

We will not forget  
nor will we accept:  
Femicide *in* Central America

2000-2006



Ana Carcedo  
Coordinator

**We will not forget  
nor will we accept  
Femicide in Central America  
2002-2006**

*Ana Carcedo  
Coordinator*



Library and Archives Canada Cataloguing in Publication

We will not forget nor will we accept : femicide in  
Central America, 2000-2006 / Ana Carcedo, coordinator.

Translation of: No olvidamos ni aceptamos : femicidio en  
Centroamerica.

Includes bibliographical references and index.

ISBN 978-0-921089-41-4

1. Women--Crimes against--Central America.
2. Women--Violence against--Central America.
3. Homicide--Central America. I. Carcedo, Ana

HV6250.4.W65W4 2011 362.88082'09728 C2011-905965-7

Our sincere thanks to the Social Justice Fund of the Ontario Public Service Employees Union (OPSEU) for making possible the English-language publication of this study. Special thanks also to Valerie Croft for proofreading and editing the English-language text.

Translation into English of the original Spanish language text by Susan Murdock

# Table of Contents

Presentations .....	v
Introduction .....	xi
<b>CONCEPTS, CONTEXTS AND TYPES OF FEMICIDE IN CENTRAL AMERICA .....</b>	<b>1</b>
When violence against women leads to death .....	1
Central America in the eye of the hurricane .....	6
Central American femicide contexts.....	14
<b>OFFICIAL FIGURES SPEAK.....</b>	<b>34</b>
The region witnesses an increase in the murder of women.....	34
Escalation in killings of women as a recent onset.....	37
Killings of women rise faster than those of men.....	39
<b>FEMICIDE IN THE CENTRAL AMERICA OF THE NEW MILLENNIUM .....</b>	<b>44</b>
Most homicides of women are femicides .....	44
New contexts for femicide increasingly significant .....	48
Young women at greatest mortal risk .....	55
No place safe for women .....	57
Militarization in the region influences weapons used in femicides....	60
Unlimited control of women’s bodies, sexuality, and lives through brutality .....	62
<b>RESPONSES FROM THE STATE AND SOCIETY .....</b>	<b>67</b>
Reluctance to respect the Belem do Pará Convention.....	67
Laws that turn a blind eye to femicide .....	69
Judicial processes plagued by loopholes that allow impunity .....	75
Towards privatization of the right to justice? .....	82
Cultural components, human nature and a certain tolerance that leads to impunity .....	84

Femicide reported in the media, the journey from status as “just another crime” to national scrutiny.....	86
The media too shows a certain tolerance.....	88
Positive changes in the media?.....	94

**CONCLUSIONS AND RECOMMENDATIONS.....97**

An alarming situation in the region.....	97
Changing direction: zero tolerance, zero impunity, zero femicide...	112
Bibliography.....	126

## Presentation by Ana Carcedo, President of CEFEMINA

The document in your hands is the product of rigorous, collaborative work undertaken by a number of researchers with a shared vision. The escalation of violent deaths of women seen in Central America cuts short thousands of female lives each year and sews the seeds of tremendous pain for their families and communities. It also challenges our societies by posing many questions for which there are no easy answers.

To this day, we lack the information needed to better understand the reasons and dynamics behind a deadly escalation for which there is yet no end in sight. Some aspects of our research have allowed us to formulate theories about these deaths; from others, we have been able to arrive at solid conclusions. However, those who have joined forces for this study share a sense of urgency and determination to take action to prevent this surge from becoming entrenched in our societies.

The Feminist Centre for Information and Action (*Centro Feminista de Información y Acción*, CEFEMINA) has been honoured and very gratified to coordinate this regional study, an initiative of women's organizations that today are part of the Central American Feminist Network against Violence towards Women (*Red Feminista Centroamericana contra la Violencia hacia las Mujeres*). From the start, we have had the invaluable support of the United Nations Fund for Women (UNIFEM) through its Fund to Eliminate Violence Against Women. As we made our way forward – on a long road – others have contributed, most notably the Central America Council of Government Ministers for Women's Issues (*Consejo de Ministras de la Mujer de Centroamérica*, COMMCA) and the Spanish Agency for International Cooperation (*Agencia Española de Cooperación Internacional*, AECI) which allowed us to include Panama and the Dominican Republic in the initiative; and

Horizons of Friendship of Canada, which made it possible to complete the research with qualitative studies and thus enable us to examine the problem in greater depth.

The process has been long, much longer than expected, a reality that led to much impatience among the researchers and those who awaited the study's results. However, this same reality gave us the opportunity to extend our analysis of official figures to 2006, rather than 2004 as initially thought. This led to some of the most important findings of the research, notably, that the escalation in murders of women and femicide in the region is an established trend, something that was only a suspicion in 2004 as the numbers had only begun to rise.

The extended time for the study brought an additional benefit. Information gathered in each country during the last five or six years within the framework of this research has fueled countless actions by feminist organizations and networks to combat violence towards women. These have had a positive influence on States' willingness to act, have encouraged dialogue, and where feasible, have led to alliances between the movement and State institutions. The objective of this study has therefore been realized as, from the beginning, this was intended as an action-research initiative.

Because of the methodology employed, we believe this to be a groundbreaking study of the region, and moreover, that it provides readers with access to information more carefully collected and analyzed than any other available to date on femicide in Central America and the Dominican Republic. Our greatest hope is that these pages will keep alive the capacity for indignation and repulsion, the best engine after all, for change in our societies and progress beyond considering this a "women's problem".

## Presentation by Teresa Rodríguez, Former Regional Director for Central America, Mexico and the Caribbean, UNIFEM

Violence against women is a serious issue, a social problem that impacts not only women's personal development, but also that of their families, communities, countries, all of society. It is an obstacle to a nation's growth, and today we see its effect on the fulfillment of the Millennium Development Goals. The outcry by women's organizations around the world during recent decades has brought public attention to this phenomenon, and led to the creation of legal instruments which oblige the State to ensure respect for the rights of women to live lives free of gender-based violence, violence inflicted on them by the mere fact of their being women.

As presented in Recommendation 19 of the UN's Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), violence against women is *a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.*

Laws against discrimination and violence against women have been put in place in Central America to comply with international covenants. These establish guidelines for coordination between different levels of government to prevent, punish and eradicate violence against women, and set out the principles and methods for initiatives aimed at ensuring access to a life free of violence, essential for women to advance and enjoy a state of wellbeing in accordance with the principles of equality and non-discrimination.

However, the problem of violence against women is complex and in addressing it, one must take into account its many manifestations in both the public and private spheres; and consider its various contexts and the links between them. Programs and corresponding public policies should be based on a broad conception of violence



and recognition that it affects, impedes and limits women's ability to exercise their human rights. In short, public and private initiatives must have a human rights perspective as their starting point and completely reject the concept of women as those responsible for the problem.

In order to approach the issue from a broad conception of women's human rights, it is necessary to move beyond the problem of spousal abuse: it is well known that the risk to women's physical safety, including that of murder, is not confined to this type of violence.

One of the main obstacles to effective action is the lack of expertise within government institutions and bodies. There is a need to employ a theoretical-conceptual framework that encompasses broader definitions of violence and incorporates internationally recognized guidelines on women's human rights.

We must not ignore the fact that gender-based violence and femicide are multidimensional problems that permeate throughout society. To stop the escalation, proposed solutions must also be multidimensional, that is, take into account legal, psychological and institutional factors. State involvement is essential to set minimum social standards that repudiate the various forms of violence against women and in particular, murder. Such actions must lead to change in the existing patriarchal system that gives men a privileged gender-based role. Equally important is the active participation of society through, for example, the large number of women's organizations and research of the type presented in this document. It is essential to make use of the knowledge and experience accumulated by civil society.

## **Presentation by Patricia Rebolledo-Kloques, Executive Director of Horizons of Friendship**

Horizons of Friendship works to improve the lives of the people of Mesoamerica through support for grassroot initiatives that respect and promote the organizing and decision making power of local peoples. An important aspect of our approach to development work has been the holding of regional workshops in which we bring together partner organizations and other regional experts to discuss the issues of the day and exchange information and experiences to enrich South/South and South/North mutual learning.

Since the early 1990's, Horizons has incorporated a "gender perspective" into our programming with the aim of ensuring that *both* women and men have the opportunity to be protagonists in striving for human rights and social justice. The regional workshops have served as a forum for frank discussions on what "women's rights" entail and on how "gender equality" should be interpreted in the Mesoamerican context. Suffice it to say that discussions evolved over the years as did institutional practices and policies – progress was made.

Shortly after the new millennium, a deeply disturbing element was introduced into conversations about how women were faring in their struggle for equality. Murders of women were increasing at an alarming rate, faster than those of men. The term "femicide", new to many, was introduced to categorize "the killing of women because they are women" and it was believed that many of the deaths were exactly this kind of crime.

Through our partners, principally partners that were women's organizations, Horizons began to network with activists, researchers, academics and organizers that were gathering information on femicide and looking for ways to take action to stem its rise. Those

discussions led to a strategic alliance between Horizons of Friendship and the Central American Feminist Network against Violence towards Women which in turn led to a research project and this report.

The results have not been left to gather dust on the shelf. In December 2009, five Women's Affairs Ministers (members of the Central American Council of Ministers on Women's Affairs or *COMMCA*) and the First Secretary of the Canadian Embassy in Costa Rica gathered in San José to hear a presentation on our findings. Early in 2010, a delegation of 17 Canadian citizens comprised of individuals and representatives from various civil society organizations and universities attended a similar session in Costa Rica. Presentations of study results have been made in each of the five Central American countries to the public and to State officials with a call for urgent action. In Canada, Horizons has convened a number of public meetings on the study and has shared the findings with many sister organizations, the Canadian International Development Agency (CIDA) and the International Development Research Centre (IDRC). Momentum is building on numerous fronts to combat this horrific situation.

The struggle for women's rights has brought progress around the world and this is certainly true in Mesoamerican societies as well. However, as this report tragically demonstrates, the struggle is far from over.

P. Rebolledo

*Patricia Rebolledo-Kloques*  
*Executive Director*  
*Horizons of Friendship*

*March 8, 2011 – International Women's Day*

## Introduction

The escalation of killings<sup>1</sup> of women in Central America, particularly in El Salvador, Honduras, Guatemala and, to a lesser extent, the Dominican Republic, and the brutality with which these killings are carried out, raise a number of questions for which there are still no answers. Initially reported by feminist organizations and by the women's movement in general, concern for these deaths has spread to other sectors, particularly human rights organizations, governments of the region and international agencies.

The viciousness with which many of these killings are committed demonstrates that they are not random homicides or a result of sporadic events. The cruelty involved suggests there were prior complex and intense relationships. Some crimes are an expression of misogynist hatred; others indicate an intent to remove traces of the link between the woman and her assailant, or a compulsion to erase the very identity of the woman. The language of this violence has to be decoded if we are to stop the murder of women and in particular, halt the escalation in evidence in the region.

Murders of women, and in particular, femicides, occur and have occurred in all societies and in all ages. However, as we were able to confirm during this study, we are witnessing a tragic phenomenon in the region without precedent, at least in recent history; and it appears to have yet to reach its peak. In less than a decade, rates of killings of women have doubled in Guatemala, Honduras and El Salvador, moving beyond historical levels believed to have once been similar for all countries of the region.

---

1 Unless otherwise indicated, the term homicide is used in a general sense in this study to mean all violent and intentional deaths that one or more persons commit against another. When necessary, we use legal terms which correspond to the Penal Codes in each country.

This situation presents us with a challenge that is, above all, ethical: to stop this deadly onslaught. It demands rapid and well-conceived responses to stop the escalation and prevent those elements that feed it from taking root. If these actions fail, the circumstances that allow such killings will become further engrained in the social framework, perpetrators will strengthen their means of self-protection, and homicidal motivations will become increasingly complex and difficult to eradicate.

This study endeavours to make a contribution within this context. It raises questions that are key to understanding this problem and attempts to provide answers, although many questions remain. There is no doubt that there is an escalation of homicides, but is there also an escalation of femicide? That is, is this wave of violent and deliberate killings of women part of a generally violent context or is it a specific expression of the subordination of women in society? What is causing this escalation? Why now? Why does it exist in Guatemala, El Salvador and Honduras but not in Costa Rica, Panama or Nicaragua? Could it be that it has not yet reached these countries? And above all, what can we do as citizens and what actions can the State take immediately to stop this escalation? Will we be able to do something meaningful or is the battle lost?

To answer to these questions we must we go beyond a simple count of female homicides. We need to know who these women were, who their attackers were, the contexts in which they lived and moved, the circumstances under which they were killed.

For this study, we have constructed the concept of a *femicide context* to determine if killings considered femicides respond to relationships and contexts of male power and control – intimate partners, family members, sexual assault – present in all societies, or if new contexts and regional dynamics have arisen that lead to this extreme form of violence against women. And if so, how much of the escalation of homicides is due to the emergence of these new contexts.

To further analyze these *femicide contexts*, as well as State and societal responses to address them, we have completed nine case studies that provide a more accurate picture of the regional context in which the escalation is taking place.

These case studies form the second part of this publication<sup>2</sup>. Some relate to femicides that occurred after 2006 and have been included because they are particularly illustrative examples of certain contexts that have been in existence since at least the beginning of this century.

Unfortunately, not all questions can be answered with the information currently available. As a result, some of the conclusions we offer are not as precise as we would like. Lack of information remains the biggest obstacle to greater understanding of this problem and correspondingly, to finding more effective ways of addressing it. This deficiency is not merely academic in nature. The primary reason we do not have the necessary information is the absence of police and judicial investigations into most of these killings, a reality that means justice is not served and the identification of strategies to ensure women's safety is hindered.

Problems related to inadequate information cannot prevent us as researchers, nor the State, and nor society from responding to the urgent need to better understand what is happening and act effectively to change the course of events. The research data collected and offered here should be understood as an approximation of the problem and seen from an historical perspective as provisional. New information is constantly coming to light that expands statistical data and clarifies areas of doubt, and at the same time, changes the statistical analysis –

---

<sup>2</sup> Translator's note: the case studies are available as part of the original, Spanish report only; this can be found at: <http://www.horizons.ca/what-we-do/resources/publications/>

because life, death and violence are not written in stone<sup>3</sup>. The abundance of information collected, despite existing gaps, and the persistence of certain trends described in this study are sufficient to draw valuable conclusions. The study's statistical data and qualitative analysis provide readers with an overview of femicide in the region over a given period.

It is fair to recognize that since the time at which this study began, authorities in most of the countries we cover have become aware of the need to define and implement policies on investigation and appropriate record keeping. Some have created commissions and some special courts; categories have been redefined and registries designed; in general, actions have been taken that indicate increased interest in this serious problem. These developments must be lauded but it is essential that they be followed by the formulation of official policies as in themselves, they represent tentative advances<sup>4</sup>. Only with further progress of this nature can it be demonstrated that this issue is indeed taken seriously and that the political will exists to address it effectively.

We hope the academic approach taken in our research will open the way to further in-depth analyses of femicide and murder of women and their escalation in Central America and the Dominican Republic. The findings presented here provide valuable input for the definition of policies and design of concrete actions for prevention, investigation, prosecution and punishment of femicide in this region.

---

3 Normally, the various official sources have different data on murders committed in the country in any one year. Although one might expect and wish it were not the case, official figures on these crimes are not always clearly recorded. As a result, the study's researchers in the majority of countries found a greater number of murders of women than those documented in official sources.

4 This was borne out after the June 28, 2009 coup d'état in Honduras: the Office on Women's Issues was dissolved and murders of women are no longer treated as special cases but rather are once again investigated as common crimes.

# CONCEPTS, CONTEXTS AND TYPES OF FEMICIDE IN CENTRAL AMERICA

## When violence against women leads to death

When we speak of *violence against women*, we refer to those instances in which acts of violence are not random but rather emanate from an environment of discrimination and subordination of the female population. Risk exists simply because one is female.

It follows that this is not just another manifestation of so-called social violence but rather a specific form that is structural, targeted and asymmetrical in nature, exercised by men or those who share a patriarchal mindset that oppresses women. While it may take the form of physical, emotional, sexual, economic or symbolic violence, its essence lies in the control that is exercised over the life of another individual, and on women as a societal group in order to dominate them. As Lori Heise explains:

*This is not random violence ... the risk is being female. Victims are chosen because of their gender. The message is domination: stay in your place (quoted by Bunch 1991, 20).*

That this specific form of violence exists has been publicly recognized and denounced by the international feminist movement since the '70s<sup>5</sup>. In 1981, the First Latin American and Caribbean Feminist Gathering established November 25<sup>th</sup> as International Day for the Elimination of

---

<sup>5</sup> In 1971, the first shelter for battered women was opened in London. Prior to it being established, groups met to hold discussions and set up mutual support systems. The establishment of the shelter was an historical milestone and it could be said that such places gave birth to the movement against violence against women. Not only did they bring attention on the issue to the whole of society; they were also a demonstration of the collective will of women to confront violence through ongoing, organized efforts and of their ability to convert their words into actions (Carcedo and Molina 2001, 102)



Violence Against Women. On our continent since 1994, we have had an inter-American convention *to prevent, punish and eradicate violence against women* known as the *Belem do Pará Convention* which focuses on the specific nature of this violence, identifies its cause – *the historically unequal power relations between women and men* – and recognizes that this type of violence can occur in any context and may be carried out by the State as well (OAS 1994).

It is not easy to get the State to recognize the specific, asymmetrical and targeted nature of violence against women. Although all countries in the region have ratified the *Belem do Pará Convention*, there remains great resistance to legislation or implementation of public policies that would protect women and, at their core, recognize the imbalance of power between genders. It is consistently argued that protection of women would be discriminatory to men, or that it would signal that women's lives are more valued than men's.

In Central America, legislation and public policies have dealt largely with domestic or intra-family violence with few exceptions<sup>6</sup>. The many years of work on these issues by the feminist movement and their inclusion in public discourse have led the public to focus on these as encompassing *violence against women* and these terms tend to be used interchangeably.

We need to clarify that the terms domestic or intra-family violence refer to situations in which various types of aggression are carried out – against women, children, the sick, the elderly or the disabled – and do not distinguish between structural forms of violence, nor analyze the power dynamic between those who commit violence and those who are its targets. Thus the use of these terms ignores the

---

6 Costa Rica and Guatemala in recent years (2007 and 2008 respectively) approved specific criminal laws on violence against women. Both made femicide a crime, becoming the first countries in the world to do so.

causes and targeted nature of gender-based violence, part of systemic human rights violations against those at the lower levels of the social hierarchy.

The failure to recognize the specific nature of violence against women apart from domestic or family violence has had costly consequences. Laws are gender neutral and with time, aggressors are increasingly using these instruments to the detriment of the women they abuse. Women who have not been given appropriate protection by authorities slow to see the high risks at play or accept what is already mandated at the international level<sup>7</sup>, have paid with their lives. The lack of progress in understanding the escalation of violent deaths of women is due in part to refusing to recognize the consequences of patriarchal control and its impact beyond the family context.

If we understand that the violence is rooted in women's subordination, if we accept that discrimination leads to violence, it is of no surprise to find it present in any setting, both inside and outside the spheres of intimate partner and family relationships. There is no context or social circle exempt from this exercise of power over women because our societies have made such little progress in eradicating the underlying discrimination. Violence against women is not a social aberration but rather the inevitable product of a society that places women in an inferior position to men.

It is to be expected that such violence will ultimately result in killings. Often, the murdered women have spoken previously about the risks they face, perhaps because of the increasingly severe abuse they

---

<sup>7</sup> Reconciliation is a practice that disregards the targeted nature and gravity of violence against women. In 1999 in Costa Rica, a woman was decapitated a week after she had asked for protection from her partner. The court, rather than granting this measure, carried out a process of reconciliation between her and her aggressor, despite the lack of a legal foundation for such a process. The woman died when she tried to get to a public phone to call for help.

undergo or because of death threats from their partners, former partners or aggressors intent on gaining or maintaining control through terror. In other cases, there has been no warning: death comes at the hands of men whom they may or may not have known but who simply believed they had the social prerogative to dispose of the lives and the bodies of these women.

We must remember that this violence is not limited to particular nations. While it is true that killings are committed with greater social tolerance in some countries in comparison with others, the origin of the violence is the same everywhere: women are seen and treated as inferior beings and as such, are subjected to punishment, revenge or pent-up rage, or used as mere objects and then discarded. Femicide<sup>8</sup> is the deadly, extreme expression of this discrimination and affects females of any age.

The use of the term femicide to refer to violent sexism was first employed in 1976 by Diana Russell at a political event, the International Tribunal on Crimes against Women held in Brussels<sup>9</sup>. On that occasion, she did not provide an explicit definition of the term, although she did later in several publications:

*In 1990, Jane Caputi and I defined femicide as “the murder of women by men motivated by hatred, contempt, pleasure or a sense of ownership of women” (1990, p.34), whereas in 1992, Radford and I defined it simply as “the misogynist killing of women by men.” (Radford & Russell, 1992, pp. xi, 3)*

---

<sup>8</sup> This definition was used in the Dominican Republic in research carried out by Susi Pola although she uses the term “*feminicidio*” (femicide). Both terms cover the same concept. In contrast, the term femicide is used by Marcela Lagarde and other writers to include a component of impunity for killing (a theoretical-methodological appendix is included in the original Spanish version of this report).

<sup>9</sup> The writer indicates that the term has been in use since 1801, although not in the sense in which she uses it. (Russell and Harmes 2001, 13)

This research initiative incorporates this concept of femicide, and the understanding that misogynist violence is rooted in *historically unequal power relations between women and men*, as presented in the *Belem do Pará Convention*.

In its broadest interpretation, femicide is any death that results within a context of female subordination, and therefore includes homicides, suicides and any actions or omissions leading to a female death that are the outcome of gender-based violence or discrimination. There is no doubt that many deaths of women result from females' lower position in the social hierarchy. We refer to certain cases of death caused by malnutrition or lack of medical care when these conditions do not equally affect children or men in the family. Deaths from AIDS are part of femicide when women cannot negotiate with their partners the use of condoms for protection, as are those due to lack of health care during pregnancy, childbirth or abortions when these deaths could have been avoided with reasonable use of existing resources. The criminalization of therapeutic abortion is certainly a source of femicide. It translates into a death penalty for women and there is no equivalent situation for men. It is a form of control and a gender-based punishment for women; its prohibition is not supported by any reasonable argument.<sup>10</sup>

This study focuses on the murder of women by men and is limited to this particular type of femicide. This does not reflect in any way a value judgement about the greater or lesser importance or frequency of other female deaths caused by suicide or by actions and omissions related to discrimination against women. Any preventable death of a woman resulting from subordination is unacceptable because it is an expression of systemic violations of her human rights. We chose to focus on murders because of the alarm they are causing at this time – well justified – and the emphatic indignation evident in our societies.

---

<sup>10</sup> The argument used to prohibit abortions in some countries has centred on the need to protect the fetus. When therapeutic abortions are refused for women whose pregnancies put their lives at risk, their deaths mean the death of the fetuses, and thus the argument is not sound.

Moreover, as these deaths are a more easily identifiable expression of femicide, increasing public awareness and understanding in this area can subsequently lead to the study of the more subtle forms characteristic of patriarchal societies that also condemn women to death.

Not every murder of a woman is considered femicide, but rather those in which one is able to identify a link to unequal power relations between genders – the sole, underlying cause of femicide and of violence against women. There is certainly a significant number of women who die during robberies and other criminal acts where, in principle, the target could be either female or male. But it is equally true that there are many cases of femicide which are treated as random killings, the result of gang actions or common crimes. Identification of the guilty parties, the specific circumstances and the context in each woman's murder is essential to determining which are cases of femicide.

The range of types of femicide is endless, even if one limits research to those linked to homicides, as there are innumerable forms of discrimination and violence against women. It is not possible to create a definitive list that includes any and all types of femicide. Rather, there is a need to examine the structures and social dynamics that fuel the unequal power relations between genders that lead to each femicide – and flag it as such. This analysis must be done through research initiatives that focus on concrete cases within particular societies during a given period of time. This assessment is essential to begin the process of understanding the escalation of femicide in Central America.

### **Central America in the eye of the hurricane**

The Central American region is struggling to respond to powerful interests in many areas: economic, political, social and cultural. Globalization is eroding national control of the region's economies and

converting the isthmus into one long transit zone. Countries have yet to establish their own political identities after decades of dictatorships, repression and armed confrontations<sup>11</sup>.

Countries in the region have not yet reconstructed the social fabric nor achieved real peace, and yet they are now confronted with the challenge of dealing with a type of globalization that is based on the all encompassing commercialization of material goods, information, services and relationships which, in the past, were part of social solidarity networks, State and private support services, and collectively-owned and shared knowledge. People, especially women and girls, and life itself are now also considered as commodities.

Meanwhile, States are under pressure to stop assuming responsibility for the welfare of their inhabitants. Human rights become part of commercial services, are privatized and as such, are increasingly limited to only one sector. In this context, access to rights becomes a private responsibility. The market, free to operate without controls of any nature, encourages niche markets that respond to basic survival needs. So there is no work in country A but there is in country B? A logical response would be for governments of these countries to collaborate on a mutually beneficial proposal, something not difficult to imagine. But this never happens because both economies enjoy greater profits if there are obstacles to migration, and a consequential decrease in social costs, plus cheap labour for the receptor country and family support payments for the home country. In addition, a particularly lucrative market is developed, one that involves human trafficking. Xenophobia and racism become the all-important cultural justifications for governments to reject collaborative agreements, a reflection of how narrow mindedness in society is a useful tool for the global economy.

---

11 The coup d'état in Honduras demonstrates the fragility of political systems – democracies at least in name – that were installed in the region after the Esquipulas Peace Accords.

Central America has become a corridor for the migrant population with people constantly arriving, passing through or exiting, voluntarily or by force. Some are tricked and end up being exploited for sex or their labour. It is remarkable that slavery has reached its current levels<sup>12</sup> in this, the 21<sup>st</sup> century, and could go even higher if effective action is not taken. We need to recognize that if the “invisible hand” is palpably inadequate to guide the economy, as demonstrated by the recent crisis, it is even less appropriate as a mechanism to manage our societies: the world we are building is increasingly inhumane.

While many people consider that wars are meaningless, they are in fact a blessing for markets and modern economies. First, they require the sale of weapons, implements of war and supplies to support the troops; later there is the business of rebuilding a country. The invasion of Iraq by the United States is one of the best illustrations of our time of how to create markets where none existed and how to do big business. This is one facet of what Achille Mbembe calls *necropolitics* (Mbembe 2003), a concept Brenny Mendoza incorporated into his recent analysis on Central America (Mendoza 2009).

Wars exist beyond conflicts openly and officially declared by the State. Territorial wars are waged by organized crime and by national and transnational companies. There are many dirty wars that play out in the world and in our region. The oldest is the sexist war against women. Dictatorships brought repression, and now, in so-called democracies, we face low-intensity wars against organized sectors which oppose the hegemonic neoliberal plan<sup>13</sup>.

---

12 The UN High Commissioner on Human Rights, Navi Pillay, reported in 2008 that 27 million people around the world are enslaved (UN News Centre 2008).

13 The Guatemalan Union, Indigenous and Peasant Movement (El Movimiento Sindical, Indígena y Campesina Guatemateco, MSICG) cites the cases of 43 leaders of the social movement who were assassinated during the three-year period 2007 to 2009, maintaining that there is reliable evidence and in some cases, the means for convictions, and that in at least 23% of the assassinations, State security forces were involved, acting on direct orders from the executive branch of the national government or municipal authorities (El Pregón 2010).

The increase in paramilitary groups in the region should be cause for alarm. They have reappeared in Honduras and involve people who staged the dirty war of the 1980s, still under the command of the same Billy Joya, confirmation that these forces were never dismantled. In addition, there is a new type of paramilitary body: private security forces that respond directly to the interests of the companies that hire them. Whether private or under orders to the State, these paramilitary forces are interconnected and often act in concert.

As in the past, the lines between State and private actions are blurred, and State, private and political abuses of power overlap. The assassination of aboriginal teacher Adolfo Ich Chamán in Guatemala during the forced eviction of a rural community from its land gives evidence of this reality<sup>14</sup>, as does the murder of trade union leader Osvaldo Lorenzo Pérez in Panama<sup>15</sup>.

Armed conflict, repression, State terrorism and violence against women (the last an open secret) of previous decades, have left a legacy in Central America that, far from ending with the signing of the peace accords, has merged with the business mentality and opportunities offered by global markets, both legal and illegal. The latter are the most profitable: drugs, weapons, contract killings, and people trafficking, sexual and work force exploitation. Societies and States in the region had not yet been purged of negative elements when a changing reality gave new roles to old actors in political, military, business, and religious spheres – and created its own rules for market efficiency.

---

14 The land was claimed by Guatemala Nickel Company (Compañía Guatemalteca del Níquel, CGN). See the urgent action emitted by the International Federation for Human Rights at <http://www.fidh.org/Asesinato-del-Sr-Adolfo-Ich-Chaman-GTM-011-1009> [in Spanish only].

15 Pérez was with other workers protesting unfair firings and the obligation to become members of the amarillista (“yellow”) union controlled by Brazilian company Norberto Odebrecht, when someone hired by the company shot him dead. See urgent action emitted by the International Federation for Human Rights at <http://www.fidh.org/Asesinato-de-dos-sindicalistas-los-Sres-Osvaldo> [in Spanish only].



Corruption and influence peddling play a vital economic role by ensuring impunity for illegal businesses and providing links between legal and illegal markets. These require the involvement or complicity of political, economic and military leaders. Corruption is a growing problem, and increasingly difficult to eradicate.

It is surprising then, when powerful people are accused of corruption, and even tried and convicted. Such cases proceed when they are not related, or do not appear to be related, to major criminal networks. Such is the case of two accused Costa Rican presidents, one already tried and convicted, although a third eludes justice. It is much more difficult to expose links to drug trafficking networks, and some authors speak of the existence of “narco”, “second” or “parallel” States<sup>16</sup>.

Trafficking of arms, drugs and people are not new problems but they have never before been as lucrative and widespread as they are currently (regardless of the fact that officially, they are illegal throughout the world). Nor in the past were they as highly integrated into the functioning of powerful economic, political, military, and religious sectors. There is an increasingly marked discrepancy between the democratic and humanist ideals and aspirations that, theoretically, are the basis for our societies and States, and the reality of countries ruled by de facto or illegal powers that hijack democratic institutions. Closing this gap will be challenging but essential for the very survival of humanity.

One of the tenets of globalization today is the need to reduce the size, powers and duties of States to make way for hegemonic and unquestioned market rule. States’ inability to fight corruption or ensure justice for their citizens does not impede the development agenda. Rather, it is the expected outcome of the current approach

---

16 For example, Rita Laura Segato postulates that the killers of women in Ciudad Juarez are criminals from the second State (Segato 2004).

to development deliberately imposed by giant economic interests. Organized crime, illegal businesses, corruption and impunity are all part of today's profoundly neoliberal economic model in the region and are as essential as companies, banks and hydroelectric projects. They are part of an underworld, certainly, but also function as an integral component of the region's economies.

It is no wonder that the gap between the lawful and the unlawful is bridged in practice, and that step by step, the illegal becomes legal. Companies begin by violating labour rights, including those explicitly recognized in national laws, and then seek legal reform to make their actions legitimate; exploitation of labour becomes the norm. As is well known, the violation of any right is a gateway to the abuse of others. We have argued since 1993 that human rights are integral and indivisible<sup>17</sup>.

The strategy of eroding labour rights has been used systematically and widely in the maquila sector where women have been used as guinea pigs. They are trapped by two emerging trends: a higher shortage of employment opportunities and a greater share of responsibility for the extended family than that assigned to the male population. In this context, women are often obliged to accept poorer working conditions than men. The latter not only have a longer history of advocating for labour rights but also have higher social status, resulting in better jobs and higher pay, without their necessarily being more skilled than women. Discrimination against women in the labour market is said to give them a competitive advantage, although not considered as such by women as is sometimes alleged. Rather, it is touted by those who see their own discriminatory attitudes validated in the market place.

---

<sup>17</sup> This is consistent with the perspective expressed at the United Nations Conference on Human Rights held in Vienna in 1993 at which women's rights were declared to be human rights, and violence against women was determined to be a violation of human rights.

The abuse of women's rights in the maquila sector is not limited to the hours they are required to work, the lack of overtime pay or the absence of other labour rights. Women's most basic human rights are under attack, including the freedom to control their own lives and actions once the working day at the factory has come to an end. When a co-worker fails to arrive for the next shift and a woman is asked to continue working, she is well aware that refusal would mean dismissal. She also knows that diseases and ailments caused by work have to be suffered in silence and hidden because occupational health and safety in this business model compete with company profits. It remains company practice, although less open, to require an up-to-date certificate that confirms a worker is not pregnant; and at factories where there is less outside supervision, workers have to provide more conclusive, physical evidence<sup>18</sup>. Violence thrives in this environment: insults, humiliation, corporal punishment be it overt<sup>19</sup> or covert<sup>20</sup>, withholding payment of wages due<sup>21</sup>, and of course, sexual harassment and assault. Factory workers are treated like socially inferior beings in an environment where enhancement of business operations is the priority. Workers can be easily replaced as there are many others waiting to take the jobs. Increasingly, contracts are less formal, and payroll lists are the means by which workers are identified; every day there is less protection from arbitrary dismissal and other rights violations.

---

18 One of the ways in which workers are required to prove they are not pregnant is to show their used sanitary napkins each month.

19 Some of the most common forms are to refuse workers the right to go to the bathroom, or to deny them appointments with the company doctor when they feel ill (Carcedo et al. 2010).

20 A punishment used in factories involves giving workers black cloth to work on as it tires the eyes, or materials that are stiff or of a particular fabric, tasks which are supposed to be rotated to avoid favouritism among the workers or cause health problems (op cit.).

21 Included as abuses of rights is the non-payment of overtime hours or obliging workers to pay for materials that get damaged. Another common practice is to pay severance or other monies owed to workers in weekly sums that are so small, they do not collect them as their value is less than the cost of getting to the factory, or the worker has taken a job somewhere else.

This is the dark side of the feminization of the economy we now face<sup>22</sup>; and one can see the useful role it plays. However, it is not just women who are becoming little more than a cog in the machinery of smooth business<sup>23</sup> operations. Women are used to open up new options for labour negotiations and put downward pressure on working conditions. Once these less favourable conditions are more commonplace and the need to find work grows, men begin to consider the new rules. We are already seeing how work in the maquilas, which has traditionally been done by women, is beginning to draw men, and although their working conditions are generally better than those for women, men are accepting less favourable employment standards.

Growing inequality and social exclusion are outcomes of the current model of globalization and they affect large numbers of men and women, especially those who are not at the peak of their productive years. Women face the threat of unemployment and all that that implies once they pass a certain age (which is surprisingly young), have a disability or health condition, lack minimum training, are very young (and not able to assume the responsibilities that come with a job) or are pregnant.

Societies that are increasingly unequal and exclusive generate insecurity among their citizenry. The Report on Human Development for Central America concludes that youth are in a particularly vulnerable position, not due to poverty per se but rather the convergence of factors such as the economic, political and cultural impacts from globalization, urban sprawl, exclusion, economic inequality and social upheaval<sup>24</sup>.

---

22 “Feminization” does not only refer to greater female participation in the labour force; it also alludes to higher risk factors present in women’s working conditions.

23 Magdalena León observes that labour has traditionally been considered central to an analysis of the economy. The current discourse focuses on money, investments, and companies (León 2009). This builds support for the argument that labour rights should not in fact be seen as rights, but rather as obstacles to business development.

24 See an English summary of the report at <http://hdr.undp.org/en/reports/regionalreports/latinamericathecaribbean/irdhc-2009-2010-summary.pdf>

This ever increasing exclusion gives rise to growing membership in gangs and involvement in illegal commercial activities as a means of basic survival. Gangs have no aspirations for social transformation and it is therefore not surprising that their largely youthful members do not question the concepts of corporate hierarchy or the patriarchal system. The blatant sexism found in gangs, as will be seen later in this document, helps build societies where women are undervalued.

To summarize, there are growing trends in the region that result in higher levels of insecurity for the general population and this is compounded in the case of women by their ever-increasing subordination in both real and symbolic terms. We will now analyze femicide in this context and begin to address the questions of why there is an apparently uncontrollable escalation in violent deaths of women in this region of the planet, and why now, at the beginning of a new millennium.

### **Central American femicide contexts**

Studies of femicide have traditionally used the categories *intimate femicide*, *non intimate femicide*, and *femicide due to association*. *Intimate femicide* refers to women who are executed by men with whom they had a close relationship, that is, as a couple, as members of the same family or because of living arrangements. The category of *non intimate femicide* encompasses the rest, except for those that occur in the line of fire and are termed *femicide due to association*. This last group includes those killed by attackers who were trying to assault or kill another woman; women who were defending their daughters; girls who were present during an attack against their mothers; or friends and neighbours who came to the aid of a battered woman.

In considering the violent deaths of women in the region under study, we find these categories too limited to explain the variety of contexts in which femicide occurs. Up to now, research on Central America has concluded that intimate femicide accounts for the majority of cases,

although this is not necessarily true for each of the Central American countries. We need to approach the issue from a new angle to examine the different manifestations of unequal gender relations that cause much of the femicide. In doing so, the line between intimate and non intimate femicide is blurred and we see the complex way in which they are connected.

To this end, we developed the concept of *femicide contexts* and defined it as:

*the socio-economic, political and cultural contexts in which particularly uneven power relations between men and women are generated or deepened and where this power imbalance leads to issues of control, violence against women, and femicide, all sharing specific characteristics.*

Violence against women exists in all contexts as there is no society free of the unequal power relations that inevitably give rise to it. As a result, femicide can occur in any environment. However, in *femicide contexts*, the probability that violence will reach an extreme form increases due to greater inequality of power between men and women. The relationships between aggressors and the women they abuse usually follow a set pattern (albeit with circumstances that are particular to each case) that sets the stage for aggression and restricts women's ability to escape deadly risk. Perpetrators of femicide themselves act according to a pattern when committing their crimes. There is a type of modus operandi that relates to the context, not the murderer. Similarities are found in women's deaths despite their being carried out by different perpetrators and are repeated in femicides where the responsible party is not known nor why it was carried out.

### **The Family Context**

Some femicide contexts are common to all societies and are deemed historical; for example, the family context. In patriarchal societies, the

institution of the family, whether or not sanctioned by the formality of marriage, historically gives the man a position superior to the rest of the family – as head of household, owner and manager of the property and the person who, on behalf of other family members, ponders, decides and has control over everything to do with the family. This is the concept of *pater familias* whereby the man of the house has traditionally had the power to “lay down the law” and mete justice in an arbitrary manner with almost total freedom derived from the separation of public and private domains.

The role of the modern State, in principle, stops at the door of the private domain. This has represented a significant obstacle to legislation and the implementation of public policies against violence within the family. It has been challenging to gain acceptance of the argument that family violence is a violation of human rights and that States not only have the power to intervene, they are obliged to do so. This is a recent victory and it continues to meet strong resistance when applied to traditional cultural practices. Still prevalent in our societies is a family-first mentality that pressures women of all ages to protect the family name and not report parents, siblings, friends, uncles, grandparents or in-laws who abuse, rape, or commit incest. It is still considered more important to give sex offenders in the family the benefit of the doubt than ensure protection and justice for the women they abuse.

Asymmetrical and unequal power relations within the family were written in stone until the second half of the twentieth century, and it was largely due to the international feminist movement that they began to be abolished. For example, a man had the right to exercise physical and psychological violence to punish his spouse, to rape her as part of his right to have sexual relations without her consent, and to take possession of all common property.

Despite legislative reform, such abuses are far from being addressed in legal terms and even less so in practical, everyday terms, or public attitudes. The family is thus a prime setting for femicide. Moreover, in

some of the countries of the region, there are remnants of legislation that give men authorization to take the lives of women in their families; for example, extenuating circumstances are believed to exist when a husband murders his wife in a *state of violent passion*. This term is used to excuse any action, even the most extreme act of murder, because of the supposedly blind rage that makes a man lose all reason. In reality, such violence is an extreme use of power driven by misogynist hatred that is often without cause except for the machinations of the perpetrator's own imagination<sup>25</sup>.

The family environment is more than a haven for the exercise of violence against women. It is the ideal place to further the patriarchal system, to mould men and women within a social hierarchy in which sexual domination is the norm. Young children are taught the unrivalled power of the father from birth and the consequent gender inequality. In fact, males in the family do not have to be the father to be *the man of the house*, as brothers, young sons, grandfathers, uncles, and brothers-in-law are all considered representatives or allies of the patriarchal figure, called upon to restore control over women when they do not behave as expected. This is the quintessential patriarchal order exercised within the fundamental unit of society, the family. Women exchange the control of men in their birth families for the control of their husbands, and marriage – except for the convent – has traditionally been the only way a woman can leave her parents' home in a dignified manner and without bringing into question her integrity. The system is set up to control women's sexuality and, by extension, their bodies and their lives.

### Context of intimate partner relationships

The hierarchical attitudes and relations that apply to the family permeate couple relations between men and women within and

---

25 When violent passion is accepted as a mitigating circumstance, little importance is given to whether the jealousy felt by the perpetrator had any basis in reality or not; what is relevant is that he acted in this state of mind.



outside marriage or the family as formally constituted, influencing common-law, extramarital, and even casual relationships. All are historical settings for femicide. In a relationship between a couple, the woman is without doubt the man's property, and when a man and woman enter into marriage or are living together or start an intimate relationship, their life as a couple will maintain the *status quo*. Traditionally, men are to earn a living to provide for the family and women are expected to submit to sexual relations<sup>26</sup>, a so-called conjugal obligation. In our societies, women in couples relationships are introduced as and gain social status from *belonging to* a man. This is expressed via the term *mi mujer* [literally translated as "my woman"] by which a man announces this woman *belongs to me*. An oft-repeated refrain heard in many intimate femicides is, *she's mine or she's no one's*.

The objectification of one person by another carries the seed of violence which can assume an extreme and deadly form. An ownership mentality leads to the attitude that *as my property, I will make use of her as I see fit*. Manifestations of this sense of entitlement permeate all aspects of these relationships, from the most blatant expressions to the most subtle. A man's right to a woman's life, body, sexuality and power of decision is clearly demonstrated when men punish *their* women for not acting as they wish. And make no mistake about less obvious forms of aggression. Physical abuse by a man whose partner cuts short a relationship has the same character and comes from the same underlying attitude as the cancellation of a credit card by another to pressure the mother of his children to return to him. In fact, men maintain their sense of ownership over their partners even when the relationship has ended. As is well known, ex-husbands and former

---

26 This obligation is part of the object of marriage, that is, procreation. Civil codes, such as that found in Costa Rica, which define mutual support as the purpose of marriage, do not formally establish this obligation although it was only at the end of the 20<sup>th</sup> Century that criminal charges could be laid for rape within marriage, a reality that demonstrates that in practice, conjugal obligations give men certain rights over their wives.

partners who do not accept the decision by *their* women to terminate a relationship or file for divorce or lodge a complaint against them, are very dangerous. The case study by Morena Herrera and Ana Landa [available in Spanish only] about the femicide of a woman named Elda, shows the extent to which attackers exercise control in such situations.

Courtship prepares the couple for a formal relationship and at the same time, begins to allocate power, often unequally. Indeed, it is usual for a couple to adopt a dynamic of male dominance similar to that of marriage. They begin to build the repertoire of arguments, manipulations, threats and coercive actions and abuse that will define the day-to-day relationship. For men of all ages who assume a sense of ownership over partners, dating can serve as a trial period, but is never a game. It flows from this that femicide is also found during this period in societies where engagements are a type of pre- marriage.

### **Sexual assault contexts**

Another historic context for femicide is sexual assault. It is no secret that sexual violence in our societies has a clear gender bias. The vast majority of sex offenders are men, while the vast majority of people who are sexually assaulted are women of all ages. This is not surprising in hierarchical societies that subordinate women.

Sexual violence is about the appropriation of the bodies and sexuality of women in a direct manner, without negotiation; it is carried out by men who may or may not be known to the women who are attacked, demonstrating that ownership is claimed by the collective male over all women. By the mere fact of being female, any woman is at risk of being sexually assaulted by a man, a group of men, or by gangs of rapists, whether or not previously known to them.

Such risks are high, and far from what one would like to believe, these men are not mentally ill. In some cases, when they kill in a recurring pattern, they are called psychopaths simply because they commit

multiple murders, an *a priori* assessment which is made without examining the attackers and which provides a justification for their actions. The perpetrators of sexual femicide know exactly what they are doing – they plan their actions, execute them, leave no trails, and afterwards continue their daily lives as socially well-adjusted people. They come from all social strata. They commit their crimes both inside and outside the home, on females in their own families, on daughters' friends, on domestic workers and their daughters, on co-workers and study partners, on employees in their companies, on female neighbours, or on women they do not know. And they go on with their lives, sometimes achieving success and social recognition.

They may act alone or in groups. Rapists that operate in gangs are not necessarily or exclusively from the lower classes. On the contrary, they often have at least one member who has resources such as a vehicle to transport the victims chosen, and money to get into clubs where they meet and buy drugs used on the women<sup>27</sup>. Sometimes groups work under contract, providing women to men with money to pay for such services.

No matter what form it takes, sexual assault involves a high risk of femicide. The profound and explicit misogyny inherent in this act means that women are viewed as objects to be used and discarded. It is this that makes sexual assault highly dangerous, rather than a desire to eliminate witnesses, as men who have never seen nor will probably again see their victims are as likely to commit murder as those who are recognized by their victims.

---

27 By the end of our study, a sentence had been handed down for a 29 year-old Costa Rica man, an expert on the stock market and financial dealings, who had taken a 20 year-old female acquaintance to a car in the parking lot of the discotheque where they had met. Three of his friends were in the car where he raped her twice, using his ability in karate in the process. The discotheque owner was also charged for failure to have proper security measures in the parking lot (La Nación 2009).

## Sex trade context

Femicide and sexual assault are closely linked with the sex trade. Objectification of women reaches its highest levels in societies where sex for money is treated as a socially reprehensible practice. Women's value is reduced to zero and their lives too are considered worthless. A double moral standard holds that while the women involved are to be condemned by society, men are to be either praised for engaging in it or assisted in keeping their actions secret.

Both the customer and the pimp consider sex workers their property: for the former, this is inherent in the commercial transaction<sup>28</sup>, while the latter is able to exploit their sexual labour, often through force or blackmail. At times, authority figures such as the police and other officials tap into the nature and degree of subordination of sex workers to exploit their own power over them. Misogynist hatred toward female sex workers can be particularly vicious to the point where they are specifically targeted for extermination under the rubric of *social cleansing*.

## Historical and recent femicide contexts

Femicide takes place within four contexts in all societies<sup>29</sup>: intimate partner and former partner relationships, the family, sexual assaults and the sex trade. The family, couple relationships and the sex trade are institutions that serve patriarchal societies and are therefore always present. Although outwardly they may differ one from the other, they share a context in which not only are power relations between women and men particularly uneven,

---

28 The fact that sex workers are denied the right to accuse a client of rape (or have great difficulties in attempting to do so) demonstrates that the commercial agreement entered into is understood in social and legal terms as the right of the client to have control over the woman sexually, removing her power of decision over her own actions.

29 There is also *femicide due to association*.

these imbalances are socially accepted and promoted, and are at the heart of the social system. Men have a higher social value than women, and customers have a higher value than sex workers.

It would be presumed that violence and sexual assault, considered by society to be despicable, are outside this construct. However, as mentioned above, they are in fact seen to be legitimate within couple relationships, sometimes even in legal terms as part of conjugal obligations. Furthermore, outside couple relationships, the social condemnation directed at victims of rape and sexual violence reveals, at a minimum, considerable systemic and cultural permissiveness for perpetrators. The case study by Morena Herrera and Ana Landa [available in Spanish only] of the femicide of the child Maria is effective in exposing that social permissiveness.

In addition to these contexts and sometimes interwoven with them, new high-risk environments for femicide are appearing in Central America where again, gender relations are characterized by marked power differentials.

### **Trafficking of women for exploitation**

A new femicide context observed in the region is the trafficking of women for numerous forms of exploitation. While not a new problem, it is now reaching global dimensions. It is currently one of the most important criminal industries, especially as it relates to sexual exploitation. Women of all ages are targeted. Trafficking involves high levels of violence, not always evident until the victim has been trapped through blackmail or terror, but soon used on a daily basis to gain total control over and completely subordinate women.

As shown in Ana Hidalgo's case study of the femicide of Olesya [available in Spanish only], there are enormous economic interests that drive this activity. Due to its illegal nature, it will only continue to exist if authorities turn a blind eye and are sometimes even complicit in

recruitment, transfer and exploitation circuits. Women are a valuable commodity, and as such are kept submissive but alive. However, if a woman threatens or attempts to escape, if she tries to get help, if she talks about her situation with others, if she becomes ill and is a burden rather than a source of income, in short, if she puts the business at risk, she becomes disposable. To protect business interests, femicides committed in this context usually involve erasing the woman's identity so that her origin cannot be traced nor the reason for which she was killed. If her body is later recognized by other women trapped in the trafficking network, the femicide generally strengthens control over them.

Central America is an area for recruitment, transfer and final destination in the trafficking of women for sexual exploitation and labour. Migration policies of the countries in the isthmus are not conducive to the protection of the women involved. On the contrary, despite the Palermo Protocol, these women are still treated as *illegal migrants*<sup>30</sup> or as accomplices, and are usually deported without any assistance or protection. They soon become newly entangled in the network and are relocated to new locations for exploitation. These situations are rarely investigated and prosecuted as trafficking offences. Conditions in the region are therefore favourable for increased trafficking of women for exploitation of all kinds and for keeping it from the public eye, making it one of the more difficult contexts in which to detect, study and combat femicide.

### **Organized crime and national and international criminal networks**

Organized criminal elements and national and international criminal networks constitute another setting for femicide. Their structures are predominantly male, and women only rarely occupy senior positions. Women who participate in these structures,

---

30 This term is commonly used despite the fact that it is not a crime to fail to have valid migration documents; this is an irregularity rather than an illegal act.

particularly those dedicated to the trafficking and sale of drugs, do so in a different form than men. The majority of men in the illegal drug industry are young people who, although unemployment is high in Central American countries, have greater opportunities to find legal work than women. In contrast, many of the women actively involved in these networks are engaged in selling drugs at street level. They are mothers, single heads of households and tend to be older; they turn to this activity because of the lack of opportunity to find work or earn money legally. There is a high number of such women in Latin American prisons<sup>31</sup> (Antony 2007).

However, these are not the only women involved in drug trafficking networks. There is also a significant number who are in long-term or casual relationships with drug traffickers and sellers, and as in other types of networks – arms traffickers or hired killers – they are not necessarily directly involved in criminal activity. These women are not only subject to the power imbalance characteristic of intimate partner or sexual relationships with a man; they are also exposed to very high risks in an environment where disputes can frequently be settled through the use of weapons and murder. Women who have relationships with men in gangs are highly controlled, with little or no freedom. They may at some point pose a danger as witnesses and may need to be removed. Because of the particularly marked degree of subordination faced by these women, their murders are examples of femicide.

## Gangs

Gangs have proliferated in recent decades in a number of countries, particularly El Salvador, Guatemala and Honduras. They are an expression of social exclusion and the lack of opportunities for youth. This type of organization has become another context in the region for femicide.

---

31 In addition, in some countries there are incarcerated women who were not active in these networks but were found to have drugs in their homes that belonged to men with whom they were associating. These women are at high risk of femicide.

One component of gang dynamics is the explicit and visible violence which seems to be indiscriminately levied on males and females. Therefore, in order to show why these groups are considered a setting for femicide, it is necessary to identify the form in which male dominance and particularly unequal power relations, are at their very core. Melissa Cardoza's case study on gangs [available in Spanish only] shows that evidence can be easily found.

These are predominantly male organizations, not only because men constitute the vast majority of members but also because they monopolize the higher echelons, and take a very male-oriented approach to managing internal relations and external actions. Adolescent girls who enter a group often do so because it gives them a sense of belonging and protection from the many forms of violence and abuse in the family and in society. However, their entry into the gang, even if voluntary, their ongoing acceptance by the group and their departure from it are all controlled by the gang collective; added to this, they are controlled by their partners, who are also gang members. There is an extreme form of control in such environments, manifested in various ways.

The rite of passage for a new member to join (the *salto* or "leap forward" according to gang terminology), requires commitment to share the group's destiny and obey its laws. The new member must submit to a physical beating inflicted by the collective: acceptance indicates submission to the group and the severity of the beating (this ritual is not just symbolic) serves as a deterrent to potential infiltrators or those not ready to make a real commitment.

For women, the *salto* involves gang rape by the members. Given that it is considered the equivalent of a severe beating for male entrants, it shows awareness by the gang that rape is a harsh form of inflicting harm on women. That this is a humiliating and sexist practice which goes beyond the nature of initiation rituals, is recognized in some groups where women have won the right to undergo a physical



beating instead of rape, a consequence of women's demand for respect. However, punishments inflicted on women by their own gangs or by rival groups, usually take the form of rape.

Once inside, women's movements and ability to act are limited, as both their partners and the group as a collective exercise tight control over them. The inequalities are clear: men can relate to people outside the group (as long as it is not with rival gangs), leave the neighbourhood on their own, and have other female partners who do not belong to the gang. Women, in contrast, cannot leave the neighbourhood unaccompanied by a member of the gang, cannot talk to non-members<sup>32</sup>, much less be friends or be intimate with them as to do so would lead to suspicion of betrayal. The expressly sexist nature of the relations that characterize gangs is highly obvious as evidenced by the fact that a man can have sex with other women even though he has an intimate relationship with a woman in the gang; this is in fact encouraged and celebrated as a sign of manliness. Needless to say, if a woman dares to do the same, she will face extremely severe punishment, starting with sexual assault, and is probably putting her life at risk. The continual abuse of women by their partners is the reason there are gangs in the region for women only.

Similar control is exercised over the partners of male members of the gang even when these women do not belong to the group. It is also imposed to some extent on girls who get close to the gang or on those who are chosen by a male member as a possible member or partner.

When any member wants to leave the gang, the risk is often deadly and murders in such situations can be very brutal as they are meant to serve as examples. Departure of a member entails a double risk for the group: the deserter may be disloyal, plus his leaving may be seen as an example by the rest of the members. This is one of the occasions when women are at particularly high risk of dying and being subjected to sexualized brutality.

---

<sup>32</sup> "*Civiles*", roughly translated as "non recruit" in English, is the term used by gangs to indicate non-members.

Women who are in relationships with gang members but do not belong to the group, are subject to the same laws, although punishments may not be as severe. There are known cases in which a woman has managed to leave a relationship because her new partner offered to take her punishment (except rape), confirmation of the mentality of ownership over women: they are objects to be bartered in male-only negotiations.

The internal codes by which gangs function involve unabashed violence and both men and women are killed in day-to-day operations in the name of territorial control, collection of protection money, or other criminal activities. It is therefore not surprising that control over women in this context is absolute and explicit, and of a more extreme nature than that encountered in other spheres of society where there is a semblance of respect in gender relations and, to a certain extent, more freedom.

Gang-related murders of women are part of an attitude of unquestioned male control over women and as such, constitute femicide.

### **Women as a tool for revenge**

Traditional masculine codes of conduct include an element of formal respect for women, supposedly maintained at all times and commonly held to be part of the definition of a *good man*. The root of this respect is unquestionably sexist; it is about men demonstrating their manhood by protecting women as the weaker sex. In that vein, it becomes a way of taking the measure of a man in conflict situations: an attack on a woman is a cowardly act; the inability to stand up to another man shows lack of courage.

This standard of conduct has meant that women are not present when men are settling scores, even when they live in extremely violent situations. Moreover, in mafia-style organizations, the family is highly valued for its bonds of unwavering loyalty which are considered vital for the survival of the whole.

Criminal organizations and networks fed and nurtured by the neoliberal model do not share these codes of conduct and are governed first and foremost by the principle of profitability. Logic would dictate that it is not to one's advantage to eliminate those who owe money for drugs or a cache of weapons, because this would represent an irretrievable economic loss. Rather, to handle people who have failed to honour their debts, it makes sense to threaten something important to them to frighten them, and show them the risk they run if cooperation is not forthcoming.

As a result, women acquaintances, mothers, sisters, daughters, wives and partners become targets for vengeance and the settling of accounts between men in criminal groups and networks. Because of the sexual division of labour, women are more easily located than men. In assuming the daily responsibilities of caring for the family, they spend most of their time in the home. They do not have the same opportunities to flee and hide, and this is even truer if they are unaware of the risks they face. Increasingly, unknown men, heavily armed, burst into what are usually modest, unprotected homes in marginalized communities and without apparent reason, massacre the women found there, as well as children, sick people or older relatives if they happen to be present.

The use of women as a tool for revenge is not exclusive to mafia-type organizations and criminal networks. Gangs use this form of revenge against those they consider their enemies, be they rival gang members, traitors within their ranks or informers. In the gang mentality, the protection of the collective is the top priority, and women are expendable if necessary.

Rita Laura Segato, writing about women's murders in Ciudad Juarez, believes that these killings convey two types of messages from the men who commit them. One is hierarchical, of men being above women. It is a message of domination present in all cases of femicide where the purpose is to terrorize all women, and demonstrate men's control over

them. The other is peer-to-peer, femicide used as a message to other men to demonstrate power in disputes, to fight for control of certain territories (including businesses), to prove they can act with impunity and carry out such murders repeatedly (Segato 2004). The latter is common in cases of women murdered as acts of revenge between men.

This mechanism is also employed outside gangs or criminal organizations by men acting individually or collectively in response to a whole gamut of problems that lead to disputes. Women are literally chosen for the simple fact of their being women, not for reasons that have to do with them as individuals. They are a means of revenge, not its end. This clearly demonstrates the extent to which the subordination of women has led to their being objectified and dehumanized. They are the material possessions of the men against whom revenge must be taken.

The home is both the symbolic space for women and where they are most readily found, fulfilling their roles as caretakers of the family. Increasingly, children at home at the time of attacks are also killed, resulting in actual massacres. This phenomenon is certainly not new, but now due to growing misogyny, is reaching levels that could not have been imagined twenty years ago.

## Misogyny

Femicide is in itself a misogynist act, an extreme form of male violence and control over women as a group. It demonstrates a total disregard for women's lives, enacted through the killing of one or more individuals. However, its misogynist nature tends to be hidden under the cover of love, jealousy, defence of honour, a means to ensure security of the group, or protection of business interests.

Some cases of femicide, however, flaunt their explicit misogyny through the use of hateful words, acts of contempt or symbolic messages. In this type of femicide, the author of the crime wants

to make a statement that says *I kill you because I think nothing of you*. Women's bodies are mutilated with the same knife used to kill them, with messages like *bitch* or *whore*; objects are placed on the body with the intention of causing humiliation (condoms may be left despite there having been no sexual assault); bodies are stripped naked after death, again as a form of humiliation.

These types of femicide are often committed by men close to or at least known to the murdered women and it is therefore likely they fit within other contexts. However, sometimes it is only the presence of misogynist messages that identifies the murder as a case of femicide.

## Brutality

Brutality does not constitute a context *per se* for femicide as the term is used in this study<sup>33</sup>. Rather, it is an indicator that a woman's murder belongs to one of the established contexts. We examine *brutality* to bring attention to the degree of viciousness with which many women are killed and that normally has no parallel in the murders of men.

Indeed, the manner in which men are murdered indicates that the objective is to terminate the life of that person. Killings of women very often convey that, in addition to ending their lives, there was a desire to inflict a lot of suffering and pain. The use of cruelty demonstrates that these were not random acts but in fact were meant to send a message – not necessarily linked to the particular women but to other women or women in general, as in the case of serial murderers.

It is rare that a man is killed through the use of multiple weapons or methods; that he is beheaded or maimed or his face beaten beyond recognition; that before or after death, his body is marked with a knife. These horrible deaths are all too frequent in attacks on women. When such cruelty is clearly restricted to violent female deaths in a given country or context, brutality becomes an indicator of femicide.

---

33 It could be considered part of the context of misogyny.

Sexualized brutality, found only rarely in men's murders, is common in homicides of women<sup>34</sup>. It can take the form of removal of breasts, genital mutilation or insertion of various kinds objects; these are indicators of femicide found in any country or context.

### Inter-related contexts

Femicide contexts identified for Central America and the Dominican Republic are not mutually exclusive but in fact, often overlap. For example, a woman may die at the hands of an intimate partner who is a member of a gang, bringing into play the inter-related realities and increased risks of the two categories. Similarly, a sexual assault that ends in death may involve a high degree of misogyny.

What we term "new contexts" often involve women who have entered into relationships that are beyond their previous experience. Their assessment of the situation is based on what they have lived to this point and they are not equipped to foresee what is entailed in, for example, an association with a drug or sex/labour trafficking network<sup>35</sup>. Underestimating the real risk puts them in great mortal danger; they are not aware of the full extent of the controlling and violent methods employed. Furthermore, the high risks involved in attempting to exit an abusive relationship or register a complaint are multiplied when the man is a gang member, is a sexual predator or belongs to a criminal network.

Needless to say, danger increases when other aspects of a power differential come into play, such as age. Young girls, adolescents or very young women have not had the same life experiences that help adults protect themselves from violence and at the same time, they are

---

34 Homophobic and transphobic murders of men are an exception and reflect intense hatred related to the person's sexuality; there is often sexualized brutality.

35 Trafficking for the sexual exploitation of women does not always reveal its true nature to the women who are in fact enslaved as they sometimes believe themselves to be in romantic relationships with traffickers.

prime targets of some offenders and more easily drawn into certain contexts such as gangs or trafficking networks.

Case studies [available in Spanish only] have been effective in presenting the perverse forms in which different contexts of femicide interact: the work of Mara Girardi and Maria Eva Cangiani on the femicides of Elda and María, the study by Melissa Cardoza of the case of Nina, and Ana Hidalgo's research on Ivette and Jaqueline.

### Contexts more difficult to expose

The contexts discussed above are not the only ones that exist in the region but rather are those identified through the cases reviewed for this study.

However, there are presumably other contexts that we have yet to discover and indeed, there are types of femicide known to have existed in the past (which may be part of cases not covered in this study). Such is the *context of the armed forces*, be they military, police, State or private entities which could include paramilitary groups, death squads and ethnic/social cleansing vigilantes. As forces directly linked to formal decision-making structures and de facto powers, they are generally very effective at concealing their actions and moreover, have considerable resources to ensure that their acts go unpunished even if detected.

Honduras provides overwhelming evidence of femicide involving the armed forces. In 1991, a young student, Riccy Mabel Martinez, was found raped and murdered. The perpetrators, a colonel and a captain in the Honduran army, tried to escape justice by citing their status as officers of the military, a virtual State within a State. In this case, public reaction destroyed their chances for impunity and they were eventually tried and convicted in civilian courts (Judges for Democracy (*Jueces para la Democracia*), 1996).

Femicide committed by paramilitaries is even more difficult to expose but there is a case in point. In 1982, the Guatemalan Civil Patrols (*Patrullas de Autodefensa Civil de Guatemala*, PAC), together with members of the military, killed 70 women and 107 children of the indigenous group Achi in retaliation for opposition by the community to the building of a hydroelectric plant. In 2008, 26 years later, five exparamilitares were sentenced to 780 years in prison for this massacre (ADN newspaper 2008).

Femicide is bound to flourish in a region where hard-won democratic progress is being eroded, where nightmarish coup d'états once again occur, and where social protest is being criminalized. Honduras is a prime example. As we were completing this study, we witnessed an upsurge in attacks against leaders of the resistance to the coup. Among the casualties was a growing number of women and increasingly, among the methods used was gang rape.



## OFFICIAL FIGURES SPEAK<sup>36</sup>

### The region witnesses an increase in the murder of women

The jump in the number of violent deaths of women in Guatemala has lumped the country with Mexico and specifically, Ciudad Juárez, as areas where it seems impossible to address the problem. However, in the region covered by this study, the escalation of killings of women is not unique to Guatemala. It is also taking place in El Salvador, Honduras and to a lesser extent, the Dominican Republic. In Central America, Nicaragua, Costa Rica and Panama are so far exempt from this phenomenon. Statistics show that in just three years between 2003 and 2006, murders of women in all seven countries increased by 52.4%.

**Table 1**  
**Homicides of Women in Central America**  
**And the Dominican Republic 2000-2006**

	2000	2001	2002	2003	2004	2005	2006
<b>Guatemala</b>		303	317	383	497	518	603
<b>Honduras</b>	n.d	n.d	n.d	111	138	171	202
<b>El Salvador</b>	207	211	227	232	260	390	437
<b>Nicaragua</b>	71	63	86	69	62	61	71
<b>Costa Rica</b>	38	32	38	46	42	57	45
<b>Panamá</b>	29	22	42	29	24	35	40
<b>D. Republic</b>	96	106	139	167	187	191	182
<b>Total</b>				<b>1037</b>	<b>1210</b>	<b>1423</b>	<b>1580</b>

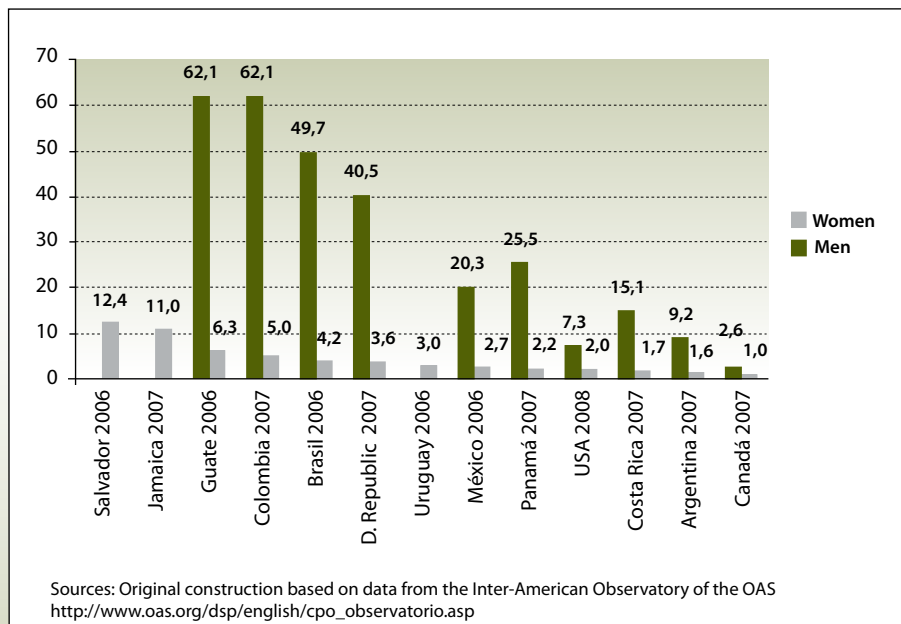
Sources: Original construction based on data from: Guatemala National Police (*Policía Nacional de Guatemala*) as cited by UNDP in 2007, Honduras' National Criminal Investigation Office (*Dirección General de Investigación Criminal de Honduras*), El Salvador's Masferrer Forensic Medicine Institute (*Instituto de Medicina Forense Masferrer de El Salvador*), Nicaragua's National Police (*Policía Nacional de Nicaragua*), Costa Rica's Judicial Department (*Poder Judicial de Costa Rica*) as cited in the Report on the Nation, Panama's Criminal Statistics Unit of the Technical Police Department (*Unidad de Estadística Criminal de la Policía Técnica Judicial de Panamá*), Dominican Republic's National Police Department (*Policía Nacional de República Dominicana*) as cited by the National Statistics Department.

<sup>36</sup> In this chapter, we analyze trends in female homicide during the first years of this century based on official statistics. It is important to note that the various official sources do not always have consistent data. In the next chapter, we will analyze femicide based on various sources in each country.

While Guatemala has the highest number of homicides in absolute terms, El Salvador had the highest rates during the period under study. In 2006, that country saw 12.7 homicides per 100,000 women, higher than the rate of 10 per 100,000 considered by the World Health Organization to constitute an epidemic. That same year, homicide in Guatemala came close to an epidemic level at 9 per 100,000.

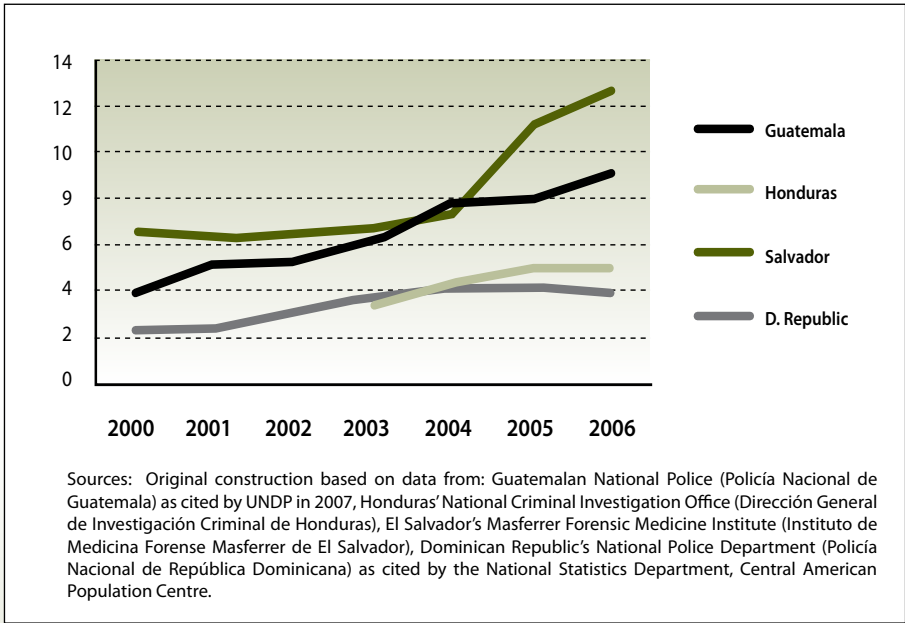
According to the Inter-American Observatory on Security (of the Organization of American States, OAS), rates of women’s homicides in El Salvador and Guatemala in 2006 were well above those for most countries in the Americas. As can be seen in Figure 1, the rates in both cases surpass levels found in Colombia, a key point of reference. They are markedly different from findings in other Central American countries such as Panama and Costa Rica.

**Graph 1**  
**Murder rates by sex in countries of the Americas. Circa 2007**  
 rate per 100,000 women/men



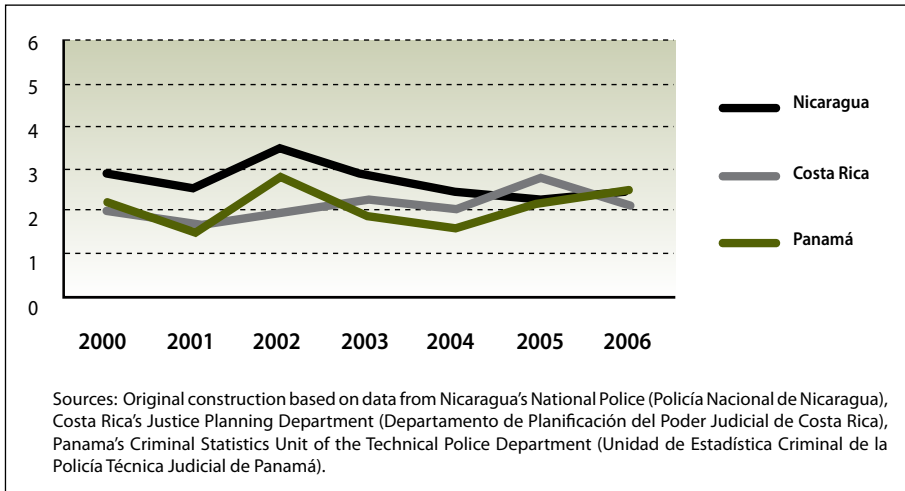
In fact, two different realities can be detected among the seven countries studied. Rates greatly increased and more than doubled in Guatemala, El Salvador and the Dominican Republic between 2000 and 2006, and in Honduras between 2003 and 2006<sup>37</sup> (Figure 2). In Nicaragua, Costa Rica and Panama, rates increased during some years, and decreased in others so that similar levels were present at the beginning and end of the period under study (Figure 3).

**Graph 2**  
**Murders of Women in Central American**  
**countries with the highest rates. 2000-2006**  
 Rate per 100.000 women



37 Homicide statistics began to be disaggregated by sex in Honduras in 2003.

**Graph 3**  
**Murders of Women in Central American**  
**countries with the lowest rates. 2000-2006**  
**Rate per 100.000 women**



When figures for Central America and the Dominican Republic are analyzed as a whole, one can see an increase in killings of women, although this is driven by four of the countries. The escalation is obvious: figures doubled in just six years in some areas. As the analysis is focused on per capita rates, the increase cannot be explained by population growth nor, as we will see later in this report, can it be subsumed as an aspect of the increase in so-called social violence.

### **Escalation in killings of women as a recent onset**

The question arises as to whether the escalation of killings of women in some countries in Central America will affect neighbouring nations. It might be assumed that the problem is restricted to Honduras, Guatemala and El Salvador, the three most violent countries in the isthmus and indeed, according to the United Nations Development

Program (UNDP), the most violent in the world, excluding areas of Africa that are at war (UNDP 2009, 17).

Official figures provide us with clues to answer this question. As shown in Figures 2 and 3, less than a decade ago there were not such large differences among the seven countries studied. Excluding El Salvador which began the millennium with a level of female homicides higher than the rest, rates were between 2 and 4 female homicides per 100,000 women. Differences begin to appear in the year 2000 and are highly noticeable by 2003. That is, until the turn of the century, the risk of a woman becoming a victim of homicide was similar in all countries except El Salvador, where the risk was double.

The data tell us that this steady and rampant increase in violent, deliberate murders of women is a recent phenomenon. If we do not act quickly, the circumstances that feed this escalation and the means by which killings are carried out, will be entrenched, making it more difficult to eradicate.

The data also invite another observation: the escalation cannot be explained by the status as “violent societies” accorded to Honduras, El Salvador and Guatemala as women in these countries have been targeted before and after the year 2000. Femicide, as we have said, is a problem with very specific roots and it may well be that societies considered less violent are on the verge of suffering a similar escalation of killings of women.

The fact that three countries in the region have kept their female homicide rates between 2 and 4 per 100,000 is no guarantee that this will be maintained. Indeed, this was the situation in other countries just a few years ago. Only by identifying the factors behind the escalation of femicide will we have an indication of what to expect in countries where it is not currently on the rise, and be able to calculate whether Costa Rica, Panama and Nicaragua will avoid the problem – or if the escalation has yet to begin.

To reiterate: we need to deepen our understanding of femicide in order to avoid escalations in the rest the region. Only then can we pre-emptively combat the circumstances that foster it.

### **Killings of women rise faster than those of men**

As stated earlier, not all intentional violent deaths of women at the hands of men are femicides, and as a result, statistics on homicides of women do not provide a measure of the magnitude of femicide, nor can they be assumed a priori to give an indication of trends over a given period of time. However, before attempting to identify as precisely as possible which deaths are in fact femicide, we will analyze the official statistics on homicides disaggregated by sex.

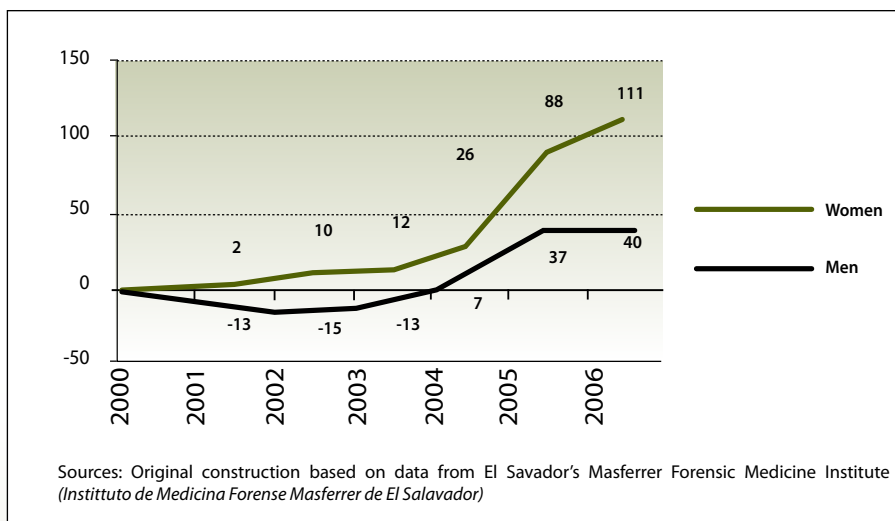
Generally speaking, homicides of women represent about 10% of all murders and this is certainly the case for the countries included in our research. However, annual fluctuations in this percentage and in the total number of homicides of women are sometimes large and make it difficult to measure trends. One indicator that helps identify patterns in each country is the variation in numbers of murders of both sexes within a given period.

Because of the considerable increase in homicides in the region, often attributed to the so-called social violence and generalized deterioration in citizen security, one would expect the killings of men to have increased at a rate higher than that for women, since it is well known that men are at the forefront of the violence. This would basically be about men killing other men. At the very least, one might expect the growth rate of homicides of men to be similar to that of women, assuming that violence is increasing in intensity, not character, and therefore has a similar effect on both populations.

Indeed, the numbers of murders of both women and men do grow annually. However, for the seven countries taken as a whole for the three-year period between 2003 and 2006, homicides of men increased

by 38.2%; and for women by 52.4%. In three of the countries studied, official figures show that murders of women are growing significantly faster than murders of men. In El Salvador between 2000 and 2006, killings of men increased by 40%, so that at the end of the period, the rate was almost 50% higher than six years earlier. The homicide rate for the female population grew by 111%, that is, it more than doubled in the same period.

**Graph 4**  
**El Salvador. Increase in murders compared to the year 2000, by sex. 2000-2006**  
 Percentages

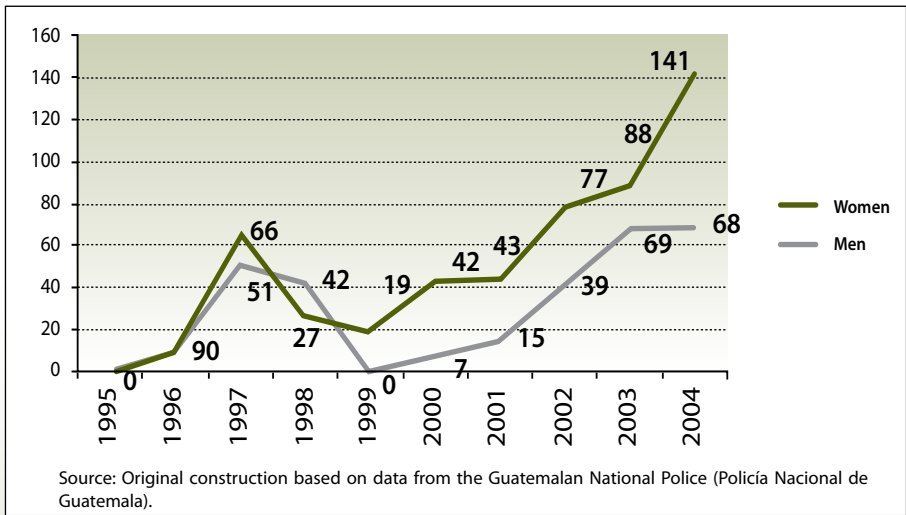


Guatemala presents a similar picture. Here we were able to study a longer period of time, starting with the year 1995. Between that year and 2004, killings of men increased by 68%; those of women more than doubled, increasing by 144%.

The most dramatic situation appears to have occurred in Honduras where in just four years between 2003 and 2007, killings of men increased by 40% and of women by 166%. In such a short period, violent deaths of women more than doubled.

Figures for the region show that the risk of a violent death at the hands of an attacker is growing more rapidly for women than men. The rate of increased homicides of women in Guatemala is double that for men; in El Salvador it is almost triple, and in Honduras it is four times as high.

**Graph 5**  
**Guatemala. Increase in murders compared to the year 1995,**  
**by sex. 1995-2004.**  
 Percentages



Regardless of how many are cases of femicide, the findings undoubtedly signal the need to identify changes in the relative status of men and women and in gender relations in countries where there is disproportionate growth in deadly risks for women.



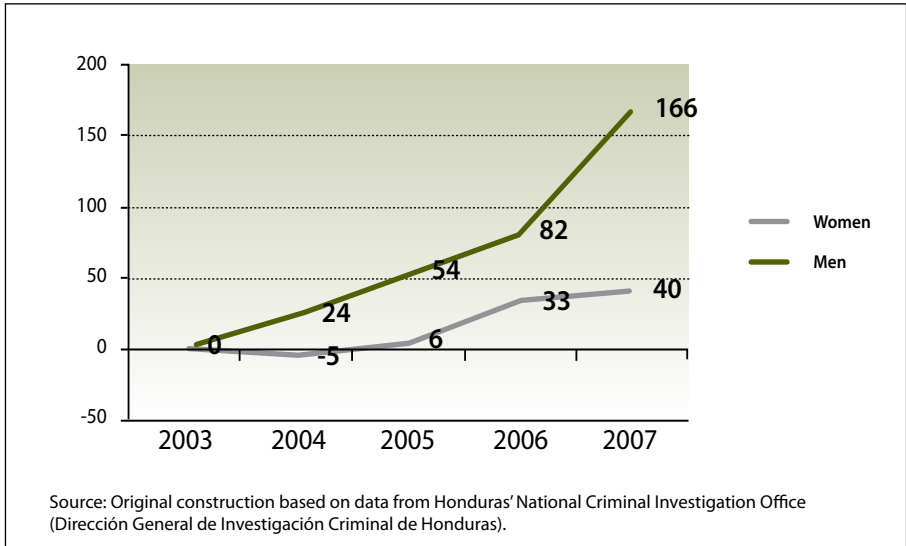
The escalation in killings of women in comparison to the rate of murders of men clearly shows that this phenomenon cannot be attributed to a generalized situation of violence in the region, and invalidates the argument so often heard, that deaths of women do not require special attention since men also die violently and more frequently.

Leaving aside an analysis of the quality of the information provided by official sources, a review of the figures clearly reveals a disparity in trends in the killings of women and of men that should be cause for concern for the relevant authorities and justify issuance of a public safety alert.

However, information campaigns and complaints about the climb in the rate of femicides put forward by feminist and women's organizations in these three countries were initially discredited by officials. Efforts were made to minimize the problem by claiming that most homicide victims were men; and to absolve the State of any responsibility by implying that the murdered women were to blame for their own deaths, alleging that they were drug addicts, gang members or prostitutes. This revealed a type of State misogyny which reflects but surpasses societal misogyny, denies women their inalienable right to life, liberty and autonomy, and ultimately justifies violence against women even in its most extreme forms. The reaction by the State also exposed incompetence and a lack of interest in addressing this very serious problem of human rights and citizen security.

Fortunately, the persistence of global women's movements against violence, the clarity and capacity for action demonstrated by the Central American movement, and progress made around the world on this issue have borne fruit. Those initial official responses are being replaced more and more frequently by announcements that show concern and the political will to understand what is happening and to work for enlightenment and justice.

**Graph 6**  
**Honduras. Increase in murders compared to the year 2003,**  
**by sex. 2003-2007.**  
Percentages



## FEMICIDE IN THE CENTRAL AMERICA OF THE NEW MILLENNIUM

### **Most homicides of women are femicides**

Once we identify which murders of women in the region are femicides, we can draw conclusions about the escalation of violent deaths and their specific causes, and potentially challenge their being subsumed under the general mantle of social violence. However, the identification of deaths from violence directed against women – because they are women – is not any easy task.

In some countries, homicides of women number in the hundreds, and as our research progressed, we found it extremely difficult to access information about these cases. This forced us to make decisions on how to ensure the viability of the study as it became clear that gathering information on all murders of women in the region between 2000 and 2006 was a physically impossible task. Therefore, to have a common frame of reference that would provide an overall perspective and at the same time allow for comparisons between countries, we decided to do a detailed study of each woman's murder in all countries for a given year. This approach made it realistic to seek the data necessary to identify cases of femicide. In addition, in each country we looked at the data on all years for which it was physically possible to find the necessary information<sup>38</sup>. We chose the year 2003, taking into account that legal processes last several years, and files cannot be accessed until these are concluded.

---

38 To date, three country reports have been published: on Panama (Ungo 2008), Dominican Republic (Pola 2008) and Costa Rica (Hidalgo 2009).

Official records are classified as limited-access files. As a result, we were not always able to view them<sup>39</sup>, and even when we did, the quality of the information was poor, lacking important data. We turned to other official sources such as records of homicides, but they too often offered very little material and in some cases, none. We used media reports which often overflow with details although these are not always reliable<sup>40</sup>.

The absence or poor quality of criminal investigations in a number of countries is largely responsible for these gaps. As a result, 37% of the 1,006 murders of women in 2003 reviewed for this study were insufficiently documented to allow us to identify whether they constitute femicides, some of these in countries where we were able to use several sources (see Table 2).

In the case of 371 violent deaths of women, not only did they represent a terrible loss for society, but they left behind no clues to understanding why they even took place, which is information that could help stop this deadly escalation. They represent a two-fold injustice: an end to these women's lives and the absence of an official account. These killings were lost in anonymity, there were no public alerts and the State was able, at least during the period studied, to neglect its responsibility to react promptly and effectively<sup>41</sup>.

The worst case scenario in this sense is found in Guatemala where in 2003, 70% of the homicides reviewed lacked key information for the purposes of criminal investigation and for this study. In some

---

39 Processes for requesting and obtaining permission to study legal files tend to be long and slow, and this is one of the reasons our research has taken more time than initially foreseen.

40 In Guatemala, El Salvador, Costa Rica, Panama and the Dominican Republic, we had access to at least one official source (files, judicial records, police records) for at least some of the homicides we analyzed, plus print media. In Nicaragua and Honduras, we were able to use print media only.

41 It is important to keep in mind that the study covers the years 2000 to 2006 inclusive. Since the end of that period, a number of factors such as actions taken by feminist and women's movements have meant that all the countries discussed in the study have shown greater concern for this issue and have implemented some specific measures to respond more effectively.

instances, there is a complete lack of material and even the name of the murdered woman is unknown – her record carries only a code with no additional data. This severely limits the conclusions that can be drawn about killings of women and femicide in this country, and the information presented here on Guatemala should be viewed with caution. This lack of documentation is particularly unfortunate as Guatemala has the largest number of homicides of women in the region.

At the other extreme is Costa Rica where in the same year of 2003, sufficient information was collected on all 46 reported homicides of women. This country is an exception, due in part to academic research by feminist organizations and the complaints they lodged<sup>42</sup>; their work led to collaborative initiatives with State institutions. In the other countries, up to 20% of homicides lack adequate information.

Taking into account the limitations outlined above, and considering only the 635 deaths for which there is sufficient information on the circumstances in which they occurred, this study found that the majority of female homicides in Central America and the Dominican Republic in 2003 were cases of femicide. Of the 635 cases, 451 or 71% were femicides, a percentage similar to those found in previous studies in the region and in analyses by women's organizations monitoring media reports.

---

42 For example, a study on femicide carried out in this country was a groundbreaking initiative for the region (Carcedo and Sagot 2001).

**Table 2**  
**Homicides of women and femicides in Central America**  
**and the Dominican Republic 2003**  
**Numbers and Percentages**

	Nicaragua		Panamá		El Salvador		Honduras		Guatemala		Costa Rica		D. Republic		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
<b>Homicides investigated</b>	49		33		134		133		416		46		195		1006	
<b>Deficiencies in information</b>	9	18%	1	3%	24	18%	6	5%	292	70%	0	0%	39	20%	371	37%
<b>Sufficient information</b>	40	100	32	100	110	100	127	100	124	100	46	100	156	100	635	100
<b>Femicides</b>	34	85%	21	66%	79	72%	111	87%	49	40%	33	72%	124	79%	451	71%
<b>Suspected femicides</b>	1	3%	2	6%	18	16%	6	5%	24	19%	3	7%	3	2%	57	9%
<b>Non femicides</b>	5	13%	9	28%	13	12%	10	8%	51	41%	10	22%	29	19%	127	20%

Source: national research teams, based on various sources

The category *suspected of femicides* was included to cover murders of women that could not be conclusively identified as femicides, but for which there were indeed indicators that this was probably the case<sup>43</sup>. As suspected femicides represent 9% of the total, we concluded that only 127 homicides of women or 20% of the cases for which sufficient information was available, could be clearly identified as non femicides. This means that the victims' gender was not a factor in only one in five homicides in 2003. In the remaining four, power relations and men's control over the women were involved.

43 For example, a murder of a woman by a man with whom there was no apparent previous relationship, nor was the motivation of the aggressor known; and he subsequently commits suicide. Taking one's life is seen quite often in cases of femicides committed by intimate partners, ex-partners and in rape, in contrast to murders that are not femicides. Femicide is also suspected when someone close to the victim speculates about a possible femicide context, such as revenge, but it cannot be proven.

National data show the same pattern and this appears to be a global reality: at least two in three female homicides (66%) are due to violence specifically directed against women. If we include cases of suspected femicide, the proportion exceeds 75%. The only country included in this study for which we show a lower rate of femicide is Guatemala (femicides at 40% plus suspected femicides at 19% for a total of 59%) and here, as has already been explained, we encountered great difficulties in finding adequate information<sup>44</sup>. Taking the remaining countries as a group, percentages range from femicides at 66% and suspected femicides at 6% in Panama, to 87% and 5% respectively in Honduras.

This data leads to an additional conclusion. Although we were not able to determine the time series for femicides in any given country or the region as a whole, we are able to state that an escalation of killings of women is also an escalation of femicide. Indeed, if the relation between percentages for femicides and for women's homicides remains close to levels previously observed in the region, it means that they have similar growth rates and that femicide rates are growing rapidly, doubling in some countries within the space of a few years.

These findings confirm the need to use a specialized approach in criminal investigations of women's murders, distinct from that used to investigate murders of men. An initial assumption that any killing of a woman is possibly a femicide is a practical necessity, and as the figures in this study demonstrate, it is in fact a probability.

### **New contexts for femicide increasingly significant**

Our findings substantiate our earlier statement that this issue is indeed diverse and complex; and corroborate the need to look closely at non intimate femicides.

---

<sup>44</sup> Leaving Guatemala out of the overall calculations, the remaining six countries generate a femicide rate of 79% of female homicides.

In 2003, intimate partner femicide was the most common context at 34.8% of all known cases. When we include ex-partner femicide which represents 6% of cases, we get a total of 40.8% overall. Thus, although femicides committed by partners and former partners are the most common contexts, they do not constitute a majority as they once did when they accounted for at least two of every three femicides (Table 3).

Cases involving brutality have the next highest frequency at 12.2% of femicides. As noted earlier, brutality is not in fact a context but rather an indicator used to identify a femicide when its cause is unknown. Honduras has a high number of deaths with this characteristic (36.9%), much higher than the rest of the region. Media reports provided the only source of information in this country and did not contain information about the circumstances in which the killings occurred nor who committed the crime. They did describe how the women were murdered. If sexual violence or cruelty were involved, the case was considered femicide. It is likely that some of these were committed by partners and former partners who were able to cover up their crimes because, as can be seen from the data, intimate partner femicides were much lower here than in other parts of the region<sup>45</sup>.

The next most frequent context is that of gang related femicides at 12%, close to the rate for sexual attacks at 11.3%. Family-related femicides, excluding those by partners, represent 7.8%, and those related to revenge between men constitute 4.7%. Sexual harassment and so-called suitors are responsible for 3.5% of these deaths. Finally, the sex trade was the context for 1.8% of femicides and those in criminal organizations and networks accounted for 1.1%. Seven women were killed in the line of fire, 1.6% of the total. Finally, in 3.3% of femicides there is insufficient information to identify the context in which they occurred – official records classify them as femicides but do not specify the reason for this.

---

45 In other countries, access to files allowed us to get greater clarity on cases initially identified through media reports, although the information was not complete.



**Table 3**  
**Femicides in Central America and Dominican Republic in each context 2003**  
**Figures and percentages**

	Guatemala		Honduras		El Salvador		Nicaragua		Costa Rica		Panamá		D. Republic		Total	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Intimate partner*	16	32,7	6	5,4	12	15,2	15	44,1	11	33,3	8	38,1	89	71,8	157	34,8
Former intimate partner*	4	8,2	3	2,7	4	5,1	3	8,8	6	18,2	7	33,3	0	0,0	27	6,0
Family*	6	12,2	0	0,0	5	6,3	6	17,6	4	12,1	4	19,0	10	8,1	35	7,8
Suitor/ Harasser*	6	12,2	1	0,9	3	3,8	3	8,8	1	3,0	0	0,0	2	1,6	16	3,5
Sexual attack*	7	14,3	9	8,1	14	17,7	5	14,7	8	24,2	2	9,5	6	4,8	51	11,3
Sex trade*	0	0,0	3	2,7	5	6,3	0	0,0	0	0,0	0	0,0	0	0,0	8	1,8
Revenge amongst men	0	0,0	10	9,0	7	8,9	1	2,9	2	6,1	0	0,0	1	0,8	21	4,7
Gangs	5	10,2	32	28,8	17	21,5	0	0,0	0	0,0	0	0,0	0	0,0	54	12,0
Criminal organizations	0	0,0	4	3,6	0	0,0	0	0,0	1	3,0	0	0,0	0	0,0	5	1,1
Brutality*	0	0,0	41	36,9	12	15,2	1	2,9	0	0,0	0	0,0	1	0,8	55	12,2
Line of fire*	5	10,2	1	0,9	0	0,0	0	0,0	0	0,0	0	0,0	1	0,8	7	1,6
Unknown	0	0,0	1	0,9	0	0,0	0	0,0	0	0,0	0	0,0	14	11,3	15	3,3
<b>Total</b>	<b>49</b>	<b>100</b>	<b>111</b>	<b>100</b>	<b>79</b>	<b>100</b>	<b>34</b>	<b>100</b>	<b>33</b>	<b>100</b>	<b>21</b>	<b>100</b>	<b>124</b>	<b>100</b>	<b>451</b>	<b>100</b>

\* Historical contexts for femicide, present in all societies  
Source: national research teams, based on various sources

No cases of femicide related to trafficking or sexual exploitation were identified for 2003 although they did take place in other years. In Costa Rica in 2001, after two teenagers were murdered, it was discovered that they had been used for sexual exploitation, including the production of pornography. In the same country, a Russian woman was murdered in 2004 at the hands of Russian mafia hit men, in a context clearly related to trafficking for sexual exploitation.

The sex trade and sexual exploitation contexts are more complex than one might think. It is not simply about customers who kill sex workers. Information is beginning to be available in some countries about one of the best kept secrets in our societies – a secret that is continually popping up and relates to the upper echelons of the business, professional and political worlds, their modes of entertainment and sex parties, and the use of young women and girls for sexual exploitation. At a private party at a hotel in Panama in 2005, Vanessa Vazquez, a 19 year-old, was thrown from a window and in an attempt at a cover-up, her body was taken to another site to simulate a car accident. The first forensic report concluded death due to impact and later, when it became impossible to hide the fact that she had fallen from a building, its conclusions were changed to indicate suicide. The Institute of Forensic Medicine burned the clothes Vanessa had been wearing, saying they did not have the proper means for conserving them. These irregularities led to the removal from office of the deputy director of the Legal Technical Department of the Police (*Policía Técnica Judicial*) after the Attorney General's Office reported that the director had manipulated the investigation to protect people under suspicion (La Prensa, Thursday, April 7, 2005). The Prosecutor initially in charge of the case was replaced (La Prensa, Thursday October 6, 2005). The investigation brought to light the context in which this femicide took place but none of the suspects were ever found criminally responsible.

As discussed, some contexts are difficult to identify. Cover-ups are often part of the methods used by both criminal and legitimate organizations that kill women and have the means to hide evidence of their crimes.

As mentioned earlier, there are a number of femicide contexts that are notably absent from the period covered by this study, such as those related to the military, the police, the paramilitary and private security. Cases of femicide committed by these groups were identified in Panama (four by policemen and three by private guards of a total of 133 femicides), in Nicaragua (two by policemen and one by a private

guard of a total of 34 femicides), in Honduras (nine by policemen and six by private security guards of a total of 114 femicides), in Costa Rica (12 by police or private guards of a total of 125). These represent a significant portion of femicides as they account for at least 10% of the total, an obvious over-representation by these bodies compared to their presence in the general adult male population. It has not been possible to verify if the perpetrators sometimes act in groups to take advantage of their collective capabilities, power and knowledge. An analysis of this nature would require professional and transparent investigations.

Adequate investigations of any of these contexts are problematic. Corruption and connections to highly placed collaborators by criminal networks enhance the ability to conceal crimes and achieve impunity. As a result, the fact that in some countries certain types of femicide have not been identified, does not mean that they have not occurred during the period of this study, nor indeed, that they are not ongoing.

Costa Rica plays a particular role. Here the number of murders is not so high that it overwhelms institutional capacity for investigation and judicial prosecution, and the country has a relatively higher technical capacity compared to many others in the region. In a very high percentage of cases, it has been possible to ascertain the circumstances in which homicides occurred and thus, to identify which killings of women were femicides and which contexts were involved including those of sexual exploitation, trafficking for sexual exploitation and revenge by mafia-type organizations, all of which are among the most difficult to detect. It is very likely these contexts lead to a greater number of femicides in Guatemala, El Salvador and Honduras but Costa Rica functions as a sort of window into what is hidden in other countries.

An analysis of the data allows us to compare historical versus new contexts. In Nicaragua, Panama, the Dominican Republic and Costa Rica, historical contexts are still responsible for most femicides

although new contexts are certainly present. In contrast, historical contexts are no longer dominant in El Salvador and Honduras.

Femicides by intimate partners, former partners or within the family were responsible for 1 of every 4 cases in El Salvador in 2003, a year with a total of 79 homicides identified as femicide. In 2005 when the number of femicides was 92, their collective ratio was lower, accounting for 1 in 5. In contrast, the taking of women's lives as a means of revenge by criminal organizations or individuals<sup>46</sup> had become the single largest cause of femicide (24% in 2003 and 33% in 2005). Gang-related femicide in each of those years (21% and 15% respectively) and those associated with sexual assault (18% and 26% respectively) were responsible for significantly higher portions of women's deaths. In 2005, 48% of femicides and 93% of suspected femicides occurred within new contexts.

Honduras shows a similar pattern. The study's data for this country for the three-year period 2003 to 2005 indicate that familial femicide accounted for 1 in 4 identifiable cases<sup>47</sup>. The most common forms are those related to gangs at 40% and revenge at 20%. While sexual assault is identified in only four instances, sexual violence was part of 38 of the 420 femicides committed during this period (9%).

In Panama and the Dominican Republic, familial femicides remain the most common, in contrast to the other countries. In Panama for the period 2000 to 2006, intimate partners and former partners committed 65% of the total of 133 femicides and other family members 13%. Sexual assault accounted for 8% and sexual harassment by known parties or *suitors*, led to 5%. Here the more recent types of femicide have also been found, although in smaller numbers:

---

46 This includes revenge between criminal organizations and between individual men, and revenge enacted in the victim's home, a symbol of the feminine role.

47 For reasons previously mentioned regarding the high percentage of femicides that could only be identified by the extent of brutality, such cases are excluded from the calculations presented in this paragraph.

criminal organizations (5), gangs (3), revenge between men (1) and brutality (1), indicating that the country has a pattern similar to that of the region as a whole.

In the Dominican Republic, intimate partners and former partners accounted for 72% of the 124 femicides committed in 2003 and 53% of the 107 carried out in 2006. Official records used the term *crimes of passion* in reference to 11% of 2003 femicides and 28% of those for 2006, suggesting that these were linked, at least in part, to couples relationships<sup>48</sup>. Familial femicides represented 8% of cases in each of these years, and sexual assault 5% and 6% respectively. As in Panama, other types of femicide were identified, although very rarely: sexual harassment by known parties (two in 2003 and one in 2006) and as part of the sex trade (one in 2006); new contexts included revenge between men (one in each year), cases linked to drug trafficking networks (one in 2006) and brutality (one in each year).

Nicaragua and Costa Rica are characterized by a preponderance of intimate partner and familial femicides although the frequency of sexual violence linked to femicide is notable. In neither of the two countries do we see gang related cases<sup>49</sup>. In Costa Rica between 2000 and 2004, 134 femicides were attributed to intimate partners (40%), former partners (19%) and family members (11%), a total of 70% of cases. Sexual assault by strangers (9%), acquaintances (6%) and *suitors* with a history of harassment (7%) represented a total of 22% of all cases. In Costa Rica, cases included revenge between men (two) and among criminal organizations (two), sexual exploitation (two) and trafficking (one).

---

48 There is a tendency to also include as crimes of passion, femicides committed by suitors whose advances were rejected.

49 During the period 2000 to 2006, gangs (as they are conceived in the region and in this study) did not operate in Nicaragua or Costa Rica (Demoscopia 2007).

In Nicaragua between 2000 and 2003, a total of 65% of the 111 femicides were carried out by intimate partners (33%), former partners (16%) and family members (16%). Sexual assault by known and unknown parties amounted to 20% and so-called *suitors* 4%, for a total of 24%.

The previously mentioned deficiencies in information in Guatemala makes it impossible to construct even a minimally reliable analysis of femicide contexts there. Data collected for the year 2003 show a preponderance of femicide caused by intimate partners (33%), former partners (8%) and family members (12%). A considerable number of cases were part of sexual assault (14%), while a lesser portion part of gang-related deaths (10%). However, it is important to note that these contexts are the most readily identifiable. Given that only 49 femicides were identified for that year, the absence of data on other types such as those related to the sex trade, organized crime, militarized groups, trafficking and other types of sexual exploitation, does not mean they did not happen.

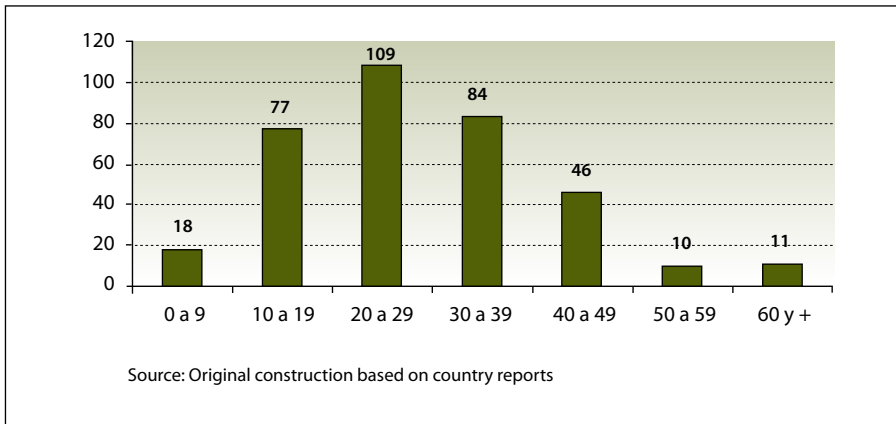
The above demonstrates that where there has been an escalation of killings of women and of femicide, and that new contexts are displacing traditional types of femicide as the dominant form. This is the case for El Salvador and Honduras. Due to limited information, we can neither confirm nor rule this out for Guatemala. One cannot conclude, however, that the escalation of deaths among women – the relentless and sustained growth in rates – is due solely to the emergence of these new contexts. Undoubtedly, they contribute to increased rates of femicide, augmenting these deadly statistics. However, given that we do not have complete and reliable historical records on murders of women in the region, we cannot measure the extent to which new types of femicide are responsible for the escalation of femicide.

### **Young women at greatest mortal risk**

A consistent finding in all countries is that young women are at most risk of femicide, particularly those aged 20 to 30 (see Chart 7). The

average age of the 349 femicides for which this could be determined was 28.5 years. The average age for femicides in most countries for all years was 30 or less with two exceptions (the Dominican Republic in 2003 and Honduras in 2004).

**Graph 7**  
**Femicides in Central America and the Dominican Republic,**  
**by age of the victim. 2003**



In countries with higher rates of violent deaths of women, femicide victims appear to be particularly young, with many of adolescent age. In El Salvador, two out of three victims of femicide in 2003 were between 16 and 30 years of age; figures for that age group were roughly half that in Guatemala and Honduras.

Women during their reproductive years are found to be at the greatest danger of femicide, a finding consistent with other studies. However, figures for the region show that it is the youngest of this group that are most at risk. For women killed by partners, this could be due to their lack of experience in coping with threatening situations and, perhaps

because it is more difficult to leave an abuser when the children are still very small. Moreover, the significance of gang-related femicide in these countries brings the average age down, as more females enter these groups as adolescents and female members in general are very young.

Information available about perpetrators of femicide is even more precarious than that on its victims. This flows from the general tendency to question the actions of battered women, and to either cover up information on aggressors<sup>50</sup> or justify their actions as normal<sup>51</sup>. For this reason, the perpetrator's age is often unknown. However, it is important to note that when this information is available, the perpetrator is often significantly older than the woman, especially in cases where the two had an intimate relationship or he was attempting to court her. In the Dominican Republic in 2003, the average age of victims of femicide was 31 years and that of perpetrators, 39.

### **No place safe for women**

Information about where killings of women occur, or where the bodies are found, is not always available. This is due in part to the aforementioned problem of limited access to official records. However, sometimes the reason is that those who retrieved the body did not record this information, a very worrisome situation as it denotes carelessness in a task that is crucial to pursuing a criminal investigation. For the year 2003, this information was available in only 357 of 451 femicides analyzed.

---

50 A noteworthy example is the decision to keep records on abused women, often in a central file, when for security reasons, it would make sense to have files on the abusers, particularly those that are very dangerous such as repeat offenders, men that violate protective measures, make death threats or own firearms, or those that have already attempted to murder a woman. Curiously, when records are kept on abusers, concerns are raised about violations of their right to privacy, something rarely voiced about files on abused women.

51 Information in the press often focuses on their supposed reasons for killing.



In the past, the predominance of intimate partner femicide meant that women were most often murdered in their own homes or nearby. However, the emergence of new contexts for femicide in the region has led to a shift from private to public locations. In 2003, only 4 of every 10 deaths occurred in the woman's house, in the neighbourhood or in other homes. Femicide was committed or women's lifeless bodies were found more often on public streets or in public locations (see Table 4).

**Table 4**  
**Femicides in Central America and Dominican Republic**  
**According to where crime was committed or the body found. 2003**  
**Figures and percentages**

	<b>Total</b>	<b>%</b>
<b>At home and nearby</b>	134	37.5
<b>On a public street</b>	94	26.3
<b>Vacant lots</b>	60	16.8
<b>In a public place</b>	20	5.6
<b>Ravines, rivers</b>	14	3.9
<b>House other than home</b>	10	2.8
<b>Bar, dance halls, hotels</b>	10	2.8
<b>At her work place</b>	5	1.4
<b>Other locations</b>	10	2.8
<b>Total</b>	<b>357</b>	<b>100</b>

Source: national research teams, based on various sources

As expected, in countries where historical contexts of femicide are the most common, the crime most often takes place in the victim's house or nearby: Panama, 55%; Nicaragua, 50%; Costa Rica, 43%; the

Dominican Republic, 39%; not so in countries where new forms of femicide predominate: El Salvador, 25%, Honduras, 20%.

The commission of women's murders in public is not limited to gangs or criminal organizations but is also found in crimes carried out by intimate partners, former partners and family members. Similarly, women's houses can be the setting for any femicide context.

Sites used to commit femicide or dispose of women's bodies both address practical needs and reflect perpetrators' state of mind. Bodies left on vacant lots are often associated with sexual assault, which are acts that are meant to be hidden from public view. However, the women left in these places or in ravines and rivers, have not always been killed there, but their lifeless forms transported to little used places to delay discovery. This is typical behaviour by intimate partners and former partners, and in general, by perpetrators known to the women.

On the other hand, the use of public places that are highly frequented such as public streets, sports fields, bars and dance halls, sometimes denotes a deliberate display intended to send a message to other women; or it may be directed at demonstrating that such acts can be committed with impunity. These public locations may also be used by intimate partners or sexual predators who are in pursuit of their victims or want to surprise them. It is not unusual that, having committed the crime, if the attackers do not commit suicide, they ask for understanding and solidarity from witnesses.

In short, within the context of femicide, neither public nor private spaces provide safe shelter for women. Moreover, femicide is increasingly a public act that is subsequently publicized, a change from times when such crimes were covered up and hidden. This does not mean, however, that femicide is understood as the serious social problem it represents, with deep roots that transcend the circumstances of a particular death. In the public mind, femicides are private affairs, and the woman is very often to blame.

## Militarization in the region influences weapons used in femicides

In previous studies of femicide, the most common weapons used were blades (knives, machetes, etc.). This finding was consistent with the fact that most femicides were related to family relationships and took place in victims' homes.

This has changed in some countries and over time, firearms have gained importance in nearly all areas (see Table 5). In Honduras, firearms were used to commit more than half of all femicides in 2003 (51%); they are also the most common in Costa Rica (36%) and in El Salvador (38% in 2003 and 36 % in 2005). In this last country, firearms predominated in suspected femicides (61% in 2003, 82% in 2005). In the Dominican Republic in 2003, blades were most common, followed by firearms (39% and 33% respectively) but in 2006, this order was reversed (25% and 48% respectively) meaning nearly half were committed with firearms, clearly the most prevalence weapon for femicide.

**Table 5**  
**Femicides in Central America and Dominican Republic**  
**According to weapon or method used. 2003**  
**Figures and percentages**

	Guatemala	Honduras	Salvador	Nicaragua	Costa Rica	Panamá	D. Republic	Total	%
Blade		15	29	17	9	6	49	125	31.1
Firearm		57	30	3	12	6		108	26.9
Strangulation		1		4	5	6	41	57	14.2
Beating			7	5	4	2	19	37	9.2
Asphyxia			2				6	8	2
Fire							3	3	0.7
Poison							1	1	0.2
Multiple		12	5	4	1			22	5.5
Unknown		<b>26</b>	<b>6</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>5</b>	<b>41</b>	<b>10.2</b>
<b>Total</b>		<b>111</b>	<b>79</b>	<b>34</b>	<b>33</b>	<b>21</b>	<b>124</b>	<b>402</b>	<b>100</b>

Source: original compilation from national reports

Nicaragua and Panama appear to escape this trend. In the latter country in 2003, firearms, blades and strangulation were used in the same percentage of cases (29%), but in subsequent years, blades were used the most often (24% in 2004 and 52% in 2005). In Nicaragua, blades were used in half of all femicides in 2003 (50%) and firearms were involved in fewer than 1 in 10 (9%), less than the percentage assigned to deaths from beatings (12%).

The use of firearms indicates a clear intention to kill, and to do so with little risk of failure. Beatings, suffocation, choking or the use of multiple methods demonstrate an equally clear desire to end a woman's life as they require prolonged actions to complete the crime.

The growing frequency in the use of firearms is related in part to the emergence of new contexts for femicide, the most prevalent being illegal armed groups and networks. This is not the only reason, however. Various factors have led to increased arming of the military, police and criminals, and of civilians as well.

One of the most worrying trends is the privatization of public security. Private security companies already outnumber police officers and no State has the means to exercise effective oversight and control. In Costa Rica, by the end of the period under study, 108 training schools had been established, only 55 of which had authorization from the Ministry of Public Security (National Police of Nicaragua sf., 11).

Insecurity has provided fertile ground for big business. There is no denying a serious lack of security in the region, but the scope of the problem has been exaggerated by media outlets that want to increase sales; by political candidates in election campaigns who promise to govern by a *heavy hand* (*mano dura* is the term used in the region); and by the State which has turned almost exclusively to repression and force, at times generating increased violence that has led to more, not less violence<sup>52</sup>. As a result, the demand for both private and public

---

52 Nicaragua had positive results in combating gangs through an initiative that promoted social integration of youth. (Demoscopía 2007).

security measures has increased as has the acquisition of arms for business and personal use. The importation of arms into the region now has a value in the millions. In the six-year period between 2001 and 2005, the figure for the five Central American countries as a group was 72 billion dollars. In the period covered by this study, unregistered weapons in the region are estimated at two million (National Police of Nicaragua sf., 11).

### **Unlimited control of women's bodies, sexuality, and lives through brutality**

Control of women becomes the driving force in the lives of some offenders. Men known for their jealousy and for being obsessed have — as a central goal in life — the domination of a woman in an effort to make her subservient to their every whim. This is frequently observed in aggressors that are intimate partners or former partners, and in cases of harassment, in so-called *suitors*. The behaviours of perpetrators of femicide before and after committing their crimes are as similar as peas in a pod – a common denominator is their belief in their right to have complete power of decision over the woman, including the taking of her life. A common story: *He had said to all and sundry that if one day, she should leave him, she would belong to no one else. He told her: "So far, you're still alive". On several occasions, he said that if she did not belong to him, she would belong to no one.*

In situations of co-habitation or intimate relationships, an aggressor has countless ways to exercise his authority over every move the woman makes, how she interacts with him and others, the way she dresses or how she manages the children. *He wouldn't leave her in peace even to go to the bathroom* was a comment made about a perpetrator of femicide in Costa Rica. Researchers on the case study of Elda recount that:

*He came to her work place looking for her, he kept calling the office to see if she had gone out or come back ...*

*Sometimes it caught my attention because the guy hassled her. He called her on the phone, would not let her alone. Constantly, constantly.*

Such cases, like those involving so-called *suitors*, mean that the need to control the woman reaches the point of organizing her life, even dictating her demeanour. It is no wonder that a significant number of these offenders commit suicide after killing the women they control. The woman's death deprives the perpetrator's life of meaning, and ends his daily routine. Although there is insufficient information in the countries studied to investigate this aspect of femicide, it is very often found in the contexts of intimate partners, former partners and sexual predators, and very rarely occurs in other types of femicide or homicide in general. In Panama between 2000 and 2006, at least 11% of femicides were followed by the perpetrators committing suicide and another 3% attempted it without success. In Costa Rica in the years 2000 to 2004, 15% took their own lives and a further 4% attempted to do so.

Prior to the femicide, suicide is used as a threat. It is a weapon for blackmail, as demonstrated in the case study of Elda in El Salvador. A co-worker said: *Because that was an idea that he had; that is, kill Elda, kill the child and then kill himself. And that is what he said and I heard him on the phone.* In their determination to have total control, any means is valid for aggressors.

Femicide is the ultimate act of male control over women, and is exercised at the cost of her life; it is about total domination that leaves no room for the woman to exercise any autonomy.

The unlimited subordination sought by perpetrators is reflected in certain acts that accompany the femicide. As if death were not enough, rape, torture, dismemberment, erasing the victim's identity, disfigurement beyond recognition are all used. The intent is to control everything about the women, even their bodies and particularly, their

sexuality, and use it as a means to cause damage and destruction. Including her identity. Including her emotions. One of the cruelest forms of femicide is killing the woman's children in front of her.

This is the reason that a high number of femicides are heinous, hate-filled crimes. It is not simply about ending another person's life, as it is in murders in general; it is about domination. Cruelty appears to be increasingly common, according to women's and feminist organizations that monitor the issue in the press. Information on this is incomplete but sufficient to reveal its existence.

The femicide context related to sexual assault includes deaths where the sexual attack per se was the immediate objective<sup>53</sup> although sexual violence is part of many other forms of femicide as well. Sexual assault is usually reported when it has been committed by strangers but there is very likely a subgroup of intimate partners and former partners that resort to rape and other forms of sexual assault before or after the femicide. Sexual assaults and femicides that involve such attacks are not exclusive to men who are unknown to their victims.

Rape took place in 32% of femicides reported in the press in El Salvador in 2003; in another 4%, some form of sexual assault was involved, and in 9%, the body was found naked. On the whole, 44% of cases are characterized by some kind of sexual assault. One victim was a 12-year-old girl who had been raped and impregnated by her stepfather; after lodging a complaint against him, she was murdered by his brother. In the Dominican Republic in 2003, a man attacked a woman many years after she had ended the relationship; he and a group of his friends raped and killed her. In the same country in 2006, a man who had been charged and had served time in prison for this crime, raped the same woman and killed her.

---

53 Due to a lack of information, we were not able to construct a complete analysis of sexual assault in the cases of femicide identified in this study. In some countries, such as El Salvador, the report forms used when bodies are registered do not have a section to note the possibility of sexual assault. Nor are such sections included in the *Reporting form for case data (Formulario de recolección de datos de casos)* where information on crimes is recorded.

In Guatemala, sexual violence was involved in 24% of femicides identified in 2003. In Honduras that same year, in addition to femicides belonging to the context of sexual assault, 13 cases involved attacks of this kind: six were acts of revenge between gangs, two were committed by sex trade clients and five were carried out by persons unknown. In two of these femicides (involving gangs or unknown persons), the woman was pregnant, as was a woman raped and murdered by her former intimate partner in 2005. Seven pregnant women were killed in this country in the period 2003 to 2005.

The combination of rape and murder is one of the forms of brutal femicide, and is even more extreme when the woman is pregnant; however, there are other ways in which extreme cruelty is manifested. A Honduran man raped and murdered his former partner in 2005 when she was pregnant, and then cut off her genitals. In this same country in the period 2003 to 2005, 10 women were beheaded or semi decapitated, nine dismembered, five tortured. A further 258 women were killed after suffering multiple attacks by firearms, blades or a combination of the two. Overall, two out of three femicides in Honduras during this three-year period were committed with extreme cruelty.

In El Salvador, brutality was involved in 44% of femicides in 2003. Nine women were beheaded, nine tortured and two mutilated. In 13 cases, a variety of weapons was used or the same weapon employed in multiple attacks, and in two femicides, women were stoned to death.

When these forms of killing are used, not only are the women's lives ended but the pain and suffering are prolonged at the whim of the perpetrator. It is a way of expressing hatred and furthermore, a means of signalling to the victim who is in control of her body, her state of being, her life. This is the mentality of the torturer.

These gruesome deaths may spark greater outrage among the general population and among those with a public voice. The reason for such cruelty is not always understood, and can be easily attributed to mental illness on the premise that a sane person would not be able



to do something so horrific to another human being, much less to someone to whom he has been close. It is indeed difficult to interpret this degree of cruelty if one fails to take into account the misogyny that is present in society and displayed in an exaggerated form in femicides. In close relationships, misogyny is part of a vicious circle of increasingly violent and destructive practices. For this reason, it is not surprising that intimate partners and former partners commit some of the cruelest acts of femicide, not just criminal groups known for ongoing high levels of violence.

Brutality is a part of femicide that reveals the explicit desire to do harm. However, the seed for this desire exists in any relationship marked by control and violence against women. These killings are authentic acts of terrorism against women; they seek to intimidate and paralyze women by making them aware of the risks they run if they dare to challenge male domination.

## RESPONSES FROM THE STATE AND SOCIETY

### Reluctance to respect the Belem do Pará Convention

*The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women* places the continent in a privileged position. This is the first convention to specifically address violence against women, and is considered to be one of the highest-level international instruments, backed by the highest level of commitment by nations. It is, moreover, a human rights convention, placing it on an equal or superior level with national constitutions.

Known as the Belem do Pará Convention, it was quickly ratified by all the countries included in this study. However, this did not mean true acceptance by each State; governments did not proceed to define violence against women or adhere to the commitments ratification entailed. Specifically, there has been reluctance to admit that women are battered because they are women, that the violence is targeted and of a specific nature. This concept has been buried under the terms *family violence* and *domestic violence*, diverting attention away from the issue of women's human rights to the issue of family disintegration.

This relates, as mentioned before, to the refusal of governments and legislative bodies to implement legislation and public policies to address violence against women, as proposed by the Belem do Pará Convention. They have chosen instead to create laws and procedures to address family or domestic violence. These laws, which are gender neutral, are being used increasingly by aggressors against the very women they abuse. At the same time, there is growing pressure to use the limited resources designated for programs for abused women and girls, to assist perpetrators. This results in a type of institutionalization of societal and political closed-mindedness that blocks the understanding of violence against women as a violation of human rights. There is a failure to attack or even recognize the root of the problem: unequal power relations between men and women.

In this context, attempts to criminalize violence against women are hampered; indeed, there is resistance to consider such violence a crime, as observed in the refusal to develop the necessary legislation. At the same time, there is a strong push for attackers to escape prosecution by requesting procedures such as conciliation, suspension of the presentation of evidence, or replacing punishment, if any is to be levied, by therapy. These strategies are part of an all-out effort to prevent the naming and criminal prosecution of abusers of women and girls<sup>54</sup>.

Some countries have managed to criminalize family or domestic violence, although as mentioned above, laws tend to be gender-neutral and therefore at high risk of being used by offenders used against the women they abuse. Because of lack of interest by legislators to develop more carefully crafted proposals or because of their limited experience in criminal law related to combating violence against women, legal measures often have major weaknesses such as the application of largely identical penalties for a whole range of criminal activities, when the seriousness of these is not necessarily the same.

Today we regard these laws as *first generation* as, in recent years, some Latin American countries (including Venezuela, Costa Rica and Guatemala) have adopted criminal laws that are specific to violence against women, and are considered *second generation*. The latter are precisely those proposed by women's and feminist movements in many countries but were prevented from moving forward in the past by highly reactionary political actors. The successful argument used to

---

54 During debate in the Costa Rican legislature of a proposed *Law for the criminalization of violence against women*, elected officials who opposed the bill suggested that sentences be served in special jails, stating that men guilty of these acts were not criminals. They also consulted an association of men who had been served with restraining orders for abusing their intimate partners, arguing that it was necessary to hear both sides. Organizations working to support the bill criticized this approach, reasoning that during debates on Criminal Code punishments for robbery, no one asked thieves whether they were in favour of being punished.

block progress has been and remains, that to legislate exclusively on behalf of women constitutes discrimination against men<sup>55</sup>. It has been suggested that if punishments for murders of women are greater than those for murders of men, it would signify that a greater value is placed on women's lives. However, levying more severe punishment for one act over another does not necessarily mean that the entity thereby protected is more valuable. Rather, greater punishment is enacted for more reprehensible acts, for example, when they involve adults exploiting their advantage over children. Perpetrators of violence against women abuse their power as men and should therefore be given higher sentences.

Arguments against measures to protect women have no legitimate standing once a State has ratified the Belem do Pará Convention as it carries the obligation to implement precisely these kinds of laws. Nevertheless, resistance throughout the region has delayed or prevented the punishment of femicide as such.

### **Laws that turn a blind eye to femicide**

In the seven countries included in this study, cases of femicide have been tried in the courts – and still are except in Guatemala and Costa Rica – under existing statutes in Criminal Codes that penalize the most serious crimes against life: murder, assassination or aggravated homicide, and in some jurisdictions, patricide and infanticide. These laws are discriminatory first and foremost because they fail to consider the unequal power relations between men and women or recognize that the murders of men and of women do not usually have the same type of underlying circumstances.

---

55 The Costa Rican Constitutional Court found that the then proposed *Law for the criminalization of violence against women* did not discriminate against men; and they decreed that specific protection for women was affirmative action within the criminal system (Sala Constitucional 2004).

For instance, laws do not take into account the fact that men often kill women within the context of an attack, while women who kill men are often acting in self-defence. Nor do they recognize that many killings of women take place in a context of ongoing aggression or constant sexual harassment. In traditional judicial procedures, and in particular because of the “*garantista*” approach used in the courts, these contexts are not part of the evidence judges are to weigh; rather, it is simply a matter of demonstrating that at a given moment, a crime was committed.

On the other hand, murder is considered more egregious when carried out in a context of family or intimate relationships, even if the latter has not been formalized by marriage. However, the increased importance given to cases in which intimate partners have lived together for a minimum period of time or have had children, is discriminatory. It means that similar punishments are not dictated for all femicides committed by intimate partners<sup>56</sup>. The laws reflect a belief that murders are more reprehensible when the victim is a mother or a longer-term partner, and do not place equal emphasis on the fact that the perpetrator of the femicide took advantage of the woman’s trust and his power over her.

Similarly, mitigating circumstances brought into play in capital crimes are discriminatory. Defenders of perpetrators of femicide often argue that their clients acted when in a state of *violent emotion*. This in essence argues that men have social permission to rage out of control; and this lack of control is interpreted as a decrease in the ability to understand and evaluate the consequences of one’s actions, granting men the social privilege of not taking responsibility for their actions and subsequent

---

<sup>56</sup> This type of discrimination is maintained and even exacerbated in second generation laws such as Costa Rica’s *Law for the criminalization of violence against women* as it applies only to married and common-law couples, the latter having to meet a number of criteria to be accepted as such. Moreover, the criteria in place are harder to satisfy than those in the section on homicide in the Penal Code.

consequences. The use of a *violent emotional* state as a mitigating factor has been used to great effect by perpetrators of femicide that claim they were driven by jealousy, whether there was any basis for the jealousy or not.

Criminal laws and practice that completely or even partially excuse a man driven by jealousy to kill a woman are a reflection of societal attitudes that concede men the right to control women and take ownership over their lives and decisions.

The system is so perverse that there is no recognition of the gross discrimination in effect when treatment of these men is compared to that of women who have killed men in their immediate circle. In fact, there is no real possibility of a comparison as women do not get angry beyond control; they have no social license to do so.

In short, criminal codes have turned a blind eye to femicide. During the years covered by this study, this crime has been handled in court with the same tools and approach as the murder of one man by another, unknown male assailant. While there are special circumstances contemplated in the laws that could be used in some cases of femicide, their application does not take into account the specific nature of violence against women, nor the gross violations of women's human rights.

Two countries included in this study have recently passed laws that criminalize violence against women and include the crime of femicide: Costa Rica in 2007 and Guatemala in 2008. This appears to mark the beginning of a new period in the region of unprecedented legislative initiatives on violence against women. However, this road has not been easy to travel nor will it likely be so in the future.

In Costa Rica, the draft *Law for the criminalization of violence against women* (2007 Legislature) was before the legislature for more than seven years while it was repeatedly subjected to constitutional review, a strategy

used by opponents to delay approval. Although the Constitutional Court did not object to establishing a separate law on violence against women, it did find fault with its scope, particularly regarding *relations of power or trust*. It held that the term *relations of power and trust* is vague and thus violates the principle of criminality (Constitutional Court 2004)<sup>57</sup>. The scope of the proposal was changed to narrowly include relationships of marriage and common law, whether formalized or not. The adoption of this law is undoubtedly a step forward because it protects a significant sector of women who live with violence but as formulated, it excludes others in similar situations such as adolescents and young women beaten by boyfriends, women who no longer live or never lived with the aggressor, women who are divorced, or those who live with the perpetrator but are not considered common-law spouses<sup>58</sup>.

The punishment for femicide is the same as that for homicide: a sentence of 20 to 35 years, and is set forth in the law as follows:

**ARTICLE 21 - Femicide**

*A sentence of twenty to thirty and five years in prison shall be imposed on whoever kills a woman with whom this person has a marital or common-law relationship, formalized or not.*

A year and a half later in later 2008, the Constitutional Court removed two of the law's articles on the grounds that the wording was vague.

These were *Article 22 Abuse*, which criminalized and punished physical violence, and *Article 25 Emotional abuse*, which referred to verbal

---

<sup>57</sup> It must be noted that the concept of *relations of trust* is already included in other types of criminal codes currently in force (in relation to sexual exploitation of children), and *relations of power* used in proposed penal reform developed by the Court itself; and neither of these proposals has been considered unconstitutional.

<sup>58</sup> Under Costa Rican law, a common-law relationship is considered to exist only if neither of the parties is married to a third party, and when the couple has lived together at least three years.

attacks and death threats (Constitutional Court 2008)<sup>59</sup>. Inexplicably, with this ruling, the Constitutional Court reversed an earlier decision in which it ruled on the same *Article 22* without raising any objections.

To date, 77% of complaints brought by women under this Act have relied on these two articles. With their removal, application of the law has been very significantly curtailed. Moreover, even before this decision by the Constitutional Court, there had been huge obstacles to the implementation of the law: in the first quarter of 2008, only 70 of 2,476 cases prepared made it to court; in 75% of the cases (1,860), the prosecutor requested dismissal (Poder Judicial 2008). These figures demonstrate a lack of interest or competence by prosecuting attorneys, if not an attempt at an outright boycott as suspected by women who have sought support from women's organizations with experience on these issues.

The public defender who successfully lodged the complaint of unconstitutionality against the two articles cited above, has made known his intention to move in a similar manner against the remaining sections of the Act. In combination with the problems already encountered, this gives a clear picture of the difficulties associated with the adoption of the law in Costa Rica and the continuing challenge to maintain its integrity and ensure proper implementation.

In Guatemala, the approval process for the *Law against femicide and other forms of violence against women* was shorter and was accompanied by the State's commitment to ensure safety and justice for battered women. Unfortunately, it took high rates of murders of women and femicide and an international outcry to prompt this development.

---

59 The Costa Rican branch of the Feminist Network on Violence against Women considers this action by the Constitutional Court to be discriminatory because it questions terms that have been accepted in other criminal laws; they are calling for these articles to be reinstated and are studying the feasibility of taking the issue to international bodies.



With the world watching, opposition to legal reform was not as blatant or reactionary. In particular, legislators were open to proposals from women's and feminist organizations, listening to their arguments and not rushing into passing a law that could run into difficulties later.

**This Act has a broader scope than its counterpart in Costa Rica.**

**ARTICLE 6. Femicide**

1. *Femicide is committed by a person who, in the context of unequal power relations between men and women, puts to death a woman, because she is a woman, in any of the following circumstances:*
2. *Having tried unsuccessfully to establish or re-establish a partner or other type of intimate relationship with the victim.*
3. *Having had at or before the time of perpetrating the act, a relationship with the victim that was familial, marital, cohabitational, intimate or involving engagement for marriage, as a friend, acquaintance or through the place of employment.*
4. *As a result of repeated manifestations of violence against the victim.*
5. *As a result of group rituals that involved or did not involve weapons of any kind.*
6. *Involving contempt for the body of the victim to satisfy sexual urges, or the commission of acts of female genital mutilation or any other form of mutilation.*
7. *Involving misogyny.*
8. *When the act was committed in the presence of the victim's children.*
9. *When any of the related circumstances referred to in Article 132 of the Penal Code are present.*

*A person responsible for this crime shall be punished with imprisonment for a period of twenty-five to fifty years, and cannot be granted a reduced sentence for any reason. People prosecuted for committing this crime cannot have recourse to any alternative penal measure (Congress of the Republic of Guatemala 2008).*

This Act includes references to unequal power relations between women and men, and makes explicit a number of relationships and contexts. It is noteworthy that it includes femicide related to sexual assault, sexual harassment, sexualized brutality and misogyny committed by (in principle) any man. It also takes into account potential perpetrators close to the victim such as intimate partners and former partners – including fiancés – family members, co-workers and friends.

This is a big step toward appropriate penalization for acts of femicide, and certainly represents progress for the region. However, as was expected, the application of this law is still plagued by setbacks that are discussed in the next section. Many of these are related to historical obstacles that have prevented using the courts as an instrument of justice where violence against women is concerned.

### **Judicial processes plagued by loopholes that allow impunity**

In January 2007, the Special Rapporteur on Violence Against Women for the Inter-American Commission on Human Rights (IACHR) issued a report on access to justice for battered women, a document highly relevant to this study not only because it was prepared during the same period but also because its conclusions remain fully valid today (Organization of American States (OAS) 2007). In particular, the report draws attention to the deadly risks for battered women when they do not receive adequate attention from the justice system:

9. *In many cases, women end up becoming the victims of fatal assaults even after having sought preventive protection from the State; all too often protective measures may be ordered on a woman's behalf only to be improperly implemented or monitored. On the matter of prevention and protection, the Commission has found that State authorities – the police in particular – fail to fulfill their duty to protect women victims of violence against imminent threats. Enforcement and supervision of restraining orders and other court-ordered protective measures are seriously flawed, which can have particularly disastrous consequences in cases of intrafamily violence. The inaction on the part of the State authorities is partially attributable to an inherent tendency to be suspicious of the allegations made by women victims of violence and the perception that such matters are private and low priority. (OAS 2007, ix).*

This very comprehensive analysis does not need re-stating and as noted above, remains valid. For that reason, this study will now focus exclusively on how the judicial system addresses femicide.

In our research, we conducted a number of qualitative studies in this regard, collecting institutional information, interviewing key people and analyzing records. In Guatemala, Victoria Chanquín examined the criminal proceedings for a femicide committed in early 2009. This case was included in our report despite having taken place after the period of analysis selected for this study because it contains elements that are of particular interest. It looks at a femicide that is being investigated and prosecuted in Guatemala under the new law, and is therefore able to analyze the application of a legal measure expected to facilitate such cases. The prosecution sought the advice of the Guatemalan Women's Group (*Grupo Guatemalteco de Mujeres, GGM*)<sup>60</sup> in this case to ensure proper procedures were used during

---

<sup>60</sup> The quantitative analysis presented in this study was done by GGM and the case study described here was carried out by a researcher associated with the same organization.

the investigation and to strengthen the prosecution. The researcher therefore had an opportunity to follow the legal process closely and provide legal advice to the sister of the murdered woman who is the plaintiff in the case.

The findings reported in this section are not intended to apply generally to all countries. Nor does this study endeavour to provide a detailed analysis of the judicial mechanisms in each country, as that would require a more narrowly focused, in-depth initiative. We do propose to highlight weaknesses identified in the region, and in addition to drawing attention to how the justice system works, our observations are meant to offer guidelines for detecting deficient and failing processes, and insights for the formulation of proposals on more effective options.

In all countries, legal processes used in femicide cases (or homicide cases where there is no law on femicide) are faulty, making them partially or totally ineffective, and impeding access to justice for families of murdered women. The problems are both structural and operational, although not in the same way or to the same degree in all countries.

There are significant variations in available resources and technical knowledge. Moreover, Guatemala, El Salvador and Honduras see a high and rising number of murders each year – murders of women are counted in the hundreds, of men in the thousands – that surpass the capacity of the justice system. Added to the excessive workload are the precarious conditions in which the justice system functions in most countries and the rotation of personnel. Resources are dedicated to cases deemed to be of priority and the remaining files are allowed to sit idle.

The criteria for selecting priority cases focus on relevance, or in other words, the impact the homicide has on society; or as a Nicaraguan officer put it: *depending on the relevance of a case, for example on the amount social pressure*

*to investigate it, there may or may not be interest shown because of limited police resources* (interview with officer Javier Dávila Rueda, Chief of the National Executive Secretariat). In Honduras, priority is given to killings that appear on the front page of the national newspapers. In some instances, the geographic location of the crime will be the determining factor as a scarcity of resources means State agencies are not present in all parts of the country.

Criminal investigation is the central pillar of the judicial process. It makes it possible for the State to build a case and support an indictment, and for the prosecutor to demonstrate at trial why a given case is femicide, how it was committed, and beyond doubt, who was responsible. There are widespread deficiencies encountered at this stage, beginning with officials' inability to always get to the crime scene quickly. This runs the risk of allowing cover-ups and contamination of the crime scene. In Honduras, it is estimated that the Preventive Police charged with preserving crime scenes, takes on average an hour to arrive, a lapse of time in which the press has often learned of the case, it is becoming known by the public, and neighbours and curiosity seekers have come to take a look. This potential failing is present in any country but is much more common in societies where there are shortages of personnel and lack of ready transportation, and is even worse in the countryside and areas away from major urban centres.

In some countries, as is the situation in Guatemala, the first on the scene are not forensic professionals but rather staff from the Public Ministry or the police, increasing the risk of contamination especially if those who remove the body and collect evidence are not forensic personnel<sup>61</sup>. This is a common problem in other countries as well:

---

61 In a case of femicide in Guatemala, fingerprints were taken of the victim, Mariana, before scraping under her fingernails to see if there were skin fragments from other persons, something which would have indicated that she struggled to defend herself and would have provided genetic material for the identification of the possible perpetrators.

despite protocols that stipulate that specialized agencies are to be in charge at this stage, this is not achievable in practice. In particular in Honduras, Panama and Nicaragua, the capacity for forensic teams to appear in person at crime scenes is seriously limited.

Barriers at the crime scene are not always set far enough back to protect evidence or keep out people not involved in the investigation. There may be incomplete collection of evidence and inadequate reporting when describing the crime scene because of a lack of judgement about what is significant. In our case study of Mariana [available in Spanish only], a bill (of paper money) was found lodged between her breast and left forearm, something the Public Ministry did not consider important as it was assumed that this was money she carried in her bodice *as women are wont to do*. When money is found on or near the bodies of women, it is a telling sign frequently seen in femicides related to misogyny. It is meant to humiliate the woman, to treat her like a prostitute. In cases of sexual assault, it tends to indicate that the perpetrator knew the woman and killed her in a way that shows he took control over her sexuality both in deed and symbolically, something she previously denied him. Failure to collect all possible clues at the crime scene, or keep the area free from contamination can lead to losing evidence that would reveal the identify of suspects and link them to the crime, opening yet another door to impunity.

The chain of custody involves other risks that have an impact on judicial process. If the chain is broken, the defence is entitled to request that evidence be dismissed, since there is no guarantee it has not been switched, altered or contaminated. Unfortunately, in cases of femicide there is a lack of care or expertise by investigators that often means evidence is lost, denoting a lack of real interest in the pursuit of these crimes. It is well known that in Ciudad Juarez, murdered women's clothes were left in a disorganized pile in a government office; and in Guatemala, authorities usually give the dead woman's clothes and belongings found at the scene to the family.

Similarly, autopsies, a primary source of evidence, are not always performed, again due to lack of resources, and when they are done, do not always respect required protocols. Moreover, autopsies may provide little information if the Public Ministry does not establish clear objectives. Reports may focus on the factors that led to death and omit fundamental aspects of femicides such as whether there were signs of torture, sexual assault, bite marks, damage to certain parts of the body such as the breast and genitals, or marks or messages produced with sharp objects.

Forensic evidence is often scarce. DNA tests to identify suspects that were at the crime scene or to gather information in rape cases is an expensive procedure. In the death of Mariana, a private company did this work rather than the Public Ministry. This is another example where the question of priorities comes into play. In the absence of technical evidence, allegations must rely on testimonies; when there are neither witnesses nor pressure to solve the case, femicide goes unpunished.

Beyond budgetary, human and technical constraints, there is a serious underlying problem of ineffective investigative procedures. Gaps in legal proceedings are evident in two countries which differ substantially: Panama and Guatemala. The absence of an investigative methodology becomes very apparent in cases of femicide not committed by intimate partners or former partners. As noted by the study's researchers in Panama, no one is familiar with procedures or knows what and how to investigate. There, of the 14 cases we were able to analyze in detail, in only one had investigators taken all the necessary steps, that is: all pieces of evidence were collected and all investigative procedures undertaken to attain a comprehensive picture of what had happened<sup>62</sup>.

---

62 The process included: material proof of a punishable crime, autopsy protocols, statements, filing of witness reports, visual inspection of the crime scene, reconstruction of the crime involving the services of expert photographers and surveyors, and forensic psychiatric assessment of the accused. The 20-year old perpetrator of the femicide and his 18-year old accomplice were given the maximum sentence for this crime.

Inadequacies in criminal investigations take all forms, among others, the failure to question the people who found the women's bodies, conduct physical examinations of suspects, interrogate people near the scene of the crime, and carry out specialized technical examinations. There are also problems in following up on suggested inquiries: sometimes the victims' families, in their role as complainants in the case, ask that certain issues be looked into, but get no satisfaction from the Public Prosecutor's office.

The absence of a crime theory is one facet of the failure to take a strategic approach to criminal investigations. Worse still, an initial theory may be established and never questioned, and the investigation proceeds without consideration of other alternatives. This is common when victims are pegged from the start as prostitutes, gang members or drug addicts. How many victims of femicide have been discovered in vacant lots and relegated to these categories, the assumption made that the killing was carried out by parties unknown to the women or by other drug addicts when in fact, the guilty people could have been intimate partners or sexual exploiters? How many of the thousands of killings of women reported as crimes by gangs motivated by robbery were in fact committed by people close to the victims? There are no answers to these questions because the information that would have clarified the vast majority of violent deaths of women during the years covered by this study was lost. We can only try to rectify the situation so that the future brings greater clarity. The femicide of Mariana in Guatemala provides an example of how easily it could have been treated as a death from so-called social violence when in reality, it was a case of femicide related to inter-connecting contexts of former intimate partner, gangs, sexual assault and misogyny.

Investigative processes tend to reflect little interest in finding information about the murdered women, their lives, aspirations, or relationships despite the relevance this would have for inquiries into these deaths. Greater understanding of the victims would contribute to development of investigative approaches and murder theories as



most killings of women and femicides are committed by acquaintances and moreover, men close to the victims. This disregard for the women is dehumanizing and opting to relegate them to the stereotypical category of bad women, victimizes them yet again.

Further important limitations are seen at the trial stage. In countries where one has the option of choosing a jury of one's peers, for example in Panama and Nicaragua, perpetrators of femicide prefer this route because they know they can rely on a gender bias to obtain an acquittal. Indeed, at least in Panama, jurors vote more often for acquittals than guilty verdicts, including in cases of femicide, while the opposite is true in trials by judges.

Presentations by the prosecution are often weak in both their conception and the technical basis for assertions, according to the Panamanian researchers for this study, and rarely is reference made to international covenants. And in apparent contradiction: in cases where there are aggravating circumstances, there is not always a request for these to be taken into account. Although one might expect the public prosecutor's office and the Public Ministry to fulfil their obligation to act on behalf of the State, this is far from certain in cases of femicide.

### **Towards privatization of the right to justice?**

In some countries, the family of the murdered woman can act as plaintiffs in the prosecution, and thus have an opportunity to participate in the process in a way that would not otherwise be allowed. This is an improvement over systems where there is no such option, and where the family does not even have access to the file, as only the suspects and the State, in the figure of the Attorney General, are considered principles in the case.

Status as plaintiffs certainly provides a mechanism for participation but is not readily accessible. The system requires the hiring of legal representation and as such, discriminates against low-income families.

Moreover, if they are not informed of this option in time, they may miss the deadline for applying. This is a source of frustration for many families who find that while an opportunity exists on paper, it does not in fact work in practice.

The femicide of Mariana brings to light another risk related to the provision for family participation: the privatization of the right to justice. This occurs in two ways. First, as described above, families must find their own means of obtaining resources needed to hire a professional in private practice. Secondly, the responsibility for the quality of the prosecution process is then shared between the State and the family as plaintiff; within the context of an ineffective justice system, this responsibility is increasingly transferred to the families. When the mother of Maribel, a young woman murdered in Guatemala, met with the Attorney General to inquire about progress in the investigation, he turned to her for news of any developments.

The researchers working on the Guatemala components of this study warn of the risk of generating a downward spiral whereby the system increasingly absolves itself of responsibility and reduces its capacity as families play a larger role. This must be prevented by ensuring that the participation of plaintiffs leads to improved performance by both State and family legal council. This would require a *collaborative partnership*, as noted by Giovana Lemus of GGM, in which the Public Prosecutor does not feel he is being criticized or threatened when observations are made by others working to move the case forward.

The figure of family plaintiff is not the only point of entry in an apparent trend towards privatization of legal processes for femicide. Additional examples whereby the judicial system has transferred responsibilities to society are seen in cases such as the femicide of Mariana in which DNA testing had be contracted to a private entity, and the Public Prosecutor asked the community to make inquiries about the circumstances and livelihoods of the suspects.

Highly troubling is the possibility of plea-bargaining with defendants in femicide cases and the subsequent move to extra-judicial measures, another form of privatization. Again, low-income families and those less aware of their right to justice can be more easily manipulated in such proceedings. Feminist organizations have noted a general trend towards privatization in cases of violence against women which takes the form of conciliatory measures (which continue to be used even in cases where they are specifically prohibited), the ordering of psychological treatment in lieu of sentences for offenders, and the lack of State resources for free legal representation for battered women and girls, when these are provided for the accused.

### **Cultural components, human nature and a *certain tolerance* that leads to impunity**

In an analysis of the judicial system, it is not sufficient to study rules and procedures (substantive component), and judicial institutions (structural component) to obtain well-founded conclusions. As pointed out by Margaret Schuler (1987), such an analysis must also include a cultural component and an understanding that all these dimensions of the judicial system interact.

The cultural component refers to the values, perspectives, attitudes and behaviours of those who hold the administration of justice in their hands. This has been well documented with regard to the issue of violence against women (including in the report by the Rapporteur on Violence Against Women of the IACHR cited previously). The problems identified reveal a wide range of forms of re-victimization that limit or prevent access to justice for battered women.

In cases of femicide, problems may begin even before the crime is made known. When young women disappear, it is common for authorities to assume that they are not missing but rather, have gone off with a man. They claim they must wait 24 to 48 hours before initiating a

search when in fact, the first hours of a disappearance are crucial to rescue a kidnapped person and save her life.

This is one of many prejudiced and stereotypical views shown by elements in the justice system and the police, and they negatively impact on the effectiveness of the judicial process. As already indicated, the de facto characterization of women as prostitutes, gang members or drug addicts impedes criminal investigations as does the treating of femicides as *crimes of passion*. It is surprising to find resistance in every legal system in the region to dropping the use of this classification despite the insistence of women's and feminist organizations that such assumptions lead to impunity for perpetrators of femicide.

Resorting to stereotypes inevitably prejudices decisions on action to be taken and reflects a major ethical failure. The victim is not treated as a real human being but reduced to a cutout figure to whom, consciously or unconsciously, behaviours and intentions are attributed and subsequently used as the basis to judge her. At the same time, the real motivations behind the femicide are not examined nor the controlling mentality involved in the execution of the crime. For example, only in rare cases is there an investigation and analysis during judicial processes of intimate partner femicide that looks at the ongoing control that characterized the couple's relationship, and the way in which the perpetrator had previously put the murdered woman's safety and life at risk. Even if these elements are part of criminal inquiries, there is no guarantee that they will be taken into account as the case moves forward. In femicides involving sexual assault committed by acquaintances of the victim, little research is done on the existence of prior harassment, and if recognized as a factor, the case becomes yet another *crime of passion*. In general, little attention is given to the *continuous* violence that many women experienced before being killed.

As noted by the study's researchers in Panama, the above leads to a *type of tolerance* for perpetrators of femicide that permeates society as a whole, and is expressed in the media. Stereotypical views and the

biased actions they generate are beginning to be questioned to some degree but their continued effect on judicial processes constitutes a fundamental ethical problem for those who make decisions about the lives of people. Nonetheless, there is little indication of concern in the justice system.

These elements pave the way for impunity in cases of femicide. In parts of the region, notably Guatemala, the problem is widespread and massive and has caught the attention of international human rights bodies. Where impunity is less generalized, the reasons for low conviction rates are put down to technical deficiencies. In some countries, we find higher percentages of perpetrators found guilty but penalties are not as stringent as provided for in the criminal justice system. Until there is certainty that each femicide will be investigated with the attention it deserves as a human rights violation, until the State uses its capacity to prosecute cases to the fullest extent, and until the judiciary operates free from gender bias, impunity will continue to exist.

### **Femicide reported in the media, the journey from status as “just another crime” to national scrutiny**

The problem of violence against women is understood and recognized in Central America and the Dominican Republic as a serious social problem thanks to the work of women’s and feminist organizations that began in some countries in the late 80s and in the rest of the region in the 90s. It has been a struggle of varying proportions to get this issue onto the public agenda in each country.

This progress, however, has contributed little to the public’s ability to grasp the meaning of deaths that occur as a result of this violence. It seems that society, or at least its foremost spokespersons such as politicians and the media, is repeatedly starting at zero in understanding femicide despite its roots in concerns already broadly recognized in

official sectors. When faced with crimes of femicide, the most common initial responses have been incredulity, scepticism about complaints made and discrediting of those who bring attention to this problem. Before the feminist movement took on the task of bringing femicide to public attention, the deaths of women were reported in the crime sections of the press in much the same way as murders of men. Short write-ups usually gave little emphasis to the fact that the victims were women and did not make mention that these deaths were different in nature. Cases of femicide were buried within general reports on homicides<sup>63</sup>. This was also true in sensationalist media outlets with the difference that these highlight all killings, usually dedicating their front pages and large sections throughout the paper to these reports as they are an important and perhaps primary, part of their marketability.

Today femicides occupy a more prominent space in the region's media. They are increasingly treated as homicides of a specific nature, acts of violence that deliberately target women. The timing has not been accidental: new editorial policies by all major media recognize that violence sells and violence against women, although not conceptualized as such, is part of their marketing strategy.

Moreover, reports on femicides are no longer limited to the crime sections in the papers. They are discussed in interviews, editorials, opinion pieces, more in-depth reports, weekly columns, paid ads and announcements of upcoming events. In 2004 in Guatemala, femicide and general violence against women had coverage comparable to that on such topics as corruption, the economy, public safety and environmental issues. Since 1999 in Costa Rica, demonstrations on and accusations of femicide have numerous times been leading stories in major newspapers and on television news. In the early years of the new millennium, violence against women in the region became a *hot*

---

63 The women's movement in Guatemala began to make public statements about femicide in 2001. The National Coalition on the Prevention of Family Violence (*Coordinadora Nacional para la Prevención de la Violencia Intrafamiliar y contra las mujeres*, CONAPREVI) observed that femicides were still reported in the section "News Flashes" (*Notas breves*) in the printed press in 2002.

*topic* in statements made by candidates for public office, proposed legislation and public policies, speeches by officials and in the budgets of international donors.

This interest – which is not always treated as a concern – is a reflection of the media's increased resources, information sources and personnel dedicated to news items. As a result, femicides now receive greater and more detailed coverage than in the past, and correspondingly, each case of femicide and femicide as a national issue have received greater scrutiny by society. Information is provided on the murdered woman and the murderer, the circumstances and background, police and judicial actions, the suspicions and reactions of the family and neighbours.

Everyone has an opinion: and it is not only the people connected to the case and the authorities or persons considered experts in the field. Any and all interested in the issue give voice to their opinions on femicide as an issue of national concern. Family members and neighbours have always expressed their views but now they become known across the country, elevated by the media to the status of spokespersons.

Each femicide brings the issue out of the shadows to the forefront of national discussion. One wonders whether the visibility of femicide is a net gain; and if the role played by the media paves the way for its eradication.

### **The media too shows a certain tolerance**

The presentation of femicide in the media is filled with contradictions. It is certainly an advance that these deaths, or at least many of them, cease to be limited to brief items, viewed simply as part of the violence broadly associated with marginal elements such as *criminals and killers*.<sup>64</sup> It is a measure of progress that the media now make it clear

---

64 We mainly refer to intimate partner femicides since those related to sexual attacks or gangs continue to be viewed as acts committed by marginal elements (delinquents, the mentally ill or psychopaths) or as part of so-called societal problems.

that these women have been killed by men who are often perceived by others as acceptable members of society. However, the way in which the media report on femicide is not conducive to furthering understanding of the issue, nor does it encourage repudiation of such crimes or examine its perpetrators.

Thanks to persistent efforts by feminist and women's organizations, and the interest of some media professionals concerned about violence against women, femicide is increasingly regarded as a social problem. Reports link similarities between cases, updates are given on statistics, announcements are made of new measures or proposed actions to be taken by the State, and in-depth opinion pieces and analyses are provided in the press.

However, reports on individual femicides tend to be treated as private affairs, as rifts between a couple when they are in fact cases of intimate partner femicide; and if committed in other femicide contexts, reports at best present them as situations where the murdered woman failed to exercise caution.

Even when media reports on a given case of femicide recognize it as such<sup>65</sup>, they do not frame it as a violation of women's human rights. That approach is taken by only a very few analysts and commentators who are not published widely or read by the general population. When femicide is described in the media as a societal problem, it is seen primarily as a crime linked to women's safety, public safety in general (when the case is related or portrayed as being related to gangs), public health or family breakdown.

---

65 The first case of femicide discussed in media reports in the Dominican Republic followed the publication of a study by Susi Pola in 2002. The media in Costa Rica began covering the issue at the end of the 1990s, thanks to national debate generated by the *Law on the criminalization of violence against women* and the campaign by women's organizations such as On Guard for Women's Lives (*Vigiladas por la Vida de las Mujeres*) beginning in 1999.



One of the reasons it is difficult to address the root causes of femicide is that reports on these crimes traditionally present them as accidents, or resulting from easily determined factors that can be explained in a simple, straightforward manner. As violence against women is a complex social problem, such simplifications ignore the underlying causes and trivialize debate. Reports may accept as sufficient and valid the reasons given by the perpetrator, no matter how capricious or banal they may be; for example the accused was: ... *enraged by bad cooking* (Nuevo Diario, Nicaragua, February 1, 2000).

These articles feed an appetite for news about violence, and the more extreme they are, the more widely they are read. Cases are quickly forgotten as the public goes on to focus on the next item about murders, accidents or death. The study's researchers in Panama posed a question about whether so much material actually informs, moulds, deforms or numbs its readers. It is indeed clear that the brutality with which femicides are committed means they stay longer in the collective consciousness. However, the lack of follow-up given to femicide cases allows them to get lost in an overwhelming sea of violence and prevents them remaining in the public eye as offences to be pursued, tried and punished.

Media reports on femicide almost never treat men's power over women as a societal issue or as part of the legal aspects of the crime. This does not mean the media ignores the sexist behaviour of the perpetrator in his desire to exercise control by any means possible and at any cost. On the contrary, especially in intimate partner femicide, this tends to be well documented. The explanation *if not mine, then no one's*, is picked up in all reports.

Equally recognized is the jealousy involved and the perpetrator's refusal to accept any decisions by the woman that are not in line with what he wishes, whether it is her intention to end the relationship, lodge a complaint against him, initiate divorce proceedings, work outside the home, go out with friends, talk to a neighbour, visit family,

go to a religious activity, make plans, study – the list is endless and merely enumerating them gives one pause for thought on the extent of confinement intended.

However, although control and subordination of women to men's wishes is recognized, it is usually framed as valid. It is defended by the perpetrator, often by witnesses and neighbours and sometimes even by relatives of the murdered woman. Only in exceptional cases does the perpetrator express regret for his actions; most argue that it was justified and look to other men for support. Not surprisingly, other women who are themselves subject to men's control echo the sexist attitudes of the perpetrator.

The majority of sources used by reporters (police, private guards, witnesses, neighbours) have a traditional perspective and their commentaries, which tend to validate women's subordination, are used to fill gaps in information and background. This type of reporting prevents or at least limits the likelihood these deaths will be placed in context, that underlying causes will be named or that they will be identified as part of a structural social problem.

The use of the term *crime of passion* is part of the same traditional construct and reinforces misogynist stereotypes in public thinking. Passion in this context refers to sexual-romantic problems that put women in an unfavourable position: men kill out of unrequited love for women. This concept of passion makes femicide a private affair; it interprets the social context of violence against women as an issue between a couple.

Passion, however, also encompasses supposedly overwhelming and uncontrollably powerful emotions. This, it must be understood, is strictly about men's feelings because women have no relevance in this construct. A man betrayed in love loses himself in blind jealousy and his pain triggers an uncontrollable rage. We are told that men are transformed, *as if possessed by the devil*, according to some media reports.

The intention is to remove responsibility from the men who commit femicide, deprived as they supposedly are of the ability for rational thought even though many of them act with malice aforethought, having planned their actions to take advantage of opportune moments to launch their attack, and having previously made similar attempts.

Implicit here is a moral judgment: bad, treacherous and provocative women trigger uncontrollable passions in men. The term passion is a rallying cry for male solidarity, for complicity in sexist attitudes that can also be found among the female population and is certainly part of the established order. Questioning is directed at the dead woman's behaviour, justifying her murder and revindicating acts of femicide. Women's subordination is validated and so too is the use of any means, including the most extreme, to maintain it.

Murdered women are in this way re-victimized. In the end, they are blamed for provoking their own deaths: while this sentiment is not openly expressed in such terms, the concept of *crimes of passion* has the power to evoke these feelings in the public's imagination.

To the degree that this crime is accepted as natural, it becomes logical, understandable and reasonable for a man driven by the fury of his passions to kill, and it may even be seen as praiseworthy, as the appropriate way to react. Femicide is presented not as the most serious violation of women's human rights but as the most passionate manifestation of love.

This widespread and deeply entrenched societal perspective influences the administration of justice, and is at the root of the concept of *violent emotion* used as mitigation in cases of femicide. Indeed, the category of *crime of passion* sometimes appears in media reports because sources within the judicial system have used it.

It is therefore not surprising that a *certain tolerance* toward perpetrators of femicide exists despite the fact that they are murderers, an

observation made by the Panama researchers. It is a tolerance that is not extended toward other criminals, let alone those that take another's life or attempt to do so.

The revictimization of murdered women is not limited to cases of so-called *crimes of passion* or femicides committed by intimate partners and former partners. In Guatemalan media reports on women's murders in 2004, 12% of stories reviewed for this study put the blame on the women, citing membership in gangs, the wearing of tattoos, working as prostitutes, being out at night, resisting during robberies or engaging in infidelity. Approximately half of these contextual references came from official sources.

A factor that is seldom mentioned in analyses of how the media reports on femicide is the almost complete focus of crime stories on members of marginalized sectors of society, and stories on violence against women are no exception. This is understandable: not only does the majority of our population belong to these sectors, we live in the most unequal societies in the world. Moreover, the power of the privileged classes allows their members, with well-publicized exceptions, to avoid unfavourable media exposure<sup>66</sup>, despite their prominent place in political and economic news items and societal columns. Increasingly, the media respond to corporate interests, less so to societal concerns, and in association with powerful economic forces, play a role in the political dynamics of our societies.

The study's researchers on Panama hypothesize that there may be yet another factor. In a context of increasing exclusion of impoverished populations, many men have less access to situations which in the past gave them assurances of their manhood and control (or sense of control); now their field of action is increasingly confined to the

---

<sup>66</sup> An example of this was the press coverage of the femicide of Vanessa Vásquez in Panama mentioned earlier in this report: much media attention was given to members of high society named as suspects.

family setting. This leads to an all consuming need to reaffirm their masculinity, which – such is the theory – is not the case for men in the upper classes who do not face the same threat, given their ample opportunities to exercise control in their lives.

In any case, sexism also outweighs respect toward women in the powerful classes. Even here not all acts remain hidden and when they do come to light, be it a femicide, a particularly violent sexual assault, or a gang rape, they create a huge public reaction: femicide, particularly violent sexual assaults, gang rapes. Sadly, the re-victimization of murdered women, the pardoning of attackers and perpetrators of femicide, and other acts of violence against women, are thoroughly democratic.

### **Positive changes in the media?**

As noted earlier in this report, there have been changes in the way the media treats violence against women in general and femicide in particular. However, with few exceptions, media outlets do not endeavour to examine the issues, but to justify and relegate them to the private domain. Male supremacy as an acceptable norm and the validation of men's control over women are the underlying themes conveyed by reporters' numerous sources. The press makes no effort to modify or to challenge this discourse, let alone deconstruct it.

There is no significant difference in the way professional men and women report on femicide in the traditional media although there are some notable exceptions<sup>67</sup>. Progress in this area is sporadic and would appear to reflect efforts by individual journalists, not media company guidelines. This reality is closely linked to the fact that more and more media outlets market violence to ensure turning a profit, trivializing

---

<sup>67</sup> Irene Vizcaino in Costa Rica is such an exception. The situation is very different in alternative media.

it in the process. It is no coincidence that images of female bodies are increasingly used as a type of pornography – another form of violence – in daily papers, especially in the more sensational publications.

It is highly significant that the media continue to depict a thoroughly masculine world as if women had not made any progress, and to some extent at least, brought about changes to gender relations. There is no recognition of advances in our societies where women now represent at least one third of the economically active population, play a role in politics where they occupy some of the most powerful posts, and in ever greater numbers become professionals, entrepreneurs and artists.

If we look at a broader spectrum beyond the mainstream press, we see that non traditional media undoubtedly present women in a different light. More in keeping with modern times, women are shown to combine traditional and new roles, and occasionally men are profiled that are more supportive, open and approachable although the fundamental issue of relations between the sexes is not debated.

The Panamanian part of this study delves into another dimension of the media that plays an important role in re-creating, validating and formulating relations between women and men: the TV soap opera<sup>68</sup>. The modern woman in these productions is replacing the helpless, motherly protagonist star of yesteryear. Today's TV female has an international look, has made herself stereotypically beautiful through access to money and surgery, is assertive and defies certain moral dictates – although never the most basic, that of subordination to men – and curiously, ventures into increasingly dangerous spheres such as drug trafficking, organized crime and sexual exploitation<sup>69</sup>. The traditional conformist and the modern assertive female alike make defence of women's rights seem whimsical and trivial.

---

68 TV soap operas are important for their cultural influence, given their massive audiences and the huge business interests associated with them. In Panama in 2006, an average of \$42 million in advertising was sold for airing during the time of day when these programs were shown (Franco 2007).

69 On the one hand, stories idealize these femicide contexts; and at the same time, they provide an accurate picture of the subordination of women that is found there.

To summarize, the media are indispensable in studies on femicide because of a lack of information available from official sources. They are also essential for the lodging of complaints. However, they do not in general contribute to positive change in the struggle to eradicate violence against women and femicide; on the contrary they are often part of the problem, extolling a model of patriarchal domination and justifying acts of aggression.

One wonders if the media, which gives voice to perpetrators of femicide and so frequently elevates them almost to hero status, are not encouraging the commission of these crimes. There has been some initial exploration of this hypothesis. A study undertaken in Spain during the period 2003 to 2006, found that a significant proportion of femicides committed during those years occurred within three to five days after the publishing of media reports on a similar crime (Ministry of Labour and Social Affairs 2007). This is an issue yet to be examined in our region.

## CONCLUSIONS AND RECOMMENDATIONS

### An alarming situation in the region

The information collected in this study confirms that, as of the beginning of the new millennium, Central America and the Dominican Republic have seen an escalation in killings of women that is also, fundamentally, an escalation of femicide. This problem has reached epidemic proportions in El Salvador where, since 2005, there have been more than 10 deaths per 100,000 women (Guatemala and Honduras reached this level in 2007 and 2009 respectively). Rates have grown steadily in the Dominican Republic, albeit at a slower pace.

This escalation cannot be attributed to so-called social violence. The three countries with the highest rates are also considered the most violent in the region, but this was already the case at the end of the last century when femicide rates were stable and similar in the seven countries (2 to 4 per 100,000 women with the exception of El Salvador which had a rate of 6 per 100,000 women). For this reason, Nicaragua, Costa Rica and Panama, where rates fluctuate below 4 per 100,000 women, are not likely to be exempt from a similar fate.

These three countries are seen to be at risk because the conditions that lead to a deadly escalation are regional and encountered in all countries. Similarly, we find the same femicide contexts in all countries, that is, historical contexts (couple relationships, family, sexual harassment, sexual assault and the sex trade) and more recent contexts (trafficking, sexual exploitation, criminal organizations, women's bodies used to enact revenge between men). While gang-related femicide has not yet been detected in Nicaragua, Costa Rica or Panama, the potential for its appearance in the future cannot be discounted given the growing inequality and social exclusion that exists in all countries without exception, and which affects young people in particular.



Intentional violent murders of women are not only increasing in number, they are also becoming more vicious. Figures mount in a seemingly uncontrolled manner and atrocities go beyond imaginable limits, two inseparable aspects of the escalation of murders of women in the region.

While the causal factors behind femicide are well known, that is, historically unequal power relations between men and women, the skyrocketing rates of such deaths in this part of the world since the beginning of the century are more complex and are due to the confluence of several inter-related factors.

An important issue facing Central American societies in this period of globalization is the push toward greater economic, political and cultural dependence. This is leading to higher levels of inequality and social exclusion, widespread worsening living conditions, and destruction of social and institutional networks that once worked in solidarity to assist people to attain a decent way of life and live in harmony. A majority of the general population faces increased risks in all facets of life, not only in public security, but also to name but a few, with regards to poor nutrition, loss of employment, the need to migrate, homelessness, and lack of access to a quality of living once considered possible.

Inequality and social exclusion give rise to unlawful activities: men and women are drawn to high-level risks in, for example, illegal businesses or underground migration, and young people get involved in gangs. The *Case Study of New Guinea* by the team of researchers in Nicaragua [available in Spanish only] examines at the micro regional level what the winds of change may bring to a society marked by exclusion and marginalization, when there is no awareness of the economic, social and political impacts that will follow, where people are unable to protect themselves from the violence that ensues.

Loss of life in these circumstances is not due to what could be considered random attacks by another person. This is certainly true for women. Case studies carried out as part of our research show that murders of women in the XXI century in this part of the world, are the end point on a *continuum*<sup>70</sup> of violence generated by numerous, intersecting dynamics of exclusion, discrimination and subordination that form a web of perverse logic without limits or boundaries. This *continuum* exists in a context of ongoing abuse and aggression that envelops a woman who works in a sweatshop where exploitation of workers is intertwined with sexual harassment and bullying, who lives in a neighbourhood under gang control, and who is involved with an abusive intimate partner. Tens of thousands of women in the region live under these conditions. The *continuum* of sexual violence affects the lives of women and girls throughout their lives, and keeps thousands of them in conditions of slavery and sexual exploitation. Violence against women and femicide nurture these webs of exclusion and subordination, increasingly trapping women on the losing side in a changing world.

The new contexts of femicide, including trafficking, sexual exploitation under slavery-like conditions, gangs, criminal organizations and the use of women for revenge are no longer merely products of marginal society but have become inevitable and highly productive offshoots of the new social and economic order in the region. Historical femicide contexts, that is, intimate partner relationships, the family and sexual assault, are intertwined with more recent contexts, augmenting the risk of all types of femicide. Migrant status in societies where xenophobia is exploited for the economic profits it will bring to companies, increases the risks in all these contexts. It means even greater danger for younger women who are less experienced and have fewer options, and for those on the lowest rungs of the social scale, particularly indigenous women and sex workers.

---

70 The concept of a continuum of violence was introduced by Liz Kelly, an English feminist, to describe the extent and scope of sexual violence in women's lives (Kelly 2002, 128) in part with regard to the growing violence in many relationships between men and women but more so to describe the ever present violence in women's lives, its overlapping manifestations and the various actors that employ it.

This research project documents these overlapping and magnified risks. Sex workers are targeted for femicide in numbers that are disproportionate to their presence in the female population, and in Costa Rica, the femicide rate is growing among women migrants, although decreasing for naturalized citizens.

Lack of information, a sign of the State's disinterest in this issue, makes it impossible to know how many of the murdered women were from a particular ethnic group in our highly multicultural and multiethnic region, although other studies have analyzed sexual violence directed against indigenous women during the conflict in Guatemala.

The male population is also at serious risk due to exclusion and marginalization, particularly the many men associated with or immersed in highly dangerous situations. This cannot be denied. However, women involved in any of these contexts live with greater risk because of their subordination within the hierarchy that exists between the sexes. It is no coincidence that it is largely women who are targeted by traffickers, who die after being sexually attacked, and who are killed by pimps and clients in the sex trade. In the region as a whole and in three countries in particular (Guatemala, El Salvador and Honduras), the rate of homicides of women has grown faster than those for men (2, 3 and 4 times faster, respectively) since the beginning of the millennium. Social change is disproportionately increasing the risk of death for women and forcing a renegotiation of gender relations that is unfavourable to women.

Moreover death comes to women and men differently. The vast majority of women's murders, about 3 of every 4, are related to issues of male control, that is, they are cases of femicide. A high percentage also show evidence of sexual assault (1 in every 4 femicides) or brutality (44% in El Salvador and 2 out of every 3 in Honduras). Women's bodies show signs of torture, rape, mutilation, and dismembering; they are stripped, left for public display and denigrated, circumstances which are unusual in murders of men. Perpetrators of femicide leave

behind evidence of their hatred because it is not enough to kill, they must demonstrate their mastery over the victim. They need to show supremacy over women and contempt for what they consider inferior. This means they must murder in a symbolic fashion, destroy the victim's womanliness, her humanity, her identity, erase her from the face of the earth, and turn her into waste material.

The economic model now in place in the region exacerbates the misogyny that, disguised to a greater or lesser degree, is present in every patriarchal society. It would seem contradictory to find sexist hatred in countries that in recent decades have made significant progress on the recognition of the rights of women. However, social progress is not achieved without resistance from sectors that perceive their privileged status to be under threat. There is no doubt that male dominance is under attack in a changing society in which women increasingly demonstrate their capabilities, demand their rights, take charge of their lives and compete for opportunities that once belonged exclusively to men.

Advances made by women challenge old ideas and the public is forced to recognize that women are more active and taking leadership in the public sphere, eroding the vision of woman as mother figure, as the weaker sex that needs protection. At the same time, men's fears of losing the upper hand in gender relations grow, and women are perceived as a threat. This is a new version of the old, stereotypical dichotomy of good woman/bad woman, mother versus whore. The latter feeds blatant misogyny and the actions it engenders. As has so often been observed in feminist analyses, women as a group have changed, but many men are reluctant to do so.

Backlash was to be expected, and it has arrived. Never before were women's bodies so objectified and sexually exploited, a strategy used to dehumanize women and relegate them to a lower category. Never before in history has there been such an aggressive push to impose morality in relation to motherhood, and deny women rights as human

beings with the power to control their own lives<sup>71</sup>. The region holds the unhappy distinction of being home to three of the ten countries in the world that penalize therapeutic abortions, thereby levying a death sentence on many women. Repeated attempts to discontinue government programs for women in almost all countries included in this study are a further demonstration of the misogynist backlash in the region. Worrisome are the content and intransigence that characterize pro-family proposals that would have been more worthy of Bismarck and Hitler – who held that women should focus on the three Ks: Kinder (children), Küche (kitchen), and Kirche (church) – than societies that claim to be democracies.

When such misogyny can be observed in the public domain, when it can be openly defended and expressed in the pews of the region, and when it can even become law, it is hardly surprising that it has an impact on interpersonal relations, reaffirming men's sense of superiority and convictions of their right to punish women. The message is clear: women, their bodies and their lives do not belong to them, and moreover, they are disposable.

However, all these elements together would not be sufficient to give rise to the escalation of murders of women in the region if they did not coincide with a lack of government measures that allows the current reality to run its course unimpeded. Impunity has been a key factor in allowing rates for homicides of women in some countries to double in just six years, between 2000 and 2006, an alarming phenomenon in the history of any society. Impunity reinforces offenders' belief that women are disposable, and can be eliminated at no cost.

---

71 Current perspectives on sexual and reproductive rights espoused by fundamentalist groups and in particular, by the Vatican, are of recent ilk. The belief that the fetus has a soul from the moment of fertilization (or *conception* in the para-scientific terminology used in religious writings) took hold in 1869 and contradicted traditional theological positions, particularly those of St. Augustine and St. Thomas who commented, in the fourteenth and eighteenth centuries respectively, on the development of the fetus and the fact that it had to have reached a minimum stage in order to have a soul (Hurt 1992). On the topic of contraceptives: in the 1970s in Costa Rica, marriage preparation courses provided by the Catholic Church included a session on family planning and the slogan for participants in those courses was *to have the number of children for whom I can provide a happy home*.

It has been argued that in countries such as Guatemala, impunity is widespread and it is therefore not feasible to expect the State to address women's murders more effectively than it does those of men. Beyond the practical arguments for demanding effective responses to femicide<sup>72</sup>, it is clear that these killings, extreme forms of the violation of women's human rights, should be a State priority, an obligation under international covenants on this issue. In particular, Article 7 of the *Belem do Pará Convention* establishes that the State has a duty to:

... pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:

(...)

b. apply due diligence to prevent, investigate and impose penalties for violence against women (OAS 1994).

Material and technical constraints certainly play a role in maintaining impunity. In countries with limited financial resources and qualified personnel and reduced capability to provide specialized training to ensure the availability of proper forensic and technical expertise (a very common reality), the prosecution depends on witness testimony. It follows that only murders committed in front of witnesses are likely to see justice done.

Furthermore, there is a lack of training in the specialized investigative approaches needed in cases of femicide as opposed to those used for homicides caused by so-called social violence. The absence of training on women's human rights, the high level of personnel turnover, and a lack of guidelines on the application of a gender perspective to the inner workings of the justice system leave investigators, prosecutors and judges without the necessary tools to do their work.

---

<sup>72</sup> For instance, many of these killings could be solved as the majority of them have been committed by people close to the murdered women.

Deficiencies in the judicial processes for femicide cases we have identified in this study do not exist in a vacuum but rather are part of an environment immersed in indifference and sexism. Our findings in countries where the problem of femicide is more acute – Guatemala, Honduras, and El Salvador (some may try to deny or minimize this reality) – reveal a lack of political will on the part of the State and in particular, of law enforcement and judicial institutions. The fact that no investigations took place, or were cut short when the murdered women were drug addicts, prostitutes or gang members, that is, *bad women*, is a clear indication of the misogyny that underlies the failure to act. Moreover, there is a concept of “lower class” femicide victims, as was seen in the case of the deaths of two teenagers in Costa Rica who were part of a sexual exploitation ring.

An often invisible factor that engenders impunity is corruption. It is present in all criminal environments, perhaps due to infiltration of State structures or other powerful bodies by members of organized crime, and/or because of relatively isolated actions by people who take bribes or are too intimidated to go after those with power. Trafficking and sexual exploitation could not be sustained without complicity in high places. Cover-ups by members of the upper classes – those who are rarely linked to femicides – have been identified in this study, particularly in the work carried out in Panama. To the above, we add another aspect of corruption: the complicity between men in defence of the established order.

The ability to act with impunity often precedes the commission of femicide. As the IACHR Rapporteur indicated in his report on access to justice for battered women: many women are killed clutching security orders in their hands. The State, already aware of the risk to these women, does not act to ensure their safety. Often perpetrators are repeat offenders who have attacked before; they are not stopped by court orders and the only effective measures are criminal penalties, a proposal that has encountered great opposition in all countries of the region.

The failure to criminalize violence against women deprives society of appropriate legal instruments to prevent femicide. More than that: one must weigh the effect of the resultant symbolism and messages conveyed when the decision is made to consider – or not consider – that violence against women is an unacceptable act, and have its perpetrators judged as criminals.

When there is a lack of political will to take necessary measures, it sends a message of tolerance for femicide and moreover, it undermines the credibility of women when they talk about the risks they have experienced throughout life, gives licence to the trivialization of sexual harassment and violence, fails to provide support when women receive death threats, and in general terms, puts the lives of women at very high risk. The State has turned a blind eye to risk indicators for femicide and refuses to engage in measures that women have struggled hard to attain to ensure protection.

The following example illustrates the difference it makes when the State takes a stand to condemn and prosecute violence against women and femicide. In Costa Rica in March 2007 just before Easter week, five femicides were committed five days in a row, an unprecedented occurrence in the country. The reaction of the women's movement and the State was unanimous. At a press conference, the Vice President, various Ministers and Deputy Ministers, elected representatives, judges, the National Ombudsman and representatives of women's organizations released a statement to say that women's murders would not be tolerated and that the *Law criminalizing violence against women* would be approved as quickly as possible. The Judiciary issued a notice to publicize extended hours of operation for offices dedicated to addressing complaints of domestic violence and added: *everyone has the right to live without violence regardless of nationality or immigration status*. In less than a month the law was approved and the killings stopped. That year the rate of femicides dropped to half the level seen in 2006 (17 and 35 respectively). Unfortunately, the focus on this issue



was not sustained and in 2008, the number of murders of women returned to previous levels (37).

New laws passed in Costa Rica (*Law criminalizing violence against women*, 2007) and in Guatemala (*Law against femicide and other forms of violence against women*, 2008) are considered *second generation* legislation and are at the forefront globally for judicial measures on femicide. Other countries in the region are following suit. However, as a qualitative analysis of the response by the judicial system in Guatemala shows, developing appropriate legal instruments to prevent and punish femicide is only the beginning of the battle to achieve an effective judiciary response.

Obstacles encountered in Costa Rica can be quantified by the following figures: 75% of complaints brought forward under the 2007 *Law criminalizing violence against women* were dismissed at the request of prosecutors. This reflects failure by the State's representative agent to meet the obligation to build a case and substantiate charges related to crimes that should be of the highest priority, relating as they do to human rights violations. The fact that in this same country, the Constitutional Court eliminated the two articles in this Act that had covered 77% of all complaints registered, is another example of the lack of concern about and political will to prevent femicide.

It has been pressure from the women's and feminist movements that has forced States to assume direct responsibility in the investigation, prosecution and punishment of these murders<sup>73</sup>, although this has not led to the elimination of other factors that give rise to impunity, nor eradicated sexism and re-victimization in the way the State deals with these cases. It is still common for families of murdered women to find that there has been no progress in their cases. In countries where the

---

73 This has sometimes taken the form of special, mixed commissions (State/women's movement) on femicide which may be set up within the judicial system (as in Honduras) or as an inter-institutional body (as in Guatemala, Costa Rica).

figure of plaintiff exists, those close to the victim have an opportunity to participate in a way otherwise closed to them. However, keeping the case alive and moving it forward rest more and more with the family as the judicial system transfers to them responsibilities that are irrefutably its own, that is, making inquiries, requesting and paying for DNA testing, and retaining the services of experts. There is a risk of privatizing the application of justice, particularly in cases of violence against women where there is strong pressure to treat these as private affairs and opt for measures such as reconciliation and compensation settlements, substitution of penalties with therapy for perpetrators, and replacing protective measures – such as controls placed on aggressors – with the use of women’s shelters<sup>74</sup>.

The findings of this study force us to look with new eyes at the problem of citizen security and the obligations of the State toward the population as a whole. Security policies designed solely with regard to risks faced by the male population leaves women unprotected, and we see the results today. Paradoxically, at a time when the escalation of killings of women is most acute and the growing number of femicides requires urgent, direct attention, there are proposals for general measures to address security issues. This perspective has taken hold in some countries such as Guatemala where new agencies created to address social violence are in apparent contradiction to programs developed to confront violence against women. The loss of specificity in approaches raises concerns that there will be a corresponding loss of political support and resources, and hence reduced likelihood that the State will give priority to eradicating violence against women, particularly femicide.

---

74 Shelters are safe havens for abused women who are at high risk and as such, are essential in the absence of effective law and police measures. They are an indicator of the State’s inability to guarantee security and justice for women and the objective should not be to increase the number of shelters but to make it unnecessary for them to exist.

Life threatening risks are not the same for men and women: they arise from different motivations, mentalities, circumstances. Public security policies must take a rights-based approach to address the threats women face. If the State fails to take effective measures, it will continue to fall far short of its obligation to provide for the security of its female population and, given current realities, this neglect will have increasingly dramatic consequences.

The moment, however, is not conducive to such actions. A weak State is an inevitable and highly profitable outcome of the current neoliberal model, leading to increased impunity and reduced capacity to prevent femicide. States have shrinking resources and more limited governance roles. In parallel, security measures are being privatized, a trend that translates into even greater risks for women who are now not only killed by police officers but by private guards as well (between them, responsible for approximately 10% of total homicides of women). The extremely high number of firearms in the region in the hands of security and law enforcement bodies – State and private – and in criminal organizations or owned by individuals (who think this the best way to protect themselves in a highly insecure environment often exaggerated by the media) makes it obvious why these weapons are now the most commonly used to commit femicide, replacing the use of blades that were once the most prevalent.

The judiciary and security forces in particular, and States in general, have not shown that they understand or are prepared to deal with the escalation of femicides. For more than a decade, States have rejected the very spirit of the *Belem do Pará Convention* and denied the specific form of violence perpetrated against women. Their consequent focus on domestic violence has meant a failure to understand that women are murdered under a wide variety of circumstances, not just in the home.

The more recent forms of femicide are changing the profile of women's murders. More are committed in public (60%), through the use of

firearms (27%), and against younger women (29 is the average age). There is no interest in identifying the common thread that links the trafficking of women, violence committed by intimate partners, sexual harassment in the workplace and sexual exploitation in the sex tourist trade. No one wants to recognize as a constant, the domination of women, their lives and their bodies as the underlying cause of these deaths.

Failure to correctly interpret violence against women allows its roots to remain hidden; seemingly inexplicable deaths are categorized as outcomes of generalized societal violence, and women are portrayed as responsible for their own demise, supposedly a consequence of becoming involved in dangerous situations. This perspective is exacerbated when, in the absence of adequate investigation, a large number of the killings of women remain unsolved and are considered simply part of widespread, random acts of violence, when in fact, many of them have been committed by people close to or known by the victims.

Another of the study's findings is the lack of adequate official information on violent deaths of women and the resulting reliance on the press as a vital source. In some cases, there is a total absence of information, in others, gaps and deficiencies. This is an extremely worrying situation not only because it applies to 37% of homicides analyzed for the years 2000 to 2006, but also because it is found in an even higher proportion in Guatemala (70%) where femicide is more common. The underlying cause, little or no criminal investigation, paves the way for impunity as there is inadequate basis to substantiate charges, prosecution or punishment.

A factor that comes into play in the above is a competitive attitude in which various judicial bodies are reluctant to share files. While cases are ongoing, it is understandable that these must be kept confidential. However, given the gravity of the issue and the fact that feminist organizations and researchers have been responsible for bringing

attention to its very existence, its scope and its underlying causes, there should be access to these records to allow for mutual learning, as is the situation in Costa Rica.

Political parties bear much of the responsibility for the situation we face today: legislative bodies have shown a stubborn resistance to pass regulations that would make violence against women a crime. The Costa Rican legislature, for example, rejected proposals related to the 2007 Act despite broad national consensus and support by the executive branch of government for their acceptance. Through their actions in the legislature, parties send a message of tolerance for violence against women and complicity in a sexist culture.

The media also have part of the responsibility for the region's lack of preparation to deal with the escalation of femicides. Little or no effort has been made to explain these deaths, question the violence that surrounds them or denounce the perpetrators. On the contrary, the media has served as a platform to reaffirm society's sexist views, using superficial and biased explanations. They have allowed pages of their publications to be used by perpetrators to re-abuse their victims by justifying their violent actions and present themselves as models of masculinity. The media have simply parroted the prejudiced views of the institutions and elements in society that speak of *crimes of passion* and divert criticism toward the actions of the murdered women. This dehumanizes women in the minds of their readers.

Women have had no preparation to cope with changes to an environment that once provided for their safety. Old guidelines and codes are now useless to deal with a rapidly evolving situation that can make women "disposable". We live in a period in which there is a need to develop new strategies to guard against a much greater and broader risk of femicide, a responsibility that neither exclusively nor predominantly should be borne by women.

Nor are families and communities facing the loss of collective spaces for support and solidarity able to understand and deal with the escalation of femicide. Mutual support systems set up by women within the family and in neighbourhoods provide a measure of safety for situations involving intimate partners and former partners. This is without doubt an advance: there are spaces that are relatively free from misogyny and the consequent historical re-victimization of battered women, a product of ongoing efforts by the women's movement. However, warning signs of the risk involved in trafficking, for instance, can easily be missed. Women's networks may be paralyzed by what is outside their experience or by fear of highly dangerous situations such as gangs or organized crime. The State's failure to address these more recent forms of femicide undermines local attempts to deal with them, laying the ground for them to continue unabated.

The *New Guinea Case Study* provides an encouraging view of an otherwise thoroughly bleak picture. The reaction of families and of State, private and academic agencies demonstrated that the community was not prepared to accept as inevitable femicide or the cruelty it involved. Nor was it scared away by the terrifying message the femicide of Adelie was intended to convey; the call for authorities to provide answers and obtain justice continues, and it appears justice will be done.

This is the type of response that is essential for Central America and the Dominican Republic to move in a direction that will halt the increase of violent and cruel killings of women. Women's organizations throughout the region have raised the alert and for more than two decades, have accumulated knowledge and expertise, and strengthened partnerships and networks, the best approach to combating the escalation of femicide. Some States are starting to take action, letting go of their initial resistance to recognizing this problem and taking responsibility to address it. Increasingly, social sectors and the international community express concern. All social actors must play a role, no one can remain a spectator or indifferent, or go to the

defence of perpetrators. This is a problem that concerns all of society, its security, its human development, the quality of democracy.

The escalation of femicide is of recent origin, so it is urgent to act. The opportunity still exists to stop this deadly escalation before the dynamics that favour both new and historic contexts for femicide become entrenched, before this new dynamic in gender relations becomes the norm, relegating women to the tragic classification of “disposable”.

### **Changing direction: zero tolerance, zero impunity, zero femicide**

Countless recommendations have been made to deal effectively with violence against women. They have been directed at all sectors of society, not only States, and have contemplated many forms of action.

This is no need to repeat all of them here. Rather, we will focus our attention on proposals that deal specifically with the escalation of femicide and the brutality in evidence in the region. We firmly believe that this escalation is reversible once societies take measures, and States and regional bodies assume a leading role. We will not accept these deaths as inevitable, nor consider them part of irreversible changes, let alone part of our daily living or destiny.

There is an urgent need to stop the escalation, reverse the current trend and finally, eradicate femicide. To do so will require well-focused plans and concrete goals to measure progress. A first goal should be to reduce homicide rates to pre-millennium levels, a short-term objective that can be achieved in under five years if there is the political will to do so.

In the course of this study, we have identified three key problems for which there are corresponding strategic lines of action and key elements needed to implement effective processes and achieve results. We include input from the study’s research team as well as proposals

generated during numerous consultations and working sessions in the region over the course of almost five years, some undertaken as part of this study.

The three central problems identified are: lack of effective protection for battered women, specifically against the risk of femicide; impunity for perpetrators of femicide, before and after crimes are committed; and tolerance for violence against women and femicide that has its roots in societal attitudes and institutional approaches.

The State has the clear responsibility – and almost absolute authority – to guarantee security and justice for women, even though other sectors of society can and must play a role. The State must undertake its obligations from a rights perspective, and must understand that human rights are universal and indivisible and women’s rights cannot be waived, negotiated or privatized.

Given the complex nature of cultural norms that form societal attitudes, it is not easy in the short term to combat the tolerance shown toward violence against women and femicide. There are many factors that influence public attitudes and it could be that States are less able to bring about change in this area than social actors. However, this study has allowed us to document both good and bad examples of implicit and explicit State policies and their positive or negative impact on societies’ ability to confront and reverse the escalation of femicide.

The course of history in Central America and the Dominican Republic will change only if all social actors in each country and at the regional level remain vigilant and demand progress from one another. We refer, in particular, to the role of the State, its exercise of power and the functioning of its institutions in complying with all provisions of the *Belem do Pará Convention*.

The spirit of the Convention has to be respected in all approaches, proposals, planning and actions through recognition of the specific,



structural and deliberate nature of violence against women in all its manifestations, not only within the family.

Violence against women and particularly femicide, must be viewed first and foremost as a human rights issue, and therefore as a violation of women's universal, inalienable and non-negotiable right to live free of violence, regardless of age or life circumstances. Every State must guarantee this right for all women within its boundaries, regardless of nationality or migratory status.

As a human rights issue, governments must place priority on addressing violence against women in fulfilling its role as provider of security and access to justice.

The above summarizes the general issues to be considered by States, institutions and social actors in all policy areas related to addressing violence against women to bring about changes in the short, medium and long term.

To confront, halt and reverse the current escalation of femicide and indeed, eradicate it, we propose specific and concrete tasks, and clearly identify the corresponding responsible parties whose actions are critical for these goals.

### *Security*

Actions in the area of security should focus on the specific goal of preventing the deaths of women, especially those for which there are forewarnings. We propose the following:

- Design and implementation of a plan for prevention of femicide that includes, among other measures, the following actions:

Development of tools to measure the risks faced by women living in violent situations, identifying high

risk situations in the different femicide contexts, and taking into account the diversity of women's circumstances. *Relevant institutions and sectors:* government programs for women, State security agencies and the various components of the women's movement (feminist organizations, women with experience in combating violence, and specific-focus groups such as indigenous populations, migrants, lesbians, peoples of African descent, sex workers, etc).

Development and implementation of a coordinated interagency protocol for handling high risk situations including a rapid response system for security agencies that can adapt to the particularities of femicide contexts and take into account the diverse circumstances in which women live. *Relevant institutions and sectors:* government programs for women, State security agencies, the health system, public and private education systems, the judiciary, the prison system and the various components of the women's movement.

Creation and/or strengthening of emergency telephone lines linked to national emergency response units, with capacity to handle calls for help from women in violent situations and respond effectively to the various femicide contexts. *Relevant institutions and sectors:* government programs for women and State security agencies.

Development and/or strengthening of coordination mechanisms for security agencies and the justice system to assess the implementation of security measures and monitor high-risk situations, including

the creation of an inter-institutional database on high-risk offenders such as intimate partners and former partners that have repeatedly resorted to violence, sexual predators, and those who have violated protective measures, previously made death threats or attacked a woman. *Relevant institutions and sectors:* government programs for women, State security agencies, the health system, public and private education systems, the judiciary, the prison system and the various components of the women's movement.

Provision of resources for activities directed at ensuring women are safe from violence such as patrols and teams that respond to emergencies and monitor areas to ensure that protective measures are respected; material or economic support for women at high risk; and improved security services for women such as shelters and foster homes. *Relevant institutions and sectors:* government programs for women, State security agencies, social welfare institutions and the various components of the women's movement.

Creation and/or strengthening of a program to protect potential victims of and witnesses to violence in the various femicide contexts. *Relevant institutions and sectors:* judiciary system and State security agencies.

Initiation of the use of technological devices (to the extent they are available) to protect women in situations of high risk: bracelets with GPS capability to detect the approach of offenders, and land lines and cell phones with immediate connections to the emergency system. *Relevant institutions and sectors:* the judiciary system and State security agencies.

## Justice

Actions should be taken within the justice system to prevent impunity in cases of violence against women and femicide, ensuring well-run procedures for handling complaints, investigations, prosecutions, trials and sentencing. We propose the following:

- Debate on and approval of specific laws on violence against women as presented in the *Belem do Pará Convention* that are applicable in any setting and context where violence may occur. These laws should include penalties for femicide, violation of protective orders by aggressors, and failure by personnel to meet their obligation to ensure protection and justice for women who live with violence. *Relevant institutions and sectors:* government programs for women, the legislative, judicial system and the various components of the women's movement.
- As a matter of urgency, development or strengthening of the criminal investigative capacity of police and justice system personnel through:

Training for investigators, police officers, prosecutors, judges, forensic experts on criminal investigation and prosecution of femicide. *Relevant institutions and sectors:* judicial system, State security agencies, institutions of forensic medicine.

Development and implementation of protocols for criminal investigations into the killings of women, taking into account the need to use specific investigative techniques not normally used in other homicides, and rectifying the shortcomings identified in this study, particularly with regard to the removal of the body from the crime scene, processing the

crime scene, requests for and implementation of expert evidence, design of an investigative strategy, development of crime theories and substantiation of allegations. *Relevant institutions and sectors:* the judicial system, State security agencies, institutions of forensic medicine.

Allocation of sufficient and appropriate human resources to ensure thorough, impartial investigations in all parts of the country, with the same level of priority given to all homicides of women. *Relevant institutions and sectors:* the judicial system, State security agencies, institutions of forensic medicine, international aid agencies.

Provision of technical equipment needed to perform the expert testing required to investigate killings of women, and adequate human and material resources to operate them. *Relevant institutions and sectors:* the judicial system, State security agencies, institutions of forensic medicine, international aid agencies.

- Allocation of human and material resources to the justice system to enable it to adequately provide information, free services and support to women who seek assistance to address issues of violence. *Relevant institutions:* judicial system.

### *Information and investigation*

- Inclusion of femicide as a specific category in statistics maintained by the justice system, with reviews carried out to ensure that data is collected on all violent deaths of women that can be classified as femicides of one form or another. *Relevant institution:* judicial system.

- Preparation of annual State reports on femicide and public presentations on effectiveness by the institutions involved. *Relevant institution:* judicial system.
- Design and implementation of an integral filing system to maintain records on every woman's violent death (including suicide), where information will be compiled throughout the process (reports on removal of the body, autopsy reports, court files), including that needed to identify cases of femicide and the context in which they occurred. *Relevant institutions and sectors:* judicial system, government women's programs and the various components of the women's movement.
- Re-opening of judicial system files on closed cases of femicide as part of research initiatives on femicide and related violence, and to facilitate civil society oversight. *Relevant institution:* the judicial system.
- Strengthening and expansion of research on femicide; future studies should include investigations into femicide in indigenous populations and women's suicides. *Relevant institutions and sectors:* judicial system, government women's programs, the various components of the women's movement, and universities.

### *Public awareness of femicide and respect for the dignity of victims*

- Review of definitions, methodologies, proposals and practices in State institutions in order to ensure a conceptualization of violence against women in line with the spirit and letter of the *Belem do Pará Convention* and approaches based on a human rights perspective. *Relevant institutions and sectors:* government women's programs, the various components of the women's movement, and all appropriate State institutions.

- Elimination of the category of crime of passion from judicial statistics and media reports. *Relevant institutions and sectors:* judicial system and the media.
- Inclusion of femicide in the reporting on and assessment of human development, particularly in the Gender-related Development Index, and development of relevant indicators. *Relevant institutions and sectors:* government women's programs, the various components of the women's movement, universities, UNDP.
- Inclusion of femicide in public health and safety reports. *Relevant institutions and sectors:* State security agencies and the health sector.
- Development of mechanisms for media relations that promote appropriate treatment of notices related to femicides, and contribute to both public education and crime prevention. *Relevant institutions and sectors:* government women's programs, the various components of the women's movement, the media.
- Development of a code of ethics for dealing with violence against women and femicide in the media. *Relevant institutions and sectors:* government women's programs, the various components of the women's movement, the media.
- Incentives to encourage the publication of letters, reports and other information items in the public domain that will help draw attention to violence against women in ways that promote or contribute to positive social change and eradication of such violence. *Relevant institutions and sectors:* government women's programs, the various components of the women's movement, the media.
- Design, production and ongoing dissemination of materials as part of media campaigns which include at a minimum the following strategies:

Messages directed at women on how to recognize high risk situations and on their right to live free of violence, citing existing legislation and international human rights treaties.

Messages directed at the population in general on the availability of resources for combating violence against women in various contexts, and on the right of every woman to access these regardless of her legal status within the country.

Messages for the population in general that draw attention to violence against women as a problem that is unacceptable to society but which occurs in all environments, and descriptions of the penalties given to perpetrators.

Messages directed at families, local networks and communities that convey information on how to take action and support women who are living with violence or are at risk of experiencing violence, identifying the dangers and dynamics in each context and outlining existing resources for the protection of women.

*Relevant institutions and sectors:* government women's programs, the various components of the women's movement, the media.

- Programming of activities to re-establish the dignity of victims of femicide; to take place in locations of relevance to their actual lives or of symbolic significance to remember them, recognize their humanity, validate their lives and dreams, and pay tribute to their memory. *Relevant institutions and sectors:* government women's programs, the various components of the women's movement, the media, all State institutions, and local governments.



- Construction of a memorial for victims of femicide in the region, in a joint effort with the various States, women's and civil society organizations and international aid agencies.

### *International level*

- Strengthening of the theoretical debates and strategic discussions within the feminist and women's movement in the region, broadening content and exchanges with other regions of the continent and the planet. *Relevant institutions and sectors:* the various components of the women's movement.
- Lodging a complaint on the failure to comply with international commitments by States, and the intrusion of de facto and fundamentalist forces on this issue that have led to a clear retreat on women's rights in the region, including the weakening of government women's programs and the progressive dismantling of the institutions dedicated to assistance to women and prevention of violence against women. *Relevant institutions and sectors:* the various components of the women's movement.
- Dissemination of information on activities carried out by national and international feminist and women's organizations to draw attention to and denounce femicide; and dissemination of their analyses and research work. *Relevant institutions and sectors:* the various components of the women's movement, international aid agencies, universities, and government women's programs.
- Strengthening the work of the Central American Feminist Network against Violence towards Women and national networks and organizations in the region and their legitimate role as representatives to engage with the State, regional inter-governmental bodies and international entities on decisions that affect the right of women to live free of violence and the risk of femicide. *Relevant institutions*

*and sectors*: the various components of the women's movement and international aid agencies.

- Allocation of budget lines by international aid agencies for initiatives on the eradication of femicide and violence against women that focus on supporting women's and feminist organizations and women's rights defenders, known for their unshakeable commitment to continue to generate public attention, lodge complaints, develop methodological frameworks and demand effective responses to address violence against women and femicide. *Relevant institutions and sectors*: international aid agencies.

### *Monitoring and accountability*

- At the national level, the setting up (where none exist) and strengthening of High Commissions on the Prevention of Femicide to work with relevant State institutions and the various components of the women's movement to design and implement a workplan which has as its principle tasks at least the following:

The building of consensus between State institutions and the various components of the women's movement on comprehensive measures for preventing femicide.

Monitoring and assessment of government actions to combat femicide.

A study of each femicide that includes accounts of previous attempts on the victim's life, analysis of the circumstances that led to the commission of the crime and descriptions of interventions which, if they had been carried out in a timely manner, could have been prevented the crime.

A study of events leading up to a woman's entering a shelter to identify weaknesses in the security and judicial systems which failed to guarantee the woman's safety or remove impunity for the aggressor.

The development of agreed-upon mechanisms and guidelines for action by State institutions in situations of high-risk.

The development of targeted campaigns to prevent femicide, bring public attention to risks associated with each context and disseminate information on women's options for dealing with these.

*Relevant institutions and sectors:* government women's programs, the various components of the women's movement, and all participating State institutions.

- Implementation of monitoring mechanisms and procedures to assess how well officials and State institutions have met their responsibilities and obligations; particular attention will be given to ensuring that elements of re-victimization are avoided, for example, having areas for receiving and handling complaints and allegations by those who use the services. *Relevant institutions and sectors:* all participating State institutions.
- Preparation and submission of annual reports for public accountability on the actions of State institutions that deal with violence against women. *Relevant institutions and sectors:* all participating State institutions.
- At the national level, where possible, monitoring by the Attorney General or Office of the Human Rights Defender of the

implementation of recommendations of the *First Regional Report: status and analysis of femicide in Central America*, conducted by the American Council of Human Rights Ombudsmen in August 2006. *Relevant institutions and sectors:* Human Rights Ombudsmen.

- At the regional level, as part of specialized mechanisms for the Central American Integration System (SICA, Spanish acronym), establishment a Central American Commission on Femicide to monitor the situation in the region and report on the effectiveness of State responses. *Relevant institutions and sectors:* Central America Council of Government Ministers for Women's Issues (COMMCA), SICA, the Central American Feminist Network against Violence towards Women, and regional components of the women's movement.
- Inclusion of femicide as a mandatory section in reports submitted by States to international monitoring bodies on international conventions. *Relevant institutions and sectors:* Inter-American Commission of Women (CIM), the CEDAW Committee (on the Convention on the Elimination of all Forms of Discrimination Against Women), and the experts committee to monitor the implementation of the *Belem do Pará Convention*.

## BIBLIOGRAPHY

Arana, Ana. 2005. How the Street Gangs Took Central America en Foreign Affairs, mayo-junio 2005. New York: Council on Foreign Relations. [http://www.nytimes.com/cfr/international/20050501faessay84310\\_arana.html](http://www.nytimes.com/cfr/international/20050501faessay84310_arana.html)

Demoscopía. 2007. Maras y pandillas, comunidad y policía en Centroamérica. Hallazgos de un estudio integral. San José, Costa Rica: Demoscopía.

Equipo de la Revista Proceso. 2003. *El Salvador, Plan "Mano Dura": violencia estatal contra las maras* en Envío Digital número 258 de septiembre 2003. Managua: UCA. <http://www.envio.org.ni/articulo/1283>

UNDP. Statistical report on violence in Guatemala. Guatemala: PNUD [http://www.who.int/violence\\_injury\\_prevention/violence/national\\_activities/informe\\_estadistico\\_violencia\\_guatemala.pdf](http://www.who.int/violence_injury_prevention/violence/national_activities/informe_estadistico_violencia_guatemala.pdf) [available in Spanish only but description provided in English at: [http://www.who.int/violence\\_injury\\_prevention/violence/national\\_activities/gtm/en/](http://www.who.int/violence_injury_prevention/violence/national_activities/gtm/en/)

Proceso. 2005. *Editorial* en Revista Proceso número 1135, 2 de marzo de 2005. San Salvador: Centro de Información, Documentación y Apoyo a la Investigación-UCA. <http://www.uca.edu.sv/publica/proceso/proc1135.html#Editorial>

Villegas Alarcón, Francisco. 2004. Protestando por no ser ciudadanos: los jóvenes pandilleros de Lima a fines de los 90's. Tesis para optar la grado de Licenciado en Sociología. Lima: Universidad Nacional Mayor de San

Marcos. [http://www.cybertesis.edu.pe/sisbib/2004/villegas\\_af/html/index.html](http://www.cybertesis.edu.pe/sisbib/2004/villegas_af/html/index.html)

Umanzor, Serapio. 2000. *Las maras, su origen y llegada a Honduras* en La Prensa, edición del 30 de octubre de 2000. Tegucigalpa: Diario La Prensa

ISBN 978-0-921089-41-4



9 780921 089414

Special thanks to *Regina José Galindo*, for allowing us to use her artistic protest "*El dolor en un pañuelo*" (Pain in a handkerchief) in the cover of this publication.



Canadian International Development Agency

Agence canadienne de développement international



GILL RATCLIFFE FOUNDATION

IDRC / CRDI  
International Development Research Centre / Centre de recherches pour le développement international

