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Bachelor's Thesis

Government Responses to Femicides in Latin America

*A comparative case study of five Latin American
countries*



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Abstract

Worldwide, women face gender-based violence daily. Gender-based violence constitutes a growing problem in societies worldwide, and one in three women globally has experienced some sort of intimate partner violence, which is the most common form of gender-based violence. Femicides are the worst form of gender-based violence with a fatal outcome, and an issue of human rights, developmental issue, health issue, and societal issue. Latin America is the regions with one of the highest femicide rates in the world, and that is one reason for why the regions was chosen. There is a wide range of research done on the subject of femicides, however there is a scarcity on the subject of Latin American government responses and legislations, and how these impact the femicide rates in the region. This thesis will examine how government responses affect femicide rates in five selected countries; Costa Rica, Chile, Argentina, Brazil, and Mexico. The study will be a qualitative comparative multi-case desk study analyzed through an abductive approach. The theory applied will be the social inclusion and exclusion theory to understand if policies are inclusive or exclusive, and if the nature of the legislations have an impact on the femicide rates. The main underlying causes of femicides are impunity, lack of political will, funding, and the machismo culture. The analysis suggests that the current femicide legislations are not of appropriate nature to curb femicides as they do not tackle the underlying causes of it.

Key words

Latin America, Femicides, Government responses, Laws, Policies, Social Inclusion, Social Exclusion, Gender-based Violence



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List of abbreviations

CEDAW Convention on the Elimination of all forms of Discrimination against Women

CIDEM Center of the Women's Information and Development

CNM Consejo Nacional de la Mujer

INAMU Instituto Nacional de las Mujeres

IFV Intra-familial violence

GBV Gender-based violence

INMujeres National Institute of Mexico

NGO Non-governmental Organization

OAS Organization of American States

OHCHR United Nations High Commissioner for Human Rights

PLANOVI Política Nacional para la Atención y la Prevención de la Violencia Intrafamiliar

SDGs Sustainable Development Goals

SERNAM Servicio Nacional de la Mujer

VAW Violence against women

UN United Nations

UN Women United Nations Women

WHO World Health Organization



1 Introduction

1.1 Introduction to Gender-Based Violence

Gender-based violence (GBV) is violent acts with gender motives, and it affects both genders, however, women and girls are the victims in the majority of the cases, and men the perpetrators. It can be physical, sexual, or psychological, or a combination of these (TNS opinion & Social, 2016). Gender based violence constitutes a growing problem in societies worldwide, it occurs in all countries and cultures, and the width of the issue is astonishing (United Nations Population Fund, n.d). Prieto-Carrón, Thompson, and Macdonald (2007) argue that women face GBV at home, in the workplace, and in the community among other places. It stems from gender inequality, discrimination, economic disempowerment, and the culture of machismo.

According to Terry (2007) there are various forms of gender-based violence, including domestic violence, sexual harassment and violence, and cyber-harassment, among other things. The most common form of GBV varies in all countries. The term violence against women (VAW) is often used as a synonym for GBV, however it is not synonymous as VAW only focuses on the violence against women whilst GBV can affect both genders as mentioned previously (Terry, 2007). GBV violates the fundamental rights (TNS opinion & Social, 2016) and human rights of the victim (World Health Organization, 2017, United Nations Population Fund, n.d), and is an obstacle to gender equality, keeps women out of the labour market, and society as well (TNS opinion & Social, 2016). Women who are victims of GBV are also at risk experiencing isolation, inability to work, lack of income and other socialization (World Health Organization, 2017).

Statistics presented by the World Health Organization (WHO) suggest that one in three women globally has experienced some sort of intimate partner violence, which is the most common form of GBV, either physical or sexual or both, or sexual violence from a non-partner. Intimate partner violence means physical, sexual or psychological violence of an intimate partner or ex-partner (World Health Organization, 2017). The World Health Organization defines sexual violence as

...any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape, defined as the physically forced or otherwise coerced



penetration of the vulva or anus with a penis, other body part or object (World Health Organization, 2017, para. 3).

Additionally, the WHO mentions that 38% of all murders of women are carried out by a male intimate partner. In a more recent report made by the WHO, they add factors that can be related to an increased risk of becoming a victim or perpetrator of intimate partner or sexual violence, on the individual, family, community, and societal levels. These are low education, experience of violence between parents, previous abuse, tolerance of violence and gender inequality, antisocial personality disorders, issues with alcohol, and infidelity (World Health Organization, 2017). The WHO continues with factors especially associated with intimate partner violence, including a violent past, marital dissatisfaction, and a lack of communication between partners.

Factors especially associated with sexual violence are; values, such as belief in family honor and sexual purity, male sexual entitlement, and impunity and the lack of a just legal system concerning sexual violence. Gender inequality, combined with beliefs of violence as a strategy to resolve conflict, are factors strongly connected to both of the violence forms mentioned above (World Health Organization, 2017). However, a factor to lower the risk of abuse in intimate partner relations is empowerment, when women have authority and power outside of the household. Likewise, when family members and friends intervene, the risk of domestic violence is lowered (Heise, Ellsberg, & Gottmoeller, 2002).

Health, social, and economic costs are consequences of intimate partner and sexual violence, both short- and long-term. The consequences include physical, mental, sexual and reproductive problems for the victims (World Health Organization, 2017). In the worst form the violence might also be fatal (World Health Organization, 2017, United Nations Population Fund, n.d), either through homicide or suicide. Hence, GBV is also a public health problem. Further findings suggest that conflict, post-conflict, and displacement might aggravate violence, as intimate partner violence for instance, and also contribute with other forms of violence against women (World Health Organization, 2017).

GBV is a breach of the human rights of the victim, it is also often followed by impunity for the perpetrator and the fear of GBV is rippled down to all women and girls. On a global level, GBV impedes women to contribute to international development, peace, and other global



processes (United Nations Population Fund, n.d). Therefore, it is also a development issue (Terry, 2007). Terry (2007) argue that it is vital that we keep in mind that men are not violent in nature, but men rather developed the idea of masculinity through cultural values and beliefs of how men should behave.

Femicide, the worst form of GBV that ends fatally, and also the focus of this thesis, is defined as the act of intentional killing of women because of their gender (Radford & Russell, 1992). Radford's and Russell's definition is chosen here due to its simplicity and broader approach that does not focus on an age group or who the perpetrator is but just focus on the cause of why women are murdered because of their gender (Radford, & Russell, 1992) However, other definitions include only girls and women, or that femicides are usually performed by male perpetrators (World Health Organization, 2012).

Femicides occur in all countries of the world, however, some regions experience a higher reoccurrence of femicides. Latin America is one of those regions and has among the highest rates of femicides in the world (Jacobson, 2014, World Health Organization, 2012, Joseph, 2017, Grzyb, 2015), and the issue concerns the whole region (Grzyb, 2015, Jacobson, 2014, Joseph, 2017, Mujica, Tuesta, 2014, Carrigan, 2016). A Small Arms Survey shows that of the 25 countries with the highest rates of femicides, 14 countries are Latin American (UN Women, 2017).

There have been various attempts of laws and policies in Latin America to punish those perpetrators guilty of GBV and femicides. In 1993, the Declaration on the Elimination of Violence against Women was created with the aim of states being obliged to prevent, investigate, and punish violence and abuse of women at home, in the community, and by the state. The declaration came into force after many years of advocating from women's NGOs worldwide (Terry, 2007). In 1995, the Beijing platform for action was developed on the Fourth World Conference on Women that made governments obligated to fulfill the demands of women of being free from abuse and violence and to act in preventing violence and punish perpetrators when the human rights of women are being neglected. The Platform for Action also suggests in Article 286 that "Implementation is primarily the responsibility of Governments but is also dependent on a wide range of institutions in the public, private and non-governmental sectors at the community, national, sub regional/regional and international levels" (Beijing Platform for Action, 1995, p.119).



By 2015, 16 Latin American countries implemented femicide legislation, and with that also stricter penalties for femicides (Joseph, 2017). Two other policies that have had a great impact on Latin American femicide legislation are the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, the Belém do Pará Convention. The UN Women Model Protocol is a policy specially designed for Latin America to investigate and prevent femicides (Global Americans, n.d). Many Latin American Countries have ratified these two conventions as an initial step of eradicating femicides. Despite of these policies, multiple authors mention that impunity is a widespread issue throughout Latin America (Grzyb, 2015, Jacobson, 2014, Joseph, 2017, Mujica, Tuesta, 2014, Carrigan, 2016).

1.2 Femicides in Latin America: A Literature Review and Research Problem

Poverty, gender inequality, and violence against women are regarded as related to a continuously wider extent, according to Prieto-Carrón, Thompson, and Macdonald (2007). They continue to argue that informal jobs, lack of educations and skills are all obstacles for women to become more independent (Prieto-Carrón, Thompson, Macdonald, 2007), and that it maintains the gender inequality that has shown to increase femicide rates (Palma Solis, Vives Cases, Álvarez Dardet, 2008). But simultaneously, studies have shown that an increase in the independence of women also has created a higher risk for femicides (Prieto-Carrón, Thompson, & Macdonald, 2007, Palma Solis, Vives Cases, & Álvarez Dardet, 2008). Additionally, the majority of femicide victims have previously experienced and reported domestic violence (Prieto-Carrón, Thompson, & Macdonald, 2007).

Palma Solis, Vives Cases, and Álvarez Dardet (2008) argue that economic, political, and gender progress related factors should be considered when discussing the issue of femicides. They have presented the argument that when government expenditure is decreased, in areas such as health, education to mention a few, and there is a democratic downturn in relation to gender equality, the risk of femicides increases, and are determinants of it. A decrease in government expenditure is related to a lack of governmental plans, laws, and other policies that affect violence against women. Structural measures in the political sphere has to be taken to prevent this problem, as increase government expenditure and a higher presence of women in the political institutions (Palma Solis, Vives Cases, Álvarez Dardet, 2008). The World



Health Organization (2012) presents arguments in line with this, meaning that gender inequality, low participation of women in government, and government expenditure have been shown as increasing risks for femicide (World Health Organization, 2012).

There is a wide range of research done on the subject of femicides, however there is a scarcity on the subject of government responses and legislations, and how these impact the femicide rates. Some authors suggest developing a well-functioning system of police and medical data to facilitate the desegregation of homicides by gender and motive to properly track the statistics of femicides (Machisa, Jewkes, Morna, & Rama, 2011, World Health Organization, 2012, Joseph, 2017). Evidence shows that a high percentage of the victims of femicides sought help or reported previous intimate partner violence, and some authors believe this database could be used as a preventative measure to help these victims before it turns fatal (Baldry, Winkel, 2008, World Health Organization, 2012, Campbell, Glass, Sharps, Laughon, Bloom, 2007).

Femicides take place in all parts of the world, and in Latin America the issue is more prominent. Latin America is one of those regions and has among the highest rates of femicides in the world (Jacobson, 2014, World Health Organization, 2012, Joseph, 2017, Grzyb, 2015), and the issue is present throughout the region (Grzyb, 2015, Jacobson, 2014, Joseph, 2017, Mujica, Tuesta, 2014, Carrigan, 2016). This is also the reason for why Latin American countries were chosen to be examined in this thesis.

The perceived issue of femicides in Latin America has been researched to a wide extent, and there is a variety of literature explaining and evaluating the situation in Latin America (Joseph, 2017, Jacobson, 2014, Grzyb, 2015, Prieto-Carrón, Thompson, & Macdonald, 2007, Palma Solis, Vives Cases, & Álvarez Dardet, 2008). However, police and medical data on femicides is lacking, both in Latin America and globally, as all countries disaggregate homicides differently according to motives, where crucial information is often missing (World Health Organization, 2012). Machismo, impunity, and organized crime are often mentioned as underlying causes to femicides in Latin America (Joseph, 2017).

What is missing in the literature of GBV in Latin America is how governments are responding to the alarming number of statistics in the region. What kind of policies and laws are in place, and what are their effect on the femicide rates? There is also a lack of research that compare



various countries to see which policies are working and why. This research gap will be used throughout the thesis to examine how various policies and laws have been used and implemented and how they have affected the occurrence of femicides. As mentioned above, 16 Latin American countries have implemented laws against femicides by 2015, and some of them have taken special measures in addressing the issue of impunity (Joseph, 2017). For example, assigning special units to investigate violence against women, implemented national systems with special ministries to develop policies that prevents and eventually will eradicate femicides, encouraging judges to take special consideration of protecting victims of GBV to prevent future femicides, and have special units providing support for those who have experienced GBV (Joseph, 2017).

Something that hinders the security of women is the weak rule of law (Jacobson, 2014, Carrigan, 2016). Evans, Luffy, and Rochat (2015) presents a study from Nicaragua where Law 779 was implemented to protect women from gender-based violence, however, it has failed due to corruption within the police and lack of ability to enforce the law. This is the situation in many Latin American countries. The culture of machismo is an obstacle as well. Prieto-Carrón, Thompson, and Macdonald (2007) found a relation between the lack of ability to punish perpetrators, due to not having proper investigations, and impunity. Carrigan (2016) confirms that femicide laws in Latin America are not very effective tools to reduce femicides in the current state. Joseph (2017) argues that inconsistency in legislation, and application of laws is the problem, and not the laws themselves.

Model Protocol was developed in 2012 by United Nations High Commissioner for Human Rights (OHCHR) in collaboration with UN Women to address the immunity in Latin America. A number of Latin American countries have since adopted it (United Nations Human Rights, office of the High Commissioner, 2014). Court system reforms have also been implemented in many Latin American countries (Escobar, 2013).

1.3 Relevance

This thesis is analyzing the femicide legislations in a few selected Latin American countries and their impact on femicide rates in those countries. Femicides are an issue of human rights, no one should be in a constant risk of violence, but should be given the chance of life, liberty and security. Femicides are also a developmental issue, health issue, and societal issue. By identifying why femicides are a continuous issue, and how to create effective legislations, we



can deal with the problem and improve the lives of women and offer them a safe environment and sustainable future. By providing a perspective on the issue where the relation between government responses and the impact of legislations are shown, effective policies and preventative measures can be taken in an early stage.

If we know more about the efforts to curb femicides we, the international community, can invest our money much better if we have more facts about what works and what does not. After all, the international community do invest a significant amount of effort and money into combatting human rights violations, as for instance through the Sustainable Development Goals (SDGs) by the United Nations. Multiple of those SDGs tackle the underlying causes of femicides, for instance; Goal 1 Poverty; Goal 3 Good health and Wellbeing; Goal 5 Gender Equality; Goal 10 Reducing Inequalities; Goal 16 Peace, Justice, and Strong Institutions.

The findings will contribute to efforts to address gender-based violence, by providing an understanding for the underlying causes of femicides and develop strategies to tackle the issue. This will also highlight the issues that the women face daily in Latin America that in some ways can hinder them from fulfilling their goals and live meaningful lives. This study might also be a contribution to understanding why Latin American countries are experiencing this issue to a wider extent than any other region. Hopefully, this research will reach the public sphere to initiate discussions, and eventually move away from the normalization of gender-based violence.

1.4 Research Objective and Research questions

There is a scarcity of literature on government responses and how these affect the femicide rates in various Latin American countries. The selected case studies that will be examined in this thesis are Costa Rica, Chile, Argentina, Brazil, and Mexico. The objective of this study is to analyze if government responses are effective in curbing femicides on women by conducting a comparative multi-case study of those selected Latin American countries.

The research questions that will be used to frame this study are:

1. What are the causes of femicides in the selected case studies?
2. What are the government responses in those selected case studies?
3. Have the government responses been effective in curbing femicides in the selected case studies?



1.5 Method and theoretical framework

This thesis is a qualitative study in terms of putting effort into understanding processes. Through an abductive approach. It will be an analytical desk study by collecting documents, texts, and statistics to achieve an understanding of how government responses affect femicide rates in the chosen case studies. Case studies were chosen to exemplify the issue of femicides, and achieve a deeper understanding of the complexity surrounding it. A comparative multi-case study with various Latin American countries were chosen to demonstrate the depth of the problem and the different layers to it. The countries chosen are Costa Rica, Chile, Brazil, México, and Argentina. The cases that will be studied were selected on the basis of two requirements; to have legislation regarding femicides and have second-generation laws.

The theory of Social Inclusion and Exclusion provides a perspective to this study by presenting how the various laws and policies in the selected case studies try to achieve different goals. The basis of the theory is understanding how various societal groups are disadvantaged in a society, and how they are excluded from their citizenship rights. Social inclusion promotes equality, ceasing discrimination, and just societies among other things. Socially including policies have the aim of dealing with the root causes of femicides and plan for a long-term solution. Social exclusion is denying people to use their full citizenship rights and are excluded from the social, political, and/or economic sphere. Excluding policies aim at punishing perpetrators by rising the sentences and thereby frightening the rest of the population to deter them from committing crimes.

1.6 Structure

This thesis will be divided in the following way. Following this introduction, chapter two is the theoretical framework where the Social inclusion and exclusion theory is presented along with how it will be used later on to facilitate the understanding of the findings. Chapter three will present the methodological framework where the choice of method and case studies is justified. It clarifies how the abductive method will be used, in combination with a comparative multi-case desk study. Chapter four presents the findings where the causes of femicide will be discussed as well as the femicide rates and government responses to each individual case study. Chapter 5 will try to understand the findings in depth by applying the



theoretical framework onto the findings and discuss and compare the findings. Lastly, Chapter 6 is conclusory and answers the research questions briefly.



2 Theoretical Framework

This chapter will present the theoretical framework that will be used in this thesis. As this thesis focuses on responses to gender-based violence, social inclusion and exclusion was chosen as the framework to guide the analysis of the findings.

2.1 Social inclusion

Social inclusion and exclusion are concepts used to explain to which extent various groups in societies are able to use their rights and resources. The theory can be used to surface the inequalities and discrimination some societal groups are exposed to due to, for instance, ethnicity, religion, gender, sexuality, socioeconomic status, and so on (United Nations Department of Economic and Social Affairs, 2016). The theory can be used to support reforms of system, institutions, or laws, to alter the atmosphere towards more inclusive institutions. Generally, social inclusion is seen as the ultimate goal and morally correct (Harris, & Williams, 2003), and this study will support that idea, meaning that social inclusion will be dealt with as the ultimate goal for countries.

The base of social inclusion is greater equality, tolerance, and including all people in a society. Social inclusion is achieved when working towards higher societal participation, especially of those disadvantaged, by providing opportunities, access to resources, have equal access to justice, and decision-making, and when acknowledging the importance of rights, and respecting those. This is especially relevant to those disadvantaged in society, as for instance due to age, sex, disability, ethnicity, religion, or economic status. The state has therefore the main role in ensuring the inclusion reaches to all people of the society. Social inclusion is achieved when the issue of social exclusion is dealt with (United Nations Department of Economic and Social Affairs, 2016, World Bank, 2013). Cohen (2015) claim that social inclusion is not as researched, theorized and discussed in the same lengths as social exclusion.

Social inclusion can be seen as a process where

...those at risk of poverty and social exclusion gain the opportunities and resources necessary to participate fully in economic, social, political and cultural life and to enjoy a standard of living that is considered normal in the society in which they live. It ensures that they have greater participation in decision making which affects their lives and access to their fundamental rights (Commission of the European Communities, 2003, p. 9).



Social inclusion will be used in this thesis to examine the nature of the existing policies in the selected case studies. To be categorized as an inclusive policy, it need to be tackling the causes of femicide, for instance gender inequality, machismo culture, and so on, and have a long-term plan to eradicate femicides, as trainings for law enforcement officials and so on. It is necessary that the policies work to include the societal group that are disadvantaged in this issue, which is women, and to have polices adapted to the situation in the country.

2.2 Social exclusion

Social exclusion consists of multiple dimensions and has been widely discussed and theorized, resulting in many interpretations. The most used explanation of social exclusion is when not all members of the society participatory in all societal settings, as in the political, cultural, economic, or social life. This might be a result of unemployment, lack of resources, lack of accommodation, political participation, or lack of education and health care (United Nations Department of Economic and Social Affairs, 2016). Cohen (2015) calls this multi-dimensional exclusion as people are excluded economically, excluded from social services, and networks, and from civil life.

In the majority of countries worldwide, social exclusion has been practiced on basis of age, sex, disability, ethnicity, religion, socioeconomic status, sexual orientation, and more, to varying extents. Additionally, people in institutions, such as prisons for instance, have a higher risk of being exposed to social exclusion as they are physically separated from the everyday life (United Nations Department of Economic and Social Affairs, 2016).

The state is the entity that decides whether individuals are included or excluded from the society, and that is through the policies and laws in place (United Nations Department of Economic and Social Affairs, 2016). Rawal (2008) presents the argument that excluded individuals do not have formal citizenship rights, they are excluded from the labour market, the civil society, and from social arenas. Authors have explained social exclusion in various ways, additional examples are:

...happen when people or areas suffer from a combination of linked problems such as unemployment, poor skills, low incomes, poor housing, high crime, poor health and family breakdown (United Kingdom Office of the Deputy Prime Minister, 2004, p. 2).

... driven by unequal power relationships interacting across four main dimensions—economic, political, social and cultural—and at different levels including individual,



household, group, community, country and global levels. ... unequal access to resources, capabilities and rights which leads to health inequalities (Popay et al, 2008, p. 2).

... is a complex and multi-dimensional process. It involves the lack or denial of resources, rights, goods and services, and the inability to participate in the normal relationships and activities, available to the majority of people in a society, whether in economic, social, cultural or political arenas. It affects both the quality of life of individuals and the equity and cohesion of society as a whole (Levitas et al, 2007, p. 9).

The applicability of the social exclusion theory has been questioned in regard to low-income developing countries where the majority have informal jobs with lack of security, and social protection (Saith, 2001). Social exclusion has become less tolerable, however, throughout the years the definition of the concept has been advanced due to the societies changing and developing. Events such as climate and demographic change, globalization, urbanization, technological advances, and natural disasters have had an impact on the usage and development of the concept (World Meteorological Organization, 2014).

When discussing policies in this thesis, socially excluding policies are those that focus on directly removing the individuals from the society, as punishing perpetrators without dealing with the root causes of femicides. This can also be visible in the strategy of raising prisons sentences to deter and frighten people from committing crimes, instead of working in preventative measures and deal with the actual problem. It is characterized by short-term solutions where the cultural causes are not tackled.

2.3 Social inclusion and exclusion in policies

For a successful social inclusion process, it is necessary to tackle the factors behind social exclusion, such as policies, institutions, attitudes and behaviors that are discriminatory, and pursue continuous efforts to make people socially inclusive. Policies and institutions are in the position of forming how social inclusion and exclusion will be addressed as they are responsible for power distribution and control of resources. The government is the key player in creating possibilities for social inclusion, to restrict the formal and informal institutional objects that hinders people to take action in improving their life standard, and also redistribute the concentrated power and influence that is a factor of exclusion (United Nations Department of Economic and Social Affairs, 2016).



The theory will be applied on the government responses mentioned in this thesis in the form of policies and laws. Social inclusion and exclusion will assist in analyzing various policies and laws of the case studies, and to examine if the nature of their policies have an impact on the increase or decrease of femicide rates. To achieve this, countries with decreasing femicide rates will be compared with countries with constant or increasing femicide rates to determine which country has had more successful policies and if it has to inclusive or exclusive characteristics.



3 Methodological Framework

This chapter will provide an overview of the methodology used throughout the thesis.

3.1 Methods and Methodology

This study will be a qualitative desk study to aim for deeper understanding of processes by collecting and analyzing texts, documents, and statistics. A qualitative method is chosen as it provides a deeper understanding of processes and answering questions like how and why, in contrast to quantitative study as it aims for statistical information of quantity and not analysis to the same extent (Bryman, 2012). An abductive approach will be used to reach a greater understanding of the findings and results. According to an abductive approach, phenomena, observations and processes that are first made will provide a deeper understanding and be complemented by the chosen theory when it is applied to the findings in the analysis. By doing this, the abductive approach presents a different perspective to the observations and provide with an alternative interpretation to the primary observations. Shortly summarized, an abductive approach is evaluating the best suitable approach to certain findings (Danermark et al, 2002).

A desk study allows more countries to be included in the thesis, compared to what a field study would as it limits to a geographical area, as it offers a broader perspective. As the thesis is analyzing policies a desk study is appropriate, and also since multiple policies from various countries will be used. A desk study enables the research to be extended into past events as the research of this thesis will be taking many years into consideration. This would be more difficult to achieve with a field study.

3.2 Case Studies

This thesis will be built upon a comparative multiple-case studies, where all of the cases chosen are various Latin American countries. The countries chosen are Costa Rica, Chile, Brazil, México, Argentina. The reason for why Latin American countries were selected is based on the fact that Latin America is one of the regions in the world where femicide rates are among the highest (Jacobson, 2014, World Health Organization, 2012, Joseph, 2017, Grzyb, 2015). This issue can be seen throughout the region (Grzyb, 2015, Jacobson, 2014,



Joseph, 2017, Mujica, & Tuesta, 2014, Carrigan, 2016), as the countries demonstrate as they cover North, Central, and South America.

The selected case studies needed to fulfill two requirements to be examined in this thesis, and that is to have legislation regarding femicides and have second-generation laws. There were more countries that fulfilled those requirements, but could not be included due to various reasons, as for instance Venezuela that did not have sufficient statistics on femicide rates. Second-generation laws are laws that have been advanced to include a broader definition of a crime, and provide protection for additional forms of violence as well, and also in various places in the community. For instance, in regard to GBV, violence in the workplace, institutional violence, economic violence, media violence, and violations in reproductive rights among others are included in second-generation laws (Gherardi, 2016). In this case the perpetrators of femicides have been extended to not only include domestic or intrafamily violence, but also perpetrators in the public sphere (Alvarez & Gasman, n.d).

Some countries that have adopted second-generation laws have also taken a variety of social groups that might be vulnerable into consideration. Some conditions that makes women vulnerable are; ethnicity, sexual orientation, mental or physical disability, and so on (Essayag, 2017). 32 of 33 Latin American countries have some sort of first-generations legislation, however, a majority of Latin American countries have yet to adopt second-generation laws (Essayag, 2017).

The decision to include more than one country case was made considering that one case is not representative of a more general issue, and more cases were necessary to get an overlook and compare developments in the chosen countries. A comparative study will be made, and all cases will be dealt with by identical methods to the highest extent possible (Bryman, 2012). Bryman (2012) suggests that comparing two, or more, cases will facilitate our understanding of social phenomenons.

Cross-cultural research has risks as all research does, and one of these problems is to be able to collect data that is equivalent in all chosen cases (Bryman, 2012). In this study, this is relevant when collecting the statistics. Official statistics may not be available for all countries during the same time period, as some do not present statistics for the same years. This needs to be taken into consideration when analyzing the femicide rates over the years. Also, as



various countries categorize and define femicides differently, the data might not be completely equivalent of all countries. The amount, and definition, of laws and polices also differ between the selected case studies, which need to be considered.

3.3 Sources

The theory of inclusion and exclusion will be used to examine if certain policies have an impact on femicide rates or not. This will be done by using secondary sources, as the aim is to process and analyze texts, statistics, and documents (Ithaca College Library, n.d). Secondary sources such as academic journals, academic reports, and news articles in some cases, will be used. Publications by various organizations will also be used, such as the United Nations, and other organizations that are officially recognized by states to provide valid facts or are official parts of the governments. Some examples of where statistics were gathered from are Organization of American States, National Women's Service of Chile, National Institute for Women in Costa Rica, an organization called La Casa del Encuentro from Argentina that is an observatory for women's rights, ONU Mujeres which is the UN Women's agency in Mexico dedicated to equality and women's issues, AND INMujeres that is a National Institute of Mexico of women's issues.

The statistics of the thesis will mainly be of femicide rates and will be collected through text analysis and sources that provide official statistical information. Statistics on femicide will be collected to then summarize and analyze rates throughout the years and how they have been affected by government actions and responses in regard to femicide prevention. The statistics found will be gathered in line graphs to facilitate an overlook of changes in rates throughout the years. Statistics on femicide might be more difficult to find on some countries as they are sometimes not official, unclear, or not similarly categorized as the other countries. Statistics have mainly been gathered from the official sources of gender issues and femicides, and it differs from country to country, in some it is an organization, and in another it is a ministry, or a part of the government.

3.4 Limitations and delimitations

There are a few limitations of this thesis such as language, considering the geographical delimitation made, Spanish is the main language in the selected case studies. The author has a basic understanding of Spanish which results in lesser documents to analyze in the original



language, and there might be some misunderstandings. However, Spanish sources have been used and been carefully chosen to present the most accurate information. Another limitation is the availability of documents, issues involving government involvement can result in a biased or incorrect way, and might not always be fully reliable. The availability of statistics is another limitation, femicides have not been tracked in all countries equally long and therefore some countries have more information than others. Also, the definitions of the concepts, such as femicides, might vary in the countries in regard to what is considered a femicide or not, and the method to collect statistics might have been different in the countries.

The geographical delimitation is made to facilitate the study, Latin American countries are chosen as explained above.

4 Findings

In this chapter the findings will be presented. They consist of causes of femicides, government responses in each case study, and government policies.



4.1 Femicide causes in Latin America

Causes, categorized by economic, structural, or cultural causes			
Economic	Resources Low socio-economic status of women Poverty		
Structural	Impunity Gender inequalities Organized crime	Government expenditure Structural discrimination of women	Informal jobs Low participation of women in government Weak rule of law
Cultural	Machismo culture Patriarchal culture Previous domestic violence		
		Traditional gender roles and gender superiority Naturalized violence High tolerance of GBV	

Summarizing graph of femicide causes mentioned regularly throughout the literature ¹. Divided into economic, structural, or cultural causes. Table constructed by the author. This graph will assist in looking into the next part of the findings, the government responses. However, this graph is the basis of the analysis and will be used more in that part.

Femicides performed in intimate-partner relations, current or former partners, is the most common type of femicide in the world (Joseph, 2017 & World Health Organization, 2012 & Saccomano, 2015), and also other male acquaintances such as family members and friends (Joseph, 2017). WHO presents factors of femicides in the world for both the victim and becoming a perpetrator on different levels, individual, family/relationship level, societal/structural level. The factors of femicides are mentioned as ‘risk factors’ by WHO, and are more direct factors of femicides, rather than deeply rooted causes. For instance, pregnancy and violence during pregnancy is presented as risk factors for the victim on the individual level, but has mainly been found in the US even though some other studies have shown the same result in other countries as well. Risks to becoming a perpetrator are for instance; unemployment, owning a gun, rape, alcohol issues, illegal drug use, and mental health problems. On the level of family and relationships, the risk for the victim is previous experience of abuse, a child that is not the perpetrator’s, estrangement from the partner, and leaving an abusive relationship. The risk of the perpetrator on this level is previous intimate partner violence. On the societal and structural level, gender inequality, low participation of women in government, and government expenditure have been shown as increasing risks for femicide (World Health Organization, 2012).

Femicides take place on all continents, however on some it is a more widespread phenomenon, Latin America is one of those regions where femicide rates stick out, especially

¹ Jacobson (2014), Joseph (2014), Prieto-Carrón, Thompson, and Macdonald (2007), (Terry, 2007), Palma Solis, Vives Cases, Álvarez Dardet (2008), (World Health Organization, 2012).



in those involving sexual violence (World Health Organization, 2012). Acts of femicide are against the human rights that state that everyone has the right to life, liberty and security (United Nations, "Universal Declaration of Human Rights", n.d). The existing statistics on femicides can be misleading in relation to the reality, since one must rely on the statistics provided by the countries themselves and they disaggregate homicides differently by sex and motive. As many countries do not take special consideration to divide homicides by sex and motive, Latin American countries have, mainly due to the issue in Mexico during the 1990s when a large amount of murders of women in Juarez Ciudad took place (UN Women, 2017a).

Patriarchal societies are the base for gender-based violence, and femicides are only a small part of it all (Prieto-Carrón, Thompson, and Macdonald, 2007). Also, patriarchal structures have been in place for many centuries as well as the mindset that women are the property of men that can treat and dispose them as they wish. The societal normalization and high tolerance for gender-based violence stems partly from the traditional role of women in the society, and hence domestic violence is a recurring motive for femicides (Joseph, 2017).

As previously mentioned, impunity is a widespread issue throughout Latin America (Jacobson, 2014). According to a study on Bolivia made by the Center of the Women's Information and Development (CIDEM) and Emancipation Fund, 9% of all reported cases of domestic violence between 2007 and 2011 had been solved, additionally, a half percentage of those cases resulted in a prison sentence for the perpetrators. This problem is present in all Latin American countries leading to a culture of suppression of the crimes committed, as the victims see no point in reporting (Jacobson, 2014). Gherardi (2016) further explains how femicides are able to continue taking place in Latin America, and it is through structural discrimination against women in many forms. It is through veiled and naturalized violence that femicides can be sustained, how media portrays this type of violence, sexual harassment in educational and work environments, health care institutions, public transportation, and public environments.

Joseph (2017) presents explanations to why femicides are performed in Latin America, and one of the explanations are the patriarchal culture that justifies the gender-based violence and emerges as social control over women. Joseph (2017), Saccomano (2015), Acosta, Roth, Sarmiento, and Zambrano (2015) further classifies femicides as an extreme form of gender-based violence that is based on hatred, contempt, pleasure, or the mentality of ownership, and



Grzyb (2015) adds jealousy as a factor. Another factor of femicides in Latin America is organized and criminal organizations, where women are often victims of gang and other criminal activity. This is mainly through women performing the most dangerous tasks and also due to vengeance by other gang members (Joseph, 2017).

Prieto-Carrón, Thompson, and Macdonald (2007) argue that in Central America, the victims of femicides are most often women that have lower socioeconomic status, and are often portrayed as prostitutes, maquila workers, and members of maras, which is the Spanish word for gangs, by the authorities and media. The authors underline that the authorities credit maras and other organized criminal groups as the biggest perpetrators of femicides, which is a simple way out for them to avoid further investigation, which is also a sign of impunity. Even though they are responsible for a number of femicides, the authorities credit them more than is the actual reality. However, various women's organizations and feminist advocates in Central American countries, for example Guatemala, find this unsatisfactory and demand investigation of these murders as the maras are not the only ones responsible for it, they are only a small part of the perpetrators, and this conceals the real structural and root causes of femicides in the region. They add that femicides should rather be seen as the hostility of men toward women. Domestic violence has been identified as contributing with a high risk for women, and also revenge killing in relation to criminal activity (Prieto-Carrón, Thompson, and Macdonald, 2007).

Poverty, gender inequality, and violence against women have seen to be related to a continuously wider extent, according to Prieto-Carrón, Thompson, and Macdonald (2007). For instance, during a recession in Latin America, domestic violence in low-income neighborhoods seemed to increase. In communities that are poor and marginalized, women do not have the education and skills to pursue work to generate income to the household, and traditional values of gender roles limit their lives to a wide extent. In these poor communities, if the man cannot find work he will feel insufficient and a decrease in status, and might exercise his authority in the home by domestic violence (Prieto-Carrón, Thompson, and Macdonald, 2007).

The jobs meant for women as maquila workers in Latin America are exploitive and put women at risk in many ways, partly due to the long-working hours and the lack of security when walking home in dangerous neighborhoods. Women also take on informal jobs that are



lacking economic, physical and psychological security. To take a work opportunity as a woman is a sign of empowerment, despite the often-exploitive circumstances of their work, they have some independence, liberation, and control of their lives. However, this is not highly valued in some societies, and women that do work are seen as less than, and also as disposable to an extent. This view of women in the labour market facilitates femicides without any further investigation from the authorities (Terry, 2007). Palma Solis, Vives Cases, Álvarez Dardet (2008) also mentions that there has been evidence in many different countries of an increased risk of femicides and intimate-partner violence the higher the socio-economic status of the women is, in terms of income and employment, based on femicide rates between the years of 1990-1999.

Terry (2007) argues that this has instilled fear in Latin American women, in combination of continuous impunity for perpetrators, to the point of being afraid to leave the home. Femicides continue to take place due to the weak rule of law, and this facilitates to commit these crimes. It has been shown that the majority of femicide victims have previously experienced and reported domestic violence. In a socio-cultural environment where violence is tolerated on a daily basis, is where femicides can become a constant issue. The machismo values are incorporated in many societal public spaces, as media, newspapers, music, and arts among other places, and all of these have an underlying atmosphere of tolerance of violence against women (Terry, 2007).

The causes that are visible throughout the literature on femicides are the machismo and the patriarchal culture, the naturalization of violence against women, and the impunity. These issues are seen as the causes of the utmost importance in the fight against femicides, and they are structural and cultural causes. These are complex to tackle since it is necessary to do so on multiple levels, from individual to societal. A reform is necessary to alter the perception of traditional gender roles and to apply proper investigations to homicides of women to ascertain if they are femicides and the motives behind them. Economic and manpower resources are needed to fulfil these goals.

4.2 Responses to femicides: A Comparison

The definition of femicide differs in most Latin American countries, so even though they have updated the femicide laws in the last few years, they still do not include all types of femicides.



The most common type of femicide to get overlooked is femicide by a stranger (Joseph, 2017). In this section of the thesis, the findings will go more deeply into the chosen case studies of Latin American countries to examine how the government responses in these cases deal with the issue of femicides. Costa Rica, Chile, Argentina, Brazil, and Mexico will be used as case studies.

4.2.1 Costa Rica

Year	Number of femicides
2004	28
2005	36
2006	23
2007	21
2008	33
2009	39
2010	31
2011	42
2012	26
2013	18
2014	22
2015	27
2016	26
2017	26

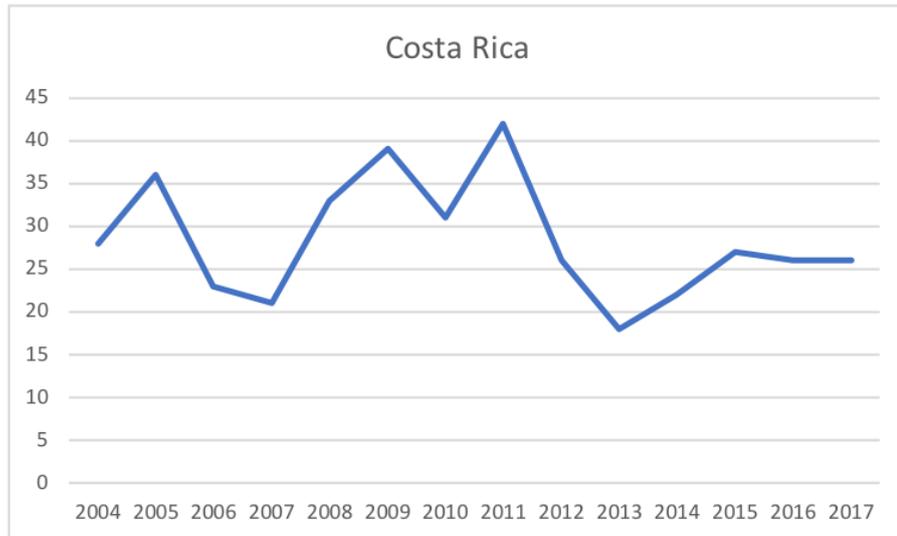


Table and graph done by author². The left table shows the actual number of femicides by each year, and the graph on the right is based on the numbers in the table.

Statistics of gender-based violence in Costa Rica are gathered by a government programme especially designed for these type of societal issues, it is the National Institute of Women (Instituto Nacional de las Mujeres, INAMU) (Booth, Wade, & Walker, 2010). In the Costa Rican law, there are two mentions on femicides. It is mentioned in the law 8589, article 21, which is their Law of Penalization of Violence Against Women and was adopted in 2007. However, in the Law of Penalization, only intimate-partner femicides are included (Gobierno de la república Costa Rica, 2007). Femicide is punishable with 25 to 30 years of imprisonment (Bintrim, 2017).

² Year 2004- 2006 (Amelia Rueda, n.d), 2007- 2017 (Barquero Morales, 2017).



In 2011, law 8589 was modified with law 8929 where changes were made to article 22 and 25 which modified the definition of domestic violence and the protection of dignity and honor (Committee on the Elimination of Discrimination against Women, 2015). The same year law 8925 of domestic violence was also updated (Committee on the Elimination of Discrimination against Women, 2015). Article 21 of Law 8589 criminalizes femicides, and is defined as a person that kills a woman with whom he has an intimate-partner relationship or a previous partner. (International Labour Organization, n.d).

However, the femicide legislation is complemented by the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, Convention of Belém Pará that was ratified in 1995. It includes a broader definition of femicides to any act based on gender. It includes, not only current or previous partner, but also femicide by family, stranger, and femicides tolerated by the government and governmental agents (Organization of American States, 1994).

Law 8688 as of 2009 implemented the National System for the care and prevention of violence against women and intrafamilial violence to provide with a space for discussions, deliberation, coordination, and evaluation by the National Women's Institute, decentralized ministries and civil society organizations (United Nations Department of Economic and Social Affairs, 2016).

One of the new policies adopted by Costa Rica to increase gender equality, and prevent and eradicate violence is the National Plan of Care and Prevention of Domestic Violence (Política Nacional para la Atención y la Prevención de la Violencia Intrafamiliar, PLANNOVI), it is to be implemented between 2017-2032. It aims to promote a change in the macho culture, promote non-violent masculinities and promote equality, and at the same time reduce levels of impunity, guarantee greater protection for women and prevent femicides (Presidencia de la República de Costa Rica, 2017). Another initiative of Costa Rica to develop a more just justice sector, is the creation of special domestic violence courts to exclusively process instances of domestic violence. This is due to the high pressure of cases, and to decrease the risk of the unjust prosecutions (Organization of American States, n.d).

The wealth of Costa Rica differentiates it from the rest of Latin America, and it is visible in the strong social care system the country has. It is shown through its insistence on human



rights, healthcare system, maternity and sick leave, and free education among other things. According to Booth, Wade, and Walker (2010), the investment in the human development might be a result of the removal of its armed forces and has a higher per capita income than many other countries in the region (Booth, Wade, & Walker, 2010).

Additionally, the laws on domestic violence do not include gay, lesbian, transsexual or transgender persons. It places violence into a heterosexual domestic framework, which admittedly is where most violence against women occurs; however, it excludes other citizens from legal protection if they do not fit into the confines of the law. So, while laws may be in place, legal guarantees do not always mean that citizens are adequately protected, one of the problems is that many women do not know their rights (Reid, 2015).

4.2.2 Chile

Year	Number of femicides
2007	62
2008	59
2009	55
2010	49
2011	40
2012	34
2013	34
2014	40
2015	45
2016	34

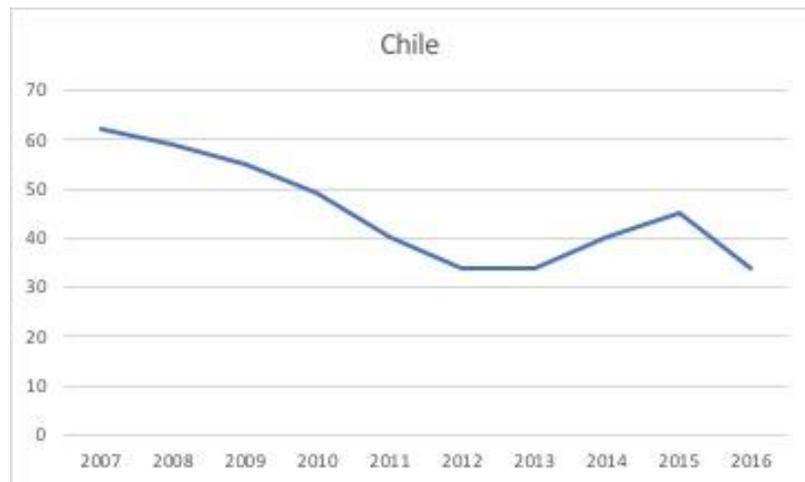


Table and graph done by author³. The left table shows the actual number of femicides by each year, and the graph on the right is based on the numbers in the table.

Chile also has special family courts at both national and local levels to prosecute crimes against women specifically (Organization of American States, n.d). Femicides reached one of its highest rates in 2008, and in 2010 the femicide legislation was implemented. The following years Chile experienced a decline in femicide rates and it has been mainly decreasing with some peaks throughout the years since. Costa Rica, Chile, and Venezuela

³ Year 2007-2012 (Servicio Nacional de la Mujer, 2012), year 2013 (Kennedy, 2014), year 2014-2016 (Mohor, 2017).



have shown to have a relationship between an increase in the number of female supreme judges and femicide legislation, meaning that the higher the number of female supreme judges the higher the chance to improve femicide legislation (Carrigan, 2016). The main part of the government that deal with femicide prevention, research, information, programs and implementation is the National Service for Women (Servicio Nacional de la Mujer, SERNAM) (Ministry of Gender Equality, n.d.).

Since 1996, Chile is a signatory to the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, Convention of Belém Pará (Organization of American States, 1994). And in 2007 all member states that are signatory to the convention received reports from the Expert's committee with recommendations they should implement.

A majority of the terminology in the Chilean legislation refer to intra-familial violence (IFV), and few to gender-based violence (GBV) or violence against women (VAW) and with that exclude some definitions of violence, such as economic violence against women for instance (Franceschet, 2010). In 1994 Chile first acknowledged IFV when enacting law number 19.325, in 2005 it was reformed into law 20.066 and included a broader definition of IFV and included the term 'femicide' (Franceschet, 2010). Law 20.066 was also complemented by Law 20.427 that can punish perpetrators for mistreating older people. Law 20.066 was included in the penal code in 2010 (United Nations Department of Economic and Social Affairs, 2016). The prison sentence for femicide is between 15 years to life imprisonment (Bintrim, 2017).

According to Franceschet (2010), Chile implemented the law quite efficiently by gathering and reporting data on domestic violence, support, public awareness campaigns and training for police, judges, and health professionals, and SERNAM played an important role in this success. Franceschet (2010) continues her argument by pointing out that this success might also be a result if a strong centralized government that could implement more effectively. The law was further modified in 2010 to include former marital partners, ex-cohabitants, and more (United Nations Economic Commission for Latin America and the Caribbean, 2014). However, the law of femicide do not include femicide where there were no existing bonds between the victim and the perpetrator (Mohor, 2017).



4.2.3 Argentina

Year	Number of femicides
2008	208
2009	231
2010	260
2011	282
2012	255
2013	295
2014	277
2015	286
2016	290
2017	295

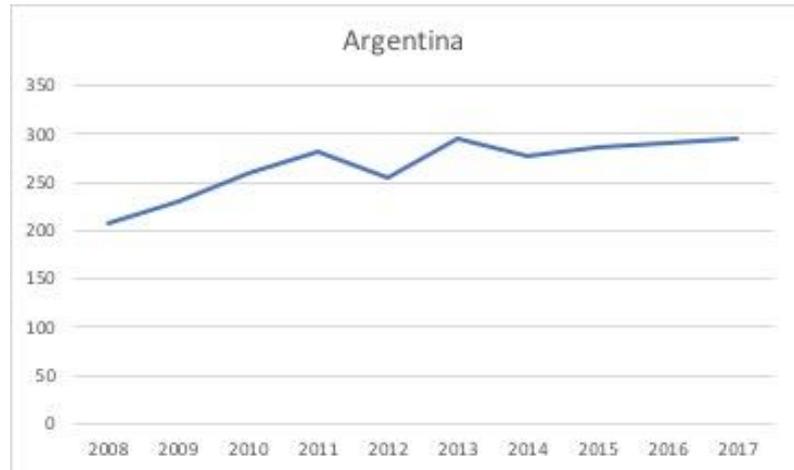


Table and graph done by author⁴. The left table shows the actual number of femicides by each year, and the graph on the right is based on the numbers in the table.

In 1994, Argentina implemented a law of domestic violence, Law 24.417, and complemented it in 2009 to become Law 26.485 and ensured comprehensive protection to prevent, punish and eradicate violence against women in settings of interpersonal relations (Franceschet, 2010). Law 26.485 is seen as a law of importance, and included more types of violence. It assured a life without violence, to extensive care, and accessibility to the legal system. Multidisciplinary teams, with training in intrafamily violence, have been established in the judicial sphere to provide expertise and support in cases of domestic violence (Organization of American States, n.d.). Despite this legislation, women often find themselves excluded due to the inadequate cooperation between family law, family violence and criminal law (Funes, 2017). However, the problem of domestic violence is still very present in many households, and machismo is seen as one of these reasons. These laws that are in place cannot be implemented correctly due to lack of resources, policies, tools and funding (Musgrave, 2016).

Franceschet (2010) implies that Argentina had difficulties in implementing these laws, partly due to Argentina's National Women's Council (Consejo Nacional de la Mujer, CNM) that lacks resources, has little influence and no legislative role. The laws have not been effective in tackling the impunity and sentencing the perpetrators. Additionally, Franceschet (2010) argue that Argentina have a more limited administrative capacity which leads to less effective policy implementation. The development of gender issues in Argentina are dependent upon the

⁴ Year 2008-2017 (La Casa del Encuentro, 2017).



Minister of Social Development, and the issue of funding is present resulting in poor developmental possibilities (Rosales Matienzo, 2018). Policy making and implementation is not a prioritized subject, and often get underfunded resulting in failed protection for certain societal groups, in this case the women. The Argentinean state do assure protection of rights, however lacks the resources and funding to support that assurance (Funes, 2017).

There is neither a political accordance to commit to the issue of femicides and violence against women. In 2012 the term femicide appeared in legislation in the Argentine penal code under Law 26.791 (Rosales Matienzo, 2018). Article 80 establishes femicides as an aggravated homicide and as the murder of a woman by a man due to violence based on gender, and if the perpetrator is a relative, spouse or former spouse, independently if they lived together or not. In 2011, a Special Prosecutor for Gendered Violence was established to process offences of domestic violence (Funes, 2017). A perpetrator of femicide can be punished between 8 to 25 years in prison (Bintrim, 2017)

In 2015, the Argentina faced many protest regarding femicides and the lack of legislative responses to it, shortly after the Supreme Court Justice Elena Highton announced that they will commence a registry on femicides. The human rights secretariat of the government also made a promise to begin compiling statistics on femicides as a response to the criticisms in 2010 by the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) as they argued Argentina need to respond to the femicides taking place in the country, and they are to follow a 5-point plan to address this issue (Convention on the Elimination of all forms of Discrimination against Women, n.d.). Argentina also started electronically tracking men with a history of being violent towards women (Joseph, 2017).



4.2.4 Brazil

Year	Number of femicides
2003	3937
2004	3830
2005	3884
2006	4022
2007	3772
2008	4023
2009	4260
2010	4465
2011	4512
2012	4719
2013	4762

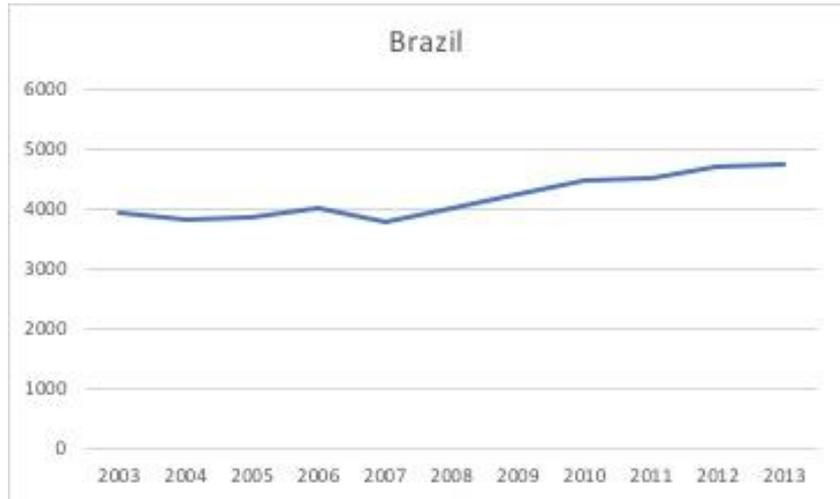


Table and graph done by author⁵. The left table shows the actual number of femicides by each year, and the graph on the right is based on the numbers in the table.

In 2006 the Law 11.340 was created as the first law of violence against women, the law is also known as the Maria da Penha Act and recognizes violence against women and increased penalties for domestic violence instances. The law

Creates mechanisms to curb domestic and family violence against women, under the terms of art. 226 of the Federal Constitution, the Convention on the Elimination of All Forms of Discrimination against Women, and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women; provides for the creation of the Domestic and Family Violence Courts against Women; amends the Code of Criminal Procedure, the Penal Code and the Criminal Enforcement Law; and other measures (Waiselfisz, 2015, p.7)

In 2015, Law 11.340 was complemented with Law 13.104 which establishes femicide as a heinous and aggravated crime against women because of their gender, and was also established in the Brazilian penal code (Waiselfisz, 2015, p.7), and the crime is considered equivalent to murder (United Nations Department of Economic and Social Affairs, 2016). The punishments of perpetrators are harder if there were especially vulnerable situation, for example pregnancy, presence of minor children, and older women (Waiselfisz, 2015). Brazil has adopted the Latin American Model Protocol for the Investigation of Gender-related Violent Deaths to criminalize femicides, as a complementary to the existing laws. They also raised prison sentences for femicides on pregnant women, girls under 14, women over 60, and

⁵ Year 2003-2013 (Waiselfisz, 2015)



people with disabilities (UN Women, 2015). The crime is punishable between 20 to 30 years in prison (Bintrim, 2017).

There are many restrictions and limitations to available data regarding this issue in Brazil, partly as it is still a very recent subject to discuss transparently (Waiselfisz, 2015, p.7). The databases and data collections system are incomplete and lack a proper categorization of these crimes (Paes & Martins, 2018). However, even if current categorization is insufficient, the statistics show that black women and transgender people stand for the majority of femicides. This is an additional reason for the need of proper categorization, to be able to track femicides and apply correct responses and preventive measures (Article 19, 2018).

4.2.5 Mexico

Year	Number of femicides
2003	1324
2004	1214
2005	1297
2006	1296
2008	1089
2009	1451
2010	1943
2011	2440
2012	2724
2013	2769
2014	2613
2015	2359
2016	2324
2017	2746

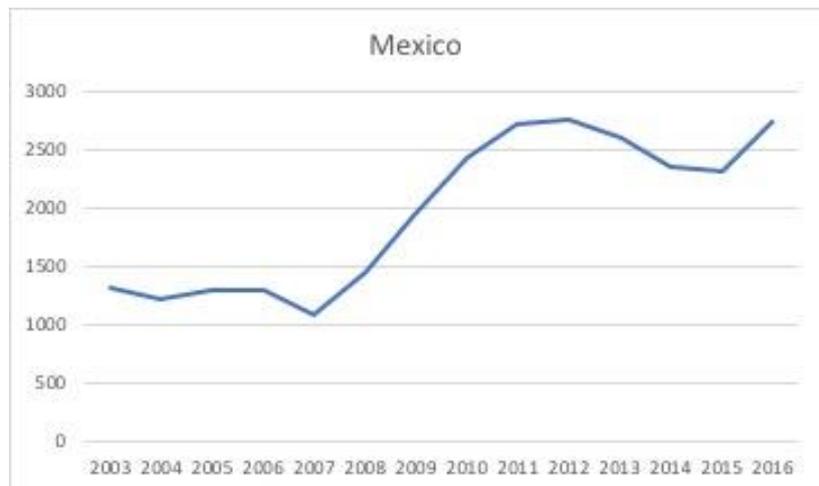


Table and graph done by author⁶. The left table shows the actual number of femicides by each year, and the graph on the right is based on the numbers in the table.

There is a high police indifference regarding the victims of femicides in Mexico, meaning that the victims and their families are seldomly treated with respect, and the investigations are not prioritized. Consequently, they established a national system where nine government ministries have the task of policy implementation, prevention, eradication of violence against

⁶ Year 2003-2017 (ONU Mujeres, SEGOB, & INMUJERES, 2017).



women. Judges are also encouraged to implement protection measures as to prevent future gender-based violence (Joseph, 2017).

In 1995, Mexico has also ratified the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, Convention of Belém Pará (Organization of American States, n.d.b). In 2007 Mexico passed a law of great importance for human rights of women, the General Law on the Access of Women to a Life Free of Violence, and it was the first time femicides were mentioned in Mexican legislation (Arroyo, 2017). The law facilitated an inclusion of a gender outlook when governments formed policies and responses to femicides. However, this did not lead to the significant change that some hoped for, but instead the opposite, femicides have been on the rise since. The implementation of policies produced by the government have been ineffective (Lettieri, 2017).

In 2012, Mexico also included femicides in their penal code, suggesting that a femicide is when someone murders a women for the basis of her gender (ONU Mujeres, SEGOB, & INMUJERES, 2017). A homicide of a woman is categorized as a femicide if; The victim shows any signs of sexual violence; The victim has been inflicted with dishonorable or degrading injuries or mutilations, previous or subsequent to the deprivation of life or acts of necrophilia; There is background or data of any type of violence in the family, work or school, by the perpetrator against the victim; There has been a sentimental, affective or trusting relationship between the perpetrator and the victim; There is data that establishes that there were threats related to the criminal act, harassment or injury of the perpetrator against the victim; The victim has been held isolated, irrespective of the time prior to the deprivation of life; The body of the victim is exposed or exhibited in a public place (ONU Mujeres, SEGOB, & INMUJERES, 2017).

After the inclusion of femicides in the penal code in 2012, the punishment of perpetrators became 40 to 60 years in prison (Bintrim, 2017) and the sentence is

...aggravated if there was any relationship between the murderer and the victim, including romantic, kinship, work, teaching or any relationship involving subordination or superiority (Arroyo, 2017).

In 2014, Mexico adopted the National Code of Criminal Procedures, which ensures human rights protection in the country, and the same year, the Federal Law to Prevent and Eliminate



Discrimination and was also adopted. In 2015 the General Law for Equality between Men and Women which administers permanent campaigns on equality (United Nations Department of Economic and Social Affairs, 2016).

In 2006 a new president was elected in Mexico, President Calderon, that had a strategy for combatting the drug trafficking in Mexico. His anti-drug strategy began in 2007, and the following years were characterized by wars between criminal groups and the government, and the consequence was many casualties (Aguirre, & Herrera, 2016).

A policy of importance of GBV is the Gender Violence Alert Mechanism (AVGM) and it was included in the 2007 law. It is a tool for citizens to warn local officials through a 'gender alert' when violence is on the rise in municipalities (Lettieri, 2017). When a gender alert is made, local officials are obligated to take action to cease the violence and increase awareness about femicides. This is done to make the problem more visible and to initiate political will in the problem (Lettieri, 2017). However, in reality the policy and the process have been politicized and it has shown to be ineffective since not all requirements in the Alert process have been followed properly such as lack of improvement in investigation, fast process of perpetrators, and adequate punishments. The ineffectiveness can also be blamed on bureaucratization, and revictimization is often the result. Some Mexican states, such as Sinaloa for instance, have modified their policies and legislation to include a gender perspective (Lettieri, 2017).

4.3 Government policies

Discriminatory laws and policies are decreasing, and governments are adopting policies and laws that promote equality to a wider extent, and policies that facilitates for those disadvantaged. However, the implementation of these policies is limited and inadequate, for instance some policies ensures disability-friendly facilities but only a small percentage of the actual facilities in the society are made accessible for disabled people. To achieve successful implementation of laws and policies, administrative, financial, and other resources are necessary, in combination to political will. A large proportion of the population are not aware of their rights and what policies are in place to protect them, and this is also a hinder of implementation since they might also not know how to report incidents of discrimination. Others are aware of their rights, however do not report crimes as they wish to avoid stigma, reprisal, and so on (United Nations Department of Economic and Social Affairs, 2016).



Governments and institutions play a main role in altering discriminatory beliefs and behaviors as they are decision-makers within the social, economic, and environmental area, and thereby can also create policies that are more inclusive rather than exclusive. Inclusive policies foster decrease in poverty and increase in equality as they support individuals to societal participation. In reality, it is frequently cooperation between stakeholders, rather than state or civil society actions alone, that result in the creation of inclusive institutions. However, governments are the main decision-making body with the possibility to create the biggest change and initiate an inclusive legislative body (United Nations Department of Economic and Social Affairs, 2016).



5 Analysis

This chapter will analyze the findings and compare the case studies in relation to the theoretical framework. As we can see, research has outlined a variety of causes, including many structural causes however the responding legislature has mainly only one single line of action which is punishment. This thesis will therefore try to examine if there is more to the existing policies when analyzing it with the theoretical framework.

The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, Convention of Belém Pará from 1994 and the Declaration on the Elimination of Violence against Women from 1993 are the two conventions of greatest significance to the first wave of femicide legislation, and since then the majority of the Latin American countries adopted legislations regarding femicides. This was therefore a direct trigger for femicide legislations in the selected case studies. There is a variety of laws in Latin America, and also in the chosen case studies.

Many of the presented policies in the findings seem to be inclusive in the terms of dealing with protection of victims, gender equality, and discrimination. However, when digging a little bit deeper one can see that the policies are in place but the political will, in terms of prioritizing and implementing, is not existent. Inclusive policies need to deal with the problem from the inside with the causes of femicides that are mentioned.

Costa Rica updated two of its laws in 2011, law 8925 of domestic violence and law 8929 of its penal code, and already the following year a drop was seen in femicide rates and since then the rates have generally not gone back up to the levels that was before 2011. Costa Rica has had many policies implemented throughout the years, and the National Women's Institute has generally been successful in implementing policies, partly because they receive adequate funding and have some political power.

PLANOVI is a policy plan to be implemented 2017-2035 and will be aiming at changing the existing macho culture in Costa Rica, as well as promoting equality and a non-violent masculinity. This is an initial step in tackling the cultural issues of GBV and ultimately femicides. This is also in accordance with the social inclusion concept which advocate for greater equality and tolerance. The effects of the policy have not yet seen as it is for future



research to evaluate its effectiveness, however the policy plan is aiming for dealing with root causes from the inside by changing values that are harmful. These kind of issues are deeply rooted in the societies and need long time to change, so the policy is adapted to the reality by providing a plan for that many years in the future.

Costa Rica is also one of the wealthiest country in the region and the result is more financial resources are dedicated to the social care system. This might also be one of the reasons that the policies are more successful in being implemented as they receive funding. A higher government expenditure has been shown to foster gender equality and is a necessity for implementing laws and policies as protective and effective measures. Social exclusion is present when not all people are protected by polices and laws, and when those are not respected, which is the responsibility of the government or state. By prioritizing the social care system, investing in human development, and distributing sufficient funding, the policies becomes inclusive to more individuals of the society, and more societal groups can take advantage of the benefits. However, the Costa Rican legislation has some flaws as well, as the domestic violence of Costa Rica do not include gay, lesbian, transsexual or transgender persons. This disadvantaged group is excluded from legal protection.

In Chile and Costa Rica, there was a positive relation between the number of female supreme judges and improved femicide legislation which suggests that when both genders are included in the authoritarian sphere, there is a greater gender equality. A socially including society is when, for instance, all individuals have access to political decision-making, to curb gender inequalities. Chile, Brazil, and Costa Rica also have special courts to process cases of violence against women, domestic violence, and intra-familial violence. This is as an attempt to create a fairer trial processes and to shorten the processes of trials, and respect the rights of victims. This provides the victims equal access to justice, and support those who are disadvantaged, in this case the women that are often discriminated because of their gender. This also facilitates for women to report crimes and easier access to justice, which is what scares the victims of many times. This is a way of accessing existing resources which is what social inclusion tries to accomplish, to help victim instead of simply excluding them. However, impunity is still a major problem in almost all countries in the region, and thereby protect the perpetrators more than the victims sometimes.



Chile had its peak in femicide rates in 2008, and in 2010 femicide was included in the penal code of Chile. After 2010, femicide rates have mainly been decreasing with some years increasing. Chile, or more specifically SERNAM, has experienced effective implementation of the law, and one reason is the measures they have taken in terms of training police, judges and health officials in gender perspectives, and also raising public awareness through campaigns. This creates a basis for equal treatment and less discrimination, and also deals with the cultural aspect of GBV by training local officials in equality. Training police, judges, and health official is a sign of a long-term commitment to change the mentality towards greater understanding of gender equality.

The National Women's Council and Minister of Social Development in Argentina has not been as successful at implementing laws and policies as Chile and Costa Rica since they do not receive adequate funding and lacks legislative role. Despite that the council and the minister are the main parts of the government that deals with women's issues, they are restricted in the decision-making power in regard to implementing policies for women's rights. In that sense, it is in one way excluded from political participation as it is not given the resources required to fulfil their duty. However, they are a part of the government, and as has been stated before, it is the government that are the key player in inclusion and exclusion policies.

In Argentina, the lack of effective policies and lack of implementation can be seen in the femicide rates as there is generally an increase with each year except for a few. In 2009, Law 26.485 of protection and prevention of violence against women was adopted, and in 2012 femicide was included in the penal code. Even the immediate years after new laws were implemented did the femicide rates decrease. The government and polices promise of protection however do not prioritize the issue which leads to exclusion for the disadvantaged group, women in this case, as they cannot rely on their rights to protect them.

Brazil adopted Law 11.340 in 2006 was created as the first law of violence against women, the law is also known as the Maria da Penha Act and in 2015 it was updated to Law 13.104. Mexico adopted the General Law on the Access of Women to a Life Free of Violence in 2007, and it was the first time femicides were mentioned in Mexican legislation. In 2012 it was included in the penal code. Despite these laws, Brazil and Mexico have a similar development as Argentina where femicides are generally rising with some exceptions during a



few years. Laws implemented only have an effect in the few following years and then it is on the rise again. Brazil is one of few countries that have legislation in regard to special cases of femicide that will increase a prison sentence, and this special cases are when pregnant women, girls under 14, women over 60, and people with disabilities are killed. This shows an attempt to have less discriminatory laws as women in those special cases are extra vulnerable.

Mexico stands out in their strategies to pursue a more just legislative body for women's issues. As there is a high police indifference of femicides, Mexico has established nine government ministries have the task of policy implementation, prevention, eradication of violence against women. Judges are also encouraged to implement protection measures as to prevent future gender-based violence. This is a comprehensive set of a preventative and policy-making body, and yet the effectiveness of policies and laws is very limited and femicides are on the rise. Lack of political will and resources are yet again the explanation for the lack of success in preventing femicides.

Despite that Costa Rica and Chile has seemingly managed to bring femicide rates down to a wider extent than the other case studies, it still shows that the rates are not in a downward line but rather go up and down some years. They have been more successful in curbing femicides than the other countries, however they have not succeeded with a large margin. The difference between these two countries and the other three is that they have implemented more long-term policies and focused on gender laws. They have experienced political will and investment to a larger extent, and these are the necessities in creating successful policies. Costa Rica has put more effort into tackling cultural causes with its policies, and it might be a reason for why it has experienced more successful policy effect, however the real effect will be seen in the future. In general, the policies seem to be inclusive, however, they are not and there are only a few countries that have managed to achieve a decrease in femicide rates. The perpetrators, if sentenced, face long prison sentences, and therefore are excluded from the society. Even though policies are created to be inclusive, they do not achieve that objective but are instead exclusive.



6 Conclusions

6.1 Main findings

There were many findings in this study, one of the main ones is that the current state of the femicide legislations in the selected case studies are not sufficient in curbing femicide rates in those cases. They lack in political will, lack in implementation capacity, scarcity in investment, suffer from short-term policies that focus on punishment rather than long-term policies to tackle the underlying causes of femicides, and exclusive policies. The root causes of femicides are structural, cultural, social, and economic, however the main responses have been laws and policies which can impossibly tackle all these aspects of the issue. This study has contributed to the literature on how femicide legislation affect femicide rates, however, more in-depth research is required to truly understand the complexity of femicide legislation and on what works and not. There is not one strategy for governments to pursue institutional change, but political will and effort, and encourage of the population to exercise their rights will get them a long way.

6.2 Further research and recommendations

Further research is required in big scale to reach a deep understanding of what kind of policies are effective, what works directly to curb femicides, and what obstacles exist in the fight on ceasing femicides. Femicides are a human rights issue, a developmental issue, and a large-scale societal issue. It affects a large proportion of the population as women and girls make up for half of the world's population. By tackling the issue of femicides with long-term solutions, gender equality will be achieved for all the women in the world. Research is needed in understanding how impunity can be sustained and what the major obstacle is for the lack of implementation of policies. But also, on which cultural value are the ones that help sustain the beliefs of machismo. The SDGs are very relevant for femicides as they tackle many of the causes mentioned, and considering which amount of effort and investment is put into achieving the goals, femicides are definitely a place to start.

6.3 Final conclusions

Causes of femicides have been shown to be mainly structural and cultural, such as impunity, machismo, resource distribution, poverty, organized crimes, discrimination, and a weak rule



of law among other things. Policies and laws to tackle these issues have, on the other hand, mainly had one line of solution is punishment. Much of the legislations do not have a comprehensive focus, and for instance, only focus on perpetrators by partners and family. The legislations have generally not been effective in curbing femicides due to multiple reasons, the main ones are impunity, lack of resources to implement laws, and political unwillingness to tackle the issue.



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