

Bezbednost i viktimizacija: Izazovi društvenog reagovanja i zaštite žrtava

TEMIDA

2017, vol. 20, br. 1, str. 3-21

ISSN: 1450-6637

DOI: <https://doi.org/10.2298/TEM1701003J>

Pregledni rad

Primljeno: 28.11.2016.

Odobreno za štampu: 20.4.2017.

Victims of Femicide in Latin America: Legal and Criminal Justice Responses

JANICE JOSEPH*

Despite the progress that women have made in the fight against gender-based violence, it is still prevalent in various countries in the world. For many women in Latin American countries femicide is a constant reality. This paper critically analyzes femicide in Latin American countries and the legal and criminal responses to this crime. The paper defines femicide and discusses the nature and extent of femicide in Latin America. The analysis of this phenomenon in Latin American countries indicates that although some of these countries have made important strides in addressing the problem, they still face challenges in adequately preventing this crime.

Keywords: femicide, violence against women, Latin America, gender-based violence.

Introduction

Violence against women occurs in every country in the world. It also occurs in every sphere of life and it ranges on a continuum from mild to severe. The most serious form of violence against women is femicide, which is an international problem and it takes various forms. During the last decade, countries in Latin America have been experiencing an epidemic of murders of women. The purpose of this paper is to critically examine the legal and criminal justice responses to femicide in Latin America. The paper discusses the

* Dr Janice Joseph is distinguished professor of criminal justice at the Stockton University, United States of America. E-mail: josephj@stockton.edu.

definition of femicide, the extent of femicide in Latin America, factors related to femicide and the legal and criminal responses to femicide.

The Latin American countries comprise those countries in which Roman languages are spoken by the majority of the population. The countries include (Central and South America) Argentina, Belize, Plurinational State of Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Falkland Islands, French Guiana, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela. Latin American countries also include the countries of Cuba, Dominican Republic, and Puerto Rico in the Caribbean.

Definition

The term femicide was first used by Russell and van de Ven who stated that the word femicide was introduced because “we must realize that a lot of homicide is in fact femicide. We must recognize the sexual politics of murder” (Russell, van de Ven, 1976: 144). Russell (1982) argued that the word femicide focuses on the fact that when women are killed they are killed because of their gender. Caputi and Russell (1998) view femicide as the most extreme form of terrorism against women, and is motivated by hatred, contempt, pleasure, or a sense of ownership. In 1998, Campbell and Runyan refined the term femicide by suggesting that all killings of women, regardless of motive or perpetrator status, should be considered femicide (Campbell, Runyan, 1998).

In Latin America, the term *femicide* along with the term *feminicide* is used interchangeable. Feminicide is used to describe not only the social and judicial context of femicide but also a political context which examines the judicial and political structures that normalize the crime. Countries such as Chile, Costa Rica, Guatemala, Honduras, Nicaragua and Panama use the term ‘femicide’, and El Salvador, Mexico, Peru and the Plurinational State of Bolivia use the term ‘feminicide’ (Economic Commission for Latin America and the Caribbean, 2014). In general, femicide is a form of homicide which is gender based and it is the most serious and lethal form of violence against women. It can also be viewed as a form of sexist terrorism and a hate crime against women (Caputi, Russell, 1998). These murders of females are embedded in the patriarchal culture that favors masculinity over femininity and supports men’s violence against women as a form of social control.

There are different types of femicides based on the contexts in which they occur. These include intimate partner femicide, honor killing, female feticide, female infanticide, bride burning, dowry murders, and multicial femicide.¹ Intimate partner femicide is the killing of a woman by her partner. It is the most common form of femicide. Intra-familial femicide is committed by family members, such as honor killing, feticide, female infanticide (World Health Organization, 2012). Multicial femicide is committed by serial murderers and mass murderers and systematic femicide is committed during armed conflict when females are systematically slaughtered.

Extent of femicide in Latin America

There is a lack of reliable statistical data and reliable systems of information about femicide in Latin America. Official statistics are scarce, and in some countries the information is still not officially compiled. This impedes an adequate assessment of the severity of the problem. The absence of reliable records of victims also disguises the real nature and extent of the problem. Also “the problem underlying the lack of compiled data is the inability of public institutions to account for the use of technical, financial and human resources, which makes it impossible to measure, monitor and evaluate such services” (Economic Commission for Latin America and the Caribbean, 2014: 44). However, the limited data that exist can provide some insight into the magnitude of the problem in Latin America.

In 2016 a femicide took place every three days in Brazil (Del Rio, 2016). In 2015 in Argentina a woman was murdered every 30 hours, mainly because of her gender and six women are murdered every day in Mexico (Del Rio, 2016). In 2014, every day, at least 12 Latin American women were murdered just because they were women with a total of over 2.000 femicides. Of these females murdered in 2014, Honduras had the highest number of femicides with 531 femicides, followed by El Salvador with 183 femicides. Additional information indicates that in 2014, 88 women were killed by their partners in Colombia; 83 in Peru; 71 in the Dominican Republic; 46 in El Salvador; 25 in Uruguay; 20 in Paraguay, 17 in Guatemala and 16 in Chile (Economic Commission for Latin America and the Caribbean, 2014). An average of 4.500 women

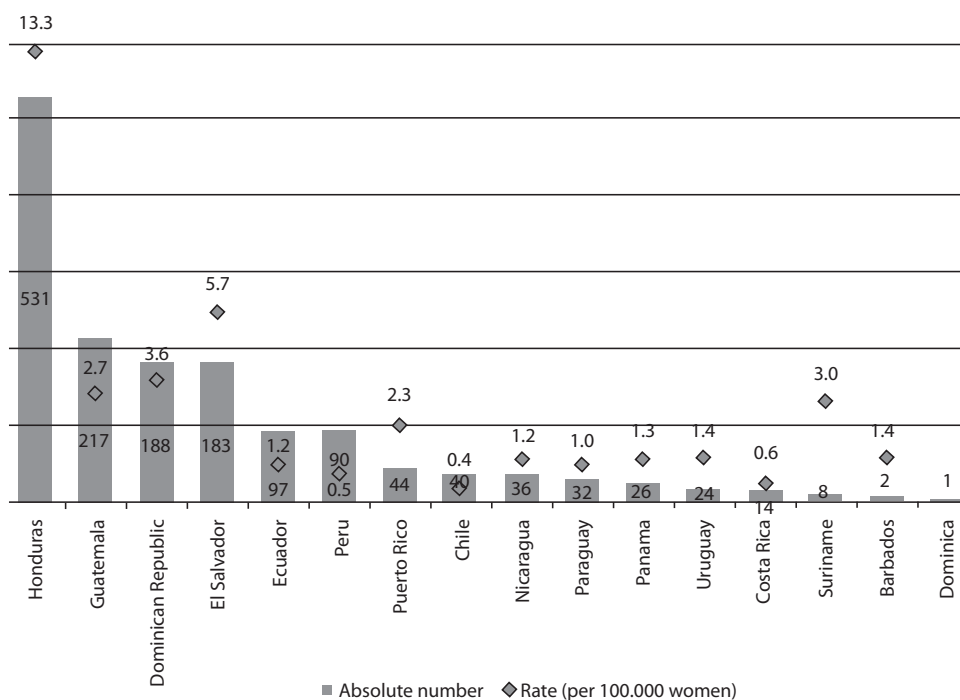
¹ The term ‘multicial femicide’ include serial and mass femicides. More in: Joseph (2012).

are killed in Brazil every year, while in Colombia, a Latin American country of 47 million people, an average of one woman is killed every two days by a man because of her gender (Moloney, 2015a).

According to a study conducted by the Economic Commission for Latin America and the Caribbean (2014), in 2013 at least 1,678 women were murdered (because of their gender) in 17 countries of the region and three Caribbean countries. Furthermore, El Salvador, Honduras and Guatemala have some of the highest femicide rates in the world. Another study done in Latin America reported that El Salvador has had the highest rate of femicide in the world, with 2,250 femicides between 2010 and 2013 (La Via Campesina, 2014). Chart 1 indicates that of the 16 countries presented, Honduras, El Salvador and the Dominican Republic had the highest rate of femicides in 2014.

Chart 1. *Femicide in 16 Countries in Latin America*

LATIN AMERICA (16 COUNTRIES): FEMICIDE OR FEMINICIDE, 2014
(Absolute number and rates)

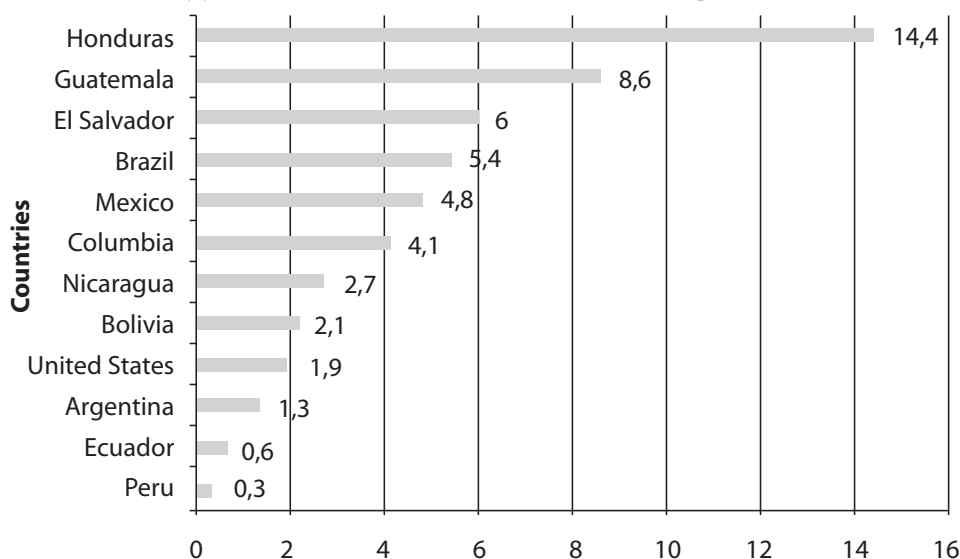


Source: Economic Commission for Latin America and the Caribbean (2014)

The Small Arms Survey (2012) indicated that about 66.000 women and girls are victims of homicides annually. This accounts for approximately 17 per cent of all victims of intentional homicides. The study also found that countries with a high rate of male homicide had a high rate of femicide as well. It also showed that firearms played a vital role in homicides and that perpetrators who used firearms to intimidate and threaten another person were more likely to use that firearm to kill that person. In fact, the data from this study showed that one out of five regions, in the study, with the highest femicide rates was Central America. In addition, the study showed that of the 25 countries with the highest femicide rates, more than half are in the Americas. This study, also, found that El Salvador had the highest rate of femicide (12 per 100.000) and the third highest was Guatemala (9.7 per 100.000) (Small Arms Survey, 2012).

In 2012, seven out of the ten countries with the highest female murder rate in the world were in Latin America. They were El Salvador with a rate of 8.9 homicides per 100.000 women in 2012, followed by Colombia with 6.3, Guatemala with 6.2, Brazil with 4.8, Mexico and Suriname are also in the top ten (Matlof, 2015; Yagoub, 2016). Between 2010 and 2013, El Salvador has had the highest rate of femicide in the world, with 2.250 femicides, Guatemala had the third and Honduras the seventh highest rate of femicides (La Via Campensia, 2014). Chart 2 also shows the rate of femicides in selected countries in Latin America and it is clear that many of the countries on that chart have rates higher of femicide than the United States (Mujica, Tuesta, 2014).

Chart 2. Rate of femicide in several Latin American countries per 100.000 (2013)



Source: Mujica, Tuesta (2014).

Nature of the violence

The majority of victims are killed by firearms, steel weapon, knives and strangulation. Their bodies are often dumped in alleys, ravines, on the sides of the road sides, sidewalks or even in the middle of public parks like litter. In some cases, the victim is dismembered, burnt, or if the murderer decides to cover the body, trash bags are often used to do so. The vicious way in which the women are murdered, as trophies of war, may attributed to the legacy of the civil wars in many of the countries, especially Central America, during which victims were tortured, disfigured, dismembered, abandoned in ditches, trash cans, or garbage bags (Stone, 2011). In some cases, the murderer will mutilate the victim's genitalia, and write degrade words or deface the corpse. There is also evidence of sexual and/or other forms of torture prior to murdering the victim (Valladares, 2012).

Reasons for the high rate of femicide

Women are more often killed by male acquaintances such as their former partners, family members, or friends. In countries with high levels of lethal violence, women are frequently attacked by gangs and organized criminal groups, and this is done in a general climate of indifference and impunity (UN Human Rights, Office of the High Commissioner, 2014). The act of femicide in El Salvador, Honduras and Guatemala is related to historical patterns of violence and abuse in Central America, where death squads and civil wars have left a legacy of violence, intimidation and ongoing impunity. But it is also linked to the prevailing history of patriarchal norms that have existed for centuries in almost every societies across the globe that presume that women are the property of men to be treated and disposed of any time (Yagoub, 2016) and "traditional views of women's role in society quite often normalize violent behavior and attribute higher levels of blame to the victims themselves" (Evidence and Lessons from Latin America, 2013: 2).

While femicide is often related to domestic abuse, a major contributor to the high femicide rates is organized crime. This is evident by the fact that 50 percent of the 854 women killed in Guatemala in 2015 were murdered as a direct result of organized crime, primarily human trafficking. It is believed that most of the female victims are tortured, raped, and often murdered. Gang violence is also a contributor to femicide in Latin America. Although the majority of gang-related deaths and victimization are men, during gang disputes, women are frequently targeted for revenge killings by rival gang members. Furthermore, it does appear that femicides in Latin America are linked to the Maras gangs which first emerged in Los Angeles, California (Yagoub, 2016). Femicides are also high among women who become members of criminal organizations. These women are often forced to work in menial but dangerous tasks. One such task is that of a 'mula' or drug 'mule' which sometimes lead to the death of the woman (Yagoub, 2016). As a 'mula' the woman smuggles illicit drugs in her body or in immediate belongings. Swallowing or inserting drugs, into their bodies, protected by capsules has become very popular for 'mulas'. However, it is very dangerous because ruptured capsules of drugs inside of a person's body can be fatal if the drugs enter the woman's blood stream (Yagoub, 2016). When these women choose to become 'mulas', they are, therefore, risking the possibility of death.

Other reasons for the high femicide rates in Latin America include acts of vengeance. In the past, a loan shark would often resolve the matter between himself and the debtor. However, it has become common for the loan shark to target and often kill the wives and daughters of the debtor. These crimes can also be viewed as a form of misogynist cleansing and demonstrate an extreme level of violence against its victims. They can be seen as an expression of unequal power relations between men and women, a mechanism of control and domination, discrimination against women, and a display of deeply entrenched sexism (Stone, 2011; Valladares, 2012). The murder of women can also be explained by the machista cultural attitudes which are reinforced in newspapers, commercials, songs, and soap operas, and reproduces myths justifying violence against women (Musalo, Pellegrin, Roberts, 2010). Violence against women is socially acceptable in many cultures and femicide is extreme form on the continuum of violence against women which culminates in their death (Musalo, Pellegrin, Roberts, 2010).

Legal and criminal justice responses

The first femicide legislation was passed in 2007 and by 2014, 15 countries had criminalized femicide or feminicide in their criminal laws (Economic Commission for Latin America and the Caribbean, 2014). In 2014, Venezuela reformed its Law on the Right of Women to a Life Free of Violence by establishing femicide as a criminal offense (The Argentina Independent, 2014). In 2008, Colombia amended its penal code to include the homicide for being a woman and on July 6, 2015 it passed a new law making femicide a legally defined crime, with a prison sentence of 20 to 41 years (Moloney, 2015b). In 2015, Brazil also passed a law against the killing of a woman by a man because of her gender. The law also stipulated longer prison sentences for crimes committed against pregnant women, girls under 14, women over 60 and people with disabilities (Moloney, 2015a). By 2015, there were 16 Latin American countries that had passed femicide legislation and introduced harsher legal penalties for murdering women because of their gender.

Different legal approaches

a) Criminalizing femicide

An examination of the femicide legislation indicates that the Latin American countries differ in their approach to the crime of femicide/feminicide. The legal definition of femicide/feminicide varied among the countries. Argentina includes in its criminal code the crime of femicide as an aggravated type of homicide of a relative, spouse or former spouse, or a person with whom he has or has had an intimate relationship, even if they were not living together at the time of the crime. Countries such as Chile and Costa Rica amended their national penal codes to include femicide as an 'aggravated circumstance of homicide' in 2010 and 2007 respectively. However, since the Argentina, Chilean and Costa Rican laws define femicide within the context of a relationship as a relative or an intimate partner, femicides that occur outside of this context (such as stranger femicide), would be difficult to prosecute under these laws. Most of the countries, however, have enacted a new and separate offence under the name of femicide or feminicide. In addition, a few countries, such as Argentina and Colombia, have added a punitive aggravating circumstance to the crime. In this case the aggravating circumstances of homicide is when a woman was killed because she was a woman or "when gender-based violence was involved" (Economic Commission for Latin America and the Caribbean, 2014: 67). Moreover, a few more progressive governments, such as Argentina, Brazil, Chile and Uruguay have classified certain types of violence against women, in their new femicide laws, as hate crimes, thereby emphasizing the severity and the motive behind the violence against women (Economic Commission for Latin America and the Caribbean, 2014). In several countries in Latin America, such as Costa Rica, Mexico, Guatemala, El Salvador, the femicide legislation establish the administrative and legal obligations of the state to prevent femicide and improve access to justice for the victim (Evidence and Lessons from Latin America, 2013).

The Guatemalan law is the most comprehensive example of a femicide law in Latin America because it consists of a range of measures and actions that it mandates. For example, it stipulates the obligations that the state must meet to address the structural causes of femicide (Evidence and Lessons from Latin America, 2013). In addition, the new laws addressing femicide in Chile, El

Salvador and Mexico mandate the state to provide comprehensive compensation to victims and their families (Economic Commission for Latin America and the Caribbean, 2014). In addition to enacting an anti-femicide law, Argentina will establish (in 2017) electronic tracking of men who are violent towards women (Pestano, 2016).

The enactment of legislation to counter femicide is an important step to prosecute perpetrators. However, there are a few shortcomings in these laws and the enforcement of these laws needs to be improved. These types of legal reforms are important towards a more holistic and comprehensive strategy for preventing femicide.

b) Penalties for the crime of femicide

The penalties for the violation of the femicide legislation vary from country to country. In general, in those Latin America countries where femicide is a crime, it is punishable by a prison sentence ranging from 12 years (Brazil) to life imprisonment (Chile). The penalties for femicide in Costa Rica apply to aggravated homicide, which varies between 20 to 50 years of imprisonment. On the other hand, in Chile femicide is punishable with life imprisonment, but in Peru, femicide is only punished with 15 years of imprisonment which is less than the penalty assigned to aggravated homicide, which is 20 to 25 years. In Mexico, femicide is punishable with a term of imprisonment of between 40 and 60 years in prison, a US\$2,000 fine, and the loss of inheritance rights years (Economic Commission for Latin America and the Caribbean, 2014; Claros 2015).

Table 1. *Legal responses to femicide*

Countries	Enactment of Law	Punishment
Argentina	2012	Life imprisonment
Bolivia (Plurinational State of)	2013	30 years
Brazil	2015	12 to 30 years
Chile	2010	Life imprisonment
Colombia	2014	20 to 41 years
Costa Rica	2007	20-50 years
Ecuador	2013	Up to 28 years
El Salvador	2010	Up to 40 years
Guatemala	2008	20 to 50 years
Honduras	2013	30 to 40 years
Mexico	2007	40 and 60 years in prison, a US\$2,000 fine
Nicaragua	2012	Up to 30 years

Panama	2013	25 to 30 years
Peru	2011	15 years
Venezuela (Bolivarian Republic of)	2007	28 to 30 years

Source: Economic Commission for Latin America and the Caribbean (2014), on the basis of Gender Equality Observatory for Latin America and the Caribbean.

c) Criminal justice system and impunity

In most Latin America countries, there are very few mechanisms to address gender-based violence in general. Law enforcement officials often claim that these femicides are spontaneous or accidental acts and seldom take appropriate actions to investigate them. They sometimes suggest that the women who are murdered are either criminals or prostitutes (Willard, 2012). However, the majority of the victims are ordinary citizens. There seems to be a systematic indifference by the police to the femicide epidemic in Latin America. Furthermore, there is a lack of police training to deal with gender-related crime (Willard, 2012).

To address police indifference to the victims of femicides, Guatemala required the creation of new units to work on cases of femicide. Consequently, the national police and the prosecutor's office have established special units to investigate cases of violence against women. These units are staffed by police officers and other personnel that have received training on gender issues and human rights (Guatemala Human Rights Commission/USA, 2009; Evidence and Lessons from Latin America, 2014). The Mexican law also mandates the establishment of a national system, which would consist of nine government ministries responsible for implementing policies to prevent and address, and eradicate femicide. The Mexican law also encourages judges to implement protection measures for victims of any form of gender violence to prevent future cases of femicide. It also makes special provisions for adequate reparation for victims' relatives in the case of femicide (Evidence and Lessons from Latin America, 2014). In addition, the passage of femicide legislation in El Salvador stipulated that Special Protection Units focusing on intra-familial violence, gender-based violence, and discrimination against women should be created. To date, the police departments in El Salvador have 11 local gender units to provide services to female victims of violence (Albaladejo, 2016)

Although several countries have modified their criminal codes to include special provisions for gender-related killing of females, impunity rather than

accountability still exists in many of the courts in Latin American countries. For many years, there has been a dysfunctional judicial system with insensitive prosecutors and judges in many of the countries. Consequently, most of the femicides have not been investigated and when they were investigated, very few perpetrators were tried or convicted. Over ten years, for example, 34,571 cases of femicide were opened in Colombia but only 3,658 convictions have been confirmed (Del Rio, 2016). Between 2008 and 2010, there were 1,110 reported cases of femicide in Honduras, yet only 211 made it to court and only 4.2% of these cases resulted in a conviction (Kelly, 2011). In Mexico, between 2012 and 2013 more than 3,800 women died in circumstances relating to gender violence. However, only 613 cases were investigated, and only 1.6% ended up with a judicial sentence. Also 98% of cases of femicide in Guatemala between 2000 and 2008 remain unsolved due to a systematic lack of investigation by police of these cases (Guatemala Human Rights Commission/USA, 2009). The pattern is similar in other Latin American countries (Mujica, Tuesta, 2014; La Via Campesina, 2014; Del Rio, 2016).

There are several reasons for the impunity. Judges are threatened, intimidated or corrupted by murderers who bribe politicians and members of the criminal justice system who seem to care very little about the deaths of women (Musalo, Pellegrin, Roberts, 2010; Kelly, 2011). There is also a lack of policy and mechanism to address gender-based violence in many of the countries. There is also a climate of passivity and unwillingness by the authorities to investigate these crimes (Musalo, Pellegrin, Roberts, 2010). In addition, many of the relatives of the victims often do not report the murderers because they are afraid or they do not trust the judicial system (Albaladejo, 2016), so many perpetrators go unpunished. Because of the high rate of impunity, some people question the effectiveness of the laws against femicide that have been passed in many of the Latin American countries.

In response to the impunity that exists in the criminal justice system in Latin America, the United Nations High Commissioner for Human Rights (UNHCHR) in collaboration with UN Women has developed a Model Protocol in 2012 in an attempt to assist in the investigations and prosecutions of femicide and other forms of gender-based murders of women in Latin America (UN Human Rights, 2014). The Protocol addresses many of the individual, institutional and structural factors relevant to understanding and responding to gender-related killings. It is a practical tool and incorporates both the theoretical

and practical experiences of a range of experts, including prosecutors, police, coroners, and judges, across Latin America, and elsewhere. Several Latin American countries are already working to integrate the Protocol into their legal systems and others have expressed interest in doing so (UN Human Rights, 2014).

Also in an attempt to end impunity in the courts, many Latin American countries have decided to implement several reforms of its court system. Guatemala, for example, has created special courts for prosecuting cases of femicide. These courts are staffed by judges and public officials trained in women's rights and gender issues, and are open 24 hours a day for women to report violent crimes. It has developed special prosecutor units and tribunals and, to avoid re-victimization (witnesses, survivors of victims, etc.), it began to use screens and videoconferencing in court proceedings (Evidence and Lessons from Latin America, 2014). El Salvador has also approved the creation of new court, called the Jurisdiction and Specialized Courts for a Life Free of Violence and Discrimination, to address violence against women. In 2010, Guatemala created a Criminal Court for Crimes of Femicide and Violence against Women (Kennedy, 2016).

d) Other initiatives to address femicide

Other measures include the 'female friendly urban zones' which were established by Central American policymakers (McAnarney, 2012). These female-friendly urban zones have provided a range of free services related to sexual and reproductive health, child care, and counseling. In addition, women-only passenger cars and buses were available for women and pink public transportation networks were established in Mexico, Brazil, El Salvador and Guatemala to provide women-only forms of public transportation in an effort to stop the sexual harassment and provide safety for women (McAnarney, 2012).

Discussion and conclusion

While the passage of the laws to prosecute perpetrators of femicide and reforms of the criminal justice system are important steps, they fail to address the underlying cause of the violence: the continuum of macho culture, which stands in direct opposition to gender equality. So many of these measures are viewed as temporary. In addition, one of the shortcomings in the judicial pro-

cess is the excessive reliance on testimonial evidence and the limited use of forensic evidence in court.

Even the best designed laws are worthless if a government does not provide the resources to implement those laws. It appears that the failure to protect women against femicide in Latin America is related to lack of enforcement of the femicide laws. According to Carrigan, "femicide laws in Latin America, in their current capacity, do not appear to significantly reduce female homicide rates in Latin America" (Carrigan, 2016: 122). The enforcement of the legislation across the region is inconsistent because of the different approaches to the problem. As a result of this inconsistency, the application of the femicide laws appears to be very weak. Legislation that focus on aggravating circumstance of homicide is "less progressive than legislation that has characterized femicide as a distinct crime because it does not attempt to challenge, or challenges to a lesser degree, existing gender norms" (Carrigan, 2016: 124).

The law alone does not bring about overhauls of justice systems that continually failed victims and allowed for impunity for perpetrators. A UN report stated that the inconsistency of femicide laws (the crime still lacks a common definition across countries), has resulted in its weak application. There remains "impunity and lack of due diligence by the State to prevent femicide, protect women, investigate and punish perpetrators, and provide reparations to victims and their families" (Manjoo, 2012: 7).

While the 'only women' mode of transportation is safe and convenient for women, and the female friendly urban centralized space for women provides easy access to services and increases the physical safety of women, they provide only a temporary solution to the problem. They do not address the 'machista' culture which is the source of the violence against women in Latin America. Instead, these initiatives segregate women from men to provide them with temporary relief from the harassment.

Within the Latin American region, there is inconsistency in the ways in which femicide has been conceptualized and this has implications for the collection of data. While some countries use the term femicide which focuses only on the crime, other countries use the term feminicide which analyzes not only to crime but the response or non-response of the state to the murders of women. Having a common term or definition for the murder of a woman by a man would provide the framework to identify commonalities and potential methodologies for the region.

There are also gaps in the statistics that are used to measure femicide in Latin America. One of the major challenges in these countries regarding femicide is the lack of comprehensive statistics on femicide. Police statistics, which are often used to determine the nature and extent of femicide in Latin America, are incomplete and many countries do not disaggregate the police statistics and homicide by gender. In addition, a great deal of the information on femicide comes from the media. Although newspaper information can provide contextual details of the incidents, newspapers can be misleading and sensationalized. There are also gaps in the research on the phenomenon. There are very few comprehensive studies on femicides in the region. Comprehensive research is, therefore, needed on femicides in Latin America to improve our understanding of the social context, characteristics of the victims, and circumstances surrounding femicides.

In order for the Latin American countries to address comprehensively and effectively gender-based homicide – femicide/feminicide, investigators, police officer, crime scene investigation officials and forensic experts need to be properly trained. They should receive intensive and ongoing training in investigative techniques, particularly in the collection and preservation of forensic evidence in relation to gender-based violence. Such training should refer to international standards and expertise including how to detect, document and investigate cases of gender-based violence. The Latin American governments should legislate that gender-based violence is unacceptable and will not be tolerated. Officials need standardized guidelines and protocols for identifying, investigating, and documenting cases of femicide in the region.

Accurate information about femicide is necessary to the formulation of preventive measures against femicide. It is, therefore, necessary for comprehensive data to be collected on femicides so that the nature and extent of this phenomenon can be determined. According to the Economic Commission for Latin America and the Caribbean, “femicide is one of the areas where the information void is most apparent” and “in some countries where it is a crime, information on aggravated homicide or femicide is not processed” (Economic Commission for Latin America and the Caribbean, 2014: 45). However, “now that femicide or feminicide is a criminal offence in 14 of the countries of the region, a region-wide comparison using official records can begin” (Economic Commission for Latin America and the Caribbean, 2014: 45).

It is quite clear that many of the Latin American countries still face challenges in addressing the crime of femicide. They have not been successful in the prevention, investigation, legal prosecution of femicide/feminicide. The general devaluing of women in Latin America is inscribed in cultural and legal codes. Lack of accountability for femicides further validates the idea that women deserve the treatment they receive. Within mainstream culture, media, politics and the legal system, femicide continues to be viewed primarily as a personal, individualized issue in Latin America. In the long term, only real social and cultural change will end the long and terrible history of discrimination and violence against women and girls just because they are females. Only when the patriarchal ideology of socio-cultural norms that creates a tolerance of the subordination and abuse of women is eliminated will femicide cease to exist.

References

- Campbell, J. C., Runyan, C. W. (1998) Femicide: Guest Editors' Introduction. *Homicide Studies*, 4, pp. 347–352.
- Economic Commission for Latin America and the Caribbean (2014) *Annual Report 2013-2014. Confronting Violence against Women in Latin America and the Caribbean* (LC/G.2626). Chile: Santiago.
- Mujica, J.,Tuesta, D. (2014) Femicide Penal Response in the Americas: Indicators and the Misuses of Crime Statistics, Evidence from Peru. *International Journal of Criminology and Sociological Theory*, 1, pp. 1-21.
- Musalo, K., Pellegrin, E., Roberts, S. S. (2010) Crimes Without Punishment: Violence against Women in Guatemala. *Hastings Women's Law Journal*, 19, pp. 161-221.
- Russell, D. E. (1982) *Rape in Marriage*. New York: Macmillan.
- Russell, D. E. H., Van de Ven, N. (Eds.) (1976) *Crimes against Women: The Proceedings of the International Tribunal*. East Palo Alto: Frog in the Well.
- Small Arms Survey (2012) *Femicide: A Global Problem. Research Note: Armed Violence*, issue 14. Geneva: Graduate Institute of International and Development Studies.

Internet sources

Albaladejo, A. (2016) *How Violence Affects Women in El Salvador*. Available at: <http://www.lawg.org/action-center/lawg-blog/69-general/1590-how-violence-affects-women-in-el-salvador>, page accessed 25.1.2017.

Carrigan, M. (2016) *Femicide Legislation: Lessons from Latin America*. A Thesis presented to The University of Guelph, Guelph, Ontario. Available at: https://atrium.lib.uoguelph.ca/xmlui/bitstream/handle/10214/9911/Carrigan_Michelle_201608_MA.pdf?sequence=1, page accessed 29.1.2017.

Caputi, J., Russell, D. (1998) Femicide. *Feminista*, 3/4. Available at: <http://www.feminista.com/v2n3/russell.html>, page accessed 1.11.2016.

Claros, L. R. (2015) *Femicide in Argentina*, issue 2. Available at: <http://wafmag.org/2015/11/femicide-in-argentina/>, page accessed 23.10.2016.

Evidence and Lessons from Latin America (2013) *Building Legal Frameworks to Address Femicide in Latin America*. Available at: <http://www.fundar.org.mx/mexico/pdf/Brief-BuildingLegalFrameworkstoAddressFemicide.pdf>, page accessed 16.9.2016.

Guatemala Human Rights Commission/USA (2009) *Guatemala's Femicide Law: Progress Against Impunity?* Washington D.C: GHRC/USA, pp. 17. Available at: http://www.ghrc-usa.org/Publications/Femicide_Law_ProgressAgainstImpunity.pdf, page accessed 25.5.2016.

Kelly, A. (2011, May 29) Honduran police Turn a Blind Eye to Soaring Number of 'Femicides'. *The Guardian*. Available at: <https://www.theguardian.com/world/2011/may/29/honduras-blind-eye-femicides>, page accessed 23.6.2016.

Kennedy, J. (2016, February 25) El Salvador Creates New Court to Address Violence against Women. *Latin Correspondent*. Available at: <http://latincorrespondent.com/2016/02/el-salvador-creates-new-court-to-address-violence-against-women/>, page accessed 10.10.2016.

La Via Campesina (2014) *Femicide and Impunity: A humanitarian Crisis in Central America, and a Growing Problem Worldwide*. Available at: <https://viacampesina.org/en/index.php/main-issues-mainmenu-27/women-mainmenu-39/1715-femicide-and-impunity-a-humanitarian-crisis-in-central-america-and-a-growing-problem-worldwide>, page accessed 28.1.2017.

Manjoo, R. (2012) *Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences*. Available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add4_en.pdf, page accessed 28.1.2017.

Matloff, J. (2015, January 5) Six Women Murdered Each Day as Femicide in Mexico Nears a Pandemic. *Aljazeera America*. Available at: <http://america.aljazeera.com/multimedia/2015/1/mexico-s-pandemicfemicides.html>, page accessed 25.9.2016.

McAnarney, A. (2012, November 15) Femicide in Central America: Is Creating Female-Friendly Urban Zones Really the Solution? *Open Security, Conflict and Peacebuilding*. Available at: <https://www.opendemocracy.net/opensecurity/alex-mcanarney/femicide-in-central-america-is-creating-female-friendly-urban-zones-real>, page accessed 21.7.2016.

Moloney, A. (2015a, March 10) Brazil Passes Femicide Law to Tackle Rise in Gender Killings. *Reuters*. Available at: <http://www.reuters.com/article/us-brazil-femicide-women-s-rights-idUSKBN0M61WV20150310>, page accessed 21.9.2016.

Moloney, A. (2015b, June 4) Colombia Approves Femicide Law Tackle Violence against Women. *Reuters*. Available at: <http://nypost.com/2015/08/20/colombias-new-femicide-law-targets-violence-against-women/>, page accessed 25.1.2017.

Pestano, V. (2016) *Argentina Proposes Electronic Tracking for Men Prone to Violence Toward wWomen*. Available at: http://www.upi.com/Top_News/World-News/2016/07/27/Argentina-proposes-electronic-tracking-for-men-prone-to-violence-toward-women/1261469638160/, page accessed 27.1.2017.

Stone, H. (2011, May 24) Violence against Women Rises in El Salvador. *The Christian Science Monitor*. Available at: <http://www.csmonitor.com/World/Americas/Latin-America-Monitor/2011/0524/Violence-against-women-rises-in-El-Salvador>, page accessed 20.9.2016.

The Argentina Independent (2014, November 26) *Venezuela: Femicide Established as Criminal Offence*. Available at: <http://www.argentinaindependent.com/currentaffairs/latest-news/newsfromlatinamerica/venezuela-femicide-established-as-criminal-offence/>, page accessed 25.1.2017.

UN Human Rights, Office of the High Commissioner (2014) *Ending Impunity for Femicide across Latin America*. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/EndingImpunityLAC.aspx>, page accessed 23.9.2016.

Valladares, D. (2012, January 7) Guatemala Heeds the Cries of Femicide Victims. *Inter Press Service News Agency*. Available at: <http://www.ipsnews.net/2012/01/guatemala-heeds-the-cries-of-femicide-victims/>, page accessed 1.10.2016.

Del Rio, A. (2016, November 7) #NiUnaMenos: Against Femicide in Latin America. *Democracia Abierta*. Available at: <https://www.opendemocracy.net/democraciaabierta/andr-s-del-r-o/niunamenos-against-femicide-in-latin-america>, page accessed 2.10.2016.

Willard, E. (2012, January 4) The Perfect Storm: Impunity and Violence against Women in Guatemala. *Peace and Conflict Monitor*. Available at: http://www.monitor.upeace.org/archive.cfm?id_article=893, page accessed 15.9.2016.

World Health Organization (2012) *Understanding and Addressing Violence against Women*. Available at: http://apps.who.int/iris/bitstream/10665/77421/1/WHO_RHR_12.38_eng.pdf, page accessed 13.9.2016.

Yagoub, M. (2016, February 11) Why Does Latin America Have the World's Highest Female Murder Rates? *InSight Crime: Investigation and Analysis of Organized Crime*. Available at: <http://www.insightcrime.org/news-analysis/why-does-latin-america-have-the-world-s-highest-female-murder-rates>, page accessed 11.10.2016.

JANICE JOSEPH*

Žrtve femicida u Latinskoj Americi: Zakonski i krivičnopravni odgovori

Uprkos napretku koji su žene ostvarile u borbi protiv rodno zasnovanog nasilja, ovaj oblik nasilja i dalje preovladava u mnogim zemljama u svetu. Za mnoge žene u zemljama Latinske Amerike femicid je konstanta realnost. Ovaj rad kritički analizira femicid u zemljama Latinske Amerike i zakonske i krivičnopravne odgovore na ovaj oblik kriminaliteta. U radu je definisan pojam femicida i analizirane su karakteristike i obim femicida u Latinskoj Americi. Analiza ovog fenomena u zemljama Latinske Amerike ukazuje da, iako su neke od tih zemalja napravile važne korake u rešavanju problema, i dalje se suočavaju sa izazovima u njegovom sprečavanju.

Ključne reči: femicid, nasilje nad ženama, Latinska Amerika, rodno zasnovano nasilje

* Dr Janice Joseph je istaknuta profesorka krivičnog prava na Stockton Univerzitetu, Sjedinjene Američke Države. E-mail: josephj@stockton.edu.