

**From National to International: Exploring the Impact of Regional and International  
Legal Systems in Addressing Femi(ni)cide in The United States**

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## **EXECUTIVE SUMMARY (OR ABSTRACT)**

The alarmingly high presence of femi(ni)cide in the United States underscores the urgent need for action to address this systemic issue. The absence of acknowledging femi(ni)cide has formed gaps within the U.S. legal system and preventive efforts to effectively eradicate the most extreme form of gender-based violence. Simultaneously, it has led to an environment of tolerance that thrives on patriarchal and misogynistic systems that perpetuate this issue. This study aims to demonstrate how the integration of regional and international human rights law into the U.S. legal system would positively impact the handling of femi(ni)cide cases. Examining how the Inter-American System of Human Rights (IAS) and the United Nations govern femi(ni)cide in States that align with these human rights frameworks highlight the types of reforms that could occur in the U.S. if they followed a similar approach to adhering to human rights standards. Further, it would positively impact the individual and structural access to justice through the adoption of transformative and symbolic reparations. The methodology used throughout this study follows a socio-legal approach by applying regional and international law into the social and cultural context of the U.S. The recommendations positioned to the U.S. include distinguishing between homicide and femi(ni)cide in the U.S. penal code by recognizing femi(ni)cide as a separate legal category and criminalizing it. Further, allocating resources for better data collection systems would assist policymakers identify gaps within measures that focus on prevention, protection, and prosecution of femi(ni)cide. Finally, the U.S. could show their commitment to upholding human rights by ratifying the American Convention on Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention of Belém do Pará, and accepting the jurisdiction of the Inter-American Court.

**Keywords:** Femi(ni)cide, international law, gender, human rights, the United States

## INTRODUCTION

In a world where legal systems are designed to protect and uphold human rights, the ongoing prevalence of gender-based violence presents a significant challenge, particularly within the United States (U.S.). Gender-based violence, a prominent issue that contributes to serious violations of human rights, refers to physical or psychological violence enacted upon a person due to their gender. There has been a significant development of the definition of gender-based violence over the years, where the scope of what is considered violence has expanded to encompass numerous other forms that were previously not coined as a form of gender-based violence. Gender-based violence is a form of structural violence; violence that is concealed and normalized but impacts a vast variety of individuals, regardless of their identity markers.<sup>1</sup> Due to the hidden nature of this form of violence, it affects the efforts to combat this issue through legal remedies, especially since many of these acts take place within the private sphere. Further, feminist scholars have examined the concern of naming and framing the term and because of this, there are limited countries that have legitimate laws or policies that examine gender-based violence.<sup>2</sup> Without a generic and universal understanding of gender-based violence within social institutions, there will be a consistent problem with accurate measurement and visibility of the scope of individuals that are affected, which is crucial information needed to integrate structural solutions within societies that can lead to progressive development. A form of gender-based violence against women that will be discussed throughout this work is femi(ni)cide.

To understand the situation occurring in the U.S. is to first clarify the concept of femi(ni)cide and define the problem. To acknowledge the use of the term ‘femi(ni)cide’ throughout this

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<sup>1</sup> Merry, Sally Engle. *Gender Violence: A Cultural Perspective*. Wiley-Blackwell Pub.

<sup>2</sup> Id.

thesis, the author will break down the two concepts coined by academics in the field; femicide and feminicide. Even though there are multiple definitions of these concepts used by different regions, the following definitions are good starting points to conceptualize the global issue of this form of gender-based violence against women. In 1976, American feminist Diana H. Russell, at the International Tribunal on Crimes against Women in Brussels, Belgium, recognized the term in public for the first time and referred to femicide as “the killing of females by males *because* they are female”.<sup>3</sup> Later in 1992, along with feminist activist Jill Radford in their book *Femicide: The Politics of Woman Killing*, redefined the term to include the “misogynous killing of women by men”.<sup>4</sup> This redefinition of the term to introduce the concept of misogyny aimed to encapsulate the reoccurring patterns perpetuated by men to invoke a reaction for government to start addressing the problem.<sup>5</sup> In 2013, the Vienna Declaration on Femicide submitted by the United Nations Economic and Social Council defined femicide as the,

the killing of women and girls because of their gender, which can take the form of, inter alia: (1) the murder of women as a result of intimate partner violence; (2) the torture and misogynist slaying of women (3) killing of women and girls in the name of “honour”; (5) targeted killing of women and girls in the context of armed conflict; (5) dowry-related killings of women; (6) killing of women and girls because of their sexual orientation and gender identity; (7) the killing of aboriginal and indigenous women and girls because of their gender; (8) female infanticide and gender-based sex selection foeticide; (9) genital mutilation related deaths; (10) accusations of witchcraft; and (11) other femicides connected with gangs, organized crime, drug dealers, human trafficking and the proliferation of small arms,<sup>6</sup>

<sup>3</sup> Diana E. H. Russell, “‘Femicide’ — The Power of a Name,” October 5, 2011, [https://www.dianarussell.com/femicide\\_the\\_power\\_of\\_a\\_name.html](https://www.dianarussell.com/femicide_the_power_of_a_name.html).

<sup>4</sup> “Femicide: The Politics of Woman Killing.” *British Journal of Criminology* 34, no. 3 (January 1, 1992): 3. <https://research.ebsco.com/linkprocessor/plink?id=bce8b64f-c143-3282-b4ff-14b750631a54>.

<sup>5</sup> Myrna Dawson and Saide Mobayed Vega, *The Routledge International Handbook of Femicide and Feminicide*, 1st ed. (London: Routledge, 2023), <https://doi.org/10.4324/9781003202332>.

<sup>6</sup> United Nations, “World Crime Trends and Emerging Issues and Responses in the Field of Crime Prevention and Criminal Justice,” in *Report of the Commission on Crime Prevention and Criminal Justice on the Twenty-Fourth Session (5 December 2014 and 18-22 May 2015)*, by United Nations, Official Records (United Nations Economic and Social Council) (UN, 2015), 92–95, <https://doi.org/10.18356/76a7e412-en>.

These definitions of femicide provided a foundation for organizations and States to classify the types of violence and the context of the killing that they acknowledge as femicide; however, acknowledging that a disadvantage of this approach is that it creates disparities in data collection and an inaccurate picture of the severity of the issue due to the lack of a unified system.<sup>7</sup> Further, failure to recognize certain forms of violence, situations, or victims that can constitute as an act of femicide adds to the overall issue.<sup>8</sup> On the other hand, feminicide (translated in Spanish as *feminicidio*), formed out of the concept of femicide, was coined by Mexican feminist Marcela Lagarde y de los Ríos, that addresses the systemic and societal reasons that contribute to the murder of women in Latin America; which led to the adoption of this term in other academic and political realms globally.<sup>9</sup> Feminicide, according to Lagarde y de los Ríos' definition and furthered by academic circles, occurs when a system that succeeds off of patriarchal and misogynistic ideals generate social practices that lead to the killing of women.<sup>10</sup> As the most extreme form of gender-based violence, the concept of feminicide questions how these social practices and gender inequalities are formed by scrutinizing the systematic approach of the State in these violations. Through direct and indirect action by State actors, feminicide refers to the complicity of systems and institutions, as well as, the omission and negligence of the State in trying to eliminate the problem.<sup>11</sup> Due to the fact the research questions being addressed throughout this study examines the structural and institutional reasons as to why this issue is maintained within U.S. society but simultaneously appreciating how the origin of the concept ignited the movement, this work will recognize both definitions

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<sup>7</sup> United Nations Development Program, *Analysis of Cases of Femicides Murders of Women in The Republic of North Macedonia*. National Network to End Violence against Women and Domestic Violence – “Voice against Violence, 2021

<sup>8</sup> Marcela Lagarde y de los Rios, “Preface”, in Rosa-Linda Fregoso & Cynthia Bejarano (eds.), *Terrorizing Women. Feminicide in the Americas*, Duke University Press, 2010, pp. xi-xxv

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> Id.

through the use of the term *femi(ni)cide*. While this form of the term has been used in other academic sources, this is the reasoning for the use in this study.

Examining the definitions of this form of gender-based violence against women used in this work, it is crucial to understand the extent of this crime globally and specifically within the U.S. In a 2019 global study on the gender-related killings of women and girls conducted by the United Nations Office on Drugs and Crime (UNODC), found that in 2017, a total of 87,000 women were intentionally murdered, out of which 50,000 women were killed by an intimate partner or family member; a nine percent increase from the 2012 data reported by UNODC.<sup>12</sup> Out of the total number of women intentionally killed in 2017, 34% were by intimate partners, 24% by other family members, and 42% were by individuals outside of the family.<sup>13</sup> An updated study published by UNODC titled “*Gender-related Killings of Women and Girls (Femicide/Feminicide)*”, found that nearly 89,000 individuals were victims of this form of gender-based violence in 2022; the highest number it has been in the past 20 years.<sup>14</sup> Out of this number, 48,800 women and girls were killed by an intimate partner or a family member, meaning that on average, around 133 individuals were killed every day by someone in their family.<sup>15</sup> Observed in *The Routledge International Handbook on Femicide and Feminicide*, Myrna Dawson and Saide Mobayed Vega, based on the statistics stated in the UNODC report, suggested that on a global level, every 11 minutes at least one femi(ni)cide occurs and in some regions, this number can be reduced to every six minutes.<sup>16</sup> These numbers are an accurate depiction of the statement made by the Academic Council on the United Nations System

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<sup>12</sup> United Nations Office on Drugs and Crime, *Global Study on Homicide Gender-Related killing of women and girls*, 2019, p. 10

<sup>13</sup> *Id.*, 17.

<sup>14</sup> United Nations Office on Drugs and Crime, *Gender-Related Killings of Women and Girls (Femicide/Feminicide)*, 2022.

<sup>15</sup> *Id.*, 3.

<sup>16</sup> Dawson and Mobayed Vega, *The Routledge International Handbook of Femicide and Feminicide*, 7.

(UCUNS) that categorize femicide as “the leading cause of death for women globally”.<sup>17</sup> Looking specifically at the Americas (ranked third highest in terms of women killed by an intimate partner) as the United States falls under this region, 7,900 out of the total 48,800 victims of family-related homicides occurred in this region.<sup>18</sup> Within the Americas, while there has been a slight decline in the total number of women and girls killed by an intimate partner/family member since 2017, North America showed a 29% increase of female victims; a significant increase compared to the declining trends of Central and South America between 2017 and 2022.<sup>19</sup> Within North America, the U.S. displayed an increase in gender-related killings of women and girls between 2018 and 2022; this drastic surge, that occurred right after 2020, was explained due to the correlation between the COVID-19 Pandemic and an increase in homicidal violence.<sup>20</sup> According to the latest update from the World Bank, as of 2021, the U.S. ranks 32<sup>nd</sup> for intentional homicides of females/femi(ni)cide worldwide.<sup>21</sup> Examining high-income countries specifically, 70 percent of all femi(ni)cide cases occur in the U.S.; standing at the highest female homicide rate which is 5 times more than the homicides committed in other high-income countries.<sup>22</sup>

These stark figures position the U.S. as a nation that requires a comprehensive reassessment of the internal mechanisms in place to protect women from this form of gender-based violence against women. As illustrated by the above, the pervasive nature of femi(ni)cide within the U.S. highlights an urgent call for action. Recognizing and discussing the severity of the problem is the first step in dismantling the barriers that perpetuate the most extreme form

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<sup>17</sup> Domazetoska, Simona, Michael Platzer, and Gejsi Plaku, *Femicide: A Global Issue that Demands Action*, Academic Council on the United Nations System (UCUNS), 2014, p. 106

<sup>18</sup> United Nations Office on Drugs and Crime, *Gender-Related Killings of Women and Girls (Femicide/Feminicide)*, 2022, 4.

<sup>19</sup> *Id.*, 10.

<sup>20</sup> *Id.*, 21.

<sup>21</sup> “World Bank Open Data,” World Bank Open Data, accessed March 10, 2024, <https://data.worldbank.org>.

<sup>22</sup> David Hemenway, Tomoko Shinoda-Tagawa, and Matthew Miller, “Firearm Availability and Female Homicide Victimization Rates Among 25 Populous High-Income Countries,” n.d.



of violence against women and moving one step closer towards meaningful change – a primary objective of this study.

### **Research Question and Significance of the Project**

While these definitions and statistics establish a foundation for understanding the scope and impact of gender-based violence and femi(ni)cide, this research aims to investigate how the acceptance and integration of regional and international jurisprudence from the Inter-American System of Human Rights and the United Nations could influence the handling and recognition of femi(ni)cide in the U.S. Additionally, this research will explore how both systems could impact access to justice in the U.S., on an individual and structural level. This research study dives into the intersection of human rights, gender, and international law to challenge the current climate in the U.S. of complacency and omission when faced with issues of a form of gender-based violence against women. Without truly naming or acknowledging the problem, which this research aims to do, the U.S. will continue to fail in successfully implementing structural remedies that protect women, prevent violence, specifically the act of murder, enacted upon them, and prosecute perpetrators for crimes committed. Secondly, examining legal systems outside of the U.S. and how they address femi(ni)cide can assist in understanding the gaps that are currently present within federal and state laws and, the potential options families of victims of femi(ni)cide have in furthering their case on a regional or international level once domestic remedies have been exhausted. Creating a pathway for international human rights law to be incorporated within federal and state law can assist in reassessing the foundations that are allowing the tolerance of femi(ni)cide in the U.S. Through the intersection of human rights, international law, and gender, this study aims to display how legal standards outside of the U.S. can challenge how the state currently deals with a form of gender-based violence against women. The need for action, due to the extremity of the issue

represented through the statistics of femi(ni)cide cases in the U.S., is dire and research on how to improve the situation is one step towards the eradication of the killing of women.

## **Methodology and Limitations**

This study will be conducted primarily through a qualitative lens by analyzing international human rights legal documents, crucial femi(ni)cide cases, and previous research completed that provides a foundation to the research questions being examined. Through an assessment and analysis of these documents, the knowledge gained will assist in understanding how international and regional systems address femi(ni)cide. Utilizing a socio-legal approach, the study will examine the integration of established international law with the social and cultural context of the U.S. to understand how the former can impact the latter. Situating this within the plurality of human rights research, by adopting a socio-legal approach, this study will examine the effectiveness of international and regional human rights enforcement mechanisms and the interaction between established legal systems. The study will incorporate inductive reasoning by developing theories, conclusions, and strategies of how the current climate of the U.S., in regards to femi(ni)cide, can alter based on the information accumulated from the qualitative research process. The analysis of crucial femi(ni)cide cases is an important step in answering the research questions as it showcases how a regional system, like the Inter-American Court of Human Rights (IACtHR), evaluates States' involvement in this human right issue. Focusing on a case study strategy, the cases chosen are landmark cases that the IACtHR has ruled on where each case introduces a new lens the IACtHR has adopted with cases on femi(ni)cide. Nevertheless, these cases include two common themes; the IACtHR describes the gender stereotyping approach the State has taken during domestic remedies procedures and the violation of Article 7 of the Inter-American Convention on the Prevention, Punishment, and

Eradication of Violence against Women/ the Convention of Belém do Pará.<sup>23</sup> This will assist in answering the research questions by understanding how the IACtHR could rule on violations made by the U.S based on analyzing the patterns presented in the other cases. Therefore, the sampling strategy is non-random as the cases selected are pivotal moments in how the IACtHR has addressed femi(ni)cide. Similarly, cases chosen that have just been reviewed by the Inter-American Commission on Human Rights (IACHR) will be based on how the Commission has reviewed violations of gender-based violence. For example, one of the cases examined will be *Jessica Gonzales v. USA*, a landmark case as it was the first time a human rights body was directly investigating the U.S on the issue of discrimination and violence against women. There will be a secondary inclusion of quantitative methods as statistics are needed to convince readers of the alarming issue of femi(ni)cide within the U.S. and why this State has been chosen to study.

While the methodology includes the steps taken to address the research questions positioned in this study, it is important to acknowledge the limitations of this study. Firstly, the study will not be analyzing the full extent of systems that address femi(ni)cide but rather, those the author is stating the U.S. would be most likely to align with. By doing this, the study can go into depth on the options these systems can offer families of victims of survivors, along with how decisions can impact the structural issue of this form of gender-based violence against women. Further, the study is limited by the resources that are available to assist in the analysis of these research questions. Since this study focuses on the Inter-American System of Human Rights thoroughly, it is important to acknowledge a variety of the academic work is conducted and published in Spanish; which would impact the essence of the work when translated to English. Further, this work is limited by the availability of femi(ni)cide cases that have

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<sup>23</sup> Organization of American States, *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women*

occurred in the U.S. that are published to the public. Finally, it is important to state the hypothetical nature of the research being conducted, as some of the findings presented will not be directly applicable since the U.S. has not accepted the jurisdiction of the IACtHR, however, has ratified the Charter of the Organization of American States (OAS) and accepted the jurisdiction of the Commission. Similarly, with the United Nations, any evaluations of the potential impacts and reforms that could result by integrating CEDAW into U.S. federal and state law are contingent upon the U.S. ratifying this international convention.

## THE UNITED STATES

### The Deafening Silence on Femi(ni)cide in the United States

Amongst the bustling cities and peaceful countryside's of America lies a silent epidemic, steadily rising and concealing itself from national consciousness. The narrative unfolds through a diversity of cases, some occurring behind closed doors while others are displayed for public viewing. Each story tells a part of the larger issue of a form of gender-based violence in the United States; stories demonstrating an immediate need for action and change. The following events offer a glimpse into the reality of so many women and girls in the U.S. A public shooting at a yoga studio in Florida, killing two women and injuring five others, was committed by a man who openly posted videos voicing his hatred of women, and naming himself a misogynist.<sup>24</sup> The murder of 29-year-old Sania Khan by her ex-husband in Chicago due to her sharing her healing journey from divorce on social media.<sup>25</sup> Killed by fiancée, 22-year-old Gabby Petito disappeared while travelling across the country with her partner.<sup>26</sup> The death of 25-year-old Tiffany Banks, murdered for being a Black transgender woman; a testament to the widespread violence faced by trans women in the U.S.<sup>27</sup> A killing spree at three spas in Atlanta resulting in the death of eight women, out of which six were of Asian descent.<sup>28</sup> These incidents, while seemingly isolated tragedies, are in reality a

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<sup>24</sup> Jamiles Lartey, "Florida Yoga Studio Shooting: Gunman Made Videos Voicing Hatred of Women," *The Guardian*, November 4, 2018, sec. US news, <https://www.theguardian.com/us-news/2018/nov/02/tallahassee-florida-yoga-shooting>.

<sup>25</sup> "Chicago Murder-Suicide: Man Kills Ex-Wife in Streeterville after She Talks about Divorce on TikTok," ABC7 Chicago, July 24, 2022, <https://abc7chicago.com/streeterville-chicago-murder-suicide-raheel-ahmad-sania-khan-tiktok/12070366/>.

<sup>26</sup> "'I Ended Her Life': Brian Laundrie's Notebook Appears to Contain Confession to Killing Gabby Petito," ABC7 Chicago, June 24, 2022, <https://abc7chicago.com/brian-laundrie-confession-letter-gabby-petito-notebook-cause-of-death-parents-lawsuit/11993530/>.

<sup>27</sup> "Fatal Violence Against the Transgender and Gender Expansive Community in 2022," Human Rights Campaign, accessed February 27, 2024, <https://www.hrc.org/resources/fatal-violence-against-the-transgender-and-gender-expansive-community-in-2022>.

<sup>28</sup> Richard Fausset, Nicholas Bogel-Burroughs, and Marie Fazio, "8 Dead in Atlanta Spa Shootings, With Fears of Anti-Asian Bias," *The New York Times*, March 17, 2021, sec. U.S., <https://www.nytimes.com/live/2021/03/17/us/shooting-atlanta-acworth>.

reproduction of patriarchal societal and cultural practices rooted in the fabric of the United States. Each of these narratives represents the most severe form of gender-based violence against women and girls: femi(ni)cide.

As femi(ni)cide rates continue to climb in the U.S., it becomes critical to question why there has been limited to no reform or discussion addressing this pervasive issue at either the state or federal level. To answer this question is to first examine the criminalization process of femi(ni)cide cases; in summary, crimes that consist of femi(ni)cide are not specifically categorized as such in the U.S. penal code.<sup>29</sup> Due to this lack of definition, no distinction between femi(ni)cide and homicide, and an ineffective system to track the pervasiveness of this issue, these acts are deemed as isolated events, obscuring the true extent of it that is rooted in numerous systems and institutions.<sup>30</sup> As a result, while discussion of femi(ni)cide remain low within case law and academia, particularly surrounding the gendered role attached to it, actions that are classified as such remain a serious problem. To grasp the reality of femi(ni)cide in the U.S., a thorough analysis of statistics raises the question of the obscurity in legal discourse, political debate, and amongst the general public. The Centers for Disease Control and Prevention (CDC) collects data on the leading causes of death of individuals residing in the U.S. Examining the 2018 results<sup>31</sup> of the leading causes of death for females of all races and origins, homicide was ranked 3<sup>rd</sup> for the age group of 1-19 years, and 5<sup>th</sup> for the age group of 20-44 years.<sup>32</sup> The following statistics will delve into the rankings of each group to explore how race and sex intersect in the context of femi(ni)cide cases. For Non-Hispanic Black females, homicide was ranked 2<sup>nd</sup> for the age group 1-19 years, and 4<sup>th</sup> for the age group 20-

<sup>29</sup> Patricia C. Lewis et al., "Femicide in the United States: A Call for Legal Codification and National Surveillance," *Frontiers in Public Health* 12 (February 28, 2024): 1338548, <https://doi.org/10.3389/fpubh.2024.1338548>.

<sup>30</sup> Id.

<sup>31</sup> 2018 data is the latest available on the CDC website on Leading Causes of Death of Females in the United States.

<sup>32</sup> CDC, "From CDC-Leading Causes of Death-Females All Races and Origins 2018," Centers for Disease Control and Prevention, March 3, 2022, <https://www.cdc.gov/women/lcod/2018/all-races-origins/index.htm>.

44 years.<sup>33</sup> For Non-Hispanic American Indian or Alaska Native, homicide was ranked 6<sup>th</sup> for the age group of 1-44 years.<sup>34</sup> For Non-Hispanic Asian, homicide ranked 5<sup>th</sup> for the age group of 1-19 years and 7<sup>th</sup> for the age group of 20-44 years.<sup>35</sup> For Hispanic and Non-Hispanic White, homicide ranked 4<sup>th</sup> for the age group of 1-19 years and 5<sup>th</sup> for the age group of 20-44 years.<sup>36</sup> Lastly, for Non-Hispanic Native Hawaiian or Pacific Islander, homicide ranked 5<sup>th</sup> for the age group 1-19 years and 8<sup>th</sup> for the age group 20-44 years.<sup>37</sup> For each category, homicide was not ranked within the top ten leading causes of death for females aged 45 and above. It is crucial to delve into a discussion to evaluate the significance of these statistics and what they reveal about femi(ni)cide in the U.S. Firstly, the fact that homicide is a leading cause of death for women and girls between the ages of 1-44 highlights a pattern of femi(ni)cide, contradicting the notion that these are isolated events rather than a systemic issue present in American society. Further, the deeper dive into how intersecting factors might exacerbate the risk of homicide for women and girls can emphasize how prominent racialized violence is and the crucial need for effective prevention and response strategies. However, missing information of other identity markers, for example gender identities, creates gaps in comprehending the full complexity of femi(ni)cide. Additionally, most of the data available on femi(ni)cide statistics in the U.S. focus on homicide committed by an intimate partner in single offender attacks. In the 2020 *When Men Murder Women* homicide study conducted by the Violence Policy Center, accounting for homicides committed in single victim/offender incidents, data displayed a rate increase of 24 percent from 2014 to 2020.<sup>38</sup> While the Violence Policy Center aims to update *When Men Murder Women* annually, they have been unable to continue research since their last update in 2022 analyzing 2020 data due to the change in the Federal Bureau of

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<sup>33</sup> Id.

<sup>34</sup> Id.

<sup>35</sup> Id.

<sup>36</sup> Id.

<sup>37</sup> Id.

<sup>38</sup> *When Men Murder Women: An Analysis of 2020 Homicide Data*, The Violence Policy Center, 2022, 3.

Investigation's (FBI) data collection and reporting processes.<sup>39</sup> The change in this system, from the Uniform Crime Reports (UCR) system to the National Incident-Based Reporting System (NIBRS), has impacted the availability of state data. This transition period has been a lengthy process for law enforcement agencies, and as of 2022, only 66 percent had started reporting through NIBRS.<sup>40</sup> Inconsistencies with reporting hinder the ability to examine the true extent of femi(ni)cide and hinder initiatives designed to eliminate this issue. Without uniformed reporting standards, it becomes difficult to observe the patterns of these crimes and prevalence of femi(ni)cide in the U.S. Based on data submitted to the Federal Bureau of Investigation (FBI) by states in 2020, 2,059 females were murdered by males in single victim/offender incidents and the breakdown of this number showed; 89 percent of females were murdered by a known offender, 8 times more than murders committed by a stranger; 298 women were murdered by a husband or partner during an argument; 61 percent of crimes were committed with use of a firearm as the choice of weapon; 88 percent of incidents were not associated with other crimes such as rape; and these statistics accounted for all females overall.<sup>41</sup> The top 10 states that accounted for the highest number of cases were Alaska, Oklahoma, Wyoming, Arkansas, Louisiana, North Dakota, Missouri, Wisconsin, South Dakota, and Kentucky.<sup>42</sup> It is interesting to note that four out of 10 of these states have remained in this group for more than half of the past 25 years; these states include Alaska, Oklahoma, Arkansas, and Louisiana.<sup>43</sup> Alaska, in particular, has consistently ranked among the top 10 states for the highest femi(ni)cide rates for 18 of the past 25 years; this correlation can be expected considering that Alaska records the highest household firearm ownership rates in the U.S.<sup>44</sup> When examining

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<sup>39</sup> *When Men Murder Women: A Review of 25 Years of Female Homicide Victimization in the United States*, The Violence Policy Center, 2023.

<sup>40</sup> *When Men Murder Women: An Analysis of 2020 Homicide Data*.

<sup>41</sup> *Id.*, 4.

<sup>42</sup> *Id.*, 5.

<sup>43</sup> *When Men Murder Women: A Review of 25 Years of Female Homicide Victimization in the United States*.

<sup>44</sup> *Id.*, 9.



Alaska's approach to gun legislation, out of the 65 national gun laws, only seven are implemented and enforced within Alaska.<sup>45</sup> These seven laws pertain to restrictions on firearm possession for individuals convicted of crimes, minimum age requirements for firearm ownership, and rules for carrying firearms in public spaces.<sup>46</sup> Notably shocking, Alaska has not enforced any of the 14 key gun laws that specifically address domestic violence<sup>47</sup>, despite the state consistently recording some of the highest rates of femi(ni)cide in the nation for over the past decade. Similarly, Arkansas, a state that has remained in the top 10 highest rates of femi(ni)cide cases for more than half of the past 25 years, has not implemented any domestic violence gun laws till date.<sup>48</sup> While other states in this category have implemented some of the domestic violence gun laws, their continued presence within this group reflects systemic failures in the legal and law enforcement systems in effectively enforcing these regulations.

Despite the disturbing statistics that reveal a disproportional high rate of femi(ni)cide cases in the U.S., the national conversation remains muted and at a standstill. The silence on this epidemic reflect a failure in the U.S. carrying out their duty and due diligence to protect a large part of their population. While this section has outlined the pervasiveness of this issue, truly understanding the U.S.'s stance against femi(ni)cide requires an examination of the mechanisms implemented to combat this form of gender-based violence against women.

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<sup>45</sup> "Gun Law Navigator: See the Country," Everytown Gun Law Navigator, accessed March 30, 2024, <https://everytownresearch.org/navigator/country.html>.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

## Federal and State Level Approach to Combatting Gender-Based Violence

In 1994, the U.S. crafted and enacted the Violence Against Women Act (VAWA), becoming the first legislative effort to acknowledge and address gender-based violence.<sup>49</sup> Initially authorized by former Senator Joseph R. Biden, VAWA was aimed to tackle issues of domestic violence and sexual assault by recognizing them as crimes and allocating resources towards efforts to combat violence against women.<sup>50</sup> Over the years, VAWA has widened to include acts of dating violence and stalking as criminal offenses. The 2022 reauthorization of VAWA has deeply progressed from the original legislation; the allocated resources are supposed to go towards programs for housing, prevention, legal assistance, LGBTQ+ services, emergency services, amongst other social services. The most startling aspect of this pioneering piece of legislation that aims to address gender-based violence in the U.S. is that it does not include femicide within its scope. One notable appearance presented in the 2022 reauthorization fact sheet is addressing the epidemic of murdered Indigenous people, specifically Native women.<sup>51</sup> The absence of naming femicide or even addressing the high number of homicides within this document highlights the pervasiveness of this issue, creating an environment that appears indifferent to the most extreme form of gender-based violence. This emphasizes a failure of the U.S. in fulfilling its positive obligations to protect citizens from violence, therefore, becoming an accomplice to the perpetuation of these crimes. The only mention in the 2022 reauthorization in addressing homicide is increased enforcement of federal and state firearms laws.<sup>52</sup> On the 29<sup>th</sup> anniversary of VAWA, The White House, on May 25<sup>th</sup>, 2023, released “U.S. National Plan to End Gender-Based Violence: Strategies for Action”,

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<sup>49</sup> “Violence Against Women Act,” NNEDV, accessed March 15, 2024, <https://nnedv.org/content/violence-against-women-act/>.

<sup>50</sup> Id.

<sup>51</sup> The White House, “Fact Sheet: Reauthorization of the Violence Against Women Act (VAWA),” The White House, March 16, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/16/fact-sheet-reauthorization-of-the-violence-against-women-act-vawa/>.

<sup>52</sup> The White House. *U.S. National Plan to End Gender-Based Violence: Strategies for Action*, 2023.

marking the first official strategy aimed at preventing gender-based violence.<sup>53</sup> Within their definition of gender-based violence, femicide is categorized under “other interconnected forms of violence and coercive control”; the only time femicide is mentioned in this 150-page document.<sup>54</sup> While acknowledging a notable moment of femicide being recognized as a form of gender-based violence by the White House, the singular mention of this issue reflects the complacency of the U.S. government in fully addressing the complexities of femi(ni)cide within their strategies to eradicate violence. However, the Gender Policy Council has incorporated a small section discussing the correlation between intimate partner violence and the risk of homicides, including the use of firearms in single offender/victim attacks and mass shootings.<sup>55</sup> Using data provided by the Gun Violence Archive, between 2014 and 2019, 59.1 percent of mass shootings were related to domestic violence situations where one of the victims were either an intimate partner or family member of the perpetrator.<sup>56</sup> In 68.2 percent of mass shootings that occurred during these years, the perpetrator had a prior history of domestic violence.<sup>57</sup> Majority of the statistics discussed in this study has primarily focused on the use of firearms as the leading method of homicide against women perpetrated by men. Therefore, it is crucial to evaluate the measures the U.S. has implemented to regulate firearm possession.

The U.S. has attempted to combat gender-based violence through controlling firearm possession for domestic violence abusers; this includes the Violent Crime Control and Law Enforcement Act of 1994.<sup>58</sup> Through this federal act, abusers who have been subjected to a domestic violence restraining order (DVRO), or have been convicted of such a crime are

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<sup>53</sup> Id.

<sup>54</sup> Id., 13.

<sup>55</sup> Id., 21.

<sup>56</sup> Id., 21.

<sup>57</sup> Id., 21.

<sup>58</sup> *When Men Murder Women: A Review of 25 Years of Female Homicide Victimization in the United States*, 10.

prohibited from purchasing or possessing a firearm.<sup>59</sup> Under the federal Gun Control Act (18 U.S. Code § 922), abusers who have been subjected to a court order for harassing, stalking, threatening an intimate partner, or have been convicted for an act of domestic violence are prohibited from owning or purchasing firearms.<sup>60</sup> This focus on firearm possession is due to the fact that more than half of the femi(ni)cides that have occurred in the U.S. in the past 25 years were committed through the use of a firearm.<sup>61</sup> In terms of relinquishing a firearm from a prohibited individual, unless there is a specific law within a state that requires the recovery of a firearm, an abuser is allowed to keep the firearm they might already own.<sup>62</sup> While federal law applies to all states, there still has to be state laws that align with the federal law for in-state officials to enforce them.<sup>63</sup> Turning the attention now, it is crucial to explore specific state laws in their ability to seize firearms from abusers who have been subjected to DVROs. DVROs are available through civil and criminal courts, however, civil DVROs are utilized more often as this can be requested by the individual seeking protection, while criminal DVROs are only issued during an ongoing case at the criminal court.<sup>64</sup> DVROs focus on limiting proximity between the abuser and petitioner, and ordering the abuser to refrain from stalking, harassing, or physically assaulting the victim.<sup>65</sup> Reasoning behind requesting the DVRO are at most time associated to the abuser possessing a firearm and threatening to use it against the petitioner; even though in some cases, DVROs have not controlled the abuser from committing homicide against the petitioner, usually with a firearm.<sup>66</sup> An ex parte DVRO is issued by a judge when

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<sup>59</sup> Id., 10.

<sup>60</sup> “18 U.S. Code § 922 - Unlawful Acts,” LII / Legal Information Institute, accessed March 19, 2024, <https://www.law.cornell.edu/uscode/text/18/922>.

<sup>61</sup> *When Men Murder Women: A Review of 25 Years of Female Homicide Victimization in the United States*, 6.

<sup>62</sup> April M. Zeoli et al., “Removing Firearms From Those Prohibited From Possession by Domestic Violence Restraining Orders: A Survey and Analysis of State Laws,” *Trauma, Violence, & Abuse* 20, no. 1 (January 1, 2019): 114–25, <https://doi.org/10.1177/1524838017692384>.

<sup>63</sup> “Gun Law Navigator: Compare States,” Everytown Gun Law Navigator, accessed March 30, 2024, [https://maps.everytownresearch.org/navigator/states.html?dataset=domestic\\_violence](https://maps.everytownresearch.org/navigator/states.html?dataset=domestic_violence).

<sup>64</sup> Zeoli et al., “Removing Firearms From Those Prohibited From Possession by Domestic Violence Restraining Orders,” 115.

<sup>65</sup> Id.

<sup>66</sup> Id.

the situation is urgent and it is deemed unsafe for the petitioner to have to wait for the full court hearing that occurs before a DVRO is filed. Under this type of restraining order, abusers are required to legally surrender any firearms in possession, in order to remove any type of threat they might pose to the petitioner.<sup>67</sup> As of 2024, 32 states and Washington D.C. had legislation that prohibits abusers who have been convicted of domestic violence misdemeanors from having firearms.<sup>68</sup> 17 states and Washington D.C. require abusers who have been convicted to turn in their firearms.<sup>69</sup> Those that have received final DVROs, in 32 states and Washington D.C., state law prohibits them from possessing firearms.<sup>70</sup> However, only 22 states and Washington D.C. require abusers who have been subjected to final DVROs to turn in their firearms.<sup>71</sup> In regards to temporary DVROs, only 11 states have laws that do not allow abusers to possess firearms, and 8 states require them to turn in their firearms.<sup>72</sup> Finally, only 13 states have laws that allow law enforcement to remove firearms from domestic violence incident crime scenes.<sup>73</sup> Inconsistencies in state laws surrounding domestic violence perpetrators and firearm possession create further challenges in preventing femi(ni)cide nationally. Other than a lack of uniformity in state laws, existing laws contain loopholes that hinder the protection of victims in domestic violence situations. For example, in 15 of the 22 states and Washington D.C. that require those convicted of a DVRO to turn in their firearms, there are certain rules that have to be met before this law is enacted. These rules examine the past behavior of the abuser and the threat they might impose on the victim in the future.<sup>74</sup> If the abuser has used a firearm in previous domestic violence incidents or the court deems that they might use one to commit violence in the future, only then will a judge order them to turn in their firearms through

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<sup>67</sup> Id.

<sup>68</sup> “Gun Law Navigator.”

<sup>69</sup> Id.

<sup>70</sup> Id.

<sup>71</sup> Id.

<sup>72</sup> Id.

<sup>73</sup> Id.

<sup>74</sup> Zeoli et al., “Removing Firearms From Those Prohibited From Possession by Domestic Violence Restraining Orders.”

the DVRO.<sup>75</sup> Further, in some circumstances, even though a judge requires the abuser to turn in their firearms, not all states have specific methods to obtain these firearms back.<sup>76</sup> Finally, state laws allow abusers, who have been subjected to a DVRO and not allowed to possess firearms, to remain in possession of firearms for certain job-related roles; for example, military personnel or police officers.<sup>77</sup> In some states, abusers are allowed to be in possession of a firearm only during work hours but that law is not consistent either; for example, in Wisconsin, police officers are allowed to be in possession of firearms at all times, even when they are not on duty.<sup>78</sup> The inconsistencies in state laws regarding firearm possession by abusers of domestic violence make it extremely difficult to effectively and efficiently prevent femi(ni)cide from occurring in the U.S. Legislation should be uniformly applied across all states to ensure an equal and consistent approach to protecting all individuals from the use of firearms against them. In cases where these state laws are not strengthened, there needs to be increased pressure from federal agencies to guarantee the rights and protection of women and girls.

Addressing and examining the current situation in the U.S. in terms of how they handle femi(ni)cide highlights the urgent need for the term to be recognized as a distinct legal category, and reform within legislation in targeting this form of gender-based violence. It is crucial to study how regional and international human rights law governs femi(ni)cide in States that have aligned with these broader frameworks. Through this analysis, it will become evident the type of reform and restructuring that would occur in the U.S. if they adopted similar measures and protocols to those followed by States that are overseen by these human rights standards.

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<sup>75</sup> Id.

<sup>76</sup> Id.

<sup>77</sup> Id.

<sup>78</sup> Id.

## THE INTER-AMERICAN SYSTEM OF HUMAN RIGHTS

### Addressing Femicide within the Organization of American States

The Organization of American States (OAS) or the Inter-American System (IAS) is the leading and oldest body that examines and investigates the promotion and protection of human rights in the Americas.<sup>79</sup> The IAS is a key mechanism that carries out the goals and missions of the OAS through their two main bodies; the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACtHR). While the OAS encompasses North America, Central America, and South America, the U.S. and Canada are less involved with this particular system due to the fact that they have not ratified the American Convention on Human Rights (ACHR)<sup>80</sup>, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women/Convention of Belém do Pará<sup>81</sup>, nor have they accepted the jurisdiction of the IACtHR. Therefore, when examining the impact these mechanisms have on States, the case studies will focus predominantly on Latin America. The IAS centers their approach on the victims harmed due to abuse and violations committed by the State, ensuring that these individuals receive justice, rehabilitation, and transformative reparations. Currently, all 35 states in the Americas have signed and ratified the OAS Charter<sup>82</sup>, granting the IACHR the authority to review petitions sent to them, a process that will be examined in more detail in a later section.

It is important to mention the OAS' approach to femi(ni)cide through their multiple mechanisms acknowledges the deeper societal and structural inequalities rooted in this

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<sup>79</sup> Hefti, Angela. *Conceptualizing Femicide as a Human Rights Violation*, (Cheltenham, UK: Edward Elgar Publishing, 2022)

<sup>80</sup> Organization of American States, *American Convention on Human Rights "Pact of San Jose, Costa Rica"*, (B-32)

<sup>81</sup> Organization of American States, *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women*

<sup>82</sup> "OAS Charter - Signatures and Ratifications," accessed April 27, 2024, [https://www.cidh.oas.org/basicos/english/Basic22b.CharterOAS\\_ratif.htm](https://www.cidh.oas.org/basicos/english/Basic22b.CharterOAS_ratif.htm).

problem, rather than viewing them as isolated incidents. As stated in the introduction section, Latin America widely refers to this form of gender-based violence against women as *feminicide*, focusing on the structural reasons as to why the intentional killing of women is maintained within society. The purpose of using this definition/term for this chapter is due to examining feminicide within Latin America and understanding how the IAS approaches transformative reparations in feminicide cases in order to lead to systemic and structural change within societal institutions and legal systems in States. The IAS incorporates two other mechanisms that assist in monitoring States' compliance in responding to and preventing these types of violence; the creation of the Convention of Belém do Pará by the Inter-American Commission of Women (ICW) and the Special Rapporteur on the Rights of Women.<sup>83</sup>

The Convention of Belém do Pará was the primary document in terms of human rights that deals with violence against women; soon after followed the Maputo Protocol in the African region, and the Istanbul Convention in the European region<sup>84</sup>. The Convention of Belém do Pará, adopted on June 9<sup>th</sup>, 1994, defines the concept of violence against women, establishes the rights of women, and emphasizes the duties States have in condemning all forms of violence.<sup>85</sup> The Convention set a precedent for other regional organizations to create legally binding treaties, for States that have ratified them, that exclusively focuses on eliminated violence against women.<sup>86</sup> The role of the State is laid out through three pillars: the prevention of violence, the protection of individuals, and the prosecution of perpetrators. Prevention, in the context of this Convention, refers to the eradication of all forms of violence against women; this is achieved through a long-term approach of eliminating existing patterns through legislative measures, amending or appealing existing laws, spreading awareness through

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<sup>83</sup> Hefti, Angela. Conceptualizing Femicide as a Human Rights Violation.

<sup>84</sup> Id.

<sup>85</sup> Organization of American States, *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women*

<sup>86</sup> Hefti, Angela. Conceptualizing Femicide as a Human Rights Violation.



education programs, and modifying cultural practices.<sup>87</sup> Protection refers to the specific rights of women that are to be protected, for example, civil, political, economic, and social rights of women which can be achieved through concrete measures, like access to reparations, and specialized services.<sup>88</sup> Prosecution, which is not as developed as the other two in the Convention, refers to the obligations of the State to do their due diligence in promptly investigating crimes and imposing appropriate consequences upon perpetrators.<sup>89</sup> Even though the Convention does not explicitly state the term “femicide” or “feminicide”, it does state the definition of violence against women, which is useful to the IACtHR when evaluating States’ violation of Article 7; taking immediate and necessary measures to create an environment that focuses on the prevention, punishment, and eradication of violence through changes in legal systems.<sup>90</sup> The impact the Convention of Belém do Pará has made on States can be examined by two factors; the amount of States that have ratified the Convention and how the IACtHR utilizes this document when dealing with cases that address gender-based violence against women. There has been a widespread acceptance of this document within Latin America; currently, 32 states have ratified the Convention<sup>91</sup>, meaning they are legally bound to respect and implement the provisions listed. It is important to note that the U.S. has not ratified the Convention of Belém do Pará, demonstrating their lack of commitment to uphold the rights of women against any form of gender-based violence. This large participation by Latin American countries can show the approach made by States to demonstrate their commitment to abiding

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<sup>87</sup> Organization of American States, *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women*

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> Çınar, Müge, and Enes Talha Saraç. "Main Features of the Inter-american Convention on Violence Against Women." (2021).

by laws that create a positive and safe environment for their citizens. The second impact of the utilization of this document by the IACtHR will be examined in a later section in this chapter.

Since 2008, the OAS established the Mechanism to Follow-up on the Implementation of the Belém do Pará Convention (MESECVI/OAS).<sup>92</sup> This mechanism is designed to encourage States to adopt and implement prosecution measures in both public and private sectors, ensure protective measures for victims, and eliminate any barriers that prevent victims or their families from accessing justice.<sup>93</sup> At the same time of this establishment, MESECVI, during the fourth meeting of the Committee of Experts (CEVI), adopted the Declaration on Femicide and stated that this issue is the most serious form of violence against women.<sup>94</sup> As of November 2023, 18 countries within Latin America have criminalized femicide, feminicide, or gender-based killing of women.<sup>95</sup> 13 of these countries have specific laws that focus on the maintenance of detailed records, statistics, and reporting mechanisms on gender-based violence against women and girls.<sup>96</sup> Unlike in the U.S., these countries have enacted comprehensive laws which is essential for assessing the patterns of feminicide, and raising awareness about the scope of this issue. However, as mentioned in the latest Hemispheric Report (2017) published by MESECVI, even though States have recognized feminicide within their legal systems, there is a lack of effort in condemning and rejecting this issue.<sup>97</sup> Additionally, while they incorporate reporting mechanisms, only 8 states had submitted efforts taken in preventing

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<sup>92</sup> Organization of American States, *Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-Related Killing of Women and Girls (Femicide/Feminicide)*, 2018.

<sup>93</sup> *Id.*

<sup>94</sup> Organization of American States Inter-American Commission of Women, “Declaration on Femicide,” Committee of Experts of the Follow-Up Mechanism to the Belém do Pará Convention (MESECVI), August 15, 2008.

<sup>95</sup> Economic Commission for Latin America and the Caribbean (ECLAC), “Preventing femicides: an obligation for States and a persistent challenge in the region”, *Femicidal Violence in Figures: Latin America and the Caribbean*, No. 2, Santiago, 2023, 2.

<sup>96</sup> *Id.*, 2.

<sup>97</sup> Organization of American States, *Third Hemispheric Report on the Implementation of the Belém do Pará Convention, Prevention of Violence against Women in The Americas*, 2017, 94.

femicide to MESECVI.<sup>98</sup> In terms of budgeting, less than 1% of state budgeting has been utilized towards initiatives to combat gender-based violence against women and girls.<sup>99</sup> Due to the inconsistencies recognized in implementing legislation and its practical application, MESECVI developed the *Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-Related Killing of Women and Girls (Femicide/Feminicide)* to serve as a tool for States to better align with the three foundational pillars of the Belém do Pará Convention.<sup>100</sup> This model is broken down into seven chapters outlining legal frameworks that focus on defining crimes of femicide, setting standards for judicial processes, ensuring adequate reparations, and implementing preventive measures.<sup>101</sup> The Regional Office for Central America of the Office of the High Commissioner for Human Rights (OHCHR), in collaboration with UN Women, jointly developed the *Latin American Model Protocol for the Investigation of Gender-Related Killings of Women (femicide/feminicide)*, focusing on investigation and prosecution processes in femicide related cases.<sup>102</sup> This in-depth document serves as a guide for conducting effective investigation processes by including procedures for police officers, forensic experts, and other justice system workers on how to incorporate a gender-sensitive approach when handling femicide cases.<sup>103</sup> As will be demonstrated through the examination of cases brought before the IACHR and the IACtHR, gender stereotyping often takes the forefront during investigation processes, directly undermining the State's duty of due diligence. Through effective investigation and protection measures, this model emphasizes the prevention of similar acts from reoccurring and the achievement of transformative justice for families of victims.<sup>104</sup> Since classifying a case as femicide relies on the perpetrator's intent

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<sup>98</sup> Id., 94.

<sup>99</sup> Id., 138.

<sup>100</sup> Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-Related Killing of Women and Girls (Femicide/Feminicide, 10.

<sup>101</sup> Id.

<sup>102</sup> United Nations, Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide), 2015.

<sup>103</sup> Id.

<sup>104</sup> Id., 25.

or the *mens rea*, this model establishes a comprehensive process for States to recognize gender-related motives during investigations, which are crucial for identifying an incident as femicide.<sup>105</sup> The document concludes with recommendations to States on how to apply the Model Protocol within internal systems with a primary focus on upholding human rights of women through capacity building, redirection of resources, and access to justice.<sup>106</sup>

The IAS incorporates numerous prevention, protection, and prosecution measures to tackle the systemic issue of femicide within the Americas. Not only do they incorporate bodies to review gender-based violence violations but they equip them with tools to address the structural inequalities that perpetuate and sustain such violations. Moving forward, an examination of the role the IACHR and the IACtHR plays in acknowledging the crime of femicide, holding States accountable for their complacency and lack of due diligence to prevent these crimes, and advocating for the adoption of individual and structural remedies will highlight why it is crucial for the U.S. to adhere to such mechanisms.

### **Inter-American Commission on Human Rights and Cases**

The IACHR named the problem of the gender-based killing of women as *femicide* in 2007 and has been using it ever since.<sup>107</sup> The IACHR's primary objective and function is stated in Article 41 of the ACHR: to promote human rights as an advisory body through ensuring State compliance in adopting measures that reflect these standards and gathering information and evidence to report on State actions.<sup>108</sup> The U.S. signed the ACHR on June 1<sup>st</sup>, 1977, however, has not ratified the Convention till date.<sup>109</sup> Nevertheless, the IACHR holds a certain

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<sup>105</sup> *Id.*, 36.

<sup>106</sup> *Id.*, 123.

<sup>107</sup> "Declaration on Femicide", 2008.

<sup>108</sup> Organization of American States, *American Convention on Human Rights "Pact of San Jose, Costa Rica"*, (B-32)

<sup>109</sup> "Basic Documents – Ratifications of the Convention", accessed March 10, 2024, <https://www.cidh.oas.org/basicos/english/Basics4.Amer.Conv.Ratif.htm>.

level of authority over States that have not ratified the ACHR as they operate under the mandate of the OAS and the American Declaration of the Rights and Duties of Man, which applies to all OAS member states.<sup>110</sup> Therefore, the IACHR is able to receive and evaluate individual and group petitions of human rights violations based on the American Declaration committed by States that have not ratified the ACHR.<sup>111</sup> While the processing of individual petitions do not produce binding judgements, the IACHR does provide recommendations through merit reports on adopting measures to avoid repetition of similar violations.<sup>112</sup> Further, as an advisory body, they are able to monitor all OAS member states through thematic studies, reporting on human rights violations, and country visits.<sup>113</sup> In regards to the U.S., since 1999, the IACHR has approved 82 individual and group petitions as admissible and moved them to the merits stage for further processing.<sup>114</sup> The first case taken to the IACHR by a domestic violence survivor was *Jessica Lenahan (Gonzales) v. United States* (2011)<sup>115</sup>, that evaluated whether the U.S. failed in their due diligence to protect the victim and her children from domestic violence committed by her ex-husband. On June 22 1999, Jessica Lenahan's ex-husband violated a Colorado issued DVRO by abducting their three daughters. Lenahan contacted her local police station for several hours regarding this incident, where police did not attempt to locate her children or enforce the state arrest laws reflected in violation to DVROs.<sup>116</sup> Several hours later, Lenahan's ex-husband arrived at the local police department where he began firing shots from his vehicle.<sup>117</sup> Law enforcement responded, resulting in killing Lenahan's ex-husband during

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<sup>110</sup> Fachin, Melina Girardi, and Flávia Piovesan. "Implementation of the recommendations of the Inter-American Commission on Human Rights in the Brazilian constitutionalism: proposals and perspectives." *UNIO-EU Law Journal* 7, no. 1 (2021): 96-119.

<sup>111</sup> *Id.*

<sup>112</sup> "What Is the IACHR?," Inter-American Commission on Human Rights (IACHR), accessed March 18, 2024, <https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/mandate/what.asp>.

<sup>113</sup> *Id.*

<sup>114</sup> "IACHR :: Admissibility Reports," Inter-American Commission on Human Rights (IACHR), accessed March 18, 2024, <https://www.oas.org/en/iachr/decisions/pc/admissibilities.asp?Year=2024&Country=USA>.

<sup>115</sup> IACHR: Merits Report no. 80/11, Case 12.626, *Jessica Lenahan (Gonzales) v. United States*, 21 July 2011

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

the process. Upon searching his vehicle, they discovered the bodies of all three daughters, who had been shot and killed.<sup>118</sup> Jessica Lenahan exhausted domestic remedies through the 2005 U.S. Supreme Court case that ruled the police's failure to enforce her DVRO against her ex-husband did not violate the U.S. Constitution.<sup>119</sup> When submitting the petition to the IACHR, Jessica Lenahan included that the U.S. had also failed in investigating the murders of her daughters as no information was released in regards to the circumstances of their deaths and whether they were committed by her ex-husband or by Colorado police during the altercation.<sup>120</sup> While the IACHR was unable to apply the Convention of Belém do Pará to this case, they addressed the issue of discrimination against women as part of the broader issue of violence against women under the American Declaration.<sup>121</sup> The IACHR found the U.S. to be in violation of Article XVIII of the American Declaration as the lack of investigation into the death of the three girls and the lack of information presented to the victim regarding these deaths were a violation of the right to judicial protection.<sup>122</sup> The IACHR addressed the issue of violence against women in the U.S., particularly the structural issue of domestic violence, by commenting on how the State actors failed on their responsibility to protect Jessica Lenahan and her three daughters even though they were at risk, which was indicated through the issuance of the DVRO against her ex-husband.<sup>123</sup> The IACHR issued non-binding recommendations that reflected the transformative reparations and non-repetition approach used by the OAS, focusing on both individual and structural access to justice. On an individual level, the recommendations issued were for the U.S. to conduct impartial investigations on the deaths of the three girls and the failures of law enforcement and judicial officials in protecting Jessica

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<sup>118</sup> Id.

<sup>119</sup> Id.

<sup>120</sup> IACHR, Annex 2, *Impacts of Cases of Violence and Discrimination against Women, Girls, and Adolescents*, 14 November 2019.

<sup>121</sup> Id, 23.

<sup>122</sup> Id.

<sup>123</sup> Id.

Lenahan under the DVRO, and providing full compensation to her and her next-of-kin.<sup>124</sup> On a structural level, the IACHR recommended that the U.S. reform state and federal legislation to ensure the enforcement of DVROs, while implementing training programs and model protocols for all officials involved in the process.<sup>125</sup> Additionally, the U.S. should establish and implement programs that target altering stereotypes related to domestic violence/violence against women, and develop measures for investigating missing children that have occurred after violations to restraining orders.<sup>126</sup> The IACHR included a follow-up factsheet within their 2018 Annual Report, detailing the recommendations that the U.S. had complied with since the 2011 case.<sup>127</sup> Based on the information submitted to the IACHR, the State had partially complied with four out of the seven recommendations given to them; partial compliance was in regards to the structural reparations rather than the individual ones.<sup>128</sup> The State's response to not complying with the first three recommendations included the lack of authority the federal system had to ensure Colorado authorities undertake impartial investigations into the deaths, and the legal limitations in providing compensation to the victim and her next-of-kin.<sup>129</sup> The State showed the most compliance to recommendation four, to reform legislation to enforce protection orders and implement further measures to protect women from any acts of violence.<sup>130</sup> The Office on Violence Against Women (OVW) aims to reduce violence against women through providing services for survivors of domestic violence, sexual assault, and stalking.<sup>131</sup> Following the months after the case, the OVW issued more than 300,000 protection orders, highlighting an improvement in the criminal justice response to violence against

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<sup>124</sup> *Id.*, 24.

<sup>125</sup> *Id.*

<sup>126</sup> *Id.*

<sup>127</sup> IACHR, 2018 Annual Report, Chapter II, Section G.4 Status of compliance with Recommendations Issued in Merits Reports, Follow-up Factsheet, Case 12.626, Report No. 80/11, Jessica Lenahan (Gonzales) (United States).

<sup>128</sup> *Id.*

<sup>129</sup> *Id.*

<sup>130</sup> *Id.*

<sup>131</sup> "Office on Violence Against Women (OVW) | Office on Violence Against Women (OVW)," March 2, 2014, <https://www.justice.gov/ovw>.

women.<sup>132</sup> Furthermore, the 2005 reauthorization of VAWA included a new statutory purpose to their grant program that allow states to use funding to hire special victim assistants, named after the victim of this case, to ensure better support for survivors of domestic violence.<sup>133</sup> While compliance to this recommendation seemed promising, the State was unable to provide updated information regarding the last three recommendations, indicating a lack of effort to sustain the measures and practices they had initiated. For instance, the State implemented procedures to improve family court processes for domestic violence cases, issued guidance to law enforcement that addressed gender discrimination within policing practices, and further measures to enforce protection orders.<sup>134</sup> Nevertheless, the State had not submitted any information regarding the impact of these initiatives since 2012<sup>135</sup>, approximately only one year after the case was reviewed by the IACHR. Based on the data and information provided to the IACHR, they concluded the U.S. had partially complied to the recommendations and would continue to be monitored on the steps and actions taken to adopt the measures needed.<sup>136</sup>

A more recent case that has been reviewed by the IACHR is *Sandra Bland et al. v. United States*<sup>137</sup>, which involved the death of seven African-American women between February and July 2015 while being held in police custody. It is interesting to note that the IACHR, throughout their admissibility report, does not refer to these crimes as an act of femicide/feminicide. When filing the claim, the petitioners referred to these deaths as reflecting a pattern of genocide against “childbearing aged Black Women” in the U.S.<sup>138</sup>. Through examination of the information provided by the petitioners and the State, the IACHR reiterated

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<sup>132</sup> IACHR, 2018 Annual Report, Chapter II, Section G.4 Status of compliance with Recommendations Issued in Merits Reports, Follow-up Factsheet, Case 12.626, Report No. 80/11, Jessica Lenahan (Gonzales) (United States).

<sup>133</sup> Id.

<sup>134</sup> Id.

<sup>135</sup> Id.

<sup>136</sup> Id.

<sup>137</sup> IACHR, Report No. 232/22, Petition 2152-15. Admissibility. Sandra Bland Et al. United States of America. August 28, 2022.

<sup>138</sup> Id, 3.



that when deaths occur while victims are in State custody, the State is required to conduct fair, impartial, and effective investigations of the incidents.<sup>139</sup> Based on the information, the IACHR found that only two out of the seven deaths had been investigated thoroughly. They found the lack of investigation on the remaining five victims to be in violation of the American Declaration, since it had been more than five years since the deaths occurred, and deemed those claims as admissible.<sup>140</sup> Unfortunately, the merit report regarding this case has not been released on the IACHR website and therefore, an examination on the recommendations and compliance rate will not be possible. Nevertheless, it is extremely important to highlight the State's response to the initial facts of the case, as it reflects the current stance of the U.S. in regards to abiding by international human rights standards. Regarding the petitioners' claims of these crimes as being in violation of the Convention of Belém do Pará and the Convention on the Prevention and Punishment of the Crime of Genocide, the State argued that the IACHR cannot apply any instrument to the U.S. other than the American Declaration.<sup>141</sup> While legally this is true, it is crucial to highlight that committing crimes against women and then not being held accountable for these crimes are equally a violation of international human rights obligations. For instance, the Convention of Belém do Pará functions to hold states accountable and responsible for preventing crimes against women, protecting women, and prosecuting any such violations to these standards. While the U.S. has not ratified this convention, it should not excuse them from performing their due diligence to ensure these forms of crimes are not being committed, as outlined in the American Declaration. Since this case reflects the larger pattern of femi(ni)cide in the U.S., specifically the femi(ni)cide of Black Women, it would be extremely interesting to review the types of individual and structural recommendations that are submitted to the U.S.

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<sup>139</sup> Id.

<sup>140</sup> Id.

<sup>141</sup> Id, 4.

Due to the IACHR's second function as an advisory body, it is important to examine the type of reporting that has been conducted on the U.S. The creation of the thematic rapporteurships in 1990 was a mechanism for reporting on specific issues that constitute as violations of human rights for certain individuals and groups that are deemed to be at a higher risk of such violations.<sup>142</sup> Currently, there are 13 working thematic rapporteurships of the IACHR; one of them being the Rapporteurship on the Rights of Women.<sup>143</sup> The Office of the Rapporteur on the Rights of Women's main functions are country visits, publishing reports on various issues related to the rights of women, making recommendations to States on improving situations and assisting them to implement them, and providing information and reports to the Commission when reviewing petitions.<sup>144</sup> While the U.S. has welcomed various rapporteurs, the Rapporteur on the Rights of Women has never conducted a country visit there.<sup>145</sup> Further, it should be mentioned that the Rapporteurs, under the IACHR, have not produced a single country report on the human rights situations in the U.S.<sup>146</sup> Examining the thematic reports published by the Office of the Rapporteur on the Rights of Women which focus on violence and discrimination against women and girls, the U.S. is barely mentioned.<sup>147</sup> For instance, in the latest report on standards and recommendations for States to adopt in terms of violence and discrimination against women and girls published in 2019, the U.S. is not mentioned once within the entire document. In their 2015 report, *Legal Standards: Gender Equality and Women's Rights*, they mention the *Jessica Lenahan (Gonzales) v. United States* (2011) case to

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<sup>142</sup> "OAS :: IACHR :: Thematic Rapporteurships," Inter-American Commission on Human Rights (IACHR), accessed May 13, 2024, <https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/r/default.asp>.

<sup>143</sup> *Id.*

<sup>144</sup> "IACHR :: Rapporteurship on the Rights of Women," Inter-American Commission on Human Rights (IACHR), <https://www.oas.org/en/IACHR/jsform/Default.asp?File=/en/IACHR/r/DMUJERES/default.asp>.

<sup>145</sup> "IACHR :: Country Visits," Inter-American Commission on Human Rights (IACHR), accessed May 13, 2024, <http://www.oas.org/en/iachr/activities/countries.asp>.

<sup>146</sup> "OAS :: IACHR :: Country Reports," Inter-American Commission on Human Rights (IACHR), accessed May 13, 2024, <https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/reports/country.asp>.

<sup>147</sup> "IACHR :: Rapporteurship on the Rights of Women :: Thematic Reports," Inter-American Commission on Human Rights, <https://www.oas.org/en/iachr/jsForm/?File=/en/IACHR/r/DMujeres/InformesTematicos.asp>.

reiterate the link between discrimination and violence against women.<sup>148</sup> Using this case as an example, they comment on the importance of States doing their due diligence to ensure avenues to effective remedies and reinforce how these measures are critical to preventing and eradicating violence against women.<sup>149</sup> Further, they incorporate an intersectional perspective by emphasizing how there are multiple factors, such as age, race, socioeconomic status, sexuality and ethnicity, that can expose an individual to various forms of violence and discrimination.<sup>150</sup> Therefore, it is crucial for States to apply an intersectional lens when designing and implementing prevention and protection measures.<sup>151</sup> While the U.S has been included in thematic reports on organized crime, immigration issues, and incarceration rates, there has been less of a focus on other forms of violence against women, specifically no mention of femi(ni)cide in the U.S.

Since the start of the Trump administration in 2016, there has been declining participation and cooperation from the U.S. within the IACHR, displaying a lack of commitment to promoting and protecting human rights.<sup>152</sup> Not only have U.S. delegates failed to attend IACHR session hearings, but the U.S. also continues to reiterate that the IACHR lacks *ratione materiae* to apply the ACHR due to them not being a party to this convention.<sup>153</sup> Their mention of not abiding by IACHR recommendations as they are not a judicial body<sup>154</sup>, demonstrates a reluctance to uphold human rights standards and complacency in situations of human rights violations. This reveals the crucial necessity for the U.S. to subject themselves to these regional mechanisms in order to be held accountable for their actions or lack thereof.

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<sup>148</sup> IACHR, *Legal Standards related to Gender Equality and Women's Rights in the Inter-American Human Rights System: Development and Application*, 2015, 72.

<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> Jimena Galindo, "U.S. Failure at the IACHR Sets a Dangerous Precedent in the Region," *Global Americans* (blog), October 12, 2018, <https://globalamericans.org/u-s-failure-at-the-iachr-sets-a-dangerous-precedent-in-the-region/>.

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

Therefore, moving on to the role of the IACtHR is essential to understand how adherence to this judicial body would compel the U.S. to adopt measures for the prevention, prosecution, and protection against femi(ni)cide.

### **Inter-American Court of Human Rights and Cases**

The IACtHR plays a pivotal role in ensuring States uphold their commitment to the ACHR. In order for the IACtHR to evaluate State violations, a State not only has to have signed and ratified the ACHR, but also have accepted the jurisdiction of the IACtHR. Once these conditions have been met, the IACtHR has the authority to accept and review a case. Any recommendations and judgements issued by the IACtHR are legally binding on the States involved, who are then obligated to comply with these judgements. Analyzing feminicide cases within the IACtHR is important and informative based on the fact that Latin America was the first region to enact legislation that addressed this form of gender-based violence.<sup>155</sup> The fact that States within Latin America are legally scrutinized over their acts of omission to prevent, punish, and eradicate this issue can strengthen the definition of feminicide and the role States play in perpetuating this issue.<sup>156</sup> It should be mentioned that the U.S. has not accepted the jurisdiction of the IACtHR, therefore, violations committed by the State cannot be reviewed and ruled on by the Court.<sup>157</sup> While this has been the case from the beginning, it is a matter that the IACHR continues to press the U.S. on complying with.<sup>158</sup>

There have been numerous pivotal cases of feminicide the IACtHR has addressed that reflect on the extremely overt issue present in Latin America. It is interesting to note the

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<sup>155</sup> Michelle Carrigan and Myrna Dawson, "Problem Representations of Femicide/Feminicide Legislation in Latin America," *International Journal for Crime, Justice and Social Democracy* 9, no. 2 (May 25, 2020): 1–19, <https://doi.org/10.5204/ijcjsd.v9i2.1354>.

<sup>156</sup> *Id.*

<sup>157</sup> IACHR, *Legal Standards related to Gender Equality and Women's Rights in the Inter-American Human Rights System: Development and Application*, 2015, 124.

<sup>158</sup> *Id.*

consistency of approach the IACtHR utilizes in gender-based violence cases by interpreting Article 7 of the Convention of Belém do Pará based on States' actions, as well as, emphasizing the importance of examining events through a gender perspective to identify structural and societal reasons as to why this issue is occurring. The first prominent case that the IACtHR examined in the context of femicide was *Gonzalez et al. ("Cotton Field") v. Mexico*<sup>159</sup>; it is a landmark case that has set a precedent for future gender-based violence violations that the IACtHR ruled on. The case addressed the systemic issue of femicide in Ciudad Juárez, Mexico based on the murder of three women whose bodies were found in a cotton field.<sup>160</sup> Being the first femicide case, it was pivotal for the region of Latin America how the IACtHR addressed the violations that were committed by Mexico. By identifying femicide as a human rights violation and noting the responsibility Mexico had in preventing it, the IACtHR placed the accountability of the violence directly on Mexico, which portrayed the IACtHR's commitment to ensure States are upholding their duties related to Article 7<sup>161</sup> of the Convention Belém do Pará. Further, the IACtHR held the State responsible for the actions of non-state actors as the State did not do its due diligence in abiding by the provisions listed in Article 7 of the Convention to prevent these crimes or punish the perpetrators, therefore, failing to provide security for the women, even when aware of the violations that were occurring.<sup>162</sup> The IACtHR set a precedent for other cases surrounding gender-based violence through the incorporation of a gender perspective when examining femicides committed against women in Latin America; through their approach in analyzing the events and the reparations issued to the State. The IACtHR examines Article 7 of the Convention of Belém do Pará through the

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<sup>159</sup> IACtHR: *Gonzales et al. v. Mexico (Cottonfields case)*, 16 November 2009 (excerpts)

<sup>160</sup> Id.

<sup>161</sup> Organization of American States, *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women*

<sup>162</sup> Simmons, William Paul. "Remedies for the Women of Ciudad Juarez through the Inter American Court of Human Rights." *Nw. Univ. J. Int'l Hum. Rts.* 4 (2005): 493.

lens of transformative reparations and justice, that is they aim to address the root problems identified within States and provide remedies that alter structural institutions that are perpetuating the problem. The purpose of these forms of remedies, that go beyond monetary compensation, is based on the concept of *restitutio in integrum* or non-repetition<sup>163</sup>; the violations that have occurred shall not be repeated based on the State incorporating and integrating the IACtHR's binding decisions into their own systems. Transformative reparations are crucial in situations of systemic violations as they address the recurring behavior of such acts by identifying flaws within systems and structures that maintain an environment of human rights abuses. The key aspects and goals of transformative reparations are that they go beyond monetary compensation, focus on preventive measures, restore the rights that were violated, address systemic inequalities, and emphasize symbolic reparations.<sup>164</sup> Symbolic reparations, a crucial step needed for structural and systemic change, follows a victim-centered approach that emphasizes the importance of prevention; by remembering the violations that occurred and building awareness, future crimes of similar sorts are less likely to happen.<sup>165</sup> In the case of *Gonzalez et al. ("Cotton Field") v. Mexico*<sup>166</sup>, the IACtHR took the structural discrimination within Mexico into context when evaluating the reparations that should be decided in the judgement. Due to the systemic violations that were reoccurring in Mexico, it was noted that the reparations issued to the State should be designed in order to change the environment and situation. For instance, the IACtHR stressed the importance of Mexico to improve investigation and prosecution processes for all gender-based disappearances and murders of victims, remove

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<sup>163</sup> David C. Baluarte, "Strategizing for Compliance: The Evolution of a Compliance Phase of Inter-American Court Litigation and the Strategic Imperative for Victims' Representatives", *American University International Law Review*, Vol. 27, No. 2 (2012)

<sup>164</sup> Robin Adèle Greeley et al., "Repairing Symbolic Reparations: Assessing the Effectiveness of Memorialization in the Inter-American System of Human Rights," *International Journal of Transitional Justice* 14, no. 1 (March 1, 2020): 165–92, <https://doi.org/10.1093/ijtj/ijaa002>.

<sup>165</sup> *Id.*

<sup>166</sup> IACtHR: *Gonzales et al. v. Mexico* (Cottonfields case), 16 November 2009 (excerpts)

obstacles during investigation proceedings to ensure prompt responses to cases, and guarantee access to adequate resources throughout the course of investigation to judicial proceedings.<sup>167</sup> In regards to symbolic reparations, Mexico was directed to commemorate the victims of femicide, particularly the victims of this case, by organizing a service in honor of the victims, publishing the judgement of the IACtHR, acknowledging its international responsibility for the human rights violations that occurred, and erecting a monument at the cotton field to remember the victims of femicide in Ciudad Juárez.<sup>168</sup> The IACtHR submitted a Monitoring Compliance report to Mexico in 2013 to follow up on the reparations issued during the 2009 case.<sup>169</sup> Between 2009 and 2013, Mexico submitted three reports to the IACtHR with updates on the steps they have taken to implement the judgement and reparations given by the Court.<sup>170</sup> Although Mexico had not adopted all the expected measures, by 2013 they had established the Specialized Prosecutor's Office for Attention to Women Victims of Gender-Related Crimes to carry out the actions listed in Article 7 of the Belem do Para Convention, and continued investigation processes for the three victims of the Cotton Field case with a gender and human rights perspective.<sup>171</sup>

After the Cotton Field case, the IACtHR continued to review femicide cases within the social context of the crime and examined how the victims of these crimes fit into that specific context.<sup>172</sup> In the case of *Veliz Franco v. Guatemala (2014)*<sup>173</sup>, 15-year-old Maria Isabel Veliz Franco was abducted on December 16, 2001 after leaving work. After her disappearance, her mother informed local authorities that her daughter might have been with a

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<sup>167</sup> Id, 112-114.

<sup>168</sup> Id, 114.

<sup>169</sup> IACtHR., Case of González et al. ("Campo Algodonero") v. Mexico. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of May 21, 2013. (Only in Spanish)

<sup>170</sup> Id.

<sup>171</sup> Id.

<sup>172</sup> Dawson and Mobayed Vega, *The Routledge International Handbook of Femicide and Feminicide*.

<sup>173</sup> IACtHR: *Veliz Franco et al. v. Guatemala*, 19 May 2014.

man at the time of her disappearance, where she was told that she had to wait between 24 to 62 hours before filing a missing person's report.<sup>174</sup> On December 18, 2001, the body of Maria Isabel was found with indications that she had been sexually abused and murdered the night after she was abducted.<sup>175</sup> During initial investigations, gender stereotypes led the forefront of the process; Maria Isabel was frequently referred to as a prostitute, emotionally unstable, and the case was not taken seriously by Guatemalan authorities.<sup>176</sup> Lack of effective and impartial investigation procedures led to a failure to distinguish the true cause of death through the autopsy, identify the perpetrator, examined evidence only three years after the incident, and did not move forward from the first stage of investigation for more than 12 years.<sup>177</sup> The IACtHR found that Guatemala had violated Article 1, Article 4, Article 5, Article 19 and Article 24 of the ACHR, and Article 7 of the Convention of Belém do Pará.<sup>178</sup> It is interesting to note that in this case the IACtHR relied on external sources to analyze the State's failure to complete impartial and effective investigation processes. By aligning with the Istanbul Convention, CEDAW General Recommendation No. 19, and the UN Latin American Model Protocol, the IACtHR found numerous inconsistencies used during investigating the murder of Maria Isabel.<sup>179</sup> For example, they used the Istanbul Convention to reiterate that the past sexual behavior of a victim should not be included unless it is necessary to the investigation and the use of gender stereotypes by Guatemalan authorities displayed how violence against women is handled by the State.<sup>180</sup> Further, due to the inconclusive results from the autopsy, the IACtHR used the UN Model Protocol to assess the facts of the case and determined that the murder of Maria Isabel most likely consisted of acts of gender-based violence.<sup>181</sup>

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<sup>174</sup> Id.

<sup>175</sup> Id.

<sup>176</sup> Id.

<sup>177</sup> Id, para. 196.

<sup>178</sup> Id.

<sup>179</sup> Id, para. 211.

<sup>180</sup> Id, para. 209.

<sup>181</sup> Id, para. 178.



The case of *Márcia Barbosa de Souza et al. v. Brazil*<sup>182</sup> is the most recent femicide case the IACtHR has reviewed. The murder of a twenty-year-old woman of African descent in June 1998 by a then deputy officer, Aécio Pereira de Lima, resulted in a fight for justice for Márcia Barbosa de Souza's family for over 21 years. Police investigations, which formally opened soon after the incident, faced numerous roadblocks, especially due to Aécio Pereira de Lima's blanket of safety through parliamentary immunity granted by the Legislative Assembly of Paraíba; a state in Brazil.<sup>183</sup> During investigations and criminal procedures, gender stereotypes took the forefront of the story and altered the focus of the case, which was the critical and prominent issue of femicide. During legal proceedings, Márcia's personal life was brought up more often than the actual crime, creating a persona that the events that occurred were justifiable based on the characteristics that were portrayed of her. Due to the circumstances during the investigation process, the then deputy officer was only arrested after his contract had ended and was not renewed; 9 years after the murder of Márcia. The case was submitted to the IACtHR to examine violations of Articles 1(1), Article 2, Article 8, and Article 25 of the ACHR<sup>184</sup>, and Article 7 of the Convention of Belém do Pará.<sup>185</sup> Based on the limited and swayed procedures that were conducted at the time, the IACtHR found that the State failed to oversee a prompt and thorough investigation on how the motives behind the murder were a direct link to discrimination against women. Further, the IACtHR concluded that the dismissal of ulterior motives behind femicide acts produce an idea that this form of violence is tolerated and accepted, strengthening its presence within society. Evaluating the violation of Articles 8 and Articles 25 of the ACHR, in conjunction with Article 7 of the Convention of Belém do Pará, the IACtHR expressed that when events of violence against women occur, States are

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<sup>182</sup> IACtHR: *Márcia Barbosa de Souza et al. v. Brazil*, 7 September 2021

<sup>183</sup> *Id.*

<sup>184</sup> Organization of American States, *American Convention on Human Rights*

<sup>185</sup> Organization of American States, *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women*

obligated to carry out investigations through a gendered lens with the purpose and efficiency to eradicate and reject such types of violence.<sup>186</sup> Taking into account the gender discriminations that influenced proceedings, the amount of time it took for Brazil to allow for any type of justice for Márcia's family, and the failure to prevent or eradicate such crimes, the IACtHR found Brazil in violation of the same Articles that the Commission submitted to them. The list of reparations that were expected of Brazil to comply included a gender perspective, which fit with the mindset and position the IACtHR takes in regards to remedies. In regards to taking accountability, the IACtHR ordered the State to publish the summary of the judgement in a newspaper and on the website of the Legislative Assembly of Paraíba, as well as, acknowledge international responsibility by recounting the violations the IACtHR discussed in their judgement.<sup>187</sup> On the same basis of acknowledging responsibility, the State was ordered to hold an awareness raising day on violence against women, specifically on femicide in the name of Márcia. In terms of individual access to justice, the State was obligated to provide for Márcia's family in terms of the psychological and physical suffering they were succumbed to during investigations and legal proceedings. The State was also ordered to pay each victim \$150,000 for pecuniary and non-pecuniary damages, including additional funding to reimburse the family on all legal expenses from the time of the case until the ruling from the IACtHR. In terms of non-repetition, the IACtHR acknowledged the need for mechanisms that can produce accurate statistics to display the magnitude of gender-based violence within the Brazil. Therefore, the State was ordered to create a database that collects information on gender-based violence, especially acts of femicide. Additionally, the IACtHR examined how the victim's race and socioeconomic status played a role in the crime and how the investigations and legal proceedings were conducted, and they expressed in their judgement that statistics should be

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<sup>186</sup> IACtHR: *Márcia Barbosa de Souza et al. v. Brazil*, 7 September 2021

<sup>187</sup> Id.

collected through an intersectional lens. Similarly, due to how proceedings were influenced by time constraints, lack of due diligence to investigate, and gender stereotypes taking the forefront of the story, the IACtHR ruled that the State needed to implement a training and education program for police in Paraíba on gender-based violence in order to be able to identify these types of cases and respond accordingly through measures to prosecute the individuals responsible. Finally, the IACtHR ordered for the State to implement a national protocol for investigating femicide cases that should be integrated within all investigation and legal processes.<sup>188</sup> The range and wide variety of reparations issued to Brazil followed a similar pattern to the first femicide case and other gender-based violence cases that followed after that. In Brazil specifically, the IACtHR noted in the *Márcia Barbosa de Souza et al. v. Brazil*<sup>189</sup> case that transformative reparations issued by the IACHR and the IACtHR in other gender-based violence cases the Inter-American system has reviewed, has been an advancement in preventing violence against women.

While the IACtHR has ruled on other femicide cases in Latin America, the three cases examined here display the similar approach the Court uses in cases of the most extreme form of gender-based violence. What is most noteworthy is the consistent use of the term femicide, and the focus on restructuring internal systems within States to eradicate the systemic issue of this form of violence. These cases also display other mechanisms the IACtHR utilizes depending on the social context of the crime and the complacency of the State. Circling back to the first femicide case handled by the IACtHR, the reparations and remedies that were obligated of the State to provide in *Gonzalez et al. ("Cotton Field") v. Mexico*<sup>190</sup> set a precedent on how the IACtHR viewed the role of reparations in changing internal systems within States

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<sup>188</sup> Id.

<sup>189</sup> Id.

<sup>190</sup> IACtHR: *Gonzales et al. v. Mexico* (Cottonfields case), 16 November 2009 (excerpts)

for similar cases that came after. In *Veliz Franco et al. v. Guatemala*<sup>191</sup>, the IACtHR utilized other regional and international human rights standards to criticize how the handling of investigation procedures during femicide cases in Guatemala was allowing for crimes to go unpunished. Finally, in *Márcia Barbosa de Souza et al. v. Brazil*<sup>192</sup>, the IACtHR highlighted the combination of the victim's gender, race, and socioeconomic status as a key component to how proceedings were conducted in an unfair and partial way. While this specific incident occurred 25 years ago, it being the latest femicide case the IACtHR has reviewed demonstrates their ongoing commitment to hold States accountable for crimes of femicide. Reviewing the IAS position in regards to femicide exhibits a stark difference to the current climate in the U.S. Further, the recognition of the term femicide by the OAS and their multiple mechanisms underscores their ability to ensure States under their jurisdiction follow similar patterns of eradicating this form of violence.

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<sup>191</sup> IACtHR: *Veliz Franco et al. v. Guatemala*, 19 May 2014.

<sup>192</sup> IACtHR: *Márcia Barbosa de Souza et al. v. Brazil*, 7 September 2021.

## THE UNITED NATIONS

### Addressing Femicide within the United Nations

The United Nations (UN) distinguishes gender-based violence as a global health and development issue, and have created multiple avenues to eradicate this issue worldwide.<sup>193</sup> In 1993, the United Nations General Assembly issued the Declaration on the Elimination of Violence Against Women that defines violence against women, the forms of violence, the rights women are entitled to, and the steps States need to take to ensure their due diligence in protecting women, prosecuting abusers, and preventing these forms of violence.<sup>194</sup> The UN's involvement in addressing femicide has evolved over time and have attempted to examine this critical issue through its various bodies and mechanisms. Therefore, this chapter will aim to assess the multi-faceted approach of the UN in addressing femicide on an individual and structural level and evaluate the advantages and shortcomings of each entity in terms of bringing immediate actions, international visibility, and long-term advocacy. The UN encompasses various mechanisms when dealing with human rights violations; although they appear to operate independently, each mechanism concurrently supports the others through a coordinated manner. In terms of addressing gender-based violence, specifically femi(ni)cide, the UN utilizes various efforts ranging from foundational legal frameworks to specialized roles that assist in combatting this form of violence.

UN Women, established by the UN General Assembly, dedicates their time in enforcing global standards that aim to achieve gender equality worldwide. Through various initiatives focusing on gender-based violence, UN Women partner with governments, CSO's, and other

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<sup>193</sup> Nancy Felipe Russo and Angela Pirlott, "Gender-Based Violence," *Annals of the New York Academy of Sciences* 1087, no. 1 (2006): 178–205, <https://doi.org/10.1196/annals.1385.024>.

<sup>194</sup> "Declaration on the Elimination of Violence against Women," OHCHR, accessed March 18, 2024, <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-violence-against-women>.

stakeholders to respond to prevention measures, while introducing efforts to combat this issue.<sup>195</sup> UN Women is also responsible for a large number of data and research conducted; for example, they collaborated with the United Nations Office on Drugs and Crime (UNODC) to report on the gender-related killings of women and girls globally in 2022.<sup>196</sup> In 2018, they collaborated with the European Union to invest EUR 50 million into programs that addressed legislative and policy gaps to end femi(ni)cide in Latin America.<sup>197</sup> They created the Safe Cities and Safe Public Spaces initiative that examined the correlation between violence against women and girls and public spaces, and convene with State leaders during global forums to discuss investing into programs that protect individuals in public spaces.<sup>198</sup> Through providing capacity building, UN Women strengthen institutions that respond to femi(ni)cide cases; for example, conducting specialized training services for judicial and police staff in Kenya, amongst other States, on gender-sensitive approaches to investigation and prosecution processes.<sup>199</sup> The comprehensive approach of UN Women, through targeting a variety of aspects that can address femi(ni)cide, exemplifies a necessary response to the root problem of gender-based violence and the societal structures that perpetuate it. Their meaningful contribution, along with the other UN that will be discussed below, highlight the need for direct action to protect the rights and lives of women and girls worldwide.

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<sup>195</sup> Ritabrata Mukherjee, “ENDING VIOLENCE AGAINST WOMEN AND GIRLS,” n.d.

<sup>196</sup> United Nations Office on Drugs and Crime, *Gender-Related Killings of Women and Girls (Femicide/Feminicide): Global Estimates of Female Intimate Partner/Family-Related Homicides in 2022* (United Nations, 2023), <https://doi.org/10.18356/9789213587072>.

<sup>197</sup> “Press Release: The European Union and the United Nations Are Announcing Today a EUR 50 Million Investment to End Femicide in Latin America,” UN Women – Headquarters, September 27, 2018, <https://www.unwomen.org/en/news/stories/2018/9/press-release-eu-un-announce-a-eur-50-million-investment-to-end-femicide-in-latin-america>.

<sup>198</sup> “Coverage: UN Women Deputy Executive Director in Mexico for the Global Forum on Safe Cities and Safe Public Spaces,” UN Women – Headquarters, February 24, 2017, <https://www.unwomen.org/en/news/stories/2017/2/coverage-deputy-executive-director-puri-in-mexico-for-the-global-forum-on-safe-cities>.

<sup>199</sup> “Femicide Cases in Kenya Fuel Urgent Calls for Action to End Violence against Women,” UN Women – Headquarters, February 9, 2024, <https://www.unwomen.org/en/news-stories/feature-story/2024/02/femicide-cases-in-kenya-fuel-urgent-calls-for-action-to-end-violence-against-women>.

## Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

This analysis begins with the examination of one of UN's treaty bodies; the role of Committee on the Elimination of All Forms of Discrimination Against Women (CtEDAW), along with their Optional Protocol mechanism. CtEDAW oversees the implementation of the Convention of All Forms of Discrimination against Women (CEDAW), which is a landmark international treaty that establishes the norms and standards of States in preventing discrimination against women.<sup>200</sup> When CEDAW was originally created, it did not include any provisions related to violence against women but, in 1992, the Committee issued General Recommendation No. 19 on gender-based violence, which was recently updated in General Recommendation No. 35 in 2017.<sup>201</sup> General recommendations are an aspect that contribute to the Convention as a living document; in the case of violence against women, while not binding, general recommendation no. 35 allow the Committee to interpret the Convention to promote the protection of individuals against violence.<sup>202</sup> Femicide/Feminicide is referred to in general recommendation No. 35 regarding the actions States should take to establish specific systems and observatories to collect data on these type of crimes.<sup>203</sup> The main role of CEDAW is their monitoring function; States that have ratified the Convention are mandated to periodically report on measures they have taken to comply with the treaty obligations listed in the Convention, as well as, the general recommendations.<sup>204</sup> For these monitoring sessions to be completely transparent and productive, the Committee utilizes information from other sources,

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<sup>200</sup> "Committee on the Elimination of Discrimination against Women," OHCHR, accessed March 18, 2024, <https://www.ohchr.org/en/treaty-bodies/cedaw>.

<sup>201</sup> "General Recommendation No. 35 (2017) on Gender-Based Violence against Women, Updating General Recommendation No. 19 (1992)," OHCHR, accessed March 18, 2024, <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no-35-2017-gender-based>.

<sup>202</sup> Ilias Bantekas and Lutz Oette, *International Human Rights: Law and Practice*, Cambridge University Press, 3<sup>rd</sup> edition, 2020: 194-237, <http://ebookcentral.proquest.com/lib/centraleurope-ebooks/detail.action?docID=6185977>.

<sup>203</sup> "General Recommendation No. 35 (2017) on Gender-Based Violence against Women, Updating General Recommendation No. 19 (1992),"

<sup>204</sup> Id., 200.

to grasp the true reality of the situation occurring in the State being reviewed; for example, shadow reports from civil society organizations (CSO's) established in that State.<sup>205</sup> It is essential to examine the advantages and limitations of the CEDAW monitoring sessions, to comprehend whether this mechanism can truly impact the issue of femicide. Firstly, by reviewing State and other stakeholder reports, CtEDAW are able to hold States accountable to abide by the standards of CEDAW, and to ensure they are taking steps to eradicate femicide and other forms of gender-based violence. Upon noticing gaps within the State, CtEDAW can issue recommendations that will need to be implemented within a specific time period<sup>206</sup>, which the State will have to follow up on during the next mandated report, on areas they can improve their due diligence in preventing these forms of violence. Since these sessions are open for CSO's to attend and reports are later published on the UN website, the main power is given to them to follow up internally to advocate for these recommendations to be implemented within the State. However, questioning the practice of these functions is to examine the challenge of enforcing States in implementing actions suggested by the CtEDAW, based on the sole fact that these recommendations are not legally binding. Further, this lack of enforcement transpires during reporting stages as well, as many States have not complied with submitting reports within the allocated time frame and some fail to submit any report at all.<sup>207</sup> Limited resources within the CtEDAW contribute to the limitations of this mechanism as it can impact the effectiveness of these sessions; for example, the limited allocated time the CtEDAW and the State have to communicate with each other can lead to the CtEDAW having to be strategic when selecting the priorities to be addressed with the State.<sup>208</sup> Nonetheless, CEDAW still holds as a vital international legal framework for addressing gender-based violence and providing a

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<sup>205</sup> Id., 201.

<sup>206</sup> Id., 202.

<sup>207</sup> Id., 208.

<sup>208</sup> Id., 200.



platform for States to be held accountable on a global standard to protect their citizens from forms of violence.

The other main function of CtEDAW is their Optional Protocol mechanism; individuals or groups are able to file complaints based on State violations to CEDAW only if the State has ratified the Optional Protocol. Currently, 113 states out of the 189 states that have ratified CEDAW have accepted the Optional Protocol mechanism.<sup>209</sup> The jurisprudence of CtEDAW focuses on positive obligations; as in the due diligence of the State in taking action to protect their citizens from forms of violence.<sup>210</sup> In terms of femi(ni)cide, CtEDAW has only addressed a couple of cases, one being *Reyes and Morales v. Mexico (2017)*<sup>211</sup>. The complaint was submitted by the parents of the deceased victim, Pilar Arguello Trujillo who was murdered on September 3<sup>rd</sup>, 2012 in the State of Veracruz and CtEDAW reviewed the gaps in internal judicial proceedings, as well as, the lack of investigation into the unsolved crime.<sup>212</sup> The CtEDAW used, at the time, general recommendation No. 19 and Article 2 and Article 5 of the Convention, and found the State of Mexico had failed to ensure a prompt investigation was conducted nor done their due diligence in preventing and punishing gender-based murders of women.<sup>213</sup> On an individual level, they recommended the State to resume investigations in order for justice to be received by the family of the victim. On a structural level, CtEDAW recommended the State ensure appropriate procedures were in place for investigating cases of femi(ni)cide, eradicate structural barriers that impeded these procedures, implement training and education programs for judicial staff and police officers on extreme violence that contributes to femi(ni)cide, and ensure adequate legal resources were available to families of

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<sup>209</sup> United Nations Human Rights Treaty Bodies Database, Accessed March 20, 2024, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en).

<sup>210</sup> Ilias Bantekas and Lutz Oette, 227.

<sup>211</sup> CEDAW: *Reyes and Morales v. Mexico (2017)*

<sup>212</sup> Id.

<sup>213</sup> Id.

the victims to seek justice.<sup>214</sup> Using this example to evaluate the effectiveness of individual/group complaint mechanisms in addressing femi(ni)cide, it is evident that subjecting a State to international scrutiny can reveal the inadequate actions, gaps, and failures of a state in protecting their citizens and preventing these crimes from occurring. Pressure from CtEDAW can lead to legal and policy reforms, as recommendations given are followed up on during reporting procedures that were discussed above. However, limitations of this mechanism exist in the non-binding nature of the judgements given by the CtEDAW. The recommendations provided in *Reyes and Morales v. Mexico (2017)* were followed up on during the ninth periodic report session of Mexico by CtEDAW in 2018, as the state had not submitted any evidence of complying with these judgements.<sup>215</sup> In 2021, prior to the tenth session, the National Citizen Observatory on Femicide (OCNF), a network composed of NGO's in Mexico, submitted shadow reports detailing the extent of the issue of femicide, along with the lack of action the state had taken to address it.<sup>216</sup> The CtEDAW recently submitted the list of issues and questions Mexico will need to report on prior to the tenth periodic report and 6 years after the initial complaint was reviewed by the Committee, Mexico has still not resolved the case of *Reyes and Morales v. Mexico (2017)*.<sup>217</sup> While compliance from States might not be constant, the CtEDAW consistency in following up with States regarding recommendations through reports and during monitoring sessions still holds power in their ability to pressure governments to enforce these reforms over time.

Another femi(ni)cide case reviewed by the CtEDAW was *Goekce v. Austria (2007)*<sup>218</sup> that examined State violation to Article 1, Article 2, Article 3, and Article 5 of CEDAW, and

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<sup>214</sup> Id.

<sup>215</sup> United Nations Human Rights Treaty Bodies Database, CEDAW/C/MEX/FCO/9, Accessed March 20, 2024, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FMEX%2FCO%2F9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FMEX%2FCO%2F9&Lang=en).

<sup>216</sup> Id.

<sup>217</sup> Id.

<sup>218</sup> CEDAW: *Goekce v. Austria (2007)*

general recommendations No. 12, No. 19, and No. 21 by not taking measures to protect Sahide Goekce from violence inflicted by her husband on multiple occasions, which resulted in her death.<sup>219</sup> The CtEDAW reviewed whether the State can be held accountable for the actions of non-State actors and found that in this case, while the State had implemented numerous initiatives to address gender-based violence, the State actors were not performing their due diligence to carry out the functions of these initiatives.<sup>220</sup> For instance, the perpetrator was able to purchase a firearm weeks before the murder even though there was a weapons prohibition order against him at the time.<sup>221</sup> Further, the victim reached out to emergency services a couple hours prior to being killed by her husband, however, police officials did not arrive.<sup>222</sup> Therefore, the CtEDAW found the State in violation of Article 1, Article 2, and Article 3 of CEDAW and general recommendation No. 19.<sup>223</sup> It is important to mention that the CtEDAW did not utilize the terms femicide, feminicide, or the gender-based killings of women throughout this judgement. While general recommendation No. 35 does recognize femicide/feminicide, the previous version, which was used during this case, does not include provisions related to these crimes. Further, the UN publicly announced their recognition of femicide/feminicide years after this case was reviewed<sup>224</sup>, which could be another reason for the lack of considering the death of Sahide Goekce as an act of femi(ni)cide. Nevertheless, the type of recommendations that were given to Austria aimed to dismantle systems that maintain and perpetuate gender-based violence against women, which still aligns with how the UN addresses acts of femi(ni)cide currently.

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<sup>219</sup> Id.

<sup>220</sup> Id, para. 12.1.2

<sup>221</sup> Id, para. 12.1.3.

<sup>222</sup> Id.

<sup>223</sup> Id, para. 12.1.6

<sup>224</sup> United Nations, “World Crime Trends and Emerging Issues and Responses in the Field of Crime Prevention and Criminal Justice,”.

## **United Nations Special Rapporteur on Violence Against Women**

An important mechanism of the UN in addressing femicide is the role of the UN Special Rapporteur on Violence Against Women. Existing under the UN's Special Procedures mechanism, Special Rapporteur's embody the protection of human rights standards through global advocacy, and mediation between violated parties and state governments.<sup>225</sup> Deemed as an independent expert on the mandate they report on, Special Rapporteur's are able to grasp the true nature of the issue through country visits and engaging in meaningful conversations with CSO's and government officials.<sup>226</sup> Based on the information they gather during these visits, they submit reports that include their findings and recommendations to governments, which can be used by other UN bodies; for example, CtEDAW could utilize this report during their monitoring sessions. These individuals utilize "call for inputs" as part of their investigations processes to report on specific human right violations occurring by requesting information from various stakeholders within a State.<sup>227</sup> In 2021, the Femicide Watch initiative call for input was announced, which prioritized femi(ni)cide as a critical issue the Special Rapporteur would be focusing on.<sup>228</sup> Through this initiative, data is collected to promote strategies to prevent femi(ni)cide by calling on States to establish measures to monitor trends of femi(ni)cide.<sup>229</sup> The current UN Special Rapporteur on VAW, Ms. Reem Alsalem, has continued this initiative during her tenure and has focused on strengthening State compliance in submitting data on femi(ni)cides, and there have been 32 states who have responded with steps taken to create a femi(ni)cide watch.<sup>230</sup> Issues being reported on during country visits have been consistent; there have been 17 visits in the last 10 years and almost all reports contain

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<sup>225</sup> Marc Limon and Ted Piccone, *Human Rights Special Procedures: Determinants of Influence* (Universal Rights Group, 2014)

<sup>226</sup> *Id.*

<sup>227</sup> *Id.*

<sup>228</sup> "OHCHR | Femicide Watch Initiative (2021)," OHCHR, accessed March 22, 2024, <https://www.ohchr.org/en/calls-for-input/2021/femicide-watch-initiative-2021>.

<sup>229</sup> *Id.*

<sup>230</sup> *Id.*

a section on femi(ni)cide and recommendations for the State on how to improve their current efforts in combatting this form of gender-based violence.<sup>231</sup> The efforts of the Special Rapporteur lead to increased visibility of femi(ni)cide within a State, as well as, accountability by calling attention to specific issues the State needs to start taking action towards. Further, through collaboration with the UN High Commissioner, it could enhance international awareness of the issue of femi(ni)cide while adding more pressure on governments to conform to systemic reforms that are crucially needed.<sup>232</sup> While cooperation with States is contingent on the Special Rapporteur being invited to the country, they nevertheless play an essential role in identifying challenges faced and empowering CSO's to continue mobilizing efforts to improve systems that address femi(ni)cide.

Currently, there have been only two country visits to the U.S.; one in 1998 and the other in 2011 by the Special Rapporteur on violence against women and girls.<sup>233</sup> The visit, conducted by Ms. Rashida Manjoo, evaluated violence enacted upon women in settings of domestic violence, military, custodial cases, and examined these through an intersectional lens.<sup>234</sup> While the Special Rapporteur acknowledged the legislative and policy initiatives the U.S. has implemented, she noted the lack of federal provisions on the prevention, protection, and prosecution of gender-based violence against women that are legally binding.<sup>235</sup> She highlighted specific groups of women that are more vulnerable to violence, for example, lower socioeconomic women and minority women, and how prevention and protection measures are not adequately supporting them.<sup>236</sup> In the report, the Special Rapporteur included data on 2008

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<sup>231</sup> "Country Visits," OHCHR, accessed March 24, 2024, <https://www.ohchr.org/en/special-procedures/sr-violence-against-women/country-visits>.

<sup>232</sup> Marc Limon and Ted Piccone.

<sup>233</sup> "Country Visits," OHCHR, accessed June 16, 2024, <https://www.ohchr.org/en/special-procedures/sr-violence-against-women/country-visits>.

<sup>234</sup> United Nations General Assembly, *Report of the Special Rapporteur on Violence against Women, its causes and consequences, Ms. Rashida Manjoo, Mission to the United States of America*, A/HRC/17/26/Add/5, 6 June 2011.

<sup>235</sup> *Id.*

<sup>236</sup> *Id.*

homicide rates, emphasizing that majority of cases have been committed through the use of a firearm.<sup>237</sup> This is later reiterated in the recommendation section for the U.S. to effectively enforce gun laws, particularly in cases of domestic violence incidents.<sup>238</sup> Regarding femi(ni)cide, while the term was not mentioned in the report, the Special Rapporteur made note to the high rates of missing and murdered Native-American women and recommended the U.S. conduct fair and impartial investigations on these crimes.<sup>239</sup> Unfortunately, the Special Rapporteurs on violence against women and girls has not been invited for a country visit to the U.S. since their open use of the term femicide/feminicide and the creation of the Femicide Watch Initiative. Through this call for input, States are asked to provide data on femi(ni)cide rates and measures taken to eradicate this issue; while 32 states have submitted reports, it is not surprising the U.S. is not one of them.<sup>240</sup> It is interesting to note that the mandate requires for States, in their reports, to compare femi(ni)cides rates to homicide rates<sup>241</sup>; therefore, recognizing the difference between these two terms. While the U.S. has been incorporated within the Special Rapporteurs on violence against women and girls' annual thematic reports, their mention is hardly tied to data on femi(ni)cide, displaying the lack of information the UN is receiving from them regarding this human rights issue.

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<sup>237</sup> Id, 5.

<sup>238</sup> Id, 28.

<sup>239</sup> Id, 30.

<sup>240</sup> OHCHR, Femicide Watch Initiative (2021).

<sup>241</sup> Id.

## CONCLUSION

This study has highlighted the urgent need for practical reform across the U.S. in terms of acknowledging and addressing femi(ni)cide as a key component towards creating a safer environment for women and girls. The current measures used by the U.S. in attempting to tackle gender-based violence, specifically femi(ni)cide, are ineffective and overall startling. Through an analysis and examination of how regional and international legal frameworks govern femi(ni)cide in respective States has underlined the potential positive impact the integration of these systems and human rights standards within the U.S. legal system can bring. The alarmingly high rates of femi(ni)cide cases in the U.S. emphasizes that domestic mechanisms in place to combat gender-based violence against women and girls are insufficient and unable to combat the pervasive nature of these crimes. Therefore, analyzing the legal precedents set by the UN and the Inter-American System of Human Rights by naming the gender-based murder of women and girls as femi(ni)cide through reports and cases advocates for the U.S. to adopt a similar approach to bring awareness to this issue. By naming and acknowledging the problem, the U.S. can work towards developing strategies to tackle the structural and institutional factors contributing to femi(ni)cide and promote prevention, protection, and prosecution measures. The following recommendations provided will include the type of reforms that could occur in the U.S. to enhance individual and structural access to justice through the acceptance and adherence to the regional and international frameworks that have been discussed in this study.

The most important and practical recommendation that the U.S. could incorporate into their legal system is to recognize femi(ni)cide as a distinct legal category and criminalize it. By following the definitions and frameworks that the UN or the IACHR/IACtHR have used can assist the U.S. in identifying the types of acts that are classified as a femi(ni)cide. How might

this strategy positively impact the way femi(ni)cide is addressed in the U.S.? As seen through the analysis of statistics in the U.S., by categorizing femi(ni)cide as a separate legal code, it would facilitate a more accurate and effective data collection process to highlight the pervasiveness of this issue. Therefore, by distinguishing between homicide and femi(ni)cide in the U.S. penal code, data on femi(ni)cide cases will display the pervasiveness of this issue, addressing the pattern of femi(ni)cide rather than deeming them as isolated events. This would allow for more attention on the effectiveness of prevention measures and an allocation of resources to better improve or create mechanisms to target this form of gender-based violence against women and girls. Fostering more awareness on this issue would in turn generate discussion within the realm of the public, particularly amongst CSO's and policy developers to focus on more multi-faceted and comprehensive intervention measures. This would also lead to the inclusion of femi(ni)cide in other legislative acts that focus on the elimination of violence against women in the U.S.; for example, incorporating femi(ni)cide into the VAWA. Following a similar approach set by numerous countries in Latin America, by criminalizing femi(ni)cide in the U.S. legal system, it would ensure appropriate measures are implemented by police officials, during investigation and criminal procedures, and individual and structural access to justice. For instance, 13 countries in Latin America that have criminalized femicide, feminicide, or the gender-based killing of women, also have enacted specific laws to address these crimes that include provisions on maintaining regulations related to health, education, social protection, justice, reporting and investigations, observatories on violence against women, police, and information systems.<sup>242</sup> If the U.S. were to follow a similar approach, due to statistics displaying the high rate of femi(ni)cide cases occurring through the use of firearms by an intimate partner, it would be most practical and effective to strengthen and improve

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<sup>242</sup> Economic Commission for Latin America and the Caribbean (ECLAC), "Preventing femicides: an obligation for States and a persistent challenge in the region", *Femicidal Violence in Figures: Latin America and the Caribbean*, No. 2, Santiago, 2023, 2.



current federal and state gun laws that prohibit abusers of domestic violence from owning and purchasing firearms. More importantly, it is crucial for the U.S. to enact a standard enforcement procedure across all states regarding thorough background checks on individuals purchasing firearms, and more effective execution by police officials after a DVRO has been issued against an abuser to ensure all firearms have been removed from their possession. Since U.S. federal law includes a Gun Law act regarding domestic violence abusers, it would be appropriate for the federal government to exert more pressure on states to enact domestic violence related gun laws and allocate resources towards the enforcement of these to ensure there is an equal protection of women and girls across the U.S. Therefore, specific training for law enforcement, and other judicial staff on the appropriate way to interact with survivors of violence and offer support is a crucial step to the above recommendation.

This leads into the next recommendation which is to incorporate the IACHR and IACtHR approach to eliminating gender stereotypes during investigation and judicial processes of a femi(ni)cide case. Law enforcement and other judicial bodies should be required to undergo training on a gender sensitive approach to investigation and legal procedures that eliminate any type of gender-based biases that could influence the handling of cases. With the guidance of regional and international human rights law, the U.S. could utilize established resources, like the *Latin American Model Protocol for the Investigation of Gender-Related Killings of Women (femicide/feminicide)*<sup>243</sup>, to educate all direct and indirect stakeholders involved in the process to carry out their duties in a fair and impartial way. These type of resources can serve as a tool to combat any form of implicit bias present in police officers, prosecutor, judges, forensic experts, and other specialized persons in order to focus on the evidence and respond in a prompt and just way. These type of recommendations have already

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<sup>243</sup> United Nations, *Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide)*, 2015.

been submitted to the U.S., as seen in the *Jessica Lenahan (Gonzales) v. United States* case that was reviewed by the IACHR in 2011. However, the lack of jurisdiction the IACHR holds over the U.S. and the decisions made by them should not be an excuse to not comply with recommendations that target the protection of women and prevention of femi(ni)cide. For instance, the case of *Maria Da Penha v. Brazil (2001)* is a prominent example of the type of reforms States can make based on IACHR guidance. The complaint submitted to the IACHR focused on Brazil's complacency during the countless acts of domestic violence experienced by the victim which almost led to her death on two separate accounts by her husband over multiple years<sup>244</sup>. Based on the IACHR's ruling, the State adopted the Maria da Penha Law (Law No. 11,340) in 2006.<sup>245</sup> This law states the increased severity of punishment for perpetrators of domestic violence against women, the creation of special services that address this issue (police stations and specialized courts), and the importance of raising awareness and education regarding domestic violence.<sup>246</sup> Further, the State enacted the Femicide Law in 2015 and made amendments to their criminal code to incorporate specific provisions on gender-based violence of women and girls.<sup>247</sup> While evidently it would be most effective for the U.S. to ratify both the ACHR and the Convention of Belém do Pará to increase scrutiny over acts of the gendered-based killings of women and girls, a stronger presence and participation from the U.S. within the IACHR could still demonstrate more of a commitment to respecting human rights law than they show now. The U.S. publicly stating the lack of enforcement the IACHR has<sup>248</sup> is very fitting given their current climate of respecting the rights of their citizens. However, this lack of power to hold the U.S. accountable should not be a reason why the U.S.

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<sup>244</sup> Spieler, Paula. "The Maria Da Penha Case and the Inter-American Commission on Human Rights: Contributions to the Debate on Domestic Violence Against Women in Brazil." *Indiana Journal of Global Legal Studies* 18, no. 1 (January 1, 2011): 121–43. doi:10.2979/indjglolegstu.18.1.121.

<sup>245</sup> Id.

<sup>246</sup> Id.

<sup>247</sup> IACtHR: *Márcia Barbosa de Souza et al. v. Brazil*, 7 September 2021

<sup>248</sup> Galindo, "U.S. Failure at the IACHR Sets a Dangerous Precedent in the Region."

does not adhere to human rights standards set by the IACHR, as not only does this weaken the authority of the IACHR but also positions the U.S. as a state that is indifferent to the kind of violations occurring. It is clear by the Maria Da Penha case that a State does not require recommendations to be binding for them to enact legislation to protect individuals being systemically impacted by misogynistic practices that are ingrained into society.

While the U.S. is not completely absent within various UN bodies, their participation is severely limited. Therefore, the next recommendation would be for the U.S. to ratify CEDAW and allow for the Committee to govern over acts of gender-based violence of women. This would open avenues for cases to be submitted to the Committee and violations to be reviewed through the lens of international human rights law. This would be slightly different to the petition system of the IACHR, as the Committee would solely focus on violations of discrimination and violence against women occurring in the U.S, where recommendations would be more specific on tackling the pervasive issue of femi(ni)cide. Additionally, through CEDAW monitoring sessions, the U.S. would be required to submit in-depth reports on measures taken to align with the convention, as well as, detailed statistics on discrimination and gender-based violence rates. This would also foster more of a movement within CSO's in the U.S., who would be able to engage with the Committee to paint a clearer picture of the situations occurring and provide further questions and feedback that should be positioned to the State during the session. Recommendations and suggestions given to the U.S. would be followed up by the Committee but also by CSO's, who would put further pressure on the government to implement these measures. Other than a more stringent adherence to international human rights law, the UN encompasses other measures that could positively impact the handling of femi(ni)cide in the U.S. Due to the last country visit being in 2011<sup>249</sup>,

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<sup>249</sup> "Country Visits," OHCHR.

another recommendation would be to invite the current Special Rapporteur for an updated evaluation on how the U.S. is dealing with violence against women on a policy and legal level. While the Special Rapporteur could collaborate with State officials to assist with closing gaps within these areas, an even greater impact would be the awareness that would be raised, particularly on the issue of femi(ni)cide. Through collaboration with CSO's, it could lead to increased advocacy efforts to mobilize the general public to speak out on femi(ni)cide and call upon the U.S. for urgent action against this form of gender-based violence against women.

Finally, as a huge part of this study has examined the impact of the IACtHR, the last and most ambitious recommendation to the U.S. would be to accept the jurisdiction of the IACtHR along with ratifying the ACHR and the Convention of Belém do Pará. By subjecting themselves to a regional judicial body, the U.S. would be legally held accountable to various violations made to both these conventions and the American Declaration. More importantly, the IACtHR would follow a similar approach of applying Article 7 of the Convention of Belém do Pará<sup>250</sup> to examine whether the U.S. is taking comprehensive measures to create an environment that focuses on the prevention, punishment, and eradication of violence. Cases taken to the IACtHR would also lead to judgements that align with transformative and symbolic reparations that stress the importance of non-repetition of similar crimes. As seen in the three cases discussed in the second chapter, even though the Convention of Belém do Pará does not specifically include the term femicide/feminicide<sup>251</sup>, the IACtHR has been acknowledging crimes that consist of the gendered killing of women and girls as feminicide. Therefore, the IACtHR recognizes and strives to dismantle the systemic and structural reasons as to why the intentional killing of women is maintained within society through the type of judgements and reparations issued to States under review. While this is contingent upon the U.S. accepting the

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<sup>250</sup> Organization of American States, *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women*

<sup>251</sup> Id.

jurisdiction of the IACtHR, the scrutiny from a prominent regional human rights judicial body with experience and resources in addressing femi(ni)cide would lead to the greatest impact on individual and structural access to justice.

In conclusion, the current message the U.S. is sending regarding their commitment to upholding fundamental human rights could be significantly altered by aligning with prominent bodies of international law that function to promote the safety and security of all individuals. The U.S. is at a point where the systemic and gendered killings of women and girls have reached an unfathomable level. The recommendations listed above are crucial steps the U.S. should actively be taking to ensure the prevention of femi(ni)cide, the protection of women and girls, and effective prosecution methods for perpetrators of violence. While some of these recommendations are contingent upon the U.S. agreeing to be held accountable for their actions, it is extremely imperative that they do so. Regional and international human right bodies are created to assist States with performing their obligations and due diligence in these matters. As stated in the beginning of this study, the primary objective of this work was to create a discussion around dismantling the numerous barriers women and girls face on a daily basis in their journey towards a safer environment that respects their right to life and dignity. While there is immense work to do and a long journey ahead to reach this goal, any step forward is one step closer towards meaningful change and equality for all.

## BIBLIOGRAPHY

- "18 U.S. Code § 922 - Unlawful Acts," LII / Legal Information Institute, accessed March 19, 2024, <https://www.law.cornell.edu/uscode/text/18/922>.
- April M. Zeoli et al., "Removing Firearms From Those Prohibited From Possession by Domestic Violence Restraining Orders: A Survey and Analysis of State Laws," *Trauma, Violence, & Abuse* 20, no. 1 (January 1, 2019): 114–25, <https://doi.org/10.1177/1524838017692384>.
- "Basic Documents – Ratifications of the Convention", accessed March 10, 2024, <https://www.cidh.oas.org/basicos/english/Basic4.Amer.Conv.Ratif.htm>.
- CDC, "From CDC-Leading Causes of Death-Females All Races and Origins 2018," Centers for Disease Control and Prevention, March 3, 2022, <https://www.cdc.gov/women/lcod/2018/all-races-origins/index.htm>.
- CEDAW: *Goekce v. Austria* (2007)
- CEDAW: *Reyes and Morales v. Mexico* (2017)
- "Chicago Murder-Suicide: Man Kills Ex-Wife in Streeterville after She Talks about Divorce on TikTok," ABC7 Chicago, July 24, 2022, <https://abc7chicago.com/streeterville-chicago-murder-suicide-raheel-ahmad-sania-khan-tiktok/12070366/>.
- Çınar, Müge, and Enes Talha Saraç. "Main Features of the Inter-american Convention on Violence Against Women." (2021).
- "Committee on the Elimination of Discrimination against Women," OHCHR, accessed March 18, 2024, <https://www.ohchr.org/en/treaty-bodies/cedaw>
- "Country Visits," OHCHR, accessed March 24, 2024, <https://www.ohchr.org/en/special-procedures/sr-violence-against-women/country-visits>
- "Coverage: UN Women Deputy Executive Director in Mexico for the Global Forum on Safe Cities and Safe Public Spaces," UN Women – Headquarters, February 24, 2017, <https://www.unwomen.org/en/news/stories/2017/2/coverage-deputy-executive-director-puri-in-mexico-for-the-global-forum-on-safe-cities>.
- David C. Baluarte, "Strategizing for Compliance: The Evolution of a Compliance Phase of Inter-American Court Litigation and the Strategic Imperative for Victims' Representatives", *American University International Law Review*, Vol. 27, No. 2 (2012)
- Dawson, Myrna and Saide Mobayed Vega. *The Routledge International Handbook of Femicide and Feminicide*, 1st ed. London: Routledge, 2023. <https://doi.org/10.4324/9781003202332>.

- David Hemenway, Tomoko Shinoda-Tagawa, and Matthew Miller, "Firearm Availability and Female Homicide Victimization Rates Among 25 Populous High-Income Countries," n.d.
- "Declaration on the Elimination of Violence against Women," OHCHR, accessed March 18, 2024, <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-violence-against-women>
- Diana E. H. Russell, "'Femicide' — The Power of a Name," October 5, 2011, [https://www.dianarussell.com/femicide\\_the\\_power\\_of\\_a\\_name.html](https://www.dianarussell.com/femicide_the_power_of_a_name.html).
- Domazetoska, Simona, Michael Platzer, and Gejsi Plaku. *Femicide: A Global Issue that Demands Action*. Academic Council on the United Nations System (UCUNS), 2014.
- Economic Commission for Latin America and the Caribbean (ECLAC), "Preventing femicides: an obligation for States and a persistent challenge in the region", *Femicidal Violence in Figures: Latin America and the Caribbean*, No. 2, Santiago, 2023.
- Fachin, Melina Girardi, and Flávia Piovesan. "Implementation of the recommendations of the Inter-American Commission on Human Rights in the Brazilian constitutionalism: proposals and perspectives." *UNIO–EU Law Journal* 7, no. 1 (2021): 96-119.
- "Fatal Violence Against the Transgender and Gender Expansive Community in 2022," Human Rights Campaign, accessed February 27, 2024, <https://www.hrc.org/resources/fatal-violence-against-the-transgender-and-gender-expansive-community-in-2022>.
- "Femicide Cases in Kenya Fuel Urgent Calls for Action to End Violence against Women," UN Women – Headquarters, February 9, 2024, <https://www.unwomen.org/en/news-stories/feature-story/2024/02/femicide-cases-in-kenya-fuel-urgent-calls-for-action-to-end-violence-against-women>.
- "Femicide: The Politics of Woman Killing." *British Journal of Criminology* 34, no. 3 (January 1, 1992): 3. <https://research.ebsco.com/linkprocessor/plink?id=bce8b64f-c143-3282-b4ff-14b750631a54>.
- "General Recommendation No. 35 (2017) on Gender-Based Violence against Women, Updating General Recommendation No. 19 (1992)," OHCHR, accessed March 18, 2024, <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no-35-2017-gender-based>
- "Gun Law Navigator: Compare States," Everytown Gun Law Navigator, accessed March 30, 2024, [https://maps.everytownresearch.org/navigator/states.html?dataset=domestic\\_violence](https://maps.everytownresearch.org/navigator/states.html?dataset=domestic_violence).
- "Gun Law Navigator: See the Country," Everytown Gun Law Navigator, accessed March 30, 2024, <https://everytownresearch.org/navigator/country.html>.
- Hefti, Angela. *Conceptualizing Femicide as a Human Rights Violation*, (Cheltenham, UK: Edward Elgar Publishing, 2022).

IACHR, 2018 Annual Report, Chapter II, Section G.4 Status of compliance with Recommendations Issued in Merits Reports, Follow-up Factsheet, Case 12.626, Report No. 80/11, Jessica Lenahan (Gonzales) (United States).

“IACHR :: Admissibility Reports,” Inter-American Commission on Human Rights (IACHR), accessed March 18, 2024,  
<https://www.oas.org/en/iachr/decisions/pc/admissibilities.asp?Year=2024&Country=USA>.

IACHR, Annex 2, *Impacts of Cases of Violence and Discrimination against Women, Girls, and Adolescents*, 14 November 2019.

IACHR, Legal Standards related to Gender Equality and Women’s Rights in the Inter-American Human Rights System: Development and Application, 2015.

IACHR: Merits Report no. 80/11, Case 12.626, *Jessica Lenahan (Gonzales) v. United States*, 21 July 2011

IACHR, Report No. 232/22, Petition 2152-15. Admissibility. Sandra Bland Et al. United States of America. August 28, 2022

“IACHR :: Country Visits,” Inter-American Commission on Human Rights (IACHR), accessed May 13, 2024, <http://www.oas.org/en/iachr/activities/countries.asp>.

“IACHR :: Rapporteurship on the Rights of Women,” Inter-American Commission on Human Rights (IACHR),  
<https://www.oas.org/en/IACHR/jsform/Default.asp?File=/en/IACHR/r/DMUJERES/default.asp>.

“IACHR :: Rapporteurship on the Rights of Women :: Thematic Reports,” Inter-American Commission on Human Rights,  
<https://www.oas.org/en/iachr/jsForm/?File=/en/IACHR/r/DMujeres/InformesTematicos.asp>.

IACtHR., *Case of González et al. ("Campo Algodonero") v. Mexico*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of May 21, 2013. (Only in Spanish)

IACtHR: *Gonzales et al. v. Mexico (Cottonfields case)*, 16 November 2009 (excerpts)

IACtHR: *Márcia Barbosa de Souza et al. v. Brazil*, 7 September 2021

IACtHR: *Veliz Franco et al. v. Guatemala*, 19 May 2014

“‘I Ended Her Life’: Brian Laundrie’s Notebook Appears to Contain Confession to Killing Gabby Petito,” ABC7 Chicago, June 24, 2022, <https://abc7chicago.com/brian-laundrie-confession-letter-gabby-petito-notebook-cause-of-death-parents-lawsuit/11993530/>.

Ilias Bantekas and Lutz Oette, *International Human Rights: Law and Practice*, Cambridge University Press, 3rd edition, 2020: 194-237,  
<http://ebookcentral.proquest.com/lib/centraleurope-ebooks/detail.action?docID=6185977>



- Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-Related Killing of Women and Girls (Femicide/Feminicide), 2018, Organization of American States.
- Jamiles Lartey, “Florida Yoga Studio Shooting: Gunman Made Videos Voicing Hatred of Women,” *The Guardian*, November 4, 2018, sec. US news, <https://www.theguardian.com/us-news/2018/nov/02/tallahassee-florida-yoga-shooting>.
- Jimena Galindo, “U.S. Failure at the IACHR Sets a Dangerous Precedent in the Region,” *Global Americans* (blog), October 12, 2018, <https://globalamericans.org/u-s-failure-at-the-iachr-sets-a-dangerous-precedent-in-the-region/>.
- Lagarde y de los Rios, Marcela. “Preface”. In Rosa-Linda Fregoso & Cynthia Bejarano (eds.), *Terrorizing Women: Femicide in the Americas*. Duke University Press, 2010, pp. xi-xxv.
- Marc Limon and Ted Piccone, *Human Rights Special Procedures: Determinants of Influence* (Universal Rights Group, 2014)
- Merry, Sally Engle. *Gender Violence: A Cultural Perspective*. Wiley-Blackwell Pub.
- Michelle Carrigan and Myrna Dawson, “Problem Representations of Femicide/Feminicide Legislation in Latin America,” *International Journal for Crime, Justice and Social Democracy* 9, no. 2 (May 25, 2020): 1–19, <https://doi.org/10.5204/ijcjsd.v9i2.1354>.
- Nancy Felipe Russo and Angela Pirlott, “Gender-Based Violence,” *Annals of the New York Academy of Sciences* 1087, no. 1 (2006): 178–205, <https://doi.org/10.1196/annals.1385.024>
- “OAS Charter - Signatures and Ratifications,” accessed April 27, 2024, [https://www.cidh.oas.org/basicos/english/Basic22b.CharterOAS\\_ratif.htm](https://www.cidh.oas.org/basicos/english/Basic22b.CharterOAS_ratif.htm).
- “OAS :: IACHR :: Country Reports,” Inter-American Commission on Human Rights (IACHR), accessed May 13, 2024, <https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/reports/country.asp>.
- “OAS :: IACHR :: Thematic Rapporteurships,” Inter-American Commission on Human Rights (IACHR), accessed May 13, 2024, <https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/r/default.asp>.
- “Office on Violence Against Women (OVW) | Office on Violence Against Women (OVW),” March 2, 2014, <https://www.justice.gov/ovw>.
- “OHCHR | Femicide Watch Initiative (2021),” OHCHR, accessed March 22, 2024, <https://www.ohchr.org/en/calls-for-input/2021/femicide-watch-initiative-2021>
- Organization of American States, *American Convention on Human Rights “Pact of San Jose, Costa Rica”*, (B-32).

Organization of American States. *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women*.

Organization of American States, *Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-Related Killing of Women and Girls (Femicide/Feminicide)*, 2018.

Organization of American States, Inter-American Commission of Women, "Declaration on Femicide," Committee of Experts of the Follow-Up Mechanism to the Belém do Pará Convention (MESECVI), August 15, 2008.

Organization of American States, Third Hemispheric Report on the Implementation of the Belém do Pará Convention, Prevention of Violence against Women in The Americas, 2017, 94.

Patricia C. Lewis et al., "Femicide in the United States: A Call for Legal Codification and National Surveillance," *Frontiers in Public Health* 12 (February 28, 2024): 1338548, <https://doi.org/10.3389/fpubh.2024.1338548>.

"Press Release: The European Union and the United Nations Are Announcing Today a EUR 50 Million Investment to End Femicide in Latin America," UN Women – Headquarters, September 27, 2018, <https://www.unwomen.org/en/news/stories/2018/9/press-release-eu-un-announce-a-eur-50-million-investment-to-end-femicide-in-latin-america>.

Richard Fausset, Nicholas Bogel-Burroughs, and Marie Fazio, "8 Dead in Atlanta Spa Shootings, With Fears of Anti-Asian Bias," *The New York Times*, March 17, 2021, sec. U.S., <https://www.nytimes.com/live/2021/03/17/us/shooting-atlanta-acworth>.

Ritabrata Mukherjee, "ENDING VIOLENCE AGAINST WOMEN AND GIRLS," n.d.

Robin Adèle Greeley et al., "Repairing Symbolic Reparations: Assessing the Effectiveness of Memorialization in the Inter-American System of Human Rights," *International Journal of Transitional Justice* 14, no. 1 (March 1, 2020): 165–92, <https://doi.org/10.1093/ijtj/ijaa002>

Simmons, William Paul. "Remedies for the Women of Ciudad Juarez through the Inter American Court of Human Rights." *Nw. Univ. J. Int'l Hum. Rts.* 4 (2005): 493.

Spieler, Paula. "The Maria Da Penha Case and the Inter-American Commission on Human Rights: Contributions to the Debate on Domestic Violence Against Women in Brazil." *Indiana Journal of Global Legal Studies* 18, no. 1 (January 1, 2011): 121–43. doi:10.2979/indjglolegstu.18.1.121.

The Violence Policy Center. *When Men Murder Women: A Review of 25 Years of Female Homicide Victimization in the United States*, 2023.

The Violence Policy Center. *When Men Murder Women: An Analysis of 2020 Homicide Date*, 2022.

The White House, "Fact Sheet: Reauthorization of the Violence Against Women Act (VAWA)," The White House, March 16, 2022, <https://www.whitehouse.gov/briefing->

room/statements-releases/2022/03/16/fact-sheet-reauthorization-of-the-violence-against-women-act-vawa/.

The White House. *U.S. National Plan to End Gender-Based Violence: Strategies for Action*, 2023.

United Nations. *Analysis of Cases of Femicides Murders of Women in The Republic of North Macedonia*. National Network to End Violence against Women and Domestic Violence – “Voice against Violence, 2021.

United Nations Development Program. *World Crime Trends and Emerging Issues and Responses in the Field of Crime Prevention and Criminal Justice*, in Report of the Commission on Crime Prevention and Criminal Justice on the Twenty-Fourth Session (5 December 2014 and 18-22 May 2015), by United Nations, Official Records (United Nations Economic and Social Council) (UN, 2015), 92–95.  
<https://doi.org/10.18356/76a7e412-en>.

United Nations General Assembly, Report of the Special Rapporteur on Violence against Women, its causes and consequences, Ms. Rashida Manjoo, Mission to the United States of America, A/HRC/17/26/Add/5, 6 June 2011.

United Nations. *Global Study on Homicide Gender-Related killing of women and girls*, 2019.

United Nations Human Rights Treaty Bodies Database, Accessed March 20, 2024,  
[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en)

United Nations Human Rights Treaty Bodies Database, CEDAW/C/MEX/FCO/9, Accessed March 20, 2024,  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FMEX%2FCO%2F9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FMEX%2FCO%2F9&Lang=en)

United Nations, Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide), 2015.

United Nations Office on Drugs and Crime. *Gender-Related Killings of Women and Girls (Femicide/Feminicide)*, 2022.

United Nations Office on Drugs and Crime, *Gender-Related Killings of Women and Girls (Femicide/Feminicide): Global Estimates of Female Intimate Partner/Family-Related Homicides in 2022 (United Nations, 2023)*, <https://doi.org/10.18356/9789213587072>.

"Violence Against Women Act," NNEDV, accessed March 15, 2024,  
<https://nnedv.org/content/violence-against-women-act/>.

“What Is the IACHR?,” Inter-American Commission on Human Rights (IACHR), accessed March 18, 2024,  
<https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/mandate/what.asp>.

“World Bank Open Data,” World Bank Open Data, accessed March 10, 2024,  
<https://data.worldbank.org>.