



Vanish in the Silence

Victims of Femicide
and Their Families
Have the Right to Justice

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DISAPPEAR VANISH IN THE SILENCE

Victims of Femicide and
Their Families Have
the Right to Justice

NATIONAL COMMISSION ON
VIOLENCE AGAINST WOMEN
KOMISI NASIONAL ANTI KEKERASAN TERHADAP PEREMPUAN

KOMNAS PEREMPUAN

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National Commission on Violence Against Women
(Komnas Perempuan)
Jakarta, 2022

**VANISH IN THE SILENCE:
VICTIMS OF FEMICIDE & THEIR FAMILIES HAVE THE RIGHT TO JUSTICE**

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FOREWORD

The concrete step taken by Komnas Perempuan to eliminate all forms of violence against women is the initiation of knowledge development on the issue of femicide. Femicide is the killing of women because of their gender and it is noted as the most extreme form of violence against women. However, the facts revealed, there has been no data collection on femicides carried out in Indonesia.

Based on the data situation in Indonesia, knowledge development initiated by the Resource Center Team of Komnas Perempuan in 2021 became the starting point regarding this issue. In 2022 policy recommendations have been developed in three aspects, namely law system, data collection, and recovery of families of femicide victims in Indonesia. The reference countries that are the object of the three-aspect analysis include the Netherlands, Guatemala, India, England, Malaysia, Mexico, Nicaragua, Nigeria, Spain, and Turkey.

Changes in the paradigm and practice of prevention, data collection, and recovery of families of femicide victims in Indonesia cannot be realized instantly. Recommendations to encourage change are formulated based on timeframes. Collaboration between elements is the hallmark in the formulation of policy recommendations that include the Supreme Court, Attorney General's Office, Police, Witness and Victims Protection Agency (Lembaga Perlindungan Saksi dan Korban), Indonesian Child Protection Commission (Komisi Perlindungan Anak Indonesia), higher

legal education, Ministry of Women Empowerment and Child Protection (Kementerian Pemberdayaan Perempuan dan Perlindungan Anak), Ministry of Law and Human Rights (Kementerian Hukum dan HAM), Statistics Indonesia (Badan Pusat Statistik), service provider institutions, and the community. At the earliest level is knowledge about the issue of femicide from both the community and law enforcement officials.

The process of developing knowledge and policy recommendations on femicide cannot be separated from the support of parties in the process of data mining and discussions. Komnas Perempuan would like to thank the Registrar of the Supreme Court, who supported the court decision data, and all parties who supported both the discussion and the technical aspects. Finally, Komnas Perempuan also expressed gratitude for the support from the Swedish Government through the “Enhancing Access to Justice for Women in Asia and the Pacific” program. This program was implemented in collaboration with UN Women, the International Commission of Jurists (ICJ), and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

November, 2022

Olivia Chadidjah Salampeyy

Vice-Chairperson of Komnas Perempuan



PREFACE

Femicide is a silent, unknown diction that has a catastrophic effect on women. Femicide, the most extreme gender-based violence against women which takes the life of women has not been officially recorded in Indonesia. Femicide diction is also unknown to institutions collecting data and handling murder cases, such as the Police, Courts, and Statistics Indonesia (Badan Pusat Statistik). Disaggregated data on gender-based homicides has not been available at the National Police's Criminal Investigation Unit, nor is it available in Criminal Statistics at Statistics Indonesia. This shows that not all killings of women can be classified as femicide.

Efforts to develop knowledge about femicide have been carried out since 2021 by Komnas Perempuan and have been launched in November 2022 as an initial development. In 2022, the analysis is deepened with a focus on formulating recommendations for policy and law, disaggregated data collection and recovery of families of victims of femicide. Recommendations are based on good practice in the Netherlands, Guatemala, India, the UK, Malaysia, Mexico, Nicaragua, Nigeria, Spain and Turkey. There are several good practices from several countries that have been selected as the material to analyze, including data collection practice, law-making practice to include femicide, advocacy practice to promote political will and synergy between state institutions and the mass media in efforts to eliminate and prevent femicide.

The development of femicide knowledge in 2022 is limited to intimate partner femicides occurring in marriages legally registered by the state and those solemnized under sharia law. The limitation of this analysis is not because it denies the existence of other forms of femicide but more due to its aim to use it as the focus of knowledge development for this year. Escalated Domestic Violence (DV)/Personal Relationships that lead to murder is a form of femicide selected from the domain of femicide perpetrated by an intimate partner. The secondary data used, to photograph the intimate partner femicide cases were obtained from media monitoring and court decisions. When searching for the data on intimate partner femicide cases in court decisions, derived keywords which imply “murder of a woman by her husband” were used, since the term femicide was not yet known and not used in the court decisions. The search results were still limited to these keywords, making the number of cases available for analysis only a small portion of the total cases of intimate partner femicide that had happened. Based on media monitoring data from June 2021 - June 2022, there were 84 cases of murder by husband or ex-husband, while from the three keywords of court decisions, 15 cases were obtained. The two secondary data indicated that abuse was also done in the killing process even after the victim died. This clearly confirms that femicide is the most extreme violence against women.

Based on the literature study and analysis of cases of intimate partner femicide, recommendations for three major areas will be put forward herein, which include: the legal framework, recovery of families of femicide victims, and data collection on femicide cases. Komnas Perempuan considers it important to encourage the strengthening of the legal framework including substance, structure, and legal culture in a comprehensive manner to regulate data collection, handling, and punishment of intimate partner femicide perpetrators. The short-term recommendations do not prioritize the formation of a new special law, but rather on imposing a heavier sanction under the articles applied for issuing decisions, for example, the articles from the Elimination of Domestic Violence Law (UU PKDRT). In addition, it is also important to encourage gender-disaggregated data collection of homicide cases to help identify data that can be categorized as femicide, which will serve as a database for monitoring femicide prevalence

in Indonesia. Related to recovery, it is important for Komnas Perempuan to collect data on the impact of femicide on the victim's family because cases of murder against women cannot be considered fully resolved just because the court has already issued a legally binding and final decision. The catastrophic impact can also be experienced by the victim's child(ren) who immediately lose(s) his/her/their parents (as their mother died and their father went to prison). It also affects other family members who are economically dependent on the victim and the perpetrator. Considering the magnitude of the impact of intimate partner femicide on children and their families, efforts should be made to develop prevention instruments aimed at victims, service providers and the police. In addition, it is also recommended to analyze homicide cases that can be categorized as intimate partner femicides.

It is highly expected that the development of knowledge and policy recommendations for the legal framework, implementation of disaggregated data collection, and recovery of victims' families can help ministries/agencies in their effort to eliminate all forms of violence against women in Indonesia, in particular, femicide.

The highest appreciation should be extended to the Swedish Government for their full support for the "Enhancing Access to Justice for Women in Asia and the Pacific" Program. This program is implemented in collaboration with UN Women, the International Commission of Jurists (ICJ) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

We would like to acknowledge and compliment the Supreme Court of the Republic of Indonesia, i.e., the Registrar's Office, for their help to collect data on court decisions. Also, we would like to convey our gratitude to all parties whose names cannot be mentioned one by one herein, but whose support and various inputs had been significant in the process of developing knowledge of this femicide issue.

November, 2022

Retty Ratnawati
Resource Center Chairperson

GLOSSARY

CATAHU

A series of one-year records of reporting on violence against women made by Komnas Perempuan.

CEDAW

An acronym for The Convention on the Elimination of All Forms of Discrimination Against Women, which is an international agreement that specifically regulates women's rights.

Femicide

The killing of women directly or indirectly because of their sex or gender, driven by superiority, dominance, hegemony, aggression or misogyny towards women and a sense of ownership of women, unequal power relations and sadistic pleasure.

Intimate partner femicide

Femicide crimes committed in interpersonal relationships, whether husband to wife, girlfriend or ex-girlfriend.

Gender-based violence

Any act that harms someone based on the gender that society has assigned to differentiate between men and women. This violence includes all acts that result in physical, sexual and psychological suffering to the victim.

Domestic Violence (DV)

Any act against a person, especially a woman, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household. Also included in this case are threats to commit acts, coercion, or deprivation of liberty against the law within the household sphere.

Misogyny

Views, attitudes, and actions that consider women as parties who deserve to be oppressed, cornered, and exploited.

Post-traumatic Stress Disorder

The mental response that a person feels due to trauma or severe experiences.

European Institute for Gender Equality (EIGE)

The European Union's autonomous body that has a vision of strengthening gender equality, by promoting a variety of gender mainstreaming programs in EU policies.

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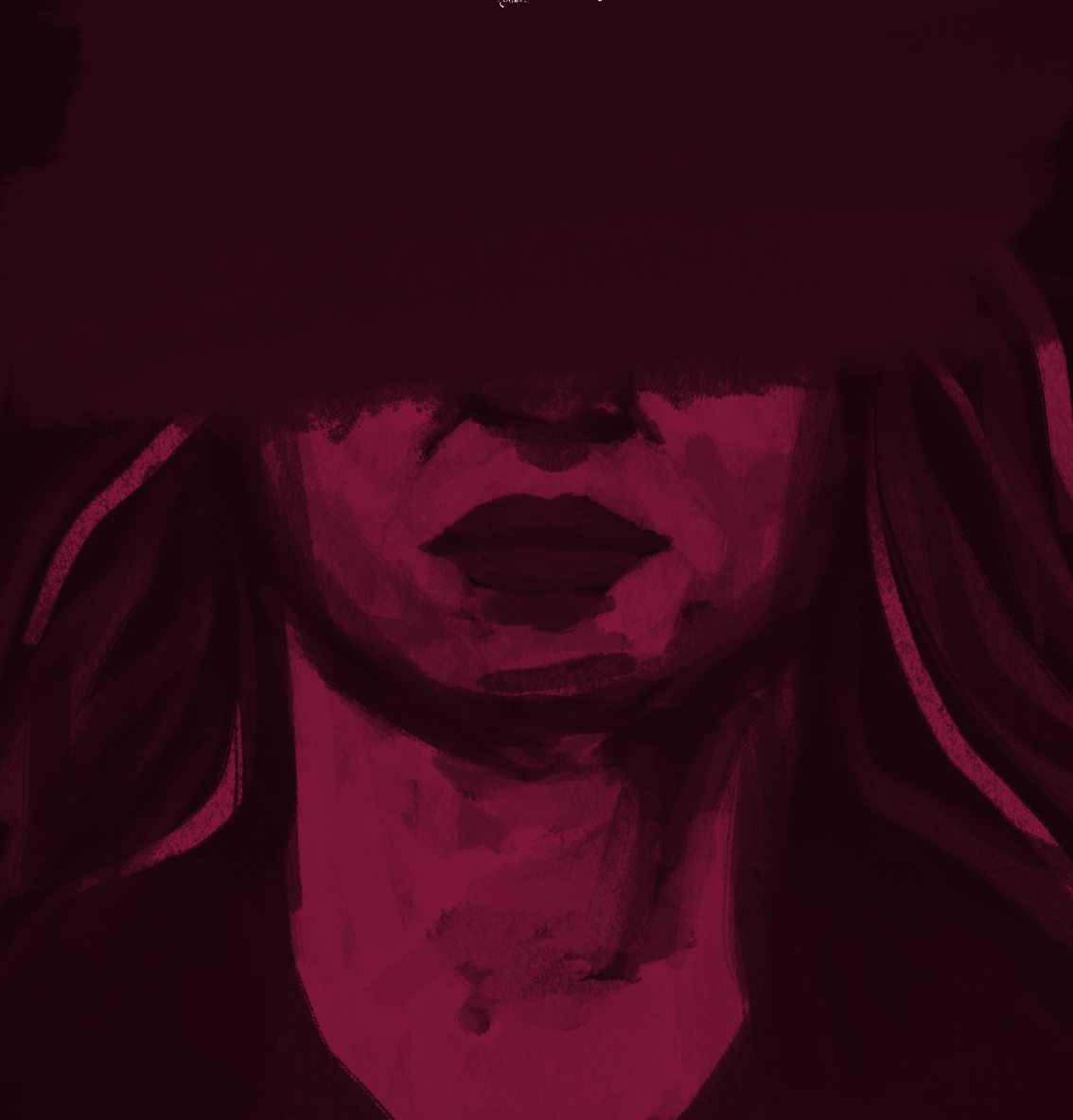
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CHAPTER 1

INTRODUCTION



A. Background

National Commission on Violence against Women (hereinafter referred to as Komnas Perempuan) is a national mechanism for the fulfillment and enforcement of women's human rights which was established under Presidential Decree (Keppres) Number 181 of 1998 and updated by Presidential Regulation (Perpres) Number 65 of 2005. According to Presidential Decree Number 65 of 2005, one of the mandates of Komnas Perempuan is to provide advice and considerations to the government, legislative and judicial institutions and community organizations to promote the formulation and ratification of legal and policy frameworks that support efforts to prevent and eliminate all forms of violence against women in Indonesia as well as to protect, enforce and promote women's human rights.

Femicide is the most extreme form of gender-based violence against women, containing sadism and generally perpetrated along with multiple layers of violence. Femicide in Indonesia has been a silent phenomenon as this sadistic violence is still treated as a general crime, which can be seen by how the National Police Criminal Investigation Unit (Bareskrim) collects data on murders without disaggregating them according to sex or gender. Komnas Perempuan's Annual Records (CATAHU) recorded cases of femicide since 2017 based on the results of monitoring online media coverage. Complaints of femicide to Komnas Perempuan and service providers are almost non-existent as disaggregated data from Bareskrim is not available.

The development of femicide's initial knowledge was carried out in 2021, initiated the processing of homicide case data from monitoring online media during the period between 2016 and 2020. Findings from this observation show sadistic and multi-layered forms of extreme violence, identifiable from the motives, patterns of murder and various impacts on the family members of the victims. The initial development of knowledge of femicides noted there were 421 cases in total murders of women which are 42,3% murders of wives by husbands and 19,2% murders by boyfriends. From these data, we can see that most femicides occur in the household/personal domain, perpetrated by someone related to the victim, be in the family or their spouse or their girl/boyfriend. Murder by ex-boyfriends

or ex-husbands shows the phenomenon of post-separation abuse, with various contexts of motives behind it. Komnas Perempuan also noted that indirect femicide data on baby girls through the development of qualitative knowledge about Female Genital Mutilation/Cutting (P2GP) in 10 provinces 17 districts/cities (2018) and found the death of a baby girl due to bleeding after cutting her clitoris.

The initial development of femicide knowledge also concluded that there was a gap between the high rate of homicides against women and the national legal framework governing femicide. In collecting data on murder cases at the Police and the Central Statistics Agency, the documentation and recording of murders have not been disaggregated by sex (female victims and male victims) because all murders are considered merely as general crimes. As a result, femicide is not recognized by law enforcement officials, academics and ministries/agencies. On the other hand, femicide cases reported to Komnas Perempuan and service providers are rare because the victim's family views murder as a crime which is a matter for the police and victims who have died and their interests have become no longer relevant.

On November 25, 2021, Komnas Perempuan launched the Initial Development of Femicide Knowledge. During the launching, inputs from the responders were compiled, including those from Melissa Alvarado (Ending Violence Against Women Program Manager, UN Women Regional Office for Asia and the Pacific); Risyia Ariyani Kori (Gender Program Specialist, United Nation Population Fund (UNFPA)); Fransiska Mardiananingsih (National Professional Officer Social Determinants and Health Promotion-World Health Organization); Usman Hamid (Director of Amnesty International); Ema Rachmawati (Police Commissioner, Kanit 3, Sub Directorate 5, Tipidum Bareskrim Polri); Marselino H. Latuputty (Directorate of Law and Regulation of the Ministry of National Development Planning/Bappenas); Genoveva Alicia Karisa Sheilla Maya (Researcher of the Institute for Criminal Justice Reform). Melisa Alvarado shared about intensifying knowledge development in terms of implementing measurements such as lethargy assessment, as well as the importance of a synergistic approach between institutions, the police and education services. Dr. Fransiska Mardiananingsih, a representative from WHO, also said that

knowledge development can be further strengthened by adopting good practices from countries that have shown success in reducing femicide rates. Furthermore, Usman Hamid (Amnesty International Indonesia), also suggested comparing and finding references for definitions from other countries that could be adopted and customized according to the Indonesian context. Besides the launching event, the XII Plenary Commission Session also provided a number of inputs and mandated that the initial development of femicide knowledge should be translated into the Femicide Working Paper that was open for updates in the following years depending on the findings of case monitoring and policy/legislation developments.

There were 8 points raised by the respondents that needed to be followed up, namely:

- 1** The need to sharpen definitions to clarify the distinction between femicide, homicide and genocide.
- 2** The need to collect definitions of femicide from various countries with a high number of femicide cases and also developed knowledge of femicide;
- 3** The need to sort, integrate and analyze data on homicides from *Bareskrim* to get an overview of the femicide cases handled;
- 4** The need to prepare a brief review of past femicides;
- 5** The need to map the progress of policies/laws related to femicide in other countries;
- 6** The need to identify and list down all legal articles that are widely used in handling femicide cases;
- 7** The need to develop the basis for international human rights/national laws related to femicide; and
- 8** The need to support the establishment of Femicide Watch in Indonesia which is managed across relevant ministries/agencies.

B. Research Questions

With this background understanding, Komnas Perempuan conducted an elaboration and development of knowledge about femicide, posing the following questions:

- 1** How does criminal law define and cover the diversity of femicide cases (patterns, motives, perpetrators and victims) in the Netherlands, Guatemala, India, the UK, Malaysia, Mexico, Nicaragua, Nigeria, Spain, and Turkey?
- 2** What is the recovery policy provided by the state for the families of femicide victims?
- 3** What is the strategy for preventing cases of femicide in the Netherlands, Guatemala, India, England, Malaysia, Mexico, Nicaragua, Nigeria, Spain, and Turkey?
- 4** What are the policy recommendations for the legal framework, case data collection, and recovery of families experiencing femicide cases in Indonesia based on knowledge development?

C. Research Purposes

- 1** To map the concepts, definitions and application of criminal law that are used to handle femicide cases in the Netherlands, Guatemala, India, UK, Malaysia, Mexico, Nicaragua, Nigeria, Spain, and Turkey.
- 2** To map the recovery policies provided by the state for families of femicide victims.
- 3** To gain knowledge of femicide prevention strategies in the Netherlands, Guatemala, India, UK, Malaysia, Mexico, Nicaragua, Nigeria, Spain, and Turkey.

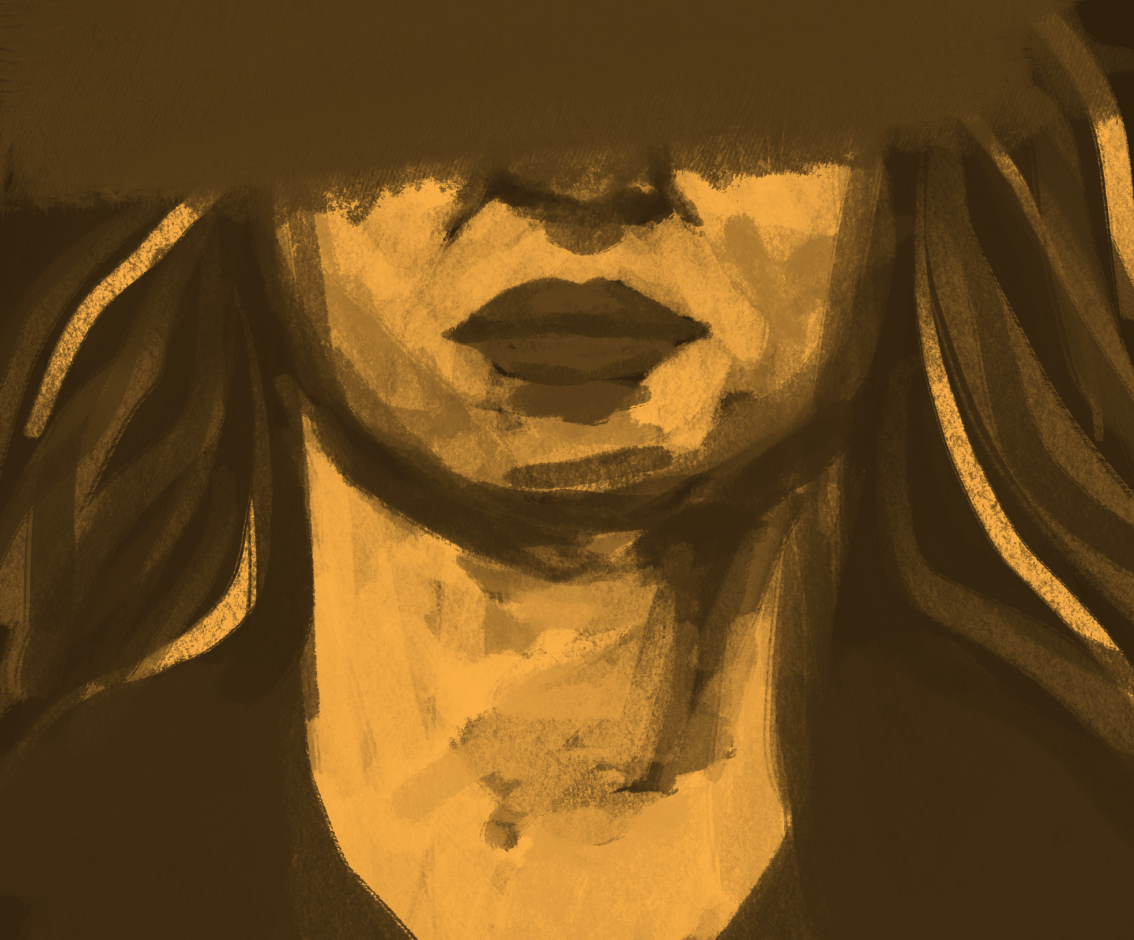
- 4 To prepare recommendations for policy and legal frameworks, data collection of cases, and recovery of families of femicide cases in Indonesia.

D. Expected Results

- 1 A map of concepts, definitions and samples of criminal law applications in the handling of various femicide cases in the Netherlands, Guatemala, India, the UK, Malaysia, Mexico, Nicaragua, Nigeria, Spain and Turkey.
- 2 A map of recovery policies developed by the state for families of femicide victims.
- 3 Knowledge building of femicide prevention strategies in the Netherlands, Guatemala, India, the UK, Malaysia, Mexico, Nicaragua, Nigeria, Spain and Turkey.
- 4 A list of policy recommendations for the legal framework, case data collection and family recovery for femicide cases in Indonesia.

CHAPTER II

LITERATURE
REVIEW



A. Femicide Concept

The term femicide is well known and has received special attention in various countries. The word refers to the most extreme violence perpetrated against women. Diana H Russell, an American researcher, described femicide as the killing of a woman by a man because she was a woman. Russell also stated that femicide was a form of misogyny against women and was the most extreme form of sexual harassment and violence (Russell, 2012).

The same thing was also stated by other researchers such as Sevos and Corradi. In their research, femicide was stated as both murder and extreme violence against women. Therefore, femicide is always a double crime and cannot be classified as homicide in general. The practice of femicide, the researchers say, has political nuances of patriarchal domination over women (Sevos, et al, 2016).

The existence of political nuances of domination surrounding the crime of femicide does not deny that femicide often occurs with or concurrently with other extreme crimes, such as genocide. But femicide cannot be classed as pure genocide, although some researchers equate the two. The separation of femicide and genocide needs to be made to identify the patterns, motives, perpetrators, realms and impacts of each crime. In addition, classifying one to the other also has an impact on blurring the potential dangers of each crime (Weil.S, 2016).

The magnitude of the impact of femicides has also been confirmed by world organizations, such as the United Nations (UN) Women, the World Health Organization (WHO), and the Office of The High Commissioner for Human Rights (OHCHR). UN Women and OHCHR have even taken a firm stand against femicides. In a report, UN Women highlighted femicide as a form of human rights violation, emphasizing femicide as intentional killing accompanied by other violence against women and/or girls because of their gender. UN Women and OHCHR also criticized countries for not classifying femicide as a special crime. As a result, accurate data showing the level of threat in a country and the world, in general, is difficult to obtain (UN Women, 2013, UN, 2021).

The same goes for WHO. As an organization that focuses on improving health, it also emphasizes the importance of all stakeholders' attention to

femicides. In addition to explaining that femicide is a crime against women because of their gender, WHO also outlines the fact that femicide is often accompanied or followed by ongoing abuse. In their report, they even mentioned that femicide was often carried out by an intimate partner or people close to the victim (WHO, 2012).

The attention to femicide had become stronger with the Vienna Declaration on Femicide (2012). Through the declaration, the conditions and factors behind femicide started to be highlighted, namely:

- 1** Escalation of domestic violence (KDRT)
- 2** Misogynistic torture and murder of women
- 3** Honor killing excuse.
- 4** Killing during armed social conflict and war.
- 5** Killing related to marriage and dowry
- 6** Different sexual orientations and gender identity
- 7** Killing of indigenous women
- 8** Killing of female infants and fetuses is based on sexual preference.
- 9** Female Genital Mutilation and Cutting (FGMC)
- 10** Killing due to the use of unnatural powers (magic)
- 11** Femicide related to organized crime and the like

The great attention of researchers and human rights protection organizations in the global context of femicide are undeniable since many factors are intertwined in this crime. A study explained that femicide had experienced significant developments since it was first acknowledged in 1976. Therefore, a cross-disciplinary approach and an expanded perspective in looking at the case of femicide were needed.

The use of this approach would confirm that femicide could not be classified as a general homicide phenomenon. This was caused by the murdered woman would not only constitute a victim of an ordinary crime but also that of the underlying injustice that had led to the crime. These

unfair conditions can be explained in the form of: perpetuating patriarchal domination, vulnerability to human rights violations, high crime threats, potential for cultural destruction and other social factors that support injustice (Corradi, et al, 2016).

Komnas Perempuan formulates the definition of femicide by summarizing the definitions that have been prepared by the UN Special Rapporteur on Violence against Women, OHCHR, UN Women, and WHO:

Femicide is the killing of women whether committed directly or indirectly because of their sex or gender, driven by superiority, domination, hegemony, aggression or misogyny against women as well as over-possessiveness toward women, inequality in power relations and sadist pleasure.

Based on the intent to kill, Komnas Perempuan divides the types of femicides into two types, namely direct femicides and indirect femicides. Direct Femicide refers to a murder committed with the intent to kill right from the start. Meanwhile, indirect femicide is murder caused by gender-based violence, but at the beginning, there was no intention whatsoever to cause death.

Based on analyses of news published by online media, cases registered by Komnas Perempuan, classification of cases suggested by WHO, Special Rapporteur on Violence against Women, Vienna Declaration, and UN Women and UNODC, Komnas Perempuan divides femicides into nine categories as follows:

1 Intimate Femicide

Murder committed by husband/ex-husband or boyfriend/ex-girlfriend.

2 Cultural Femicide

A

Honor Femicide, i.e. killing of women committed in order to protect the honor of the family or community. These murders

are committed because the women victims are considered to have violated some norms, conducted adultery, been raped, or experienced unwanted pregnancy.

B Dowry Femicide, i.e., the killing of a bride-to-be due to dowry-related conflicts, for example, because the dowry is considered to be incompatible with the level of the groom's family.

C Racial and Ethnic Femicide, i.e., the killing of indigenous women from certain races, tribes, and ethnicities, mostly from minorities.

D Witchcraft Accusation Femicide, i.e., a murder based on the allegation that a woman used witchcraft or other types of black magic.

E Femicide related to Female Genital Mutilation and Cutting (FGM/C), which is done on a woman or a girl as a way to control their sexuality or reproductive organ that can result in their death.

F Infant Femicide (abortion, infanticide, killing of under three and under five toddlers), i.e., the killing of female babies because they are considered worthless compared to male babies, including selective abortion of female fetuses and children with disabilities.

3 Femicide in the Context of Armed Social Conflict and War Murder in the context of armed conflict is usually preceded by

physical violence by state and non-state actors. UNODC states that the targeting of women in armed conflict and the use of sexual violence as a weapon of war are used to destroy the social order and degenerate mentally, as women who experience rape in conflict are often shunned and ostracized by their communities.

- 4 Femicide in the Context of the Commercial Sex Industry**
The killing of female sex workers by clients or other groups because of a dispute over fees or hatred of groups of commercial sex workers.
- 5 Femicide of Women with Disabilities**
The killing of women with disabilities because of their disability or the domino impact of sexual violence or pregnancy.
- 6 Femicide on Sexual Orientation and Gender Identity**
Murder based on hatred and prejudice against sexual minorities.
- 7 Femicide in Prison**
Murders committed to female prisoners within a prison and/or similar detention facility.
- 8 Non-Intimate Femicide (Systematic Murder)**
Murder by someone who does not have an intimate relationship with the victim, can occur randomly against unknown victims or systematic killings by state or non-state actors.
- 9 Femicide of Women Human Rights Defenders**
This is killing committed by state or non-state actors against

women who are fighting for the fulfillment of human rights in their communities or society at large. This struggle is considered to threaten or harm the economic interests or power of certain groups.

B. Femicide Watch

The data about the high prevalence of femicide cases at the global level and the tendency of countries to ignore this phenomenon have prompted the United Nations to call for the establishment of femicide watch institutions in various countries. This Femicide Watch aims to carry out all monitoring and analysis to reduce the femicide rate in various countries. In general, this Femicide Watch is designed as follows:

- 1** It is a body established to prevent femicides, receive, handle and monitor the handling of cases of femicide in each country.
- 2** It applies international women's human rights perspectives and instruments in their monitoring activities.
- 3** It collects and publishes information, data and facts related to femicide cases in a country.
- 4** It reviews opportunities and challenges at the national level of policies/regulations/laws to tackle femicide cases; and
- 5** It provides recommendations on the role the government can take to handle femicide cases in a country (UN, 2021).

C. International Legal Framework on femicides

Although Indonesia has ratified international human rights instruments that guarantee the right to life, the elimination of discrimination and violence against women, and the right to be free from torture and inhumane

and degrading treatment, the Indonesian legislation does not yet recognize the crime of femicide, and therefore there are no laws that specifically regulate femicides. Punishments for perpetrators of femicides are of the same category as those imposed for general homicide. Consequently, no specific policy has been developed to help prevent and address femicide, the most extreme form of gender-based violence. All responses to this crime are still attached to the effort to enforce gender equality and the elimination of violence against women. This is despite the fact that goal number 16 of the SDG states that Peace, Justice and Strong Institutions must “significantly reduce all forms of violence and related death rates everywhere.”

The ratification of international human rights instruments binds state parties to ensure that their citizens, especially women, can live free from various forms of violence including femicide as the most extreme violence, as well as freedom from torture and inhuman and degrading treatment. These international human rights instruments are:

1 Universal Declaration of Human Rights. The Indonesian government has adopted Law Number 39 of 1999 concerning Human Rights. Article 3 states: "Everyone has the right to life, liberty and security as an individual". Article 5 “No one shall be tortured or treated cruelly, inhumanely or humiliatedly”.

2 The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was ratified by Law Number 5 of 1998 concerning Ratification of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Article 2 of the Convention states that “States Parties shall take legislative, administrative, legal and other effective measures to prevent acts of torture within their jurisdiction. There are no exceptions, whether in a state of war, domestic political instability or other emergencies that can be used as a justification for acts of torture. Orders from superiors or authorities should not be used as a justification for torture.”

3 **The International Covenant on Civil and Political Rights (ICCPR)** has been ratified through Law Number 12 of 2005 concerning the Ratification of the International Covenant on Civil and Political Rights. Article 3 states “Everyone has the right to life” and Article 7 “rights to be free from torture and inhumane treatment”. Including the General Comment of the ICCPR Committee in 2000 No. 28 (Article 3 on equal rights between men and women) relating to gender-based violence against women.

4 **The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** has been ratified through Law Number 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women. Article 1 prohibits all forms of discrimination against women. Femicide is murder based on the female sex. Article 2 states that the state party is obliged to adopt a policy of eliminating discrimination against women, including violence against women. This obligation is natural, there can be no justification for delay based on anything including economic, cultural or religious reasons. State obligations include responsibility for acts of violence against women or neglect by state or non-state actors.

5 **CEDAW General Recommendation No. 19 and No. 35** on gender-based violence against women mandates the following:

5.1 **General Recommendation No. 35 which is an extension of General Recommendation No. 19 concerning the Elimination of Violence against Women** states that such violence is a social problem and not an individual one so it requires a comprehensive response from the state. This

recommendation explains that gender-based violence occurs in all places and spaces of human interaction, public and private, including in the context of family settings, communities, and public spaces. Gender-based violence against women occurs because of action, neglect or negligence of state or non-state actors, acting territorially or extraterritorially, including extraterritorial military actions of states, individually or as members of international or intergovernmental organizations or coalitions, or extraterritorial operations of private companies.

5.2

Item 7 General Recommendation No. 19 CEDAW on gender-based violence that impairs, hinders or nullifies the enjoyment by women of their human rights and fundamental freedoms under international law or human rights conventions, is discrimination within the meaning of Article 1 of CEDAW. These rights and freedoms include (a) the right to life; (b) The right not to be subjected to torture, cruelty, degrading and inhuman acts or punishments; (c) the right to equal protection in accordance with humanitarian norms in situations of internal or international armed conflict, (d) the right to freedom and security of a person, (e) the right to receive equal treatment before the law, (f) the right to equality in the family, (g) the right to obtain the highest standard of health both physically and psychologically, (h) the right to obtain decent and favorable working conditions.

5.3

General Recommendation No. 33 CEDAW on Access to Justice. Even though the female victim died, the state is obliged to uphold justice by investigating the case, providing compensation to her family and the necessary remedies, and punishing the perpetrator according to his actions.

6 **The Convention on the Rights of Persons with Disabilities** has been ratified through Law Number 19 of 2011 concerning the Ratification of the Convention on the Rights of People with Disabilities (CRPD) and revealed in Law Number 8 of 2016 concerning the Rights of Persons with Disabilities. Article 5 states the right of women with disabilities to be “free from acts of discrimination, neglect, torture and exploitation”.

7 **The Convention on the Rights of the Child** has been ratified through Presidential Decree Number 36 of 1990. Indonesia then implemented the convention through the Child Protection Act Number 23 of 2002 concerning Child Protection which was revised by Law Number 35 of 2014 and Law Number 17 of 2016 concerning Child Protection. Article 4 states, "Every child has the right to be able to live, grow, develop and participate fairly in accordance with human dignity, and to receive protection from violence and discrimination."

8 **Global Commitment to the Elimination of Femicides**

A **The Outcome Document of the Beijing+25 Regional Review Meeting** organized by the United Nations Economic Commission for Europe in October 2019 states that it supports the Femicide Watch initiative. Recommendation No 31 calls on all countries to establish a multidisciplinary national body such as the Femicide Watch that aims to work actively on the prevention of femicide or gender-based killing of women.

B **The Secretary General of the United Nations at the Fourth World Conference High Level on Women** on October 1, 2020, called for affirmative action to prevent violence against women, including femicides.

D. National Legal Framework on Femicide

In general, the crime of murder is regulated in the Criminal Code, namely in Book II of Chapter XIX of the Criminal Code which consists of thirteen articles, namely from Article 338 to Article 350. Based on the weight of the sentence, crimes of murder are divided into three forms, namely:

- 1 The main form of the crime is ordinary murder.
- 2 The aggravated crime is murder accompanied by other crimes and premeditated murder, and
- 3 The mitigated crime is the murder committed by a mother against a newborn child.

Judging from the legal subjects of the perpetrators, it is distinguished between crimes that can be committed by everyone and crimes that can only be committed by certain qualified people, namely women who abort their own pregnancies. Protected objects, the Criminal Code protects 3 categories, namely: 1) the human soul in general; 2) the soul of a newborn child; 3) the soul of the child (fetus) that is still in the womb. Thus, in terms of protected objects, women's lives are not specifically protected, but are included in the category of human souls in general.

Crimes against life are regulated in articles: (i) Ordinary Murder (Article 338 of the Criminal Code), (ii) Aggravating Murder, namely murder accompanied or preceded by another crime (Article 339 of the Criminal Code) and premeditated murder (Article 340 of the Criminal Code) and (iii) The crime of killing a child after being born (Articles 341 and 342 of the Criminal Code) and the crime of abortion/conception (Article 346 of the Criminal Code) which do not specifically target girls, but covers all genders of children.

In addition to crimes against life, the death of women can be due to criminal acts that result in death in the form of attacks on the body or parts of the body that cause pain or injury, even because such injuries can result in death. However, just like crimes against life, crimes against the body are not reserved for women.

There are several types of criminal acts that can be categorized based on the consequences experienced by the victim, namely:

- 1** Ordinary crimes of maltreatment **resulting in death** are punishable by a maximum imprisonment of seven years (Article 351 paragraph 3);
- 2** Premeditated persecution, **if it results in death**, is punishable by a maximum imprisonment of nine years (Article 353 Paragraph (3));
- 3** Severe persecution if it results in death is punishable by a maximum imprisonment of ten years (Article 354 Paragraph 2);
- 4** Serious maltreatment carried out on a pre-planned basis, resulting in death, is punishable by a maximum imprisonment of fifteen years. (Article 355 paragraph (2));
- 5** Neglect that Causes Death (Article 306 Paragraph (2) of the Criminal Code);
- 6** The provisions for the crime of maltreatment can be increased by one-third if it is committed against the mother, father, legal wife or child. Thus, the mother and wife get more protection.

Death due to sexual violence in the form of rape, obscenity and sexual intercourse causing death (Article 291 paragraph 2 of the Criminal Code) is sentenced to a **maximum imprisonment of fifteen years**. Meanwhile, for sexual violence against children that result in the victim's death, the perpetrator is sentenced to death, life imprisonment, or **imprisonment for a minimum of 10 (ten) years and a maximum of 20 (twenty) years**. (Article 76D of the Child Protection Law).

Abortion and Murder of the Womb/Fetus (Abortion). Law Number 36 of 2009 concerning Health and Law Number 52 of 2009 concerning Population Development and Family Development mention abortion. Under the Health Law, abortion is stated as: “a prohibited act, except for indications of a medical

emergency and pregnancy due to rape” (Article 75 of Law Number 36 of 2009 concerning Health. **Provisions related to abortion are not categorized as sex-selective abortion.** In Indonesia, gender-selective abortion has not been found, also since abortion is generally prohibited in Indonesia.

Femicide in the household sphere is specifically regulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT). Article 5 of the EDV Law prohibits domestic violence by means of physical violence, psychological violence, sexual violence, or neglect of the household. Domestic violence that causes death is equivalent to a crime of murder (Article 338 of the Criminal Code) or serious maltreatment with a plan (Article 352 Paragraph 2).

Murder based on Race and Ethnic Discrimination. Indigenous peoples can be categorized into ethnicity, namely the classification of humans based on beliefs, values, habits, customs, linguistic norms, history, geography, and kinship relations. This law regulates what are categorized as racial and ethnic discriminatory acts, including: "taking people's lives, persecution, rape, obscene acts, theft with violence, or deprivation of liberty based on racial and ethnic discrimination "(Article 4 letter b number 4)", the punishment follows the provisions in the Criminal Code and the Child Protection Law if the victim is a child, with the specificity of adding 1/3 of the maximum criminal penalty.

Murder related to the Criminal Act of Trafficking in Persons (TPPO) can refer to Law Number 21 of 2007 concerning Eradication of the Crime of Trafficking which results in the death of the victim, is punished with imprisonment for a minimum of 5 (five) years and a maximum of life imprisonment and a fine of not more than 5 (five) years. a minimum of Rp.200,000,000.00 (two hundred million rupiah) and a maximum of Rp.5,000,000,000.00 (five billion rupiah).

Furthermore, the regulation regarding Femicide in Law Number 12 of 2022 concerning the Criminal Act of Sexual Violence has regulated through heavy penalties for perpetrators of Sexual Violence resulting in the death of the Victim as referred to in Article 15 Paragraph (1) letter o which reads, “Criminals as referred to in Article 15 paragraph (1) letter o Article 5, Article 6, and Article 8 to Article 14 plus 1/3 (one third), if it results in the death of the Victim.”

Thus, the death of women generally refers to the general criminal law, both in terms of elements and punishments. There is an aggravation in terms of abuse that causes death to the mother or legal wife. Femicide as a result of domestic violence, is equivalent to a crime of murder (Article 338 of the Criminal Code) or severe maltreatment carried out with a prior plan (Article 352 paragraph 2), for the death of children and TIP, a special minimum sentence is applied. As for the deprivation of life due to ethnicity, the punishment follows the provisions of the Criminal Code and the Child Protection Law if the victim is a child, with the specificity of adding 1/3 of the maximum criminal threat.

Concerning femicide motives such as misogynistic, the pretext of individual or collective honor, intermediate targets in the context of armed conflict, dowry, related to sexual orientation and gender identity, against indigenous peoples, murder of female babies/fetuses, wounds and cuts of female genitalia or P2GP, charges of witchcraft, witchcraft or black magic under Indonesian criminal law: Motives are things that encourage someone to do something or someone's reason for committing a crime. This motive becomes the impetus contained in the inner attitude of the perpetrator to commit a crime. Therefore, the motive is not categorized as an element of a criminal offense.

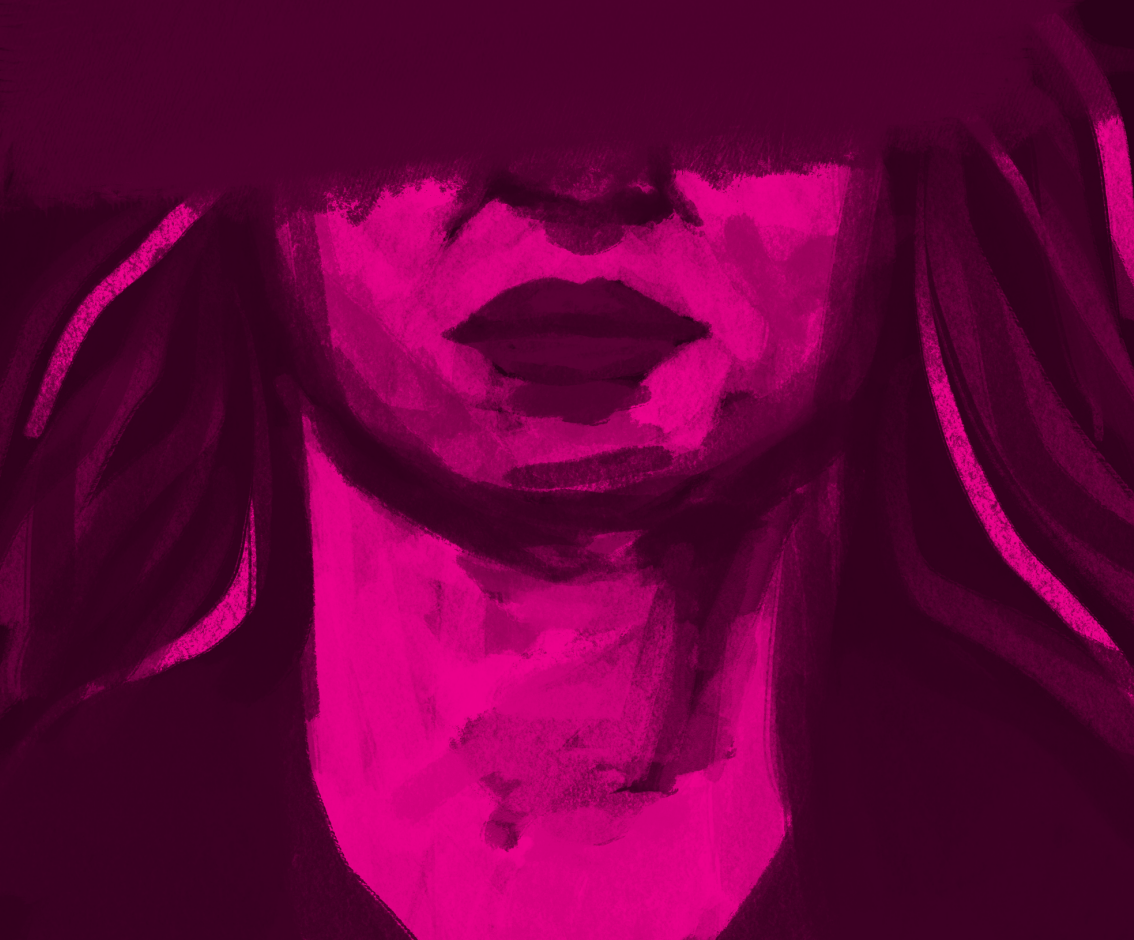
The death of a person, including a woman, is classified as a crime that cannot be resolved through an out-of-court settlement through the Restorative Justice (RJ) mechanism. This is expressly stated in the criteria for criminal acts that can be applied to Restorative Justice, namely the Circular Letter of the Chief of Police No. 8/VII/2021 concerning the Application of Restorative Justice in the Settlement of Criminal Cases, Prosecutor's Office Regulation No. 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice and Decree of the Director General of the General Judiciary Agency No. 1691/DJU/SK/PS.00/12/2020 concerning Guidelines for the Implementation of Restorative Justice in the General Courts. This shows the seriousness of the crime committed.

In examining cases in court, through Supreme Court Regulation No. 3 of 2017 concerning Guidelines for Prosecuting Women Against the Law (Perma 3/2017), Judges in particular in Article 4 are advised to consider gender equality and non-discrimination, by identifying the facts of the trial:

(i) inequality in social status between the litigants; (ii) inequalities in legal protection that have an impact on access to justice; (iii) discrimination; (iv) the psychological impact experienced by the victim; (v) the physical and psychological powerlessness of the victim; (vi) power relations that make the victim/witness helpless; and (vii) history of violence from the perpetrator against the victim/witness. These guidelines can be used in examining any case of the death of women.

CHAPTER III

RESEARCH METHODS



A. Research design

The development of this knowledge is carried out using a qualitative method in the form of a literature study on femicides. There are at least four things that are the focus of developing this knowledge. *First*, comparisons from various countries regarding the definition, legal stipulation, and recovery efforts for families of victims of femicide cases; *second*, an analysis of the femicide case series in Indonesia; *third*, an analysis of good practices in the prevention and handling of femicide cases in each country, including Indonesia; and *fourth*, advice and policy recommendations for handling femicide cases in Indonesia, based on the three previous analyzes.

Countries that are the object of this research include the Netherlands, Guatemala, India, England, Malaysia, Mexico, Nicaragua, Nigeria, Spain, and Turkey. The selection of each country is carried out based on considerations, namely, representatives of developed and developing countries, geographical representatives for the regions of Asia, Africa, America, and Europe; and based on the number of femicides recorded in each country (**Annex 2**). The scope of discussion in this study is limited to the following aspects:

1 Comparison between countries covers aspects of the availability of laws for handling femicides in general and in particular. In general, it means that a country does not yet have a specific legal regulation dealing with femicide cases and still classifies it with other crimes such as murder. Whereas specifically, it is the opposite, namely that a country has its own rules regarding the handling of femicides, including its recovery policy.

2 The analysis of femicide cases in Indonesia is limited to cases of femicide that occur within the household that become femicides of intimate partners. This restriction was carried out for practical reasons, namely:

A

the wide and varied cases of femicide that occurred in Indonesia; and

B

strategic reasons, namely to get a real picture of the femicide threat that can be carried out by people closest to them.

3

Good practice and policy recommendations to the Indonesian government are limited to practices and policy recommendations of a structural nature. This means that this research will only focus on looking at good practices and recommendations at the level of public policy. Limiting good practices or policies that are very likely to be developed through social institutions such as customs, religion, or other social groups.

B. Data source

The data in this study derived from:

1

Legal documents on femicide and related regulations in each country that is the object of research.

2

Publication documents regarding the handling of femicide cases in each country that is the object of research.

3

The decision of the Supreme Court of the Republic of Indonesia on the case of the murder of women within the scope of domestic violence.

4

Media coverage of cases of female homicide within the household in 2021-2022.

- 5 Books, journals, and other literature related to femicide and extreme violence against women.

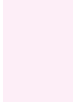
C. Data Collection Method

Data in the development of this knowledge was collected in two ways. First, sorting and making an inventory of legal documents, policies and efforts to deal with femicide in each of the target countries for knowledge development; second, tabulation of data in the form of court decisions and reporting on femicide cases in Indonesia. Each data was collected by testing the validity of the data first for further analysis.

D. Data Analysis and Interpretation Procedure

Analysis and interpretation of data in the development of knowledge are carried out using a comparative approach in gender studies and public policy. Through this approach, the development of this knowledge looks at the proportion of femicide laws, and their application in each country to the policies for handling femicides that can be carried out in Indonesia. Like other policy studies, this knowledge development will look at the elements that are aspects of public policy, namely:

- 1 The existence of laws or policies to adopt values that are considered good and upheld by the community, in this case, the protection of human rights, especially women;
- 2 The existence of laws or policies to address the problems faced by the community, the case of femicide; and
- 3 The existence of a law or policy that is applied as a means of having a broad impact. If previously a policy was seen as a



solution, in this position the solution is seen as part of a strategic and synergistic effort to eliminate femicides (Abidin, 2019).

Content analysis of monitored media and court decisions with reference to the concept development by J Monckton-Smith (2012) when describing cases of violence against women. The analytical framework focuses on aspects of the unit of analysis such as the place of the murder, the discourse/factors/reasons behind the murder, the age and comparison between the perpetrator and the victim, the level and form of violence committed, and the punishment for the perpetrator of the femicide. The synthesis of each unit of analysis is used to describe the portrait of the magnitude and level of femicide threat of intimate partners in Indonesia, although it cannot represent the actual situation in the field due to limited data and the context of the femicide used.

The data interpretation process is then carried out through focused discussions with experts and activists on femicide issues in Indonesia. Discussions were held to test, strengthen, and clarify information, also to get an overview of the conditions needed in compiling recommendations for femicide recovery in Indonesia.



E. Credibility

Testing the credibility of the findings of knowledge development is important in a qualitative approach (Moleong, 2007). The level of confidence in the truth/credibility of the analysis results as a representation of guarantees that there is no partiality towards one group or the need to use the findings to support a specific issue. The mechanism for testing credibility in this research is done by data triangulation. Triangulation is intended to cross the truth of facts using other sources. Sugiyono (2007) describes that the triangulation process can be done in three ways, namely: triangulation of different sources, triangulation of different information retrieval techniques from one source, and the last is the triangulation of time, by conducting interviews with one source at different times.

Testing the credibility of the development of this knowledge using the source triangulation method. The sources used in developing knowledge about femicide utilize more than one source, including accredited international journals, the laws of the country that are the object of knowledge development, website portals from the government of the country concerned, to news articles about femicides.

F. Research Ethics

This knowledge development process is based on the research ethics in the social sciences and the humanities developed by The National Committee for Research Ethics in the Social Sciences and the Humanities (2021). The ethical principles applied herein include:

- 1** The principle of no-plagiarism. The preparation of this research refers to the review of documents that include citations. There is no plagiarism in whole or part from other people's research. The ideas developed were purely from the thoughts of the Komnas Perempuan Team.
- 2** The principle of no distortion and concealment of facts. This knowledge development is objectively carried out to develop recommendations for recovery in Indonesia. There is no attempt to distort certain interpretations to support the institution's ulterior motives.
- 3** The principle of anonymity. This knowledge development maintains the anonymity of the victim to protect the identity and integrity of the person concerned. In addition, this is also done to respect and protect the victim's family by minimizing identification that will carry the risk of harm or loss.

4 The principle of research independence. This knowledge development is carried out without pressure and control from any party and adheres to the credibility of the findings.

5 Komnas Perempuan added the feminist principle as part of its knowledge development ethics. The feminist principle in developing this knowledge points to the perspective of taking sides with women victims of femicide and that the death of women victims does not erase their right to justice.

G. Limitations of Research

The development of knowledge on the issue of femicide in this context is an exploration of aspects of handling, preventing and recovering the families of victims of femicide cases from various countries. The method of literature study and analysis of the femicide phenomenon based on media monitoring and data from the Supreme Court decision has several limitations which include:

1 The femicide cases in Indonesia that were analyzed were limited to the murder of women due to the escalation of domestic violence (intimate partner femicide). The context is only a small part of the overall femicide phenomenon that occurs.

2 The femicide case data in this knowledge development uses the main source of monitoring online mass media coverage, which of course has limitations. First, what is monitored is what is covered by the news. This also confirms that the description of the femicide case in the development of knowledge does not represent the reality that is happening in Indonesia. Second, because it is sourced from mass media monitoring, there is no

general picture of the victim's family and the impact of femicide on the victim's family.

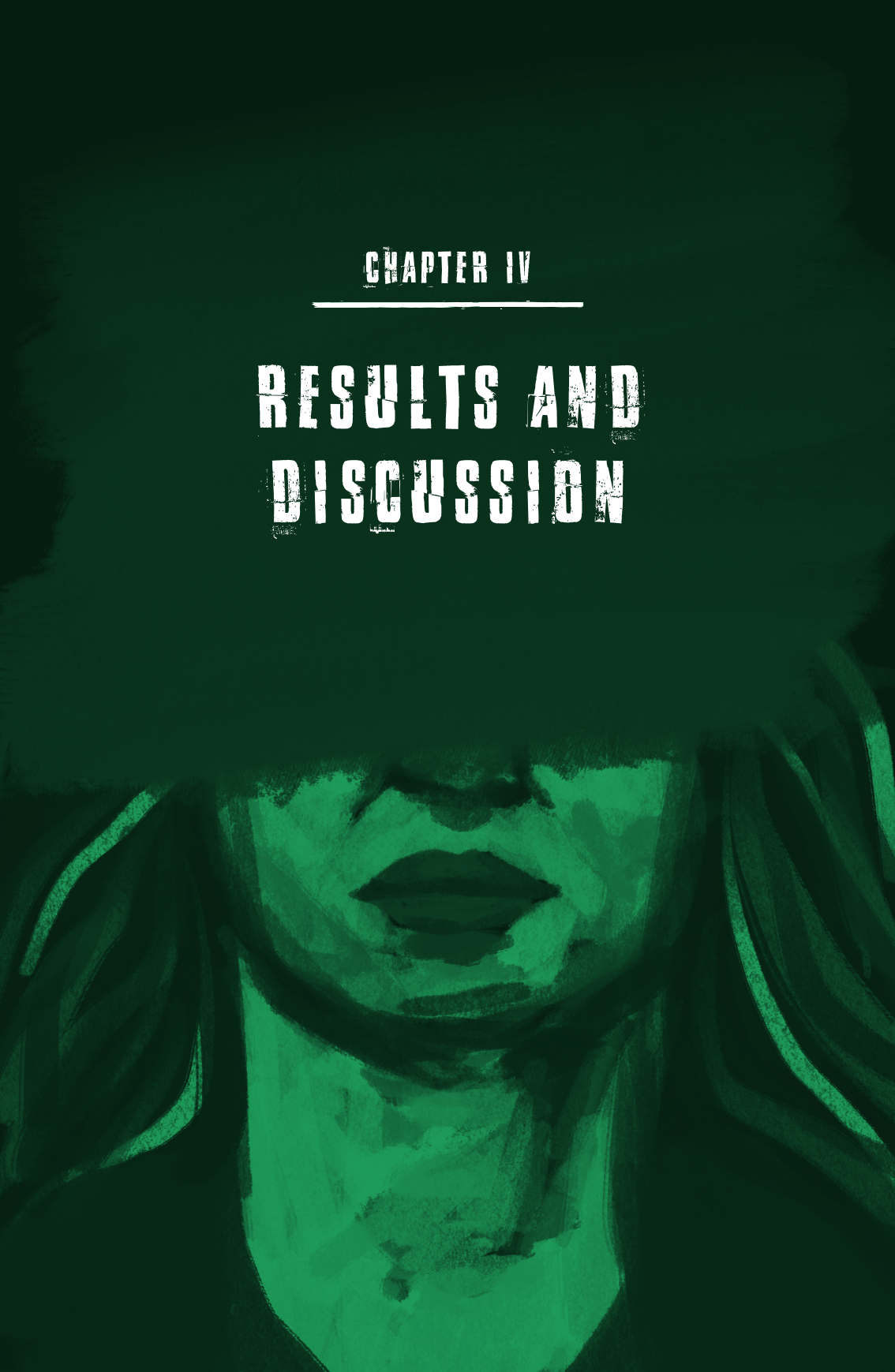
3 Another source of data regarding the description of femicide cases in Indonesia is data from court decisions from the Registrar's Office of the Supreme Court. The development of this knowledge uses three keywords to filter through femicide cases in Indonesia, namely: the victim is the wife, the murder of the wife, and the abuse of the wife. The filtering of femicide cases is constrained because the diction of femicide has not been listed in the legal rules or court decisions, so in developing this knowledge, derivative analysis is used on the pattern of naming cases in the context of wife murder (DV). Another limitation is that the use of diction in court decisions by each court does not yet have the same standard of spelling, for example for wife's diction it can be written "istri" or "isteri".

4 The analysis of the femicide phenomenon still uses one main piece of literature, namely Monckton-Smith (2012) through several concepts, namely Tough Love, Jealous Love, and Separation. Therefore, there are still many possible cases of femicide in Indonesia that can be analyzed using other perspectives and concepts.

5 The limited literature in English for several country regulations of the object of knowledge development therefore it is replaced by research journals that have related discussions.

CHAPTER IV

RESULTS AND DISCUSSION



A. Concepts and Definitions of Femicides in Different Countries

Recognizing femicide as a distinct problem from homicide, in general, is good for recognizing the plight of women victims, their vulnerabilities as victims of misogynistic homicide and the impact of femicide on families. This recognition is the first step to taking action to protect women and prevent the crime of femicide.

From the literature study, Komnas Perempuan noted several countries that already have the concept of femicide in their legal framework. Three countries in Latin America were selected for the study, namely **Nicaragua**, **Guatemala** and **Mexico** which were noted to have the definition and concept of femicide in their legal framework.

Nicaragua was one of the first countries to have a law on femicide (femicidio). Nicaragua's legal definition of femicide is

“A man who, in the framework of unequal power relations between men and women, puts a woman to death.”

(Neumann, 2022)

In the Law on the Comprehensive Law on Violence Against Women (2012) the definition of femicide is quite inclusive, stating “the killing of women carried out in public and private spaces, by intimate partners, family members, and unknown persons.” However, in 2014, President Daniel Ortega issued an executive order limiting the definition of femicide to “killing women committed only in the context of a pre-existing relationship”. This change led to a decrease in the number of femicides in Nicaragua but at the same time resulted in a number of female homicides not being classified as femicide. This narrowing of meaning is related to the efforts of the authorities in Nicaragua to maintain the image as the safest country in Central America (Neumann, 2022).

The next country is **Guatemala** which recognizes femicide and discrimination against women as a result of gender inequality between men and women in the social, economic, legal, cultural, and family spheres (Bay, 2021). These matters are regulated by the Guatemalan

government in the Legal Congress Against Femicide and Other Forms of Violence Against Women Law Number. 22-2008. In the decree, femicide is defined as:

“the violent death of a woman, occasionally in the context of unequal power relations between men and women, in the exercise of gender power against women.”

(Bay, 2021)

Based on Bay (2021), Guatemala also has elements of femicide, which describes a person committing femicide when:

- 1** Someone kills a woman just because of her biological gender as a woman;
- 2** There is an imbalance of power between men and women; and
- 3** In the following circumstances:
 - Failure to form a relationship (partner or intimate with the victim);
 - Being related or having previous relations with the victim, for example as a family member, a spouse, an intimate partner, a friend, or a colleague;
 - As a result of repeated violence against the victim;
 - As a result of any group ritual with or without weapons;
 - Body shaming the victim to satisfy the perpetrator's sexual desires or to perform acts of mutilation;

- Misogyny;
- Performed in the presence of the victim's children;
- Along with one of the qualification conditions under Article 132 of Guatemala's criminal law.

The elements above are written in Article 6 concerning elements of femicide. According to Bay (2021), what needs to be underlined in Guatemalan law is that there is no definition of mujer (woman). Thus, the scope of who is defined as a woman is still very broad and uncertain. This relates to, for example, whether transgender or transgender women are also protected under this law or not.

It is not much different from Guatemala and Nicaragua, **Mexico** has also adopted the term "femicide" in its country's laws. In Mexico, femicide is considered a separate crime in violation of the General Law for Women's Access to a Life Free from Violence, which was enacted in 2007. Under the law, femicide is defined as a crime committed by an individual by depriving a woman of her life because of her gender (Evidence and Lessons from Latin America, n.d.). More specifically stated in Article 21 which reads:

“Femicide violence is the most extreme form of gender violence against women produced by the violation of their human rights in public and private spheres and formed by the set of misogynist actions that can lead to the impunity of society and the State and culminate in homicide and other forms of the violent death of women.”

The gender reasons mentioned include the following circumstances:

- 1 There are signs of sexual violence of any kind on the victim;
- 2 Injury or mutilation characterized by inflammatory process or degrading of dignity, before or after a death or act of necrophilia

- human sexual behavior towards a corpse - has been committed against the victim;

3 The existence of data showing a history of all forms of violence in the family, work or school environment of the perpetrator against the victim;

4 Previously there was a sentimental, emotional, and trusting relationship between the perpetrator and the victim;

5 Some data proves the existence of threats related to criminal acts, harassment or violence by the perpetrator against the victim;

6 Victims have been deprived of their independence, for the long period prior to the disappearance of life; and

7 The victim's body is exposed or exhibited in a public place.

Based on these circumstances, Mexican law defines femicide as “the most extreme form of gender violence against women, which results from violations of women's human rights in public and private spheres and is shaped by a series of misogynistic acts that can result in impunity of society and the state and lead to murder as a form of other than the violent death of women,” (Evidence and Lessons from Latin America, n.d.).

Based on the development of knowledge that has been carried out, many countries discussed do not have a specific definition of femicide in their legal framework, namely India, Spain, Nigeria, Malaysia, the Netherlands, England, and Turkey. Countries that already have a legal definition of femicide, such as Nicaragua, Guatemala, and Mexico, generally state that femicide is the killing of a woman because of her sex as a woman. It was also stated that the motive for the murder was based on reasons related to gender.

The important thing that needs to be underlined is that the legal definitions of Nicaragua and Guatemala have succeeded in identifying

the factor of inequality in power relations between men and women as the root of the crime of femicide.

B. Application of Criminal Law in Handling Femicide Cases in Various Countries

It is important to see how the context in each country in dealing with cases of violence against women is related to the patriarchal conditions in their society. In the context of the femicide phenomenon in Mexico, there is a long history of killing women, especially those related to politics. The level of cruelty in the killing of women is used as a language of power over impunity by leaving the corpses in public places like “a trophy” and conveying direct messages to the opposing party (Ferguson & Henry, 2022). The Ciudad Juarez case in the 1990–2000s was dubbed the epicenter of femicide in Mexico because it killed 370 female victims who were young, aged 15 to 25 years. Most were killed after being beaten or sexually assaulted before they were finally strangled or stabbed to death (Committee on the Elimination of Discrimination Against Women, 2018). This case was never investigated by local authorities because it had no political value. Legal authorities did not investigate properly only after pressure from the victim's family and civil society organizations prompted international attention to the femicide case (Caslavova, 2022; Mendez, 2022; Gurria, 2020; UN, 2002; Na'atik Mexico, 2022).

In **Turkey**, state intervention related to gender violence shows that the state legally places women only within the boundaries of the heterosexual family. A family that is considered violent by limiting women's access to viable alternatives and tolerating male violence against women (single, married or divorced) as well as violence against LGBTQ+ sexual minorities (Kocabıçak, 2022). Moreover, referring to Ökten (2017), domestic violence is a frequent occurrence in Turkey and almost half of the women victims of violence remain isolated and most of them avoid assistance from the state apparatus. The patriarchal system is seen as a barrier for most women victims to express their suffering and seek help. Patriarchal attitudes and orientations in the context of the Turkish

state are strengthened by religiosity, ethnic identity, ideology and low socioeconomic status, namely education and income levels (Sarigil & Sarigil, 2020).

The same thing happened in **India**, the history of femicide or murder is also often associated with religious beliefs. Such as sati, or the practice of self-immolation (wife) in Hinduism after the death of the husband. In practice, most women who carry out this practice are underage and forced by their families (Weil, 2016). Honor killing is a practice that often occurs to women in India who 'defame' their family name, marriage outside their caste, religion and family matchmaking (Weil, 2016). A 1996 survey of 6,902 men in Uttar Pradesh showed that 45% of husbands in India admitted to having physically abused their wives (Ökten, 2017).

In the **United Kingdom**, it is known that 25% of women have experienced violence (beating and slapping) by a partner or ex-partner during their lifetime (Ökten, 2017). For femicide cases, the report from the Femicide Census in particular highlights that in more than half of homicides (52%), previous perpetrators have committed violence against women and as many as 61% of murders were committed by a spouse or former partner (End Violence Against Women, 2020). In a patriarchal culture, men commit violence against women because society says they have the right to be in control (Hill, 2020), and killing women is more accurately described as an act of "complete control" rather than "losing control" (End Violence Against Women, 2020). Perpetrators often use the excuse of the crime of honor in cases of domestic violence against women during the criminal justice system process (Kathrada, 2014). In addition, British media coverage also often uses the term honor crime framing in cases of violence against women.

The discussion of the patriarchal conditions in society in the four countries above can at least provide an overview of how each country has different cultures and special conditions. Based on the discussion above, it is known that each country has its own views and challenges in dealing with cases of violence against women. However, this condition does not deny that these countries are trying to deal with femicide cases by carrying out legal arrangements, remedies and prevention.

This section aims to see how the legal arrangements and handling of

femicides are in each country. The discussion will be divided into two sub-sections:

1

Exposure to legal arrangements and treatment of femicides in countries that have adopted and recognized femicides within their legal framework; and

2

Exposure of legal arrangements and handling of femicide in countries that have not yet adopted the concept of femicide in their legal framework.

The discussion will start with **Nicaragua, Guatemala, and Mexico**, followed by **India, Spain, Nigeria, Malaysia, the Netherlands, England, and Turkey**.

Not many countries have a legal definition of femicide. Each country that has adopted femicide in its legal framework, has its own elements that meet an act of murder that can be classified as femicide. **Nicaragua** was one of the first countries to have laws on *femicidio* or femicides. This legislative decision follows the ratification of the 1994 Inter-American Convention which addresses the prevention, punishment and elimination of violence against women (Neumann, 2022). Under this convention, states can be held accountable for failing to prevent, investigate and punish violence against women, whether perpetrated by state or non-state actors in private or public spheres (Neumann, 2022).

By the late 1990s, nearly all Latin American countries had ratified the Inter-American Convention and passed new laws to deal with domestic violence. In addition, the Nicaraguan women's movement also helped push for the passage of a law on violence against women in the country. This legal product in Nicaragua was said to be the result of the struggle of Nicaraguan women who were members of the Maria Elena Cuadra Women's Movement (Maria Elena Cuadra Women's Movement) in October 2010 with the support of more than 12,000 (signatories) women in Nicaragua (Latin America Press, 2012). Furthermore, after the movement, the Supreme Court helped draft a law on violence against women until the law was finally approved.

In 2012, Nicaragua passed the Ley Integral Contra La Violencia Hacia Las Mujeres or the Comprehensive Law Against Violence Against Women (Law 779) which also regulates the crime of femicide (Article IX) (Latin America Press, 2012; Neumann, 2022). In Law 779 it is regulated, for femicide acts committed in public spaces, the perpetrators are sentenced to 15 - 20 years in prison, and for femicide acts committed in private spaces, they are sentenced to 20-25 years in prison.

Furthermore, if the act of femicide occurs with two or more of the above conditions, the maximum penalty is 30 years in prison. With the passage of Law 779, 17 special courts for violence against women were established across the country. The case of femicide will be investigated and tried by a special prosecutor (Special Unit for Crimes of Gender Violence) at the Special Court for Violence Against Women (Neumann, 2022). However, as explained in the previous section, in practice Nicaragua actually reduces the definition of femicide in order to maintain the image of their country. This has a negative impact on many victims of femicide who ultimately cannot get justice because they are not included in the definition of femicide in Nicaragua.

In addition to Nicaragua, **Guatemala** also has a legal framework that specifically regulates femicides. Against the backdrop of rampant homicide cases against women in Guatemala that required a legal framework to protect women, in 2008 members of Congress finally responded to pressure from local activists and international organizations and joined the fight against femicide (Bay, 2021). Guatemala also passed a Law Against Femicide and Other Forms of Violence Against Women in 2008 (Decree 22-2008). This Decree 22-2008 defines and criminalizes femicide and other forms of violence against women. Under this law, a femicide offender can be sentenced to up to 50 (fifty) years in prison without the possibility of a reduction in the sentence. In addition, Decree 22-2008 also details what various state institutions and actors should do to prevent and punish the crime of femicide, as well as to clarify the rights of Guatemalan women (Bay, 2021). Guatemala was also the first country to have a special tribunal on gender-based violence passed in 2010 (Bay, 2021). In practice, based on Bay's (2021) records, the first-year gender-based courts were legalized in 2010, there were more than

46,000 reports of violence against women, but only 127 of them received criminal convictions. In 2017, an average of 62 women were killed each month. The number of femicide crimes has gradually decreased from 2017 (744 cases) to 2020 (504 cases).

Mexico also has a specific legal framework for the crime of femicide. Similar to Nicaragua, one of the factors driving the birth of a law on femicide in Mexico was the 1994 Inter-American Convention concerning the prevention, punishment and elimination of violence against women. In addition, public awareness of femicide was also raised from the film *Three Deaths of Marisela Escobedo*. This was also supported by the number of murders and rapes committed by countries in Latin America that were at war with each other to signify the "trophy of victory" (Evidence and Lessons from Latin America, n.d.).

The General Law on Women's Access to a Life Free from Violence was proposed by the Democratic Revolutionary Party in 2007. The law is one of the legislative steps that preceded and influenced Mexico's current criminal code (Article 325). This article contains the definition of femicide and the criteria for a murder that can be classified as femicide (as explained in part A paragraph 5). Under this law, perpetrators of the crime of femicide can be sentenced to 40–60 years in prison.¹ In addition to the sanctions described in this article, the perpetrator will lose all rights related to the victim, including those of a successional nature. In practice, Mexico has not been able to enforce the law and impose penalties on perpetrators of gender-based violence including femicides, especially when the perpetrator is a state apparatus (Vivanco, 2020).

The countries listed below do not have laws that specifically regulate femicides like Nicaragua, Guatemala and Mexico. However, this discussion can be useful to see how femicide cases are handled in countries that do not have a legal framework and specifically criminalize femicide. Each country that is discussed in the development of this knowledge has its

¹ *Anyone who commits the crime of femicide will be sentenced to forty to sixty years in prison and a fine of five hundred to one thousand days. In addition to the sanctions described in this article, the active subject will lose all rights in relation to the victim, including those of a successor nature.* (CPF Artículo 325 Federal de México) accessed from https://leyes-mx.com/codigo_penal_federal/325.htm

own legal system and may be different from that adopted by Indonesia. However, what is focused on developing this knowledge is how to handle cases of femicide in each country. The countries in **Table 4.1** use other legal frameworks such as homicide or domestic violence to punish perpetrators of femicide:

Table 4.1. **Criminal Law Framework for Femicide Cases in Various Countries**

No.	Country	Femicide Legal Position	Femicide Law Application	Legal system
1	The Netherlands	Generally managed	<ul style="list-style-type: none"> Included as crimes within the context of general criminal law Included within domestic violence 	Civil law
2	Guatemala	Specially managed	<ul style="list-style-type: none"> Law Against Femicide and Other Form of Violence Against Women Congressional Decree No. 22-2008 A criminal act with a maximum sentence of 50 years in prison Special court 	Civil law
3	India	Generally managed	<ul style="list-style-type: none"> Including crimes in the women's protection law Maximum life imprisonment 	Civil Law, common law, equitable law, customary and religious law
4	UK	Generally managed	<ul style="list-style-type: none"> Included as crimes within the context of general criminal law 	Common Law
5	Malaysia	Generally managed	<ul style="list-style-type: none"> Included as crimes within the context of general criminal law 	Common Law

No.	Country	Femicide Legal Position	Femicide Law Application	Legal system
6	Mexico	Specially managed	<ul style="list-style-type: none"> • General Law for Women's Access to a Life Free from Violence 2007 • Femicide is a criminal act with a maximum penalty of 60 years in prison 	Civil law
7	Nicaragua	Specially managed	<ul style="list-style-type: none"> • Ratification of the Inter-American Convention of 1994 • Femicide is a criminal act with a maximum sentence of 30 years in prison • Special court 	Civil law
8	Nigeria	Generally managed	<ul style="list-style-type: none"> • Included as crimes within the context of general criminal law • Including the crime of government regulations on anti-violence against women 	English law, Common law, Customary law, and Sharia Law
9	Spain	Generally managed	<ul style="list-style-type: none"> • Be a part of the law about violence against women and children • Special tribunal for femicide 	Civil law
10	Turkey	Generally managed	<ul style="list-style-type: none"> • Included as crimes within the context of general criminal law 	Civil law

Source: Komnas Perempuan (2022)

In **India**, the crime of femicide appears in the Indian Penal Code (India Penal Code 1860). The legal framework has provisions for dealing with and punishing assault and criminal force, sexual harassment, voyeurism, stalking, human trafficking, dowry death, domestic violence and rape (3D Program for Girls and Women, 2018). Within this legal framework, the crime of femicide is regulated in Article 304B concerning death related to dowry. This article states that if a woman dies within seven years of

marriage due to burns or bodily injury, or it is revealed that prior to marriage she experienced violence or abuse by her husband or other relatives on her husband's side in connection with the dowry, then the death of the woman will be considered as a dowry. Dowry-related deaths (India Code, n.d.). Under this article, perpetrators of dowry death are threatened with imprisonment for a minimum of 7 (seven) years and a maximum of life. Although there are laws that at least regulate death related to dowry, to date India does not yet have a legal framework that specifically regulates femicide because death related to dowry is only one part of femicide. As a result, women in India are very vulnerable to violence that leads to death.

Spain adopted a holistic approach to legislation to address gender-based violence against women and girls in general in 2004. Law 1/2004 on Comprehensive Protection of Gender-Based Violence (The Organic Law 1/2004 on Comprehensive Protective Measures against Gender-Based Violence) introduces a series of obligations for states under the principle of due diligence (prevention, protection, punishment, compensation) (Bosch- Fiol & Ferrer-Perez, 2020). In particular, the law provides for prosecution, including the establishment of special courts, and preventive and supportive measures against intimate partner violence against women. In this legal context, reporting violence against women by intimate partners is often the first step towards intervention, as it allows victims to access additional support mechanisms, such as social services and counseling (Bosch-Fiol & Ferrer-Perez, 2020). However, in practice, especially regarding cases of femicide, most of the victims of femicide did not use the legal system (during their lifetime). This can be seen as a shortcoming of the Spanish legal framework which has not yet criminalized and defined femicide specifically. The existing legal framework cannot be used to punish perpetrators of femicide killings, has not highlighted the vulnerability of women to become victims of femicide, and has not provided special remedies and protection for the families of victims.

Furthermore, in the countries of Nigeria, Malaysia, the Netherlands and the UK, femicide is categorized as a crime of homicide in general. However, in **Nigeria**, the government already has regulations regarding

gender-based violence, namely the 2008 National Gender Policy and the Law on the Prohibition of Violence Against Persons (VAPP) of 2015 which criminalize violence against women physically, psychologically-socially, economically, and sexually and victims entitled to assistance and access to rehabilitation. Meanwhile, in **Malaysia**, femicide cases can be classified under the Criminal Code [Act 574] Section 301, the article on murder in general, which does not distinguish between crimes and punishments based on sex. Similarly, the **United Kingdom** classifies femicide as homicide (not distinguished by sex) as stated in the Common Law (CPS, 2021). Similar to the United Kingdom and Malaysia, the **Netherlands** also does not distinguish between sex-based killings within its legal framework. Femicide is classified as manslaughter as stated in the Criminal Law Section 19 Article 287 concerning Serious Violations of Human Life. However, femicides can also be classified under domestic violence laws which can be prosecuted under other serious (sexual) offenses and may have an additional effect on punishment when committed by next of kin as in Section 20 on Assault in Article 304. In the article, it is written that the prison sentence can be increased by one-third if the perpetrator commits the offense against the mother, father, spouse, and children.

The law on femicide in **Turkey** is not much different from that of India. The two countries both regulate the form of femicide which often occurs for reasons of local customs and culture. Turkey does not yet have a legal framework that criminalizes femicide in an inclusive manner, only one form of femicide, namely honor killings, has received great attention from the public. One of the articles in the Indian legal framework (Art 29 of the Criminal Code) provides for the possibility of leniency for perpetrators of honor killings. The article states that if there is a 'provocation' clause, i.e., "a violent crime is committed in response to a previous act (of the victim) that is unfair, causing anger, deep sadness", then the perpetrator may be subject to a lower penalty (Mulfuter-Bac & Mulfuter, 2021). This clause can be a reason and justification for men to commit acts of femicide on the grounds of tradition. In response to this, the women's movement has played an important role in raising awareness and bringing visibility to the issue of violence against women,

including demands for revisions to the Criminal Law (Mwaba et al., 2021). The Turkish government is finally trying to break the tradition in the law with new regulations that: (1) Turkey abolished the provocation defense in light of punishment for all honor killings in Article 29; (2) adopted a new regulation in Article 2 which classifies honor killings as first-degree murder (Mulfuter-Bac & Mulfuter, 2021).

However, the Turkish system continues to fail to protect women due to a lack of political will (Karakas, 2019; Mulfuter-Bac & Mulfuter, 2021). Based on research conducted by Mulfuter-Bac & Mulfuter (2021) in the case of the murder of women, there is a consideration of the behavior of the previous victim which was allegedly “inappropriate” as a justification for the crime committed and a reduction in the sentence. This is also then related to the ‘provocation’ clause in Article 29 which has been used as a reduction in the perpetrator’s sentence. Finally, the judge’s legal argument for using the ‘provocation’ clause reflects their social values which are shaped by the Turkish patriarchal culture as well as the identity of the victim (Mulfuter-Bac & Mulfuter, 2021). In addition, conservative lobby groups are also protesting the laws outlined in the Istanbul Convention on gender-based violence and domestic violence on the grounds that they promote divorce and an “immoral lifestyle” (Warrick, 2020).

In the end, women are still vulnerable to violence that leads to death. This shows that the recognition (of the existence of femicide) is not enough but must be strengthened by legal recognition that can provide justice for the victim and the victim’s family. Things that happened in Nicaragua and Mexico show how awareness, recognition and the regulatory framework cannot stand alone. All three need to be present together in order to prevent and eliminate femicides, as well as to provide protection and justice for victims.

Furthermore, the state of **Guatemala** shows how the law can have a positive and significant impact if implemented properly. The introduction of femicide in the legal framework of a country can be said to be the first step to combating the crime of femicide. Of course, this must still be followed by a commitment to fight femicides and provide full protection for victims.

C. Policies for the Recovery of Families of Victims of Femicide in Various Countries

It is often forgotten that the impact of femicide crimes does not only affect individual women but also the families of victims who experience major changes in their lives, including the impact on their mental and economic conditions. Although it is still relatively small, the data findings show that several countries in the world have implemented compensation and recovery policies for families of murder victims in general and specifically for femicide.

The compensation money was given to families of femicide victims to prevent impoverishment, especially when the murdered woman was the breadwinner in the family. This was done by the **Mexican** government with a program called the Economic Assistance Fund. However, in reality, the program was poorly managed because there were still many victims who had not been identified according to the criteria so the amount of compensation had not been determined. In July 2006, only 113 of the 300 families had just received aid. This program has complicated procedural requirements that slow down families from claiming and receiving compensation (Gamboa, 2007). In terms of psychological assistance, the civil society organization Ecatepec Women's Justice Center provides psychological services and legal assistance to families of victims of femicide and women victims of gender-based violence in Mexico (Harvard International Review, 2020).

Several countries in Europe have also applied the same thing by providing forms for filling out compensation and recovery programs for the families of victims and victims of gender-based violence, such as in the **Netherlands**. Other countries only compensate living victims of violence and not their families. In addition to meeting financial needs, the **Dutch** government also provides psychological assistance for children who are victims of femicide. When femicide occurs, children often lose both their parents (the mother dies and the father is arrested) which causes major changes in the child's life. Not only that, but the child must also adapt to any changes that may occur with his new caregiver (for example, changing places of residence, changing schools, and so on). Based on data from the Netherlands (1993-2012) which pays attention to how children in cases

of femicide behave, it was found that children need long-term mental health assistance. Some points that are often found are post-traumatic stress disorder (PTSD) and personality growth difficulties. Children have traumatic grief which then has an impact on the emergence of other mental illnesses. The main difficulty when children are involved is that professionals and relatives need to make quick decisions about a child's life after the occurrence of femicide but often this is not right for the child (Alisic et al, 2015).

The UK government provides financial compensation and psychological services (where required) through the Criminal Injuries Compensation Authority (CICA) scheme. This includes funeral expenses, medical expenses, and other losses. It is hoped that this will at least reduce the emotional and financial losses suffered by the victim's family (Murder Compensation Claim Specialist, 2022). However, it should be underlined that the scheme is not specific in handling femicide cases but in general murder cases which are classified as manslaughter in the country's law. There is also psychological assistance, peer support, and other social-psychological programs for the families of homicide victims (though not specifically femicide) so that they can recover, which is served by Support After Murder and Manslaughter (SAMM) throughout the UK (SAMM National, 2022).

The obligation of the state to provide legal assistance, ensure the fulfillment of rights and protect women and their families after experiencing violence is implemented by **Guatemala** as a form of implementation of Decree 22-2008 Article 13 and is a way for the state to recover (Bay, 2022). In the countries of Nicaragua, India, Spain and Turkey, there is no recovery program for the families of the victims, both psychologically and financially. Meanwhile, Spain provides for prosecution, the establishment of special courts and support in the form of child support, housing and employment to combat intimate partner violence against women (Bosch-Fiol and Ferrer-Perez, 2020). However, this is done to women victims of violence who are still alive, not to their families. Meanwhile, Turkey has a platform called 'We Will Stop Femicides' which has been campaigning for killing and violence against women since 2010 as well as providing legal advice and advocacy to women who need protection from violence (The New Arab Staff & Agencies, 2022; Ertan, 2022).

Based on the results of knowledge development carried out in various countries, it appears that the policies provided for the recovery of families of femicide victims are an important stage in the process of handling cases of female homicide. There have been several countries that have implemented recovery policies for families of victims of femicide, such as Mexico, the Netherlands and the UK. The policy is in the form of providing psychological assistance, peer support and other financial assistance. This policy can be the key for the families of victims of femicide who are psychologically affected to recover. Financial assistance from the government is also useful at least to prevent absolute poverty that may arise due to the loss of women in a family.

D. Strategy to Prevent Femicide in Various Countries

The rising number of femicide cases in various countries has certainly caused public unrest and must be addressed immediately. Preventive measures are needed to reverse this trend and reduce the number of incidents. The majority of governments have been slow in handling femicide cases, thereby pushing people to make their voices heard through demonstrations. This is done to get the spotlight so that the government immediately issues laws related to femicide. This has also provoked the mass media to play their role in disseminating information, raising awareness and supporting the struggle for justice for the victims.

In **Nigeria**, the mass media pay high attention to cases of sexual violence to femicide. The mass media in Nigeria also don't passively talk about victims and don't do victim blaming. Mass media coverage makes people understand the urgency of addressing sexual violence. The attention of civil society becomes a kind of 'warning' for the government and has an impact on accelerating the processing of sexual violence cases (Ogunlana et al, 2021).

The **Indian** government has initiated to create programs and regulations that can help the community regarding cases of femicide that occur. The Prime Minister (PM) of India, Narendra Modi, created the 'Save the Girl, Educate the Girl' program. This program is the first time the Indian

government has raised femicide in a public campaign. The murder of women because of dowry (dowry-related femicide) is still a big problem in India. There were 7,600 dowry deaths in India in 2006 (WHO, 2012). PM Modi promotes the importance of education for women. However, this program failed to follow the advice of the available data (homicide against women is highest in upper-middle families) and instead followed public prejudice (lower-middle-class families are precarious to violence against women). In lower-middle families, women still play an important role in the household, such as in the kitchen and childcare. The fulfillment of domestic work by women in lower-middle families makes their lives more 'appreciated'.

The **Guatemalan** government has long had a special legal and judicial framework for gender-based violence that requires it to take some steps to prevent this crime. Decree 22 of 2008 requires the Public Ministry to establish an investigative division that specifically investigates crimes against women and the integrity of women's bodies under the name of the Prosecutor's Office for Crimes Against Women's Life and Physical Integrity. There are also several government institutions established to eradicate violence against women, namely the Presidential Secretariat for Women and the National Coordinator for the Prevention of Domestic Violence Against Women (SEPREM) and the National Coordinator for the Prevention of Domestic Violence Against Women (CONAPREVI). These two organizations are tasked with coordinating, advising, and promoting public policies on violence against women, also monitoring the enforcement of laws such as the Domestic Violence Law (Decree 97-96) (The Guatemala Human Rights Commission, 2009). CONAPREVI is also tasked with overseeing the Comprehensive Support Center for Women Victims of Violence which conducts training on violence against women and ethnically relevant programs aimed at public officials, particularly the police and judiciary (The Guatemala Human Rights Commission, 2010). In addition, in preventing femicide and violence against women, the Guatemalan government has a 24-hour hotline to provide legal and psychological assistance, advice and support to women who experience violence (Bay, 2022).

Meanwhile in **Spain**, not only the government plays a role in prevention, but civil society also creates a site called **Femicidio.net**. The purpose of this site is to raise awareness and provide information about femicides in

the country (Femicidio, 2018). Spain also has a national telephone line called *Servicio telefónico de información* (Telephone Information Service) which provides psychological, legal and shelter counseling services for women. Available in multiple languages and inclusive of persons with disabilities 24 hours a day (European Institute for Gender Equality, 2015; Government Office Against Gender-Based Violence, 2017).

To support the prevention of violence against women, the **Dutch** government is funding women's human rights or SDG-5 under UN regulations worth €510 million. The Netherlands uses these funds to support women's organizations, particularly in the Southern Hemisphere such as the Dutch Network on Sexual and Reproductive Health and Rights, the Global Financing Facility (GFF), and other international organizations. The Dutch government also has a Youth Ambassador named Laura Bas who ensures regulations in ministries and government empower women (Government of the Netherlands, 2022; Share-Net Netherlands, 2022). In accordance with the Council of Europe Convention 2011, the Netherlands has taken gender-neutral steps in its law and has shelters for women victims of violence in 500 locations across the country (Blokhuis, 2019). Statistics Netherlands (Statistics Netherlands) lists homicide cases during 2015-2019 and classifies them based on gender, victim-perpetrator relationship, and motive to see how femicide is in the Netherlands, which will be submitted to the EIGE (Netherlands Institute for Human Rights, 2019).

Education for boys, teachers, and health workers about violence against women is a way that can also be done to prevent femicide as implemented by the **British** government through the "This is Abuse" campaign program. Similar education is not only given to the above actors but also to women, the police and all state legal apparatus so that they are sensitive to the signs that appear in women who experience violence from intimate partners. The government also announced a scheme for disclosing domestic violence to raise public awareness of abusive relationships so as to avoid killing intimate partners. Curriculum on healthy dating relationships is also integrated into subjects in various countries with the title Sex and Relationship Education (SRE) (HM Government, 2014). In preventing violence against women and femicide in its country, it seems that the UK emphasizes educational actions for its people compared to other ways.

Turkey has a Prime Minister's Circular (No. 0006/17) which regulates the prevention of violence and customary killings of women and children for honor killings. In the circular, the Turkish government is obliged to operate various shelters (safe houses), establish a center for the prevention and monitoring of violence against women (Logar and Mustafa, 2021; Muftuler and Muftuler, 2021).

This step was also followed by various countries in Europe which were required to prevent and eradicate violence against women in their respective countries as determined by the Council of Europe Convention in 2011 (Logar and Mustafa, 2021; Council of Europe, 2011). Through the assistance of COST (Cooperation in Science and Technology), **Europe** in general forms a coalition to prevent femicide by bringing together researchers to publish academic articles, recommendations, and guidelines on femicide prevention as input for policy and regulatory makers. The agency also created a place to accommodate women victims of violence, in collaboration with the local police and other law enforcement agencies. Monitoring of femicide actions is also carried out by The European Observatory on Femicide (EOF) in collaboration with advocacy groups, safe houses, and police across Europe (Weil et al, 2018). The Council of Europe also has comprehensive guidelines on handling and preventing victims of violence who are at risk of domestic femicide or murder by intimate partners (Logar and Mustafa, 2021). In the case of the prevention of femicide, Europe uses a strategy of cooperation with countries that are members of the EIGE and includes legal officials, researchers and local civil society organizations.

The **Mexican** government, the European Union (EU) and the United Nations have created The Mexico Spotlight Initiative. The program offers three months of direct economic support to women who leave the shelter to help them cover essential living expenses. So far, more than 100 survivors and/or women victims of indirect homicide have been assisted in Chihuahua, the Mexican state and Guerrero (Spotlight Initiative, 2022). This initiative is based on six pillars, namely:

- 1 To strengthen laws and policies to avoid discrimination and violence,

- 2 To strengthen institutions tasked with preventing, investigating and eliminating violence, especially femicide,
- 3 To promote gender equality norms, mentality and behavior,
- 4 To ensure and make accessible quality health, social, legal and police services,
- 5 To improve data collection systems that enable informed public policy decision-making; and
- 6 To strengthen women's groups and civil society organizations that promote women's rights.

Prevention of violence against women is one of the main focuses of the **Malaysian** government to empower women in accordance with the principles of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The government established the aid '*Talian Kasih 15999*' in 2007 to report all acts of domestic violence, human trafficking via Whatsapp and telephone and provide tele-counseling. The establishment of the One Stop Social Support Center (O3SC) in 2022 is also carried out for holistic social services for women, children, families, the elderly, and people with disabilities related to domestic violence, divorce, child abuse, and pregnancy out of wedlock. The government also conducts EARS training (empathy, concern, response, support) for the combatants of violence against women so that they can handle women victims of violence appropriately without judgment. The report obtained by the above team will be submitted to the police investigation unit. As a form of empowering and involving women, the government formed a special women's force tasked with empowering the community by providing psychosocial support and guidance in their respective regions. Not only that, but the government also cooperates with ministries and agencies to establish mosques as transit points for victims of domestic violence and provide psychosocial support, shelters and complaint centers. Observation

activities, reviewing draft laws and providing reports in various forms regarding women, children and persons with disabilities are also carried out by the Parliamentary Special Electoral Committee for Women and Children Affairs and Social Development, observatories at the Ombudsman office, academic institutions, and civil society organizations in Indonesia. the country (Government of Malaysia, 2021).

The steps adopted by various countries above show that prevention of violence against women is an important key before the occurrence of femicide or the killing of women. Women's vulnerability increases when women are placed in a position of powerlessness (no support groups, minimal education, economic dependence on partners, and so on). Thus, women's empowerment is another aspect that must be fought to reduce the number of femicides. Public awareness of femicides is also another preventive factor that needs to be considered, although no figures are showing the difference before and after femicides are known to the public. Education on mitigation strategies for women and men to leave abusive relationships and curriculum on healthy relationships are also important steps in preventing violence against women. It is undeniable that legal regulations in a country can affect all matters relating to the recovery and prevention of femicide and violence against women. However, in implementing the prevention, it takes the role of various parties other than the government such as legal apparatus, civil society organizations, support groups, ordinary people, and other organizations so that the strategy carried out is not only top-down but also bottom-up.

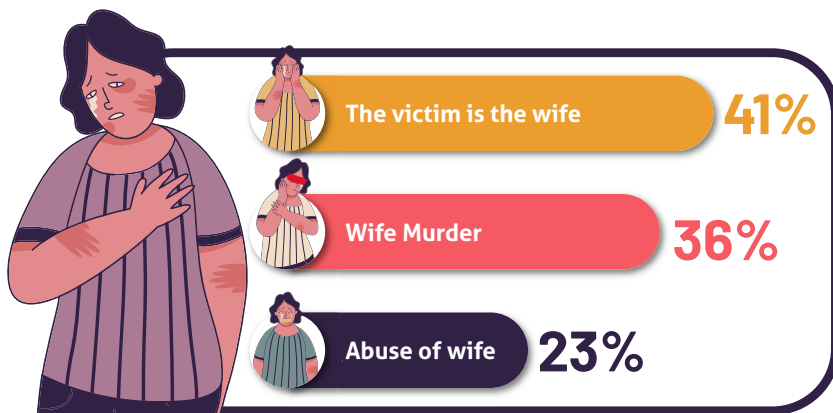
E. Portrait of Femicide Cases in Indonesia

In addition to examining femicide and its legal framework in various countries, this chapter will describe how cases of femicide in intimate partners occur in Indonesia. To get an idea of the map of femicide cases in Indonesia, Komnas Perempuan collaborates with the Registrar of the Supreme Court to seek court decisions from 2015-2022 and conduct media monitoring on reports on cases of murder of women in June 2021 – June 2022. The search for femicide case data in the Supreme Court's decision

directory is constrained by the absence of the use of femicide diction in judges' decisions. Therefore, in the search process, the keyword used is the pattern of the judge's decision which refers to the case of the murder of women from the escalation of domestic violence. The keywords used are "the victim is the wife", "murder of wife" and "abuse of wife". Court decisions on three keywords totaling 100 decisions as visualized in **Figure 4.1**, as follows:

- 1 41 Decisions with the keywords "The victim is the wife"
- 2 36 Decisions with the keywords "Murder of Wife"
- 3 23 Judgments with the keywords "abuse of wife"

Figure 4.1 _____
Supreme Court Decision on Cases of Violence Against Women Based on Keywords

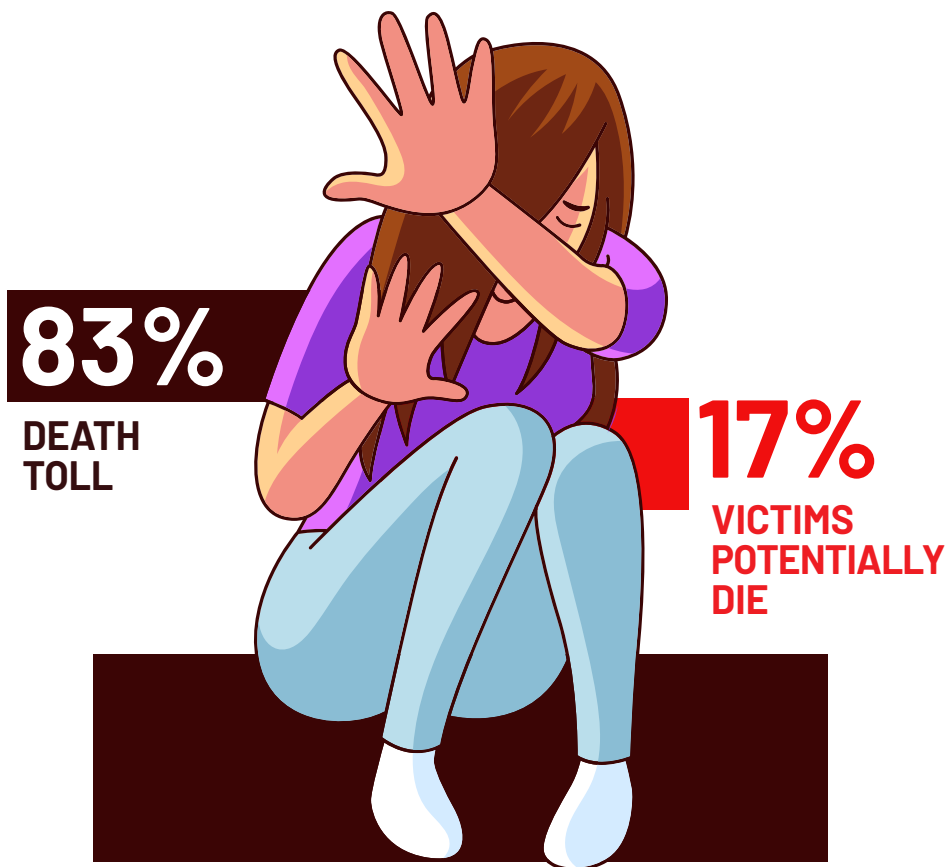


Source: Supreme Court Directory (2022)

The results of court decisions were then analyzed to determine cases that could be categorized as intimate partner femicide. Of the 100 court decisions, 15 cases were categorized as femicide cases of intimate partners (women who died) as presented in **Figure 4.2**.

Figure 4.2

Supreme Court Decisions on Cases Leading to Intimate Partner Femicide

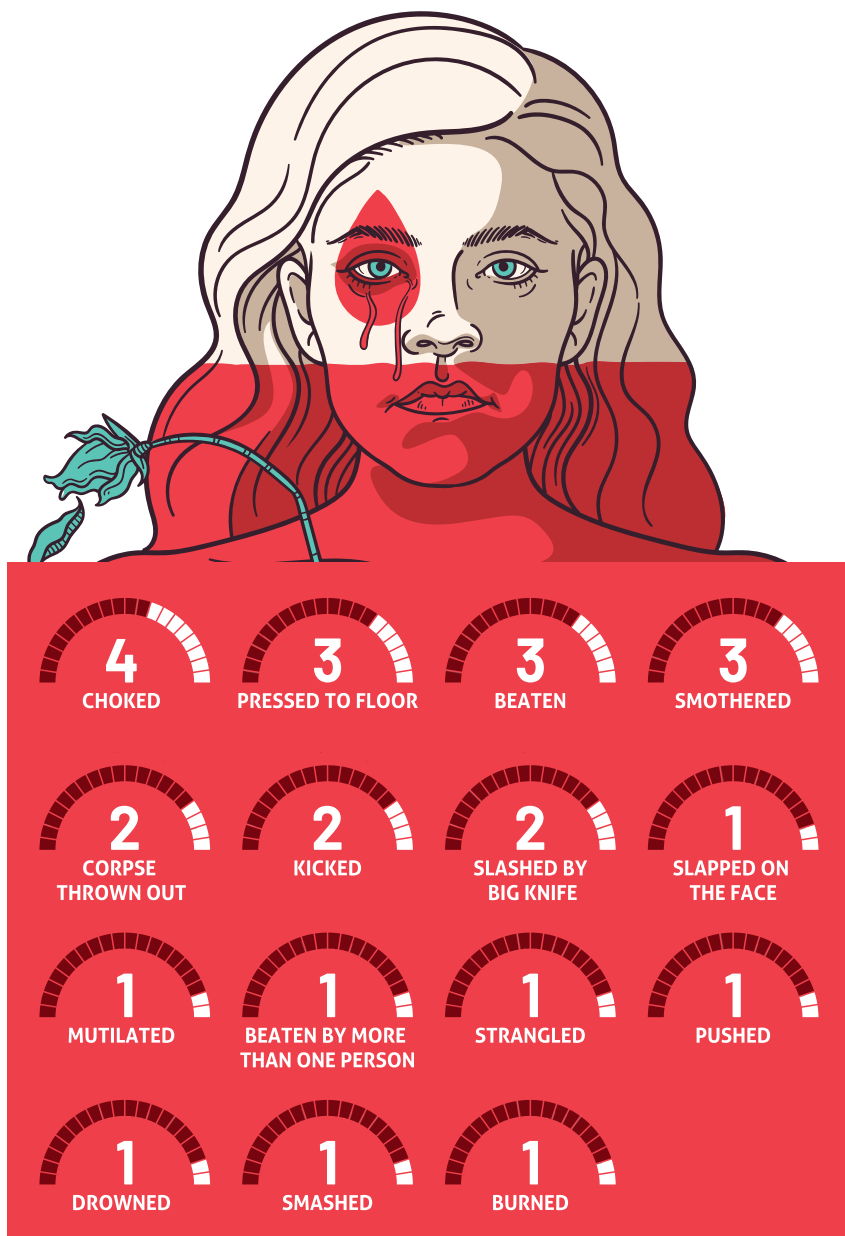


Source: Supreme Court Directory (2022)

The results that appear in the search system cannot fully show the murder of women from the escalation of domestic violence, but this small picture can support an understanding of how vulnerable and layered the persecution is in cases of femicide. The layers of abuse experienced by femicide victims can be seen from the way they were killed. It even continues to the victim when the victim has died, namely mutilating the victim's corpse. In detail, the various ways of killing and ill-treatment are presented in **Figure 4.3**.

Figure 4.3

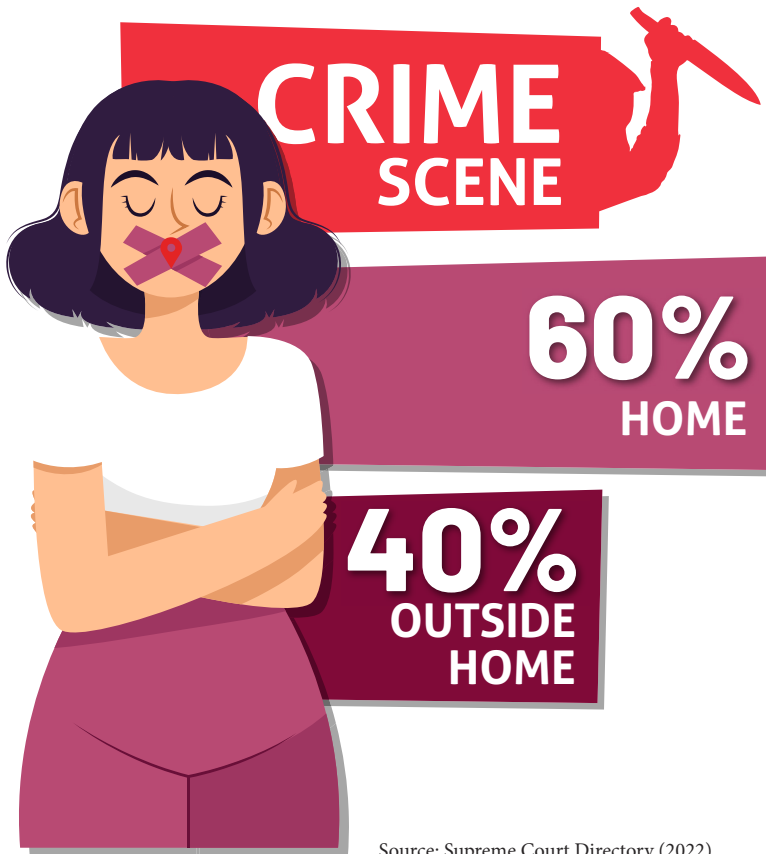
Ways to Murder in Intimate Partner Femicide Cases



Source: Supreme Court Directory (2022)

Analysis of court decisions in murder cases against women shows that 60 percent of the locations where murders are located are at home.

Figure 4.4
Crime Scene

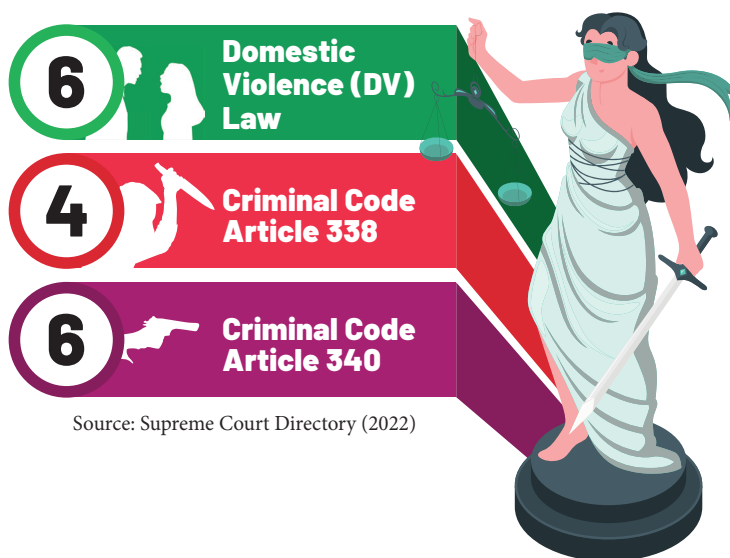


Source: Supreme Court Directory (2022)

The cases of domestic violence which have escalated into murders have strongly indicated that femicide has certainly prevailed. However, legal products in Indonesia do not yet recognize the term femicide, so the articles used vary from the EDV Law up to the Criminal Code Article 338 or Article 340. Of the 15 cases that ended in death, there was one case that was subject to 2 articles, namely Article 338 of the Criminal Code and Article 340.

Figure 4.5

Various Articles Referred to When Prosecuting Murder Cases of Women



Source: Supreme Court Directory (2022)

Table 4.2

Variants of the Legal Framework and Sentences for the Murder of Women

Article used	Prosecutor's Requisitory (yr)	Sentence (yr)	Additional fines/ Judgement
EDV Law Article 44 paragraph 3	8	7	-
EDV Law Article 44 paragraph 3	10	8	-
EDV Law Article 44 paragraph 3	15	10	-
EDV Law Article 44 paragraph 3	14 years and 5 million subsidiary 6 Months	15 (ultra petita)	45 million subsidiary 6 months
EDV Law Article 44 paragraph 3	14 yrs 6 months	15	-
EDV Law Article 44 paragraph 3	9 years 10 million	7	-

Article used	Prosecutor's Requisitory (yr)	Sentence (yr)	Additional fines/ Judgement
Criminal Code Article 338-murder	12	11	-
Criminal Code Article 338	15	13	-
Criminal Code Article 338	15	15	-
Criminal Code Article 340 Subsidiary Article 338 in conjunction with Article 55 paragraph (1)	Death Penalty	20	Dismissed from military service
Criminal Code Article 340	18	15	-
Criminal Code Article 340	20	20	-
Criminal Code Article 340	20	20	-
Criminal Code Article 340	20	16	-
Criminal Code Article 340	18	18	-

Table 4.2 shows that there are variations in the demands and decisions of judges on cases of murder against women. One of the important issues that depicted is the disparity of sentencing decisions given by judges. By using the same article, for example, the EDV Law and the victim/wife dies the sentence written in the law is 15 years, but the decisions are 7, 8 to 10 years. The motives for murder in the court decisions studied include quarrels, jealousy, hurt, infidelity, to economic factors which can be seen in detail in Table 4.3. Misogynistic motives were not revealed.

Table 4.3
Variants of Motives for Killing Women

Motive	Number
Quarrel	7
Jealous	4
Offended	1
Affair	1
Suspicion of infidelity	1
Economic factors	1

Source: Supreme Court Directory (2022)

Based on the online media monitoring related to the murder of women in June 2021-June 2022, 307 cases were found. The news that is the focus of the analysis is a case of murder by an intimate partner/femicide of an intimate partner. Of the 307 total cases found, there were 84 cases of femicide in intimate partners either by husbands or ex-partners. The analysis of these cases uses concepts from Jane Monckton-Smith (2012) to get a more comprehensive picture of femicide in Indonesia. There are several aspects that will be discussed further in this section, including the place of the crime (TKP), the age of the perpetrator and the victim, the method of murder, and the motive for the murder.

Based on the data processing, crime scenes are divided into two categories, namely the private domain (home) and the public/community domain (outside the home). 73 cases of femicide occurred in the private room or the victim's residence. A total of 10 cases occurred outside the home and the other one was not identified. In cases where the crime scene is in a public space, the murders occurred in villas, hotels, motorcycle repair shops, former cinema buildings, under bridges, food stalls, gardens, and village polyclinics. Through this data, 86.9% of femicides occur in the private sphere. This shows the vulnerability of women to the risk of femicide even though they are at home. A house that is "constructed" as the most "safe" place becomes the riskiest place because the perpetrators of the murder are the spouses of the victims. Thus, femicide is a real threat to women that can be carried out at home by even the closest people.

Table 4.4
Place of Case

Crime scene	Number of Cases
Private/home domain	73
Public domain/outdoor	10
Unknown	1
TOTAL	84

Source: Media Monitoring Data, Komnas Perempuan (2022)

In terms of age, research by Monckton-Smith (2012) shows that cases of femicide in intimate relationships are dominated by perpetrators with a large age difference from the victim. Marriages with an age difference between men older than women have a higher level of femicide in intimate partners (Monckton-Smith, 2012). **Komnas Perempuan noted that in patriarchal households, the huge age difference adds a layer of women’s vulnerability to violence, in this case, femicide by intimate partners.** The data findings show the same thing, with the majority of perpetrators being older than the victim as can be seen in Table 4.3 which records 57 cases with the perpetrator being older than the victim: a difference of fewer than 10 years in 43 cases, and a difference of more than 10 years in 14 cases. Meanwhile, femicide where the victim was older than the perpetrator was only in 16 cases. Buss (2005) in Monckton-Smith (2012) says that older men who marry younger women become more vigilant and crueler.

Table 4.5

 The Age Difference between the Perpetrator and the Victim



Source: Media Monitoring Data, Komnas Perempuan (2022)

In addition to the age gap between the victim and the perpetrator, how women are killed is also an important issue to discuss. After monitoring the media for data related to femicide in Indonesia, it could be seen that the most widely used method by the perpetrator (husband of the victim) is stabbing with sharp objects, as could be found in 39 cases. Tools available at home such as kitchen knives, razors, *kris*, nail clippers, *badik* (Makassar), sickles and daggers were often used to do the stabbing. Furthermore, beating

to death is the second most common method. A total of 19 cases used beatings either with bare hands, using a stick, crowbars, hammers, iron, or LPG gas cylinders. Other methods of murder include strangulation (14 cases), then the victim was entangled with ropes, burning, hitting the head on the surface, being occupied, speared, pulled to the ground, immersed in water, kicked, doused with hard water and cut down. Regarding the selection of tools used for murder in femicide cases, it can be influenced by the availability of tools in every home in Indonesia such as kitchen knives, LPG gas cylinders and bare hands (Nuwer, 2014; Berty, 2017). In contrast to countries that have less strict rules for firearms, such as the United States, shooting is the most common method of murder used by a husband against his wife (Monckton-Smith, 2012).

Physical contact in the act of murder is a pattern that is illustrated by the data found. According to Naftali Berrill, a forensic psychologist, an assault, or murder of an individual by strangling, stabbing or other means involving physical contact with the victim indicates anger, hatred or paranoia towards the victim (Niiler, 2014). There is a personal and deep element when carrying out an act of killing with physical contact compared to when using a firearm which incidentally can be done remotely. Most cases were found to illustrate this clearly, where the perpetrator carried out a murder using a sharp object that was stabbed repeatedly into the victim (Setiawan, 2021; Suhendi, 2021; Pamungkas, 2022).

In the first case, this murder took place at the residence of the perpetrator and the victim when the two were talking and there were words from the victim that offended the perpetrator (Pamungkas, 2022). It is known that the perpetrator killed the victim because he was angry that he was often scolded and told to find a job. Based on Kasatreskrim Polrestabes Semarang, AKBP Donny Sardo Lumbatoruan,

“At that time the victim had the chance to ask for help from her neighbors, calling, Mbak Yuni, please. However, when there was a response, she was suddenly stabbed here (in the neck). After that, the victim fell and was stabbed repeatedly.”

(Pamungkas, 2022)

There were 14 stab wounds on the victim's body (Pamungkas, 2022). Similar to what happened in Central Kalimantan, where intimate femicide occurred because the perpetrator was annoyed with the victim because of income problems. In this case, 11 stab wounds were found on the victim's body (Suhendi, 2021). The perpetrator came to the victim who was fishing:

"At that time, the perpetrator was in a state of anger and frenzy, so that his wife was immediately hit in the chest and then, on the cheek ... the perpetrator took a knife (from the victim's bag) which is usually used to look for bait ... the perpetrator stabbed the victim up to eleven times."

(Suhendi, 2021)

The perpetrator admitted that he killed the victim because he was very emotional seeing the behavior of the victim who was protesting against the perpetrator's income.

"I didn't mean to kill my wife, but because I was annoyed and (we) often quarreled, I finally went crazy and killed her."

(Suhendi, 2021)

Another example can also be seen in the case of femicide against women who refused an invitation to have sex by the perpetrator. The victim suffered 4 stab wounds (Setiawan, 2021).

"As soon as he heard his wife refused his invitation to have sex, the perpetrator then stabbed the knife into the victim's stomach blindly."

(Setiawan, 2021)

The stabbing carried out by the perpetrator against the female victim was considered to show an emotional outlet from the perpetrator. Victims of femicide are not only deprived of their lives, but also experience layered and sadistic persecution from the perpetrators. Another finding, which strengthens the findings of Komnas Perempuan in the Development of Femicide Initial Knowledge (2021) is that a **femicide is an act of extreme**

violence in layers and not singular. Of the 84 cases of femicide in the house, 14 of them used more than one method of violence or sadism to kill the victim. Monckton-Smith (2012) said that to see the level of layered violence in a murder case, it can be seen from the presence of excessive and extreme violence. This means that using just one method (stabbing/strangling) is already deadly, but the perpetrators often don't stop there. They also carried out other violence even though the victim was dying or died, such as the femicide case in Tangerang where the victim was stabbed with a knife, grabbed and his face hit on the street (Siregar, 2022). Monckton-Smith (2012) said that this condition shows that cases of femicide in intimate partners often occur not only due to 'loss of emotional control' but also elements of systematic violence. Especially if there is more than one method of killing or violence against the victim, which of course requires additional time. Actually, the ways of killing can vary depending on geographical conditions, culture and availability of tools. However, a consistent pattern can be seen in these killings, namely the presence of elements of intent, control, layered and emotional violence (Monckton-Smith, 2012).

Media monitoring related to femicide also found that there were at least 16 categories of motives for killing women. Among them are jealousy, offended masculinity, the victim wants to separate, the perpetrator is annoyed with the victim, economic factors, the victim does not want to wake up, unemployed stress, domestic violence to death, mental disorders, household problems, prohibiting playing with children, stress taking care of sick victims, the stress of being in debt, the victim does not want to buy a motorbike, targets the victim's property, and does not accept the victim who married other men. The three categories of motives for murder with the highest number will also be analyzed more deeply using the concepts from Monckton-Smith (2012), namely jealous love, tough love, and separation.

In his findings, Monckton-Smith (2012) explains that there are several love narratives used by intimate partner femicides to justify their actions. Jealous love is a form of love narrative that is often found in femicide cases. There is an idea that a woman who has married or is partnered with a man immediately becomes the 'asset' of the man completely, which is rooted in masculine possessiveness in which women are seen as property that

must be obeyed by their partners and at the same time a form of masculine possessiveness, control over women (Ben-Zeev, 2014). A wife's infidelity, even if it is mere conjecture, can provoke emotions to such extremes that even a "reasonable man" responds with lethal violence' (Monckton-Smith, 2012). This condition can be seen from the cases of femicide by intimate partners in Indonesia where many of the victims were killed simply because the husband suspected his wife was having an affair, kept the number of another man, interacted with other men and even just because the victim was defending his friend.

Figure 4. 6 _____
Ways to Kill Victims of Intimate Partner Femicide



Source: Media Monitoring Data, Komnas Perempuan (2022)

The case of intimate partner femicide in Surabaya occurred because the husband felt jealous that his wife often uploaded videos on the social media platform TikTok and received comments from many men (Wiyono, 2021). Based on the witness to the murder, namely the victim's child, the Head of Criminal Investigation at the Surabaya Police, Kompol Mirzal Maulana said that the motive for the murder was:

“It is suspected that the victim was jealous, the victim created content to attract other men or netizens to comment. It is suspected that this triggered the perpetrator to persecute the victim to death.”
(Wiyono, 2021)

The same pattern is also found in the case of the murder of an intimate partner in Papua who has been married for more than 20 years. The husband had the heart to brutally kill his wife naked because he suspected the victim was having an affair with a motorcycle taxi driver. The perpetrator felt angry and ‘mised’ after the victim continued to deny the accusation and refused to serve the perpetrator (Editor, 2021a). According to the Mimika Police Criminal Investigation Unit Head, AKP Hermanto:

“According to Abel’s confession, his wife denied that she had anything to do with the ojek taxi drivers who accompanied her in taking pictures at the market. But what made Abel even more angry and emotional, was that during a fight, the victim asked for a divorce because he didn’t love his husband anymore.”
(Editor, 2021a)

The perpetrator is known by the victim's family as a man who is easily suspicious, jealous and likes to control the victim. This can be seen from how every day the perpetrator always checks the victim's cellphone to make sure his wife is not communicating with other men (Editor, 2021a). The victim's sister said:

“Almost every time he comes home from the market, the perpetrator checks his wife’s cellphone. My brother’s husband is very jealous,

our father warns him (Abel) not to be jealous, because we all sell things at the market, we are all brothers and sisters. Her husband is jealous of the motorcycle taxi driver, whatever, he's jealous of everyone. In the end, because he was the one who warned him, he ended up being beaten with blocks."

(Editor, 2021a)

The same pattern is also found in the case of the murder of pregnant women in Riau. The motives of jealousy and hurt are the reasons the perpetrators killed his wife ruthlessly who was 8 months pregnant. The perpetrator admitted that:

"My wife is cheating on me with a vegetable seller."

(Indozone, 2021)

After the victim died, the perpetrator ordered his men to throw the victim's body into a septic tank. When the victim's family searched for her body, the perpetrator helped along and initially said he did not know anything about the murder of his wife. The victim's family hoped that the perpetrator would be sentenced to death or received the maximum jail time for his heinous act, especially after pretending to join the search to look for the victim. The victim's sister said:

"He (the suspect) killed her, he also pretended to be looking for the victim with our relatives. I cannot accept this. Give him a severe punishment, if possible, the death penalty. A life for a life. Because my sister was killed like she was not a human, like an animal my sister was killed. Especially in a state of 7 months pregnant."

(Arsyam, 2021)

This can prove that the femicide killing by an intimate partner due to jealous love is not solely done because of 'mistake' or anger, but there is an element of intention and planning. Not infrequently victims of this femicide murder are found in a state of humiliation of their dignity, such as being stripped naked by the perpetrator, bound in a "shameful" state,

or buried with dirt (in a septic tank) (Indozone, 2021; Editor, 2021). Thus, it is unfair that the killing of women with femicide elements is treated the same as general murder. There needs to be heavier punishment for the perpetrators of femicide, especially when at the same time eliminating the life of the fetus in the womb of the female victim.

Another motive for murder that is often found in femicide cases is the offense of masculinity. Offended masculinity includes men's pain due to not being obeyed by their wishes, feeling unappreciated, the victim speaking harshly to the perpetrator, being often scolded by the victim, or the victim refusing to have sex. The motive for this offended masculinity can be seen in the case of the murder of an intimate partner in Semarang. The perpetrator admitted that he had the heart to kill his own wife because he was offended by being asked to find a job and was often scolded by the victim. The perpetrator actually asked to be killed because he was tired of living, but the victim also asked for the same thing and was taken seriously by the perpetrator (Pamungkas, 2022). Khanifah (the perpetrator) confessed,

“Yes, it’s true that my wife asked to be killed in the end I killed her. The wife was killed in the neck.”
(Pamungkas, 2022)

Feeling unappreciated as the head of the household is also one of the motives for femicide in a number of cases. For example, what happened in Malang, where the husband deliberately killed his wife in the bathroom and made it look like she died in an accident. The perpetrator said that he had the heart to do this because the victim was not ‘obedient’ to her husband: she was defiant. The climax occurred after the victim planned to move out but the perpetrator was not asked to join her (Saputri, 2021). Head of Criminal Investigation Unit for Malang City Police, Commissioner Tinton Yudha Rimabodo said,

“The climax occurred after the victim planned to move out but the perpetrator was not asked to join her.”
(Saputri, 2021)

Jealousy of the victim's work was also found in the data as the reason for the murder. Most men fear that if their wives work, they will interact with other men or become more financially independent. Monckton-Smith (2012) mentions the motive for the murder can be classified in the tough love narrative. Tough love is an expression that is often used to deal with naughty and disobedient children. Rude acts that 'discipline' is considered right because they are carried out in the name of love even though they are actually forms of violence. In the case of intimate partner femicide, men who see their wife as disobedient or not fulfilling their 'rights' (such as refusing to have sex), feel that their masculinity is hurt so that women deserve violence and even death.

Such is the case with the murder in Southeast Sulawesi which was carried out by her own husband after the victim refused an invitation to have sex. Sometime before the heinous incident occurred, the victim often asked for a divorce from her husband. However, the perpetrator felt out of control after hearing the victim's refusal to have sex on the grounds that she was menstruating. The refusal ended with repeated stabbings of the victim, which was then followed by a failed suicide attempt by the perpetrator (Lentera Sultra, 2021). The Head of North Kolaka Police Reskim, Iptu Alamsyah Nugraha said:

"The victim's husband has admitted that it was him who killed his wife. The trigger, his wife or the victim refuses to have sex and often asks for a divorce in this month."

(Lentera Sultra, 2021)

Feminists have long argued that in patriarchal societies, women are positioned conceptually as children and infantile in heterosexual relationships (Monckton-Smith, 2012). Broadly speaking, the two types of love narratives in Monckton-Smith (2012) have something in common: femicide and other forms of violence are often justified by the idea of love. Whereas all these actions are only a manifestation of men's interest to control women's bodies and lives which they view as objects, not as sovereign humans.

Table 4.6**Motives for Murder**

No.	Murder Motive	Number of Cases
1	Jealousy	25
2	Offended masculinity	17
3	Victim wants to separate	11
4	Upset with the victim	6
5	Unknown	6
6	Economic factors	3
7	Don't want to wake up in the morning	2
8	Stress from being unemployed	2
9	Domestic violence leading to death	2
10	Mental disorders	2
11	Household problems	2
12	Not allowed to play with children	1
13	Exhausted to treat victim, a sick person	1
14	Debt problems	1
15	Don't buy a motorbike	1
16	Trying to take over the victim's asset	1
17	Victim's marriage was not legally registered (only solemnized by Sharia Law)	1
TOTAL		84

Source: Media Monitoring Data, Komnas Perempuan (2022)

In addition to the two narratives about love above, in many cases, the perpetrator of intimate partner femicide commits murder based on this attitude: “If I can’t have you, no one can” (Monckton-Smith, 2012). An example of this attitude was shared by an intimate femicide perpetrator in Pekanbaru in July 2021. This murder began with a domestic dispute because the perpetrator was found to have cheated on him and the victim insisted that she wanted to separate. The Head of the Rumbai Pesisir Police, Kompol Maiterika, said that this murder:

“Based on this disharmony in their household, the victim asked for a divorce and said she would return to her ex-husband, but the suspect didn’t want to and said ‘I don’t want a divorce and if we divorce, it’s better that I kill you so you don’t marry your ex’.”

(Editor, 2021)

This shows the vulnerability of women who want to separate from their partners to intimate partner femicides. **Table 4.4** shows the victim wanting to separate is the third most common femicide motive for intimate partners. The perpetrator does not allow the victim to leave their relationship and chooses to kill the victim. Even when women have managed to leave the relationship, they are still at risk of becoming victims of femicide. That is post-separation violence. In one case found; a man killed his former partner because he was jealous that the victim would remarry (Mahdi, 2022). Based on the analysis, the perpetrator here also commits murder based on the attitude that no man other than him can be the victim’s partner. Monckton-Smith (2012) said that separation is the most dangerous thing for women in heterosexual relationships.

Men often force women to return to relationships for various reasons (Monckton-Smith, 2012). In several cases that were found, the perpetrators continued to “pursue” the victim and kill her when the victim was unwilling to reconcile. For example, the femicide case in Ngawi occurred in December 2021, where the victim was killed for refusing to reconcile with the perpetrator. The victim who was about to go to work was intercepted by the perpetrator and discussed an invitation to reconcile at a stall that was not yet open (Surya, 2021). The victim refused to reconcile so the perpetrator killed the victim, and then the perpetrator committed suicide by crashing into a train. According to the witness, the perpetrator was known for his temperament and had threatened to die together if the victim refused the call for reconciliation (Surya, 2021).

Thus, women in high-risk relationships should be protected from contact with their former partners after (or about to) separate. This can

be seen as one of the femicide prevention efforts. Cases of domestic violence show that not only victims of physical abuse are in danger of threatening their lives but special attention and protection are also needed by those who live with jealous and controlling men (Monckton-Smith, 2012). In situations like this, it is often the environment and the criminal justice system that push women to file a complaint or leave the perpetrator, but adequate protection is only provided. What we often miss to consider is that the departure of women from these abusive relationships puts them at a higher risk.

There is a precedent for the escalation of domestic violence into cases of murder against women. In one case, in 2017, for example, a husband killed his wife by shooting her multiple times. The husband did not accept the fact that his wife was filing for divorce. Based on information from the mass media, the murder case began with a quarrel and a disharmonious relationship between the two (Tempo.co, 2017). However, what was important in this case was that before the shooting, the victim had filed a complaint regarding her husband's domestic violence at the East Jakarta Police (Tribunnews.com, 2017).

When handling domestic violence complaints, it is good to consider giving space to constrain the perpetrator from the victim. Providing a safe space for women victims of repeated domestic violence should constitute one of the concrete steps in handling domestic violence. The high risk in cases of domestic violence demands the responsibility of law enforcement officers to further identify the potential and future incidents that the victim may experience. This should urge law enforcers to take preventive measures to prevent violence from escalating into femicide by an intimate partner. If the further potential for domestic violence after the victim filed her complaint is not done, the state can be said to have committed an act of omission. Which could translate into opportunities for intimate partner femicide to take place in the future.

The omission which occurs due to the failure to identify potential threats for femicide also indicates the state's weak role in preventing femicide and partiality in enforcing EDV Law to protect the victim. Articles 19 and 20 of the EDV Law clearly state that the police are

obliged to inform victims of their rights, to immediately mention that domestic violence is a crime against human dignity and that the police are obliged to protect the victim.

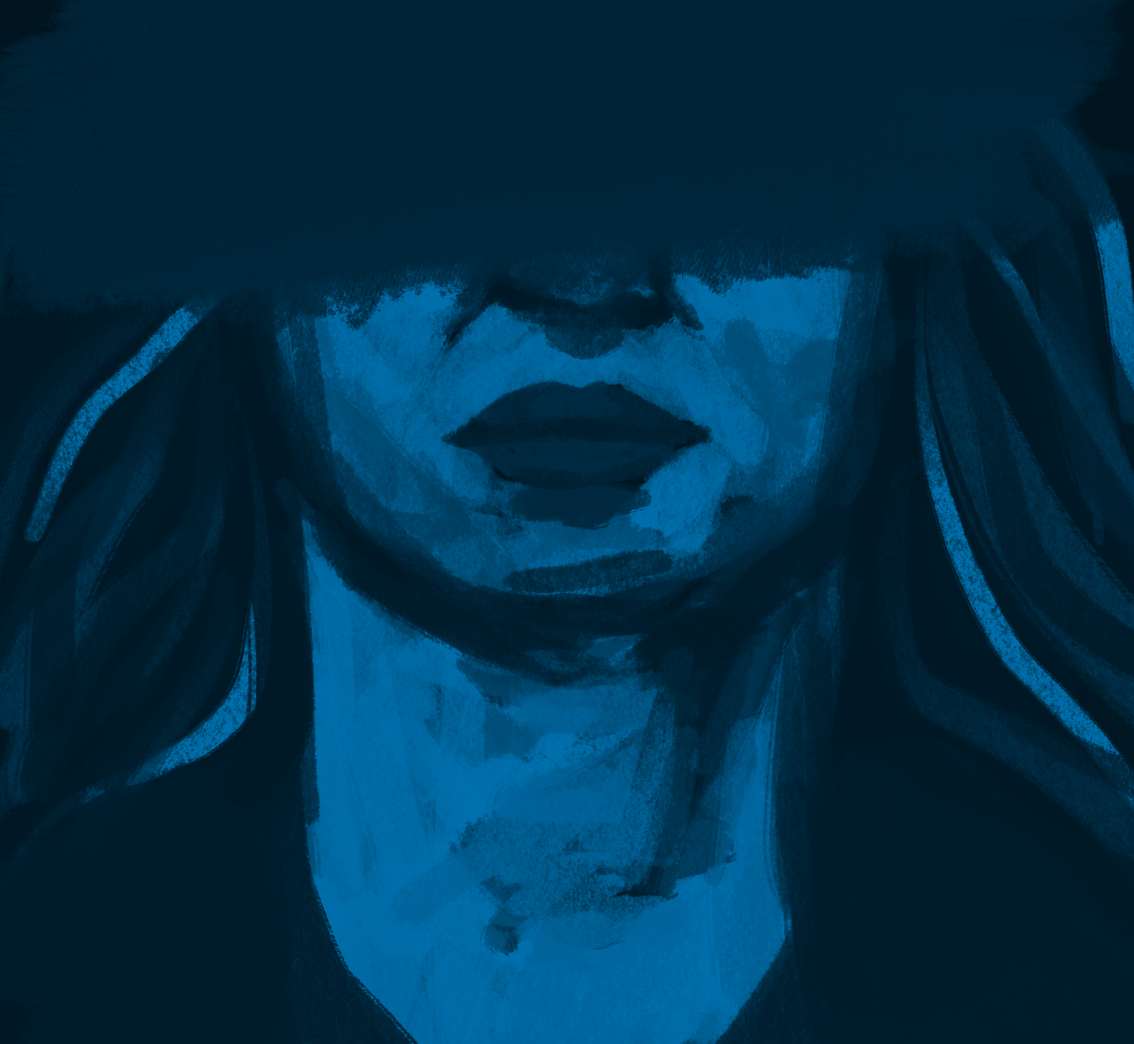
Victims have a right to be provided with a safe room or house. Article 17 of the EDV Law also states that in providing protection to victims, law enforcement officers can cooperate with social workers or with the community where the victim lives. This collaboration can facilitate safe spaces or other alternative places to serve as shelter for the victims (Article 22). The existing cases show that law enforcement officers can not underestimate bigger threats that will be faced by victims of domestic violence as indicated in past incidents. This can be further translated into a conclusion that if after receiving a complaint of domestic violence the state fails to anticipate the potential escalation of such violence into femicide, the state through its omission can be said to have committed a human rights violation, by allowing femicide to occur.

The analysis above is a small part of the portrait of a femicide motive and women's vulnerability to intimate partner femicide. Without the intention of reducing this, the three concepts above were chosen in the hope of representing the data by analyzing the three most common motives of intimate partner femicide (constituting a total of more than 75 percent of cases). In the patriarchal construction of heterosexual relationships, love can be expressed in the form of violence, and violence will be interpreted as love. According to Moncton-Smith (2012), it will be perceived by the public depending on the conditions and motives of the male perpetrator, through confession, guilt, and a history of violence in the relationship between the perpetrator and the victim. Like jealous love and tough love, which often become the basis for perpetrators to justify their actions. Through analysis using these two concepts, it can be seen that the power and control factor of men over women is crucial in the femicide of intimate partners. The power and control of men over women are strengthened by the conception of love which is also defined according to patriarchy. In the concept of separation, the attitude of men who are often described as "love" is more visible as an obsession. The analysis of the separation

motive above can be used as an evaluation for the criminal justice system or authorized institutions in formulating efforts to prevent intimate partner femicide. Recognize and acknowledge that women are vulnerable to becoming victims of intimate partner femicide, and that certain groups of women have a higher vulnerability or risk. This victimization is only experienced by women because of the victim's gender vulnerability and structural support for men to have control and power that triggers the femicide of intimate partners (Monckton-Smith, 2012).

CHAPTER V

POLICY RECOMMENDATIONS



A. Recommendations On Legal Substance Aspects

Based on a search on the need for femicide recognition and reparation for the victim's family in the context of general crimes in Indonesia, Komnas Perempuan recommends to the relevant parties:

- 1 Integrating the motives of hatred against women and other vulnerable groups in the article on murder.** The proposal to integrate the motives of hatred against vulnerable groups in the Draft Criminal Code can be formulated by formulating the provisions in the body as follows: *“Everyone who kills another person due to hostility toward race, nationality, ethnicity, skin color, gender, disability shall be punished with a maximum sentence of imprisonment of Years.”*
- 2 Integrating the femicide motive as a consideration in imposing criminal weights in the crime of taking life or other crimes that cause death.** Aggravation is needed considering that murder occurs as the most extreme and multi-layered form of gender-based violence. In addition, women and other vulnerable groups who are victims of femicide need special attention.
- 3 Encouraging recovery for families of victims** of the crime of murder so that they can access restitution and compensation through amendments to Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims.
- 4 Implementing Perma 3 of 2017** in cases of murder with female victims to explore forms of gender injustice experienced by victims and the motives for killing the victims.
- 5 Encouraging the Supreme Court of the Republic of Indonesia to issue guidelines** for documenting murder cases based on gender and to include the issue of femicide and femicide diction in court decisions.

6 **Harmonization of existing rules** related to femicide both at the national level such as the Criminal Code and the Criminal Procedure Code as well as international conventions.

B. Recommendations for Legal Structure

1 **Gender-Based Disaggregated Data Collection.** Given that until now there is no documentation of gender-disaggregated data for victims of crimes that take the life of or those causing the death of women, it is important that data disaggregated by sex and motives is carried out by the criminal justice sub-system, namely the Police and Courts, at every level and that the directory of decisions of the Supreme Court decisions should have a special directory for femicides;

2 **Increasing Law Enforcers' Capacity in Identifying Femicides.** Gender understanding and perspective and seeing the vulnerability of victims is the first and foremost thing that must be understood by law enforcement officers. This perspective is needed by Law Enforcing Officers when identifying the position of the victim so that they can explore the facts behind the death of the woman victim by looking at factors that occurred previously such as the existence of power relations, a series of domestic violence, threats and attempts at manipulation by the perpetrators, the existence of sexual exploitation and others so that they can apply the article. Articles in the Criminal Code, the EDV (Elimination of Domestic Violence) Law, the TIP (Trafficking in Person) Law, the Child Protection Law, and the SVC (Sexual Violence Crimes) Law which result in the death of female victims.

3 **Mainstreaming of Femicidal Issues in Legal Education,** especially criminal law, criminal procedural law, criminology, victimology, and penology.

C. Recommendations Related to Legal Culture

- 1 Encouraging moderate religious interpretation and the principle of reciprocity in household relations.** The prevailing value is that women must always obey and submit to their husbands, including in terms of sexual services and the placement of men as leaders in the household who have the right to reprimand and even beat, which has led to the tendency to blame victims when violence occurs and perpetrated by their husband. The concept of a man as a protector also raises the belief that violence perpetrated by a husband is part of a husband's love for his wife. This assumption is also reinforced by religious interpretations or utterances that justify the use of violence.
- 2 Public education and campaigns on femicide.** The goal is that the community can respond to the existing legal system that often fails to protect victims with a good legal culture. In the context of femicide, victims and their families receive support to access justice and recovery.
- 3 Strengthening of the Social System.** The strengthening of the social system mentioned herein is the process of monitoring and implementing social sanctions that can be governed by customary law or enforced by the community against perpetrators of domestic violence. It will be good if there is a customary law or a special law that governs restrictions of the space for perpetrators of domestic violence which will be enforced in synchronization with the court decision.

D. Recovery Aspect Recommendations

In some women's experiences, victims are the main breadwinner of the family whose support is not limited to the nuclear family, in this case, their husband and children, but also to their parents and even siblings. Therefore,

in this context, the recovery aspects for the parties as mentioned above must also be described properly. The recovery must be built with a wider context, or often referred to as recovery in a broad sense. Recovery in a broad sense (PDML) is a process of supporting victims of violence against women to become capable, strong and empowered in making decisions and seeking a just, dignified and prosperous life (Komnas Perempuan, 2007).

In the context of femicide, the concept of PDML can be applied with a number of adjustments that focus on recovery for the family. This process is carried out using 5 (five) principles of approach:

1 Centered or oriented to women victims

The recovery process starts from the grief of the victim, requires the active involvement of the victim, and ensures the strengthening and empowerment of the victim. Victims' needs and aspirations are the main considerations of the entire recovery process. This means that this approach can place the victim's family, especially children or close relatives through strengthening and empowerment. This strengthening and empowerment must be part of the considerations and decisions in the legal process.

2 Rights-based

Recovery in a Broad Meaning (PDML) seeks to fulfill victims' rights to truth, justice, and recovery as an inseparable part of upholding human rights. These three rights are mutually influential to one another. That full recovery needs to consider the victim's family as the party most affected by the femicide incident. Therefore, building a complete recovery process must also consider the families of the victims who still have to move on with their lives.

3 Multidimensional

The three rights of victims are interrelated and influential to one another. Therefore, working on aspects of physical and psychological health, economic and community acceptance is inseparable from efforts to bring a sense of justice to the victim's

family. This multidimensional approach needs to be available to families of victims of femicide because of the contact between families and perpetrators and allows friction for revenge in any form from the family. That is why, this multidimensional approach is important so that the acceptance of both parties in society can take place well, including towards the perpetrator and his family, especially if the perpetrator and victim are close relatives.

4 **Community-based**

Recovery for the victim's family cannot be achieved without the active participation of the community, especially the family. At the same time, recovery for the victim's family is inseparable from the recovery of the community. This means recovery for the victim's family is one of the cores of the overall recovery as a result of the femicide incident.

5 **Sustainable**

The process of restoring the victim's family's rights for justice, truth and reparation cannot be carried out in a short time. To ensure that the rights of the victims' families are not neglected, this long process needs to be maintained continuously. The sustainable approach is taken because usually, the recovery process does not run smoothly or often undergoes a back-and-forth process due to the surrounding obstacles, such as cultural and structural barriers which often become a “stumbling block” in building a complete recovery process.

E. Recommendations Related to Femicide Data Collection in Indonesia

1 Intimate Femicide as an escalation of repeated cases of domestic violence that is ignored by law enforcers is a form of omission and torture carried out by the state under the Convention Against Torture (CAT). **Femicide itself is a criminal act with multiple layers of violence**, thereby making it classified as a form of torture

and cruel as well as inhumane treatment. Therefore, the state needs to identify femicide with a gender-based disaggregated data system, the relationship between the perpetrator and the victim, the realm, and motives as well as the impact on the victim's family to fulfill the right of the victim of femicide to justice as well as formulate steps to prevent and eliminate femicide based on disaggregated data and the rights of the femicide victim's family.

2 Sorting of Femicide Data. Learning from good practice from the Netherlands, for example, the national statistical agency also collects detailed data on murder cases that occur every year. The homicide data is disaggregated by sex, victim-perpetrator relationship, and motive. The details of this data collection are good if it is carried out by the Police and the Statistics Indonesia (BPS). Disaggregated data and categorization of femicides in the police are encouraged to be one of the considerations in law enforcement aspects, while disaggregated data from BPS is used as the basis for developing policies for the prevention and elimination of all forms of violence against women.

3 Data on Impacts on Families. It is important to adopt good practices in the UK and the Netherlands to collect data using a compensation form for the victim's family, considering the catastrophic impact of femicide on children who have lost their parents (the mother died and the father was imprisoned).

4 Building synergies between institutions and ministries in collecting data on femicides in Indonesia. Komnas Perempuan encourages the existence of a working group that includes the Ministry of Women Empowerment and Child Protection (KPPPA), Supreme Court, Witness and Victims Protection Agency (LPSK), National Police Criminal Investigation Unit (Bareskrim), Indonesian Child Protection Commission (KPAI), Statistics Indonesia (BPS), to service provider institutions as Femicide Watch Institutes in Indonesia.

BIBLIOGRAPHY

BOOKS

- Buss, D.M. (2003) *The Evolution of Desire. Strategies of Human Mating*. New York: Basic Books.
- Komnas Perempuan, 2007. 13 Pertanyaan Kunci Pemulihan Dalam Makna Luas.
- Monckton-Smith, J. 2012. *Murder, Gender and The Media: Narratives of Dangerous Love*. London: Palgrave Macmillan.
- Mui, C. and Murphy, J. (2002) *Gender Struggles: Practical Approaches to Contemporary Feminism*. Oxford: Rowman and Littlefield.
- Okun, L. (1986) *Woman Abuse. Facts Replacing Myths*. Albany: State University of New York.
- Weil, S. 2018. *Femicide across Europe: theory, research, and prevention*. Bristol: Bristol University Press.
- The National Committee for Research Ethics in the Social Sciences and the Humanities (NESH). 2022. *Guidelines for Research Ethics in the Social Sciences and the Humanities*. The Norwegian National Research Ethics Committees.

JOURNAL ARTICLES

- Alisic, E., Groot, A., Snetselaar, H. et al. 2015. Parental intimate partner homicide and its consequences for children: protocol for a population-based study. *BMC Psychiatry* 15, 177. <https://doi.org/10.1186/s12888-015-0565-z>
- Bay, S. 2021. Criminalization is not the only way: Guatemala's law against femicide and other forms of violence against women and the

- rates of femicide in Guatemala. *Washington International Law Journal Association*.
- Bosch-Fiol, E., Ferrer-Perez, V. A. 2020. Femicide, intimate partner violence and legal complaints in Spain, *Journal of Gender Studies*, 29(2), 187–201, DOI: 10.1080/09589236.2019.1616537
 - European Institute for Gender Equality. 2015. Combating Violence Against Women in Spain. Accessed via https://eige.europa.eu/sites/default/files/documents/2016.5476_m h 0 2 1 6 7 7 1 e n n _ pdfweb_20170215100603.pdf
 - Gamboa, Jorge. 2007 Seeking Integral Reparations for the Murders and Disappearances of Women in Ciudad Juarez: A Gender and Cultural Perspective. American University Washington College of Law. <https://core.ac.uk/download/pdf/235404238.pdf>
 - HM Government. 2014. A Call to End Violence against Women and Girls Action Plan 2014. Accessed via https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/287758/VAWG_Action_Plan.pdf
 - Logar, R., Mustafa, A. 2021. Quality guidelines for shelters for victims of Violence against Women and Domestic Violence. Council Of Europe. <https://rm.coe.int/shelter-guideline-eng/1680a24ced>
 - Muftuler-Bac, M. & Muftuler, C. 2021. Provocation defense for femicide in Turkey: The interplay of legal argumentation and societal norms. *European Journal of Women's Studies*, 28(2), 159–174.
 - Muftuler-Bac, Meltem & Muftuler, C. 2020. Provocation defense for femicide in Turkey: The interplay of legal argumentation and societal norms. *European Journal of Women's Studies*. Vol. 28.2. <https://doi.org/10.1177/1350506820916772>
 - Neumann, P. 2022. “If it’s not femicide, it’s still murder”: contestations over femicide in Nicaragua. *Feminist Criminology*, 17(1), p. 139-159 DOI: 10.1177/15570851211037271
 - Ogunlana, M., Nwosu, I., Fafolahan, A., Ogunsola, B., Sodeke, T., Adegoke, O. 2021. Pattern of rape and femicide during COVID-19 lockdown: content and discourse analysis of digital media reports in Nigeria. DOI:10.1080/09589236.2021.2012134

- Ökten, Ş. 2017 Domestic Violence and Patriarchy in Turkey. *European Journal of Social Science Educations and Research*, 11(2), 365—369.
- Riyadi, Slamet. (2012). *Problematika Penerapan Pidana Mati Dalam Konteks Penegakan Hukum di Indonesia*. *Jurnal Hukum dan Peradilan*, Volume 1, Nomor 2 Juli, Diakses dari <https://jurnalhukumdanperadilan.org>
- Sosa, L.P. 2017 Inter-American case law on femicide: Obscuring intersections? *Netherlands Quarterly of Human Rights*, 25(2), p. 85-103 DOI: 10.1177/0924051917708382.
- The Guatemalan Human Rights Commission. 2009 Guatemala's Femicide Law: Progress Against Impunity? https://www.ghrc-usa.org/Publications/Femicide_Law_ProgressAgainstImpunity.pdf
- Weil, S., Corradi, C., Naudi, Marceline. 2018. *Femicide Across Europe: Theory, Research, and Prevention*. Bristol: University of Bristol <http://www.jstor.com/stable/j.ctv8xnfq2.6>
- Weil, Shalva. 2016. FEMICIDE OF GIRLS IN CONTEMPORARY INDIA. Accessed via https://www.researchgate.net/publication/312346712_Femicide_of_girls_in_contemporary_India on 5 October 2022
- (WHO), (2012). Understanding and addressing violence against women: Femicide. https://apps.who.int/iris/bitstream/handle/10665/77421/WHO_RHR_12.38_eng.pdf
- <https://www.femicideincanada.ca/preventing#:~:text=Therefore%2C%20to%20prevent%20femicide%20generally,history%20of%20intimate%20partner%20violence%3B>

NEWS ARTICLES

- Africa Check. 2019. How does Nigeria's femicide rate compare? Accessed via <https://africacheck.org/infofinder/explore-facts/how-does-nigerias-femicide-rate-compare>
- Arsham, Ilham. 2021. Pengakuan Pembunuh Wanita Hamil yang Terkubur di Septic Tank, ini Motif Alex Habisi Nyawa Sang Istri. Accessed via <https://makassar.com>

- tribunnews.com/2021/06/24/pengakuan-pembunuh-wanita-hamil-yang-terkubur-di-septic-tank- ini-motif-alex-habisinya-awa-sang-istri?page=2. On August 30, 2022
- Ben-Zeev, (2014). Why Do (Some) Men Murder the Wives They Love? Accessed via <https://www.psychologytoday.com/intl/blog/in-the-name-love/201409/why-do-some-men-murder-the-wives-they-love> on 9 August 2022
 - Berty, Teddy. 2017 6 Benda 'Biasa' di dalam Rumah Ini Ternyata Bisa Membunuh. Accessed via <https://www.liputan6.com/global/read/3031704/6-benda-usual-di-dalam-rumah-ini-ternyata-bisa-mekill> on August 2, 2022
 - Caslavova, Veronica. 2022. Gender-Based Violence in Mexico: Bottom-Up Solutions to Governmental Negligence. Accessed via <https://www.securityoutlines.cz/gender-based-violence-in-mexico-bottom-up-solutions-to-governmental-negligence/> on 4 October 2022
 - CBS. 2019. Fewer murder and manslaughter victims in 2018. Accessed via <https://www.cbs.nl/nl-nl/nieuws/2019/39/minder-slachtoffers-moord-en-doodslag-in-2018>
 - Damarjati, Danu. (2019). "Ratusan Perempuan Dibunuh dalam Setahun, Ribuan Orang Demo di Paris". Accessed via <https://news.detik.com/internasional/d-4796051/ratusan-perempuan-dikill-dalam-setahun-ribuan-orang-demo-di-paris> on April 18, 2022.
 - Detik news. 2021. Ulah Barbar Alex Bunuh Istri Hamil dan Kubur di Septic Tank Rumah. Accessed via <https://news.detik.com/berita/d-5617697/ulah-barbar-alex-kill-istri-hamil-dan-kubur-di-septic-tank-rumah>. On August 30, 2022.
 - Dooijeweert, Adriana. 2019. Tackling violence against women in the Netherlands: some thoughts on the GREVIO baseline report on the Netherlands. Accessed via <https://www.humanrightshere.com/post/tackling-violence-against-women-in-the-netherlands-some-thoughts-on-the-grevio-baseline-report-on-the-netherlands>
 - Editor. (2021a). 8 Fakta Sadis Suami Bunuh Istri Asal Makale Toraja di Timika, No.3 dan 8 Paling Mengiris Hati. Accessed via <https://koranseruya.com/8-fakta-sadis-suami-bunuh-istri-asal-makale-toraja-di-timika-no-3-dan-8-paling-mengiris-hati.html> on 30 August 2022.

- Editor. (2021b, July 8). *Chatingan Media Sosial, Istri Tewas Mengenaskan di Tangan Suami*. Accessed via <https://harianriau.co/news/detail/54153/chatingan-media-social-istri-tewas-menensas-di-tangan-suami/> on August 29, 2022.
- End Violence Against Women. 2020. Femicide Census reveals half of UK women killed by men die at hands of partner or ex. Accessed via <https://www.endviolenceagainstwomen.org.uk/femicide-census-reveals-half-of-uk-women-killed-by-men-die-at-hands-of-partner-or-ex/> on October 5, 2022.
- Ertan, Nazlan. 2022. Turkish women's groups rally behind the anti-femicide platform. Accessed via <https://www.al-monitor.com/originals/2022/05/turkish-womens-groups-rally-behind-anti-femicide-platform> on 3 July 2022
- Ferguson, S & Henry, M. 2022. She was facing a real monster. Accessed via <https://www.abc.net.au/news/2022-03-24/mexico-femicide-units-violent-crime-women-foreign-correspondent/100920716> on 31 October 2022 2020. Gender Equality and the Empowerment of Women for Inclusive Growth in Mexico. Accessed via <https://www.oecd.org/about/secretary-general/gender-equality-and-empowerment-of-women-for-inclusive-growth-mexico-january-2020.htm> on 5 October 2022
- Harvard International Review. 2020. Indigenous Women: The Invisible Victims of Femicide in Mexico. Accessed via <https://hir.harvard.edu/indigenous-women-victims-of-femicide-in-mexico/> on 3 July 2022.
- Hill, J. 2020. Patriarchy and power: how socialization underpins abusive behaviour. Accessed via <https://www.theguardian.com/society/2020/mar/08/patriarchy-and-power-how-gender-inequality-underpins-abusive-behaviour> on October 5, 2020.
- Hutapea, Rita Uli. (2019). "Di Prancis, 1 Perempuan Tewas Dibunuh Pasangan Setiap 3 Hari". Accessed via <https://news.detik.com/internasional/d-4619635/di-prancis-1-perempuan-tewas-dikilled-pairs-every-3-hari> on April 18, 2022.
- Indozone. 2021. Istrinya yang Sedang Hamil di Septic Tank: Dia Selingkuh. Accessed via <https://www.indozone.id/news/aPsiNoR/alasan-alex-tega-kill-lalu-kubur-istrinya-yang-medang-pregnant-di-septic-tank-dia-seliikut/read->

- all?utm_source=wpnews&utm_medium=wp_news&utm_campaign=hithome on 30 August 2022
- Kocabıak, E. 2022. The Determinants of the Turkish Patriarchal State. Accessed from Global Dialogue: <https://globaldialogue.isa-sociology.org/articles/the-determinants-of-the-turkish-patriarchal-state> on October 3, 2022
 - Mahdi, D. (2022, April 13). *Cemburu Hendak Ditinggal Kawin, Pria di Bojonegoro Bunuh Mantan Istri*. Accessed via <https://jatim.inews.id/berita/cemburu-hendak-ditinggal-kawin-pria-di-bojonegoro-bunuh-mantan-istri> on August 29, 2022.
 - McGinnis, T. (2020, June 12). Exploring the Legal Context of Femicide in Mexico. Accessed via <https://justiceinmexico.org/legal-context-femicide-mexico/> on 8 July 2022.
 - Mendez, Cecilia. 2022. Why Gender Violence in Mexico Persists—And How to Stop It. Accessed via <https://americasquarterly.org/article/why-gender-violence-in-mexico-persists-and-how-to-stop-it/>
 - Mexican Na'atic. 2022. Women's rights in Mexico: A brief history. Accessed via <https://naatikmexico.org/blog/womens-rights-in-mexico-a-brief-history> on October 5, 2022
 - Niiler, Eric, (2014). Knife vs. Guns: What a Weapon Reveals. Accessed via <https://www.seeker.com/knife-vs-gun-what-a-weapon-reveals-1768455243.html> on August 2, 2022.
 - Nuwer, Rachel. 2014. Outside the Americas, Knives Are Often the Weapon of Choice in Homicides. Accessed via <https://www.smithsonianmag.com/smart-news/outside-americas-knives-are-often-weapon-choice-homicides-180949953/> on 2 August 2022.
 - OpenDemocracy. (2016, August 2). A deadly politics of wealth: femicide in India. Accessed via <https://www.proquest.com/docview/1808203545?accountid=17242> on April 12, 2022.
 - Pamungkas, R. T. (2022, January 18). *Tersinggung karena Diminta Cari Kerja, Suami Bunuh Istri di Kos Simongan Semarang*. Accessed via <https://jateng.tribunnews.com/2022/01/18/tersinggung-karena-diminta-cari-kerja-suami-bunuh-istri-di-kos-simongan-semarang> on 30 August 2022.
 - Reuters, (2021). Murders in Mexico fall 3.6% in 2021, but femicides rise. Accessed via <https://www.reuters.com>

- com/world/americas/murders-mexico-fall-36-2021-femicides-rise-2022-01-20/
- Saputri, N. 2021. Kronologi Suami Bunuh Istri Siri, Pelaku Merasa Tak Dihargai. Accessed via <https://www.tribunnews.com/regional/2021/09/29/kronologi-suami-bunuh-istri-siri-pelaku-merasa-tak-dihargai> on 30 August 2022
 - Setiawan, E. 2021 December 16 *Suami Tikam Istri saat Berada di Ranjang, Pelaku Marah Karena Ditolak Ajakan Bercinta*. Accessed via <https://batam.tribunnews.com/2021/12/16/suami-tikam-istri-saat-berada-di-ranjang-pelaku-marah-karena-ditolak-ajakan-bercinta> on 30 August 2022.
 - Siregar, Anisa. 2022. Menolak Diajak Pulang Kampung, Seorang Istri Ditikam Suami di Tangerang. Accessed via <https://megapolitan.kompas.com/read/2022/05/23/20200691/menolak-diajak-pulang-kampung-seorang-istri-ditikam-suami-di-tangerang?page=1> on 2 August 2022
 - Suhendi, A. (2021, June 11). *Suami Bunuh Istri Karena Kesal Selalu Rewel Soal Penghasilan di Kotim, Korban Alami 11 Luka Tusuk*. Accessed via <https://www.tribunnews.com/regional/2021/06/11/suami-bunuh-istri-karena-kesal-selalu-rewel-soal-penghasilan-di-kotim-korban-alami-11-luka-tusuk> on August 30, 2022.
 - Sultra Lantern. 2021. Menolak Diajak Berhubungan Badan, Suami tikam Istri Hingga Tewas. Accessed via <https://lenterasultra.com/web/2021/08/31/menolak-diajak-berhubungan-badan-suami-tikam-istri-hingga-tewas/> on August 30, 2022
 - Surya, A. 2021 December 30 Pegawai Samsat Ngawi Dipastikan Dibunuh Suaminya Sendiri. Accessed via <https://faktualid.com/news/andira/pegawai-samsat-ngawi-dipastikan-dibunuh-suaminya-sendiri/> on August 29, 2022.
 - Suryomenggolo, Jafar. (2020). "Femisida: Perempuan-Perempuan yang Dibunuh karena Gendernya". Accessed via <https://magdalene.co/story/femisida-perempuan-perempuan-yang-dibunuh-karena-gendernya> on April 18, 2022.
 - Tan, Poedjiati. (2020). "Femisida, Pembunuhan Perempuan yang Diabaikan". Accessed <https://www.konde.co/2020/12/femisida-pembunuhan-perempuan-yang-diabaikan.html/> on April 18, 2022.
 - The New Arab Staff & Agencies. 2022. Turkey: We Will Stop Femicide Platform on trial, risks

- closure if convicted. Accessed via <https://english.alaraby.co.uk/news/turkey-we-will-stop-femicide-platform-trial> on 3 July 2022
- United Nations. 2002 MEXICAN WOMEN STILL FACE DISCRIMINATION, DESPITE SIGNIFICANT STEPS, COMMITTEE TOLD. Accessed via <https://www.ohchr.org/en/press-releases/2009/10/mexican-women-still-face-discrimination-despite-significant-steps-committee> on 5 October 2022
 - Vivianco, J.M. 2020 March 3 *Mexican government paralyzed in the face of a wave of femicides*. Lost Angeles Times. <https://www.hrw.org/news/2020/03/03/mexican-government-paralyzed-face-wave-femicides> pada 12 Juli 2022.
 - Wiyono, Bambang. 2021. Cemburu Istri Sirinya Sering Dapat Komentar dari Netizen Pria di TikTok, AI Tega Membunuh <https://bali.tribunnews.com/2021/10/17/cemburu-istri-sirinya-sering-dapat-komentar-dari-netizen-pria-di-tiktok-ai-tega-membunuh>

COUNTRY REPORT

- America Latin Press. (2012, July 6). *Nicaragua: Law on Violence Against Women Goes to Effect*. Peacewomen.org. <https://www.peacewomen.org/content/nicaragua-law-violence-against-women-goes-effect>
- Blokhuis, Paul. 2019. Response by the Netherlands to the GREVIO report. Accessed via <https://open.overheid.nl/repository/ronl-3a4c9094-8ada-4f28-b47d-d6fb0ea86ec6/1/pdf/response-by-the-netherlands-to-the-grevio-report.pdf>
- Committee on the Elimination of Discrimination against Women. 2018. Alternative Report on Violence against Women in Ciudad Juarez, Chihuahua, Mexico. Publications. Accessed via https://www.ecoi.net/en/file/local/1439671/1930_1533114006_int-cedaw-ngomex-31432-e.pdf
- Council of Europe. 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence. Accessed from <https://rm.coe.int/168008482e>
- Evidence and lessons from Latin America. (n.d.). *Building Legal Frameworks to Address Femicide*

- in Latin America*. fundar.org. <https://www.fundar.org.mx/mexico/pdf/Brief-BuildingLegalFrameworkstoAddressFemicide.pdf>
- European Institute for Gender Equality. 2021. Measuring femicide in the Netherlands. Publication. Accessed via <https://eige.europa.eu/publications/measuring-femicide-netherlands>
 - European Institute for Gender Equality. 2021. Measuring femicide in Spain. Publication. Accessed via <https://eige.europa.eu/publications/measuring-femicide-spain>
 - Femicide Census. 2020. Femicide report 2020. Report. Accessed via https://www.femicidecensus.org/wp-content/uploads/2022/02/010998-2020-Femicide-Report_V2.pdf
 - Government of Malaysia. 2021. Response to the Letter Submitted by The Special Rapporteur on Violence against Women, its Causes and Consequences (“SRVAW”) dated November 3, 2021 (“Letter”) regarding the continuation of SRVAW’s work on femicide. Accessed via <https://www.ohchr.org/sites/default/files/2021-12/malaysia.pdf>
 - Infobae. 2022. 71% of murders of women in Guatemala go unpunished. Accessed via <https://www.infobae.com/en/2022/03/23/71-of-murders-of-women-in-guatemala-go-unpunished-2/#:~:text=Guatemala%20is%20one%20of%20the,Guatemala%2C%20652%20belonged%20to%20women.>
 - Netherlands Institute for Human Rights. 2019. UN Special Rapporteur on violence against women, its causes and consequences. Accessed via <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/Femicide/2020/NHRIs/netherlands-institute-for-human-rights.pdf>
 - OHCHR. 2019. Netherlands’ national data. Accessed via <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/Femicide/2020/States/submission-netherlands.pdf>
 - Rajmohan, Ganga. Statistical Data of Violence Against Women and their legal status in India. Accessed via <https://www.legalserviceindia.com/legal/article-4558-statistical-data-of-violence-against-womenand-their-legal-status-in-india.html>
 - Regidor, C. 2020. Femicides Rise in Nicaragua during 2020. Accessed via <https://confidential.digital/english/femicides-rise-in-nicaragua-during-2020/>

- Statista. 2021. Number of reported crimes against women across India in 2021, by type of crime. Accessed via <https://www.statista.com/statistics/633038/reported-crimes-against-women-by-type-india/>
- Statista. (2022a). Femicide rate in Mexico from 2017 to 2021. Accessed via <https://www.statista.com/statistics/979065/mexico-numberfemicides/>
- Statista. (2022b). Number of reported crimes against women across India in 2021, by type of crime. Accessed via <https://www.statista.com/statistics/633038/reported-crimes-against-women-by-type-india/>
- United Nations Women. 2014. Guatemala. Accessed via [https://lac.unwomen.org/en/donde-estamos/guatemala#:~:text=Guatemala%20ranks%20among%20the%20countries,women%20\(9.7%20in%20100%2C000\).](https://lac.unwomen.org/en/donde-estamos/guatemala#:~:text=Guatemala%20ranks%20among%20the%20countries,women%20(9.7%20in%20100%2C000).)

WEB SITES

- Femicidio. 2018. Accessed via <https://femicidio.net/category/informes-y-cifras/> on 7 July 2022
- Government Office Against Gender-Based Violence. 2017 Telefono 016 - 016 online. Accessed via <https://violenciagenero.igualdad.gob.es/en/informacionUtil/recursos/telefono016/home.htm> on 7 July 2022
- Government of the Netherlands. 2022. Sexual and Reproductive Health and Rights. Accessed via <https://www.government.nl/topics/development-cooperation/the-development-policy-of-the-netherlands/sexual-and-reproductive-health-and-rights> on 7 July 2022
- Murder Compensation Claim Specialist. 2022. How Families of A Murder Victim Could Claim Compensation? – A Guide Who Can Claim? – How To Claim? Accessed via <https://www.advice.co.uk/criminal-injuries-compensation/how-families-of-a-murder-victim-could-claim-compensation> on 7 July 2022
- SAMM National. 2022. Support After Murder and Manslaughter. Accessed via <https://samm.org.uk/> on 7 July 2022
- Share-net Netherlands. 2022. Gender Based Violence.

Accessed via <https://share-net.nl/communities-of-practice/gender-based-violence/> on 7 July 2022

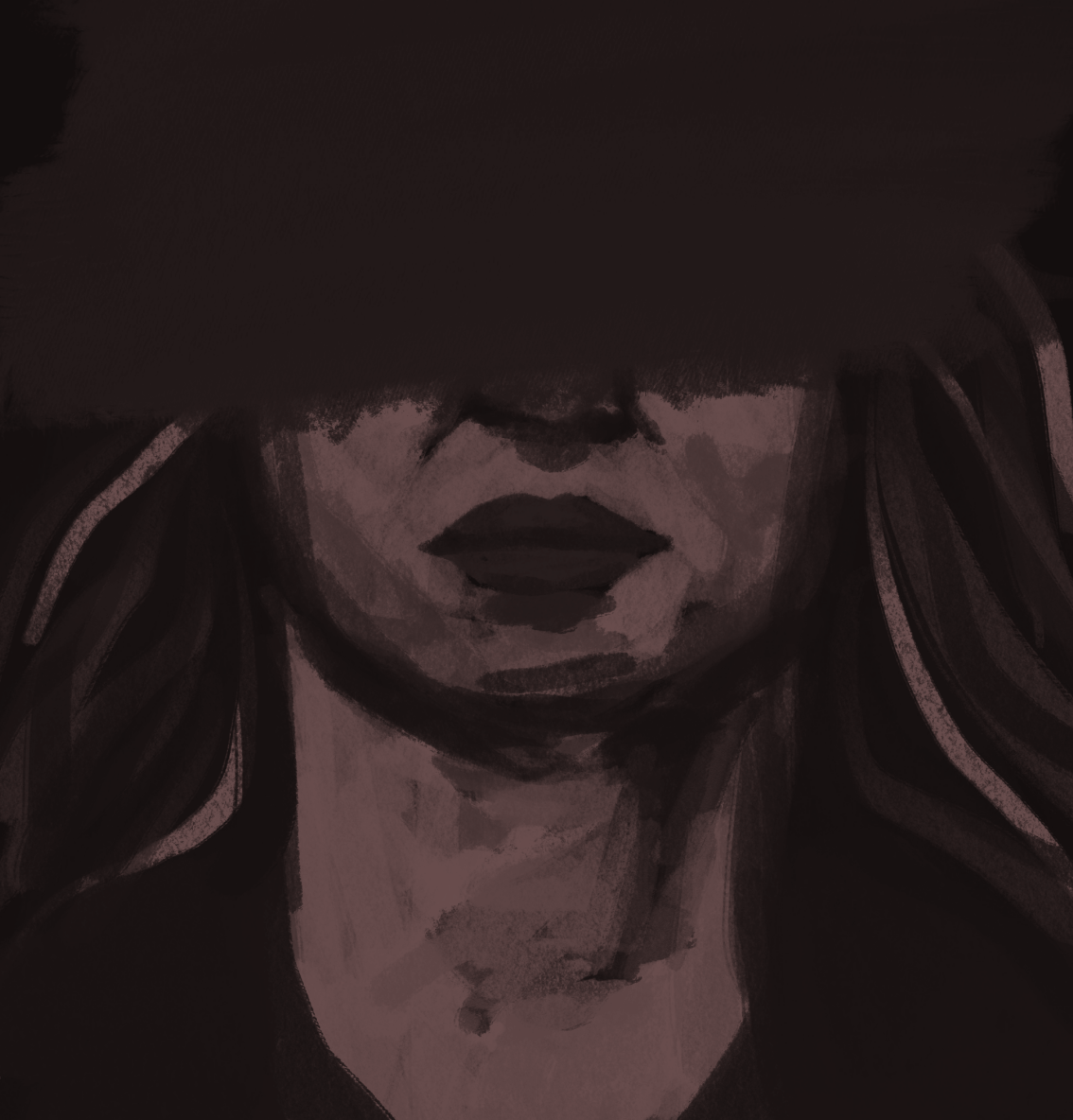
- Spotlight Initiative. 2022. Accessed via <https://www.spotlightinitiative.org/news/direct-funding-women-and-children-affected-femicide-and-gender-based-violence-mexico> on 7 July 2022

org/news/direct-funding-women-and-children-affected-femicide-and-gender-based-violence-mexico on 7 July 2022

OTHER SOURCES

- 3D Program for Girls and Women (2018, September). Violence Against Women and Girls: Law and Policy Framework in India. <https://the3dprogram.org/content/uploads/2018/09/3D-Program-Laws-and-Policies-in-India-relating-to-VAW-September-2018.pdf>
- CPS. (2021, January 13). Homicide: Murder and Manslaughter. <https://www.cps.gov.uk/legal-guidance/homicide-murder-and-manslaughter>
- India Code. (n.d.). Dowry Death. https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_00037_186045_1523266765688&orderno=342#:~:text=Explanation,extend%20to%20imprisonment%20for%20life.%5D
- Kathrada, S. 2014. Patriarchy, Culture and Violence Against Women. Criminal Justice Responses to Honor Based Violence in The United Kingdom (A Qualitative, Theoretical and Empirical Analysis). Thesis. Liverpool, England: Liverpool John Moores University.
- Sarigil, B, , & Sarigil, Z. 2020. An Empirical Analysis of Patriarchy in Turkey. Attitudes Towards Gender Equality and Gender Roles, ECPR General Conference Virtual Event

ANNEXES



Aspects of Analysis of Each Country

EUROPE

DEFINITION/CONCEPT OF FEMICIDE

1. The EU-27 and the UK do not have a definition of femicide in the legal context, killings of women are classified in several ways including involuntary manslaughter, involuntary manslaughter and involuntary manslaughter.
2. Some member states list exacerbating circumstances to better identify the killing of women, such as hatred, contempt or hostility towards a person on the basis of sex³; connotations of gender-based violence or sexism, intimate partner murder and sexual violence.
3. However, statistically, the EIGE defines femicide as the killing of a woman by an intimate partner and the death of a woman as a consequence of a practice that is harmful to women. *Intimate partner is understood as a former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim.*

REGULATION

1. Most European countries do not yet have a fixed definition of femicide.
2. The UK has The Femicide Census which records the age, occupation, health status, realm of the occurrence of the case, motives and elements of murder, relatives, race and ethnicity and nationality of victims and perpetrators.
3. Turkey has a Prime Minister's Circular (No. 2006/17) which regulates the prevention of violence and customary and honor killings against women and children in the form of operating a safe house (shelter), the establishment of a violence prevention and monitoring center.
4. Council of Europe Convention 2011 resulted in regulations requiring countries that are members of it to prevent and eradicate violence against women (including femicides) in their respective countries.

RECOVERY

1. Several countries in Europe have forms for filling out compensation and recovery programs for families of victims and victims of violence, including the Netherlands. Meanwhile, in other countries, compensation is only given to victims of violence who live, not their families.
2. The Netherlands provides psychological assistance for children who are victims of femicide.

Aspects of Analysis of Each Country



EUROPE

PREVENTION ▼

With the help of Cooperation in Science and Technology (COST):

1. Form a coalition for femicide prevention in Europe and bring together researchers.
2. Providing shelter for women, working with police and policy makers.
3. Researchers play a role in publishing academic articles, recommendations and guidelines for policy makers.
4. Monitoring femicides through advocacy groups, safe houses, police, through the European Observatory on femicides.
5. The Council of Europe has complete guidelines for the handling and prevention of victims who are at risk of experiencing domestic femicide.

Aspects of Analysis of Each Country



GUATEMALA

DEFINITION/CONCEPT OF FEMICIDE

1. The Latin American Protocol for Investigation of Gender-Related Killings of Women (Femicide/Feminicide) in 2014 defines femicide as “the murder against women because of their gender”.
2. Law Against Femicide and Other Forms of Violence Against Women Congressional Decree No. 22-2008 defines, “the violent death of a woman, occasionally in the context of unequal power relations between men and women, in the exercise of gender power against women”.
3. There is an explanation of Elements of Femicide in Decree No. 22-2008 Article 6.

REGULATION

The emergence of special laws against the background of the rise of murder cases against women in Guatemala requires a legal framework that protects women.

1. The Law Against Femicide and Other Forms of Violence Against Women (2008) defines and criminalizes femicide and other forms of violence against women. This law details what state institutions and actors must do to prevent and punish perpetrators while clarifying the rights of Guatemalan women.
2. Guatemala was the first country to have a special tribunal on gender-based violence.
3. Create a special court for gender-based violence in 2010.
4. Court workers receive gender-specific training and the majority of judges are women. The ministry provides a 24-hour emergency telephone line during COVID-19.

RECOVERY

1. Decree 22-2008 Article 13 stipulates that the state and various government agencies are obliged to provide protection for women and their families after experiencing violence.
2. Article 19 states the obligation of the state to provide free legal aid to victims or their families.

Aspects of Analysis of Each Country



GUATEMALA

PREVENTION

1. Have a 24-hour hotline where women can request legal assistance, support and consultation.
2. Decree 22 of 2008 requires the Public Ministry to establish an investigative division to specifically investigate crimes against women and the integrity of women's bodies, namely the Prosecutor's Office for Crimes against Life and Physical Integrity of Women.
3. Has a National Coordinator for the Prevention of Intrafamily Violence Against Women (CONPREVI) assigned to coordinate, advise and promote public policies on Violence Against Women.
4. CONPREVI is also tasked with overseeing the "Comprehensive Support Center for Women Survivors of Violence" and conducting training on violence against women and ethnic-culturally relevant programs aimed at public officials, particularly the police and judiciary.

Annex 1

Aspects of Analysis of Each Country



INDIA

DEFINITION/CONCEPT OF FEMICIDE

No femicide or female murder terminology.

REGULATION

There has not been found a comprehensive policy that specifically addresses femicides but can be included in the Indian Penal Code, 1860.

RECOVERY

There is no law that regulates the recovery of families of femicide victims.

PREVENTION

1. Narendra Modi's (India's prime minister since 2014) campaign entitled "Save the Girl, Educate the Girl" with an agenda to improve education for girls from lower middle-class families;
2. The target was mistargeted because the data showed that the highest number of murders against women occurred in upper-middle-class families.
3. National Policy on the Empowerment of Women, 2001.

Aspects of Analysis of Each Country



MALAYSIA

DEFINITION/CONCEPT OF FEMICIDE

Malaysia does not have a definition of femicide in its laws. Murder cases are not distinguished by sex as stated in the Penal Code [Act 574].

REGULATION

1. There is no law that defines and regulates femicide. But they use “women murder” by upholding the CEDAW principle.
2. The 1994 Domestic Violence Law in 2011 and 2017 introduced elements of protection for victims of domestic violence and expanded the definition of domestic violence as emotional, mental and psychological abuse, recognition of victims’ rights, exclusive occupation rights, and rehabilitation programs.
3. Establishment of the Parliamentary Special Electoral Committee for Women and Children Affairs and Social Development which reviews bills, investigates and reports on proposals, motions, petitions, reports related to women, children and persons with disabilities (4) Penal Code [Act 574] section 301 which does not differentiate crime and punishment based on sex which states: “Culpable homicide by causing the death of a person other than the person whose death was intended”

RECOVERY

There has been no compensation action or family recovery policy for families of femicide victims in Malaysia. This applies to both general homicide and femicide cases.

PREVENTION

1. Established Talian Kasih 15999 in 2007 to report all acts of domestic violence, human trafficking via Whatsapp and telephone and can provide tele-counseling.
2. establish O3SC to provide special services to provide direct responses, advice, information and provide shelter.
3. forming a special women’s force tasked with empowering the community by providing psychosocial support and guidance.
4. provide EARS training (empathy, concern, response, support) to troops to eradicate violence against women. The report prepared by the team mentioned above will be submitted to the police investigation unit.
5. Cooperating with ministries and agencies to establish mosques as transit points for victims of domestic violence and provide psychosocial support, shelters and complaint centers.

Annex 1

Aspects of Analysis of Each Country



MEXICO

DEFINITION/CONCEPT OF FEMICIDE

1. One of the countries that has adopted the term femicide in its state law.
2. Based on The General Law on Women's Access to a Life Free of Violence, femicide is defined as a crime committed by an individual by eliminating the life of a woman because of her gender, with several indications.
3. **Article 325 states that the crime of femicide is committed by a person who deprives a woman of life for reasons of gender. It is considered that there are gender reasons when any of the following circumstances occur.**
 - *The victim presents signs of sexual violence of any kind;*
 - *Inflammatory or degrading injuries or mutilations, before or after the deprivation of life or acts of necrophilia, have been inflicted on the victim;*
 - *There are antecedents or data of any type of violence in the family, work or school environment of the perpetrator against the victim;*
 - *There has been a sentimental, emotional or trust relationship between the asset and the victim;*
 - *There are data that establish that there were threats related to the criminal act, harassment or injuries of the perpetrator against the victim;*
 - *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.*
 - *Anyone who commits the crime of femicide will be sentenced to forty to sixty years in prison and a fine of five hundred to one thousand days.*
 - *In addition to the sanctions described in this article, the perpetrator will lose all rights in relation to the victim, including those of a successional nature.*

REGULATION

According to CSIS, Mexico began registering and registering cases of femicide in 2012. Femicide is the crime of femicide is committed by a person who deprives a woman of life for reasons of gender. It is considered that there are gender reasons when any of the following circumstances occur:

1. *The victim presents signs of sexual violence of any kind;*
2. *Inflammatory or degrading injuries or mutilations, before or after the deprivation of life*

Aspects of Analysis of Each Country



MEXICO

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3. *There are antecedents or data of any type of violence in the family, work or school environment of the perpetrator against the victim;*
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9. *In addition to the sanctions described in this article, the perpetrator will lose all rights in relation to the victim, including those of a successional.*

RECOVERY

1. The Mexican government has an Economic Assistance Fund program that provides compensation money to families of femicide victims. However, this program is poorly managed, i.e., many victims have not been identified so the amount of compensation has not been determined. In July 2006, only 113 of the 300 families had just received aid. The program has complex procedural requirements that slow down families from claiming and receiving compensation.
2. The Ecatepec Women's Justice Center provides psychological services and legal assistance to families of victims of femicide and living women victims of gender-based violence in Mexico.

PREVENTION

1. In practice, Mexico has not been able to carry out punishments against perpetrators of gender-based violence including femicides, especially if the perpetrator is a state apparatus.
2. The Mexican government, the European Union and the United Nations have created a program called "The Mexico Spotlight Initiative".

Annex 1

Aspects of Analysis of Each Country



NICARAGUA

DEFINITION/CONCEPT OF FEMICIDE

1. One of the countries that has adopted the term femicide in its state law.
2. Based on The General Law on Women's Access to a Life Free of Violence, femicide is defined as a crime committed by an individual by eliminating the life of a woman because of her gender, with several indications.
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1. *The victim presents signs of sexual violence of any kind;*
2. *Inflammatory or degrading injuries or mutilations, before or after the deprivation of life*

Aspects of Analysis of Each Country



NICARAGUA

or acts of necrophilia, have been inflicted on the victim;

3. *There are antecedents or data of any type of violence in the family, work or school environment of the perpetrator against the victim;*
4. *There has been a sentimental, emotional or trust relationship between the asset and the victim;*
5. *There are data that establish that there were threats related to the criminal act, harassment or injuries of the perpetrator against the victim;*
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RECOVERY

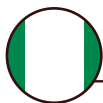
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2. The Ecatepec Women's Justice Center provides psychological services and legal assistance to families of victims of femicide and living women victims of gender-based violence in Mexico.

PREVENTION

1. In practice, Mexico has not been able to carry out punishments against perpetrators of gender-based violence including femicides, especially if the perpetrator is a state apparatus.
2. The Mexican government, the European Union and the United Nations have created a program called "The Mexico Spotlight Initiative".

Annex 1

Aspects of Analysis of Each Country



NIGERIA

DEFINITION/CONCEPT OF FEMICIDE

No femicide or female murder terminology.

REGULATION

1. Nigeria has no specific laws and regulations governing femicides. The murder of women is only categorized in the general murder article.
2. However, the government already has regulations regarding gender-based violence called the National Gender Policy of 2008 and the Violence Against People Prohibition Act (VAPP) of 2015 which criminalize violence against women physically, psychologically-socially, economically and sexually and the victim has the right to receive help and protection. access to rehabilitation.

RECOVERY

No compensation has been provided for the victim's family. However, women victims of violence can receive financial compensation under the Violence Against People Prohibition Act (VAPP) of 2015.

PREVENTION

1. In particular, there is no femicide yet. However, for gender-based violence, the government ensures that all women victims have the right to protection and access to safe houses.
2. Increased media attention to sexual violence as a form of pressure on the government.

Aspects of Analysis of Each Country



SPAIN

DEFINITION/CONCEPT OF FEMICIDE

Malaysia does not have a definition of femicide in its laws. Murder cases are not distinguished by sex as stated in the Penal Code [Act 574].

REGULATION

1. There is no law that defines and regulates femicide. But they use “women murder” by upholding the CEDAW principle.
2. The 1994 Domestic Violence Law in 2011 and 2017 introduced elements of protection for victims of domestic violence and expanded the definition of domestic violence as emotional, mental and psychological abuse, recognition of victims’ rights, exclusive occupation rights, and rehabilitation programs.
3. Establishment of the Parliamentary Special Electoral Committee for Women and Children Affairs and Social Development which reviews bills, investigates and reports on proposals, motions, petitions, reports related to women, children and persons with disabilities (4) Penal Code [Act 574] section 301 which does not differentiate crime and punishment based on sex which states: “Culpable homicide by causing the death of a person other than the person whose death was intended”.

RECOVERY

There has been no compensation action or family recovery policy for families of femicide victims in Malaysia. This applies to both general homicide and femicide cases.

PREVENTION

1. Established Talian Kasih 15999 in 2007 to report all acts of domestic violence, human trafficking via Whatsapp and telephone and can provide tele-counseling.
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3. forming a special women’s force tasked with empowering the community by providing psychosocial support and guidance.
4. provide EARS training (empathy, concern, response, support) to troops to eradicate violence against women. The report prepared by the team mentioned above will be submitted to the police investigation unit.
5. Cooperating with ministries and agencies to establish mosques as transit points for victims of domestic violence and provide psychosocial support, shelters and complaint centers.

Annex 2

Femicide Case Data in the Country



GUATEMALA

According to The Center for Economic Research (CIEN) during 2021 there were at least 652 homicides of women in which 60% of cases were caused by gunshot wounds. The total number of femicide cases in Guatemala since the introduction of the law on femicide in 2008 to 2021, stands at 2,168. The Guatemalan government is still failing to reduce femicide rates and even the majority of the perpetrators of femicide killings are not given any punishment due to a weak justice system (Infobae, 2021; UN Women, 2014).



INDIA

Cases of violence against women resulting in femicide in India are mostly carried out by husbands and family relatives, as many as 14,312 cases throughout 2021. Domestic violence that leads to death is the most common type of violence against women in India (Statista, 2021). Nearly 20 women die every day in India as dowry deaths or abuse in the name of dowry (either by being killed outright or forced to commit suicide). In 2021 alone, the Indian police reported 375 cases of femicide Dowry Death (Statista, 2021). Meanwhile, based on the NCRB report, the total number of female deaths that have been reported in India due to the dowry is at least 7,621 people (Rajmohan, 2017).

Femicide Case Data in the Country



MALAYSIA

Researchers say femicides are a real threat in Malaysia, but data collection issues are still a challenge. The Ministry of Home Affairs said that there were at least 27 cases of femicide in intimate partners between 2019 and 2021. Data from the police actually shows a lower number, namely from 2016-2021 there were 18 cases of wife abuse that resulted in death. The researchers reminded the need for a critical attitude in using the data in the midst of their findings about the intense reporting of intimate partner femicide cases in Malaysia. intense (Sinardaily, 2022).



MEXICO

Based on data from Statista (2022a), the number of femicides in Mexico has increased from 427 cases in 2015 to 1004 cases throughout 2021. In fact, the general homicide rate in Mexico declined after the change of government. However, the government still fails to spotlight and resolve cases of gender-based homicide as a result of violence against women (Reuters, 2021).

Femicide Case Data in the Country



NICARAGUA

According to a 2020 report from the Catholics for the Right to Decide organization, 69 Nicaraguan women died due to gender reasons. The majority of victims were aged 19 to 35 years and based on reports more than half of female victims were partners, boyfriends, ex-partners and family members (**Regidor, 2020**).



NIGERIA

Based on the WHO Report (2016), it is estimated that 5.7 out of every 100,000 women and girls were killed in Nigeria in 2016. Most of these deaths are due to interpersonal violence and are more than double the global average for women and girls of 2.6 out of every 100,000 women (**Africa Check, 2019**).



SPAIN

According to the European Institute for Gender Equality (2021) report, in Europe in 2017 about 29% of female homicide victims were intentionally killed by their intimate partner. Meanwhile in Spain, according to data from the Ministry of the Interior, in 2017 there were 106 murder victims and 47% of them were victims of the murder of intimate partners (**European Institute for Gender Equality, 2021**).

Femicide Case Data in the Country



THE NETHERLANDS

According to data from the Homeland Security Annual Report of the Ministry of Law and Security in the Netherlands, in 2017 there were at least 46 femicide victims and 39% of them were victims of intimate partner murder (EIGE, 2021). According to Statistics Netherlands (2018), every year about 33 women in the Netherlands are killed by their spouse or ex-partner with the most common motives being marital discord and jealousy. Women are often killed in their own homes with sharp weapons or by strangulation (OHCHR, 2019; Dooijeweert, 2019; CBS, 2019).



TURKEY

The country of Turkey experiences an increase in cases of femicide regularly, in 2008 only 66 victims and steadily increasing to 474 victims in 2019 (Kadincinayetlerniduracagiz.net, 2019).



UK

In 2020, 110 women were killed by men. A total of 57 women (52%) were killed by their partners or ex-partners (Femicide Census, 2020). The data also shows that 49 women (45%) are described as having overkill, where female victims are killed with sadistic violence and without a strong reason for acts of violence that result in the victim's death (Femicide Census, 2020).

Annex 3

Instrument for Data Collection and Prevention of Potential Femicide Intimate Partners

This instrument is an effort to prevent the occurrence of femicide in intimate partners by recognizing their vulnerabilities in cases of domestic violence, both registered and registered marriages. This instrument is aimed at:

1. **The victim** when reporting acts of violence committed by her husband,
2. **The police** when receiving reports or examining cases of husband-wife violence, or
3. **The service providers** and related agencies that have the task and function of handling cases of domestic violence.

Through this instrument, Komnas Perempuan further seeks to identify the potential for femicides from an early age so that they can recommend treatment efforts to anticipate the occurrence of femicides.

IDENTITY	
Victim	
Name	:
Age	:
Last Education	:
Perpetrator	
Name	:
Age	:
Last Education	:
Marriage	
Year of Marriage	:
Marital Status	: Registered by State/Solemnized by Sharia Law

Instrument for Data Collection and Prevention of Potential Femicide Intimate Partners

No.	Question	Answer
1	Please explain how the form of violence committed by the perpetrator against the victim, both physical violence and psychological violence.	
2	When violence occurs, the perpetrators also use tools, what are the tools used by the perpetrators?	
3	Where did the violence take place?	
4	What is the reason the perpetrator commits violence?	
5	Has the perpetrator previously committed violence (to family or other people) or other criminal acts?	
6	How was the intensity of domestic violence experienced by the victim in the past month?	
7	Has the perpetrator ever had forced sexual intercourse before?	
8	Does the perpetrator have a history of taking illegal drugs/alcohol?	
9	Does the perpetrator have a history of mental disorders?	
10	What is the perpetrator's level of trust in the victim?	
11	Does the victim have children?	
12	Does the victim have any physical/ mental limitations?	
13	Is the victim allowed to leave the house or contact other people?	
14	Is there space available (supporting capacity) for victims to complain when violence occurs?	

Annex 3

Instrument for Data Collection and Prevention of Potential Femicide Intimate Partners

If the violence experienced by the victim meets the following indications:

1. Increased intensity of physical violence; or
2. Increased content of physical violence; or
3. The existence of psychological violence in the form of death threats; or
4. There is economic neglect; and
5. The absence of a supportive environment to protect victims

it is expected that the complainant who fulfills one or more of the above indications, is required to take the following steps:

a. Service provider

1. Advise the victim to move or move to a safe room/place
2. Refer the victim to a safe house
3. Suggest that the child goes with the victim to a safe house

b. Police

1. Supervise the perpetrators
2. Restrict the perpetrator's movement

Instrument of Data Collection and Sorting of Femicide Cases Intimate Couples

This instrument is designed to identify more deeply the so-called femicide crimes of intimate partners with registered or unregistered marital status in Indonesia in terms of the factors behind, supports, and the level of violence that occurs. This instrument is intended for **the police** who handle cases of murder committed by a husband against his wife in a registered or registered marriage.

This instrument guides analyzing cases of intimate partner femicide so that it can recommend prevention, treatment and recovery efforts needed by the victim's family.

IDENTITY	
Victim	
Name	:
Age	:
Last Education	:
Work	:
Perpetrator	
Name	:
Age	:
Last Education	:
Work	:
Marriage	
Year of Marriage	:
Marital Status	: Registered by State/Solemnized by Sharia Law

Annex 4

Instrument of Data Collection and Sorting of Femicide Cases Intimate Couples

No.	Question	Answer
1	What are the forms of violence experienced by the victim to death in the crime of murder?	
2	What is the extent of the injury suffered by the victim?	
3	Please explain how the condition of the victim's body at the time of death, for example in a naked state.	
4	Where did the murder take place?	
5	Has the victim previously reported any domestic violence?	
6	Does the victim have children/relatives/parents who are abandoned and are her dependents? If there is, please mention it.	
7	Does the victim have physical/mental barriers (disability conditions, for example)?	
8	Has the perpetrator previously abused the victim during a marriage? If yes, please explain what the form of violence is.	
9	How do the perpetrators control their emotions?	
10	Does the perpetrator have a history of mental disorders?	
11	Does the perpetrator have a history of using illegal drugs/alcohol?	
12	How was the intensity of communication between the victim and the perpetrator prior to the murder?	

Instrument of Data Collection and Sorting of Femicide Cases Intimate Couples

In developing this knowledge, a formulation of the murder of women can be developed which can be categorized as femicide referring to cultural considerations and the trend of cases in Indonesia as follows:

1. Murder because there is an element of hatred or control over women
2. There is contempt for women's bodies and sexuality
3. Violence is committed in the presence of the victim's child or other family members.
4. The killings were carried out as a result of an escalation of violence (as the most extreme form of violence), both sexual and physical.
5. There is a history of death threats against the victim
6. There is an imbalance of power between the perpetrator and the victim (both age, economy, education, and status)
7. The treatment of the victim's body is aimed at degrading the victim's dignity (mutilation, disposal, nudity, etc.)

If there are one or more of the above indications, the murder case against the woman is categorized as an **Intimate Partner Femicide**.

Femicide, an unspoken and inaudible diction that has a catastrophic impact on women. Silently, femicide as the peak of violence against women that kills women is not formally recorded in Indonesia. Data disaggregation of homicides based on gender in Bareskrim is not yet available, as is the case for Criminal Statistics; Central Bureau of Statistics. It is true that not all murders of women can be directly categorized as femicide. This empty space is what Komnas Perempuan tries to fill as a form of commitment in efforts to eliminate all forms of violence against women.

I learned a lot from reading this document (knowledge development). This study must be widely disseminated so that we have a better understanding of what femicide is so that we can protect (people who need) it.

Livia Istania DF Iskandar

Deputy Chair of the Indonesian Witness and Victim Protection Agency (LPSK)
Republic of Indonesia.

For the Supreme Court, this knowledge development product will be a refinement of the guidelines for women dealing with the law.

Asep Nursobah

Judicial Judge of the Supreme Court/Coordinator of Data and Information for the Registrar of the Supreme Court

This study is very important to strengthen Indonesia's commitment to eliminating all forms of violence, especially against women.

Usman Hamid

Amnesty International Indonesia

