

The Role of Special Prosecutors in Combatting Violence Against Women

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About this Publication:



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## Introduction

Figure 1: Share of Homicides Targeting Females in Mexico

Thus, as is the case in many other countries, the share of male homicide victims in Mexico is greater than the share of female homicide victims. In fact, looking more closely at the trend, we can see that the percentage of women murdered went down slightly in recent years, accounting for 12.06% from 2016-2020 compared to 12.46% from 1990 to 2015. In fact, as illustrated in, the percentage of women murdered appears to be inversely correlated with the overall level of violence. That is, when violence goes up, men tend to make up a disproportionate share of the increased violence.

Still, while women represent only a small portion of murder victims and while the proportion of women being murdered has not increased amid Mexico's greater levels of violence, murders of women in Mexico nonetheless merit special attention. Importantly, the nature of the violence involved in the murders of women in Mexico is distinctive. For example, according to data from INEGI, in 2019, men were 9% more likely to be killed by a firearm than women, and 28.5% more likely to be killed by an edged weapon (see Figure 3). How ever, women were 43.75% more likely to be killed by another type of weapon (otro elemento), a category that includes blunt objects and other forms of physical trauma (e.g., strangulation). Meanwhile, according to a 2018 INEGI study, nearly half (45%) of all women in Mexico reported being victims of intimate partner violence, underscoring the fact that femicide tends to be linked to broader patterns of gender-motivated violence against women. Such grim statistics illustrate that violence against women has distinct characteristics that require special consideration, because of the different ways in which women are targeted for and subjected to violence.

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#### Figure 3: Causes of Death for Male and Female Homicide Victims

Source: INEGI.

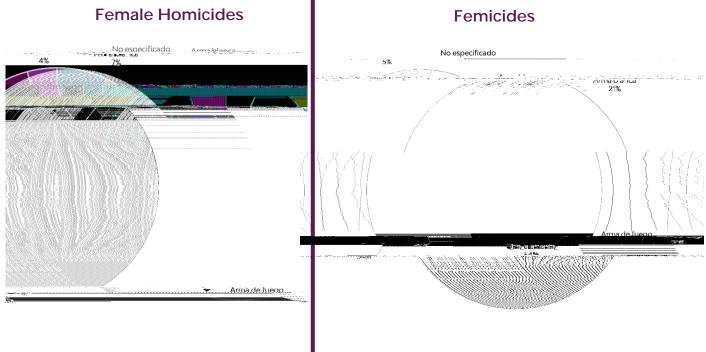
This is not surprising to feminist scholars or students focused on gender-related crimes. Since the 1970s, researchers like Diana Russell and JII Radford have helped define and popularize the concept of "femicide," which is a particular form of homicide focused on a woman's gender identity. In a 1992 edited volume on this topic, Radford and Russell define femicide as "the murder of women, committed by men, for the simple reason of their being women."<sup>8</sup> In elucidating the gendered motives behind men killing women, they describe femicides as

of such crimes. In contrast, feminicide, Lagarde argues, more accurately captures the genderbiased motives, social constructions, and male impunity associated with many murders of women by men.

Lagarde's work was specifically focused on the wave of gender-motivated murders in Ciudad Juárez, one of Mexico's largest border cities, beginning around 1992. That year, the body of Gloria Rivas, a fifteen-year-old girl, was one of the first of hundreds of female murder victims to be discovered, triggering a wave of protests. While a series of local, state, and federal

The victim has been held incommunicado, whatever the time prior to the deprivation of life;

The victim's body is exposed or displayed in a public place." <sup>11</sup>



#### Figure 4: Comparison of Female Homicides and Femicide Cases

#### Source: INEGI.

What is more, the number of femicide cases increased dramatically after 2015. A sillustrated in Figure 5, there was a dramatic increase in the number of femicide cases investigated, which grew from 411 cases in 2015 to 942 cases in 2020. Indeed, the number of femicide cases investigated grew at a faster rate —129%— than the overall number of female homicides, which increased by about 65% from 2,383 in 2015 to 3,952 in 2020.

Figure 5: Number of Female Homicide Cases Compared to Femicide Cases

Figure 6: Map of Femicide Rate Per 100,000 Inhabitants, By State (2019)

Source: SNSP. Map by Teagan McGinnis

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mechanisms and resources on the rate at which certain crimes are investigated. A ccordingly, our study seeks to make a novel and useful contribution to understanding the role of prosecutors and specific prosecutorial mechanisms in Mexico by focusing specifically on the ways that specially designated prosecutors' offices for the investigation of gender crimes affects the investigation of femicide cases.

Where there are special prosecutors' offices for the purpose of investigating femicide and other gender-related crimes, this focused allocation of resources would seem to favor a greater number of cases identified by criminal investigators as "femicides." While all state criminal codes identify femicide as a specific criminal offense that stems from the definition established by the Mexican Federal Criminal Code, the authors found—through 0.2 0 0 0h 50 0 0 50 1u(fo) 0.1 (r t) -0.2

Figure 8: Map of States with a Special Prosecutor (*Fiscalía Especializada*) for the Investigation of Femicide and/or Gender-Related Crimes in 2019

Source: Data gathered by authors from state prosecutor's offices (see Appendix B). Map by Teagan McGinnis.

To clarify the rationale for case selection, it is important to emphasize the basis of selection. Of the 13 states without a specially designated prosecutor for femicide and gender-related crimes in 2019, 11 had smaller, designated units charged with investigating femicide and other gender-related crimes within the attorney general's office. How ever, in contrast to these cases, those states with special prosecutors' offices for femicide investigations had specific legislation and/ or administrative regulations that define the institutional role and activities of the special

# Methodology

To evaluate the effect of appointing special prosecutors on the number of femicides investigated in different states, the authors employ a mixed methodological approach. In terms of quantitative methods, we drew on data from Mexico's National Institute for Statistics and Geography (INEGI), the National Public Security System (SNSP), and the National Population Agency (CONAPO) to compile an original dataset that includes levels of homicidal violence (by gender and by state), state prosecutorial budgets, and our list of states with specially designated prosecutors for gender-related crimes.

We operationalize our dependent variable by identifying the rate of femicide cases for each state as reported by Mexico's National Public Security System (SNSP), and adjusting these figures on a per capita basis to control for population size by using data from INEGI and CONAPO for 2019.<sup>16</sup> As mentioned earlier in this paper, while there is some variation in the state-level classification of femicides, Mexico's national criminal code and femicide laws help to establish a baseline for what constitutes a "femicide" under the law. Hence, there is a reasonable degree of consistency in the definition of our dependent variable to make comparisons across states.

In running statistical tests, we took the further step of logging this variable to account for the fact that the distribution of femicides is somewhat skewed, as noted above. Similarly, when controlling for levels of violence by state, we also logged the homicide rate per state to account for the fact that homicide rates are highly skewed across different states, with some states

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statistically significant result showing that states that had a Special Prosecutor had a 1.5 times greater number of femicides than states that did not (i.e., 10<sup>^</sup>.177=1.50314196609) (see Table 1). In other words, there were 50% more femicide cases identified in states that had a special prosecutor.

# Table 1: Regression Effect of Femicides Per Capita of Special Prosecutor andLogged Homicides Per Capita on Logged Femicides Per Capita

Unstandardized	Coefficients	Standardized
В	Std. Error	Coefficients
		Beta

#### Figure 11: State-Level Comparison of Logged Femicides Per Capita and Logged Homicides Per Capita in States With a Special Prosecutor (Colored Dots) and States Without (White Dots)



In short, this study finds compelling evidence that increases in the number of femicides in Mexico are a reflection not only of increased violence, but of institutional reforms that have helped to direct greater resources and more focused attention to the problem of violence targeting women. In Mexican states that establish a dedicated special prosecutor for the investigation of femicides and gender related crimes, there is a substantially and statistically significantly greater number of femicide cases investigated compared to states that do not. Moreover, our findings suggest that this increase in femicide cases is not merely a function of higher budgets or increased violence in those states where a special prosecutor's office has been established. States that have special prosecutors for the investigation of femicides are substantially more likely to classify female homicides as femicides.

## Analysis and Limitations of the Study

Our findings suggest that states with specialized prosecutors identify more homicide cases that can be legally classified as femicides. While it seems logical that having a specially designated prosecutor to investigate crimes would naturally increase a state's propensity to investigate such crimes, the statistical findings supporting this claim give us little insight as to

office, the state of Oaxaca only resolved 5-7% of femicide cases.<sup>20</sup> After the implementation of specialized offices and the Organic Law, which were originally born out of constitutional reforms to create the autonomous National Prosecutor's Office (FGR) and subsequently, independent state offices, entities saw 70-75% of cases resolved regarding the crime of femicide.

In fairness to states without special prosecutors, it is important to point out that there are still problems in identifying and investigating femicides

the facts of the case are consistent with any of those gender reasons, we would be talking about the crime of intentional homicide.<sup>23</sup>

However, even when such procedures are the norm, it appears that prosecutors that are not specially tasked with doing so may be less inclined or motivated to designate certain cases as femicides. In such cases, the evidentiary burden of proving a homicide is often lower than proving a femicide, and therefore there appear to be incentives to choose the easier path to conviction.

deal by speaking directly with several prosecutors in different states, so it is critical to underscore the importance of conducting further field research on this topic.

Third, but not least of all, we recognize that the data that were available for this study are limited in an important respect: the investigation of femicides (our dependent variable) does not equate to the successful prosecution of such cases. That is, the data currently available from the Mexican federal government does not tell us anything about the outcome of an investigation, or whether that investigation led to a prosecution (let alone the conviction of the perpetrator). In the absence of more detailed aggregate data on criminal case flows in the Mexican criminal justice system, further qualitative case study research could prove fruitful in order to determine the efficacy of femicide investigations. This would require greater in-depth field interviews and archival research than was possible for this study.

### Recommendations

access to laboratory support, or other resources that may not be required for other types of homicides. Finally, it is important to understand when prosecutors choose to treat a case as a simple homicide due to the legal hurdles that may be involved in demonstrating that there was a gender motive, and give prosecutors more options to consider gender as an aggravating factor in different categories of crime.

## Conclusion

Femicide is a special category of homicide of enormous importance to the Mexican public. As many activists have noted, dedicating attention and resources to protect and provide justice to women that are victims of gender-based violence is necessary to address this problem. This paper provides strong, evidence-based support to show that developing the prosecutorial capacity to investigate femicides makes a statistically significant difference in combatting the problem of femicides. As our results show, institutionalizing the dedication of specific personnel and resources for this purpose makes an impactful difference in the identification

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## Appendix B: List of States with Specially Designated Prosecutors for the Investigation of Femicides and Gender Crimes in 2020

The authors reviewed state legal codes and online information available about prosecutors' offices in all 31 states and the federal entity of Mexico City to identify those states' attorneys general had a specially designated special prosecutor (*fiscalía especializada*) or similar office for the investigation and prosecution of femicides and/ or gender-related crimes. This information was used to code states according to whether or not there was a specially designated prosecutor's office.

State	Specialized Prosecutor's Office	
Baja California	Fiscalía Especializada en Delitos Contra la Vida/Fiscalía Especializada en Delitos Contra Mujeres por Razones de Género	
Campeche	Fiscalía Especializada en Feminicidios	
Chiapas	Fiscal Especializado en Delitos por Razones de Género y Trata de Personas	
Chihuahua	Fiscalía Especializada en Atención a Mujeres Víctimas del Delito por Razón de Género y la Familia	
Ciudad de México	Fiscalía Especializada para la Investigación del Delito de Feminicidio	
Colima	Fiscal Especializado en Delitos por Razones de Género y Trata de Personas	
Estado de México	Fiscalía Central Para la Atención de Delitos Vinculados a la Violencia de Género	
Guerrero	Fiscalía Especializada para la Investigación del Delito de Homicidio Doloso Cometido en Agravio de Mujeres y demás personas, con Orientación o Preferencia Sexual por Identidad o Expresión de Género	
L Palalaca		

Hidalgo