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The causes of femicide in Latin America

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*Ai miei genitori,
per il loro amore e supporto incondizionato*

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ABSTRACT

An escalating number of violent female homicides committed by men in the last two decades has compelled Latin American countries to typify the crime of gender-based homicide as “femicide”. The countries’ objective was to raise awareness and thus, decrease the number of femicides committed per year. However, in spite of legislation passed and implemented, the rate of femicide in most countries in Latin America, after an initial decrease, increased again. In this study, I investigate the factors behind changes in the rate of femicide across Latin American countries. I built an original dataset on the rate of femicide for 14 Latin American countries, including the different factors that may affect it.

I found that adoption of the minimum and maximum mandatory sentencing, as well as the classification of femicide as a separate criminal offence is not significant to predict the rate of femicides. Instead, I find that very low levels of rule of law, together with a lack of women representation in decision making bodies are the most significant factors in explaining variation in femicide trends.

I. INTRODUCTION

Violence against women (thereinafter VAW) has been recognised as an increasing problem in today's society: it is a violation of human rights, a social problem, a public health problem and a barrier to economic development for countries (Bott, Guedes, Goodwin & Mendoza, 2013, p.5). Femicide is the most extreme expression of VAW, the "killing of women by men motivated by hate, contempt, pleasure or the assumption of ownership of women" (Russell, 2008, p.2), and encompasses any women homicide committed on the basis of gender discrimination. According to the World Health Organization report "Global and regional estimates of VAW", if Western Europe region has a prevalence of intimate partner violence of 19.3%, the Latin America region has sensibly higher rates: 40.63% in the Andean area, 29.51% in Central Latin America, and 23.68% in Southern Latin America ([WHO], 2013, p. 47).

Because of the high femicide rates and as a response to internal and external pressure, Latin American countries started to take action against violence and discrimination against women in the second half of the 1990s. These actions followed one of the two most important international conventions¹ for protection of women's rights, the Convention of Belém do Pará. Since then, Latin American countries went through a process of increasing legislation and regulation of crimes against women. The process entailed two generations of legislation which provided a more comprehensive, multidimensional, and multi sectoral approach to fighting gender-based crime through increase and expansion of regulation (Garita, 2011, p. 11). The second generation started around 2005, and mainly consisted on the implementation of laws which typified gender-based homicide as a separate and more serious criminal offence called specifically "femicide". The international community, as well as Women and Human Rights movements celebrated the reach of such milestone, because they expected that the

¹ Namely, the Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1979 by the UN General Assembly and the Inter-American Convention on the Prevention, Punishment, and Eradication of VAW approved in 1994 by the Organization of American States, also called Convention of Belém do Pará.

number of femicides would drop as a consequence of the legislation.

However, while in some cases femicide rate decreased, in others it increased and in yet others it initially decreased only to increase again. Indeed, there is also high variation in the number of femicides among countries that have typified the criminal offence and have engaged in campaigns to raise popular awareness against gender-based violence.

Thus, this paper tries to understand why femicide rates have not responded homogeneously to the adoption of such laws, and more specifically, it aims at finding the factors that are related to the rise and fall of femicide numbers. Thus, I will analyse the variation in the rate of femicides in 14 countries in Latin America.

In a nutshell, by looking at the rates of femicides in 14 Latin American countries over the period 2000-2014, I find that the level of rule of law, as well as the proportion of seats held by women in national parliaments, matter for predicting the number of femicides. Furthermore, I find that the typification of the crime, minimum and maximum mandatory sentencing, level of female education and public expenditures on education and health do not matter when analysing rates of femicide.

This study fills a gap in the literature by bringing together feminists and sociological theories and applying them to the Latin American reality. It also evaluates, through a comparative regional perspective, the situation of extreme violence against women and the existing advances on femicides in the evolving fields of legislation and human development in the region.

In what follows, I first explain the concept and frame the issue of femicide in Latin America, then I review the two main approaches in the literature used to understand the fight against extreme gender violence. In the fourth section I formulate the hypothesis and illustrate the methodology. In the following fifth and sixth sections, I respectively define the variables used and I illustrate the results, reviewing and comparing what has been accomplished in each country. Finally, I conclude.

II. FEMICIDE AND VIOLENCE AGAINST WOMEN

What is Femicide?

One of the most important tasks when talking about femicide is to clarify its difference from woman homicide. While Female Homicide is any murder of women or girls regardless of the circumstances, Femicide is the murder of women or girls for gender-based reasons (Bloom, 2008, p.176). A Female Homicide can be classified as Femicide by investigating the circumstances of death and the relationship existing between the victim and the murderer (Bloom, 2008, p.176). Among the different types of femicide, the murder of an intimate partner (Intimate Partner Femicide) and the murder of a woman preceded by sexual violation (Non-Intimate Sexual Femicide) are the most common in Latin America (Toledo, 2008, p. 213; WHO, 2012, p.3).

The concept of femicide goes back to 1900. In fact, according to femicide specialist Diana Russell, the term femicide was first used in the UK in 1801 to signify "the killing of a woman" (2008, p.3). However, the neologism remained unused until the 1970s, when it gained relevance thanks to the feminist movements, which reintroduced it and politicised it in an effort to draw attention to the harmful effects of gender inequality (UN Human Rights Council [UNHRC], 2012b, p.6)

The responsible of the renaissance of the term in the United States is the feminist writer and activist Diana Russell. After using it for the first time in a written declaration at the Tribunal on Crimes Against Women in 1976, she defined it, together with Radford in 1992 (Russell y Radford, 1992), as "the misogynous killing of women by men" and in 2001 as "the killing of females by males because they are female", substituting "female" for "women" in order to encompass all girls and female babies killed (Russell, 2008, p.2).

Femicide in Latin America: *Femicidio* and *Feminicidio*

The arrival of the concept in Latin America was welcomed by their fellow feminists. When translating it into Spanish, the vocable underwent an interesting formal and theoretical

modification, which aimed at a better understanding of the Latin American reality. The Mexican feminist activist Marcela Lagarde decided to use the neologism *feminicidio* instead of translating it literally to the Spanish *femicidio*, to add the element of impunity, institutional violence and lack of due diligence by Latin America toward women. (Lagarde, 2006, p.223)².

Violence Against Women and Femicide

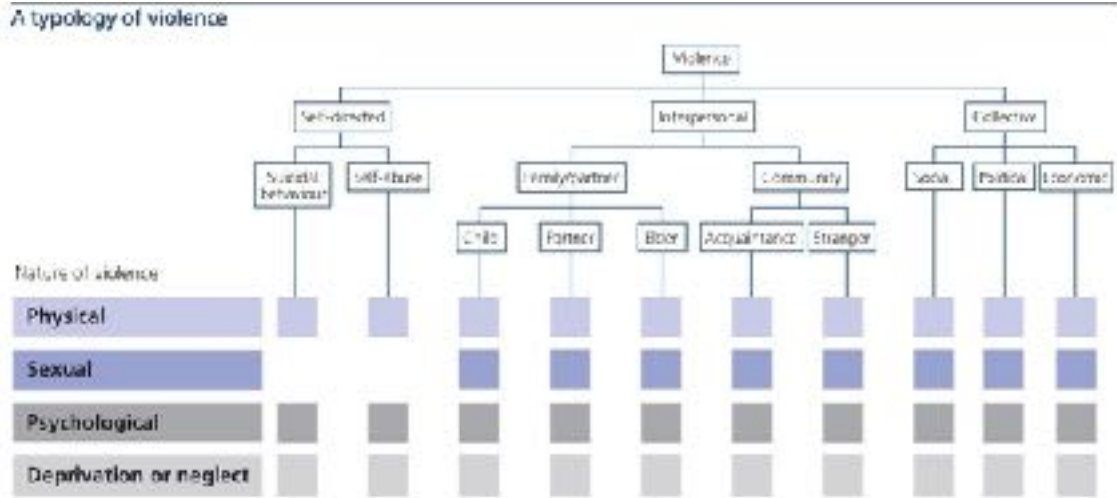


Fig. 1. Typology of Violence (Krug, Dahlberg , Mercy, Zwi & Lozano, 2002, p.7)

In order to understand femicide we need to consider the context of VAW. Indeed, femicide is in most cases the “end of a continuum of violence against women, set against general patterns of discrimination against women and tolerated impunity of perpetrators” (UNHRC, 2012a, p. 10).

Figure 1 shows the different types of Violence in relation to the perpetrator and to its nature (Krug et al., 2002). First, it encompasses *Self-directed violence*, usually as a result of gender violence such as suicide-femicide. Second, it includes Collective violence, committed by large groups such as militia and terrorist groups. Third, it comprises Interpersonal violence, which is the most common type of VAW. The latter is subcategorised into Family, Intimate Partner Violence, and Community Violence. Family and Intimate Partner Violence is inflicted

² However, because of the fast spread and popularization of the word thanks to the media and the feminist movement, there is a general confusion and inconsistency in its use, and the word femicide is often misplaced to indicate any woman killing (Lagarde,2008,p.218)

“between family members and intimate partners, usually, though not exclusively, taking place in the home” and femicide has been found to be in most cases its lethal result (Krug et al., 2002, p.6). A global study on intimate partner violence (see Fig.2 below) confirmed that women are up to 6 times more affected than men by “intimate partner homicide” (respectively 38,6% vs 6.3%), and that the region of the Americas (40,5%) ranked only second after South East Asia (58,8%) (Stöckl H et al., 2013, p.862). Finally, Community Violence is violence “between individuals who are unrelated, who may or may not know each other and generally takes place outside the home” and includes rape or sexual assault by strangers, and violence in institutional settings (WHO, 2002, p.6).

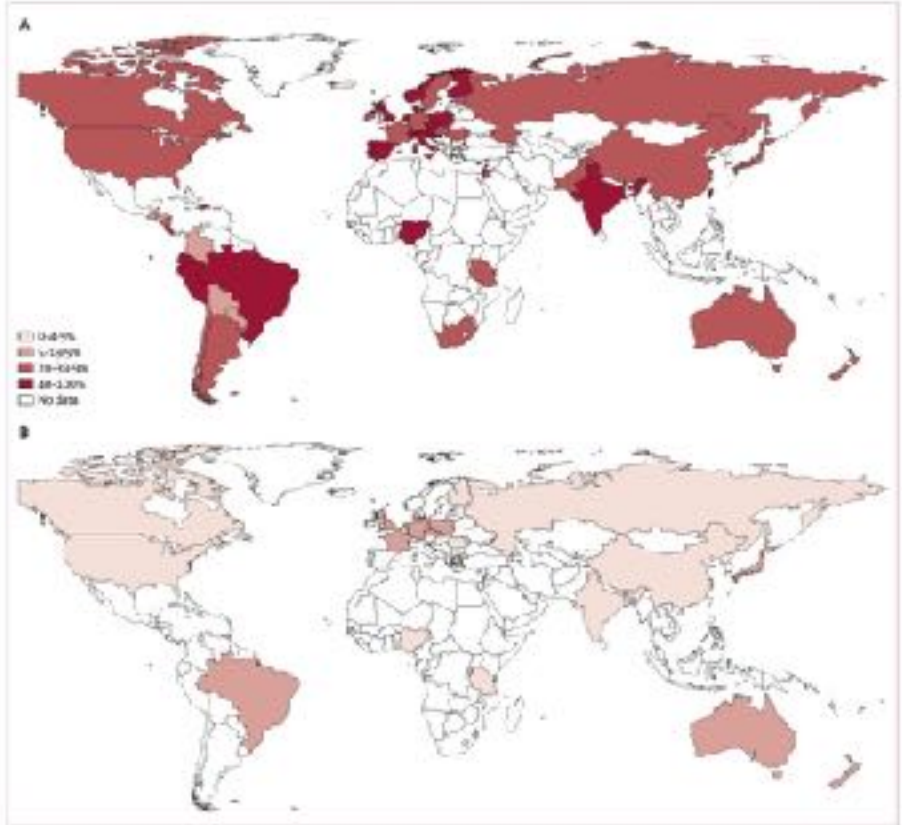


Fig. 2 Proportion of intimate partner homicides among (A) all female and (B) all male homicides. (Stöckl H et al., 2013)

Types of Femicide

In Latin America, the four main categories identified and agreed to by most authors are intimate femicide, non-intimate femicide, sexual femicide and accidental femicide.

Intimate femicide is the one committed by a man with whom the victim had or used to have an intimate relationship, a family relationship, or a domestic partnership (Carcedo, 2000, p. 14). Non-intimate femicide includes those committed by a man who neither has an intimate or family relationship with the victim, nor a domestic partnership (Ibid). The killer might be a friend, an acquaintance or a stranger, and sexual violation often concurs with this type of femicide (Carcedo, 2000, p.19). Accidental Femicide includes the killing of any woman who tried to intervene or was caught in the femicide action (Carcedo, 2000, p.14; Monárrez, 2009). Finally, *Sexual femicides* are murders preceded by brutal sexual abuse and torture (WHO, 2012, p.3).

III. THEORETICAL FRAMEWORK AND HYPOTHESES

What do we know about femicide and its causes?

Femicide has been investigated from different perspectives and throughout a variety of disciplines, such as psychology, sociology, and political movements. To understand femicides, we need to understand how each discipline has framed and analysed the problem.

Latin American Feminists theorists (Lagarde, 2008; Carcedo, 2000; Toledo, 2009) explained VAW as consequence of gender inequality, society structures such as patriarchy, impunity and institutional violence. Feminists laid down the foundations of sociological-feminist studies which investigated the phenomena of femicide through gender lenses (Monárrez 2009; Vera, 2012; Prieto-Carrón, Thomson & Macdonald, 2007; Ariza Sosa, 2012).

Sociology studies have analysed femicide trends in relation to a variety of social circumstances (Lagarde, 2008, p.212), but amongst them, particularly relevant for this

investigation have been those which explore VAW as a public health problem (Arias, 2008; Heise, Pitanguy & Germain, 1994) and those which, drawing from all the previous theories, considered both individual and social variables as causal factors of VAW and femicide: Ecological theorists (Heise, 1998; Krug et al., 2002; WHO, 2012; WHO, 2013; UN Women, n.d.). Finally, there are critical studies which focus on the construction of sex disaggregated indicators (Castro & Riquer, 2003), and argue that claims on femicide increasing rates are unfounded given that Latin American countries do not have the capacity of building databases that assess gender motivation (Tuesta & Mujica, 2014, p.2).

Feminist theories

Feminists on gender inequality

Latin American feminists claim that the main cause of femicide is the structural inequality of gender and impunity of the justice system (Lagarde, 2008; Carcedo, 2000).

Feminists disagree with those who consider individual factors such as men pathological behaviour the reason of femicide and VAW (Carcedo, 2000, p.12). Instead, they focus on the socio-cultural and political dimensions, affirming that VAW is the product of a structural system of repression, through which men have always been trying to maintain their power over society and women (p.11). According to Chow and Berheide (as cited in Carcedo, 2000, p.11), all societies in the world are characterised by gender inequality, which has its roots on sexual division of labour and is perpetuated by the process of gender socialisation, that is the mechanism by which society determines who is oneself as a man or a woman and what is his or her assigned position in the world. They believe that this process, which imposes men and women to adapt to a certain role in society, is biased, repressive and “violent”, because men, in their effort of trying to keep women in that oppressive system and repressing those characteristics considered not adequate to their gender, end up resorting to violence (p.11).

According to Carcedo (2000, p.12), the importance of typifying femicide as a gender specific crime means recognising that its cause is not related to individual factors but instead lies in society’s biased power structure, which maintain men in dominant and privileged positions and facilitates power relation and violence towards women (p.72).

Feminists in the international arena

Feminists, civil society and national women rights organisations have achieved the attention of international organisations and tribunals, whose efforts resulted in widespread adoption of international treaties, declarations for women's rights and recognition of States' responsibility towards VAW. Latin America acknowledgement of the problem led to the implementation of public policies and legal reforms aimed at the punishment and prevention of VAW. The main international legal instruments for the protection of Women's rights in the region of Latin America is the *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women*, adopted in 1994 by the Organization of American States. Since its adoption, following its Art. 7 in which state parties agree to “include in their domestic legislation ... any type of provisions needed to prevent, punish, and eradicate VAW” (c) and to “take all appropriate measures ... to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence ... of VAW” (e) (*Organization of American States, 1994*), a process of regional convergence and inclusion of gender perspective in national legislations has been observed (Borzacchiello & Galanti, 2013, p.8). The process entailed two different generations of laws (Garita, 2011, p.11). The first one evolved between 1994 and 2002, and focused only on the private dimension domestic violence. It produced legal reforms aimed at protecting women from domestic violence, without addressing the structural elements in which it may originate (Ibid). The second process started in 2005 and expanded the types and sanctions imposed for these crimes, addressing both the public and private sphere independently from intimate and familial relationships (Ibid). This process also typified the crime of women killing as “femicide” (Ibid).

However, the international community recognised femicide only in 2013, at the 57th session of the UN Commission on the Status of Women. In that occasion, the UN Economic and Social Council approved the efforts of the Latin American states which implemented legislation to typify “femicidio/feminicidio”, while again encouraging the ones that hadn't done it yet to “strengthen national legislation (...) to punish violent gender-related killings of women and girls, and integrate specific mechanisms or policies to prevent, investigate and eradicate (...) gender-based violence” (UN Economic Commission on the Status of Women,

2013).

Feminists on Impunity

Marcela Lagarde focused her analysis on impunity and institutional violence. She argues (2006) that impunity originates in institutional violence, that is, discrimination in the administration of justice and law enforcement: women in practice do not have access to the judicial system they are entitled to. When they do, police and judges discriminate them, which demonstrate lack of credibility or underestimation of women's reports (p.223-224). Carcedo (2010) argues that impunity is one of the main causes behind the raise of VAW. In other words, she argues that lack of punishment fosters criminality (p.443), explaining that impunity is the result of lack of responsibility of the State and its Judicial System, which neither investigate violence and extreme violence nor penalise criminals in a just manner. The result is a State that violates its citizen's right to life and security (UN General Assembly, 1993, Art.4).

Furthermore, the message the State sends to criminals is one of permissiveness and tolerance, by signalling that it won't punish violence against women. These circumstances are breeding ground for femicides (Carcedo, 2012). Lagarde (2008) also states that femicide is most likely to happen when the State does not provide the necessary security conditions that allow women and girls to live safely in their homes and communities. (p.216-217)

Carcedo (2010) agrees that in cases of femicide, the lack of investigation is aggravated by prejudices held by government workers, police and Judicial authorities. (p.445-446)

While an effective and well functioning criminal justice system provides disincentives to potential lawbreakers and inhibits crime, an ineffective and corrupt system provides no deterrence (Agrast, Botero & Ponce, 2013). The consequence is a high rate of crime and widespread violence, which as reported by Agrast et al. (2014, p.23) makes Latin America & the Caribbean the region in which citizens' perception of safety is the lowest in the world. Among the many dimensions of the Rule of law, violence, ineffective justice and corruption are the most important in Latin American countries, whose criminal justice system, criminal investigations and adjudication systems are on average the least effective in the world (Agrast et al., 2010; 2011, p.25; 2013, p.44; 2014, p.38). According to the 2014 aforementioned

report, while the average of Western Europe countries ranks 20/99 in Criminal Justice and 26/99 in Order and Security, Latin America only falls to 74/99 and 79/99, respectively.

Socio-ecological Theories

Socioecological theories are important because they depart from the understanding that VAW is the result not only of singular individual, sociocultural or situational factors but also the outcome of the multidimensional interplay among all of them. The Ecological Model is the sociological framework used nowadays by international organisations to understand the causes of crime and VAW. It has also been applied to understand Intimate partner violence (Heise, 1998; Krug et al., 2002) and femicide (WHO, 2012).

The ecological framework identifies many causes of VAW. At individual level, the relevant factors are: witnessing martial violence as a child, being abused oneself as a child, having an absent or rejecting father (Heise, 1998), young age, alcohol abuse, personality disorders, low academic achievement, low income, history of violence in family (Krug et al., 2002, p.98). Relationships factors involve male dominance in the family, male control of wealth in the family, marital verbal conflict (Heise, 1998, p.265), economic stress, and instability (Krug et al., 2002, p.98). Community factors include low socioeconomic status or unemployment, isolation of woman and family, delinquent peer associations (Heise, 1998, p.265), poverty, and low social capital (Krug et al., 2002, p.98). Finally, social factors are sense of male entitlement/ownership of women, masculinity linked to dominance, rigid gender roles, acceptance of interpersonal violence and physical chastisement (Heise, 1998, p.265), traditional gender norms and social norms supportive of violence, and weak community sanctions against domestic violence (Krug et al., 2002, p.98).

When the ecological model was applied specifically to Femicide, a few more factors were identified as important: low number of women in elected government, reductions in government social spending on areas such as health and education, prior intimate partner abuse; no mandated arrest for violation of restraining orders related to intimate partner violence, no legislation restricting access to firearms for perpetrators of intimate partner violence; gun ownership, threats to kill with a weapon, forcing sexual intercourse with a

partner, problematic alcohol use and drug use, and mental health problems, (WHO, 2012, p. 4).

The comprehensive and multidimensional approach taken by the ecological model is confirmed by scientific investigations on mortality in the field of public health. Arias (2008, p.125) claims that violent deaths by homicides are avoidable, as demonstrated by industrialised countries which have sensibly reduced homicides by preventive public policies aimed at reducing social inequalities through control of their social, cultural and economic determinants (p.83).

UN Women (n.d.) draws from all the aforementioned theories and bases its policy making on the causes identified through the Ecological framework. In addition to all the variables previously cited the organisation also identifies as risk factors disparity between men and women in education and employment, lack of safe spaces for women and girls and low level of awareness among health and justice service providers (n.d.). According to its focus on women's empowerment, UN Women emphasises low women participation in decision making as a risk factor (2013, p.35).

Hypotheses

Femicide Regulation

Typifying a crime should provide a legal tool that allows women to access protection and ask authorities for help when they are subject to violence (Carcedo, 2010, p.425-426). Feminists theories sustain that the first step towards ending extreme violence against women is understanding that femicide has different causes from homicide and has therefore to be typified as a crime itself. The typification of the crime in national legislation would help by providing adequate institutional tools for the gathering and analysis of information such as building sex-disaggregated databases on murder, which would allow a deeper comprehension of its mechanisms, and therefore to develop a targeted and effective policy (Ibid, p.117).

Typification would also act as “stigmatisation”, and according to Carcedo (2012; 2010, p.115)

would reduce the number of femicides by increasing penalty against simpler homicide sentences and by preventing it to be classified as a “crime of passion” (Carcedo, 2010, p. 91-92, 118), and for this reason to be absolved and normalised. However, national femicide regulations differ in some specific features such as typification of femicide, severity of punishment, punishment of authorities’ negligence and the inclusion of the public sphere, which are here hypothesised to be directly influential to femicide trends (Garita, 2011).

In what follows I explain each of my hypothesis and how I measured the variables involved.

Hypotheses 1: “In countries where femicide regulation has been adopted, we should find a decrease in the number of femicides”

However, laws vary in their severity: while some countries are very severe, allowing death penalty to be used in these circumstances, some other countries only allow for a maximum of 25 years for femicide.

Thus, because there are many differences in the content of femicide regulations for each country, I hypothesise that variation in the number of femicide may depend only on particular features of the law. Therefore, in order to measure if there are specific features that are significantly determinant, I develop more specific hypotheses in relation to the characteristics of the law:

Subhypothesis 1

“If femicide is regulated as a separate criminal offence, it provides public consciousness and awareness, and femicide rate should decrease”³

Subhypothesis 2

“if punishment is more severe, potential murderers are discouraged, and femicide rate should decrease”

Subhypothesis 3

“If public authorities can be punished because of negligence, public authorities are discouraged from discriminating women or exonerating victimisers, potential lawbreakers are discouraged, and femicide rate should decrease”

³ A possible problem related to the typification process is that what was previously classified as a homicide is now recorded as femicide, therefore in the short term increasing the number of femicides. Likewise, the rise in knowledge and awareness of the crime generally leads to rise of reports and consequently mislead the perception of femicide recurrence.

Impunity

Impunity was defined by the Commission of Human Rights as “the impossibility, de jure or de facto, of bringing the perpetrators of violations to account (whether in criminal, civil, administrative or disciplinary proceedings) since they are not subject to any inquiry that might lead to them being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims” (UNCHR, 2005). In cases of gender related killings of women, impunity is the result of institutional weakness whose symptoms are a lack of respect for the rule of law, corruption and poor administration of justice (UNHRC, 2012b, p. 27).

As I previously mentioned, feminist Latin American theories claim impunity to be a significant catalyst of extreme violence against women, one of the main causes of perpetuation of VAW. Furthermore, statistical reports by UN Women estimated that in 2014 that levels of impunity in the Latin American region reached in some countries a 98 percent of all reported femicides (UN Human Rights [UNHR], 2015), and the Special Rapporteur on Violence against Women OHCHR estimated a 95 percent impunity rate for sexual violence and femicide in Honduras (UNHR, 2014).

Hypotheses 2: “In countries where impunity is high, percentage of femicide rate should be high”

Subhypothesis 1

“In countries where Rule of Law is low, impunity is high and femicide rate should be high”

Subhypothesis 2

“In countries where Control of corruption is low, impunity is high and femicide rate should be high”

Gender Inequality

As I said before, according to the ecological model, there are many factors which influence the probability of suffering violence or extreme violence. Such factors represent the level of gender inequality (such as achievements of women in the field of education, economic empowerment, human development, political representation) and the states' political will to fight VAW through public policies (such as provision of public services needed for women's protection and empowerment). The importance of such factors is evaluated by looking if variation among them corresponds to variation in femicide rates.

Hypotheses 3: "In countries where gender inequality has improved, femicide rate should be lower"

More specifically, in order to consider the multidimensionality of these dependent variables, the following Subhypothesis on the impact of gender inequality (1,2,3) are evaluated separately

Subhypothesis 1

"If the number of women increased in national parliament, femicide rate should decrease"

Subhypothesis 2

"If university school enrolment of females increased, femicide rate should decrease"

Subhypothesis 3

"If the percentage of female labour force participation increased, femicide rate should decrease"

IV. VARIABLES AND METHOD

Overall, the investigation includes the years between 2000 and 2014. It is important to mention, that in the analysis I only included those countries from Latin America for which I was able to find clear information on femicide rate. Of the 21 countries considered, only Argentina, Bolivia, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru, and Uruguay had statistical

information on number of femicides⁴.

DEPENDENT VARIABLE:

Femicide rate

The dependent variable used in this study is Femicide Rate per 100,000 female population. Femicide rate was calculated yearly for each country, following the method used by Alvazzi del Frate (2011, p.118). Femicide Rate per 100,000 female population was calculated by taking as nominator the absolute number of femicides multiplied by 100,000 and taking as denominator the corresponding yearly female population. ⁵

The main challenge concerned the reliability of data on femicide. At country level, the problem was the lack of statistical sex disaggregated data, reliable records of victims and of circumstances of death, which are fundamental to separate femicides from female deaths. However international recommendations and femicide laws encouraging the building of femicide databases have been passed only in the last decade, women and human rights' organisations, as well as academic investigations have been collecting information on femicides since the end of the 1990s.

Availability of information among the cases considered was quite heterogeneous. While the 7 countries left out had no specific data on femicide at all, some had intermittent information available for short periods to time (4-6 years). Finally, countries from Central America, provided consistent information.

Data was collected from primary and secondary sources (for more information see Annex II). Primary Sources providing official data have been governmental institutions such as national police and institutes of forensic medicine. Since data on femicide for many countries was

⁴ Countries not included are: Brazil, Colombia, Cuba, Haiti, Mexico, Puerto Rico, Venezuela.

⁵ However many investigations used as denominator Female Homicide Rate, this has not been possible due to the lack of sex disaggregated data on Intentional Female Homicide Victims provided by the UNODC.

often not divulged directly, secondary sources were also consulted: academic papers, reports and newsletters of ONGs and IGOs. Academic papers usually focused on a single country. Finally, much data was provided by women's organisations which gathered information from news agencies, national and local newspapers, follow up of cases in the media, analysis of official data from different sources and developing their databases.

In Annex I, I present the data available for each country. More specifically, I show the rate of femicide for every 100,000 female population. Drops and rises of femicide rates after the implementation of femicide regulation can be observed for Chile, El Salvador, Guatemala.

INDEPENDENT VARIABLES

National Laws on Femicide

Independent Variable of Hypothesis 1

Amongst the original sample of 21 countries comprising Central and South America, 15 have included in their penal codes some sort of differentiation for gender-related women homicide/femicide, either typifying Femicide (femicidio/feminicidio) as a separate criminal offence, including the crime as a type of parricide/homicide, or as an aggravating circumstances of homicide (Oficina Regional para América Central & ONU Mujeres [OACNUDH & ONU Mujeres], 2014, p.141). Within the first category, up to December 30, 2014, 11 countries included Femicide as a separate criminal offence into their penal code. Chile, Costa Rica, Ecuador, Guatemala, Honduras, Nicaragua, and Panama typified it as "Femicidio", while Bolivia, El Salvador, Mexico and Peru as "Feminicidio". Then there are the countries which included femicide as a "type" or as an "aggravating" circumstance of "homicide", depending on whether they also typified femicide or not. These countries are Argentina, Colombia, Puerto Rico and Venezuela. It can be observed that the more recent femicide regulations are more complete, and they involve a wider range of modus operandi (OACNUDH & ONU Mujeres, 2014, p.142)

In order to compare the differences in between national legislations, the relevant features of

the laws were disaggregated and coded. Finally, three features that were highlighted as important in the literature were chosen: *typification as a separate criminal offence*, *severity of punishment in years* and *punishment of government negligence*.

The indicators chosen for the analysis are the ones that locate and reflect the main differences considered significant among national regulation on femicide.

Indicators:

1) *Typification as a separate criminal offence or as aggravated homicide/Parricide*: I created a dichotomous variable where 1 indicates that the country has typified the crime as a separate offence and 0 as aggravated circumstance of homicide. According to Carcedo (2010, p. 115-117), typification of femicide creates a tool against the crime and against impunity, which involves specific mechanisms and policies to prevent, investigate and fight gender-related extreme violence. Also, it should prevent the crime to be categorised as “crime of passion”, whose punishment is considerably less harsh than that of homicide Carcedo. (Ibid, p.91-92)

2) *Harshness of the law*: was measured by maximum years of imprisonment provided by femicide regulations by coding the higher number of years provided by the femicide regulation. In fact, punishment for gender-related homicide is overall higher than that for homicide. Longer years of imprisonment or life sentence are expected to deter men from committing femicide. Maximum years of imprisonment ranged from 25 to 60 years maximum. While Nicaragua was the lowest (25 years), Argentina, Chile and Peru included Life sentence.

3) *Punishment of negligence of public authorities by imprisonment, fine or disqualification*: this clause was enclosed by some countries in their femicide legislation, as a consequence of the high levels of impunity in Latin America. Also, it is aimed at fighting the bias and discrimination that prevent women from accessing justice. It was coded 1 when the law provided some kind of punishment for negligence, 0 when it was not.

Impunity:

Independent Variable of Hypothesis 2

The indicators used for representing impunity are Rule of Law and Control of Corruption. However the World Justice Program, a project that aims at measuring all aspects of the Rule of Law globally, provided a very specific indicator which estimated Effectiveness of Criminal Justice, the data was unavailable for great part of the time period analysed.

Indicators:

Rule of law and Control of Corruption are two of the Worldwide Governance Indicators of World Bank. Their score may vary between -2.5 and 2.5, where higher values correspond to better outcomes.

1) *Rule of Law*: “captured perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence” (Rule of Law, n.d.). Its component include: Violent Crime, Fairness of judicial process, Speediness of judicial process, Confidence in the police force, Confidence in the judicial system, and Law and Order.

2) *Control of Corruption*: “captured perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the state by elites and private interests.” (Control of Corruption, n.d.). Some of the variables included by this indicator are Corruption among public officials, Irregular Payments in Judicial Decisions, Frequency of corruption among public institutions: Legal system/Judiciary, Public.

Gender Inequality

Independent Variable of Hypothesis 3

The source for these indicators is The World Bank Group. However specific indicators provided by UNDP such as Gender inequality index and Gender development index would

have been ideal, they were useless for the analysis because they were incomplete. I therefore selected indicators which reflected the achievements of men and women in such fields.

Indicators:

The indicators considered in order to measure gender inequality are the following:

1) *Proportion of seats held by women in national parliaments*: is the percentage of women in parliament chambers. It is a relevant factor because women generally favor policies and institutional reforms toward gender equality (UN Women, 2013, p.35).

2) *Gross enrolment ratio in tertiary education for females*: is the total female enrolment in tertiary education, regardless of age, expressed as a percentage of the total female population of the five-year age group following on from secondary school.

3) *Female Percentage of total labour force*: is the percentage of females of all economically active population from age 15.

V. EMPIRICAL ANALYSIS

Back to the research question: why, despite the growing regulation on violence against women (domestic, psychological, emotional, patrimonial, obstetrical, institutional, work-related violence and typification of gender based intentional homicide [Garita, 2011, p.11]), femicide rates haven't consistently dropped? Why, even though Latin American countries have implemented comprehensive, integral legislation providing preventive strategies and national plans to improve public services aimed at the protection and empowerment of women, femicide rates haven't kept diminishing in response? According to the hypothesis developed, the possible answers were three: Femicides rates haven't varied proportionately and homogeneously among Latin America because (1) national regulations of countries in which femicide rate decreased had some important feature that others didn't provide; (2) some countries had lower levels of impunity and higher levels of rule of law, which positively deterred crime; (3) some countries had improved their levels of gender equality, VAW risk factors were diminished by preventive public policies in significant fields.

The quantitative analysis of the binary, categorical, and ordinal data collected was conducted through Linear Regression Analysis. Regression analysis allowed to explore the relationship between the dependent variable femicide rate per 100,000 female population and 9

independent variables, unveiling the strength of the relationship linking each explanatory variable with the dependent variable. (Johnson & Reynolds, 2008, p.477).

Significancy and correlation between dependent and independent variable was revealed by a P-values smaller than the Significant Standard Level 0,05, meaning a 95% or more probability that the independent variable is proportionally (positive coefficient) or inversely (negative coefficient) related to Femicide rate.

Results were drawn by running a variety of models in which the dependent variable Femicide rate per 100,000 female population was regressed on different combinations of independent variables, in order to understand which variables were significant in explaining femicide rates. Overall, and in agreement with some of my hypothesis, the variables that proved highly significant were rule of law and proportion of seats held by women in national parliaments.

Table 1. Regression analysis. Models 1-8 Ordinary Least Squares (OLS)

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7	Model 8
Existence of femicide regulation	-0,27 (1,20)	0,41 (2,64)					1,05 (1,31)	
Femicide separate criminal offence			2,24 (1,97)					
Maximum of years penalty		-0,19 (0,60)	-0,31 (0,31)	-0,29 (0,36)				0,06 (0,36)
Punishment of negligence			0,05 (1,46)	0,24 (1,37)				1,59 (1,33)
Rule of law				-2,43*** (0,87)	-2,15*** (0,77)		-2,77*** (0,88)	-2,74*** (0,93)
Control of corruption						-1,64** (0,81)		
Women in parliament							-0,14*** (0,05)	-0,16*** (0,05)
Enrollment in tertiary education for females							0,01 (0,02)	0,01 (0,02)
Female % of labour force							-0,30* (0,15)	-0,31* (0,16)
Constant	4,21 (0,56)	4,28 (0,58)	4,13 (0,57)	2,64 (0,83)	3,01 (0,68)	3,67 (0,60)	16,77 (5,68)	17,53 (5,84)
Observations	82	80	80	72	74	74	74	72

Note: the dependent variable for Models 1-8 is Femicide Rate per 100,000 female population. Standard errors in parenthesis

*** $p < 0,01$, ** $p < 0,05$, * $p < 0,1$

Source: Own elaboration.

With respect to the first hypothesis, the results showed no correlation whatsoever between existence of any type of national laws with femicide. Models 1, 2, and 7 in Table 1 above shows that the existence of femicide regulation, either typification of femicide as a separate criminal offence or as circumstance of aggravation of homicide do not predict femicide.

That is, femicide rates do not decrease as a consequence of the establishment of new regulation. These results confirmed the initial observation according to which femicide rates did not seem to have decreased consistently nor lastingly among Latin American countries since implementation of regulation.

Likewise, none of the individual features of femicide regulation showed to be significant to the variation of femicide rates. This means that whether a criminal offence named “femicide” was integrated to the penal code or not (Model 3), whether 25 years or life sentence was the highest penalty given (Model 2, 3, 4, 8), and whether negligent and discriminative public authorities were punished by the law (Model 3, 4, 8), femicide rates still weren't affected by it. In fact, all the mentioned variables had very high p-values which exceeded the 0.05 significant standard level, ranging among 0.2 to 0.9.

On the contrary, Rule of Law strongly confirmed the hypothesis 2 as its p-value ranged among the different models (4, 5, 7, 8) respectively 0,003, 0,004 and twice 0,007 with a stable negative coefficient. Therefore, the relationship between rule of law and femicide rate is inverse: the lower the level of rule of law, the higher the rate of femicide per 100,000 female population. This result is very important because, not matter the different combination among variables, rule of law was always significant in predicting femicide rates. Given the widespread agreement within Latin American feminist literature, and its compatibility with statistical data provided by global reports on violence and crime underlining the region's problem with impunity, a high Rule of Law, and Femicide rate was expected.

The variable Control of corruption, representing another component of impunity, was used individually because of its correlation with Rule of law. In Model 6, in fact, it can be observed

how Control of Corruption is as well inversely correlated to femicide rate (p-value 0.047), meaning that femicide rates are found to increase when the corruption is not kept under control.

Moving on to gender inequality, only one indicator of the three considered representing gender inequality proved to be significant in predicting femicide rates. Proportion of seats held by women in Parliament had a p-value ranging between 0.005 and 0.006 (Model 7, 8) and a stable negative coefficient confirming an inverse relationship meaning that a higher number of women in parliament corresponded to smaller the number of femicides. However feminist literature explaining the causes of femicide focuses more on the structural causes of gender inequality, and sociological theories on VAW do not place among risk factors low percentage of women in parliament, the importance of women representation in decision making bodies is a regular argument supported by women's organisations.

The following two indicators used to represent gender inequality in the fields of Labour and Education, in spite of being considered very relevant by sociological theories, did not show correlation to femicide rate. In fact, Female percentage of total labour force, however it proved to be at the threshold of statistical significance ($p=0.5$) in both models 7 and 8 with a p-value of 0.055 and 0.056, could not be included amongst the significant variables found. Similarly and again unexpectedly, variation in Enrolment in tertiary education for females didn't show significance towards variation in femicide rates (p-values ranging among 0.171 and 0.657 in Models 7 and 8).

As a conclusion, it can be observed that among the variables which showed correlation to Femicide rate, namely Rule of law, Control of corruption and Women's representation in national Parliaments, the first two demonstrate how impunity is, in Latin America, the main cause behind perpetuation of extreme gender violence. The third correlation proved the significance of Women's representation in Parliaments as deterrent to femicides for being promoters of gender equality. However, in light of previous findings which demonstrated "how a higher percentage of women in parliament proved to be a deterrent to corruption" (Swamy, Knack, Lee, & Azfar, 2001, p.1), this last variable might be also

considered as significant to femicide for its power to lower corruption, and consequently, femicide rate.

Finally, the lack of correlation of important variables such as the importance of education and that of economic independence with women's own security, might be due to having chosen specific factors such as enrolment rate in tertiary education instead of, for example, estimated years of schooling for females.

VII. CONCLUSION

In this study, I illustrated the problem of extreme gender violence in Latin America with the aim to individuate the causes behind variation in femicide rates. I started by defining the difference between femicide and women homicide, and by explaining the history of the concept. Then, I mentioned the importance that the term acquired in Latin America as a political response to institutional violence and impunity, and how this movement, together with international organisations for human's rights, achieved the implementation into national legislation of laws typifying femicide by an increasing number of countries. After reviewing feminist literature and that referring to the ecological model, I illustrated their position on the causes of femicide: while the first one claimed structural gender inequality and impunity to be the main cause of the perpetuation of extreme gender violence, the latter argued that it is a problem that needs to be addressed at multiple levels. On such basis I formulated three hypotheses aimed at explaining the most important factors influencing femicide trends in Latin American countries: particular features of regulation, impunity and gender inequality. Finally, I illustrated the results obtained through linear regression analysis, that is that the variables that proved significant to variation in femicide rate were levels of Rule of Law, low levels of Control of corruption, and percentage of seats held by women in national parliaments. I conclude by clarifying that, however prioritising the fight against impunity is necessary to end extreme gender violence, that does not mean that legislation and regulation aimed at the protection and empowerment of women should not be implemented. It means instead that in the region of Latin America, until impunity won't be fought, its positive efforts may be neutralised.

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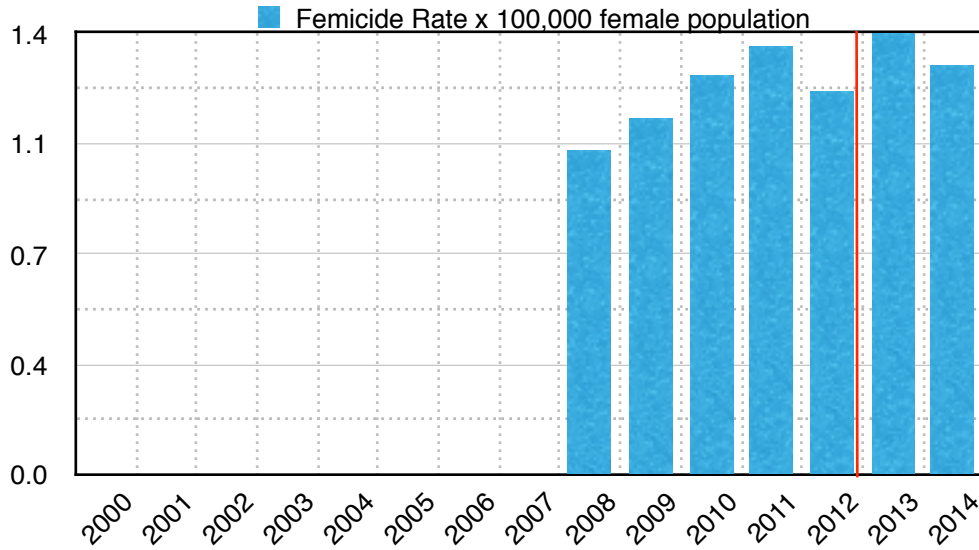
Annex I

Country	Femicide Sources
Argentina	La casa del encuentro (2008-2014)
Bolivia	Centro de Información y Desarrollo de la Mujer (2009-2013) Defensoría del Pueblo (2014)
Brazil	
Chile	Gobierno de Chile Servicio Nacional de la Mujer (2008-2014)
Colombia	
Costa Rica	Instituto Nacional de la Mujer de Costa Rica (2000-2009) García Bueno, M. P. (2014) (2011) Instituto Nacional de la Mujer de Costa Rica (2014)
Cuba	
Dominican Republic	Procuraduría General de La República Dominicana (2005-2012) García Bueno, M. P. (2014)(2011-2013)
Ecuador	Comisión Ecuménica de Derechos Humanos (2010-2013)
El Salvador	Organización de Mujeres Salvadoreñas (2000-2014)
Guatemala	Grupo Guatemalteco de mujeres (2000-2009, 2011-2013)
Haiti	
Honduras	Observatorio de la Violencia del Instituto Universitario en Democracia, Paz y Seguridad (2005-2012)
Mexico	
Nicaragua	Red de Mujeres contra la violencia (2004-2014)
Panama	Observatorio Panameño contra la Violencia de Género (2009-2013)
Paraguay	Urbano, C. (2010) (2005-2007, 2010)
Peru	Mujica, J. & Tuesta, D.(2012) (2004-2011) Ministerio de la Mujer y las Poblaciones Vulnerables (2012-2014)
Puerto Rico	
Uruguay	Observatorio de Criminalidad del Ministerio de Interior (2009) as cited by Urbano, C. (2010)
Venezuela	

Annex II

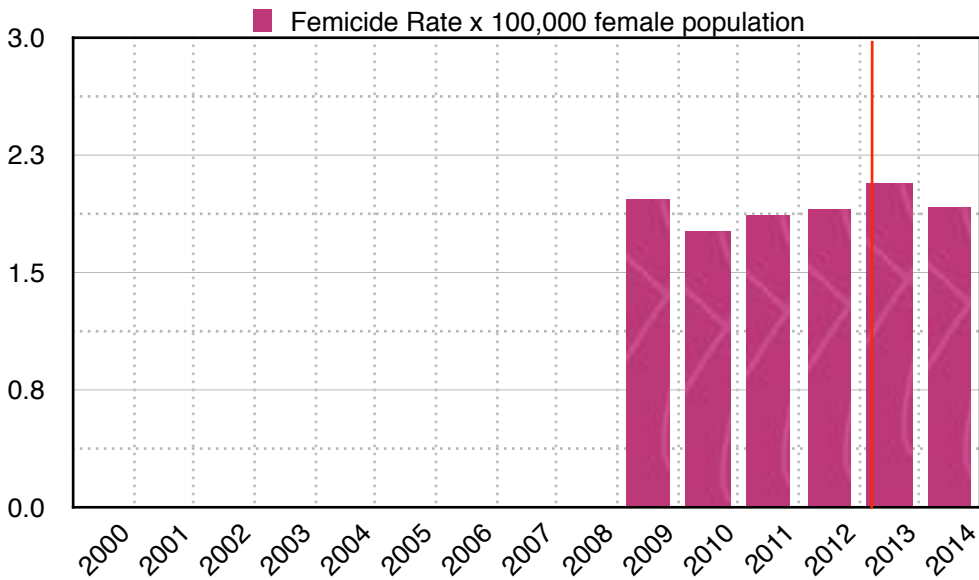
— : Femicide law enacted

ARGENTINA



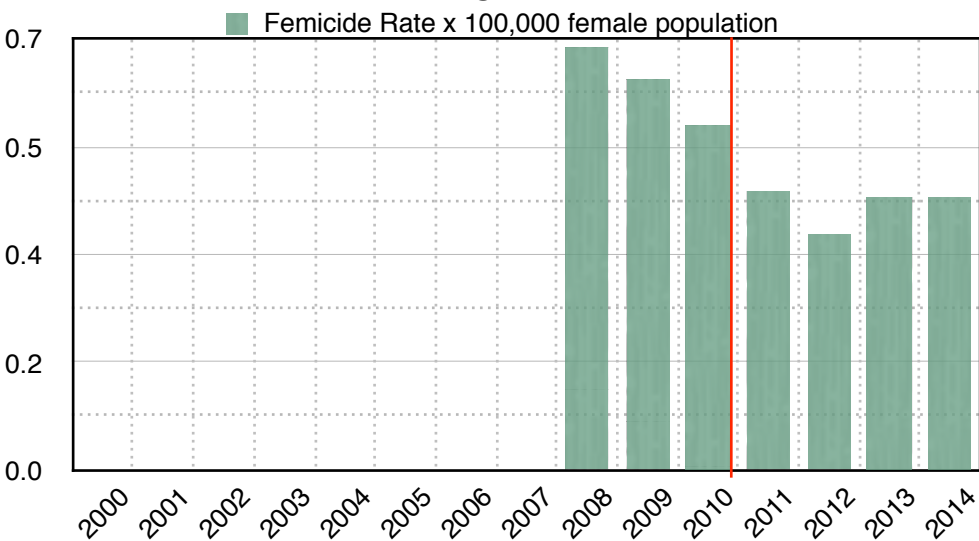
Femicide law enacted
11/12/2012

BOLIVIA



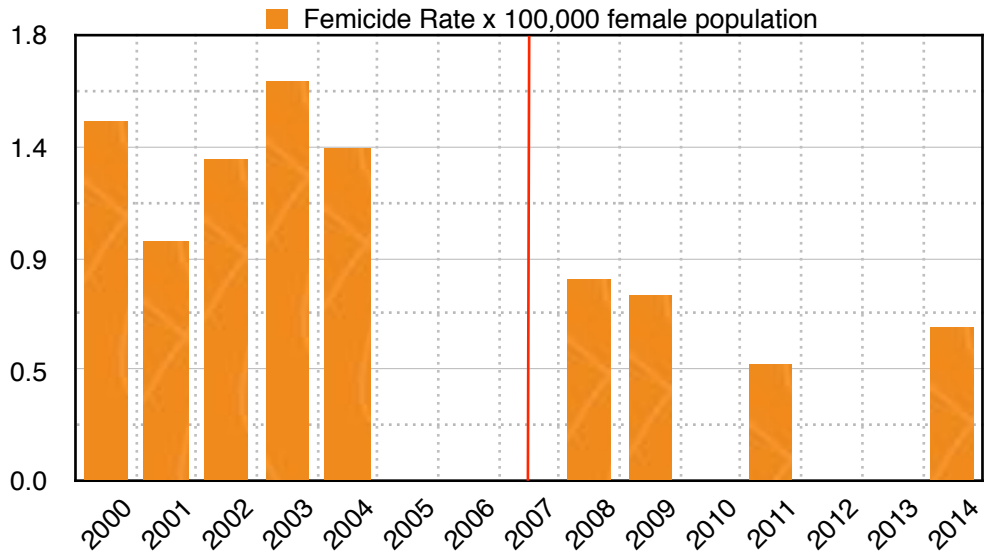
Femicide law enacted
9/03/2013

CHILE



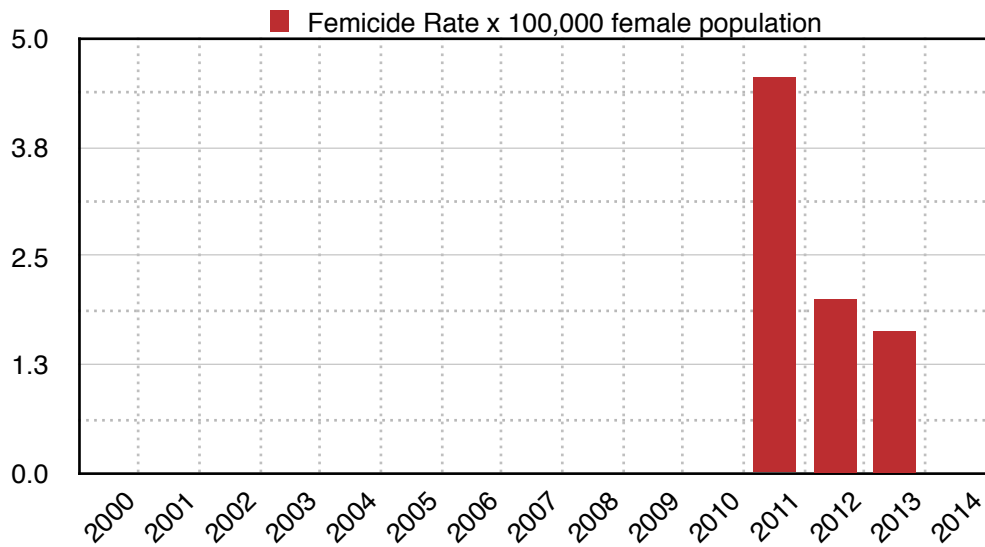
Femicide law enacted
18/12/2010

COSTA RICA

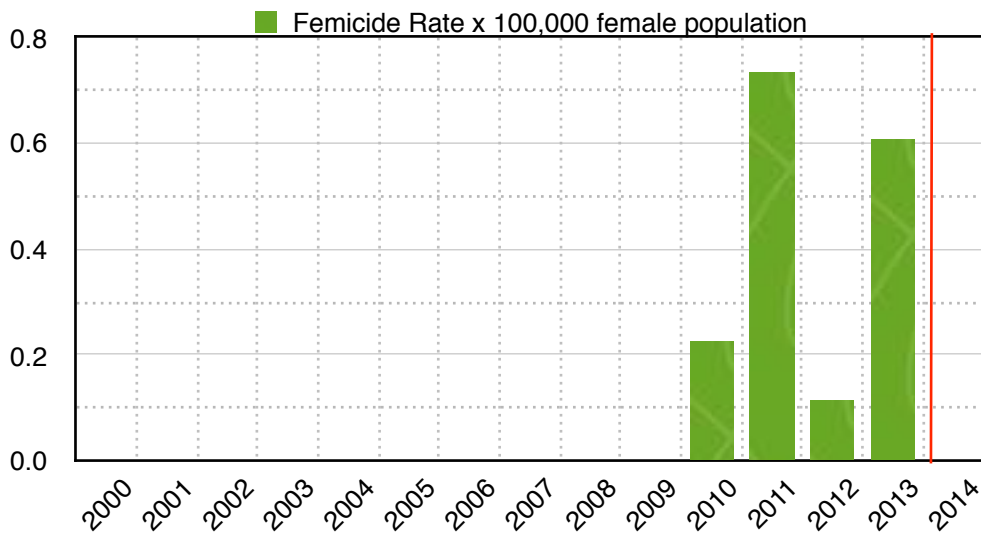


Femicide law enacted
30/05/2007

DOMINICAN REPUBLIC

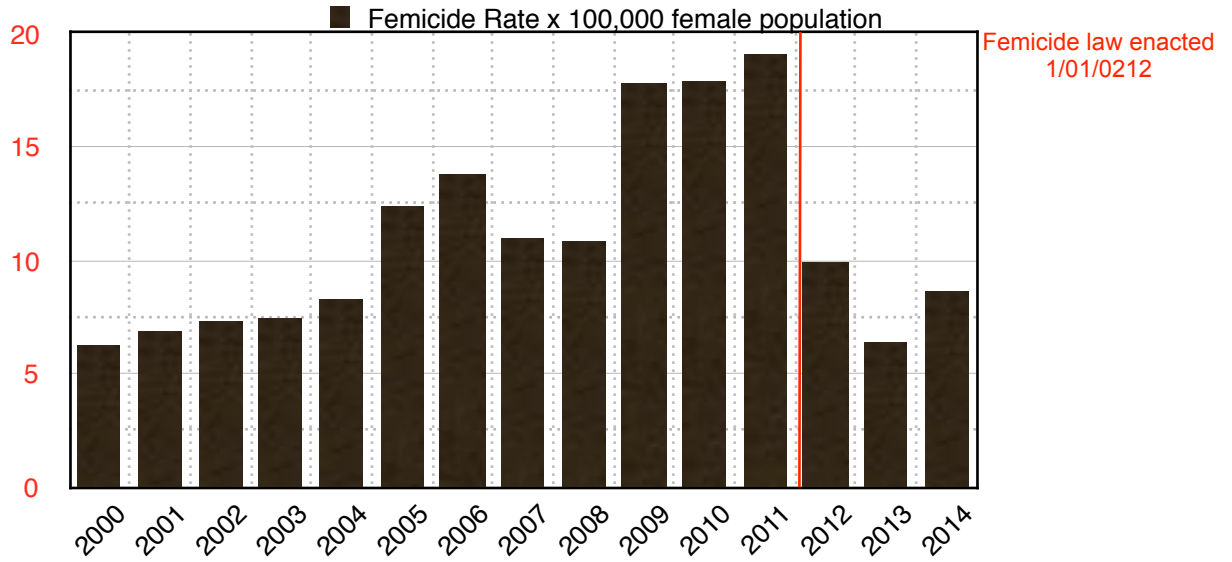


ECUADOR

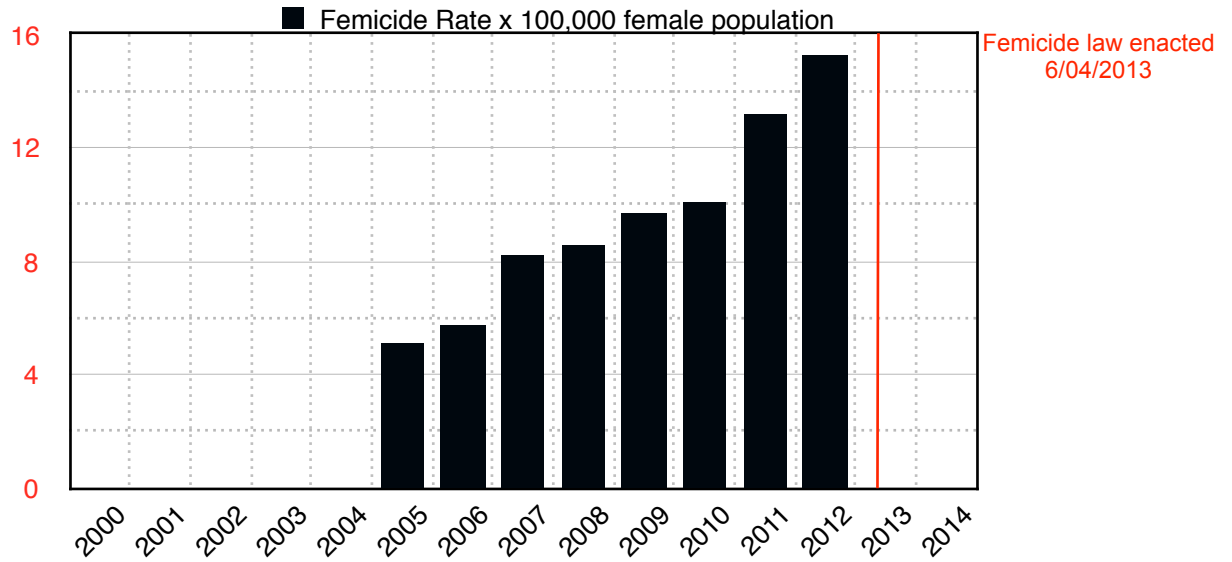


Femicide law enacted
10/02/2014

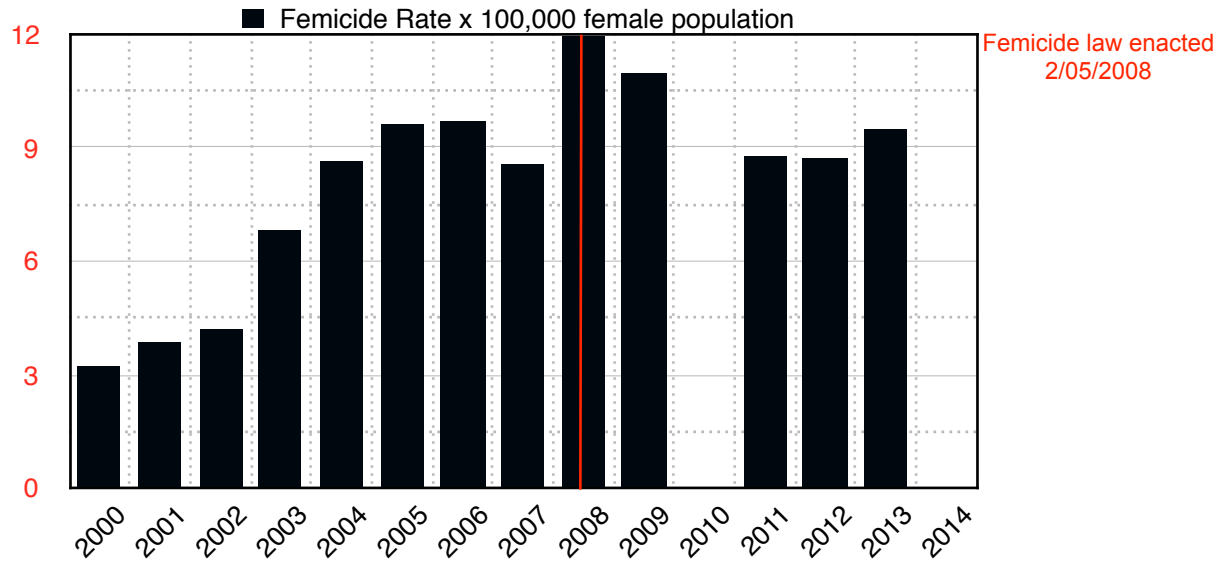
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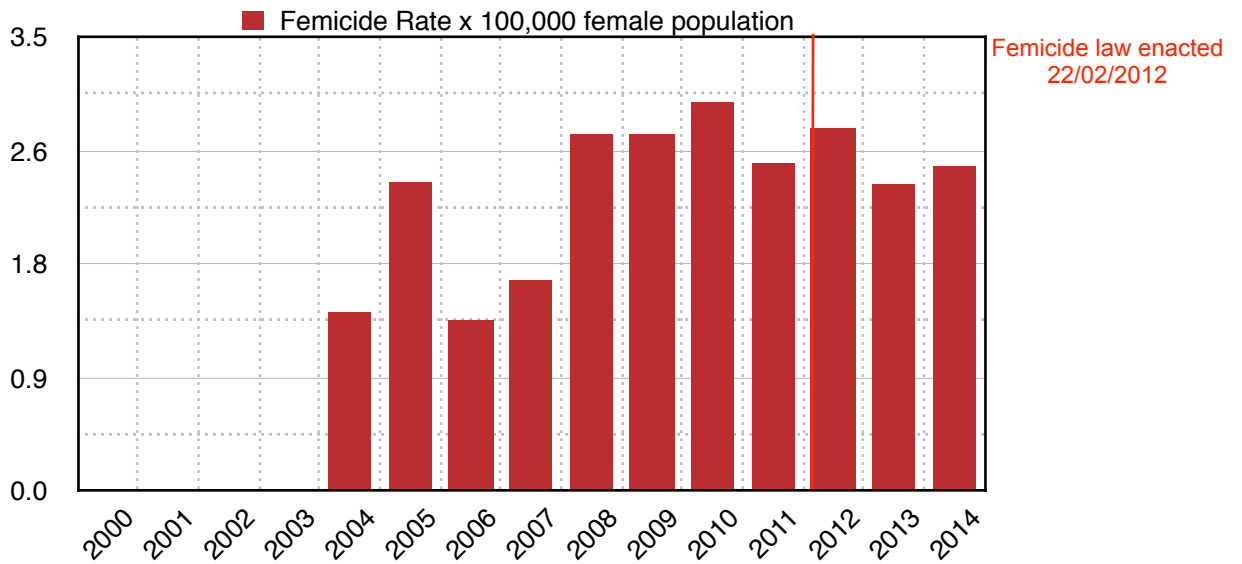
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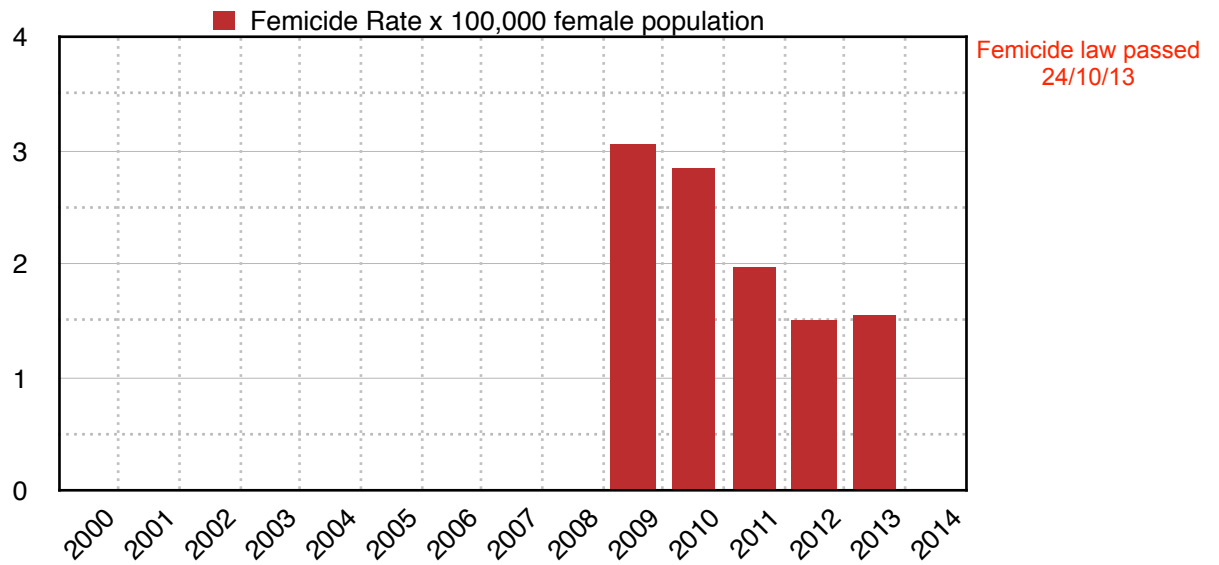
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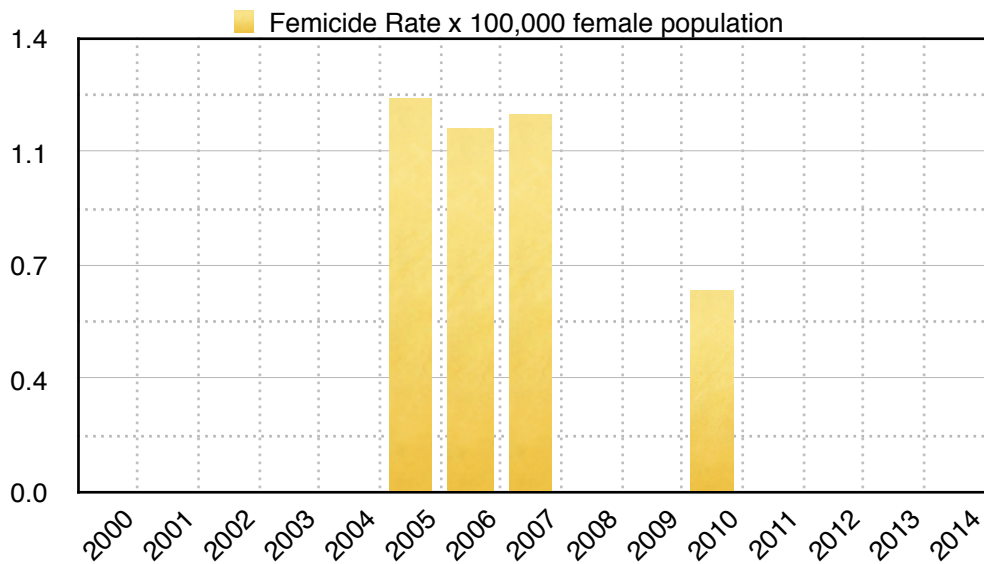
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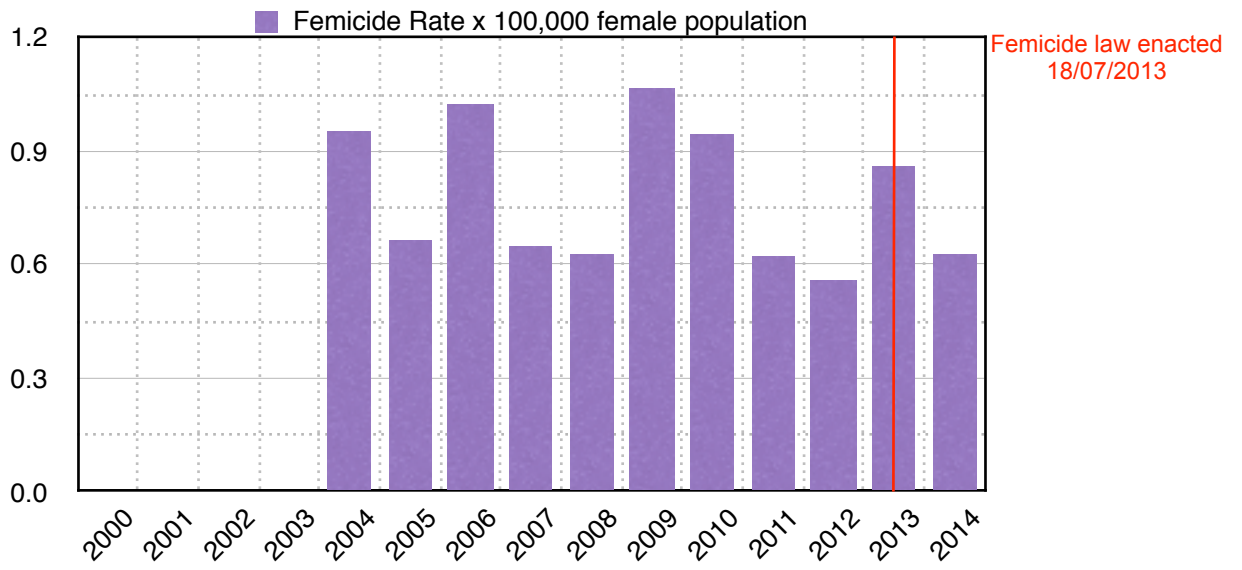
PANAMA



PARAGUAY



PERU



URUGUAY

