




# The Belém do Pará Convention: from paper to practice – from synergies to dissonances in the protocol of the Public Prosecutor's Office of Peru


A Convenção de Belém do Pará: Do Papel à Prática – Das Sinergias às Dissonâncias no Protocolo do Ministério Público do Peru

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**Abstract:** The objective of this study is to analyze the synergy and dissonances between the Belém do Pará Convention and the Protocol of the Public Ministry of Peru for the investigation of violent deaths of women. Through a documentary analysis methodology, primary and secondary sources were reviewed, including doctrine, jurisprudence, and legislation, collected from academic and legal databases. The results show a significant gap between the normative framework and its effective application. The main deficiencies identified are the lack of unified protocols between the Public Ministry and the National Police of Peru, insufficient training of justice operators on the Convention and gender perspective, and institutional disarticulation, which undermines compliance with due diligence and perpetuates impunity. It is concluded that it is imperative and urgent to unify inter-institutional action criteria, strengthen the continuous training of all justice system operators, and promote prevention strategies, especially in the educational field, to guarantee a coordinated and effective state response to femicide, thus materializing the commitments of the Convention.

**Keywords:** Belém do Pará Convention. Femicide. Investigation protocols. Violence against women. Gender perspective.

**Resumo:** O objetivo deste estudo é analisar a sinergia e as dissonâncias entre a Convenção de Belém do Pará e o Protocolo do Ministério Público do Peru para a investigação de mortes violentas de mulheres. Por meio de uma metodologia de análise documental, foram revisadas fontes primárias e secundárias, incluindo doutrina, jurisprudência e legislação, coletadas de bases de dados acadêmicas e jurídicas. Os resultados evidenciam uma acentuada lacuna entre o marco normativo e sua aplicação efetiva. As principais deficiências identificadas são a falta de unificação de protocolos entre o Ministério Público e a Polícia Nacional do Peru, a capacitação insuficiente dos operadores de justiça sobre a Convenção e a perspectiva de gênero, e a desarticulação institucional, o que prejudica o cumprimento da devida diligência e perpetua a impunidade. Conclui-se que é imperativo e urgente unificar os critérios de atuação interinstitucional, fortalecer a capacitação contínua de todos os operadores do sistema de justiça e promover estratégias de prevenção, especialmente no âmbito educacional, para garantir uma resposta estatal coordenada e eficaz frente ao feminicídio, materializando assim os compromissos da Convenção.

**Palavras-chave:** Convenção de Belém do Pará; feminicídio; protocolos de investigação; violência contra a mulher; perspectiva de gênero; Peru.

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## 1 Introduction

The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, adopted in 1994 and known as the "Belém do Pará Convention," marks a milestone in the protection of women's rights by establishing their right to a life free from violence. Despite this and other international instruments, violence against women persists as a severe problem throughout Latin America, as noted by Bandeira and Magalhães (2019).

In Peru, violence against women is a manifest issue that has led to the integration of the Belém do Pará Convention into its legal system and the creation of laws such as Law 30364. However, the persistence of violence, with 170 cases of femicide recorded in 2024, points to a significant gap between the established legal framework and its practical application. In response, the Public Ministry developed the "Protocol of the Public Ministry for the investigation of femicide crimes from a gender perspective," based on the Latin American model, to standardize investigations.

The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, adopted in 1994 and known as the "Belém do Pará Convention," marks a milestone in the protection of women's rights by establishing their right to a life free from violence. According to Febré (2020), this instrument introduced the right of all women to a life free from violence, establishing a binding obligation for State Parties to act with due diligence. Despite this and other international instruments, violence against women persists as a severe problem throughout Latin America, as noted by Bandeira and Magalhães (2019).

In Peru, the situation demands immediate attention due to the manifest gap between the law and reality. According to the most recent official reports from the Defensoría del Pueblo (2025), the urgency of the problem is undeniable, as a dangerous increase in violence has been alerted with 170 cases of femicide recorded in 2024. These figures not only reflect the severity of the phenomenon but also question the practical effectiveness of the current protection mechanisms employed by the State to guarantee the life and integrity of women.

To address this crisis, the State has integrated the Belém do Pará Convention into its legal system and created specific regulations such as Law 30364. In this framework, the Public Ministry and the National Police of Peru are the fundamental operators in the administration of justice. However, institutional articulation remains a challenge. As part of the response strategies, the Public Ministry developed the "Protocol of the Public Ministry for the investigation of femicide

crimes from a gender perspective" (Ministerio Público, 2018), based on the Latin American model, with the aim of standardizing procedures and reducing impunity.

Nevertheless, the persistence of high feminicide statistics, as reported by the Defensoría del Pueblo (2025), suggests that normative efforts are facing structural obstacles in their implementation. The lack of unified criteria and coordination between the Public Ministry and the National Police of Peru often hinders the correct application of the gender perspective in the early stages of the investigation. Consequently, it is necessary to examine how these operational dissonances affect compliance with international commitments.

This context raises the following research question: In what ways do the synergy and dissonances between the Belém do Pará Convention and the Protocol of the Public Ministry of Peru affect the effectiveness of investigations into the violent deaths of women? This study hypothesizes that despite a robust normative framework and specialized protocols, a lack of unified criteria among institutions, insufficient training for justice operators, and weak implementation of preventive policies create dissonances. These factors limit the effective application of the Convention, perpetuating investigative deficiencies and impunity.

This research was conducted using a documentary analysis approach adapted to the requirements of a law journal. The methodological process focused on the exhaustive review of primary and secondary sources relevant to the subject of study. For the location of pertinent information, specific keywords such as "Belém do Pará Convention," "feminicide," "investigation protocols," "violence against women," and "Human Rights" were used.

The search was enhanced using Boolean operators (AND, OR, NOT) to refine and optimize the results obtained from various academic and legal databases. The platforms consulted include Web of Science (WOS), Scopus, Scielo, HeinOnline, EBSCO, Jstor, and VLEX, ensuring broad coverage of the relevant scientific literature and legal documents.

Subsequently, a triangulation process of the collected information was carried out. This procedure consisted of contrasting and comparing the data and arguments extracted from the different sources (doctrine, jurisprudence, reports from international organizations, and legislation). The purpose was to validate the findings, ensure their reliability and depth, and construct a robust and well-founded interpretation of the research problem.

The structure of this conceptual review article is as follows. First, it presents preliminary considerations on violence against women to contextualize the problem. Second, it defines fundamental concepts for understanding feminicide, such as the distinction between sex and

gender, stereotypes, and discrimination. Third, the Belém do Pará Convention and its implications for State Parties are analyzed in depth.

Fourth, the article examines the Latin American Model Protocol and, specifically, the Protocol of the Public Ministry of Peru, detailing its guidelines and legislative progress. Finally, a discussion of the findings is presented, which includes methodological considerations. The article concludes with the study's conclusions and outlines its limitations and directions for future research.

The results reveal a significant gap between the normative framework and its practical application. Key shortcomings identified include the lack of unified protocols between the Public Ministry and the National Police of Peru, often basic training for operators on the Convention and gender perspective, and an underestimation of the structural factors that perpetuate violence.

The study's conclusions confirm that while Peru has adequate legal tools, it is imperative to unify inter-institutional action criteria and strengthen continuous training for all justice system operators. Furthermore, the study underscores the need to reinforce prevention strategies, particularly within the educational sector, to address the structural causes of gender-based violence.

## **2 Preliminary considerations**

The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, commonly known as the "Belém do Pará Convention," was adopted in 1994 to contribute to the protection of women's rights. According to Febré (2020), this instrument introduced the right of all women to a life free from violence. In this context, it is crucial to analyze the phenomenon of Violence against Women.

In Latin American nations such as Mexico, this issue has seen an alarming increase in recent decades (Santillán, 2023). Although Mexican women have a catalog of rights protected by international instruments like the Belém do Pará Convention and are under state protection, these mechanisms appear to be ineffective in practice. Consequently, Valdez (2021) argues that a life free from violence cannot be affirmed, as the protection of Human Rights is not guaranteed amid the constant rise in feminicides.

Statistics on the violent deaths of women, or feminicides, estimate an average of eleven cases daily in Mexico (Santillán, 2023). This figure is alarming, and as Osorio (2017) points out,

even though this information is public knowledge, its dissemination has failed to change this reality. The Mexican state considers the Latin American Model Protocol for the investigation of violent deaths of women for gender reasons, which establishes the central hypothesis of a possible feminicide in the event of a woman's violent death, subject to confirmation or dismissal during the investigation.

The Supreme Court of Justice of the Nation in Mexico issued a significant ruling in the Mariana Lima precedent, marking the first time it sentenced a case of feminicide (Santillán, 2023). In this ruling, Quintana (2018) explains that the Court mandated that the violent death of a woman must be investigated as a potential feminicide and with a gender perspective, adhering to protocols with high-quality standards.

In Argentina, the gender perspective was incorporated following the state's ratification of international instruments such as the Belém do Pará Convention. Zocco (2022) notes that this has driven the creation of laws, public policies, information, and awareness campaigns, highlighting Violence against Women as a social problem and a human rights violation. However, Spaccarotella (2018) observes that despite incorporating the Convention into its internal legal order, a lack of awareness persists among government entities and legal operators regarding the applicable regulations.

This issue is evident in the deficient application of the Convention in judicial decisions that should be motivated by a gender perspective. Navarro (2021) also points to the insufficient training of judicial bodies and personnel and a failure to act in accordance with the instrument's provisions. Although the Argentine State fulfills international obligations by signing and ratifying the Convention, Curatolo (2023) argues that effective compliance and the dissemination of prevention results are necessary as part of its responsibility to confront Violence against Women.

Regarding the application of international instruments with a gender perspective, it is understood that using the Protocol is indispensable in cases of violent deaths of women to protect their rights. However, Ocañas (2023) suggests that greater training for operators is required to reduce the historical imbalance.

In Peru, Violence against Women is a tangible problem that undermines the Human Rights of women. This has motivated the State to actively participate as a member of the Belém do Pará Convention. This conventional norm has been incorporated into the internal legal system through the proper normative procedure, becoming part of the set of rules applicable in the national jurisdiction by justice operators.

Thus, an inter-American standard exists as a control parameter due to its legal incorporation into the legal system. It must be applied in cases where different manifestations of violence against women are investigated, prosecuted, and sanctioned. To reinforce its application, the national legislature created Law 30364 to optimize legal mechanisms in accordance with the conventional system. However, as Vinagre and Aparicio (2021) state, the reality shows that women continue to be violated, with many cases ending in their deaths and affecting the life projects of survivors. The frequent association of Violence against Women with femicide could be linked to the lack of application of international instruments (Rojas et al., 2022).

For justice to transcend mere punitive sanctions and become a true mechanism of reparation, it is imperative to adopt approaches that center on the victim's dignity and integrity. Restorative justice offers a complementary paradigm to the traditional penal system, focusing not only on punishing the aggressor but also on the healing and empowerment of the survivor. By facilitating dialogue (when safe and voluntarily accepted) and focusing on the specific needs of the person who has suffered harm, the aim is to restore the life project that the violence interrupted.

As Vargas-Chaves and Alzate-Mora (2017) argue, this approach contributes to a more humane and complete justice. It not only punishes a crime but also recognizes and addresses the deep personal and social wounds it leaves, thus honoring the spirit of the Belém do Pará Convention to eradicate violence and provide integral reparation to victims. Unrestricted respect for the integrity of all participants in the judicial process is a fundamental pillar for the system's legitimacy and effectiveness.

In practice, however, victims of gender-based violence often face secondary victimization from justice operators through biased interrogations, disbelief of their testimonies, or a lack of empathy and gender perspective. This violation of procedural integrity not only directly contravenes state obligations under regulations like Law 30364 in Peru but also undermines the objectives of the Belém do Pará Convention, creating distrust in the system and perpetuating a cycle of impunity.

The violent death of women is typified in Article 108-B of the Peruvian Penal Code as "femicide," a criminally prosecuted offense. In this regard, the Public Ministry plays a leading role that requires strengthening its functions in investigation, evidence collection, case monitoring, and granting protection and assistance measures to victims (Solórzano-Quintero et al., 2019). Nevertheless, Riva (2021) points out that multiple shortcomings persist.

In line with institutional policy and international guidelines, the Public Ministry introduced the "Protocol of the Public Ministry for the Investigation of the Crimes of Femicide from a gender

perspective." This follows the model of the Latin American Protocol for the investigation of violent deaths of women for gender reasons (Public Ministry, 2018). This document aims to establish guidelines and a unified course of action for investigations, defining patterns for officials of the Public Ministry and other justice system actors. The goal is to conduct homogeneous and effective investigations to achieve effective sanctions; however, Tello (2020) has shown that there is a lack of knowledge of these protocols for their correct application.

### **3 Fundamental concepts for understanding femicide**

Femicide represents the most extreme form of gender-based discrimination and violence directed at women and girls. According to Lagarde (2006), this phenomenon is embedded in a cultural and socioeconomic context that places women in inferior roles or positions, subjecting them to various forms of gender-based violence. The adoption of femicide as an autonomous criminal offense demonstrates the recognition of a historical background of inequality.

This history includes asymmetrical power relations, which have been fostered by negative stereotypes. Vásquez (2014) explains that these stereotypes can trigger acts of discrimination and extreme violence, which may occur before or concurrently with a woman's death. This legislative measure also responds to the international obligations assumed by the Peruvian state. These obligations are framed especially by the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women and the Convention on the Elimination of All Forms of Discrimination against Women.

#### *3.1 Sex and gender*

Radford and Russell (2006) indicate that in the context of femicide, 'sex' is defined not only by genetic characteristics but also by the morphological and endocrine systems of the body. In contrast, "gender" alludes to the social meanings assigned to these biological differences. It is a sociocultural construct that, as Lagarde (2006) describes, determines the distribution of resources, power, and rights. This construction generates gender roles, which dictate behaviors and social relationships considered appropriate for men and women (Pedraza & Rodríguez, 2016).

Based on current scientific knowledge, sex can be referred to as a biological reality, whereas gender has a grammatical meaning. In recent times, it has been used as a cultural construction laden with stereotypes. Delgado and Martínez-Otero (2021) assert that it is crucial to



maintain a distinction and not confuse the definitions of sex and gender, as sex is a verifiable biological reality, while gender is a social and cultural conception based on stereotypes.

### *3.2 Gender Stereotypes and Prejudice*

Gender stereotypes are essentially generalized ideas or labels based on roles and characteristics. As explained by Vázquez Rojas (2019), they define what a man or a woman "should be", often justifying unequal treatment (p. 14). These stereotypes become negative when they deny rights, impose disproportionate burdens, or diminish the aggressor's responsibility (García et al., 2021). Prejudice can arise from the perception that the victim is challenging social gender norms, leading to violent behaviors, as seen in cases of violence against trans women.

Stereotypes are a socially constructed reality, produced through social interaction and established by human definition. However, this phenomenon is complex and difficult for people to perceive. Thus, while social construction has a subjective origin, its foundations lie in objectivity. Concepts such as machismo, which represent the symbolic and theoretical superiority of men over women, are subjective constructs based on customs, traditions, and prejudices that produce gender discrimination with detrimental consequences for society at large, as discussed by Gonzáles (2020).

### *3.3 Gender discrimination and violence against women*

Olamendi (2016) explains that gender discrimination involves treating girls and women differently from boys and men, a practice that negatively affects their life, liberty, and security (p. 17). Violence against women is a form of discrimination that, according to the Fiscalía General de la Nación (2021), "severely inhibits a woman's ability to enjoy rights and freedoms on an equal footing with men."

This violence, based on gender, is any action that causes death, or physical, sexual, or psychological harm or suffering to a woman. Lagarde (2006) specifies that it can occur in either the public or private sphere and is the product of a context of discrimination and subordination.

Furthermore, gender-based violence against women represents a direct violation of human rights. This means that women are not exposed to this type of violence by accident or due to inherent vulnerability. On the contrary, as Frettis (2020) argues, this violence is a direct consequence of systematic and deep-rooted discrimination in society. It leads to serious outcomes



such as physical or psychological harm, or even femicide, compelling the State to address and prevent this problem.

#### **4 The gender perspective in femicide investigation**

The "gender perspective" is an analytical approach that allows for the observation and examination of how the experiences of men and women differ due to structural discrimination factors (Olvera & Lezama, 2020). According to Iribarne (2015), this perspective is crucial for making visible how gender stereotypes generate discrimination and influence the construction of genders. The incorporation of a gender perspective should guide the investigation of femicide from the initial proceedings to the reparation for victims.

This approach facilitates the collection of evidence regarding the motive of the crime being linked to the "fact of being a woman" or her "gender identity" (Breña, 2016). Similarly, several authors, including García and Franco (2018) and Olvera and Lezama (2020), suggest that it also helps in understanding violence not as an isolated act, but within a context of discrimination and domination. Breña (2016) also argues that it is crucial for excluding stereotyped views of victims or suspects and for considering systematic inequality and the social condition of women as risk factors.

To properly investigate femicide, academic literature suggests following fundamental guidelines. First, the initial hypothesis in the case of a violent death or attempted death of a woman should always be femicide, and this possibility should not be prematurely dismissed. Second, gender-based motives can be proven by any legal means of evidence. Mujica and Tuesta (2012) add that the investigation must be conducted *ex officio*, and a victim's withdrawal of a complaint is not a determining factor for closing the case.

Furthermore, there is a duty to respect the privacy of victims. García and Franco (2018) emphasize the importance of protecting their data and the confidentiality of their statements. For other authors, incorporating a gender perspective is key to identifying gender-based reasons as the motive for the crime. Sanz-Barbero et al. (2016) states that it is imperative to avoid prejudices and stereotypes, such as justifying the act or blaming the victim for the aggression.

Gender-based violence can be exacerbated by intersectionality, where identity categories such as age, sexual orientation, ethnicity, or disability intersect in the same person. Iribarne (2015) notes that specific roles, like that of human rights defenders, or contexts such as poverty and

displacement, also have a significant influence. Analyzing intersectionality helps to identify additional motives for discrimination and to study forms of multiple violence (Breña, 2016).

This approach also helps to verify patterns of discrimination that define criminal offense. According to Mujica and Tuesta (2012), this is relevant for applying specific punitive aggravators in femicide cases, considering the complexity of the victims' identities and vulnerabilities.

The "cycle of violence" is a contextual element that helps determine femicidal intent (García & Franco, 2018). This cycle is characterized by phases of tension accumulation, explosion, and reconciliation. The study of this cycle, as Sanz-Barbero et al. (2016) explain, reveals patterns of violence and power that are fundamental to understanding the dynamics of femicide. On the other hand, the "continuum of violence" refers to the persistence of aggressions. These aggressions occur throughout women's lives, perpetrated by various actors and exacerbated in contexts of vulnerability, as Olvera and Lezama (2020) indicate.

To determine if the condition of being a woman or gender identity motivated the crime, the feminist ecological model offers a framework for contextualizing violent practices. Iribarne (2015) describes this model as recognizing gender-based violence as a dynamic phenomenon that occurs at interrelated levels: individual, relational, community, and social. According to Breña (2016), this approach, which considers everything from individual characteristics to the cultural contexts that facilitate violence, is essential. It allows for a deep analysis of the factors contributing to gender-based aggressions.

The criteria for identifying "gender reasons" refer to the aggressor's motivation to attack a woman because he believes her behavior transgresses established roles. Mujica and Tuesta (2012) suggest these criteria can manifest in a desire to punish her or exert control over her body and life. They also include sexual instrumentalization or aggression that takes advantage of her greater vulnerability.

## **5 The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, known as the Belém do Pará Convention**

The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, known as the Belém do Pará Convention, in its Article 1, defines Violence against Women as: "any act or conduct, based on gender, which causes death or physical,

sexual or psychological harm or suffering to women, whether in the public or the private sphere" (National Human Rights Commission [CNDH], 2013, p. 3). This definition is fundamental to understanding the scope of protection the instrument seeks to offer, covering a broad spectrum of aggressions.

The Peruvian state adopted the Belém do Pará Convention in 1996, assuming the obligation to incorporate its concepts and contents into national legislation and public policies. Since its entry into force, significant steps have been taken to address Violence against Women. Osorio (2017) notes that it has played a crucial role in guaranteeing Human Rights and combating impunity, especially when violence culminates in a woman's death (p. 7). Valdez (2022) points out that harmonizing domestic law with this treaty is a pending but crucial international commitment to realize the right of women to a life free of violence.

In Peru, acts of mistreatment against women, which can escalate to causing their death, are a worrying reality. In response, the State, through Article 2 of its Political Constitution, guarantees the right to life and physical integrity for all individuals, including women. Additionally, the State has ratified international treaties such as the Belém do Pará Convention. Zegarra (2022) observes that despite having regulations that punish Violence against Women, the problem persists, and this violence sometimes escalates to femicide.

Official figures indicate that in 2024 alone, 170 cases of femicide were registered in Peru, an increase compared to the previous year (Defensoría del Pueblo, 2025). Through the Belém do Pará Convention, State Parties, including Peru, commit to a series of measures. These measures, as explained by Covarrubias (2020), entail the duty to prevent, investigate, and provide adequate reparation to victims of Violence against Women, which includes femicide, ensuring that procedures adhere to international standards to protect victims' rights.

Article 7 of the Convention details specific duties. These include: a) the duty of prevention, which involves legal, administrative, political, and cultural measures to safeguard Human Rights; b) the duty to investigate and punish, with the aim of preventing future acts and providing justice with a gender perspective; and c) the duty to guarantee fair and effective reparation, which implies ensuring access to justice and reparation itself (Organization of American States, 2020).

States have the duty to adopt preventive measures in cases where women may suffer violence. Investigations into women's deaths take on additional dimensions in contexts of violence, requiring the application of the due diligence principle. Lídice (2019) argues this implies immediate action by police, prosecutors, and judicial authorities to order necessary measures.

The Belém do Pará Convention recognizes Violence against Women as a violation of Human Rights and fundamental freedoms, restricting their enjoyment and exercise. This violence is seen as a direct offense against human dignity, manifesting the historical inequality between men and women. The problem affects various social sectors without distinction of class, race, religion, age, education, culture, income, or ethnicity (Organization of American States, 2020, p. 2).

This Convention enshrines for the first time the right of women to "live in a world free of violence." According to the Organization of American States (2020), this has provided a broad vision and guidelines for adopting policies and laws for the prevention, eradication, and punishment of Violence against Women, fostering national plans, campaigns, support services, and the implementation of investigation protocols (p. 3).

State Parties commit to addressing all types of Violence against Women, including femicide, and to developing legal strategies or public policies to prevent, punish, and reduce violence and its most severe expression. Michán (2018) emphasizes that this means states must act with diligence in investigating and punishing those responsible. The typification of femicide and the accreditation of gender-based reasons in these crimes present significant challenges that must be addressed for the effective administration of justice (García, 2022).

## **6 Towards a Latin American model protocol for the investigation of violent deaths of women for gender reasons (femicide/feminicide)**

The Latin American Model Protocol for the investigation of violent deaths of women for gender reasons (femicide/feminicide) has been developed from a comprehensive perspective. As Vargas-Chaves (2013) notes, it brings together knowledge from various disciplines with the aim of serving as a useful tool for justice operators within a context of argumentative democracy. Therefore, it provides guidelines for the effective investigation of violent deaths of women, in accordance with the international obligations of states (Office of the United Nations High Commissioner for Human Rights & UN Women, 2014).

The prevention of Violence against Women is a notably relevant aspect of public policies aimed at addressing the mistreatment that can lead to the violent death of women. Pineda (2021) considers it fundamental that perpetrators are held accountable before the judiciary, establishing this as an essential mechanism for the prevention of Violence against Women. The effectiveness of these protocols largely depends on the state's capacity to ensure that investigative processes not

only identify the aggressor but also understand the underlying gender dynamics of the crime (Azzolini, 2022).

The intra-institutional coordination of the investigation depends on the harmonious collaboration between the Public Ministry and the police. It is necessary to mention that the investigation is based on the evidence collected at the crime scene. This requires proper coordination among prosecutors, police, experts, and legal medicine institutes. Given that several professionals are involved at the beginning of the investigation, the implementation of institutional action protocols is required to facilitate the performance of the Public Ministry in urgent acts (Office of the United Nations High Commissioner for Human Rights & UN Women, 2014, p. 57).

Urgent actions and preliminary procedures are crucial to prevent the potential loss or deterioration of evidentiary material from the scene where the victim's body was found. Police investigators must carry out urgent actions such as inspecting the site and the body. According to the Office of the United Nations High Commissioner for Human Rights and UN Women (2014), the identification, collection, and packaging of evidentiary material and physical evidence, as well as the written and recorded documentation of interviews and interrogations, are essential (p. 57).

Moreover, the investigation design is a working mechanism that allows for the organization of the inquiry to detect and secure cognitive means, evidentiary elements, and physical evidence. These are necessary to demonstrate that it is a criminal act. In the case of femicide, the Office of the United Nations High Commissioner for Human Rights and UN Women (2014) explain that it can be established based on gender reasons, the causal link between the action and the result materialized in the death, and the responsibility of the perpetrators (p. 58).

## **7 Protocol of the Public Ministry of Peru**

In accordance with the precepts of the Belém do Pará Convention, Peru has made legislative advancements since its entry into force. Díaz et al. (2019) highlight Law 29819 of 2011, which introduced femicide within the criminal type of parricide (Art. 107 of the Penal Code) (pp. 47-48). Subsequently, in 2013, Law 30068 granted autonomy to the criminal type of femicide (Art. 108-B of the Penal Code).

In 2017, Legislative Decree No. 1323 added aggravating factors to the crime of femicide. Díaz et al. (2019) detail that these included the victim being an elderly adult, changing the term "suffers from" to "has" a disability, and considering the subjection to human trafficking. The crime

was also aggravated if committed in the presence of the victim's children or adolescents under her care. Additionally, it allowed for disqualification under Article 36, paragraph 5 of the Penal Code (p. 49).

Finally, in 2018, Law 30819 incorporated two new aggravating circumstances into the current penal code. One is when the agent acts in a state of drunkenness or under the influence of drugs. The other aggravator is configured when the crime is committed in the presence of any child or adolescent, not just if they were the victim's children or under her care, as previously considered (Díaz et al., 2019, pp. 49-50).

It is important to mention Law 30364, published in 2015, and its 2016 regulation. This law recognizes the right of women to live a life free from violence. Díaz et al. (2019) note that it considers the criminal type of femicide as the most suitable legislative formula to address Violence against Women in Peru. Its relevance lies not only in regulating crime but also in contemplating preventive policies and, fundamentally, victim protection (p. 51).

As part of the institutional policy to address femicide cases, the Public Ministry of Peru presented the "Protocol of the Public Ministry for the investigation of the crimes of femicide from a gender perspective." This document establishes guidelines on the criminal complaints and actions at the crime scene. It follows intervention criteria that start from the knowledge of a woman's violent death, initially presuming the crime of femicide.

The objective, as stated by the Public Ministry (2018), is to avoid omitting the search for elements that could demonstrate the existence of Violence against Women linked to a fatal outcome. Otherwise, there is a risk that these elements may disappear or be altered over time, restricting the clarification of the event (p. 23). The presentation of this protocol at the national level underscores the effort to unify criteria (Agencia Fiscal, 2019).

The Protocol of the Public Ministry outlines three important directives. First is due diligence, which means that upon learning of a violent death, authorities must act immediately, taking actions to preserve elements that clarify the facts and respecting investigation deadlines. Second is the protection of direct and indirect victims, prioritizing timely care for the aggrieved, especially if they are children, adolescents, or were dependent on the victim, ensuring their physical and mental health and their rights within the investigation. Third is the criterion of objectivity, which requires avoiding stereotypes, discriminatory behaviors, and prejudices in the design and development of the investigation, as well as eliminating barriers to accessing justice (Public Ministry, 2018, p. 23).

However, previous works by scholars such as Spaccarotella (2018), Tello (2020), and García (2022), as well as reports from the Organization of American States (2020), Lídice (2019), and Azzolini (2022), indicate that the responsible institutions do not always apply a gender perspective. In several cases, investigations were initially treated as simple or qualified homicide, which, according to Del Arca and Montañez (2021), suggests a lack of training among authorities for the proper use of the Protocol.

It is crucial to address certain existing flaws, as femicide investigations are sometimes not treated as Violence against Women. In this way, state entities neglect their political commitment to international bodies by failing to comply with public policies to investigate and prevent this crime. Pérez (2017) argues that protocols and action guides must be unified and improved for an effective and immediate response from justice operators, who must be properly trained and have a better attitude to face the current problem.

## 8 Discussion

The preceding sections analyzed the Belém do Pará Convention, one of the most relevant legal instruments concerning Violence against Women. The analysis also examined the Protocol of the Public Ministry, which frames the operational guidelines for fiscal investigations into the violent deaths of women, based on international standards from the Latin American Model Protocol. From this overview, it is necessary to establish the foundations for its correct application in various specialized agencies by studying the Convention's content and identifying the shortcomings and resistance in its integration with investigation protocols.

It is considered essential to unify the protocols used by the Public Ministry and the National Police of Peru for investigations. Equally important is their training in international instruments and the direction of state efforts towards the duty of prevention, starting from the education sector. This position aligns with the precedent set by the Organization of American States & the Follow-up Mechanism to the Belém do Pará Convention (2014), which established the need to unify criteria regarding the different facets of Violence against Women, including its most severe manifestation, violent death. Thus, investigation guidelines must be duly coordinated among the different actors for their effective implementation.

To provide a stronger foundation, and in agreement with Curatolo (2023), the relevance of education and training from an early age in schools is emphasized. This seeks to generate changes



in future generations and in those who continue their education into adulthood. At the same time, the updated and continuous training of state officials must be mandatory. In the researcher's opinion, the criteria for approaching the use of protocols for investigating the violent deaths of women should be unified, creating a single path for the investigation of feminicides by the Public Ministry and the National Police of Peru.

Another point to highlight is the strengthening of training for justice system operators and police personnel on international instruments. Likewise, public policies should be included in the education sector to maximize prevention efforts, addressing the root of the problem and preventing it from escalating into a more serious crime like feminicide. All this must be in strict compliance with Article 8, literals c and e, of the Convention.

The collected background information is related to what Spaccarotella (2018) pointed out, who considers that the Belém do Pará Convention developed a mechanism aimed at the defense and protection of women's Human Rights and the frontal fight against a latent phenomenon that violates their integrity and seeks their social vindication. This Convention is a binding treaty through which Member States like Peru assume the commitment to implement measures for the prevention, eradication, punishment, and investigation of Violence against Women, including feminicide.

The Convention is considered well-drafted in line with its purpose, terms, and legal effects. This is complemented by the assertion of Valdez (2021), who comments that the definition in Article 1 of the Belém do Pará Convention is complete and substantiates the types of Violence against Women in public and private contexts. Furthermore, Article 2 specifies the spheres where violence manifests and emphasizes the State's duties contained in Articles 7 and 8. The State must assume the protection of women's rights, expanding its responsibility by exercising the political commitment to guarantee Human Rights and holding it accountable for the non-observance of this role.

It is an instrument that comprehensively and integrally addresses Violence against Women, establishing it as a clear violation of Human Rights and an offense to dignity. Its normative content has made a valuable contribution to the protection of women's rights and has defined the fundamental role of the State and the effects on the legal system. However, as Valdez (2022) indicates, the internal normative harmonization with this treaty remains a challenge for the full materialization of women's right to a life without violence.

The knowledge of the Belém do Pará Convention by justice system operators is generally basic. Greater attention is needed in reinforcing and concretely applying Article 8, literal c, of the

Convention. This article refers to the State's duty to promote the training and education of justice administration personnel, including police officers and officials in charge of applying the Convention in the Protocol for investigating violent deaths of women, as well as personnel responsible for public policies on Violence against Women.

To complement this, Pérez (2017) asserts that the constant training and preparation of all legal operators fighting this scourge is indispensable, with new ideas to prevent Violence against Women and not just when a femicide occurs. Their actions must be based on professionalism and ethics to fulfill the State's commitment to the international community and the Peruvian population. Currently, the State tends to focus its efforts on punishing these acts, neglecting duties such as training for a deep understanding of the Convention and its application to the social context. Training and study of this international instrument should be centralized for all legal operators.

The theories studied correlate with what Cuzcano (2023) referred to, who indicates that the established Protocol allows justice system operators to have specific guidelines for developing investigations in these cases. This considers the fulfillment of the state's role assumed from international human rights treaties like the Convention, making it important to incorporate intervention procedures aimed at preventing, punishing, and investigating situations of femicide. Protocol is a technical mechanism that guarantees an effective, efficient, and thorough investigation, framed within international standards to obtain a quality result, being a document with common action criteria for the actors of the Public Ministry and other participants.

The role of the State would be directed towards its duty to investigate and punish. The duty to investigate has two purposes: to prevent the repetition of acts and to provide justice in individual cases, all guided by an investigation with a gender perspective. This is appreciable from the initial presumption of the crime of femicide so as not to degrade evidentiary material and to carry out the corresponding expert examinations. This represents the intention to achieve a sanction for the person responsible in accordance with Article 108-B of the Penal Code, avoiding impunity and providing effective and just reparation.

The Public Ministry (2018) adds that, under the assumption of the investigation design, the fiscal action is addressed, which is not limited to collecting information about the cause of death but must verify the existence of a context of Violence against Women in its various forms. The relevance of an effective plan lies in not addressing the violent death as an isolated event, but in considering the characteristics of the context of violence and whether there was a gender reason,

in accordance with international standards for investigating feminicides. The correct application of these protocols is vital, as deficiencies in the investigation can lead to impunity or re-victimization (García, 2022).

Although the Protocol of the Public Ministry is a valuable tool that organizes investigation guidelines, practical application has identified shortcomings that must be addressed. Among them is the unification of the investigation Protocols of the Public Ministry and the National Police of Peru, so that both institutions act in a coordinated manner. The Public Ministry is the head of the criminal action, and the National Police of Peru has direct contact with securing the scene and, in practice, has an independent action protocol. The integration of the Protocols is required to obtain better results.

## 9 Conclusions remarks

The primary objective of this study was to analyze the synergies and dissonances between the Belém do Pará Convention and the Protocol of the Public Ministry of Peru for the investigation of violent deaths of women. The results confirm that, while there is a legislative alignment that formally recognizes the right to a life free from violence, a significant gap persists between the established normative framework and its effective practical application.

Regarding the identified dissonances, the analysis reveals a critical lack of unified action criteria between the Public Ministry and the National Police of Peru, which fragments the state response. Additionally, the insufficient training of justice operators on the gender perspective and the Convention prevents the correct implementation of the Protocol, directly affecting the collection of evidence and the substantiation of the crime of femicide.

It is concluded that institutional disarticulation and the lack of comprehensive training are the main obstacles to fulfilling the duty of due diligence. Therefore, to materialize the commitments of the Convention and overcome the current impunity, it is imperative to homologate inter-institutional protocols and strengthen prevention strategies from the educational field.

This documentary analysis confirms the transcendental relevance of the Belém do Pará Convention, along with national protocols, as pillars in the fight against feminicidal violence in Peru. Nevertheless, a marked gap is evident between the formally incorporated normative framework and its effective application, which significantly limits its transformative potential in investigative and judicial practice.

The research highlights persistent deficiencies despite legislative advances in the typification of femicide. The lack of unification of criteria and action protocols between key institutions, particularly the Public Ministry and the National Police of Peru, stands out. This disarticulation, coupled with often basic training of justice operators on the Convention and the gender perspective, undermines the state's capacity to fulfill its duties of due diligence and punishment.

It is crucial to recognize that the effectiveness of the state's response is also compromised by a possible underestimation of broader structural factors, such as patriarchal culture and socioeconomic inequalities, which condition violence against women. Likewise, the evidentiary difficulties inherent in the crime of femicide and the accreditation of gender-based reasons represent a constant challenge that protocols must address with greater specificity and refined forensic strategies.

The limitations of the study suggest the relevance of future empirical research that explores the perceptions of operators and victims. It is equally valuable to conduct comparative studies on the effectiveness of protocols in different judicial districts, as well as to analyze the real impact of training and to delve deeper into the implementation of the duty of integral reparation to indirect victims.

Ultimately, although Peru has essential legal tools and the Protocol of the Public Ministry incorporates a gender perspective, it is imperative and urgent to unify inter-institutional action criteria. It is equally crucial to strengthen primary prevention strategies, especially in the educational sphere, and to promote a deep knowledge and analysis of the Belém do Pará Convention through continuous training for all justice system operators. Only then can a coordinated, effective, and forceful state response to femicide be achieved.

## **10 Limitations, observations, and future lines of work**

This documentary analysis has highlighted a critical dissonance in the fight against femicide in Peru: the persistent gap between normative frameworks—including the fundamental Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Belém do Pará Convention) and national protocols—and their effective implementation in investigative and judicial reality. Palacios Olaya (2022) warns that while these legal tools are essential pillars, their transformative potential is diminished by systemic obstacles that perpetuate

impunity, a problem that characterizes the journey of feminicide from its conceptualization to its legal treatment and the consequences of its deficient handling.

The research underscores that, despite advances in typifying the crime, the lack of operational cohesion between crucial institutions like the Public Ministry and the National Police of Peru, along with insufficient training of justice operators in gender perspective and the scope of the Convention, weakens the state's response. This situation, reflected in the rising numbers of feminicide, reveals a failure to fulfill the duties of due diligence, prevention, investigation, punishment, and reparation. This confirms the perception of feminicide as a serious social and public health problem that transcends the merely criminal, as argued by Puentes (2014).

It is imperative to recognize that the fight against feminicide cannot be limited to the normative sphere. The findings suggest a possible underestimation of structural factors, such as patriarchal culture and socioeconomic inequalities, whose in-depth analysis is essential for future research. Likewise, inherent evidentiary difficulties, such as accrediting gender-based reasons, require protocols to be more specific. Complementary approaches, such as the medico-legal perspective discussed by García and Franco (2018) and Luna Salas et al. (2023), should be explored to strengthen case substantiation.

Faced with this landscape and acknowledging that documentary analysis would be enriched by empirical studies on the experiences of operators and victims, the implications of this study demand decisive and coordinated state action. Valdez (2022) urges authorities to rigorously adhere to international standards in investigating violent deaths of women, ensuring immediate actions with a transversal gender approach.

The unification of the action protocols of the Public Ministry and the National Police of Peru emerges not just as a recommendation, but as an imperative necessity to optimize investigative processes and ensure the proper custody of evidentiary elements, which are crucial to preventing impunity.

Consequently, strengthening institutional capacities must be a priority. This implies not only reinforcing the training of justice operators and police personnel in handling international and national instruments against violence towards women but also promoting preventive public policies from the education sector and raising awareness in society. Such an effort must be accompanied by a significant economic investment from the State, through the Ministry of Economy and Finance, to provide greater resources to the specialized system for victim care, including prosecutor's offices, courts, and Women's Emergency Centers, ensuring timely and quality attention, as suggested by Rojas et al. (2022).

The limitations of the present study, in turn, open valuable lines for future research: from comparative studies on the effectiveness of protocols in different judicial districts, to the analysis of the real impact of training and the crucial, though often neglected, implementation of the duty of integral reparation for indirect victims. Ultimately, the path towards eradicating feminicidal violence in Peru requires a profound transformation that goes beyond the letter of the law. It demands an unwavering commitment from the State and society to dismantle the structures that perpetuate it and to ensure that every woman in Peru can live a life free from violence, thus materializing the justice and dignity they deserve.

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