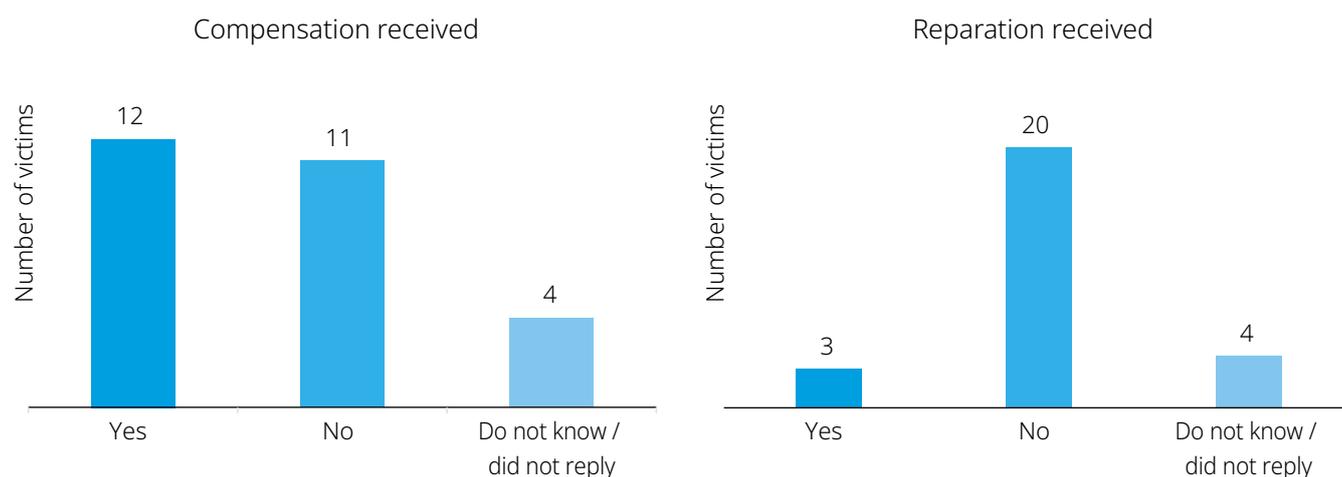
(Victim – NGO representative, Portugal)

A lack of holistic institutional support for victims of femicide was identified in all Member States. The criminal justice system and its professionals focus only on sanctioning the perpetrator and do not sufficiently take into account protecting the interests of victims⁽¹⁵⁹⁾. Services are rather fragmented and often insufficient.

'We are very focused on the evidence of criminal facts. However, the state is less interested in monitoring those who lost someone in their family and less interested in their emotional recovery. ... people are also orphaned ... orphaned from support [from the state]'

(Professional – psychologist, Portugal)

Figure 16. Compensation and reparation received by victims (number of victims, 2021)



NB: The victims were asked the following question: did you receive any type of compensation or other form of reparation for the case?
Source: Authors' calculation.

⁽¹⁵⁶⁾ An exception is the applicable rights and the active role of victims in criminal proceedings provided to victims as a form of reparation by all of the Member States analysed, but these are not the subject of this section.

⁽¹⁵⁷⁾ Reparation was mentioned as having been received by one legal representative (Germany), one NGO representative (Spain) and one parent (Germany).

⁽¹⁵⁸⁾ Mentioned by professionals and victims from Spain and Portugal.

⁽¹⁵⁹⁾ Mentioned by professionals from Portugal.

In Germany, Spain and Portugal, it was reported that certain protocols are set in motion between the police and support/counselling services when a woman is killed, but these are not nationally implemented. This can lead to inequalities regarding the support available to mitigate secondary victimisation. The work of social workers in some police stations is considered fundamental in some regions in France, as these professionals help victims find support and a lawyer, and accompany victims within a psycho trauma perspective.

Psychological support and accompaniment for victims, as well as legal counselling during and after proceedings, need to be strengthened ⁽¹⁶⁰⁾.

'The child received psychological support from our service. He came every week to our psychologist who was trying to help him get over the period of mourning, overcome the barriers that the child put up. He has not even been to his mother's grave for a long time. We provided him with psychological assistance, and his aunt took him to a psychologist. But you know how it is, it is very expensive ...'

(Professional – social worker, Romania)

'... There is a big procedural loophole here. It should, and not only for children from femicide, for children whose parents die to be provided with psychological assistance through offices, they should be provided free of charge. It helps children to overcome this period of mourning, it helps children not to go to the other extreme of depression. Make some governmental and non-governmental programmes. For them and their families. ... families also need psychological counselling. The family is also vulnerable, but if the family is ... who should the child rely on? I would rely on government help. Free psychological counselling through psychological offices in the locality. That would be basic'

(Professional – social worker, Romania)

Victims from Spain considered the work of the victims' assistance offices to be fundamental,

which, although not a specialised service for femicide, do provide close accompaniment during the proceedings ⁽¹⁶¹⁾. However, the support should not end with the termination of the criminal proceedings but should continue afterwards (if required or desired) ⁽¹⁶²⁾.

'I think that after the trial there is much to be worked on. Until people see their issues resolved, their situation resolved, because the situation does not get resolved just because the father is convicted. No, because there are children who are scarred for the rest of their lives. I think that there should be permanent support'

(Professional – public prosecutor, Portugal)

These services should be available to victims at no cost. In this context, creating specific legislation to provide free long-term psychological support to victims of femicide is suggested.

With no systemic reparation schemes, this responsibility falls on civil society organisations. Femicide organisations and support groups are described as helping victims to overcome the crime. In France and Portugal, there are specialised associations and support groups specific to femicide victims. In France, an association was formed to actively advocate for victims' rights, lobby to make their voices heard and change public policies on compensation and reparation. This association has been invited by professionals to explain its experiences and share the main challenges faced in the proceedings.

'The Union Nationale des Victimes de Féminicides, which, in France, was created in 2019, does very good work. At the time of the Grenelle, we met families of femicides along with the minister and they all expressed the serious trauma it generated'

(Professional – public official, France)

⁽¹⁶⁰⁾ For example, in Spain, the biggest deficit is (public) psychological support, which is scarce or insufficiently available, and only some autonomous communities address this problem with specific crisis and long-term care programmes; mentioned by professionals and victims.

⁽¹⁶¹⁾ The NGOs that play an active role in femicide cases as civil parties in Spain are the Asociación Clara Campoamor (<https://asociacionclaracampoamor.wordpress.com/quienes-2/>) and Abogadas para la Igualdad (<https://abogadasparalaigualdad.wordpress.com/>).

⁽¹⁶²⁾ Mentioned by professionals and victims from Germany, France and Portugal and victims' representatives from Romania.

In Portugal, the Association against Femicide, an NGO, was recently set up by family members and friends of femicide victims to provide support to victims. This association is described by victims as important, as it allows them to share their experiences, challenges and solutions with other victims and to grieve together.

In Spain, while there is no specific organisation, there are several organisations that have specialised support for victims of femicide. For example, the Association for Equality provides crisis support to relatives of women victims of gender violence that resulted in death and to mothers whose sons and daughters have been murdered⁽¹⁶³⁾. With respect to Spain, legal changes have recently been made to ensure that orphaned children of femicide victims are better supported. Reparation is received in Spain through institutions and private bodies⁽¹⁶⁴⁾ or public bodies at local level. Reparation includes psychotherapeutic services for the minor and the family that is granted custody, the parents and the close family or the closest family⁽¹⁶⁵⁾. Special spaces are created for underage victims that are adapted to their needs in terms of health and social and police systems. Children might also have a scholarship attributed by the Soledad Cazorla scholarship fund⁽¹⁶⁶⁾.

In Germany and Romania, there are no specific support groups for femicide victims. However, in Germany, the federal association ANUAS is active as a relief organisation for relatives of homicide (including femicide), homicide–suicide and missing persons⁽¹⁶⁷⁾. It is a nationwide victim assistance and self-help organisation. It sees itself as a nationwide representative of the interests of, and as a supportive partner for, affected relatives. The WEISSER RING – as an active victim support organisation at national level for all victims of crime in Germany – is an independent and non-state-funded organisation dedicated to helping crime victims and providing support⁽¹⁶⁸⁾.

The interviewees highlighted that the damage caused in cases of femicide affects children greatly. The research findings show that specific legal provisions and measures for children orphaned by femicide are scarce within the five Member States.

A positive example emerged in France at local level. In 2011, France adopted a protocol to provide emergency care to child victims of femicide. This is a 3- to 8-day hospital programme at a child psychiatric unit, where children receive psychological, medical and social care support after a femicide. This protocol is initiated by the public prosecutor's office while the investigation is still ongoing. The children have an 'accompanying grandmother' who is with them all of the time. During this period, the judicial authorities assess the situation and decide on the children's custody: whether to place them with relatives or refer them to child protection services. Following this, the children continue to receive long-term counselling and specific psychotrauma treatment, either in the same institution or in another specialised unit. It should be stressed that, although this protocol is recognised as a best example in France, it is available in only some regions.

Support and monitoring are guaranteed for children victims of femicide in Romania until the age of 18 (or until the age of 26 if the children continue to study). Monitoring varies from case to case, depending on the needs of the family caring for the child and the needs of the child. The children can receive a state accommodation allowance for the duration of the support. Despite the existence of these support services, there are difficulties in its application⁽¹⁶⁹⁾. Some of these difficulties include dealing with the fact that free psychological support is limited (in terms of duration and frequency) and is not adapted to the child's needs. Moreover, there is a lack of psychologists with a focus on trauma and crime and an insufficient number of psychologists working

⁽¹⁶³⁾ More information about the association is available on its website (<http://www.accionsocialporlaigualdad.org/>).

⁽¹⁶⁴⁾ For example, schools and employment services.

⁽¹⁶⁵⁾ As mentioned in Law 1/2004 and reinforced in the state pact.

⁽¹⁶⁶⁾ More information about the scholarship is available on the website (<https://www.becassoledadcazorla.es/>).

⁽¹⁶⁷⁾ More information is available on the ANUAS website (<https://anuas.de/>).

⁽¹⁶⁸⁾ More information is available on the WEISSER RING website (<https://weisser-ring.de/hilfe-fuer-opfer/hilfe-vor-ort>).

⁽¹⁶⁹⁾ Mentioned by victims' representatives from Romania.

within the General Directorate for Social Assistance and Child Protection.

The child received psychological support from our service. He came every week to our psychologist who was trying to help him get over the period of mourning, over the barriers that the child put up. He hasn't even been to his mother's grave for a long time. We provided him with psychological assistance, and his aunt took him to a psychologist. But you know how it is, it's very expensive. It should, and not only for children from femicide, but also for children whose parents die to be provided with psychological assistance free of charge. It helps children to overcome this period of mourning. It helps children not to go to the other extreme of depression. Make some governmental and non-governmental programmes. ... Families also need psychological counselling. The family is also vulnerable, but if the family is ... who should the child rely on? He is looking for support. I would rely on government help. Free psychological counselling through psychological offices in the locality'

(Professional – social worker, Romania)

However, these measures seem to offer very limited support, as femicides leave families to rebuild themselves with new dynamics. Often, children are placed in the care of grandparents, who must become parents again. If families are deprived of reparation measures, this can be challenging both financially and emotionally. Sometimes, the financial situation of the families becomes difficult owing to the number of children to be taken care of.

'We have seen it, maximum poverty ... We receive people in very disadvantaged situations, with grandmothers who have to take care of three or four children, even five, with very low pensions ...'

(Professional – member of the victims' organisation, Spain)

In some cases, grandparents have to retire earlier, leaving them with a lesser pension so that they can take care of the children ⁽¹⁷⁰⁾. Other family

members have to abandon life plans because they are given a child to take care of and want to save money for the children.

'They cannot devalue it [the femicide], is not a death that happened and now we move forward, right? How are these grandparents going to suddenly become parents? They were in their ageing process, in retirement, and suddenly they have to be, as she was saying, they have to retire early, they have to take care of their granddaughters, and I don't know how many more, how is that possible? How is it possible not to have support? How is it that, all of a sudden, the entire household of that boy [other femicide case] ... he had to rethink his own life, his life project, to support his parents and nieces [related to the killing of his sister]. You have to take into account the impact, it's not just the children, it's the devastating impact that happens around you, like a wave in the family, isn't it?'

(Victim – parent, Portugal)

Furthermore, grandparents or other family members who take care of children are often deprived of their own grieving process and do not have support because they prioritise the children. According to a press article from Spain, there are cases in which the children of murdered women receive psychological care, but the maternal grandmothers and carers of the children reject it for themselves (Gimeno, 2020). The findings of this research show that the need for comprehensive reparation is urgent, as this would allow victims to grieve the death of their loved ones, but would also support them during the criminal proceedings and other legal proceedings that family members might face. Several victims mentioned the difficulties of dealing with a number of procedure (criminal, custody, etc.) one after the other for long periods of time.

'It's a process. The crime, and then we are faced with the crime proceedings, with the process of promotion and protection, and then the social security professionals come in, because they don't want to know if the father, if the other family is normal, no. ... and then another real hell begins. They don't give us time to think or to grieve, or

⁽¹⁷⁰⁾ Mentioned by victims from Portugal.

to ... I usually say 'I even stopped being me', I had to become a lioness, in order to protect my grandson and so that my grandson wouldn't go to an institution or to another family. And ... this drags on for years on end. This is sad, I think it's even embarrassing. ... And then the fight against the system, which is another torment, because the system does not respect victims, the system does not support victims, whether we are grandparents or children, much less. We started to live a real hell with the system, at all levels, that I live until today'

(Victim – parent, Portugal)

The length of the procedures is described as inadmissible and as contributing to the delay in victims repairing and reconstructing their lives.

'We go back to time, the time of families, the time of survivors, the time of these children, isn't it? Which is scary, 4 years to be heard, 7 years for this process to move forward [the parental regulations took 7 years to be solved in this femicide case], all of this shouldn't happen. All of this, that is, not only must we respect the murderer's rights, there will be, but the victims' time must also be ensured here, the time for reparation, the time to rebuild their own lives'

(Victim – parent, Portugal)

3.4. Addressing emerging topics

The semi-structured approach used for the interviews with professionals and victims allowed the issues that were most salient to the respondents to be captured and interviewees' perspective on issues closely linked to femicide and femicide proceedings to be gathered. This section presents additional results from the interviews, which transpired from the discussions with both victims and professionals.

3.4.1. Insubstantial information on victims' rights

A primary concern of the professionals was the lack of information; they noted that this can have a significant impact on victims' participation in criminal proceedings and can limit their access to justice. A lack of information is particularly problematic for victims who are not being represented by a lawyer ⁽¹⁷¹⁾. In this context, victims highlighted the importance of having specific agencies or services to assist and support them, providing and clarifying information ⁽¹⁷²⁾.

Another important aspect concerned victims' rights to understand and to be understood from the first contact and during any further necessary interaction that they have with a competent authority in the context of criminal proceedings. Despite legal guarantees clearly laid down in the Victims' Rights Directive, professionals stated that, most often, if victims are not present during the hearings, they are not informed about progress or, when they are, information is received late ⁽¹⁷³⁾.

'The courts must send updates to the interested parties, but [...] in 90 % of cases where the victim is not present, they do not know what is happening'

(Professional – member of the victims' organisation, Spain)

Victims and victims' representatives noted that victims need more information about the next procedural steps and the possible outcomes of the individual proceedings, as otherwise they easily become lost ⁽¹⁷⁴⁾.

'... if we send the victim inside the tunnel and they have to get out of the tunnel by themselves, given that there is an exit for [sentence] suspension, there is an exit for prosecution, there is an exit for archiving, if this isn't worked through with the victims, then it is much more complicated for them to understand and find themselves ... I think it is

⁽¹⁷¹⁾ Mentioned by professionals and victims from Spain and Portugal.

⁽¹⁷²⁾ Mentioned by victims from Spain who benefit from such a service (offices providing assistance to victims of crime).

⁽¹⁷³⁾ Mentioned by professionals from Spain and France.

⁽¹⁷⁴⁾ Mentioned by victims from Germany, Spain, Portugal and Romania.

important that people have a very clear notion right from the start that this is a process that will have many developments, and that the phases aren't necessarily strict and that this isn't all clear waters'

(Victim – NGO victims' representative, Portugal)

The right to information corresponds with the need to communicate with victims in simple and accessible language. Despite the legal guarantees set out in the Victims' Rights Directive, professionals and victims noted that victims often receive information using language that is difficult to understand and is delivered in written form without any further explanation.

'... This is sometimes relatively complicated, because I have experienced this several times. Ten-page sheets are handed out, which are of course relatively non-existent for someone in this situation, (a) difficult to understand and (b) are also, yes, put aside. So oral advice and assistance would certainly make more sense'

(Professional – lawyer, Germany)

Another aspect relates to the particular vulnerability of victims who receive information in a language they cannot comprehend⁽¹⁷⁵⁾. Professionals from Germany and Spain argued that the right to interpretation and translation, whenever needed, is set out by the Victims' Rights Directive.

'It is absolutely necessary to be able to make the right offers to the victims ... in the language they also speak ... He is in an absolutely exceptional situation anyway and is grieving, and then to demand understanding for German bureaucracy, or help but not in his own language ... It is, in my opinion, almost impossible for such a victim ...'

(Professional – police officer, Germany)

Victims from Portugal described communication with the police as more effective than that with prosecutors and judges. Professionals explained that, at the prosecution and sentencing stages,

this lack of communication can be explained by the fact that both judges and magistrates need to maintain impartiality⁽¹⁷⁶⁾.

3.4.2. Delayed response to custody resolutions

Custody of children was one of the most pressing concerns expressed during the interviews. However, the way each Member State deals with this issue is different (Figure 17).

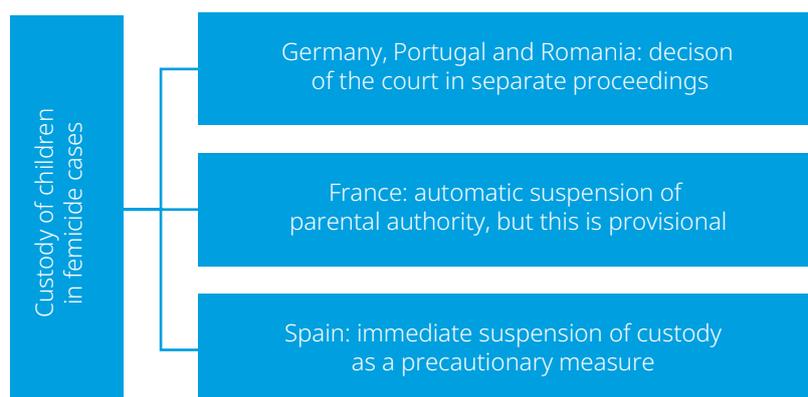
In Germany, in the case of the death of one parent, the other parent automatically has custody of the child. However, in femicide cases, the court has to decide on the custody of the children in separate proceedings from the criminal proceedings. This is also the case in Portugal and Romania, with victims mentioning that this results in a lack of coordination of the proceedings, creating situations in which children are forced to visit their father in prison because the perpetrator has not yet been convicted. In Portugal, professionals highlighted that, in domestic violence cases, the inhibition of parental responsibility is usually automatically applied, but this is not legally set out for femicide cases.

The suspension of parental authority at the time of the investigation of femicide in France is automatic, but temporary – meaning that the sentence should be revised after a period (usually 6 months). However, according to prosecutors, in practice, the decision about suspending the perpetrator's parental authority depends on the magistrates involved in the case, and these decisions are usually late and differ.

Eight professionals from different sectors agreed that the withdrawal of the perpetrator's parental authority should be adopted in femicide cases as a measure to better protect children's interests. In femicide cases in Spain, custody is immediately suspended as a precautionary measure; however, there have been instances in which the perpetrator was not deprived of visiting rights.

⁽¹⁷⁵⁾ Mentioned by professionals from Germany and Spain.

⁽¹⁷⁶⁾ Mentioned by professionals from Germany, France and Portugal.

Figure 17. Process of dealing with the custody of children in the selected Member States

'We withdraw parental rights because we say that any attempted crime or crime perpetrated in the home or in the presence of the children should always imply proportionality in relation to the penalty of withdrawal of parental rights'

(Professional – judge, Spain)

'In fact, there are many difficulties for family professionals to coordinate with violence professionals ... because the family-centred approach still prevails. People still think that family is above all else'

(Professional – advisor to the governmental body, Spain)

Professionals and victims noted that the process of dealing with the custody of children often results in a litigious process between the maternal and paternal families ⁽¹⁷⁷⁾. Literature on the care of children by grandmothers after a femicide from Spain highlights that there is support or reparation for them and emphasises the importance of producing data on orphaned children and monitoring the needs of families that face femicide (Gimeno, 2020).

Notably, victims highlighted the difficulties in gaining custody of the child and that this acted as a barrier to the grieving process ⁽¹⁷⁸⁾.

'I had to fight for everything because they didn't even want to grant me access to my granddaughter. And of course I had to pay for everything

myself, because no legal protection pays for that. ... And then I had to fight for everything, and they always made me out to be a liar. I would beat the granddaughter and ... And that's why I didn't have time to grieve in any way. I also had to make sure that my grandchildren were doing well and that things would continue'

(Victim – parent, Germany)

One judge from France stated that facing the issue of parental authority was fundamental to effectively tackling gender violence, given that perpetrators (fathers) insist on maintaining control over their children (having their parental authority) like they used to control the lives of their victims (the women killed), and this cannot be considered a healthy parent–child relationship.

Professionals call for mandatory legislation to limit the discretion of judges regarding parental authority in order to limit the strategy of appropriation used by the perpetrators over the children and to avoid secondary victimisation. This approach is closely linked to the standards of the Istanbul Convention, which requires parties 'to take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children' ⁽¹⁷⁹⁾.

'Until we face our collective problem with parental authority, we will not be able to fight domestic violence. ... Most cases of femicide are the

⁽¹⁷⁷⁾ Mentioned by professionals and victims from France and Portugal.

⁽¹⁷⁸⁾ Mentioned by victims from Germany and Portugal.

⁽¹⁷⁹⁾ Article 31 on custody, visitation rights and safety.

culmination of a 'you are mine' strategy of appropriation. The reasoning is exactly the same for parental authority, it is a strategy of appropriation. 'This child is mine, this mother is mine.' So we have to disconnect the abuser from parental power. ... the law must be imperative. What I am calling for is mandatory legislation that says that when there is domestic violence, the margin of appreciation must be limited. Because we are currently seeing that the margin of appreciation leads to insufficient protection of the victims, or even to the creation of secondary victimisation'

(Professional – judge, France)

3.4.3. Narrowed understanding of femicide

During the interviews, professionals from Spain and France urged that attention should be drawn to suicides and forced suicides as specific forms of femicide, which are often overlooked. They noted that these instances need to be analysed as suspected cases of gender-based violence and femicide⁽¹⁸⁰⁾. Professionals' insight is in line with already existing research (Bitton and Dayan, 2019), which considers forced suicides or staged suicides as potential femicides (Karakas, 2020; Moore, 2021).

[Forced suicides] must be considered as femicides. For me, these are mortalities that are linked to domestic violence, and therefore that should be included in femicides. And so, me, the investigations to which I had access, for these kinds of files, the criminal files, for me the investigations were extremely well done, really very, very well done'

(Professional – criminal lawyer working in compensation, France)

3.4.4. Inconsiderate media reporting

The interviews carried out with victims raised an important issue of journalistic standards and ethical media reporting in cases of femicide. Both professionals and victims emphasised that media coverage can have a direct impact on victims' well-being. This link has also been highlighted in

the literature: inadequate reporting practices might contribute to the normalisation of gender-based violence and reinforce inadequate state responses to femicide (Ladysmith, 2020).

Professionals from all Member States emphasised that the exposure of femicide by the media can aggravate victims' negative experience and lead to secondary victimisation.

'In court, from my point of view, these meetings should be made with closed doors in such cases because there is great suffering. In courtrooms people are like in a theatre room. In addition to the fact that the pain is big, there is also the stress that somebody is watching them, not to mention the press. I knew it was the press. Any case of this type is made known, it is the same everywhere ... local press. There were two public meetings on trial. Victims cried each time'

(Victim – legal representative, Romania)

Some of the victims interviewed described situations in which they were harassed and felt invaded by the media, and discussed how much this affects even normal daily routines.

'The worst was when the press came. I had to stay inside for one day because the press was coming. They were in front of my block, and they would announce even when I was moving the kitchen curtains. ... They would just come and put the microphones to my mouth when I was going to church. I don't think it's fair. The person is already suffering a trauma, are you traumatising him/her even more? It was a very bad experience for me. Therefore, I haven't accepted interviews. I have been invited to give interviews even in shows. I am not interested. For me the press is a bad experience and that's it'

(Victim – family member, Romania)

Another victim insisted that, even after death, the rights and privacy of the women killed should be respected.

'I sometimes question, if they published everything, they hid the faces of her friends in the pictures ...'

⁽¹⁸⁰⁾ Mentioned by professionals and legal representatives from Spain and France.

They didn't hide her, why didn't they have the same respect for her death than they had for her alive friends, whose faces they hid? This makes me question, right? Does one lose the right to privacy and to intimacy after dying? ... I was worried what they [the media] were going to say about my daughter. She had already been murdered and now they were going to assassinate her character. ... The media is the biggest torture'

(Victim – parent, Portugal)

The findings suggest that sometimes the media can unintentionally diminish femicide by using misleading terms such as 'passionate crime', 'love crime', 'jealous crime' and 'drama'⁽¹⁸¹⁾ instead of referring to the crime as a femicide (Kouta et al., 2018).

'... we systematically intervene with the media on the terms they use of 'marital drama', 'family drama', 'disagreement', of 'inappropriate gesture', and so on. So each time, we send messages, well, letters to the media and press releases from elsewhere, to remind them of the [correct] terms to use'

(Professional – representative from victims' association, France)

In this context, creating or strengthening self-regulatory mechanisms, creating guidelines for appropriate coverage of cases of gender-based violence against women by the media and establishing and/or strengthening the capacity of national human rights institutions to monitor or consider complaints regarding any media are absolutely essential (Victims' Rights Directive⁽¹⁸²⁾; Committee on the Elimination of Discrimination against Women, 2017).

Some Member States already undertake some initiatives in this area. In Spain, the government created a web repository of manuals, guides, codes of ethics and basic rules on gender violence, sexism and communication; these were developed by professional associations of journalists, partnerships and academics (e.g. Ayuntamiento de Logroño and Colegio de Periodistas

La Rioja, 2018; Perianes Paín, 2020). In 2019 in Portugal, responding to a high rise in femicide cases, the government issued a guide on good practices in communication to effectively prevent and combat violence against women and domestic violence (Secretaria de Estado para a Cidadania e Igualdade, 2019). In Romania, the Asociația pentru Libertate și Egalitate de Gen (ALEG) initiated the 'journalists who make a difference' project, through which the following publications were developed: the guide for journalists on how to talk about domestic violence (ALEG, 2021a), the guide for influencers (ALEG, 2021b), the guide for the general public (ALEG, 2021c) and the guide for the conquerors of violence (ALEG, 2021d)⁽¹⁸³⁾. The same organisation also organised workshops for media to discuss how domestic violence should be presented.

One victim from Portugal highlighted that, in some cases, the need to protect victims from repeated victimisation might go beyond the criminal proceedings and might require a careful balance between perpetrators' rights and victims' rights, especially when it has an impact on victims' well-being.

This could be particularly relevant, for example, when examining the perpetrator's right to choose which prison to serve the sentence in. One victim from Portugal noted that, in their case, the perpetrator deliberately chose to be close to the victim's family, causing them fear and anxiety, especially because of potential temporary releases. In this context, a proposal put forward by one professional from Germany might be relevant, who suggested that a system be adopted for victims that would allow them to closely monitor the proceedings.

'So in the USA, for example, there is a victim information system. Where only the victim has access to it, so to speak. And they can see exactly what the status of the proceedings is. And they can log in at any time, if they want to, and see how much time they have served'

(Professional – lawyer, Germany)

⁽¹⁸¹⁾ Mentioned by victims from France.

⁽¹⁸²⁾ Article 21 on the right to the protection of privacy.

⁽¹⁸³⁾ <https://aleg-romania.eu/wp-content/uploads/2021/03/scurt-ghid-pentru-invingatoarele-violentei.pdf>

3.5. Tackling the COVID-19 impact on femicide and criminal proceedings

COVID-19 has had gendered effects on equality, health and domestic violence, some of which have been immediate (as reported), but will also have long-term consequences. Stress, anxiety and uncertainty are risk factors intensified by the pandemic situation and, together with other existing lethality risk factors, they could lead to a spike in femicides in the coming years. This section offers a preliminary overview of the impact of COVID-19 on femicide and femicide proceedings in Germany, Spain, France, Portugal and Romania. It identifies measures taken to counter femicide and explores the perspectives of professionals and victims on the impact of the pandemic situation on femicide proceedings. The section is concluded with initial recommendations for the EU and Member States on how to improve legal responses to counter femicide during a crisis.

3.5.1. Impact of COVID-19 on femicide

Evaluating the impact of COVID-19 on femicide, while the pandemic situation persists, provides information about COVID-19's immediate effect, but surely does not represent the full picture of the consequences of the pandemic as regards lethal violence.

According to the available data, femicides or the intentional killing of women in domestic violence or family contexts decreased slightly in 2020 in Spain, France, Portugal and Romania. According to the Observatory against Domestic and Gender Violence, femicides in Spain decreased by about 18 % in 2020 compared with the previous year (from 56 to 45 femicides) ⁽¹⁸⁴⁾. In Portugal, the Observatory on Murdered Women reported a decrease from 23 femicides in 2019 to 19 in 2020 (OMA-UMAR, 2020). The annual study on violent deaths among couples in France in 2020 registered the lowest number of homicides (102) since data collection started (2006) (Ministère de

l'Intérieur, 2020). In Romania, data from the network for preventing and combating violence against women shows that the number of victims killed by family members in 2020 (72 homicides) was lower than in 2019 (83 homicides) ⁽¹⁸⁵⁾.

Within this study, the professionals interviewed were greatly concerned about the risk of femicide when restrictive measures are lifted.

I am a little surprised at this figure [femicide drop]. But I'll wait and see the following year if this drop is confirmed, I'm a little surprised, I think the drop is huge, I do not see on what basis in reality. ... Maybe the men were less afraid of the women leaving, because they were more trapped, in a way, so that might be an explanation'

(Professional – prosecutor, France)

'... there were fewer femicides in the period of lockdown indeed, since they [women] could not separate during this period. And when we got out of lockdown, that's when the women were able to separate. And now we find ourselves in a situation where there are a lot of femicides'

(Professional – compensation services, France)

3.5.2. Impact of COVID-19 on femicide proceedings

The implementation of COVID-19 mitigation measures created challenges for the criminal justice system in responding to violence against women. A report on difficulties in the criminal justice responses to violence against women (summarised in Tables 1 and 2) concluded that the pandemic brought numerous challenges that affected many areas of work within law enforcement and the justice system. The report in particular highlighted that there is a need to collect data and monitor evidence-based policies, consider gender-based violence as a priority during a crisis, create a general exception to restrictions in these cases, study the intersectional impact of

⁽¹⁸⁴⁾ The data is available on the Poder Judicial website (<https://www.poderjudicial.es/cgpj/es/Temas/Violencia-domestica-y-de-genero/Actividad-del-Observatorio/Datos-estadisticos/>).

⁽¹⁸⁵⁾ The data is available on the Rețeaua pentru prevenirea și combaterea violenței împotriva femeilor website (<https://violentaimpotrivafemeilor.ro/statistici-violenta-in-familie-2019/>).

gender-based violence, have coordinated efforts and adequate protection measures, create guidelines for the use of e-justice mechanisms, and set out budgets and measures within national strategies to account for gender-based violence (UNODC, 2021b).

Table 1. Challenges in the criminal justice system response to gender-based violence against women: reporting, police, protection orders, investigation and prosecution

Reporting	Police	Protection orders	Investigation and prosecution
<p>Aggravation of under-reporting</p> <p>Obstacles for women and girls in reporting: movement restrictions, closure of public and judicial offices, reduction of public transportation, closure of schools, fear of being infected with COVID-19, closure or scaling back of support services, and economic dependence, among others</p>	<p>Shift in law enforcement priorities</p> <p>Enforcement of stay-at-home orders</p> <p>Lack of measures to protect health of police officers</p> <p>Insufficient personal protective equipment led to a more cautious approach to entering homes in cases of domestic violence</p> <p>Reduction of specialised personnel</p> <p>Caused by the implementation of social distancing measures. Specialised training delayed</p>	<p>Assurance or extension of protection orders</p> <p>A decrease in protection orders caused by women's lack of opportunities to apply for protection orders, a decrease in reports and a lack of proactive action by criminal justice authorities</p> <p>Enforcement of protection orders</p> <p>Problem in monitoring compliance with the protection orders issued due to a lack of personnel, a lack of remote monitoring processes and difficulties in communication between institutions</p> <p>Inadequacy of protection measures</p> <p>Owing to lockdown measures, the eviction of the perpetrator from the home was implemented less because perpetrators did not have alternative places to go. Delays in admissions to shelters and a lack of sufficient vacancies were also reported</p>	<p>Withdrawal of complaints of some gender-based violence crimes</p> <p>Reduction of personnel</p> <p>When combined with increased reporting in some cases, the reduction led to an increase in personnel being overworked. Those in charge of children or others in need of care were the first to work remotely: specialised personnel are most commonly women who are primary caretakers</p> <p>Shifting priorities</p> <p>Similar to the police</p> <p>Delayed investigation and procedures</p> <p>Hearings suspended, incomplete investigations, offenders unpunished for longer periods and difficulties in communication between professionals</p> <p>Forensic reports</p> <p>Suspension or partial suspension of expert services (e.g. face-to-face examinations)</p>

Source: Authors' creation, based on UNODC (2021b).

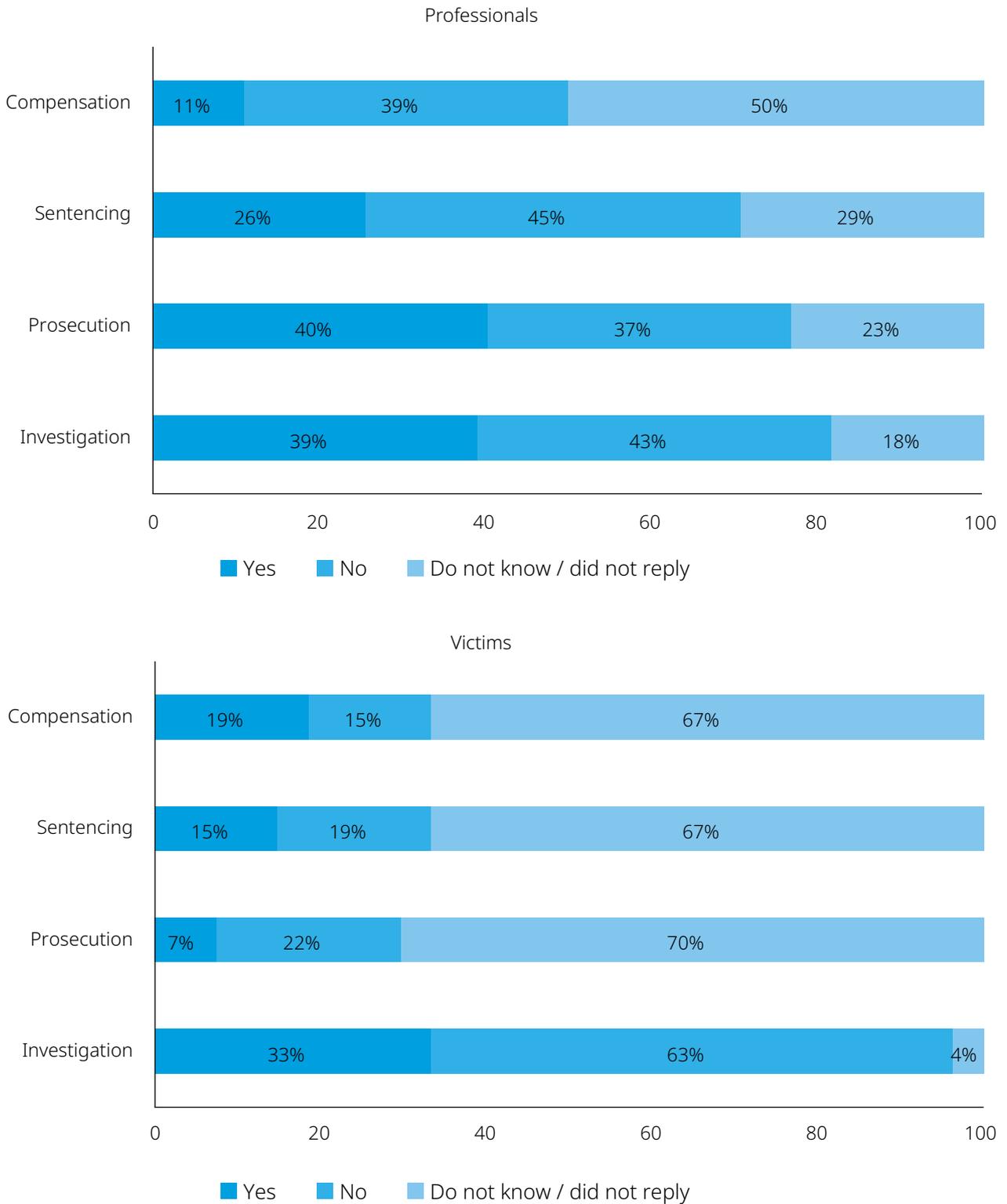
Table 2. Challenges in the criminal justice system response to gender-based violence against women: judiciary, legal aid, corrections and coordination

Judiciary	Legal aid	Corrections	Coordination
<p>Suspension of court activity</p> <p>Courts closed or operating at reduced hours, limited hearings, delays in prosecution and increased feeling of vulnerability by victims</p> <p>Unavailability of parties or key personnel</p> <p>Caused by movement restrictions and infections with COVID-19</p> <p>Increased backlog</p> <p>The backlog that already existed was aggravated</p>	<p>Disruption of legal aid services</p> <p>Adjournments and delays in legal proceedings due to reduced availability of personnel and challenges in providing legal aid services remotely</p>	<p>Release of inmates</p> <p>As prisons are frequently overcrowded, some countries released inmates to reduce the spread of the virus (most excluded perpetrators of gender-based violence from releases)</p> <p>Assessment of likelihood of recidivism</p> <p>With social distancing imposed, parole officers prioritised communications via voice or video calls</p>	<p>Lack of coordination among criminal justice agencies and providers of essential services and a lack of information on the services open during lockdown</p>

Source: Authors' creation, based on UNODC (2021b).

According to the quantitative results, the impact of COVID-19 on femicide proceedings was greatest at the investigation stage (from the perspective of both the professionals and the victims; Figure 18).

Figure 18. Professionals’ and victims’ opinions about the impact of COVID-19 on the various stages of proceedings (% , 2021)



NB: The professionals and victims were asked the following question: do you think that COVID-19 had any kind of impact on the following stages of cases of the killing of women: (1) the investigation, (2) the prosecution, (3) the punishment of perpetrators and (4) the provision of compensation for victims?

Source: Authors’ calculation.

Professionals from Germany, Spain, Portugal and Romania explained that the legal system remained 'operational' and fully working for urgent cases, including homicide offences, and therefore investigation, prosecution and sentencing were generally not affected by the pandemic.

In Spain, professionals mentioned that specific protocols were drawn up and communication campaigns were intensified to ensure that, at all times, victims continued to be assisted by specialised courts, the police and social services.

However, as stressed in the interviews by professionals from Germany, work during the investigation became more challenging, namely working for longer periods owing to in-person contact restrictions.

[The impact of the pandemic] Massive, MASSIVE. Simply because it always means more effort. Our work consists of getting in touch with people, questioning people, carrying out the personal evidence, simply to get information. And of course that makes it all harder now, with contact restrictions'

(Professional – police officer, Germany)

Two different positions on the impact of COVID-19 on femicide criminal proceedings were identified. On the one hand, some measures adopted to curb COVID-19 infections – such as allowing fewer spectators and media representatives at court and developing new and less formal channels of communication between institutions and victims' representatives – were beneficial changes that allowed secondary victimisation to be avoided. On the other hand, the pandemic led to legal proceedings being delayed or made the whole process more challenging. For example, some appointments had to be postponed owing to people becoming infected or having to go into quarantine (e.g. court sessions) ⁽¹⁸⁶⁾ and autopsies were affected by the pandemic, especially at the beginning of the pandemic and if there was

a suspicion that the person killed may have contracted COVID-19 ⁽¹⁸⁷⁾.

In France, most professionals mentioned that COVID-19 had affected both the investigation and the prosecution of femicides. In France, there were considerable delays because the courts were closed at times, there was a lack of human resources, juries were cancelled, hearings were postponed and deadlines were extended owing to restrictive measures.

I think there has been a slowness in dealing with femicide cases. The cases were handled ... Obviously, justice was considerably slowed down during this period. Not just in family matters. ... The courts were closed for a while. Justice no longer existed, it was terrible that period; terrible. Obviously, there was a considerable delay in all these cases'

(Professional – compensation services, France)

Professionals' opinions on the use of new technologies to hear (or question) victims differed. While some explained that the use of technologies could be useful for avoiding secondary victimisation related to the victim's physical presence in court or at the police station ⁽¹⁸⁸⁾, others highlighted that the use of masks prevented the reading of facial expressions and non-verbal communications, which contributed negatively to the hearing ⁽¹⁸⁹⁾.

Videoconferencing, in my opinion, for this type of crime, you often lose an immediacy, an immediacy, it's, they are much colder, we are not used to it. We already watch TV, so TV is TV. And I think we lose a lot in certain types of crime. It is true that it improves the possibility of not having to go to court, but I think that what we have to do is to make the victim feel comfortable in court'

(Professional – specialised lawyer, Spain)

In addition, professionals from Germany mentioned that witness testimony in court was more

⁽¹⁸⁶⁾ Mentioned by professionals from Germany and Romania

⁽¹⁸⁷⁾ Mentioned by professionals from Portugal and Romania.

⁽¹⁸⁸⁾ Mentioned by professionals from Germany, Spain and Portugal.

⁽¹⁸⁹⁾ Mentioned by professionals from Germany, Spain and Portugal.

relaxed owing to the restriction on the number of people who could be present in the courtrooms, which was also highlighted by victims ⁽¹⁹⁰⁾.

'... the situation in the courtroom has changed. There are fewer spectators. That means that even in murder and homicide cases there is no longer such a large press and audience possible, because it is limited'

(Professional – judge, Germany)

One legal representative of a victim from Germany highlighted that it has become more difficult to access the youth welfare office owing to the pandemic situation.

'What I find difficult is that all the other offices are so restricted in the pandemic. The Youth Welfare Office is a big problem. You can hardly reach anyone at all at the Youth Welfare Office. They're all in their home offices, but you don't have any other – there's no call forwarding. Or often they are not at all'

(Victim – legal representative, Germany)

The impact of COVID-19 on compensation for victims has been minimal both because this decision can be made remotely and because femicides that happened in 2020 were recent and proceedings had not yet reached the compensation stage.

Specific training sessions on risk assessment in femicide cases and domestic violence had to be postponed because of the pandemic ⁽¹⁹¹⁾.

The improvement of the use of technology in the criminal justice system was mentioned as a positive influence of the pandemic by professionals ⁽¹⁹²⁾. However, the scarcity of adequate equipment at court and access to an internet connection during the proceedings were mentioned as potential barriers, affecting victims differently.

'This is very complicated, regarding technologies. ... in practice, things don't work that well. All the court equipment, most of it is obsolete. Sometimes, to hear a witness through videoconference, whose testimony will take 10 minutes, we wait for 20 minutes for things to work before we can hear them. Either because it isn't working, or because there are other witnesses being heard and things drag on ...'

(Professional – judge, Portugal)

According to professionals from Portugal, informal contacts and interactions between professionals were negatively affected by COVID-19 and confinement. Other issues raised by professionals include difficulties encountered with the use of new technologies and equipment, delays in training, overwork and uncertainty about deadlines. Moreover, professionals from Germany mentioned that the fear of contracting COVID-19 would add to the emotional stress for the police and in court. In addition, restrictions on funerals and access to hospitals complicated the grieving process.

⁽¹⁹⁰⁾ Mentioned by victims from France and Romania.

⁽¹⁹¹⁾ Mentioned by professionals from France and Portugal.

⁽¹⁹²⁾ Mentioned by professionals from Spain, Portugal and Romania.

4. Conclusions

Femicide as the most extreme form of violence against women continues to be widespread, bringing pain and suffering to ‘invisible victims’ (i.e. family members of murdered women)

Violence against women is one of the most prevalent and severe forms of gender inequality between men and women in society. In 2020 alone, 47 000 women were killed by intimate partners or other family members worldwide, and around 2 600 were killed in Europe (UNODC, 2021a). However, the number of victims is much higher. Orphaned children and bereaved parents and siblings of killed women suffer enormous pain, but national authorities rarely consider them victims of femicide. As a result, their pain is invisible and their needs remain unaddressed.

Member States struggle to fulfil their due diligence obligation to effectively prevent, investigate and prosecute femicide

As recognised by the Committee on the Elimination of Discrimination against Women, violence against women constitutes a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men and is a violation of women’s human rights. In recognition of this, under the international human rights framework, states are obliged to adhere to the due diligence principle when shaping their responses to violence against women. As noted by the UN, this objective can be achieved by diverse means, such as action plans, legislation, awareness raising, and reinforcing the capacities and powers of police, prosecutors and judges, among others (UN Human Rights Council, 2005, paragraphs 70 and 71). However, the study highlighted that, while numerous human rights bodies have accepted the due diligence concept and further defined states’ obligations in relation to violence against women, Member States still face difficulties when establishing comprehensive institutional responses to femicide.

Member States do not consider femicide an extreme end of a continuum of violence against women and rarely recognise it in their national strategies and action plans on gender-based violence

The findings of the study indicate that femicide is rarely explicitly mentioned in policy documents at national level. For example, while all most of the Member States selected for the study have national strategies or action plans on domestic violence, violence against women or gender-based violence, most of them rarely recognise femicide as the extreme end of a continuum of violence against women and that the killing is often a culmination of other forms of violence experienced by victims. As a result, national strategies offer more general measures on gender-based violence.

Femicides are investigated and prosecuted either by gender-neutral law enforcement agencies or by prosecution units established as part of broader action on gender-based violence or domestic violence

Under the due diligence principle, states are obliged to effectively investigate all instances of violence against women and prosecute those who have committed the crime. International human rights bodies also recommend taking a multidisciplinary approach, focusing on individual, institutional and structural levels to understand and respond to the gender-related killing of women (UN, 2014). However, the findings highlight that each of the selected Member States has a different approach to conducting the investigation and prosecution of femicide.

None of the selected Member States has established sections of the police force specialised in femicide, nor are there nationwide investigation protocols on femicide. The study highlighted that,

in most of the Member States (except for Spain), femicides are investigated as a gender-neutral crime by regular police forces.

As far as prosecution is concerned, of the five Member States researched, Spain seems to have the most comprehensive approach, with a public prosecutor for cases of violence against women and sections for violence against women in each provincial prosecutor's office, headed by the delegate prosecutors. However, it should be noted that Germany and Portugal have also been developing or piloting specialised teams to tackle the issue of domestic violence at the prosecution stage.

As highlighted in the interviews, establishing separate units to handle femicide cases was positively assessed by some professionals (Germany, Spain and Portugal). According to them, specialised prosecution units could potentially improve the prosecution of femicides.

Recognising femicide as a separate criminal offence could bring numerous benefits in terms of awareness raising, prevention and applying the law

Introducing a new criminal offence for femicide would allow the timely identification of potential crimes, ensure quick responses to prevent femicide, enable effective investigation and processing, and enable the adequate punishment of perpetrators. However, the analysis shows that legal frameworks in Germany, Spain, France, Portugal and Romania do not distinguish femicide from homicide. As a result, in all of these Member States, gender-neutral criminal provisions are applicable in cases of the killing of women. Nevertheless, in some Member States, legislation allows murder offences to be considered aggravated if they are based on gender (Spain, France and Portugal) or motivated by discrimination (Spain, France, Portugal and Romania).

The interviews with professionals suggest that the legal recognition of a separate criminal offence for femicide could have a significant impact on prevention, prosecution and awareness raising. A significant number of the professionals interviewed recognised the urgent need

to introduce a legal definition of femicide in national law. Professionals argued that such a change would increase general awareness and simplify the application of legal provisions. Professionals also mentioned that this change would contribute to making femicide visible and to its prevention, by recognising the exposure of women to gender-based violence, preventing domestic violence and increasing reporting to the police by victims.

Member States need to recognise family members as direct victims of femicide and offer more protection against repeated victimisation during criminal proceedings

The role of victims in the proceedings varies greatly between Member States – mostly because of differences in national legal frameworks and the definition of a victim. For example, in some Member States, victims can join the prosecution as civil parties to the case (Germany, France, Portugal and Romania), while in Spain victims are considered qualified witnesses. These provisions allow victims to play a more active role in the proceedings. However, professionals recalled that victims' status, despite being comprehensive, lacks a gender perspective and might offer limited legal protection in cases of femicide. For example, the family members of a murdered woman are not seen or recognised as victims in the judicial system. As a result, they are often invisible and neglected by the system.

Results from the victims' interviews flag that victims refrain from participating in legal proceedings, as the courtroom seems to be a place where they feel most re-victimised and uncomfortable. In this context, victims highlighted numerous unpleasant experiences, such as having less time than the perpetrator to testify in court and being rushed when speaking. Victims also highlighted their experiences of a lack of sensitivity from judges, judges humiliating or doubting victims, and victim blaming of the women killed. Professionals and victims further claimed that the judges should act more proactively during the proceedings to avoid defence strategies of blaming or discrediting the women killed, including insulting and threatening victims at court.

In all Member States, victims' access to compensation and reparation is severely impeded owing to complex, lengthy procedures and insufficient awareness

Findings from the interviews provide strong evidence that procedural hurdles, overly restrictive eligibility criteria and limited support received from national authorities still stand in victims' path to justice. According to the research findings, while steps have been taken in all five of the Member States to promote the right to compensation for victims of violent crimes, obtaining financial redress is highly challenging for victims of femicide.

First, the findings highlight insufficient awareness about the compensation schemes available to victims of femicide. Both professionals and victims from all of the Member States considered confirmed that most of the victims do not know about the possibility of requesting compensation from the perpetrator or their right to seek compensation from the state. However, the issue of insufficient awareness is not limited to victims, as it also extends to professionals supporting victims, such as social services and lawyers.

Second, regarding the effective enforcement of compensation granted by the court, the findings of the interviews with professionals from most of the Member States (Germany, Spain, Portugal and Romania) were alarming: victims rarely receive the monetary compensation granted by the courts, as a large number of perpetrators either do not have the necessary means or income to pay compensation or try to hide their assets. In this context, interviewees noted that, under these circumstances, the role of the state in providing victims of femicide with financial compensation is crucial.

However, the interviews confirm that there are several obstacles and challenges related to receiving compensation from the state, including low amounts attributed, restrictive eligibility criteria and limited compensation resources in some Member States.

Third, the study highlighted a significant gap relating to the provision of holistic reparations for victims of femicide. Reparation measures are either non-existent, or generally poor. Services are rather fragmented and often insufficient. At the same time, the need for comprehensive reparations is urgent. The interviewees highlighted in particular the situation of children suffering from the trauma of losing a mother to femicide, especially in terms of providing them with psychological support.

Safeguarding the well-being of children affected by femicide needs to be prioritised by Member States

Professionals from all Member States repeatedly highlighted the matter of protecting the well-being of children affected by femicide. One of the most important concerns expressed during the interviews related to the custody of children in cases of femicide. While the Istanbul Convention imposes the legal obligation 'to take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children' ⁽¹⁹³⁾, some professionals noted that shortcomings of legal systems expose children to trauma or repeated victimisation.

The study highlighted that the Member States analysed in this study have different approaches to resolving the issue of custody. Only one Member State immediately suspends parental authority as a precautionary measure. In most of the Member States, the decision on custody is left to the court, which rules in a separate proceeding.

The professionals and victims also highlighted other risks for children's well-being, such as the lack of coordination of the proceedings, resulting in children being forced to visit the perpetrator or involving the child in a litigious process between the maternal and paternal families.

⁽¹⁹³⁾ Article 31 on custody, visitation rights and safety.

The COVID-19 mitigation measures created challenges in the criminal justice system

In general, the professionals interviewed explained that the legal system remained 'operational' and working for urgent cases, including homicide offences. However, more effort was required owing to challenging working conditions.

As regards the impact of COVID-19 on femicide criminal proceedings, the study highlighted two different positions. On the one hand, some measures adopted to curb COVID-19 infections – such as allowing fewer spectators and media representatives at court, and developing new and less formal channels of communication between institutions and victims' representatives – helped to avoid secondary victimisation. On the other hand,

the pandemic led to legal proceedings being delayed or in general made the whole process more challenging. Issues raised by professionals included difficulties with the use of new technologies and equipment, delays in training, overwork and uncertainty about deadlines. Moreover, some professionals (i.e. in Germany) noted that the fear of contracting COVID-19 created additional stress for the police and in court. Moreover, restrictions on funerals and access to hospitals complicated the grieving process.

While, according to the available data, femicides or the intentional killing of women in domestic violence or family contexts decreased slightly in 2020 in Spain, France, Portugal and Romania compared with previous years, the professionals interviewed were greatly concerned about the risk of femicide when restrictive measures are lifted.

5. Recommendations

Take a leading role in developing legal standards protecting women from violence

Recommendations for EU institutions

- As noted in the Gender Equality Strategy 2020-2025, the European Commission should prioritise accession to the Istanbul Convention.
- Should the EU's accession to the Istanbul Convention remain blocked, the EU should adopt the proposal of the directive of the European Parliament and of the Council of the European Union on combating violence against women and domestic violence as proposed by the European Commission, to ensure that victims of gender-based violence and femicide have access to general and specific support services, as well as protection measures, depending on their individual needs.

Recommendations for Member States

- Member States that have acceded to the Istanbul Convention should prioritise its implementation. Member States that have not yet successfully acceded to the Istanbul Convention should aim to ratify it.
- To improve their institutional responses, Member States should ensure that femicide is recognised as an extreme form of gender-based violence against women and is addressed by measures specifically targeting femicide.

Ensure coordinated action against femicide

Recommendations for EU institutions

- The European Commission should continue to support Member States in combating all forms of violence against women, including femicide, across the EU through policy instruments, research and funding.
- As noted in the Gender Equality Strategy 2020-2025, the European Commission should continue to promote changes in social norms and eliminate stereotypical gender roles that entrench gender inequality and justify violence against women, through EU-wide awareness-raising campaigns.
- The EU institutions should continue to provide training on, and share promising practices in, the prevention of violence against women making the best use of data and knowledge of the relevant EU agencies.

Recommendations for Member States

- Member States should include femicide in national policies and strategies on violence against women and develop measures specifically targeting femicide.
- National governments should provide mandatory and regular training for police officers, prosecutors and judges involved in femicide cases on gender-related killings as a continuum of violence against women.
- Member States should improve interinstitutional coordination between various bodies involved in gender-based violence cases, such as law enforcement officers, prosecutors, judges and institutions offering support. Member States should address barriers to

communication (e.g. insufficient awareness and the potential impact of data protection provisions) and develop communication protocols between relevant bodies.

- National governments together with relevant regional bodies should establish close cooperation with civil society organisations and support their initiatives by providing necessary funding.

Further strengthen the protection of victims' rights

Recommendations for EU institutions

- In line with the EU Strategy on victims' rights (2020–2025), the European Commission should closely monitor the implementation of the Victims' Rights Directive by Member States. The European Commission should continue to support Member States by providing guidance on the correct implementation of EU rules on victims' rights.
- The European Commission should initiate and fund research relating to the implementation of victims' rights standards across the EU.

Recommendations for Member States

- Member States should ensure full and correct implementation of the Victims' Rights Directive, in particular in relation to victims' participation in criminal proceedings, access to justice and protection against repeated victimisation.
- Member States should promote knowledge on victims' rights, in particular the support available for victims of gender-based violence via nationwide awareness-raising campaigns targeting victims and the general public.

Improve the prevention of further violence against women

Recommendations for EU institutions

- In line with the EU Strategy on victims' rights, the European Commission should promote the use of physical protection measures for victims of gender-based violence, such as European protection orders, and consider introducing minimum standards on victims' physical protection.
- The EU institutions and agencies should continue to provide training and share promising practices, tools and measures on the prevention of violence against women via relevant agencies.

Recommendations for Member States

- Member States should improve the early detection of violence against women by developing risk assessment tools covering lethality risks related to femicide and conducting mandatory risk assessment and risk management in all cases of violence against women.
- As required by the Istanbul Convention, Member States should ensure an immediate response to all reports of violence against women and provide victims with a wide array of measures to report incidents, including 24/7 confidential hotlines and discreet reporting channels. Member States should exercise due diligence when responding to violence reports and provide adequate human and financial resources for the investigation and prosecution of femicide.
- As noted in the Istanbul Convention, Member States should ensure that protection measures such as restraining and barring orders are easy to access and their implementation is closely monitored.

Strengthen the legal response to femicide

Recommendations for EU institutions

- Apart from finalising the accession to the Istanbul Convention and putting forward the proposal for the directive of the European Parliament and of the Council of the European Union on combating violence against women and domestic violence, the EU institutions should support Member States by promoting tools facilitating investigation, prosecution and sentencing in femicide cases, such as forensic protocols and investigative and sentencing guidelines.

Recommendations for Member States

- Member States should recognise femicide as a specific criminal offence to increase its visibility within the legal system.
- Member States, in cooperation with law enforcement agencies, representatives of civil society organisations and victims, should adopt investigative protocols for law enforcement officers and guidelines for prosecutors to ensure a coherent and harmonised approach to femicide.
- National governments should establish nationwide specialised and multidisciplinary units for the investigation, prosecution and sentencing stages of femicide cases.
- Member States should ensure that perpetrators are held accountable and sentences are proportionate and dissuasive.

Improve data collection on femicide

Recommendations for EU institutions

- The European Commission, in cooperation with relevant EU agencies and Member States, should develop a standard agreed definition of femicide among EU Member States to strengthen the quality, availability and comparability of statistical data on femicide.

Recommendations for Member States

- Member States should establish national observatories on femicide and ensure that reviews of female homicides are conducted regularly; Member States should also collect, organise and publish quantitative and qualitative data and information on femicide, the murdered women and their children.
- National governments, in cooperation with gender equality bodies, representatives of academia and civil society organisations, should foster debates on femicide between national stakeholders, and facilitate knowledge sharing.
- Member States should support and fund research and data collection, including surveys on femicide and other forms of violence against women.

Ensure access to justice

Recommendations for EU institutions

- The European Commission should continue to provide funding opportunities to support organisations to ensure that victims of femicide can benefit from these organisations' assistance during legal proceedings.

Recommendations for Member States

- As required by the Victims' Rights Directive, Member States should recognise and strengthen the role of family members affected by femicide in the criminal proceedings and ensure that victims receive full information regarding their rights during the criminal proceedings.
- National governments, judicial bodies and law enforcement officers should enable and promote victims' active participation in legal criminal and civil proceedings by providing free legal assistance if necessary. Measures protecting victims against repeated victimisation during the trial should be strengthened.
- All actors and public institutions involved in cases of femicide should ensure a victim-centred, trauma-informed approach during legal proceedings, taking into account victims' psychological and emotional state.

Improve access to reparation and compensation

Recommendations for EU institutions

- The European Commission should promote information on victims' rights, in particular in relation to compensation via EU platforms and EU-wide awareness-raising campaigns.
- The European Commission should outline a common response for improving the situation of children orphaned by femicide across Member States, which should include comprehensive reparations and compensation.

Recommendations for Member States

- Member States should provide adequate financial resources to ensure that compensation – from either the perpetrator or state funds – is easy to access for family members affected by femicide, in particular orphaned children.

- National governments should ensure that victims of femicide have access to comprehensive reparations, including specialist support to heal physical and psychological trauma, and that this is provided for as long as is needed.
- National lawmakers or relevant judicial bodies should adopt legislation or issue judicial guidelines on providing compensation for the harms suffered by victims to ensure a harmonised, fair and coherent approach in femicide cases.
- Member States should provide victims with opportunities to recover their life projects that have been affected by femicide, such as scholarships and training.

Address the risk of spikes of gender-based violence during crises

Recommendations for EU institutions

- The EU institutions should promote and encourage Member States to implement the hotline number 116006, a dedicated European helpline for victims of crime throughout Europe.
- The EU institutions should share knowledge and practices identified across the EU among the staff of support services to facilitate the effective delivery of remote counselling to women victims and their children.

Recommendations for Member States

- Member States should raise awareness about the increased risk of gender-based violence that women face during crises.
- Member States should prepare contingency plans to ensure that essential services for victims and law enforcement agencies are maintained in operation during crises. This requires improving local and high-level coordination and communication between professionals

and implementing measures to protect victims (e.g. rapid removal of the perpetrator).

- National budgets should allocate adequate funding to respond to an increasing demand

on services for gender-based violence victims; states should evaluate the measures taken during crises and their impact on femicide rates and other forms of gender-based violence.

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Annexes

Annex 1. Methodology

Desk research and literature review

The objectives of the desk research on international and European case-law referring to the due diligence principle in cases of violence against women, specifically femicide, were to:

- compile case-law from international and European courts;
- identify failures of the state in protecting the victims from being killed;
- identify failures of the state in providing justice for victims.

This desk research was conducted mainly through the following sources: the International Court of Justice, the European e-Justice Portal ⁽¹⁹⁴⁾, the Court of Justice of the European Union, the European Court of Human Rights (ECtHR), domestic homicide reviews, femicide observatories, LexisNexis Academic and academic legal databases.

The aim of the literature review was to:

- identify international and European legislative and policy frameworks in femicide cases;
- study the development and evolution of the due diligence principle in international law in the context of violence against women and its application, especially regarding investigation, punishment and reparation in relation to femicide.

This review was conducted as a scoping exercise rather than as a systematic review or a rapid evidence assessment. A snowballing approach was also used to screen the references gathered from the literature and to identify further relevant

sources using forward/backward citation searching. Only published data was considered for this literature review. This part of the research was focused on the relevant global literature, namely published articles, papers and policies found based on the keyword search to obtain an understanding of the framework for due diligence and femicide. The keywords used in the search were as follows: 'femicide', 'intimate partner homicide', 'female killing', 'women killing', 'domestic homicide', 'uxoricide' AND 'legal', 'court', 'prevention', 'policy', 'law', 'legislative', 'review', 'death-review', 'due diligence'. The review covered international and European laws, as well as policies and statements from international and European bodies. The following is a non-exhaustive list of the sources consulted:

- the European Observatory on Femicide;
- the Femicide Watch Platform;
- the Academic Council on the United Nations System;
- femicide observatories (e.g. the Femicide Census (United Kingdom), the Observatory of Murdered Women (Portugal) and the Romanian Observatory on Homicide Studies and Prevention, and, at a second level, also the Canadian Observatory of Femicide for Justice and Accountability, Observatorio de las Violencias de Género (Argentina) and the Gender Equality Observatory for Latin America and the Caribbean);
- international and European institutions: the European Parliament, EIGE, the European Union Agency for Fundamental Rights (FRA), UN Women, the Council of Europe, the Committee on the Elimination of Discrimination against Women, the UN Human Rights Office, the UN SRVAW, the World Health Organization and the UNODC, among others;

⁽¹⁹⁴⁾ <https://e-justice.europa.eu/>

- academic sources: LexisNexis Academic, JSTOR, Science Direct, Scopus, B-on, SAGE, Scielo, Springer, and Taylor and Francis.

Limitations

An acknowledged limitation of the desk research and literature review conducted for this report was that published literature from only the last 15 years was analysed, owing to difficulties in accessing unpublished data. In addition, international and European literature in languages other than English, French, German or Portuguese was not included. Despite these limitations, the amount of information online has been increasing, particularly during COVID-19. This has allowed greater access to relevant sources. In addition, many countries are translating relevant reports into English, which allows further access to relevant data.

Data extraction template

Selected participants from the Member States involved in the project were asked to populate a data extraction template, which was composed of four main sections. The first section covered questions about the legislative and policy framework on femicide, female homicides, domestic violence-related homicides and/or the killing of women due to gender, national action plans and policies regarding investigation, prosecution, punishment and reparation; and other relevant information. The second section focused on victims' role and rights to participate (legislative and policy developments), such as victims' access to information, support services, procedural rights and rights to protection. The third section was about the impact of COVID-19, more specifically the prevalence of femicide during 2020, changes in legislation and/or policy measures during and in response to COVID-19, and the measures taken during and in response to COVID-19 to tackle femicide. Finally, the fourth section looked at potential contacts. The contacts identified through this template formed the basis of the selection of interviewees (i.e. for the selection of professionals responsible for investigating

femicide, prosecuting and punishing perpetrators, and providing reparation to victims).

In-depth interviews with professionals and victims

The overall aim of the in-depth interviews with law enforcement agents, criminal justice system practitioners and victims was to identify gaps, challenges and good practices in providing justice to victims in femicide cases, and to assess the impact of the measures to tackle the spread of COVID-19 in the judicial response to, and prevention of, femicide cases.

National researchers were asked to conduct interviews with professionals who investigate, prosecute or sentence perpetrators or who work on providing compensation to victims or work with individual victims. These two perspectives were meant to complement one another, offering a more holistic insight into the gaps, challenges and good practices identified, and to assess the impact of the measures to tackle the spread of COVID-19 in the judicial response to, and prevention of, femicide cases.

Professionals

The qualitative research aimed to include at least 15 interviews with professionals who work in areas related to investigating, prosecuting and punishing perpetrators, compensating victims of femicide cases, or supporting and advising victims of femicide, in each of the five selected Member States.

The purposes of these interviews were to:

- gather opinions on victims' role in the investigation and in the criminal and civil proceedings;
- gather opinions on gaps and challenges in exercising the duty to investigate, punish perpetrators and provide compensation to victims;

- gather opinions on the due diligence standards applied to femicide and on the challenges involved in fulfilling victims' rights;
- identify gaps, challenges and good practices in providing justice to victims of femicide;
- identify the possible impact of the measures to tackle the spread of COVID-19 in the judicial response to, and prevention of, femicide cases.
- three professionals responsible for prosecuting femicide (e.g. public prosecutors);
- three professionals responsible for punishing femicide (e.g. judges);
- three professionals working in compensation for victims of femicide (e.g. lawyers or staff of NGOs litigating the compensation cases);

The cumulative criteria for selecting professionals for the interviews were as follows:

- the professional needed to reside and work in the Member State;
- the professional needed to, at the time of the interview, work in the investigating, prosecuting or sentencing of perpetrators, in the compensating of victims of femicide cases, or in supporting and advising victims of femicide;
- gender representation, (i.e. ensuring that selected professionals included both women and men (if possible)).

In each Member State, the interviewees had to include at least:

- three professionals involved in investigating femicide (e.g. police officers or forensic scientists);

- three professionals from support services and/or other involved institutions (e.g. social workers, lawyers or psychologists).

The organisations contacted were approached by email and invited by the national researcher to participate in an interview. Once the institution agreed to participate and identified the relevant professional, a participant information sheet was sent and an informed consent form was obtained.

The participant information sheet set out the purpose of the project and interview, what might be expected from the interview, how possible risks would be avoided, the participant's rights, how the information would be kept confidential and how the findings would be reported. The participant information sheet and consent form ⁽¹⁹⁵⁾ are shown below.

⁽¹⁹⁵⁾ The participant information sheet and consent form were translated into the national languages of the Member States involved.

Participant information sheet

Research on improving legal responses to counter femicide

Information about this research

The European Institute for Gender Equality (EIGE) has contracted a consortium of four institutions (UMAR – the Alternative and Response Women’s Association (lead partner), the Institute for Empirical Sociological Research at the University of Erlangen-Nürnberg, the Women’s Rights Foundation, and the Interdisciplinary Centre for Gender Studies at the Institute of Social and Political Sciences, University of Lisbon) to conduct research on improving legal responses to counter femicide.

The project is designed to improve institutional responses by identifying gaps within and between law and in practice when providing justice to victims of femicide. For this purpose, in-depth interviews with professionals and victims will be carried out. These interviews will focus on the several stages of a state’s response to femicide, including investigation, prosecution and sentencing of the perpetrator and compensation and other forms of reparation to victims. The role of the victim and the assurance of the victim’s rights will also be covered in the interview.

Use of information from the interviews

The information provided during the interviews will be used by EIGE and the research team only for the purposes of the research on improving legal responses to counter femicide and related publications. Findings will be published in several formats, including reports and factsheets. The publications will bring together the data for all

interviewees, and it will not be possible to identify any individual information. Findings, including any direct quotes, will be anonymised. Direct quotes from the interviews may be used, referring to aggregated categories, such as sex or age range, but not to a person’s name or any other identifiable personal information.

Data protection

Strict arrangements are in place to ensure that the information collected from you in the interview is collected, stored and managed securely. The research team has a strong commitment to ethical issues and data protection rules. The research will comply strictly with the national and EU data protection legislation, especially the general data protection regulation (GDPR) (Regulation (EU) 2016/679)⁽¹⁹⁶⁾, Regulation (EU) 2018/1725⁽¹⁹⁷⁾ and Regulation (EC) No 223/2009⁽¹⁹⁸⁾ on the processing of data for statistical purposes.

The material from this interview will be transcribed, translated and stored in an anonymised way. All transcripts and audio files will be password protected and access will be limited to research team members. The national researchers will keep the audio files until the end of the project. Once all reports are published, the audio files will be deleted. The research team will share the anonymised transcripts from the interview with EIGE. Anonymised data will be stored indefinitely in a secure environment by EIGE according to the general data protection regulation.

Rights of the interviewee

Participants will be ensured of the following rights:

⁽¹⁹⁶⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1.

⁽¹⁹⁷⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

⁽¹⁹⁸⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities, OJ L 87, 31.3.2009, p. 164.

- the right to access data at any time;
- the right to rectify any inaccurate or incomplete personal data, without delay;
- the right to restrict the processing at any point;
- the right to erasure of data if its processing is unlawful;
- the right to contact the data protection officer of EIGE through email: dpo@eige.europa.eu

Interview: steps and process

Your participation in this study is entirely voluntary but very important. If after reading this participant information sheet and the consent form you confirm your intention of participating in this research, you will be asked to sign the consent form in advance. Your signature will confirm that you have received all of the information regarding this research and want to participate. You can withdraw from participation at any time, including during the interview, without the need for any justification. Once the research team has your confirmation of willingness to participate, they will schedule a date for the interview according to your availability. The interview will last around 60–90 minutes. The interview will be conducted via audio-only conference call or by telephone according to your preference. With your permission, it will be audio recorded. No identifiable data will be kept. If you mention any specific detail about the case, the team will not keep those details. Anonymity and confidentiality will be strictly maintained.

Other questions

If you have any questions or concerns about how secure your information is or about this research, you can contact the research team by sending an email to [email contact] and [email contact of national researcher].

Consent form

The European Institute for Gender Equality (EIGE) has contracted a consortium of four institutions (UMAR – the Alternative and Response Women’s

Association (lead partner), the Institute for Empirical Sociological Research at the University of Erlangen-Nürnberg, the Women’s Rights Foundation, and the Interdisciplinary Centre for Gender Studies at the Institute of Social and Political Sciences, University of Lisbon) to conduct research on improving legal responses to counter femicide.

The project is designed to improve institutional responses by identifying gaps within and between law and in practice when providing justice to victims of femicide. For this purpose, in-depth research with professionals and victims will be carried out.

We would like to ask you to participate in an interview about the legal responses to femicide. The interview will focus on the several stages of the response to femicide, including investigation, prosecution and sentencing of the perpetrator and compensation and other forms of reparation to victims. The victim’s role and the assurance of the victim’s rights will also be covered in the interview.

What you say will be confidential, and you will not be asked to reveal names or other personal information regarding the femicide. The interview will last around 60–90 minutes. The interview can be conducted in an audio-only conference call or by telephone according to your preference. It will be audio recorded with your permission. Audio recordings will be used exclusively for note-taking and transcription purposes and will be deleted at the end of the project.

The information that you provide will be used only for the purposes of the research on improving legal responses to counter femicide and related publications. Findings will be included in a report, which will be published, but no personal data about participants will be disclosed. The report and other publications will bring together the data for all interviewees, and it will not be possible to identify any individual participant.

I understand that:

1. My participation in this project is voluntary. I may withdraw and discontinue participation at

- any time. During the discussion, I have the right to decline to answer any question, and I can end my participation in the discussion.
2. Statements from this discussion may be used in publications, referring to aggregated categories such as sex or age range, but not my name or any other personal information.
 3. The information I provide in this discussion will be used by EIGE and the research team only for the purposes of the research on improving legal responses to counter femicide and related publications and is being collected today by [name of the institution or national researcher] on behalf of EIGE. I also understand that the consortium lead by UMAR (the Alternative and Response Women's Association) will transmit this information to EIGE confidentially and will not copy, store or transmit it for any purpose other than this project and related findings.
 4. The material from the discussions (original transcripts) of the interviews will be anonymised and coded.
 5. I consent that the consortium can use the interview's recording and transcripts in this research.
 6. I have the right to access, rectify and request the deletion of any of the personal data I have provided during this discussion or that have been obtained from other sources at any time. I also have the right to have recourse at any time to the European Data Protection Supervisor ⁽¹⁹⁹⁾.
 7. I have the right to object to my personal data processing that is lawfully carried out pursuant to Article 5(1)(a) on legitimate compelling grounds by sending an email to dpo@eige.europa.eu
 8. The audio records of the discussion will be kept by [name of the institution or national researcher]. At the end of the project, these records will be destroyed. The transcripts from the discussion will be kept until the end of the project, and then deleted. After that, anonymised data will be stored indefinitely in a secure environment by EIGE and the consortium in accordance with the data protection regulation ⁽²⁰⁰⁾. I also understand that my words may be quoted directly, and the recordings of transcripts may be further processed.
 9. I have read and understood the information provided to me. I have had all my questions answered to my satisfaction, and I have read a privacy notice on processing my personal data.
 10. I have received a copy of this consent form.

⁽¹⁹⁹⁾ <http://www.edps.europa.eu>

⁽²⁰⁰⁾ Regulation 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

Please tick next to the following statements for informed consent to be considered valid:

I consent to take part in this interview.	<input type="checkbox"/> Yes <input type="checkbox"/> No
I consent to this interview being audio recorded.	<input type="checkbox"/> Yes <input type="checkbox"/> No
I agree with the use of quotes from what I have said in the interview in published reports and other publications in a format that will not be possible to identify me.	<input type="checkbox"/> Yes <input type="checkbox"/> No
I agree that the researchers may publish documents that contain quotations by me.	<input type="checkbox"/> Yes <input type="checkbox"/> No
I agree to share the recording with a researcher or company responsible for transcribing the interview and sharing the interview's anonymised transcript with the consortium and EIGE.	<input type="checkbox"/> Yes <input type="checkbox"/> No
I agree that my personal data may be used by EIGE and the research team for the purposes of the research on improving legal responses to counter femicide and related publications.	<input type="checkbox"/> Yes <input type="checkbox"/> No

My signature: _____

My printed name and last name: _____

Date: _____

Contact information:

Data protection officer of EIGE, email: dpo@eige.europa.eu

UMAR – Alternative and Response Women's Association (lead partner): [email contact]

Responsible national researcher: [include name and email of national researcher]

Victims

The qualitative research included at least five interviews with victims from each of the five selected Member States. As per the glossary of this report, victims were considered (1) the family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death or (2) a party who actively participates in the legal process or a third party in the criminal procedure.

The purposes of these interviews with victims were to:

- gather victims' perspectives on the operation of the criminal justice system in providing justice in femicide cases;
- identify the gaps, main challenges and good practices in providing justice to victims of femicide;
- gather victims' perspectives on their role during the procedure, their experiences interacting with the criminal justice system, secondary victimisation, their awareness of their rights, and their satisfaction with the outcomes, including compensation and other forms of reparation;
- identify the possible impact of the measures to tackle the spread of COVID-19 in the judicial system and the prevention of femicide cases.

The cumulative criteria for selecting victims for the interviews were as follows:

- the victim needed to reside in the Member State at the time of the femicide;
- the victim needed to be over 18 years old;
- the victim needed to be no younger than 12 years old when they were exposed to the femicide;
- the femicide needed to have been committed no later than 10 years before the interview;

- the judicial process needed to have been terminated;
- there needed to be victim diversity (if possible), namely in terms of the type of family member, social class, gender, age range and other factors.

Only adult victims were considered for participation in these interviews. This was in consideration of the sensitivity of the topic, but also because, with minors, parents' informed consent would be necessary and, in this case, the parent could be the perpetrator (who may not give consent for participation).

Victims are likely to be a diverse group, including different family members, children (now adults) and parties who actively participate in the legal process representing the victim or a third party in the criminal procedure.

Given that part of the aim of the study was to capture how the state ensures compensation and other forms of reparation to children, children needed to be included among the potential victims, but it was decided that femicide needed to have occurred when the children were at least 12 years old, with the victim being 18 years old or over at the time of the interview. The time between the femicide and the interview date needed to be no longer than 10 years, as the judicial system is likely to have changed in some Member States within this time frame. In addition, the judicial process needed to have been terminated at the time of the interview.

The proposed approach to the **recruitment of victims** for the interviews was to contact professionals who work with victims, other institutions that were contacted in the process of scheduling interviews with professionals (e.g. prosecution officers and lawyers), and wider networks and support centres of victims. These key institutions that work with victims, especially support centre organisations, acted as gatekeepers, ensuring that participants were adequately informed of the approach to the research (a victim-based approach) and allowing participants to opt in to the study.

The ethical issues related to the sensitiveness of the theme of the interview were also a key consideration. Interviewers needed to be prepared to have a conversation with a person who had experienced a tragedy and support centres needed to ensure that interviewees kept in mind that they were going to be asked about personal experiences. Interviews covered perspectives and opinions, but mostly lived experiences in difficult and stressful moments. Memories of the sorrow, the sadness and the loss were likely to be present.

The decision to recruit staff from support organisations ensured that victims had appropriate support if they felt distressed during or after the interviews. Prior agreement of this was sought with the support organisations. Although recruitment via support centre organisations was preferable, interviewers might have used other approaches to reach potential interviewees (e.g. if there was a specific institution for family and friends of homicide victims or if the police were a suitable contact for this purpose). In such situations, arrangements for supporting participants who were distressed during or after the interview were also made prior to the interviews.

A leaflet with information on the study and encouraging victims to participate was also shared with potential interviewees (see below)⁽²⁰¹⁾. Similarly to the participant information sheet, the leaflet for victims set out the purpose of the project and interview, the type of participants/victims who were eligible to be interviewed, what might be expected from the interview, the risks associated with participation (including the risks associated with the distressing topic area), the participants' rights (including their right to halt the interview at any stage), how information will be kept confidential and how findings will be reported. All information was translated and distributed to potential interviewees in advance (in electronic format).

We are looking for family members of victims of femicide who were involved in the legal proceedings regarding this crime

The European Institute for Gender Equality (EIGE) has contracted a consortium of four institutions (UMAR – the Alternative and Response Women's Association (lead partner), the Institute for Empirical Sociological Research at the University of Erlangen-Nürnberg, the Women's Rights Foundation and the Interdisciplinary Centre for Gender Studies at the Institute of Social and Political Sciences, University of Lisbon) to conduct research on improving legal responses to counter femicide.

The project is designed to improve institutional responses by identifying gaps in securing victims' rights during the criminal proceedings and receiving compensation and other forms of reparation. Are victims left behind? Are their needs and rights taken into account? For this purpose, in-depth research with professionals and victims (namely family members) will be carried out.

If you are older than 18 years of age, if you are a family member of a woman who was killed less than 10 years ago, if you were at least 12 years old when the killing occurred and if the judicial process of that murder has ended, we would like to hear your opinion about this process.

We would like to ask you to participate in an interview about the legal responses to femicide. The interview will focus on the various stages involved in the response to femicide, including the work of police and the process at court. The role of the victim and the assurance of the victim's rights will also be covered in the interview.

⁽²⁰¹⁾ This leaflet was translated into the national languages of the Member States involved.

We would appreciate your contribution to help us understand what could be done to improve the legal response to femicide.

If you are willing to take part in a confidential interview or want to find out more about this research, please get in touch:

Institution or national researcher: [name]

Email: [email contact or national researcher's email]

Phone: [phone number]

Website for the project: [website]

Although the eligibility criteria for interviewees of the project were clearly stated in the leaflet, it was possible that not all of the potential interviewees who stepped forward and volunteered to take part in the study met the recruitment criteria for victims (e.g. the femicide happened no more than 10 years ago). To ensure that the national researchers covered the intended group and that

an anonymised list with demographic characteristics could be shared, some screening questions were developed (Box A1.1). These questions were asked in advance by phone or email after an explanation of the project was provided, including the importance of gathering this information from specific groups.

Box A1.1. Screening questions for victims

(First, the researcher should provide a short explanation about the background of the study and confirm that the participant received the participant information sheet and is willing to take part in the study.)

I will need to ask you a few preliminary questions. You do not need to answer anything if you don't feel comfortable doing so.

1. Can you please confirm that you are over 18 years old and reside in *[Member State]*? **Yes | No**
2. Would you like to let us know your age range? **18–25 | 26–35 | 36–45 | 46–55 | 56–65 | Over 65**
3. Do you identify yourself as a woman, a man or other? **Woman | Man | Other**
4. What was your relationship with the female victim?
5. How old were you at the time of the killing?
6. Could you please confirm that the killing happened less than 10 years ago?
7. Were you involved in the judicial process? **Yes | No**
8. Is the judicial process terminated? **Yes | No**

Thank you very much for this. We would like to have a further conversation with you about the legal response to the femicide. Would you be willing to participate in an interview over the phone or in an audio conference call? **Yes | No**

Once the victim's eligibility was confirmed, the participant was invited for an interview on a date to be scheduled and a consent form was sent. Eligibility was confirmed only if the participant met the criteria and was willing to participate. If it was apparent from the answer to question 4 that the participant was not a direct family member or, in the absence of a family member, an appropriate legal representative, the participant was thanked for having volunteered and advised that they were ineligible for interview based on the predefined criteria for this particular project.

All interviews were conducted by the national researchers (except in justified and exceptional circumstances) in the interviewee's native language to ensure they fully understood the language, culture and context.

It was expected that each interview with the victims would last between 45 minutes and 1 hour. Interviews were semi-structured, following the guidelines for interviews (described in detail below), and took place in the appropriate format according to interviewees' preferences (e.g. over the phone or through online platforms).

After the interview, a short debriefing took place, with the interviewer thanking them for their participation and validating their importance for this research. The victims were also asked how they felt and were given a contact list of possible support agencies. The interviewer would facilitate contact with the appropriate agency should the interviewee wish them to.

Guidelines for interviews

The in-depth interviews conducted with professionals and victims were based on the same objective topics. However, given that these two groups of interviewees differ, the outcomes expected from these interviews were different and not always comparable. With professionals, the interviews focused on their objective knowledge about the cases they have worked on and on their general perspectives as professionals about what can be improved. On the other hand, with victims, the interviews focused on their personal experiences and specificities of what could

have been done differently and what could be improved. Both groups of interviews focused on the legal process and questions were related to the potential for improvement of the legal responses, but questions were adapted to the specificity of the group and person.

A semi-structured approach was used for interviews with both groups of participants. The semi-structured approach offers comparability between participants and Member States while allowing unique discussions to take place to capture context-specific perceptions and insights. This provides a flexible approach that allows respondents to offer their perspective and raise the issues most salient to them, while providing a way of gathering more structured responses to allow comparative analysis of cases. The semi-structured guideline has open-ended and closed questions to allow qualitative and quantitative analysis of the results.

As previously explained, prior to the interview, participants received the participant information sheet and the informed consent form to ensure that they fully agreed to participate in the interviews and were aware of the circumstances and the kind of research in which they would be participating. The consent form explicitly stated that the participant's consent could be withdrawn at any time and that, in that case, the interview would be stopped. Interviews were audio recorded with participants' permission, transcribed and translated into English using a computer program.

Before the interview, the team had a meeting and a training session was held for all national researchers so that this protocol could be clarified and to ensure that all national researchers would conduct the interviews in a comparable way. National researchers had to familiarise themselves with the interview guide in great detail before starting to conduct the interviews. Once at least five interviews were conducted (one in each Member State), the team met to discuss if further changes to the interview guidelines were necessary.

National researchers were required to send a weekly update on their progress in relation to the

contacts made with institutions, professionals and/or victims so that the process of the in-depth research could be tracked. At any stage, new meetings with national experts could be scheduled to discuss any relevant topic.

In the following sections, the guidelines for the interviews with professionals and victims are outlined.

Interviews with professionals

Interviews with professionals focused on gathering practitioners' perspectives on victims' role in the investigation and in the criminal and civil proceedings. They also focused on the gaps and challenges in exercising the duty to investigate femicide cases, sentence perpetrators and provide compensation to victims. Finally, they considered how the due diligence standards would apply to femicide and challenges in fulfilling victims' rights. It was important to clarify with professionals that the interview was focused on the legal process in general and their experience and that no specific details about concrete cases of femicide would be requested.

Semi-structured interviews for professionals were divided into two main parts: (1) general questions

(quantitative) and (2) specific questions (qualitative). The general questions (part 1) were asked at the beginning of the interview. The interviewer knew the responses to the part 1 questions before starting part 2, and therefore might have used them to further develop the relevant questions (e.g. if the professional classified the adequacy of legislation and policies in prosecuting femicide as 'bad' in a certain stage of the process, in part 2 the professional might have been asked why this classification was provided).

The specific questions in part 2 related to all professionals, but some questions might have been used only with relevant practitioners. However, given that it was possible that, for example, professionals involved in the investigation stage also had a perception of and opinion about other legal stages, further questions regarding other stages (in which the professional was not directly involved) might have been included. If a certain participant felt comfortable about commenting on only the legal stage in which they were more frequently involved, that was also permitted. Box A1.2 sets out the introduction for the interviews, while Tables A1.1 and A1.2 set out the proposed guidelines for interviews for part 1 and part 2, respectively.

Box A1.2. Introduction of the interview with professionals

Thank the participant for agreeing to share their professional experiences on the matter.

Introduce the interview and remind them about the consent form and that the interviews will be audio recorded upon approval.

Explain that the discussion should last around 60–90 minutes. Reassure the participant that anonymity and confidentiality will be assured.

Explain the definitions of femicide and victims that will be used and what is meant by femicide and victims. Emphasise that questions on details about specific cases of femicide will not be raised, and the focus should be on the legal process in general.

Table A1.1. Guidelines for interviews with professionals: part 1 – general questions (quantitative)

Questions	Response type				
Due diligence					
How would you classify the understanding of the continuity of violence (e.g. understanding these killings happen in a context of domestic violence and coercive control) in:	1 Bad	2 Poor	3 About OK	4 Good	5 Very good
the work of police while investigating the killing of women?					
the work of prosecutors while prosecuting the killing of women?					
the work of judges while sentencing killing of women?					
getting compensation or other forms of reparation in cases of the killing of women?					
How would you classify the understanding of adequacy of legislation in:	1 Bad	2 Poor	3 About OK	4 Good	5 Very good
investigating killing of women (e.g. are there any investigative protocols)?					
prosecuting killing of women (e.g. specific instructions for prosecutors)?					
sentencing killing of women (e.g. type of killing as separate legal provision or aggravating circumstances)?					
getting compensation or other forms of reparation in cases of the killing of women (e.g. existence of specific legislation for orphans or specific act on compensation)?					
How would you classify the existing policies in:	1 Bad	2 Poor	3 About OK	4 Good	5 Very good
investigating killing of women (e.g. specialised police training)?					
prosecuting killing of women (e.g. circulars for prosecutors)?					
sentencing killing of women (e.g. specialised training for judges)?					
getting compensation or other forms of reparation in cases of the killing of women?					
How would you classify the length of the proceedings to investigate and punish the killing of women (from the time of the killing until sentencing and compensation is provided)?	1 Too short 2 Adequate 3 Too long				
Approximately how long do the proceedings usually take in your country?	Please specify in months or years				
How many cases of the killing of women have you come across?	Please specify number of cases				
Victims' rights					
Would you say that victims' rights are guaranteed by the legal system in cases involving the killing of women?	Yes No Do not know				
Would you say that secondary victimisation is prevented by the legal system in cases involving the killing of women?	Yes No Do not know				
Would you say that victims play an active part in the criminal and civil processes in cases involving the killing of women?	Yes No Do not know				
Were there children involved in the case?	Yes No				
If so, do you think that their needs/rights are taken into account?	Yes No Do not know				
Do you think gender plays a role in investigating the killing of women?	Yes No Do not know				
Do you think gender plays a role in prosecuting the killing of women?	Yes No Do not know				
Do you think gender plays a role in sentencing the killing of women?	Yes No Do not know				
Do you think gender plays a role in getting compensation or other forms of reparation in cases of the killing of women?	Yes No Do not know				
Impact of COVID-19					
Do you think COVID-19 had any kind of impact on the investigation of the killing of women?	Yes No Do not know				
Do you think COVID-19 had any kind of impact on the prosecution of the killing of women?	Yes No Do not know				

Questions	Response type
Do you think COVID-19 had any kind of impact on sentencing perpetrators who kill women?	Yes No Do not know
Do you think COVID-19 had any kind of impact on providing compensation to victims?	Yes No Do not know

The questions outlined in Table A1.2 (part 2, specific questions) were guidelines for the discussion. These were meant to guide the conversation and to be used as prompts (only if the professional did not raise the topic during the conversation). Responses to the part 1 questions (Table A1.1) could also be used to further guide

the specific questions in part 2. The rows in blue in Table A1.2 highlight those questions that were for specific professional categories. The estimated time was only indicative: interviewees might have discussed the topics to different extents, depending on what they were comfortable talking about, and that was permitted.

Table A1.2. Guidelines for interviews with professionals: part 2 – specific questions (qualitative)

Theme (type of professionals)	Interview questions	Estimated time (minutes)
Introductory questions (all professionals)	<ul style="list-style-type: none"> • Can you tell us a bit about yourself and your role in the organisation? • How many femicide cases have you dealt with through your professional career? • Do you think the gender dimension is addressed by the justice system (e.g. gender being in consideration as a relevant factor)? In what way? 	5
Investigating femicide (professionals involved in the investigation stage, namely police and forensic scientists)	<p>Femicide-specific aspects</p> <ul style="list-style-type: none"> • Is there any difference in the process of investigating a femicide from investigating a homicide? How so? • Is there any specialised team to investigate femicide in your unit? • Are you aware of any specific training / awareness-raising session(s) about femicide for the police? • What type of evidence is usually collected (e.g. personal/witnesses or documentary evidence)? <p>Role of victims</p> <ul style="list-style-type: none"> • How are victims involved in the investigation stage? • Do you, in cases of femicide, get in contact with the victims? • Are these contacts made by the same person? • Do you contact the victims with updates during the investigation? • What measures are used to protect children (e.g. psychologist's assistance, children-friendly rooms)? • When the victim is a child, how often do you use audio-visually recorded interviews? Are these used at later stages? <p>Challenges and aspects to improve</p> <ul style="list-style-type: none"> • What are the main challenges in conducting investigations in cases of femicide? • Could anything be changed or improved concerning the investigation of femicides? • Could anything be changed or improved concerning the role and treatment of victims during the investigation? 	20

Theme (type of professionals)	Interview questions	Estimated time (minutes)
Prosecuting femicide (professionals involved in the prosecuting stage, namely public prosecutors)	<p>Femicide-specific aspects</p> <ul style="list-style-type: none"> • Is there any difference in the process of prosecuting femicide from prosecuting a homicide? How so? • Are there any specialised prosecutors to prosecute femicide? • Are you aware of any specific training / awareness-raising session(s) about femicide for prosecutors? <p>Role of victims</p> <ul style="list-style-type: none"> • How are victims involved in the prosecution stage? • How many times do you get in contact with the victims? • Do you contact the victims with updates during the prosecution? • What measures are used to protect children (e.g. psychologist's assistance, children-friendly rooms)? • When the victim is a child, how often do you use audio-visually recorded interviews? Are these used at later stages? If the child has already testified and was recorded, do you rely on tapes or is there a need to conduct the hearing once again? <p>Challenges and aspects to improve</p> <ul style="list-style-type: none"> • What are the main challenges in prosecuting cases of femicide? • Could anything be changed or improved concerning the prosecution of femicides? • Could anything be changed or improved concerning the role and treatment of victims during the prosecution? 	20
Sentencing perpetrators (professionals involved in the sentencing stage, namely judges)	<p>Femicide-specific aspects</p> <ul style="list-style-type: none"> • Are there any specialised judges to sentence femicides? • Are you aware of any specific training / awareness-raising session(s) about femicide for judges? • Which aggravating and mitigating circumstances are most applied and issued? (Do some of them more often relate to femicide or to intimate partner killing?) • What is your opinion in terms of the severity of the sanctions? <p>Role of victims</p> <ul style="list-style-type: none"> • How are victims involved in the trial (e.g. are they treated as witnesses? Any special measures?) • Is the custody of children dealt with at the same time as the crime? Is it a separate process? Do they run in parallel? • Are victims present at court at the trial? What is your experience/ opinion about that? Are there any specific regulations regarding the protection of victims? (e.g. a venetian mirror or the option to leave the court room)? • Are victims contacted with updates during the trial? <p>Challenges and aspects to improve</p> <ul style="list-style-type: none"> • Could anything be changed or improved concerning the sentencing of femicides and the role and treatment of victims? • Do you think having femicide defined in the criminal law would help/ benefit the sentencing stage? 	20
Victims' compensation and other forms of reparation (professionals working in compensation schemes, such as judges or other institutions)	<ul style="list-style-type: none"> • What kind of compensation is provided to victims of femicide? • What type of other forms of reparation are provided to children? Until what age? (e.g. comprehensive reparations; custody issues, health support, psychological support) • How difficult would you say it is to get compensation from the perpetrator or the state / other institution for femicide in [Member State]? • From your experience, is compensation provided to all the victims that request it? • Could or should anything be done to improve victims' compensation? 	20

Theme (type of professionals)	Interview questions	Estimated time (minutes)
Perceptions about other stages (all professionals)	<p><i>It is important to ask professionals if they have an opinion about other stages of the legal response to femicide. This can be done with the relevant questions below (option A) or using the classification provided by the professionals in part 1 (option B)</i></p> <p>Option A [choose the questions not addressed by the interviewee so far]</p> <ul style="list-style-type: none"> • Do you have any perception, experience or suggestion that you would like to share about the investigating stage? • Do you have any perception, experience or suggestion that you would like to share about the prosecution stage? • Do you have any perception, experience or suggestion that you would like to share about the sentencing stage? • Do you have any perception, experience or suggestion that you would like to share about the victims' compensation and other forms of reparation stage? <p>Option B [examples to be changed according to professionals' responses]</p> <ul style="list-style-type: none"> • You classified the adequacy of legislation at prosecuting stage as poor, would you like to further comment on this? • You classified the existing policies regarding the investigating stage as bad; would you like to further comment on this? 	10
Victims' role (all professionals)	<ul style="list-style-type: none"> • What is your opinion about the victims' participation in the criminal and civil processes? What are the main roles of the victim? How are the victims supported to play an active role? (e.g. Are they being informed about their rights?) • What do you think are the main challenges for victims' participation in the criminal and civil processes? • How are victims' rights guaranteed in the legal process? [If necessary, direct the question to the relevant professional category]. • How is secondary victimisation prevented in the legal process? [If necessary, direct the question to the relevant professional category]. • What is your opinion in terms of the due diligence standards applied to femicide and challenges to fulfil the victims' rights? • In your opinion, do professionals know about the European directive on victims' rights? 	10
Gaps, challenges and best practices (all professionals)	<ul style="list-style-type: none"> • How would you describe the cooperation/communication between the professionals responsible for the different stages involved in the legal response to the killing of women? • In your opinion, which are the main gaps and challenges in providing justice to victims of femicide in [Member State]? • What would you describe as the best practices? 	10
Impact of COVID-19 (all professionals)	<ul style="list-style-type: none"> • Do you think that the pandemic situation had an impact on the investigation/prosecution/sentencing of femicides? If yes: what type of impact (positive or negative) did COVID-19 have on the investigation/prosecution/sentencing of femicides? (select according to the category of professional) (e.g. difficulties with scheduling hearings, contacting the witnesses, contacting victims and conducting risk assessments, difficulties ensuring protection of women, longer waiting period for forensic analysis (COVID-19 labs), courts closed, institutions closed) • Do you think that the pandemic situation had an impact on providing justice to victims of femicide? If yes: what type of impact (positive or negative) did COVID-19 have in providing justice and compensation to victims of femicides (e.g. precautionary measures (bailout), direct communication with lawyers, difficulties in contacting the witnesses, access to information, time limits (expired))? 	10
Ending questions (all professionals)	<ul style="list-style-type: none"> • What, if anything, would you change about the legal response to counter femicide in [Member State]? • Could you please explain why and how this could be done? • Do you have anything else to add before we finish the interview? 	5

Theme (type of professionals)	Interview questions	Estimated time (minutes)
Wrap-up of interview (all professionals)	<i>Thank the interviewee. The researcher should explain that all of the professional's answers are very important for the project and for improving femicide responses by the judicial system and that the professional's opinion as a person with great experience and knowledge is crucial for the research. At the end, reassure the professional, reinforcing the confidentiality of data and the anonymity of participants.</i>	N/A

Interviews with victims

Interviews with victims focused on gathering their experiences and their perspectives on the criminal justice system's operation in providing justice. Although victims were asked about their personal perspectives and experiences within the legal system, they were reminded not to disclose any specific identifiable information regarding the femicide case (e.g. identification details). If the victims still disclosed these types of details, none of the identifiable information was included in the transcripts or kept in any format.

The focus of the interview was on the legal process in general and victims' experiences during this process. However, if victims felt distressed owing to the topic's sensitiveness, a specific protocol for action was put in place (see 'Distress protocol for victims' later in this section). Researchers needed to keep in mind that the interviews covered perspectives and opinions on lived experiences in difficult and stressful moments. As previously mentioned, memories of the sorrow, sadness and loss were likely to surface for victims when talking during the interview. In addition, feelings of rage and revolt against the perpetrator and/or against the criminal justice system might have also been present. Therefore, interviewers needed to be prepared to have a conversation with a person who had experienced a tragedy. The national researchers had experience interviewing victims of violence and were familiar with the way such conversations should be guided. However, during the online training, this area was highlighted.

Interviewers were instructed to not be afraid of silence. Silences are part of the conversations. It was expected that, during these interviews, some silences might occur, which would allow the victims time to think and reflect on the question and develop an answer. When these silences occurred, the interviewer was instructed to first allow some time and then to assure the interviewee with simple sentences about understanding the difficulty in talking about these moments and to reinforce the point that the victim's experience was of crucial importance for improving the judicial system for victims.

It was also important to be mindful that people have the right to decide not to answer specific questions. Sometimes, victims did not express their opinion or decided not to answer a specific question and talk about another topic instead. This had to be carefully understood by the researcher, who was given the following instructions: (1) if the topic that the victim is talking about is set out in the guidelines, the question should not be repeated afterwards, and (2) not talking about a specific topic might be a subtle way of victims informing the interviewers that they want to skip this question. Interviewers needed to be attentive to the conversation's tone and any non-verbal communication, which are important aspects to consider when interviewing victims. If the victim seemed at ease, the interviewers could, after a little while, gently ask the interviewee if they did not answer that question because they did not want to approach this topic.

It is likely that the majority of victims of femicide have had poor experiences with the criminal justice and judicial systems. Bearing this in mind, the interview involved two kinds of questions: (1) those about experiences and feelings and (2) those about victims' perspectives/opinions about what can be improved. Therefore, the tone of the interview could change (several times) from sharing experiences and feelings (which demand more emotional knowledge) to perspectives and opinions (which mobilise more cognitive/rational thinking). Owing to these differing demands (different from those made of the professionals, who were asked about perspectives and professional knowledge), interviewing victims required that more attention be given to allowing them time to answer, especially in relation to what they thought could be improved. In this sense, interviewers were told that victims might need some time to think about their responses and were told to allow them the time to do so.

Semi-structured interviews for victims were also divided into two main parts: (1) general questions (quantitative) and (2) specific questions (qualitative). The general questions (part 1) were posed at the beginning of the interview, and part 2 questions followed. Again, the interviewer knew the responses to the part 1 questions before starting part 2, and therefore might have used them to

further develop the relevant questions in part 2. In the interviews with victims, COVID-19-related questions were posed only if relevant. Box A1.3 presents the introductory topics for the interviews, while Tables A1.3 and A1.4 set out the proposed guidelines for the interviews for parts 1 and 2, respectively.

Box A1.3. Introduction of the interview with victims

Thank the participant for agreeing to share these personal and difficult experiences and validate the difficulty of bringing up these memories.

Remind them about the consent form and that the interview will be audio recorded on approval. Remind them that they can withdraw their participation at any time in the interview.

Assure the participant about anonymity and the confidentiality of the data and that no personal details will be used, even if personal experiences or details are shared.

Introduce the interview by presenting the project and aims and explain the participant information sheet.

Emphasise that the research is about the adequacy of the judicial system for victims and that, therefore, the questions will focus on the legal process in general.

Clarify that the project aims to find what went well and what went wrong based on the victim's experience, perspectives and opinions.

Explain that the discussion should last around 45–60 minutes.

Remind the participant that this interview might bring up sensitive topics for them.

Assure them that they can stop the interview at any point to take a break and can leave the interview at any point.

Table A1.3. Guidelines for interviews with victims: part 1 – general questions (quantitative)

Questions	Response type				
Due diligence					
How would you classify generally your experience with the criminal justice system regarding the femicide case?	1 Bad	2 Poor	3 About OK	4 Good	5 Very good
How would you classify your experience with the police?					
How would you classify your experience with the prosecutors?					
How would you classify your experience at court?					
How would you classify the length of the court proceedings in the femicide case?	1 Too short 2 Adequate 3 Too long				
Approximately how long did your case take?	in months or years				
Did you receive any type of compensation for the case?	Yes No				
Did you receive any other form of reparation for the case?	Yes No				
If compensation or another form of reparation has been requested: how would you classify your experience regarding the process of requesting compensation? (if applicable)					
If compensation was received: how would you classify the adequacy of the compensation you have received?					
Victims' rights					
Would you say your rights were respected by the criminal system?	Yes No				
Research notes secondary victimisation by the process, in other words that you might feel badly treated, humiliated, unprotected or disbelieved. Did you experience anything like this?	Yes No				
In your experience, did the institutions take any measure to enable you to feel comfortable and not to re-victimise you?	Yes No				
Would you say that victims play an active part in the criminal and civil processes in cases involving the killing of women?	Yes No				
Impact of COVID-19					
Was the legal process of this killing still happening in 2020?	Yes No				
Do you think COVID-19 had any kind of impact on:	<i>[Only for those who replied 'Yes' to the question above]</i>				
the investigation of the femicide?	Yes No				
the prosecution of the femicide?	Yes No				
the sentencing of the femicide perpetrator(s)?	Yes No				
providing compensation to victims of femicide?	Yes No				

The questions outlined in Table A1.4 (part 2, specific questions) were guidelines for the discussion. These were meant to guide the conversation and to be used as prompts (only if the victim did not raise the topic during the conversation). It

was possible that national researchers would need to further explain what was meant by each question and explain the stages of the legal response to femicide.

Table A1.4. Guidelines for interviews with victims: part 2 – specific questions (qualitative)

Theme	Interview questions	Estimated time (minutes)
Introductory questions	<ul style="list-style-type: none"> • Could you tell us your age range and what you do professionally? Tell us something more about yourself. • Could you please tell us a bit more about your relationship with the victim? • Now we are going to try and discuss the different stages of the proceedings, and the steps that you were or were not involved in. For example, let us start with the investigation stage ... 	10
Investigation stage	<ul style="list-style-type: none"> • When did the police get in contact with you? • Did you receive information about support services in this first contact with police? • How many times did the police contact you during the investigation stage? • Did the same person make all the contacts? • How did you feel about these contacts? Any particular concern or issue? • Where did these interviews take place? How did you feel about the space? Who was present? Were you comfortable with the person(s) who interviewed you? • Were your interviews audio or visually recorded? • Did you receive feedback (verbal or written) on what was happening during the investigation? • In your opinion, is there anything that should or could be improved in the investigation concerning victims' role and treatment? 	10
Experience with the court and trial	<ul style="list-style-type: none"> • Were you involved somehow in the prosecution stage? How? • How many times were you contacted (by whom? Prosecutor? Judge?) for the investigation stage? • Were all the contacts made by the same person? • How did you feel about these contacts? Any particular concern or issue? • Were your interviews audio or visually recorded? • Did you receive feedback (verbal or written) on what was happening at this stage? • Did you go to testify at court? (If yes, did you participate by video-conference in another room? Was the perpetrator in the same room when you testified? What is your experience/opinion of that?) • Was there an audience on the day you testified? How did you feel about that? • How did you feel at court? • What is your opinion about the perpetrator's sentence? • As with the previous item, we also would like to know in your opinion. Is there anything that should or could be improved in the prosecution stage concerning victims' role and treatment? 	15

Theme	Interview questions	Estimated time (minutes)
Compensation and other forms of reparation	<ul style="list-style-type: none"> • Were you informed about your rights about getting compensation? How did you become aware of such information? • Did you request any type of compensation? Was it provided? Who provided such compensation (the state or the perpetrator)? • How would you describe the process of requesting compensation? • Do you think the compensation granted was fair? • Did you have any information about other forms of reparations (e.g. comprehensive reparations, custody issues, health support or psychological support)? What other forms of reparation were provided to you? • What is your opinion about other possible forms of reparation that would be appropriate for victims of femicide? • What is your opinion about what could be done to improve victims' compensation and other forms of reparation? 	10
Victims' role	<ul style="list-style-type: none"> • Have you experienced secondary victimisation? <i>[Provide examples if needed: feeling ashamed or guilty for what happened, feeling very sad during the disclosure of evidence and not having the support needed, feeling discredited by any professional, etc.]</i> In what way? Which were the worst experiences? • In your opinion, how could that be minimised? • What is your opinion of victims' participation in the criminal and civil processes? • Were there, in your opinion, some good practice(s) during the whole legal process? If yes, which? 	5
Impact of COVID-19 (only for relevant cases)	<ul style="list-style-type: none"> • Do you think that the pandemic situation had an impact on providing justice in your case? • What type of impact (positive or negative) did COVID-19 have in the case (e.g. institutions closed, court delays, extended times, communication with lawyers through other means such as email instead of face to face)? 	5
Ending questions	<ul style="list-style-type: none"> • What, if anything, would you change about the legal response to counter femicide in [Member State]? • Could you please explain why and how this could be done? • Do you have anything else to add before we finish the interview? 	5
Wrap-up of interview	<p><i>Thank the interviewee. Reinforce how important it is that the victim shared their experiences and perspectives/opinions with us. Reassure the person by reinforcing the confidentiality of data and the anonymity of participants. At the end, the interviewer should present the interviewee with the leaflet containing general contact information for support centres and ask them how they feel – if they feel upset, ask them if they would like help in facilitating contact with a support agency.</i></p>	N/A

Distress protocol for victims

Although interviewees were not asked to comment on specific instances of femicide, the national researchers were sensitive to the fact that this might have come out naturally as part of the discussion. If this was the case, national researchers were instructed to be proactive in addressing it by recognising and validating the victim's experience, but further explaining that the focus of the interview was the legal process in the case and that personal details should not be disclosed. Should they still be mentioned, these details would not be included in the transcripts.

In addition, discussions of this kind had the potential to engender emotional distress or discomfort for the participants, especially because they are or were victims. Recognising the ethical considerations that needed to be involved, the following precautionary measures were proposed:

- the interviewee could withdraw their intention to participate at any time without justification;
- the interviewee could pause or terminate the interview at any time without justification;
- the interviewer would stop the interview if the participant felt distressed and would suggest either continuing on another day or not continuing the interview;
- a leaflet containing information on how to get support and contact information would be distributed to all victim interviewees after the interview;
- the national researcher would ask if the participant would like to be referred to a counselling centre and ask if they need anything else.

A leaflet was developed containing information on how to get support and contact information for NGO / counselling centres where victims could find help in cases of secondary victimisation.

Ethics and data protection rules

The research team had a strong commitment to ethical issues and data protection rules. The research complied strictly with the national and EU data protection legislation, especially the general data protection regulation (Regulation (EU) 2016/679), Regulation (EU) 2018/1725 and Regulation (EC) No 223/2009 on the processing of data for statistical purposes.

Data collection

Data collected in interviews was processed anonymously, ensuring that the person could not be identified. Participants signed a consent form setting out all of the ethical considerations, and the consent form was kept separate from the interview (with an assigned code known only by the national researcher).

The personal data to be collected from professionals was age group (18–25, 26–35, 36–45, 46–55, 56–65 or over 65 years), sex, professional sector and position, and opinions and views on the legal responses to femicide. All of this data was kept anonymised. The personal data collected from victims was age group (18–25, 26–35, 36–45, 46–55, 56–65 or over 65 years), sex, relationship with the main victim, age at the time of the femicide, and opinions and views on the legal response to femicide. All of this data was kept anonymised.

In transcribing the interviews, codes were used to identify the participants. These codes allowed association only with the Member State in which they took place, the number of the interview and the type of interviewee (professional or victim). Tables A1.5 and A1.6 show how these codes were used for professionals and victims, respectively.

Table A1.5. Guidelines for the attribution of codes to professionals' interviews

Country	Type of interviewee	Type of professional	Interview number	Code
Germany (DE)	Professionals (P)	Investigation stage (Inv)	1	DE-P-Inv-1
Spain (ES)		Prosecution stage (Pro)	2	ES-P-Pro-2
France (FR)		Sentencing stage (Sen)	4	FR-P-Sen-4
Portugal (PT)		Compensation (Com)	8	PT-P-Com-8
Romania (RO)		Other (Oth)	10	RO-P-Oth-10

Table A1.6. Guidelines for the attribution of codes to victims' interviews

Country	Type of interviewee	Type of victim	Interview number	Code
Germany (DE)	Victim (V)	Children (Chi)	1	DE-V-Chi-1
Spain (ES)		Parent (Par)	2	ES-V-Par-2
France (FR)		Other family member (Oth)	4	FR-V-Oth-4
Portugal (PT)		Legal representative (Leg)	5	PT-V-Leg-5
Romania (RO)		NGO (NGO)	6	RO-V-NGO-6

Data processing and storage

Procedures concerning the storage, processing and transferring of data complied with the highest standards of security and data protection. The team and people responsible for processing data were subject to a duty of confidentiality, informed about the required ethical and data protection rules, and ensured the security of the processing of such data. The team ensured that people processing the data (on a minimal basis) were subject to a duty of confidentiality, took the appropriate measures to ensure the security of the processing of such data and would assist EIGE in demonstrating compliance with the data protection regulation.

All transcripts and audio files were password protected, and only the national researchers and the research team could access them. Only the anonymised transcripts were shared with EIGE.

Access to the data

EIGE would be informed promptly by the team if there was any request for access or rectification received from data subjects. Upon EIGE's decision, the team would respond to any such requests.

Retention policy

The audio recordings of the interviews conducted in this project were deleted at the end of the project after all quality checks had been done and all questions from EIGE had been resolved. Anonymised data will be stored indefinitely by the team and EIGE.

Participants' rights

Data subjects were ensured of the following rights (through the participant information sheet and consent form):

- the right to access data at any time;
- the right to rectify any inaccurate or incomplete personal data, without delay;
- the right to restrict the processing at any point;
- the right to the erasure of data if its processing is unlawful;
- the right to contact the data protection officer of EIGE via email: dpo@eige.europa.eu.

Annex 2. Additional results

Table A2.1. Provisions of criminal law applicable to femicide cases in selected Member States

Member State	Provisions of criminal law applicable to femicide cases		Sentence
Germany	Femicide might lead to aggravated forms of murder if constitutive elements (e.g. base motives) are proved at court	Murder under specific aggravating circumstances – Section 211 Killing a person for pleasure, sexual gratification, greed or otherwise base motives, by stealth or cruelly or by means that pose a danger to the public, or in order to facilitate or to cover up another offence	Life imprisonment
		Murder – Section 212 Other murders not captured in previous section	No less than 5 years up to imprisonment for life
		Bodily harm resulting in death – Section 227 If the offender, by inflicting bodily harm, causes the victim's death	No less than 3 years, unless less serious cases
Spain	Femicide might lead to aggravated forms of murder and there are specific aggravating factors that might apply to femicide cases	Article 140 Murder of a victim under 16 years old or a particularly vulnerable person owing to age, illness or disability; murder subsequent to a crime against sexual freedom	Reviewable life sentence
		Article 139 Killing committed with malice, for a price, reward or promise, with cruelty, or to facilitate the commission of another crime or to prevent it from being discovered	15 to 25 years of imprisonment
		Article 138.1 Other homicides not captured in the previous articles	10 to 15 years of imprisonment
		Possible aggravating circumstances – Articles 22 and 23 Committing the murder motivated by racism, discrimination, the victim's sex, orientation or sexual identity, or gender reasons, or being or having been a spouse or person who maintains or maintained a stable relationship, being a close relative of first-degree kinship (parent, child or brother/sister) by nature or adoption of the perpetrator or their spouse or partner	N/A
France	Femicide might lead to aggravated forms of murder and there are specific aggravating factors that might apply to femicide cases	Voluntary murder – Article 221(1) Wilful causing of the death of another person	30 years imprisonment
		Murder – Article 221(2), (3) and (4) Murder that precedes, accompanies or follows another crime, with premeditation or ambush, against a minor under 15 years of age, against a natural or legitimate ascendant or the adoptive father or mother, against a person with a particular vulnerability, owing to age, sickness or infirmity, or to any physical or psychological disability or to pregnancy, by the spouse or partner of the victim or a partner linked to the victim by a civil solidarity pact, against a person because of a refusal to contract a marriage or to enter into a union	Life imprisonment
		Manslaughter – Article 221(6) Killing committed in a manifestly deliberate violation of a particular obligation of prudence or safety imposed by law or regulation	3 to 5 years of imprisonment and fine
		Possible aggravating circumstances – Article 132(77) and 132(80) Sexism and when the perpetrator is a victim's current or former intimate partner can be considered aggravating circumstances	N/A

Member State	Provisions of criminal law applicable to femicide cases		Sentence
Portugal	Femicide might lead to aggravated forms of murder if constitutive elements (e.g. crime with special censurability or perversity against a spouse) are proved at court	Qualified homicide – Article 132 If death occurs in circumstances that show special reprehensibility or perversity, namely the fact was against a spouse, ex-spouse, person of another or same sex with whom the agent has or has maintained a dating relationship or a relationship similar to that of spouses, even without cohabitation, or against the parent of a common descendant in the first degree, or against a vulnerable victim, namely owing to pregnancy, if the homicide was motivated by sex or the victim's gender identity and sexual orientation	12 to 25 years of imprisonment
		Simple homicide – Article 131 Other homicides not captured in the previous article and not considered privileged homicide	8 to 16 years of imprisonment
		Domestic violence aggravated by the result (death) – Article 152 In the case that domestic violence assault results in the victim's death (not intended by the perpetrator)	3 to 10 years of imprisonment
Romania	Femicide might lead to aggravated forms of murder if constitutive elements (e.g. premeditation) are proved at court	Aggravated first-degree murder – Article 189 Homicide perpetrated with premeditation, against a pregnant woman or with cruelty	15 to 25 years of imprisonment
		Murder – Article 188 Other homicides not captured in the previous article	10 to 20 years of imprisonment
		Manslaughter – Article 192	No less than 1 year and no more than 5 years of imprisonment
		Death caused by battery	No less than 6 and no more than 18 years of imprisonment
		Death caused by rape	No less than 7 and no more than 12 years of imprisonment
		Death caused by sexual assault	No less than 7 and no more than 15 years of imprisonment
Death caused by torture	No less than 15 and no more than 25 years of imprisonment		

Source: Created by the authors based on factsheets measuring femicide (EIGE, 2021d).

Table A2.2. Details about compensation from the perpetrator in femicide cases

Characteristic	Germany	Spain	France	Portugal	Romania
Eligibility criteria	Compensation can be claimed by family members (i.e. the surviving spouses, partners, children and parents of the victim)	Claimants must prove that they have suffered damage as a result of the death. The primary claimants are children, parents and siblings, but there can also be other beneficiaries: other relatives, step-siblings, new partners of the murdered woman, injured local police officers and any other affected persons		Compensation can be claimed by the intimate partner (if not the perpetrator) and children or, in the absence of these, the victim's parents or siblings (Article 496 of the Civil Code)	Compensation can be claimed by a family member of a person who has been killed. Law 211/2004 on certain measures to ensure the information provision to, support of and protection of victims of crime mentions the types of victims who receive financial compensation: (1) victims of homicide, attempted homicide, bodily harm, rape, sexual assault, sexual intercourse with a minor and sexual corruption of minors (Article 14(1)(a)) and (2) families of victims who have died (husband, child and dependants) (Article 21)
Type of damages covered	For example, expenses to repair a damaged item, lost wages or the cost of hospital treatment and actual or calculated maintenance (in the form of a monthly payment)	Physical damage, injuries and moral damages.	Personal injury, moral damage and material damage	All expenses involved in the care of the victim and funerals	The compensation varies depending on the type of victim (direct or the family of the deceased victim). The victim of the crime receives compensation for hospital expenses, medical expenses, material damages caused by the crime, the income that the victim would have had if she had not been assaulted (Law 211/2004, Article 27(1)(a)(1-3)). Indirect victims (husband, child and dependants of the victim) receive, in the case of the death of the victim, compensation for funeral expenses and maintenance expenses that they were deprived of by the death of the victim (Law 211/2004, Article 27(1)(b)(1-2))
Limits amounts	No limit; the amount of compensation is at the discretion of the competent judge/court	No limit; the amount of compensation is at the discretion of the competent judge/court		No limit; the amount of compensation is at the discretion of the competent judge/court (Article 496(4) of the Civil Code)	No limit

Characteristic	Germany	Spain	France	Portugal	Romania
Formula/ criteria to define amounts for compensation	The injured party should provide an approximate amount and explain on what basis the amount of damages for pain and suffering should be calculated or estimated	Judgments usually rule in relation to civil liability, but compensation is not homogeneous; there are oscillations depending on variables such as the degree of kinship, cohabitation, minority of age, economic dependence. Law 1/2004 left the question of the 'quantum of compensation' unresolved and this is a recurring issue in the reports of the Observatory of the General Council of the Judiciary		No criteria available to the public. The Civil Code mentions 'equity criteria'	No criteria available to the public
Decision-maker on the provision of compensation	Judges – within criminal or civil proceedings – refer in practice to tables of compensation awarded in previous cases	Compensation should be claimed within the criminal proceedings and is decided by a judge		As a rule, compensation should be claimed within the criminal proceedings and is decided by a judge	Judges within criminal or civil proceedings
Deadlines to request compensation	In general, it is recommended that an application be filed as soon as possible to avoid a situation in which no decision is taken due to significant procedural delays	The conviction is the deadline for a compensation request. It is to be requested by the lawyer of the interested party in the legal proceedings		Compensation must be requested during the investigation (if within criminal proceedings) or a maximum of 3 years from the moment the victim becomes aware that they have this right (Article 498 of the Civil Code)	Compensation must be requested within 1 year from the issuance of the final court decision (if the offender is known) and within 3 years from the commission of the crime (if the offender is unknown). The law contains special provisions for minor children for whom the request for compensation can be submitted by the legal representative and, in the case of the legal representative's absence, the deadline for submitting the application is extended until the age of 18 (Article 26 of Law 211/2004)
Procedures	The compensation claim can be filed to the police, the public prosecutor's office or the competent court	Legal representatives of victims or interested parties can request compensation		Legal representatives of the victims must inform the prosecutor or the police that they want to issue a claim for compensation	The victim or legal representative of the victim must inform the police, prosecutors or the competent court that they want to issue a claim for compensation
Cost of requesting compensation	Even if the action for damages is unsuccessful, no criminal court fees must be paid	No costs		No costs	No costs

Annex 3. List of case-law

Committee on the Elimination of Discrimination against Women

Communication No 2/2003 of 26 January 2005, *A. T. v Hungary*

Communication No 6/2005 of 1 October 2007, *Fatima Yildirim v Austria*

Communication No 5/2005 of 10 August 2007, *Goekce v Austria*

Communication No 18/2008 of 16 July 2010, *Ver-tido v Philippines*

European Court of Human Rights

Judgment of 14 October 2010, *A. v Croatia*, No 55164/08

Judgment of 23 December 1998, *A. v the United Kingdom*, No 35373/97

Judgment of 9 October 1979, *Airey v Ireland*, No 6289/73,

Judgment of 10 October 2000, *Akkoc v Turkey*, No 22947/93

Judgment of 25 September 1997, *Aydin v Turkey*, No 57/1996/676/866

Judgment of 17 March 2005, *Bubbins v United Kingdom*, No 50196/99

Judgment of 11 June 2020, *Buturuga v Romania*, No 56867/15

Judgment of 15 January 2003, *E. and others v the United Kingdom*, No 33218/96

Judgment of 28 May 2013, *Eremia v the Republic of Moldova*, No 3564/11

Judgment of 28 September 2016, *Halime Kilic v Turkey*, No 63034/11

Judgment of 24 February 2005, *Isayeva and others v Russia*, Nos 57947/00, 57948/00 and 57949/00

Judgment of 4 March 2001, *Keenan v United Kingdom*, No 27229/95

Judgment of 13 June 2006, *Kontrová v Slovakia*, No 7510/04

Judgment of 24 September 2007, *Kontrova v Slovakia*, No 7510/04

Judgment of 4 December 2003, *M. C. v Bulgaria*, No 39272/98

Judgment of 13 June 1979, *Marckx v Belgium*, No 6833/74

Judgment of 9 March 2006, *Menesheva v Russia*, No 59261/00

Judgment of 12 October 2006, *Mubilanzila Mayeka and Kaniki Mitunga v Belgium*, No 13178/03

Judgment of 17 October 2006, *Okkali v Turkey*, No 52067/99

Judgment of 9 June 2009, *Opuz v Turkey*, No 33401/02

Judgment of 28 October 1998, *Osman v the United Kingdom*, No 23452/94

Judgment of 10 October 2010, *Rantsev v Cyprus and Russia*, No 25965/04

Judgment of 18 September 2017, *Talpis v Italy*, No 41237/14

Judgment of 26 March 2013, *Valiuliene v Lithuania*, No 33234/07

Judgment of 10 May 2001, *Z and others v the United Kingdom*, No 29392/95

Judgment of 11 July 2017, *Z. B. v Croatia*, No 47666/13

Inter-American Committee on Human Rights

Report No 80/11 of 21 July 2011, *Jessica Lenahan (Gonzales) et al. v United States*, Case 12.626

Inter-American Court of Human Rights

Judgment of 29 July 1988, *Velasquez Rodriguez v Honduras*, Series C, No 4

Judgment of 7 September 2021, *Barbosa de Souza and others v Brazil*, Series C, No 435

Judgment of 16 November 2009, *González et al. v Mexico*, Series C, No 205

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