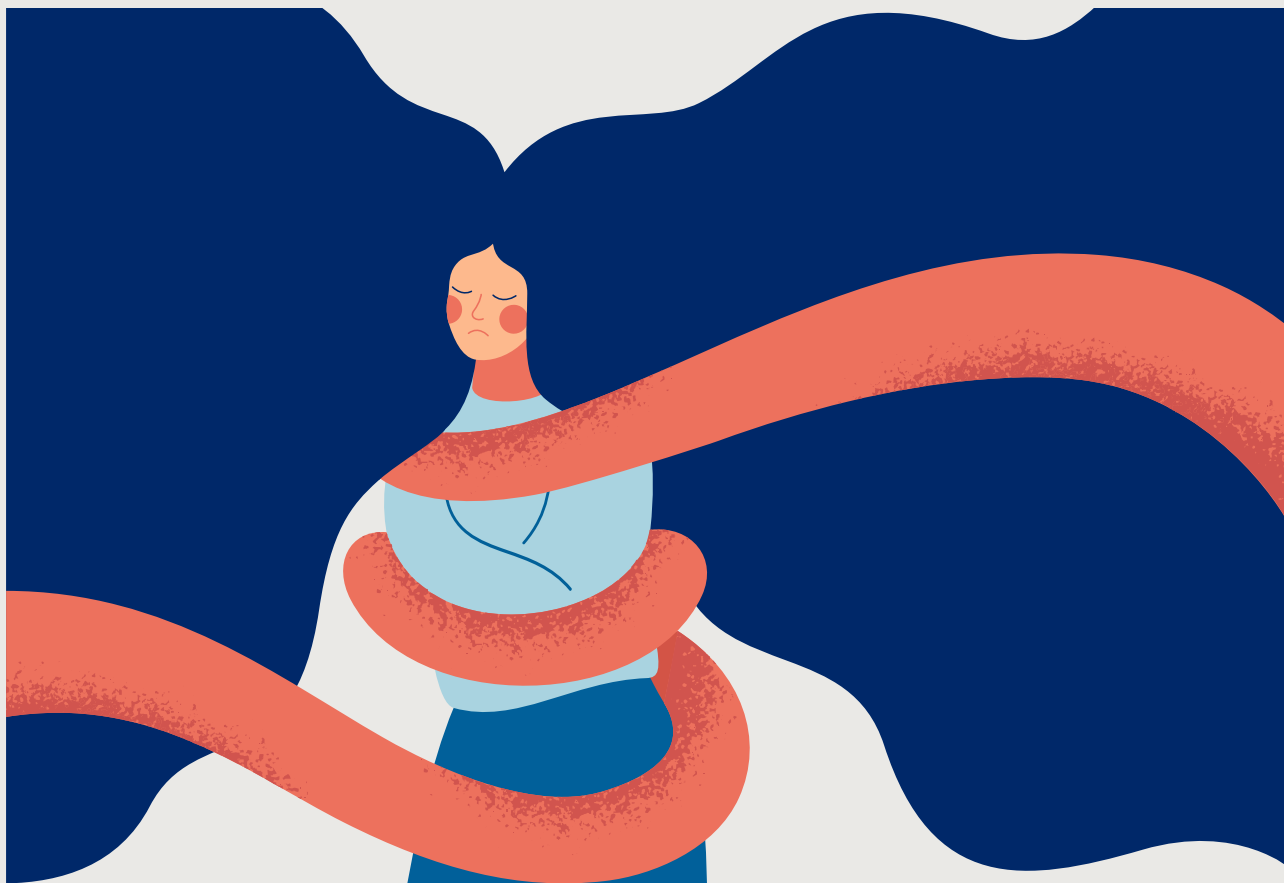




# Femicides: naming the phenomenon to better combat it

MARGOT GIACINTI

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**O**n the occasion of the international day for the elimination of violence against women, the Foundation for European Progressive Studies (FEPS) and the Fondation Jean Jaurès join forces to publish a series of publications on the fight for the elimination of sexist and sexual violence. Each publication looks into a different angle regarding gender-based violence.

## Introduction

Appointed word of 2019 by the French dictionary *Le Petit Robert*, the word '*fémicide*' (*femicide* in English) now seems to be lastingly inscribed in the French and international landscape, and is being used in various fields such as politics, media or even in the sphere of law. We could thus hear it in 2018 in the speech that French President Emmanuel Macron gave at the 73<sup>rd</sup> UN General Assembly, and it was more recently and more frequently used by his government, especially through the comments of Marlène Schiappa, former Secretary of State for Gender Equality and against discrimination, during the 2019 French summit on domestic violence. Within the *Spotlight Initiative* partnership, the European Union and the United Nations announced an investment of 50 million euros in order to end this plague in Latin America. This word spread quickly between 2018 and 2019 in the French press. A study of the occurrences of the word *femicide* in the

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## Femicides: naming the phenomenon to better combat it

*Europresse* database shows an exponential use of the word that was used about 180 times in 2017, more than 400 times in 2018 and almost 5000 times in 2019. Finally, the debates about giving this term a legal basis also question the inappropriate aspect of creating a criminal status for femicides. The international spread of the term as well as related public debates participate to the emergence of a new public concern and lead us to reflect on the notion of femicide. How can we define this term, and how can we determine the scope of the social facts it characterises? What is the impact of the definition in the way the public problem is built up? How have collective mobilisation efforts to combat violence highlighted the different expressions of this social fact? Finally, what are the unresolved debates and contemporary issues in preventing femicides?

### I. Naming and defining femicide to help its better identification

The increasing public attention for femicides may overshadow the term's slow construction and conceptualisation. Femicides tend to be considered a recent phenomenon but its publicisation conceals the strong feminist mobilisations across Europe since the 19<sup>th</sup> century to denounce violence against women and the media and judicial treatment ensuing. Here are two examples: British feminist Florence Fenwick Miller denounced in the press in 1888 the media representation of Jack the Ripper's crimes. Indeed, she claimed that they were not simple homicides, but in fact 'women killings', and that they were no different from any other form of masculine violence endured by women (Walkowitz, 1982). Around the same period, Hubertine Auclert, who was a feminist and a lead figure of the Women's Suffrage Movement, was one of the first in France to use the word 'femicide', using a sociological and feminist dimension. Hubertine Auclert's original input was to analyse this social fact as larger than just women killing. In addition to the actual murders, she considered that women's deaths resulting from socio-economic inequalities, such as misery because of a divorce, to be 'femi-

cide' practices (Giacinti, 2020). The occurrences of *femicide* however remain scarce.

The rediscovery of the social fact of femicide, along with its contemporary feminist conceptualisation, occurred in the mid-70s, through feminist organisations, and mostly the *Mouvement de libération des femmes*, a French feminist movement advocating for women's bodily autonomy and challenging patriarchal society created in the wake of the American Women's Lib movement and the events of May 1968. The process of defining and conceptualising this term has been a deeply collective, feminist and international exercise right from its onset. The International Tribunal on Crimes against Women, held from the 4<sup>th</sup> to the 8<sup>th</sup> March 1976 in Brussels, played an essential part in allowing the pooling of situations of violence against women (Russell and Van de Ven, 1976). Even though this event has remained little known, it did gather more than two thousand women from forty countries. The establishment of men-only and women-only groups voted in the first day allowed female participants to share their experiences of oppression and to create a shared knowledge. Femicide was inscribed in the continuum of sexual violence on this occasion (Kelly, 1988), acknowledged as a form of the violence exerted by men on women. The holding of this Tribunal allowed activists to meet and to strengthen the structural reading of patriarchal violence, highlighting the existence of a two-speed justice system that denies gender implications and the inequalities of the judicial treatment. In the mid-70s, feminist movements already tackled some forms of violence, as evidenced by the debates on forced marriage or rape. Some other forms of violence, such as medical and obstetric violence, or forced sterilisation, are considered new subjects, therefore creating the pioneer and subversive potential of the event. This is the context where the concept of *femicide* was used for the first time by a South-African researcher, Diana E. H. Russell, during the committee on murders of women. In the proceedings of the debates of this committee, she wrote: 'We must realize that a lot of homicide is in fact femicide. We must recognize the sexual politics of murder. From the burning of witches in the past, to the more recent widespread custom of female infanticide in many societies, to the killing



## Femicides: naming the phenomenon to better combat it

of women for “honor”, we realize that femicide has been going on a long time. But since it involves mere females, there was no name for it until Carol Orlock invented the word “femicide”.’ (Russell and Van de Ven, 1976).

The third step in conceptualising this term was Diana Russell and sociologist Jill Radford co-directing the 1992 book *Femicide: the Politics of Woman Killing* and defining femicide as ‘the misogynous killing of women by men’ (Radford and Russell, 1992). This collective work testifies the will to create a terminology able to report the gender factors occurring in the specific cases of women homicides. The concept of femicide therefore proposed to grasp these phenomena using the sex and gender of the victim, as, according to the authors, these variables condition the extreme violence that was suffered. Rejecting the “crime of passion” or “honour killing” categories used to describe and qualify these homicides in the press or in court, the authors postulate that these women killings because of their gender can only be grasped using a terminology that shows the variables determining the crime. That is why the facts identified as femicides by Radford and Russell are various: the authors indeed want to demonstrate that if women and men have very different lives, their differences also appear in the way they die and in the way they are killed. The book namely highlights certain noteworthy events throughout history such as the witch-hunts from the 14<sup>th</sup> to the 17<sup>th</sup> century Europe, the forced suicides of South-East Asian widows (*sati*), domestic or intimate crimes whereby victims and murderers had an intimate and/or romantic relationship, women who have been killed for refusing sexual advances, lesbicides or the killings of lesbian women, racist femicides motivated on the double grounds of sexism and racism, as well as gender-selective neonaticides and infanticides selectively killing little girls at birth or shortly after. They also add to this list the situations in which women expose themselves to risk for seeking to exercise their rights to control their own bodies, for instance when they die from a clandestine abortion. Finally, in 2001, Diana Russell redefined femicide as the assassination of one or several women by one or several men, because they are women. This is the definition that will ultimately be adopted.

Marcela Lagarde, a Mexican anthropologist and feminist, then translated *Femicide: the Politics of Woman Killing* in 2006 under the title *Feminicidio. La política del asesinato de las mujeres*. Drawing on the Mexican experience, Marcela Lagarde completes the definition by adding the inaction and impunity of the State as a key mechanism favouring the perpetration of femicides. These murders of women because they are women are therefore also characterised by the absence of State measures to protect women victims of violence and/or to efficiently prosecute their murderer (Deniveau, 2012; Lapalus, 2015; Falquet 2016).

This term spread to other Latin and Central American countries, under *feminicidio*, or *femicidio*, and lead to a more acute consideration of the problem, namely in French-speaking countries, through the use of the term *fémicide*. 2007 marks the beginning of a process of acknowledgement of femicides. Some countries start to legislate on this concept while women’s movements accelerate its internationalisation.

## II. Women’s movements and the internationalisation of femicide

A year after the book’s translation, and under Marcela Lagarde’s and the women’s movement’s impetus, Mexico adopted a law including the notion of ‘femicide violence’, defined in article 21 as ‘the extreme form of gender violence against women, resulting from the violation of their human rights, in both public and private spheres, formed by the set of misogynistic behaviour that can lead to social and State impunity and may culminate in murder or other forms of violent death of women.’ During the same year, a bill was passed stating that ‘a prison sentence of twenty to thirty-five years will be imposed on anyone who kills a woman with whom they maintain a relation of matrimony, in a relation formally declared or not.’ Between 1999 and 2006, more than 6000 femicides were recorded in Mexico (European Parliament, resolution 2007/2025 [INI]). For more than twenty years, feminists have rallied in Mexico to denounce violence



## Femicides: naming the phenomenon to better combat it

against women, and most particularly femicides, in particular on 25 November, the International Day for the Elimination of Violence against Women, established to commemorate the assassination of the three Mirabal Sisters in Dominican Republic in 1960 – and on 8 March, the International Women’s Day.

These occasions have allowed the widespread use of the slogan *Ni una menos* (not one less), after the Argentinian social movement’s name against femicides. However, the number of femicides in Mexico keeps increasing. In 2019, feminist organisations counted more than 3825 women victims of femicides in Mexico, meaning an average of ten per day (*Le Monde*, 22 September 2020). However, only 976 cases were recognised as femicides by the authorities. Although it is impossible to determine a single cause to these increasing numbers, it is important to highlight the very low rate of convictions in Mexico, for all types of crimes, as well as the malfunctioning Mexican judicial system regarding violence against women, in spite of the 2007 law and the 2012 amendment of the federal penal code punishing femicide by forty to sixty years of prison (art. 325). Socio-economic inequalities are furthermore recognised as a structural cause of these forms of violence by making women more precarious and more vulnerable. In addition, the first half of 2020 has already witnessed a significant increase in the number of femicides in comparison with 2019, during the first wave of the Covid-19 pandemic (*Le Monde*, 22 September 2020). Increases have occurred in other Latin and Central American countries such as Brazil, where femicides have raised by 12 per cent in 2019, in spite of many countries such as Nicaragua, Argentina, Guatemala and Peru legislating to punish and prevent femicides. It therefore seems that the sole institutional recognition of femicide without a deep change in the socio-economic organisation might not suffice to solve the problem of macho violence. Furthermore, the increase in the number of femicide has had an important effect on mobilisations, radicalising and renewing the organisation and methods of feminist groups, as shown by the constitution of feminist black blocs in August 2019 in Mexico, or by a method consisting of publicly denouncing attackers and revealing their names in the public places they often visit (Lapalus, 2017).

This feminist dynamic around the question of femicides has had a tremendous effect on spreading the question in international organisations as well as in Europe. In 2012, on the occasion of a meeting where Diana Russell was invited, the United Nations Organisation (UN) and the World Health Organisation (WHO) addressed the problem, leading to the Vienna Declaration on Femicide and to the publication of a document aiming to provide a comprehensive overview on the state of knowledge about femicide. This factsheet, entitled Femicide, presents the different forms of femicides and sorts them into four categories: intimate femicides, that is femicides in which the victim and the attacker have had an intimate and/or romantic relationship; non-intimate femicide, in which the victim and the attacker do not have intimate relations; murders in the name of “honour”, in which the victim is killed because she is perceived as having transgressed a rule involving her family’s honour (for example she became pregnant out of wedlock, or she was raped); and finally dowry-related femicide, in which women are killed, namely burnt alive, because their in-laws consider their dowry was considered insufficient.

This progressive internationalisation obviously echoed in European countries. In Spain, the pioneer country regarding legislation on violence against women with its 2004 framework law, which is considered as ‘ground-breaking’ legislation because it recognizes the specific violence against women and seeks to combat it transversally (Casas Vila, 2017), unprecedented feminist movements on violence against women took place. These rallies remind us of the Latin and Central American ones: for example the 2017 hunger strike conducted by feminist activists against femicides and ‘macho terrorism’ (*Le Monde*, 8 March 2017) or even the 739 crosses of the ephemeral graveyard in 2018 where each cross represented a woman who had been killed by her partner or ex-partner. Today, there is no specific law on femicide, perhaps because of the figures. Since the 2004 law was voted and adjustments were made, the number of femicides in Spain had gone from 71 in 2003 to 47 in 2018. However, this figure is contested by feminist organisations, and most particularly by [femicidio.net](http://femicidio.net), which counts 98 femicides in 2018. This differ-



## Femicides: naming the phenomenon to better combat it

ence can mainly be explained by the scope of the definition: official numbers only count femicides committed by a partner or ex-partner, which means they don't count non-intimate femicides, femicides committed by a member of the family or gender-selective neonaticides and infanticides.

In Italy, the *delitto d'onore* (honour killing) was only revoked in 1981. Before then, it allowed a husband to get a lighter prison sentence if he had killed his adulterous wife or her lover. In 2013, the country announced a series of laws known as 'laws on femicide', although not directly referring to the term, aiming to increase the severity of the sentence for domestic crimes and to introduce preventive measures to protect potential victims. In 2018, the Senate created a committee of inquiry in charge of implementing the 2011 Istanbul Convention on preventing and combating violence against women and domestic violence. This committee's mission was to put together plans to combat the many violences against women. Official Italian figures, close to the French ones, evoke 142 women killed in 2018 and 92 in 2019. Since 2015, the website [inquantodonna.it](http://inquantodonna.it), presenting itself as a femicide observatory in Italy, lists and presents the victims of femicide. In 2019, Italy voted the law n°69 of 19 July 2019, known as the 'Red Code', which modifies the penal code and the code of criminal procedure to protect the victims of domestic and sexist violence. The main goal of this law is to speed up the transmission of the case file from the judicial police to the prosecutor and therefore shorten the processing time of the case by the prosecutor to three days: the long processing time denounced by feminists was namely deemed as a key variable in femicide cases in which the victim had reported to the police.

In France, because of two events, 2014 became the turning point for the spreading of the term femicide. First, the word appeared in the French dictionary *Le Petit Robert* to refer to 'the killing of a woman, a girl because of her gender' (*Le Petit Robert*, 2014). Then, *Osez le féminisme !*, (Dare to be feminist!, a feminist association) launched a campaign entitled 'Let us enshrine femicide in law', demanding the government first to recognise femicide as a macho crime, and second to create

a penal classification in the penal code, arguing that a large number of Latin and Central American countries had already done so. The *Féminicides par compagnons ou ex* (Femicide by a partner or an ex) collective was inspired by the Latin American and Northern American counting practices and started counting intimate and domestic femicides in 2016. Its action allowed raising femicide awareness among the general public and establishing a more important number of femicides than those counted by the Commission for Victims (DAV), the police service in charge of counting the 'violent deaths among partners' whilst producing an annual report. Besides the discord on the number of victims, we must highlight the different approaches to these crimes. Indeed, the DAV investigations do not aim at studying femicides specifically, and count the murders between partners without taking the gender of the victim or the attacker into account, suggesting that gender is not a relevant criteria to analyse the crime. Conversely, The *Féminicides par compagnons ou ex* collective specifically counts femicides, and take the differences in crimes as a starting point: femicides, as violences integrated in the continuum of violence, would differ in their nature as they would represent the expression of male domination over women. In this perspective, women are killed because they are in a structurally vulnerable position, making them easily 'killable'. Analysing the common elements between different crime situations, *Féminicides par compagnons ou ex* therefore highlighted structural triggers to this type of murders: for example, a number of women were killed while separating from their partners. Similarly, we saw that a number of victims were women over 65 years old: in 2019, they represented one in five femicides. This data was publicly released in the press, and would deserve in depth studying, but it surprised people as this age category is under-represented in homicides, both in victims and in attackers. Femicide analyses however revealed a number of problems in which gender plays a key part. Thus, investigations have highlighted that some women were victims of domestic violence for a long time; amongst them, some could not leave their home because they had a low income or no income at all, an indicator of the socio-economic inequalities that still impacts French women to this day.



## Femicides: naming the phenomenon to better combat it

After three years of volunteer counting, the *Féminicides par compagnons ou ex* collective became the *Union nationale des familles de féminicide* (French national union for families of femicides, UNFF) association in 2019. This association is advocating for the term femicide to be included in the penal code, and for culprits of femicides to systematically wear electronic bracelets to protect victims, or for their paternal authority be suspended and/or removed. In France, national public awareness on the importance of femicides was additionally fostered by the start of collages against femicides in 2019, first appearing in Paris before following in a number of other large and medium-sized cities. On these cities' walls, black on white collages in capital letters were displayed showing strong slogans such as 'To women assassinated, homeland is indifferent', 'Femicides: we do not want to count our dead women anymore' or 'We are the voice of those who do not have one anymore'. The Latin-American watchword 'Not one less' was also largely taken over during large feminist rallies, like on 23 November 2019 in Paris, mostly organised by the #NousToutes collective. It had gathered almost 49,000 people right at the end of the French summit on domestic violence, which had started on 3 September 2019, a campaigning day for the French free national phone number for women victim of violence (3919).

More recently, since September 2020, Algerian feminists have rallied following various highly violent femicides that shocked the country. On the 15<sup>th</sup> October 2020, around twenty Algerian actresses started a campaign 'United against femicides' to combat violence against women in Algeria, on which there are no official statistics yet. In 2019, unofficial records announced 75 femicides, a largely undervalued number according to Algerian feminist activists.

### III. Prevent femicides: ongoing debates and unresolved questions

The internationalisation of the question of femicides has highlighted issues pertaining to preventing femicides and violence against women. However, the number of cases remains high and several questions persist.

First, one of the main issues relates to the legal field. Indeed, the question of penally classifying femicide is a long-time demand of feminists, both in Central and Latin America and in Europe. This question very recently sparked a debate in France, opposing jurists that were *a priori* favourable to a legal classification, to jurists absolutely against the idea. For the first, such as Diane Roman, Catherine Le Magueresse, Elisa Leray or Elsa Monsalve, this type of classification would enable the naming of the crime at hand, therefore recognising it and favouring an effective processing of the question of violence on all levels of the investigation, making it a specific offence instead of systematically anchoring it in a domestic matter. Furthermore, these jurists underline that international and European laws have been encouraging states for years to 'legally consider a "femicide" any murder of woman based on gender and to implement a legal framework aiming to eradicate this phenomenon' (Le Magueresse, 2019; European Parliament, 2014), in a global process to recognise femicide. Fundamentally opposing this project, other jurists such as Clarisse Serre and Charles Evrard, consider the noun *femicide* as a political and activist term that does not take individual situations into account. According to them, it breaches the principle of equality, which they feel is incompatible with the principle of universalism of law and equality of citizens before the penal law (Evrard and Serre, 2019). Catherine Le Magueresse and Diane Roman contest this allegation, assuring that a penal differentiation can be made without breaking the principle of equality, as it is already the case in the French penal law, for example during a pregnancy, which already forms an aggravating circumstance in the event of a homicide. The debate on the penal classification of femicides is still open, and testifies the difficulty that femicide, as an expression of male-female domination, gives to jurists. Several options could be considered in terms of giving femicide a legal framework, amongst which the option proposed by UN Women France to create an autonomous criminal offence associated to specific aggravating circumstances, which would create, as it is already the case for harassment, aggravating circumstances impossible to pull aside from the offence (ONU Femmes France, 2020). Other solutions exist: for example, a better application of the already in force aggravating circumstances



## Femicides: naming the phenomenon to better combat it

related to the gender or to partners, but without recognising the term *femicide*. Indeed, while the 1994 penal code provides for aggravating circumstances for offences committed by the partner of the victim, the law voted on 27 January 2017 provides, among other things, an aggravating circumstance ‘owing to gender’ in cases where the sentence is not aggravated by the fact that the culprit is the civil partner of the victim (*Syndicat de la Magistrature*, 2020). However, in the beginning of 2020, the Parliament fact-finding mission, in charge of this specific question, chaired by *La République En Marche* (LREM) MP Fiona Lazaar, who is also vice-president of the National Assembly’s delegation on women’s rights, ruled it would be useless to add femicide to the penal code, deeming that there were already enough legislative media to combat violence, and fearing that such an offence would be ruled unconstitutional for violating the principle of equality between citizens and the universalism of law. On the European level, it is worth mentioning the new EU Gender Equality Strategy 2020-2025, in which the European Commission wishes to add certain forms of sexist and sexual violence to the list of crime areas on which it has jurisdiction (the so-called ‘eurocrimes’).

Although the creation of a criminal offence for femicide, a highly demanded measure during the French summit on domestic violence that was supported by feminist associations, amongst which the UNFF, did not happen, other announcements to combat violence against women should now be at the heart of a legislative debate to create specific measures, starting in 2020. Among these, we can list the extension of already existing technical measures such as the electronic bracelet, the grave danger mobile phone, or the opening of extended hours (24/7) for the free phone line 3919, accessible for disabled people. This phone line was created in 1992 and has been handled by the feminist association *Fédération nationale solidarité femmes* (French National Federation for Women Solidarity, FNSF) ever since. However, a public market just opened the handling of this phone line to competition, provoking the anger of feminist activists. In addition, the plan to tackle violence also mentions the possibility to suspend the parental authority for femicide perpetrators or violent partners. Another important proposition is the will to recognise ‘forced

suicide’, creating a new aggravating circumstance for perpetrators. The plan also proposes measures subject to debate, most particularly in feminist associations, such as the opening of regional centres to take care of perpetrators of femicide and violence. Following the government’s announcements and in light of the actual needs at field level, feminist associations raise the following question: with tight or even decreasing regional budgets, should we prioritise taking care of victims or attackers? Generally speaking, these associations highlight important differences that favour technical solutions without any preliminary study on the results in terms of combating violence, at the cost of ambitious measures in terms of preventing violence, educating to consent and deconstructing gender stereotypes.

Finally, it is important to underline that a limited definition of femicide currently prevails in some public debates, tending to reduce the crime to only domestic femicides. Besides the fact that this phenomenon breaks away from the feminist analyses of violence against women that we mentioned earlier, this analysis hides the understanding that femicide is a structural society reality, taking women as a target, whether they are killed within their relationship or during a sexual-economic exchange (prostitution), whether they are attacked because they wanted to run away from violence or whether they – supposedly – violated the established order. This limited definition of femicide anchors the marital and family-centred readings of the crime but hinders the creation of more ambitious solutions to end violence against women all together.

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