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## Editorial

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The first article in this issue examines the complex intersection of diversity management models in Latin America and the Caribbean, highlighting their influence on the persistence of inequalities and discrimination against the Afro-descendant population. Despite the rich cultural diversity in the region, challenges related to inequality and discrimination persist, especially towards ethnic groups such as the Afro-descendant population. The research explores historical transformations, from independence struggles to civil rights movements, that have shaped interethnic relations. Although diversity management policies have been enacted, the persistence of inequality raises questions about their effectiveness.

The second article addresses the phenomenon of the weakening of the multilateral system of international trade, administered exclusively by the World Trade Organization. The objective was to close an existing legal loophole. The scope of the expression "the relationship between the parties", contained in the final part of Article 31(3) of the 1969 Vienna Convention on the Law of Treaties, was analyzed only in relation to preferential trade agreements. By delimiting the study to narrow down the research, it was possible to relate the interpretation of the specific provision of the "Treaty on Treaties" to the law applicable to the World Trade Organization. WTO jurisprudence can be used in regional international economic jurisdictions, but the reverse is not true.

The third article in this issue deals with an investigation conducted at the Federación para el Desarrollo Municipal Tucureño, a company located in the municipality of San Miguel Tucurú, Alta Verapaz, Guatemala, where the problem of income below U.S. dollars was identified. \$1362.00 per year. Income originated in agro-industrial activities, a situation that represented an opportunity to study it and provide a technical solution to improve productivity and competitiveness, developing a business policy proposal to obtain higher income with integrated activities, consisting of production components, raw material transformation, raw material negotiation, training, use of the management system and financial resources.

The fourth study that is part of this edition addresses a documentary analysis on the concepts of innovation, business model and competitiveness that allows understanding the business activities of MSMEs and their implications for the creation of value, through the increase of customers or users of the products or services offered and the competitive advantages, being this a contribution to the reader, also addressing strategic factors that have innovation and that lead to establish research trends on the subject. It is a documentary work in which various sources such as journals, books and other literature located in Scopus, Scielo, Google scholar and other databases were consulted in order to have a structured frame of reference.

The fifth research article deals with gender-based violence, which refers to any action intended to cause harm to an individual based on his or her gender. This type of inequity arises from harmful conventions, abusive exercise of authority and discrepancies in gender distribution. Gender inequality represents a flagrant infringement of fundamental human rights; at the same time, it becomes a welfare and protection dilemma that threatens integrity. It is estimated that one in three women will face some type of physical or sexual aggression during their life cycle.

When in situations of emergency and displacement, the likelihood of women and girls being victims of gender inequality increases significantly.

Finally, the research paper with which we close this edition deals with the rates of violence against women in Brazil and the establishment of laws to put limits on such practices through the Maria da Penha Law (2006) and the Femicide Law (2015), which criminalized gender violence and turned femicide into a heinous crime, indicate that mere criminalization is not enough to contain such practices. Despite all efforts to the contrary, an analysis focused on the State of Bahia shows that rates of violence against women are the highest in the Northeast and continue to increase, resulting in at least one case per day recorded, between 2022 and 2023.

Dr. Roberto García Lara, Mtro Jorge González Márquez  
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**DIVERSITY MANAGEMENT MODELS IN LATIN AMERICA AND THE  
CARIBBEAN: IMPACT ON THE PERSISTENCE OF INEQUALITY AND  
DISCRIMINATION AGAINST THE AFRODESCENDANT POPULATION**  
**MODELOS DE GESTIÓN DE LA DIVERSIDAD EN AMÉRICA LATINA Y EL CARIBE:  
IMPACTO EN LA PERSISTENCIA DE LA DESIGUALDAD Y DISCRIMINACIÓN HACIA LA  
POBLACIÓN AFRODESCENDIENTE**

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**ABSTRACT**

**Keywords<sup>2</sup>:**

Latin America, social inequality,  
racial discrimination, afro-  
descendants, cultural diversity.

This article examines the complex intersection of diversity management models in Latin America and the Caribbean, highlighting their influence on the persistence of inequalities and discrimination against the Afro-descendant population. Despite the rich cultural diversity in the region, challenges related to inequality and discrimination persist, especially towards ethnic groups such as the Afro-descendant population. The research explores historical transformations, from struggles for independence to civil rights movements, that have shaped interethnic relations. Although diversity management policies have been enacted, the persistence of inequality raises questions about their effectiveness. The study seeks to identify and understand existing models, considering historical and cultural factors. It aims to provide a comprehensive framework for evaluating current policies and offering specific recommendations to improve the implementation of diversity management models, promoting fairer and more inclusive societies in the region.

**RESUMEN**

**Palabras clave<sup>3</sup>:**

América Latina, desigualdad social,  
discriminación racial,  
afrodescendientes, diversidad  
cultural.

Este artículo examina la compleja intersección de modelos de gestión de la diversidad en América Latina y el Caribe, resaltando su influencia en la persistencia de desigualdades y discriminación hacia la población afrodescendiente. A pesar de la rica diversidad cultural en la región, persisten desafíos relacionados con la desigualdad y discriminación, especialmente hacia grupos étnicos como la población afrodescendiente. La investigación explora

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<sup>2</sup> The keywords were taken from the thesaurus of the United Nations Educational, Scientific and Cultural Organization (Unesco).

<sup>3</sup> The keywords were taken from the UNESCO thesaurus.

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transformaciones históricas, desde luchas por la independencia hasta movimientos de derechos civiles, que han moldeado las relaciones interétnicas. Aunque se han promulgado políticas de gestión de la diversidad, la persistencia de la desigualdad plantea interrogantes sobre su eficacia. El estudio busca identificar y comprender los modelos existentes, considerando factores históricos y culturales. Finalmente, aspira a proporcionar un marco comprensivo para evaluar las políticas actuales y ofrecer recomendaciones concretas para mejorar la implementación de modelos de gestión de la diversidad, promoviendo sociedades más justas e inclusivas en la región.

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## **Introduction**

Cultural diversity is a fundamental component of social and human wealth in Latin America and the Caribbean, a region characterized by its rich amalgam of traditions, ethnicities and cultural expressions. However, despite this diversity, significant challenges persist related to inequality and discrimination towards certain ethnic groups, including the Afro-descendant population (Bermejo, 2022, p. 278). This article delves into the complex intersection of diversity management models, their prevalence in the region and the impact they have on the persistence of inequality and discrimination against the Afro-descendant population.

Both Latin America and the Caribbean have experienced historical transformations that have influenced the construction of cultural identity and the unequal distribution of power. From independence struggles to civil rights movements, the region has witnessed complex dynamics that have shaped interethnic relations and the inclusion of Afro-descendant communities. Despite advances in the enactment of diversity management policies, the persistence of inequality and discrimination towards the Afro-descendant population raises crucial questions about the effectiveness and adequacy of these models (ECLAC/OHCHR, 2020).

The main purpose of this study is to explore and analyze the most prevalent diversity management models in Latin America and the Caribbean, examining their application with special emphasis on their influence on the persistence of inequality and discrimination against the Afro-descendant population. The aim is not only to identify existing models, but also to understand how these models interact with historical, cultural and social factors, contributing to the construction of a complex and multifaceted reality.

Through this analysis, this paper aims to shed light on the dynamics underlying the relationship between diversity management, inequality and discrimination, providing a comprehensive framework for evaluating the effectiveness of current policies and practices. It also seeks to offer concrete recommendations to improve the implementation of diversity management models, with the ultimate goal of promoting fairer, more inclusive and equitable societies in the region. In this sense, this research aspires to be a significant contribution to the understanding of the complexity of diversity management and its impact on the Afro-descendant reality in Latin America and the Caribbean.

## **Literature Review**

The specialized literature points out that the emergence of the concept of *interculturality* occurred in the 1970s, mainly in the educational field and closely related to indigenous school education (Ferrão Candau, 2010). This education focused mostly on bilingualism, known as intercultural bilingual education (IBE or IBE). In this regard, Diez (2004) pointed out that the discussion in Latin America focuses on spaces where cultural diversity is defined by ethnic differentiation, specifically in terms of indigenous population or native peoples, often linking static and essentialist categories of identity and culture.

Considering the Latin American context, where cultural diversity stands out as the most significant feature that characterizes the continent, it is essential to address the situation of indigenous and Afro-descendant peoples from an equity perspective (Núñez Rosas, 2017). For the purposes of this study, it was assumed that the concepts of *interculturality* and *multiculturalism* are distinct and have different semantic meanings.

The above, sharing the opinion of those who advocate the need to clarify and differentiate their meanings.

The contextualization of the term "interculturality" leads to constant attention to other related terms, such as "multiculturality" or "multiculturalism", since they are closely linked. In addition, the use of one or the other term has been influenced by the geographical context in which it was developed. The term "multicultural" has been predominant in the United States and Anglo-Saxon Europe, while "intercultural" has been used more in Latin America and Mediterranean Europe (Iriarte, 2015).

Multiculturalism, defined as the "cultural diversification" of society, is one of the challenges that the contemporary world must address. The number of contributions from various disciplines on the emergence of identity, as well as the vindication and recognition of differences in today's societies, is evident. In recent years, reflections on how to conceptualize and articulate "difference" from Western models of equality and rights have generated profound debates of great interest (Touriñán, 2006).

The conceptualization of interculturality in the region originated from the more consolidated indigenous movements and, in some countries, also from Afro-descendants. In addition, the influence of popular education approaches is recognized. After this initial phase, reflection on the approach to cultural diversity from the perspective of interculturality emerged in national political scenarios in the 1980s, but acquired greater relevance during the 1990s, even becoming institutionalized in various constitutional reforms, such as those of Colombia, Ecuador and Bolivia (Rodríguez-Cruz, 2016).

Cultural diversity and management models, such as segregationism, integrationism, multiculturalism and interculturalism, have been the subject of several studies that seek a reconceptualization in the field of intercultural education. These investigations question the results derived from practices such as assimilation, segregation, integration and multicultural tolerance, especially in ethnic enclaves in countries such as the United States, Germany, France and England.

Experts such as Hallak (2003), Harcourt (2003), Kleinwächter (2003), Lee (2003) and Naval, Print and Veldhuis (2002), as cited in Touriñán (2006), advocate intercultural responses through education, with the aim of promoting the development of multi-ethnic and pluralistic democratic societies. In this way, we seek to understand that the use of certain concepts, loaded with inclusiveness, has unfavorably conditioned the social context.

Lee (2003) exemplified this problem with specific terms such as "people of color" or "cultural diversity," noting that they tend to exclude those who self-identify as white. The expression "people of color" suggests that whites lack color, while "culturally diverse" implies that some groups possess something culturally unique, while others are simply human. This approach conditions interculturality by suggesting that some do not have cultural deficits and are left out of the inclusion or exclusion debate.

In academic terms, the focus on interculturality began to gain strength in the late 1990s and experienced significant growth since the 2000s, generating an enriching debate and profound critical contributions. A thorough understanding of the concepts of *racism*, *discrimination* and *affirmative action* is fundamental to addressing inequalities and promoting equality in society. These terms encompass phenomena and measures that have a significant impact on the lives of individuals and communities, especially historically marginalized groups. For this reason, it was considered pertinent to address these key concepts, evaluating their importance and their interrelationships in the context of the search for equity and social justice.

The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) provides a legal basis for understanding and addressing racial discrimination. According to this definition, racial discrimination encompasses any form of distinction based on race, color, descent or ethnic origin. It may be intended to nullify or impair the exercise of equal human rights (CERD, 1966). It is crucial to note that racism encompasses social structures and practices that perpetuate inequality and exclusion. It can manifest itself explicitly, as in cases of direct discrimination, or subtly, as in unconscious biases that influence decisions.

In response to racism and discrimination, affirmative actions seek to correct historical and structural inequalities (Segato, 2020). They encompass policies and measures to promote equal opportunities and address the effects of discrimination. The purpose is to establish conditions of equality and equity, ensuring that those who have been historically marginalized have access to the same opportunities and rights as those who have enjoyed privileges.

## **Methodological**

### ***Research design***

For the purposes of this study, a mixed research design was adopted that combines quantitative and qualitative elements in order to obtain a comprehensive understanding of diversity management models and their impact on the persistence of inequality and discrimination against the Afro-descendant population in Latin America and the Caribbean.

### ***Sample***

The sample was selected in a stratified manner to ensure adequate representation from different countries and geographic areas within the region. Purposive sampling was used to include participants with specific experience or expertise in diversity management, Afro-descendant activism, and those able to provide informed perspectives on the topic. In this case, the sample was made up of 36 participants from 15 different countries who attended the program "Afrodescendants in Latin America and the Caribbean: history, rights and current challenges" at the Carlos III University (UC3M).

Inclusion criteria:

- Individuals over 18 years of age.
- Participants of the course "Afrodescendants in Latin America and the Caribbean: history, rights and current challenges" at UC3M.

Exclusion criteria:

- Under 18 years of age.
- Participants who are not enrolled in the UC3M course "Afrodescendants in Latin America and the Caribbean: history, rights and current challenges"

Participant characteristics: demographic information such as age, gender, educational level and area of residence was collected in order to contextualize the responses. Participants' ethnic or racial affiliation was also recorded to gain a deeper understanding of their perspectives on the topic. The sample was composed of graduate professionals from different areas of knowledge interested in the culture and rights of Afro-descendants. It included teaching staff, researchers in the social and legal sciences and humanities, journalists, communication professionals, social activists, human rights

defenders, members of anti-racist movements, staff of non-governmental organizations (NGOs) and the third sector in general. Also participating were cultural managers committed to the defense of cultural diversity, officials from public administrations and international organizations, and, in general, people interested in the subject.

### ***Data collection processes***

a. Questionnaire: a structured questionnaire was administered that included quantitative and qualitative questions on the perception and experience of the participants in relation to diversity management models and their impact on the afrodescendant population.

b. Participant observation: a process of participant observation was carried out during specific situations or events relevant to the study. This method involved the active presence of the researcher in contexts where activities related to diversity management models and their impact on the afrodescendant population were developed. Direct observation made it possible to capture non-verbalized aspects and behaviors that could provide a more complete understanding of the dynamics at play. This strategy complemented the data collected through the questionnaire, providing a more holistic perspective of the phenomenon studied.

### ***Data analysis***

a. Quantitative analysis: quantitative data were analyzed using descriptive statistical techniques, identifying patterns and trends in the participants' responses.

b. Qualitative analysis: for qualitative data, a thematic analysis was conducted using an inductive approach. Emerging patterns and categories related to diversity management models and their impact on the afrodescendant population were identified.

Ethical considerations: informed consent was obtained from all participants and the confidentiality of the information collected was guaranteed. In addition, measures were taken to protect the identity of the participants and the ethical protocols established by the institutions involved in the research were followed.

## **Diversity Management Models in Latin America and the Caribbean**

The term "Diversity Management Models in Latin America and the Caribbean" refers to the strategies and approaches adopted by organizations, governments and communities in the region to address diversity in its various manifestations, including aspects such as race, ethnicity, gender, sexual orientation, religion, among others. These models seek to promote inclusion, equal opportunities and the valuation of individual differences, thus contributing to the construction of fairer and more equitable societies. Diversity management involves recognizing and taking advantage of the different experiences, skills and perspectives present in a community or work environment, promoting an environment in which each individual feels respected and valued.

It is important to keep in mind that the implementation of diversity management models may vary from country to country and may be influenced by cultural, political and social factors. Table 1 below lists some general models of countries in Latin America and the Caribbean where they have been applied.

### **Table 1**

*Diversity Management Models in Latin America and the Caribbean*

<b>Social Inclusion Model</b>	<b>Provision</b>
Brazil, Mexico and Argentina.	Approach focused on the integration of all people, regardless of their differences, promoting equal participation in society.
<b>Gender Equity Model</b>	
Uruguay, Chile and Costa Rica.	Specific strategies to address gender disparities, with the objective of achieving equal opportunities and fair treatment for women and men.
<b>Intercultural Model</b>	
Bolivia, Guatemala, Ecuador Haiti and Honduras.	Recognizes and values cultural, ethnic and linguistic differences, promoting respect and harmonious coexistence among different groups.
<b>Affirmative Action Model</b>	
Colombia, Brazil and the United States (in the Caribbean context).	Implements specific measures to correct historical inequalities, providing additional opportunities to groups that have faced systematic discrimination.
<b>Sustainable and Inclusive Development Model</b>	
Dominican Republic, Peru and El Salvador.	Seeks to integrate diversity into economic and social development policies and practices, ensuring that the benefits reach the entire population.
<b>Citizen Participation Model</b>	
Uruguay, Costa Rica and Mexico.	Promotes the meaningful participation of all citizens in decision making, regardless of their individual characteristics
<b>Inclusive Education Model</b>	
Cuba, Argentina, Venezuela and Panama.	Aimed at ensuring that all students, regardless of their abilities, needs or background, have access to quality education.

It is noted that the representation in Table 1 does not comprehensively cover the diversity in the implementation of models within the countries and regions mentioned. It is essential to recognize that the application of approaches can vary considerably even within the same country, as exemplified by considering the diversity of Panama, Peru, Brazil, Colombia, Uruguay, Guatemala and Honduras (Alvarez-Norales and Morales-Acosta, 2024). In the case of Panama, although a specific diversity management model is not detailed, it is possible to infer a recognition of ethnic diversity, especially in the Afro-descendant population, through initiatives such as the Black Ethnicity Month and the inclusion of the self-identification variable in the censuses.

Panama's ethnic richness is reflected in festivities and cultural traditions, such as the Portobelo fairs and the Congo tradition, thus contributing to the preservation of cultural diversity. Panamanian literature, especially that of Afro-descendant authors, also plays a preponderant role in the exploration of identity and diversity, evidencing an openness to address these issues through artistic expressions.

In Peru, various strategies are implemented to address cultural diversity, including the promotion of interculturalism and the fight against racism through the "Peru without Racism" strategy. The Peruvian government's participation in this strategy reflects a collaborative and coordinated approach at the governmental level, although discussions persist about the term "interculturality" in the educational sphere. Despite the challenges, the importance of working in education to foster cultural identity and knowledge, especially among the youth, is recognized.

Brazil stands out as a successful example with affirmative actions backed by a solid regulatory framework, implementing ethno-racial pedagogies and ambitious programs in public universities. The "ethno-education" initiative in Colombia, focused on black peasant communities, is presented as an effective model for preserving black culture, traditional knowledge and local history.

The influence of the U.S. civil rights movement and affirmative action policies is reflected in Brazil's ethno-racial policies. This historical connection has significantly influenced Brazilian strategies for educational inclusion, underscoring the importance of lessons learned at the transnational level. Despite progress, challenges persist in the implementation of ethno-racial policies in Colombia and Brazil, with special emphasis on the need to address these challenges effectively to ensure the continued success of the initiatives.

Uruguay stands out for promoting the dissemination of Afro-Uruguayan history and culture in schools, as well as establishing a quota program for higher education in 2013. Although Ecuador, Guatemala and Honduras have taken significant, but more moderate steps, the region as a whole has shown less systematization in the implementation of ethno-racial policies for education (Freire et al., 2022).

Although a diversity management model has not been explicitly outlined, the aforementioned initiatives suggest a comprehensive approach that seeks to recognize, respect and promote cultural diversity in these Latin American and Caribbean countries.

## **Discussion**

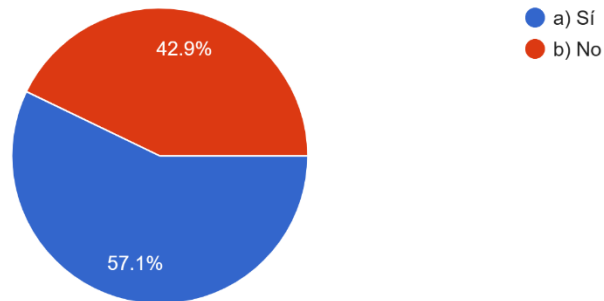
In this section of the discussion of results, an in-depth analysis of the findings of the research on Diversity Management Models in Latin America and the Caribbean is carried out, focusing especially on their discernible impact on the persistence of inequality and discrimination towards the Afro-descendant population.

This analysis goes beyond the simple description of the data collected, seeking to open a dialogue on the practical and theoretical implications of the results obtained. This approach aims to make a significant contribution to the critical understanding of the challenges and opportunities associated with diversity management in the region, with the ultimate goal of fostering the formulation of more inclusive and equitable policies for the afrodescendant population and, ultimately, for society as a whole.

The questions asked in the questionnaire are presented below, together with the corresponding graphs, as well as a detailed analysis and discussion of the findings.

**Question: Are you familiar with the concept of diversity management?**

**Figure 1**  
**Knowledge of the Concept of Diversity Management**



The research results reveal an interesting distribution in terms of familiarity with the concept of *diversity management*. These results are analyzed and discussed below.

57.1 % of the participants stated that they were familiar with the concept of *diversity management*, indicating that a considerable majority are knowledgeable about this topic. On the other hand, 42.9% admitted to being unfamiliar, thus suggesting that there is a significant proportion of people who have not yet had contact or experience with diversity management, despite having been exposed to two classes related to the topic in question.

This could suggest opportunities for awareness and training programs to improve understanding and promote inclusion. In addition, an evaluation of the objectives of the sessions that address this topic in the course "Afrodescendants in Latin America and the Caribbean: history, rights and current challenges" of the Carlos III University (UC3M) could be considered.

**Question: how would you define the concept of diversity management in the context of your country or region?**

*"Related to diversity and cultural inclusion of ethnic groups"* (personal communication). This concept implies the adoption of concrete measures to build a more inclusive society, where ethnic diversity is considered an asset and mutual respect and equal opportunities are promoted.

*"Respect for the individual rights of every human being. Promoting tolerance, acceptance and non-discrimination on the basis of race and sexual orientation. It promotes inclusion in different social groups, both in the workplace and in education"* (personal communication). In this context, diversity management is seen as more local than national, proposing specific strategies to spread diversity in different social groups.

*"I understand it as a district rather than a governmental bet, that is, something from each state or city rather than something at the national level. A mechanism to generate strategies to disseminate the ways of life of different social groups"* (personal communication). It considers diversity management as more local than national, proposing specific strategies to spread diversity in different social groups.

*"Probably how to propose actions and/or public policies for the visibilization of diversity in every sense"* (personal communication). Suggests the need for actions and

public policies to make diversity visible in all aspects, proposing measures for the recognition of different social groups.

*"Diversity: Learning to live with others. Living with culture. Diversity management: development, appreciation and utilization of human diversity. It is to foster human talent regardless of ethnicity, skin color, religion, etc."* (personal communication). It defines diversity as learning to live with the other and advocates diversity management as the development, appreciation and utilization of human diversity.

*"Starting from the recognition of difference to design strategies and actions aimed at the effective enjoyment of rights without physical, mental, age, sexual identification, work vocation and culture distinctions"* (personal communication). Emphasizes the importance of starting from the recognition of differences in order to design strategies and actions aimed at the effective enjoyment of rights without distinction.

*"As a part of human resource management, ensuring and taking into account the needs, whether it is for a disabled person or a person from a different culture within some organization"* (personal communication). Conceives diversity management as part of human resources management, considering the needs of people with disabilities or from different cultures within an organization.

*"I am not very familiar with the concept, but I can deduce that it is related to the diversity that makes up a company or organization, related to culture or ethnicity"* (personal communication). He acknowledges a lack of familiarity with the concept, but associates it with diversity in companies or organizations, especially in relation to cultural and ethnic diversity.

In the country in general, during the month of Afro-descent, all the politicians come to Limón (Costa Rica) for the carnivals and to take pictures in our traditional dress, eat Caribbean food, parade/dance in the carnivals. The rest of the year, especially in my region of the southern Caribbean (Puerto Viejo, Cahuita), we have been abandoned for hundreds of years in the area we have developed independently and very successfully now we feel the presence of the government that wants to evict us from our valuable lands. The laws and policies are regressive for our community. Most of the effort has been towards our uprooting. Personally, I don't know what positive diversity management will be for our area. (personal communication).

Addresses the lack of attention to cultural diversity, especially during the month of Afro-descendants, noting concerns about regressive policies and neglect in certain regions.

*"Working with diverse and vulnerable populations, providing support and solutions to the problems and needs they present. Fighting for an end to discrimination"* (personal communication). Describes the work with diverse and vulnerable populations, fighting discrimination and providing support and solutions to their problems.

A process through which, in addition to being aware of ethnic and cultural diversity and the situation of oppression experienced as a result of it, measures are developed and implemented to be able to manage conflicts or situations arising from this diversity. (personal communication)

It goes beyond diversity awareness to actively address challenges and promote harmony in a multicultural environment.

*"It is understood as the different cultures that coexist in the territory and these may or may not have a relationship between them"* (personal communication). Defines



diversity management as a process for recognizing, appreciating and addressing situations arising from ethnic and cultural diversity, including conflict management.

*"It is what goes beyond self-acceptance as human beings"* (personal communication). It conceptualizes diversity as the different cultures that coexist in a territory, and emphasizes that it goes beyond self-acceptance as human beings.

*"To try to achieve that all the diverse social groups that exist in a given country are given equal rights and respect for their cultures and customs."* It proposes working to ensure that all social groups receive equal rights and that their cultures and customs are respected.

*"Diversity management could be the ethnic, class and gender participation in public and private structures in a given social context"* (personal communication). It associates diversity management with ethnic, class and gender participation in public and private structures in a specific social context.

*"Processes for the adequate recognition, appreciation, valuation, contextualization, relevance of cultural diversity"* (personal communication). It advocates processes for the recognition, appreciation, valuation and contextualization of cultural diversity.

*"I would believe that diversity management is understanding the nature of our territories and understanding the sociological, historical and geographical realities of the population that settles in each of the territories"* (personal communication). It raises the importance of understanding the sociological, historical and geographical realities of the population in diversity management.

*"I define it as a form of public policy poorly implemented and managed by the previous government, since no corresponding population studies were made in each region of the country to know the problems of our black people."* He considers diversity management as a public policy poorly implemented by the previous government, criticizing the lack of adequate population studies.

Diversity management is a process that must involve an entire organization. Impacting all its areas according to the role of each one, managing the workforce and attending to the specificities. Promoting a mechanism for diversity and inclusion. Empowering growth and innovation. (personal communication).

Visualizes diversity management as an integral process that impacts all areas of an organization, promoting diversity and inclusion.

*"Actions and programs carried out in favor of diversity"* (personal communication). It refers to actions and programs in favor of diversity, understanding diversity management as the recognition and use of differences in various aspects.

As the set of aspects and measures that relate to the recognition and assumption of the benefits of difference, both in terms of gender, age, ethnicity, religion, beliefs, sexual orientation, disability... as well as income, marital status, geographical location, upbringing, education, work experience. (personal communication).

It advocates processes for the recognition, appreciation, valuation and contextualization of cultural diversity.

*"Equally serve diverse people in relation to their race, ethnicity, sexual orientation, etc."* (personal communication). It emphasizes working with diverse and vulnerable populations, providing support and solutions to their problems and fighting discrimination.

"El diseño y la implementación de programas y proyectos para la convivencia ciudadana y goce efectivo de derechos por todos y todas" (personal communication). It raises the need for actions and public policies to make diversity visible in all aspects, suggesting measures for the recognition of different social groups.

Perhaps in El Salvador and Central America this concept has been taken up again as social inclusion, which allows the development of actions and public policies aimed at generating conditions of inclusion for those populations in greater conditions of vulnerability and exclusion. These groups typically include indigenous populations, LGBTIQ+ and people with disabilities. However, in El Salvador there are few inclusion actions for the afrodescendant population. It is considered that this population does not exist, despite the demands of some Afro organizations in this country. (personal communication).

It points out that the concept of *diversity management* as social inclusion has been taken up again in countries such as El Salvador, although it highlights the lack of specific actions for the Afro-descendant population.

"Traits and characteristics that encompass diverse social groups, Afro-descendants, traditional peoples, sexual and gender diversity, age, social class, people with disabilities and territorio, who bring diverse histories, cultures and identities" (personal communication). Describes the various characteristics and traits that encompass diverse social groups, such as people of African descent, traditional peoples, sexual and gender diversity, age, social class, people with disabilities and territory.

In my country, the expression "diversity management" is not so much used in terms of human rights or social processes; rather, it is more applied to the business context in communication management processes with the purpose of empowering the human element in favor of the institution with the main focus on tourism. (personal communication).

It associates diversity management more with business and communication management to enhance the human element in institutions, especially in the tourism sector.

"Implementation of practices and policies that promote inclusion, equal opportunities and respect towards the Afro and indigenous community" (personal communication). It highlights the implementation of practices and policies that promote inclusion, equal opportunities and respect for the Afro and indigenous community.

"When we talk about inclusion issues" (personal communication). It emphasizes working with diverse and vulnerable populations, providing support and solutions to their problems and fighting discrimination.

**Question: Could you briefly describe some diversity management programs or policies that you are aware of in your country or region?**

**Figure 2**

*Summary of diversity management policies and programs in different countries*

<b>Policy or program</b>	<b>Country</b>	<b>Description</b>
Intercultural Bilingual Education Program	Honduras	Strengthens the cultural identity and language of ethnic peoples through intercultural bilingual education.
African Heritage Month in Honduras (2004)	Honduras	State legislation in Honduras urges all government institutions, society and Afro-descendant communities to carry out activities that promote orientation, social awareness and the creation of spaces for equity, tolerance and respect
Empowering Work	Haiti	Promotes social inclusion for people in vulnerable situations through education and job training.
Non-existence for the Afrodescendant Community	Haiti	The Potenciar Trabajo program does not exist for the Afro-descendant community.
Absence of programs in the Haitian community in Rosario, Santa Fe, Argentina.	Argentina	The absence of diversity management programs or policies at the regional level in Rosario is noteworthy.
Differential Actions for Educational Inclusion	Colombia	Refers to differential actions for educational inclusion through scholarships.
Quota Policy	Cuba	The quota policy is a strategy to achieve an environment that facilitates equality.
Commission on Education and Inclusion of Afro Costa Rican Studies 2005.	Costa Rica	

List of Inclusion Policies in Costa Rica	Costa Rica	Detailed enumeration of various laws and decrees related to ethnic and cultural diversity in Costa Rica.
Local Initiatives in Colombia	Colombia	The institutional fight against racism, xenophobia and LGBTIphobia is highlighted, as well as the implementation of ethnic participation quotas in parliament.
Inclusive Education Program	Uruguay	Mentions the Inclusive Education Program of the Ministry of Education and Culture in Uruguay.
Law 70 on Black Communities	Colombia	Colombia's Law 70 seeks the recognition of black communities and their spatial cultural practices.
Trans Inclusion Law	Argentina	This law establishes a work quota for trans people in Argentina.
Comprehensive Strategy against Racism	Spain	In Spain, the Integral Strategy against Racism includes inter-institutional activities and collaborations.
Law 17.817 declaring of national interest the fight against the racism, xenophobia and all other forms of discrimination. Uruguay (2004).	Uruguay	This legislation underscores the country's commitment to promoting equality, diversity and the eradication of discriminatory practices, establishing a legal basis for addressing and combating these issues in Uruguayan society.
National Plan of Attention to People of African Descent	Uruguay	The National Plan for the Care of Afro-descendants in Uruguay is highlighted.
Initiatives Led by the National Conference of Afro-Colombian Organizations (CNOA)	Colombia	Mentions actions led by the CNOA in Colombia.
Programs led by the Ministry of Equality	Colombia	There are programs led by the Ministry of Equality in Colombia for the

		materialization of pluricultural and multicultural principles.
Equipment and Modernization Program	Brazil	Describes the Brazilian Pró-DH program for equipping and modernizing public human rights defense bodies.
National Affirmative Action Program 2001. National Council for Combating Discrimination. (2001). Special Secretariat for Policies for the Promotion of Racial Equality (SEPPIR) (2003). National Council for the Promotion of Racial Equality (CNPIR) (2003).	Brazil	Brazil's 2001 National Affirmative Action Program was established to address historical inequalities and promote equal opportunities by implementing positive measures aimed at minority groups and marginalized communities to promote inclusion and reduce discrimination in various social spheres.
Law 848 Decade of the Afro-Bolivian People	Bolivia	Declares the period between 2015 and 2024 as the " <i>Decade of the Afro-Bolivian People</i> " and orders the promotion and supervision of public policies by state executive bodies and autonomous territorial entities, aligned with the National Development Plan and the objectives of the " <i>Program of Activities of the International Decade for People of African Descent</i> ".
Law 045 against Racism and all Forms of Discrimination	Bolivia	The purpose of this proposal is to establish measures to prevent and punish acts of racism and discrimination, in accordance with the Constitution and international treaties.
National People's Day and afro-Bolivian Culture	Bolivia	Law 200 establishes September 23 as the " <i>National Day of the Afro-</i>

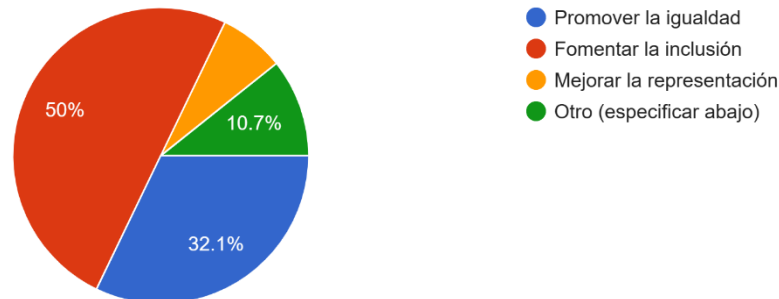
		<i>Bolivian People and Culture</i> " with the purpose of strengthening the identity and appreciating the rich cultural heritage of those in Bolivia who are of African descent.
National Secretariat for Afro-Panamanian Policies and Development (SENADAP)	Panama	SENADAP was created to formulate public policies for the social inclusion of the Afro-Panamanian population.
Corporation for Afro-Ecuadorian Development (CODAE) 2005	Ecuador	The purpose of the Afro-Ecuadorian Development Corporation (CODAE) is to formulate, review and approve development plans and policies for the Afro-Ecuadorian people.
Development and Cultural Diversity Program for Poverty Reduction and Social Inclusion (PDC). 2009	Ecuador	The collaborative program fostered cultural appreciation, inclusion and intercultural dialogue, reducing the disparities of discrimination and exclusion in the exercise of rights that affect the population due to cultural and ethnic differences.
Public Policy on Gender and Interculturality in the Heritage Sector	Ecuador	The Public Policy on Gender and Interculturality of the Heritage Sector, which began to be implemented in 2011, made possible the formation of the interculturality roundtable under the coordination of the Ministry of Heritage.
Plurinational Plan to Eliminate Discrimination and Racism 2009.	Ecuador	Plurinational Plan to Eliminate Racial Discrimination and Ethnic Cultural Exclusion, which was declared public policy by Decree No. 60 of September 28, 2009

Presidential Commission Against Discrimination and Racism Indigenous Peoples of Guatemala (CODISRA)	Guatemala	CODISRA's goal is to eliminate racism and discrimination against Indigenous Peoples in Guatemala, promoting the construction of a State that is plural, equitable and protective of their rights.
National Council for the Prevention of Discrimination, CONAPRED 2003.	Mexico	Mexican State body created by the Federal Law to Prevent and Eliminate Discrimination
Recognition of the Afro-Chilean tribal people, 2019	Chile	Recognition of the social group known as the Chilean Afro-descendant Tribal People, in accordance with ILO Convention 169, was achieved through the enactment of Law 21.151 in April 2019, which recognizes all Chilean Afro-descendants in the national territory.
National Policy of the Afro-Peruvian People to 2030 (2022).	Peru	The implementation of the National Policy of the Afro-Peruvian People until 2030 was carried out in 2022 by the Peruvian Ministry of Culture, through Supreme Decree No. 005-2022-MC.
International Day for People of African Descent	El Salvador	The Ministry of Culture recognizes August 31 as the commemoration of the International Day for People of African Descent.
Gender Equality and Equity Plan. "Mama Rosa" 2013-2019	Venezuela	Its purpose is to strengthen the integration of the gender perspective in public policies, encompassing all levels and sectors of the State, in order to promote a cultural transformation in society.

*Note.* Own elaboration.

**Question: what do you think are the main objectives of diversity management programs in your region or country?**

**Figure 3**  
*Diversity management objectives*



Although a significant percentage (32.1%) of respondents mentioned promoting equality as an objective, it was not the majority option. This suggests that, while equality is considered important, it is not the dominant objective in the perception of respondents.

The most selected option was "Encourage inclusion" (50 %). This highlights the importance attributed to the creation of environments and programs that promote the equal participation of diverse identities and groups in society. The predominance of the objective of fostering inclusion highlights the importance attributed to creating environments that celebrate and respect diversity. This may reflect the growing awareness of the need to not only recognize diversity, but also to ensure that everyone has equal opportunities and participation in society.

Improved representation was selected by a relatively low percentage (7.1%) of respondents. This might suggest that representation is perceived as a central objective compared to promoting equality and inclusion. The relatively low choice of improving representation suggests that, although representation is a relevant aspect, respondents may see inclusion as going beyond mere presence and seek participation and equitable.

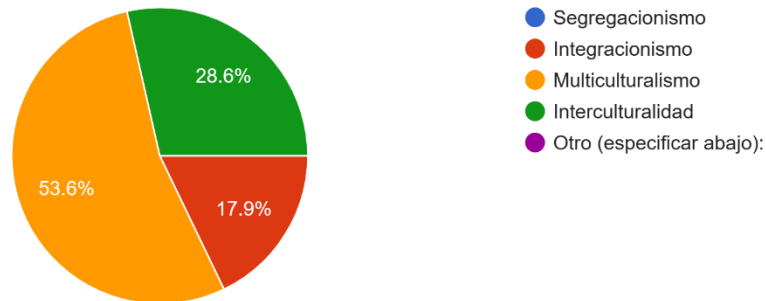
A small segment of respondents mentioned additional objectives not specified above. It would be interesting to explore in future research what these specific objectives are and how they contribute to diversity management in their contexts. The additional objectives mentioned by 10.7% could provide important nuances to the understanding of diversity management in their contexts. Exploring these objectives in future research could provide a more complete picture of the goals and challenges in this area.

These results provide valuable insight into perceptions about the objectives of diversity management programs, highlighting the importance of inclusion as a central objective in diversity management.



**Question: select the diversity management models that you consider most prevalent in your region or country.**

**Figure 4**  
*Prevailing models of diversity management*



The majority of respondents (53.6%) considered multiculturalism to be the most prevalent diversity management model in their region or country. This suggests an appreciation of the coexistence and recognition of diverse cultures within society. The high choice of multiculturalism suggests an acceptance of cultural and ethnic diversity as an integral part of society. This approach highlights the importance of recognizing and respecting cultural differences.

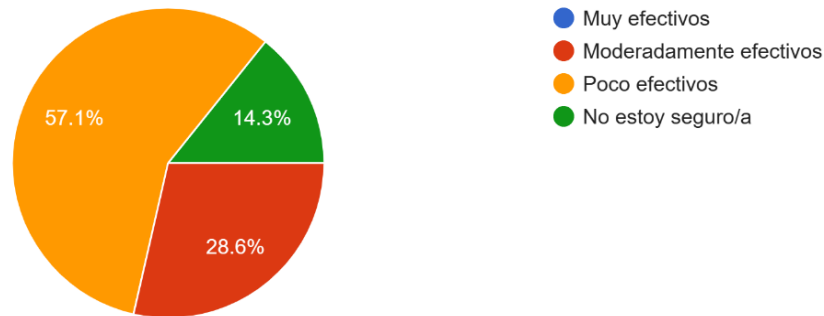
A significant percentage of respondents (28.6%) identified interculturality as a predominant model. This approach involves dialogue and respectful interaction between different cultures, recognizing cultural diversity as an asset. The significant presence of interculturality reflects an understanding of the need for respectful interaction and dialogue between different cultures to promote harmonious coexistence.

A minority of respondents (17.9%) perceived integrationism as predominant. This approach involves the incorporation of diverse identities into a common structure, seeking unity rather than separation. The minority that opted for integrationism indicates that some respondents perceive the search for a common identity as a valid approach, although this model is not as prevalent according to the responses.

No respondent selected segregationism as predominant, which is positive, since segregationism implies the separation and exclusion of groups, which is not a desired approach to diversity management. The preference for multiculturalism and interculturalism suggests a valuation of cultural diversity and respectful dialogue as key elements in the management of diversity in the respondents' region or country.

**Question: How do you perceive the effectiveness of diversity management programs in addressing the specific needs of the afrodescendant population compared to other groups?**

**Figure 5**  
*Effectiveness of diversity management programs in the afrodescendant population*



The majority of respondents (57.1%) considered diversity management programs to be ineffective in addressing the specific needs of the afrodescendant population. This perception suggests dissatisfaction or distrust in the ability of existing programs to meet the particular needs of this group. The predominance of the response "Not very effective" points to a significant challenge in the effectiveness of diversity management programs in addressing the needs of the afrodescendant population. This could indicate the need to review and improve existing strategies.

A significant segment of respondents (26.6%) perceived the programs as moderately effective. This underscores some recognition of the usefulness of the programs, but possibly with areas for improvement to more effectively address the specific needs of the afrodescendant population. The response "Moderately effective" suggests that there is some recognition of efforts, but improvement is required to reach a higher level of effectiveness and meet the specific needs of the afrodescendant population in a more comprehensive manner.

Some respondents (14.3%) expressed uncertainty about the effectiveness of the programs. This response could indicate a lack of information or a less clear assessment of the situation. The lack of responses that rate programs as "Very Effective" underscores a general perception of dissatisfaction or the need for more impactful, community-focused interventions.

No respondent considered the programs to be very effective in addressing the specific needs of the afrodescendant population. This suggests a generally low perception of the current effectiveness of existing programs.

These results highlight the importance of evaluating and adjusting diversity management programs to ensure that they are more effective and address the specific needs of the afrodescendant population more adequately.

**Question: In your opinion, how have diversity management models contributed to the persistence of inequality and discrimination towards the Afro-descendant population in your country or region? (Specify examples if possible)**

The comments reflect diverse perspectives on how diversity management models have contributed to the persistence of inequality and discrimination against the Afro-

descendant population in different countries or regions. Many comments suggest that diversity management models face challenges in their effective implementation. Lack of resources, ineffective programs and the need for more serious public policies are mentioned as obstacles to addressing inequality.

Several participants expressed that, despite the existence of diversity management models, inequalities persist in different aspects, such as access to employment and cultural representation. It is noted that these models have not achieved significant changes in the daily reality of the Afro-descendant population. The invisibility of the Afro-descendant population in decision-making and continued discrimination are highlighted. Some participants indicated that, despite efforts, current models have failed to effectively address racial discrimination.

There are comments that suggest that the lack of understanding, especially by politicians, of the experiences and needs of the Afro-descendant population has led to a lack of real recognition of inequalities. Some participants mentioned gradual progress and acknowledge that, although some progress has been made, there is still much work to be done. The importance of continuing to work towards more significant changes is emphasized.

Comments vary by region and country. Some participants presented positive examples, such as increasing visibility and inclusion in certain spaces, while others highlighted situations of persistent discrimination.

The results suggest that there is consensus on the need to improve the effectiveness of diversity management models to address the specific inequalities faced by the Afro-descendant population. Revising and adapting these models to address specific challenges are key issues identified in the comments.

***Question: Have you experienced or witnessed situations of discrimination or inequality towards the afrodescendant population in your daily life? If so, could you provide examples?***

The testimonies reflect a generalized experience of discrimination and inequality towards the Afro-descendant population in various areas of daily life. Some recurring themes are highlighted here:

Airports, nightclubs and other public places are categorized as places where discrimination is experienced. Examples include excessive inspections at airports or denial of entry to establishments. Discrimination in educational and labor institutions is reported. Lack of academic recognition, denial of promotions based on professional ability and discriminatory comments at work are common situations.

Hypersexualization, comments about physical appearance and racial stereotypes stand out as forms of discrimination. Situations are also mentioned where the ethnic identity of Afro-descendants is questioned. Socioeconomic inequalities, such as the lack of basic services in Afro-descendant communities, are defined as forms of structural discrimination. Discrimination in the construction of infrastructure in Afro-descendant territories is highlighted.

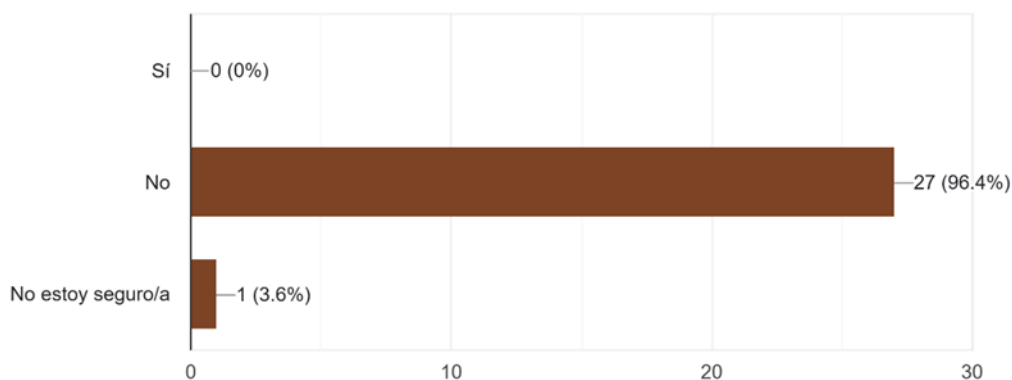
Police violence, including searches and threats, is a recurring theme. Situations are described in which the police use disproportionate force against people of African descent. Discrimination against the Afro-descendant population is experienced both locally and in foreign environments. Episodes of discrimination in other Latin American and Central American countries are mentioned.

The need to justify ethnic identity when accessing services is highlighted, highlighting discrimination in selection processes and differential treatment in shopping malls. Discrimination manifests itself in the exclusion from certain spaces and in the assignment of specific roles based on racial stereotypes. Differential treatment in labor and social situations is noted.

These testimonies underscore the persistence of racial discrimination in various forms and contexts, highlighting the need to address these problems in a comprehensive manner in order to achieve a more just and inclusive society.

**Question: Do you consider that the individual and collective rights of Afro-descendants are fully recognized and respected in society?**

**Figure 6**  
*Recognition and respect for the rights of Afro-descendants in society*



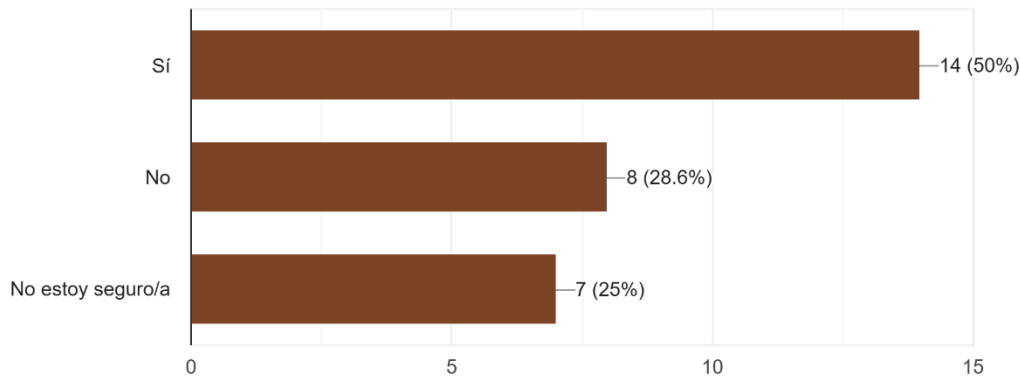
The survey results reflect an overwhelmingly negative perception regarding the recognition and respect for the individual and collective rights of Afro-descendants in society. 96.4% of the participants indicated that they do not consider that the individual and collective rights of Afro-descendants are fully recognized and respected in society. This figure suggests a profound lack of confidence in the protection of rights for this population.

The lack of trust reflects a perception that, in practice, the rights of Afro-descendants are not fully recognized and respected. This may be related to experiences of discrimination and inequality mentioned above. The fact that virtually all respondents are unsure or do not believe that the rights of Afro-descendants are respected highlights the urgency of implementing meaningful measures to address existing gaps. The widespread perception of a lack of recognition and respect for Afro-descendant rights emphasizes the need for concrete actions to address structural discrimination and promote equality in all aspects of society.

These results point to the importance of effectively addressing the barriers that impede full recognition and respect for the rights of people of African descent, underscoring the need for transformative measures at various levels, including legislation, public policy and social awareness.

**Question: Have you observed positive changes in the situation of people of African descent in recent years related to diversity management programs?**

**Figure 7**  
*Positive changes in the situation of people of African descent*



The results indicate mixed perceptions regarding the observation of positive changes in the situation of Afro-descendants in recent years related to diversity management programs. Fifty percent of the participants stated that they had observed positive changes. This suggests a certain degree of optimism regarding the effectiveness of diversity management programs in generating concrete improvements in the situation of Afro-descendants.

However, 28.6% indicated that they have not observed positive changes, suggesting that significant challenges remain that existing programs have failed to effectively address. Twenty-five percent of respondents said they were unsure about the presence of positive changes. This uncertainty may be due to the complexity of assessing the impact of programs or the lack of visibility of tangible changes.

The combination of responses highlights the importance of conducting ongoing evaluations of the effectiveness of diversity management programs. This will make it possible to adjust and improve strategies to address the specific needs of the Afro-descendant population. Because of the diversity of responses, it is crucial to take into account the varied experiences and perspectives of respondents when designing policies and programs that seek to improve the situation of people of African descent.

While there is a degree of optimism among some participants, the presence of negative responses and uncertainty suggests that there is room for improvement in the implementation and effectiveness of diversity management programs, focusing on the specific needs of the afrodescendant population.

**Why?**

The comments reflect a variety of opinions on the effectiveness of diversity management programs and the recognition of the rights of people of African descent. Progress has been made in the representation of Afro-descendants in public positions, teachers hired for intercultural programs and the promotion of traditional dress in schools. This warns that there are efforts to recognize and celebrate diversity.

Some participants express the lack of serious programs at the state level. This could indicate that, despite the achievements mentioned above, there is still no effective commitment by the State to address existing inequalities and discrimination. The

aforementioned migration of non-native Afro-descendants to other destinations is attributed to the lack of beneficial social policies for this group. This highlights the need for effective measures to address the specific needs of the Afro-descendant population.

Likewise, there is a gap in the generation of professional profiles between the public and business sectors. This suggests that inequalities persist in certain areas and that more equitable attention is required in all areas. Several comments indicate that, despite progress, daily discrimination persists. This highlights the importance of addressing not only representation, but also entrenched discriminatory attitudes and behaviors.

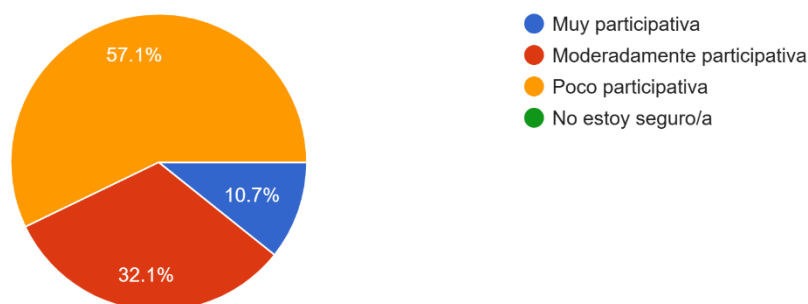
Dissatisfaction with policy implementation and the perception of excuses on the part of the State reflect the need for a stronger commitment and the effective translation of policies into concrete actions. Some participants suggest that there is a lack of empowerment among Afro-descendants to assert and respect their rights. This underscores the importance of strengthening the awareness and participation of the Afro-descendant community.

On the other hand, changes in political leadership can affect policy continuity, highlighting the importance of sustainable policies beyond changes in government. In Latin America, timid advances are mentioned in access to rights and places previously denied, suggesting a gradual but still insufficient improvement in some areas.

In some places, it is noted that there has been bureaucratic recognition of rights, but effective implementation remains a challenge. These comments provide a comprehensive overview of the challenges and advances in the promotion of rights and equality for the Afro-descendant population. Finally, they highlight the need for a continuous and effective approach to address entrenched inequalities.

***Question: how do you evaluate the participation of the afrodescendant population in political decisions and decision-making processes in your country or region?***

**Figure 8**  
*Participation of Afro-descendants in political decisions*



The evaluation of the participation of the Afro-descendant population in political decisions and decision-making processes reveals a tendency towards the perception of limited participation. The majority of the participants (57.1%) considered that the participation of the afrodescendant population in political decisions is "not very participatory". This suggests a widespread concern about limited influence and representation in political processes. 32.1% of respondents perceive a moderate participation of the Afro-descendant population. Although not a majority, it shows a

recognition of some presence in decision making, but possibly with room for improvement.

A small percentage (10.7%) stated that the Afro-descendant population participates very actively in political decisions. Although it is a minority, there are positive perceptions of participation in some sectors. The preponderance of responses indicating little or moderate participation suggests the need to increase the influence of the Afro-descendant population in political decision-making.

Political participation is crucial to ensure representativeness and address the specific needs of the Afro-descendant community. The responses point to an opportunity to strengthen inclusion in political and decision-making processes. The general perception of limited participation could indicate persistent challenges in the inclusion of the afrodescendant population in political arenas, underscoring the need for specific measures to address these barriers.

The results suggest a call for attention to the need to promote a more meaningful and equitable participation of the Afro-descendant population in political and decision-making processes. Diversity and adequate representation are essential to achieve more inclusive and just societies.

***If you have selected "I am not sure", specify here***

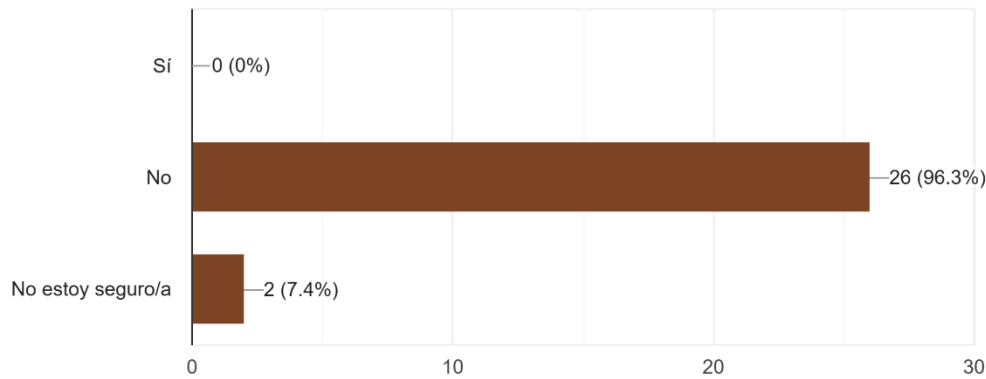
The response that mentions that he/she is not sure highlights specific situations related to the 2023 elections in the region. It is noted that in the 2023 elections two Afro-descendants were "used" for the internal of some electoral process, but were excluded from the final lists. This suggests a lack of real inclusion in electoral lists and raises questions about the genuine representativeness of the Afro-descendant population in political decision-making.

It should be noted that Afro-descendants are not accepted in the political parties in the same way as other citizens from different communities. This underscores a broader problem of lack of acceptance and participation of the Afro-descendant population in partisan politics. The expression "blacks voting and whites at the ballot box" highlights the perception of a significant gap between the electoral participation of the Afro-descendant population and their presence in decision-making positions. This point highlights the importance of addressing the obstacles that limit genuine political inclusion and representation.

On the other hand, it is indicated that the cries of protest from the Afro-descendant community do not seem to be echoed by white politicians. This suggests a lack of receptivity and action on the part of political leaders to address the concerns and demands of the Afro-descendant population. The response reflects significant challenges in the political inclusion of the Afro-descendant population, from the lack of representation on electoral lists to the perception of an insufficient response from politicians. These findings underscore the need for concrete measures to promote more equitable and genuine political participation.

**Question: Do you consider that there is sufficient recognition of the historical and cultural contributions of people of African descent in education and the media?**

**Figure 9**  
*Recognition of the contributions of people of African descent*



The response indicates that the vast majority of participants (96.3%) felt that there is insufficient recognition of the historical and cultural contributions of people of African descent in education and the media. The lack of recognition in education suggests that the history and cultural contributions of people of African descent are not being adequately taught or highlighted in educational programs. This can contribute to the perpetuation of stereotypes and a lack of understanding of the richness and diversity of Afro-descendant cultures.

The perceived lack of recognition in the media indicates that people of African descent may be underrepresented or misrepresented in the media. This can affect the public image and contribute to a lack of awareness of their achievements, contributions and challenges. Lack of recognition in education and the media can influence the way the Afro-descendant population is perceived in society, leading to marginalization and lack of appreciation for their historical and cultural heritage.

The overwhelming negative response highlights the need for education and media reforms to ensure more adequate recognition of Afro-descendant contributions. This may include the inclusion of Afro-descendant perspectives and achievements in curricula and the promotion of positive and equitable representations in the media. The response reflects a call to action to address the lack of recognition and representation in key areas such as education and the media, with the aim of promoting a fuller and fairer understanding of the contributions of the Afro-descendant population.

***Question: In your opinion, what specific changes could be implemented in diversity management models to improve the situation of the afrodescendant population in your region or country?***

The responses provided reflect diverse perspectives on diversity management, especially in relation to the Afro-descendant population in different contexts. Some responses express the perception that current diversity management policies have not had a significant impact on improving the situation of the Afro-descendant population. The importance of recognizing that, despite the efforts made, challenges and inequalities persist.



The role of social networks in the lives of Afro-descendant children and youth is also mentioned. Some answers underline the influence of social networks in the creation of new realities and practices, highlighting both positive aspects and harmful practices that they imitate. One specific response highlights the situation in Argentina, noting a considerable decrease in the Afro-descendant population. The need to be strong and resilient in a context they perceive as challenging is emphasized.

The idea is put forward that, in the absence of a general change at the country level, self-determination and self-management are key to the independent life of the Afro-descendant population. Several responses highlight the importance of support from international organizations and the need to make the situation of the Afro-descendant population visible at the international level.

Responses vary in their approach, ranging from criticism of existing policies to requests for more support and recognition. Some responses include concrete proposals, such as the implementation of policies to promote racial equality in Brazil. These responses reveal the complexity and diversity of experiences and perceptions regarding the management of diversity, evidencing the need for more effective and comprehensive approaches to address the specific challenges of the Afro-descendant population in different regions.

## **Conclusions**

The research reveals a troubling reality in the experience of the Afro-descendant population in the region. Discrimination and racial inequality persist significantly, as evidenced by the numerous situations of discrimination and unequal treatment reported by participants in their daily lives. Although diversity management programs exist, the general perception is that they are not very effective in addressing the specific needs of the Afro-descendant population, which highlights the need for substantial changes in these initiatives.

The lack of recognition and respect for the individual and collective rights of Afro-descendants is another important finding. The political participation of this population is perceived as limited, with reports of lack of representation in public office and exclusion from electoral lists. Furthermore, the absence of Afro-descendants in commonly accepted political parties adds an additional layer of challenge to political participation.

Regarding the educational and cultural situation, there is insufficient recognition of the historical and cultural contributions of Afro-descendants in education and the media. This underscores the need for greater visibility and representation in these areas to combat the lack of recognition.

Despite some perceived advances, most participants do not consider that there have been significant changes in the situation of people of African descent in recent years related to diversity management programs. The research points to the need to implement more substantial and effective changes in policies, programs and attitudes to improve the situation of the Afro-descendant population in the region or country studied.

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**THE INTERPRETATION OF ART. 31, § 3, "C", OF CV/69, IN THE  
APPLICATION OF WTO LAW TO APCS, IN THE DEI  
A INTERPRETAÇÃO DO ART. 31, § 3º, "C", DA CV/69, NA APLICAÇÃO DO DIREITO  
DA OMC AOS APC, NO DEI  
LA INTERPRETACIÓN DEL ART. 31, § 3, "C", DE LA CV/69, EN LA APLICACIÓN DEL  
DERECHO DE LA OMC A LOS APC, EN LA DEI**

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**ABSTRACT**

The phenomenon of regionalism has weakened the multilateral system of international trade administered exclusively by the World Trade Organization. The filling of aim was to fill an existing legal gap. The analysis of the scope of the expression "the relationship between the parties" in Article 31, paragraph 3, final part, of the 1969 Vienna Convention on the Law of Treaties was carried out only with regards to preferential trade agreements. By delimiting the study to narrow the research, it was possible to collate the interpretation of the specific provision of the "treaty of treaties", to the law applicable to the World Trade Organization. Divided into five main parts, the research began with the analysis of the 1969 Vienna Convention on the Law of Treaties. It the focused on the World Trade Organization. Free Trade Agreements were analysed as a genus of the International Treaties and Preferential Trade Agreements as a species. The phenomenon of regionalism and the crisis of WTO multilateralism were exploited. We analysed International Economic Law and the international economic jurisdiction administered by the WTO. Justified the legal thesis that, in international economics controversies, when two or more State Parties sign an interpretation among themselves, in a preferential trade agreement, that interpretation cannot be used to interpret WTO provisions. WTO jurisprudence can be used in regional international economic jurisdictions, but the reverse is not true.

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**RESUMO**

**Palavras-chave:**

tratados internacionais, interpretação de tratados, multilateralismo, direito econômico internacional, direito internacional.

O fenômeno do regionalismo enfraqueceu o sistema multilateral de comércio internacional, administrado exclusivamente pela Organização Mundial do Comércio. Tratou-se de preencher uma lacuna jurídica existente. A análise do alcance da expressão "a relação entre as partes", constante no artigo 31, § 3º, parte final, da Convenção de Viena sobre o Direito dos Tratados de 1969, foi feita apenas quanto aos acordos preferenciais de comércio. Ao delimitar o estudo, para restringir a pesquisa, foi possível colacionar a

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interpretação do dispositivo específico do "Tratado dos tratados", ao direito aplicável à Organização Mundial do Comércio. Dividida em cinco partes principais, a pesquisa começou com a análise da Convenção de Viena sobre o Direito dos Tratados de 1969. Após, concentrou-se na Organização Mundial do Comércio. Foram analisados os Tratados de Livre Comércio, como gênero dos Tratados Internacionais e os Acordos Preferenciais de Comércio, como espécie. Foram explorados o fenômeno do regionalismo e a crise do multilateralismo da OMC. Em último lugar, analisou-se o Direito Econômico Internacional e a jurisdição econômica internacional administrada pela OMC. Justificou-se a tese jurídica de que, em sede de controvérsias econômicas internacionais, quando dois ou mais Estados-partes firmam entre si uma interpretação, em um acordo preferencial de comércio, dita interpretação não pode ser usada para interpretar um dispositivo da OMC. A jurisprudência da OMC pode ser usada nas jurisdições econômicas internacionais regionais, mas a recíproca não é verdadeira.

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#### RESUMEN

**Palabras clave:**

tratados internacionales;  
interpretación de tratados;  
multilateralismo; derecho  
económico internacional; derecho  
internacional.

El fenómeno del regionalismo ha debilitado el sistema multilateral de comercio internacional, administrado exclusivamente por la Organización Mundial del Comercio. El objetivo era colmar una laguna jurídica existente. El alcance de la expresión "la relación entre las partes", contenida en la parte final del apartado 3 del artículo 31 de la Convención de Viena sobre el Derecho de los Tratados de 1969, se analizó únicamente en relación con los acuerdos comerciales preferenciales. Al delimitar el estudio para acotar la investigación, fue posible relacionar la interpretación de la disposición específica del "Tratado sobre los Tratados" con el derecho aplicable a la Organización Mundial del Comercio. Dividida en cinco partes principales, la investigación comenzó analizando la Convención de Viena sobre el Derecho de los Tratados de 1969. A continuación, se centró en la Organización Mundial del Comercio. Se analizaron los Acuerdos de Libre Comercio, como género de Tratados Internacionales, y los Acuerdos Comerciales Preferenciales, como especie. Se estudió el fenómeno del regionalismo y la crisis del multilateralismo de la OMC. Por último, se analizó el Derecho Económico Internacional y la jurisdicción económica internacional administrada por la OMC. Se justifica la tesis jurídica de que, en los litigios económicos internacionales, cuando dos o más Estados parte se ponen de acuerdo sobre la interpretación de un acuerdo comercial preferencial, esta interpretación no puede utilizarse para interpretar una disposición de la OMC. La jurisprudencia de la OMC puede utilizarse en las jurisdicciones económicas internacionales regionales, pero lo contrario no es cierto.

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## Introduction

### ***1969 Vienna Convention on the Law of Treaties***

International relations between states take place through international treaties. These treaties are governed by the 1969 Vienna Convention on the Law of Treaties, as it is the international legal instrument specifically created for this purpose by the international community. Among the various issues related to international treaties, Article 31 and its paragraphs deal with the interpretation of international treaties, which is considered one of the most frequent causes of international economic controversies.

The 1969 Vienna Convention on the Law of Treaties is the international statute that deals with the rules for international treaties signed in writing between states. For this reason, it became known as the "Treaty of Treaties". It is one of the main sources of public international law and has therefore become known as the "Source Treaty".

There are three main reasons why international economic disputes arise between states. The interpretation of International Treaties, the incompatibilities between tax measures created by Free Trade Agreements and WTO Agreements, as well as macroeconomic protectionist measures such as non-tariff barriers. International trade moves the world and is of paramount importance to nations as well as private economic actors.

Media and technology have played an unprecedented role in international trade. They have facilitated trade and made the global economy very dynamic. This dynamism has helped to create global organizations that converge their macroeconomic objectives through international treaties. (FUNIBER, n.d.)

The multilateral sphere of international trade was governed to a limited extent by the rules of the provisional *General Agreement on Tariffs and Trade* or GATT. Created in 1947, GATT was in force from 1948 until 1994. Since 1995, this trade area has been administered exclusively by the World Trade Organization, which absorbed GATT-47 after changing it to GATT-94.

The regional sphere of international trade has existed for centuries. There is no higher authority to administer it, so regional international trade disputes depend on different international economic forums.

Regional cooperation is embodied through Regional Trade Agreements, which come in different forms, such as Free Trade Agreements, Preferential Trade Agreements and Deep Preferential Agreements or Mega Agreements.

The aim of the research was to create a legal thesis capable of explaining the interpretation of article 31, paragraph 3, final part, of the 1969 Vienna Convention on the Law of Treaties, to define who are the parties to the relations referred to in that provision and to determine whether the parties can apply an interpretation, signed between them, at the end of an international economic dispute in the context of a Preferential Trade Agreement, to interpret a provision of the World Trade Organization.

The study defined who these parties are after analyzing the Convention. He explained the emergence and functioning of the WTO, starting from its predecessor, the GATT. He pointed out the main differences between Free Trade Agreements and Preferential Trade Agreements, as well as between the areas of international trade. He analyzed the crisis of multilateralism in the face of the phenomenon of regionalism. He explained the purpose of international economic law, with an emphasis on the multilateral jurisdiction of the WTO. He clarified the law applicable to the organization and how its jurisprudence is produced.

### ***World Trade Organization***

The World Trade Organization is an international economic organization and therefore falls under International Economic Law. It incorporated the Principles of Common International Law and the Multilateral Principles of *GATT* 1947, considered its predecessor.

Created in 1994 with seventy-six member states, the organization currently has one hundred and sixty-four member states. It is the only international body in charge of administering and establishing the rules of international trade between states and independent customs territories.

The World Trade Organization has a permanent institutional structure, made up of a secretariat and four decision-making levels. The 1st level is the Ministerial Conference, its highest body; the 2nd level is made up of three main bodies, which are the General Council, the Dispute Settlement Body or DSB and the Trade Policy Review Body or TPRB; the 3rd level encompasses the Agreements of its organic structure, which are *GATT*, *GATS*, *TRIPS*, *SPS* and *TBT*; and finally, the 4th level is made up of the Committees and Working Groups. The Ministerial Conference and the General Council apply the Multilateral Consensus Principle positively and the Dispute Settlement Body applies it negatively or inverted.

The Dispute Settlement Body is a unique and rather complex mechanism because it applies both Civil Law principles to its own trade agreements and Common Law principles to its own case law. It has an adjudicatory legal nature. It is the guardian of the Dispute Settlement System and has been jurisdictionalized by the World Trade Organization. It has the legal primacy of procedural rules and coerciveness, by authorizing the application of retort measures by its member states. The Dispute Settlement Body administers and is guided by the Understanding on Procedural Rules for Dispute Settlement, its initial normative framework. The OSC is made up of the Panels, which correspond to the 1st Instance, and the Appellate Body, which corresponds to the 2nd Instance, both of which are judicial in nature.

It is not up to the WTO to challenge decisions made by other regional international economic jurisdictions and vice versa, because these jurisdictions are competitors. Regional trade agreements deal with different and sometimes broader issues than the WTO's multilateral and plurilateral agreements.

By jurisdictionalizing its dispute settlement system, the WTO has left the application of its provisions and agreements to the scrutiny of the Consensus Decision-Making Principle of its member states. This consensus is sometimes negative or, conversely, sometimes positive. The WTO Dispute Settlement Body, through the panels and the Appellate Body, depend on negative consensus. The Ministerial Conference and the General Council depend on positive consensus.

The WTO's multilateral dispute settlement system is victorious because it manages to compel compliance with its norms and rules, as well as helping to prevent trade conflicts from proliferating between nations on a global level.

However, this system has been criticized. It has been advocating structural reform, which must be multilateral, which has been difficult since the Doha Round. It is becoming increasingly difficult to reach consensus among WTO member states. This difficulty has hampered the organization and even paralyzed its Appellate Body since 2019.

Even so, it is the system chosen by countries to settle their international economic disputes, despite the existence of other jurisdictions. Some WTO member states, as signatories to preferential trade agreements, use interpretations reached between them at the end of regional disputes to interpret WTO provisions. However, the WTO does not accept this practice, as it considers it impertinent to apply it multilaterally.

Although the law applicable to the WTO is not to be confused with the law applicable to Preferential Trade Agreements, both depend on the dispute settlement systems that exist in their respective areas. In some cases, there are common obligations between multilateral agreements and regional agreements. This is especially true of deep preferential agreements (de Carvalho and Salles, 2022).

### ***Free Trade Agreements***

Free Trade Agreements are genres of international treaties, of indefinite duration, bilateral or plurilateral. These treaties are considered Regional Trade Agreements, as well as second and third generation Trade Agreements, mainly to create Free Trade Zones. They are primarily used to liberalize international trade by reciprocally reducing or eliminating customs tariffs between their signatory states.

Free Trade Agreements do not create or repeal taxes. However, the measures they create in this area are incompatible with the rules of the World Trade Organization.

Preferential Trade Agreements are a type of Free Trade Agreement. Most of them are plurilateral. Signed between a small number of countries or specific groups, they are faster and less bureaucratic than the World Trade Organization's Trade Agreements.

However, Preferential Trade Agreements are considered a derogation from the rules of the World Trade Organization. For this reason, they must be used with reservations, in the form of exceptions, based on Article XXIV of the GATT-94, in the case of goods, to create Free Trade Areas; or based on the enabling clause of the GATT-94, in the case of subsidies, as an exemption to Article I of the GATT-47; and, finally, based on Article V of the GATS, in the case of services.

In the form of Deep Agreements or Mega Agreements or even Megablocks, they are considered to be state-of-the-art trade agreements, because they go beyond purely economic issues. In these cases, they can be WTO Plus Agreements, as they go deeper into the rules that already exist in the WTO; or WTO Extra Agreements, beyond these rules, as they create rules that do not exist in global trade, as is the case with political areas and trade flows.

### ***Regionalism vs. Multilateralism***

The World Trade Organization is facing an unprecedented crisis. Global interests and negotiating strategies are no longer the same as they were in 1994, when the organization was created. The phenomenon known as regionalism is attributed to the proliferation of regional agreements. This proliferation worries the WTO, because the multilateral sphere has begun to lose ground to the regional sphere. However, other structural problems of multilateralism are pointed out as the various factors attributed to the crisis of this regime.

Coexistence between international trade areas is inevitable. It has led to the fragmentation of multilateralism, with its consequent weakening, while it has strengthened regionalism through increased regional cooperation around the world. This cooperation is no longer limited to the simple liberalization of markets, but has come to serve economic, political, geopolitical, commercial and security objectives.

Regionalism encompasses, in particular, the exacerbated proliferation of Preferential Trade Agreements. It took place in three main periods, between 1950 and 1970, from 1990 and from 2001, coinciding with the Doha Round of the World Trade Organization.

The expansion of the globalization phenomenon, coupled with technological, communication and logistical advances, has led to the emergence of Global Value Chains. The latter, combined with the lack of consensus in the World Trade Organization, caused



a feeling of immediacy among the organization's member states, who, in the short term, migrated to the regional international trade system in order to achieve their trade objectives.

However, this migration has brought several problems to international trade. Among the main ones are the implementation of rules; the overlapping of members; the inconsistencies between Regional Trade Agreements and the WTO; the fragmentation and weakening of the multilateral regime; the negative impacts on trade flows, due to the increase in transaction costs, especially with regard to certificates of origin; the Spaguetti Bowl, which is the proliferation of Plurilateral Agreements, which have not replaced the existing Bilateral Agreements, but have been added to and formed this tangle of international trade norms and rules; and, finally, the Shopping Forum, which is the creation of dispute settlement mechanisms in each of the Regional Trade Agreements.

Despite the creation of the *Single Undertaking* Principle during the Uruguay Round and the end of GATT *à la carte*, compensatory measures that had been created to solve the problem of the imbalance in competitiveness between countries were not overturned by macroeconomic protectionist measures, such as non-tariff barriers.

Environmental and public order issues generate trade detour, because member state governments use the exception rules, authorized by the World Trade Organization, to divert the focus of regional negotiations, creating rules parallel to multilateral ones.

The most sensitive issues, which were at the forefront of multilateral negotiations in the QUAD bloc made up of the United States, Canada, the European Union and Japan, were replaced by the G-20 group, led by Brazil, in the area of agriculture, and the NAMA-11 group, led by South Africa, in the area of market access.

Developing countries, which make up two-thirds of the member states, demand preferential treatment at the World Trade Organization, but they make up the majority. There is also the organization's lack of capacity to modernize its own rules.

The clash between the United States and China, as the world's two largest economic powers, led to the paralysis of the Dispute Settlement System in 2019 in the face of repeated US vetoes for the appointment of new judges to the World Trade Organization's Appellate Body.

China's accession to the World Trade Organization in 2001, the reason why it should have become a market economy, did not happen. Distortion caused by the strong influence of the Chinese government on global trade. Finally, there is the lack of total transparency in the national trade policies of the member states of the World Trade Organization.

### ***International Economic Law***

International economic law, an autonomous branch of international law and essentially public, governs international trade relations between states, as well as their macroeconomic policies. These relationships often generate controversy. These disputes are settled by international economic forums. There are various international economic forums and there is no hierarchy between them.

International Economic Law, a specialized branch of Public International Law, regulates macroeconomic legal relations between states, given the reciprocity of these relations.

One of the problems in the international community is that international economic law is not applied equally across the five continents (Hernández et al., 2011). This lack of equal application leads to divergent interpretations of international treaties. It is up to international economic law to resolve these differences.

It is not a question of normative antinomy, because there is no conflict of norms. These rules coexist and that's how it should be. The problem is the interaction between them. At the international level, there is no higher political authority with coercive powers. The creators as well as the recipients of the legal norm are the same. This is because the means of producing and applying the international economic legal order lie with the very people who create them. (FUNIBER, n.d.)

Regional international economic forums are created by the international treaties themselves, through their dispute settlement systems. They can also be elected by the disputing parties, signatories to the respective international treaties, when there is no primacy of regional jurisdiction. All according to the specific provisions of each of the regional trade agreements.

The choice of a regional international economic jurisdiction may or may not rule out the possibility of the dispute being subsequently examined multilaterally. This possibility depends on the existence of primacy of regional jurisdiction in the respective treaty. In this respect, the WTO Dispute Settlement Body has primacy of jurisdiction over the trade agreements under its administration, i.e., the WTO has primacy of multilateral international economic jurisdiction.

On the other hand, there are various regional international economic jurisdictions, made up of various regional international economic forums, divided into Courts and International Organizations. There is no hierarchy between the regional jurisdictions and the multilateral jurisdiction of the World Trade Organization, because they are concurrent.

The problem is that this leads to conflicting regional decisions, generating unpredictability and legal uncertainty. This situation does not occur in the World Trade Organization, which provides predictability, reliability, credibility and efficiency for the entire system. It also provides legal certainty, which is beneficial for international trade.

The main objective of the WTO, with its dispute settlement system, is to offer security and predictability to the multilateral regime. However, when these disputes concern regional agreements, the solution to the disputes depends on the decisions handed down by the different regional economic jurisdictions. The consequence is the existence of divergences or antagonism between these decisions.

The multilateral jurisdiction of the WTO exerts a strong influence on regional jurisdictions, because gaps and ambiguities are not only filled on the basis of the concepts and rules of its own Trade Agreements; it stabilizes the tangle of international norms that form the regulation of international trade; and, finally, because of the inevitable relationship between the various contemporary global issues and international economic controversies.

The World Trade Organization's Appellate Body uses systematic, extensive and constructive interpretations of public international law, such as the 1969 Vienna Convention on the Law of Treaties. In this way, this judicial body will look to the concepts and interpretations of the courts of other international organizations, such as the International Monetary Fund, the World Bank and the Organization for Economic Cooperation and Development, to resolve disputes between its own member states. As a result, it creates its own case law which, in turn, will guide future litigation.

It is in this sense that WTO jurisprudence becomes even more important for international trade. The decisions handed down by its dispute settlement system are used by its member states in regional dispute settlement systems. Its jurisprudential production cannot stop.

## **Methodology**

The design is descriptive, ethnographic and qualitative in nature. The scope of the research is exploratory. The study is not probabilistic, but purely legal-theoretical and its results are presented in text form. There are no variables, just as there is no specific population or sample. In terms of research scope, the correlational technique was used. The research is non-experimental. The measuring instruments used were databases accessible to the general public and electronic academic search sites. The research method is longitudinal. The sources used were documentary and bibliographical. The technique used was research on academic dissemination platforms, through the specialized academic search engines EBSCOhost, Google Academy, ResearchGate and Academia.edu. The descriptive and explanatory techniques were used together, as far as bibliographic means were concerned. The logical-legal technique was used to justify the combination of the articles and principles contained in the international diplomas. The procedure used was internet research, through scientific search sites. The time frame of the research is cross-sectional. The approach was descriptive-historical. In terms of statistical analysis, a simple conclusion analysis was carried out.

## **Results**

States parties to the Preferential Trade Agreement that are not part of the procedural relationship of the regional international dispute are not part of the expression "the relationship between the parties", which is the subject of the study, brought up in article 31, paragraph 3, final part, of the 1969 Vienna Convention on the Law of Treaties, specifically for the purposes of the interpretation signed at the end of the dispute between the litigating states parties.

States parties to a Preferential Trade Agreement that have signed an interpretation between themselves at the end of a regional international economic dispute, as a rule, cannot use that same interpretation to interpret a provision of the World Trade Organization. However, it is worth noting that this rule has exceptions. This is because when a regional jurisdiction establishes an interpretation of a Preferential Trade Agreement in its own dispute settlement mechanism, that case law does not form part of the law applicable to the WTO.

The law applicable to the World Trade Organization is made up of all its multilateral and plurilateral agreements in force, as well as the relevant rules of international law. The interpretation of WTO agreements is based on the 1969 Vienna Convention on the Law of Treaties. However, the WTO Dispute Settlement Body has in its jurisprudence decisions that were taken on the basis of evolving interpretations by the Appellate Body. In this respect, these decisions were not based on the rules contained in the WTO agreements, but on multilateral rules from other international organizations.

The principle basis of the WTO's multilateral trade system brings us to the Principle of Consensus Decision-Making, which must be reached by all of the organization's one hundred and sixty-four member states, considered to be a positive consensus, when the Ministerial Conferences and the General Council, both of which have the same composition, are held.

Due to the institutional functioning of the World Trade Organization, as well as its legal framework, the interpretation of its provisions falls to the Dispute Settlement Body, composed of all its member states, when it accepts, modifies or rejects the reports of the organization's panels or Appellate Body, by means of negative consensus. However, the

Appellate Body has, on more than one occasion, interpreted the organization's agreements, even though this is not its specific task under the WTO's Constitutive Agreement. In the meantime, instead of the usual textual interpretation, in accordance with the 1969 Vienna Convention on the Law of Treaties, this body has filled in gaps and resolved ambiguities in the terms contained in the agreements analyzed, by means of evolutionary interpretation, in order to resolve the controversies brought before it. Despite this, these decisions form part of the jurisprudence of the SCO and can be used in regional dispute settlement mechanisms, even in the face of the primacy of these jurisdictions.

## Discussion and Conclusions

Article 31, paragraph 3, final part, of the 1969 Vienna Convention on the Law of Treaties is sufficient to determine who are the parties involved in disputes in the commercial dispute resolution mechanisms of regional and multilateral international economic jurisdictions. However, the rule is not sufficient to resolve the overlapping of rules or even the competition of rights and obligations between the international treaties of the different international trade jurisdictions, and the solution falls to the primacy of jurisdiction.

The clash between the phenomenon of regionalism and the crisis of multilateralism is an old one. (Capucio, 2018) The difficulty of creating new multilateral agreements in the rounds of negotiations at the WTO Ministerial Conferences fuels the phenomenon of regionalism.

The proliferation of Preferential Trade Agreements is due to the institutional and regulatory problems of the World Trade Organization. (Capucio, 2017; Loures, 2020; Thorstensen et al., n.d.)

From a normative point of view, the Principle of Consensus Decision-Making is the main cause of the fragmentation of the multilateral trade system. (Capucio, 2017; Linn, 2017; Loures, 2020; Vicente, 2022; de Medeiros Fidelis, 2020; Mattoo et al., 2020; de Carvalho et al., 2018; Leão and Borgui, 2022; European Commission, 2021; de Carvalho and Salles, 2022; Thorstensen et al., 2014)

The member states of the World Trade Organization have migrated to regionalism in order to deepen or extend their economic integration, while preserving their own macroeconomic interests as well as the interests of their economic actors.

The three exceptions in Articles XXIV of the GATT-94, V of the GATS and the Enabling Clause, which allow the member states of the World Trade Organization to sign Preferential Trade Agreements, are discriminatory and go against the basic Most Favoured Nation Principle of the multilateral trade system. (de Carvalho, 2018b; Thorstensen and Nogueira, 2017; WTO, 2011)

The trade distortion caused by the excessive use of Preferential Trade Agreements, which should be an exception to the general rule of the multilateral system, circumvents the law of the World Trade Organization. (Loures, 2020; Thorstensen et al., n.d.)

WTO law needs to be adapted to the new times if it is to survive, grow stronger and not fall back on the progress it has made over the last few decades.

The overlapping of rules caused by the phenomenon of regionalism, which encompasses the *spaghetti bowl* and *forum shopping*, fragments the WTO and international trade as a whole. (Thorstensen, et al., n.d.; Capucio, 2017; Loures, 2020; de Carvalho, 2019a) This phenomenon will continue to occur, since these resources are constantly arming it against the multilateral system.

From an institutional point of view, the WTO Transparency Mechanism is flawed. (Loures, 2020; Capucio, 2018) In this respect, the WTO Transparency Mechanism is fallible because it controls the exceptional use of Article XXIV of the GATT-94, Article V of the GATS and the Enabling Clause.

The WTO structure was born with problems in 1994, because it came from GATT-47. It is outdated for the dynamics of global trade in the 21st century. (Capucio, 2017; Linn, 2017; Thorstensen et al., 2014; Loures, 2020)

The substantive law of 1947 is totally out of step with the current standards and needs of international trade and runs counter to the objectives of economic integration and customs tariffs of the WTO member states.

The *Single Undertaking* rule in Article IX, §1 of GATT-94 prevents consensus from being reached in WTO negotiating rounds. (Capucio, 2017; European Commission, 2021)

The proliferation of Preferential Trade Agreements is a systemic problem in the WTO. (Capucio, 2017; WTO, 2011; European Commission, 2021)

The blockage of the WTO's Appellate Body, due to repeated vetoes by the United States to appoint new judges, is detrimental to international trade as a whole. (Capucio, 2017; Loures, 2020; Linn, 2017; European Commission, 2021)

The multilateral WTO model is in crisis. Factors such as the WTO's inability to adapt to the needs of the 21st century, new business models and the needs of global economic players, as well as new international trade issues, are fueling this crisis. (Loures, 2020; Thorstensen et al., n.d.; European Commission, 2021)

The normative and institutional reform of the WTO is necessary in order to preserve legal certainty, the predictability of the system, the uniformity of decisions in dispute settlements, the standardization of rules, the speed of multilateral negotiations, the effectiveness of the multilateral system and the efficiency of international trade.

The discussion on the legality of regional law vis-à-vis multilateral WTO law is due, among other reasons, to the trade barriers being erected by the Preferential Trade Agreements. (Thorstensen et al., 2014; de Carvalho, 2019c)

The conflict of jurisdiction between the dispute mechanisms of the Preferential Trade Agreements and the WTO mechanism is defended by Loures (2020). In the meantime, we disagree, because we believe that there is no conflict of jurisdiction between dispute settlement mechanisms, but rather that regional and multilateral rules overlap.

The competition between regional jurisdictions and the multilateral WTO, in terms of its dispute settlement mechanisms, is defended by Thorstensen et al. (2014). We agree, because we believe that there is no antinomy between rules, but rather that they overlap.

## **Conclusions**

In terms of rules for interpreting international treaties signed between states, the applicable public international law instrument is the 1969 Vienna Convention on the Law of Treaties, which specifically regulates the matter in its article 31. The problem of overlapping rules between regional law, through Preferential Trade Agreements, and multilateral law, through WTO treaties, is resolved by textual, extensive, evolutionary or constructive interpretation, based on Article 31 of the aforementioned Convention, in cases of gaps, obscurities, ambiguities or contradictions in the WTO legal framework.

The law applicable to the WTO is decided by the positive consensus of its one hundred and sixty-four member states, at Ministerial Conferences and the General Council, both of which have identical composition. On the other hand, this right is decided by negative consensus of its one hundred and sixty-four member states, in the Dispute

Settlement Body, by adopting, modifying or rejecting the reports of the organization's panels and Appellate Body.

The 1969 Vienna Convention on the Law of Treaties does not allude to all one hundred and sixty-four member states of the World Trade Organization when it refers to the expression "the relationship between the parties" in the final part of §3 of Article 31, when regulating the interpretation of international treaties and the international legal instrument is a preferential trade agreement. There are no preferential trade agreements to which all WTO member states are signatories at the same time. By their very nature, preferential trade agreements involve fewer states parties, unlike the WTO's multilateral agreements. In the case of deep preferential agreements, the number of states parties is smaller than the total number of WTO members, even though they create mega-blocks of regional economic integration.

The main objective of Free Trade Agreements is to liberalize trade by reducing customs tariffs on a reciprocal basis between the signatory parties. Considered foreign policy instruments, FTAs are used to eliminate trade barriers, which allows access to international markets, as well as promoting economic integration and international cooperation.

Preferential Trade Agreements, on the other hand, grant customs advantages or other types of benefits to the signatory parties, not always on a reciprocal basis. These agreements do not respect the Most Favored Nation Principle and discriminate against trade. They create their own rules for regulating trade in goods and services and have an impact on their respective flows. The PCAs have their own dispute settlement mechanisms. The WTO authorizes regional agreements. On the basis of Article XXIV of the *General Agreement on Tariffs and Trade* or GATT, they can sign regional integration agreements in the form of a free trade area or customs union. As far as services are concerned, they are based on Article V of the *General Agreement on Trade in Services* or GATS. As for subsidies, they are based on the Enabling Clause and the General System of Preferences in order to sign preferential trade agreements. In the meantime, the study suggests a new survey of the number of existing regional trade agreements notified to the World Trade Organization, with regard to the growing trend of regionalism compared to the multilateral system of international trade.

The regional sphere of international trade, made up of all regional trade agreements, includes free trade agreements, preferential trade agreements and deep preferential agreements. They have their own dispute resolution mechanisms and their own rules. These rules overlap with multilateral rules because they regulate the same trade issues or new issues not regulated by the WTO. This sphere is made up of regional international economic jurisdictions, with no hierarchy between them. The phenomenon of regionalism, meanwhile, refers to the proliferation of regional trade agreements, especially preferential agreements. This phenomenon has occurred in waves and the third is linked to Global Value Chains.

The multilateral sphere of international trade, on the other hand, is made up of all the multilateral and plurilateral agreements under the exclusive administration of the World Trade Organization and is newer than the regional sphere. It operates on a lean, clear and pre-defined principle base, with exceptions. The WTO is intergovernmental, with its own legal personality that differs from that of its member states, which, to date, number one hundred and sixty-four. Within a permanent structure, the multilateral system is made up of bodies at different decision-making levels, the Ministerial Conferences, the General Council and the Dispute Settlement Body. This system has its own dispute resolution mechanism, which is not a court, but exercises a jurisdictional

function and produces case law. Multilateral law competes with regional law, so their rules overlap.

Given the existence of different regional international economic jurisdictions, which compete with the multilateral jurisdiction of the WTO, divergent and conflicting decisions arise. The overlap between regional and multilateral trade rules creates unpredictability in decisions, which leads to legal uncertainty. These rules can complement each other. The jurisprudence of the WTO Dispute Settlement Body benefits international trade as a whole, because it is based not only on its own law, but also on the rules of other international organizations and bodies. The rules of interpretation of public international law, according to the 1969 Vienna Convention on the Law of Treaties, make it possible to fill in gaps and clarify ambiguities, obscurities and contradictions in agreements.

The law applicable to Preferential Trade Agreements is not to be confused with the law applicable to the WTO. Preferential Trade Agreements regulate matters that are not regulated in the WTO agreements, or are regulated insufficiently. The outcome of the WTO Appellate Body's legal proceedings is incorporated into the jurisprudential framework of the Dispute Settlement Body. It will benefit all WTO members in future disputes, including at the regional level. Therefore, the interpretation first established in a regional dispute cannot be used to interpret a WTO provision, but the reverse is true. The Appellate Body's analysis is legal, so it is not a question of applying the Principle of Consensus Decision-Making. It is a question of applying rules of public international law, specifically the rules of interpretation of Article 31 of the 1969 Vienna Convention on the Law of Treaties. Even if this interpretation is extensive or evolutionary, the WTO fulfills one of its primary purposes, listed in its Constitutive Agreement, given the express provision for cooperation with other international organizations and bodies in the Treaty of Marrakech.

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## **PUBLIC POLICY ANALYSIS TO UPDATE RURAL BUSINESS POLICY ANALISIS DE POLITICAS PUBLICAS PARA ACTUALIZAR POLITICA EMPRESARIAL RURAL**

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### **ABSTRACT**

#### **Keywords:**

public policy, business policy, technical solution, integrated project, productivity, competitiveness and income.

The investigation arises in the Federation for Municipal Development Tucureño, a company located in the municipality of San Miguel Tucurú, Alta Verapaz, Guatemala where the problem of minor entry to the U.S. was identified. \$1362.00 annually. Income originating from agroindustrial activities, a situation that represented an opportunity to study it and provide a technical solution with improved productivity and competitiveness, developing a business policy proposal to obtain higher income with integrated activities, consisting of production components, transformation of raw materials, negotiation of this, training, use of the administration system and financial resources. Phenomenon studied through a process based on analysis of macroeconomic public policies related to international and national development (global environment), public policies at the intermediate economic departmental and municipal level (mesoeconomic) and microeconomic (competitive environment) of the company analyzed, including in these results of a survey carried out by simple random sampling by conglomerates within the universe of 35 organizations; thus establishing the conditions and characteristics of the Federation's activity, presenting an updated commercial management policy model that generates higher income. The development of the topic offers an analysis of productivity and competitiveness and its improvement in an objective, technical manner, to make sustainable economic growth possible with the use of own resources and thus, obtain strengthening through the proposed solution of a policy as an integrated project. Expected results: Updated business policy as a technical solution through an integrated project to improve productivity and competitiveness.

### **RESUMEN**

#### **Palabras clave:**

política pública, política empresarial, solución técnica,

La investigación surge en la Federación para el Desarrollo Municipal Tucureño, empresa ubicada en el municipio de San Miguel Tucurú, Alta Verapaz, Guatemala donde se identificó el problema de ingreso menor a U.S. \$1362.00 anual. Ingreso originado en actividades agroindustriales, situación que representó oportunidad para

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proyecto integrado, productividad, competitividad e ingreso.

estudiarlo y dar solución técnica con mejora de productividad y competitividad, desarrollando una propuesta de política empresarial para obtener ingresos superiores con actividades integradas, constituidas por componentes de producción, transformación de materia prima, negociación de esta, capacitación, uso del sistema de administración y de recursos financieros. Fenómeno estudiado por medio de un proceso fundamentado en análisis de políticas públicas macroeconómicas relacionadas con desarrollo internacional y nacional (entorno global), políticas públicas a nivel intermedio económico departamental y municipal (meso económicas) y microeconómico (entorno competitivo) de la empresa analizada incluyendo en este resultados de encuesta por muestreo simple aleatorio por conglomerados dentro del universo de 35 organizaciones; estableciendo así, las condiciones y características en la actividad de la Federación presentando un modelo de política de gestión comercial, actualizado generador de ingreso superior. El desarrollo del tema ofrece un análisis de productividad y competitividad y su mejora de manera objetiva, técnica, para hacer posible el crecimiento económico sostenible con el uso de recursos propios y así, obtener fortalecimiento a través de la propuesta solución de una política como proyecto integrado. Resultados esperados: Política empresarial actualizada como solución técnica a través de un proyecto integrado para mejora de productividad y competitividad.

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## **Introduction**

The income problem in the Federation for the Municipal Development of Tucureño - FEDEMT-, and in the rural area of the management environment, shows a relationship between productivity and indicators of poverty and extreme poverty, a problem that can be solved, for the federation, through a competitive business management that makes efficient use of resources to operate in the target market.

The research established an average annual income for the republic in 2017 of U.S. 3568.00, in the rural Indian area for U.S. men. \$2175.00 (FUNDESA, 2018b) according to the Common Country Analysis.

In addition, "of every one hundred indigenous people employed in rural areas, 35 live in extreme poverty, a relative value that is three to four times higher than that observed in their non-indigenous and urban counterparts" General Secretariat of Planning and Programming of the Presidency (SEGEPLAN, 2015). This population includes subjects in the rural area of the municipality of San Miguel Tucurú, Alta Verapaz, Guatemala. Phenomenon manifested by the level of income they obtain from their agricultural activity and the commercialization of their products.

Collaterally to the above, the situation of the individual income level below U.S. 1362.00 in the federation, generated the search for a proposed solution to overcome this problem and reduce the indicators indicated as extreme poverty.

In the municipal jurisdiction of the organizations associated with the federation "extreme poverty indicators have been of the order of 65% and total poverty of 95%" (Instituto Nacional de Estadística G de G (INE), World Bank (WB)., 2013). These indicators are the main socioeconomic reason for reducing them by improving productivity and competitiveness.

The study made it possible to know, understand, characterize and explain the level of income identified in the federation and in the environment of the municipal jurisdiction of San Miguel Tucurú and established the problems observed as a phenomenon to be addressed within productivity and competitiveness. (FUNIBER, N.D.).

Thus, the subject of the search for a solution to the problem of income in the rural enterprise analyzed corresponds to economics, according to (Flores, 1965), by the allocation of means to achieve the competitive ends of entrepreneurship, where the distribution of resources and their use consists of maximizing the achievement of these ends, an arrangement that is broken down into the aspects of the research developed.

Based on the above reasoning, how should efficient business management be implemented at FEDEMT to improve income through productivity and competitiveness? This question became the main question generating the general objective consisting of: To formulate an integrated solution that improves income through efficient business management with permanently increasing productivity and competitiveness in the federation.

Question and objective that are set as purpose in this article to transfer the business policy proposal as an integrated project for solution to the low productivity and competitiveness origin of the income problem for the associative enterprise.

During the survey research, the conditions of production, handling and marketing of important products within the agroindustrial production processes permanently established by the individuals associated to first and second level federally integrated organizations were known.

With the literature review (UNDP, 2016a), the background and current status of the topic were established, which were known by analyzing public policies that contained aspects such as economic growth, productivity and competitiveness, the development plan for Guatemala, the municipal development plans, their indicators and information from programs such as the national competitiveness program; The Millennium Development Goals (UNDP, 2016b), those of sustainable development towards 2032 (PRONACOM, 2018) and concepts of economy, agriculture and development that are linked to the topic and the company where the research was carried out.

This is the beginning of an integral process of elaboration of a business policy that will fill the gaps in knowledge corresponding to the training of human resources, the application of norms and standards for product classification, packaging and storage. In this way, business management will be achieved with which added value can be generated by means of technification to obtain qualified products offered at market prices that allow profitability in the investment.

Likewise, a demonstrative effect is presented to companies in the rural area of the importance of research in agroindustrial production processes to project with the results achieved the sustainability of natural resources and investment, possible through the implementation of a business policy that corrects problems of productivity and competitiveness, an effect that should be extrapolated to cause income improvement through the generation of added value in rural companies that need to improve their profitability.

The originality of the topic established that productivity and business competitiveness in the rural area of the Municipality of Tukurú, Alta Verapaz, location of FEDEMT, had not been scientifically investigated considering first degree groups (associations) integrated into a federation (second degree organization).

The information from secondary sources made it possible to know the importance and current relevance of the topic for the business organization, for the region and for the country, having consulted public policy documentation such as the following.

The National Report of Guatemala within the Regional Public Policies on Poverty Reduction in Central America, (Inter-American Institute of Human Rights., 2008), shows the strategies to achieve economic growth, in addition to using social policies to generate employment and income in order to improve the human being, an approach that allows projecting the solution to the problem established considering these issues objectively according to the knowledge achieved through the analysis of information collected.

According to (UN/ECLAC, 2010-14), at the macroeconomic level had adequate and productive employment and income, within the first goal set at the Millennium Summit of 1991 to 2015, a relationship that is projected among the scope of the research work done, to improve the condition of employment, and increase income by updating business management.

This target, continued in the SDGs, consisted of halving the population earning less than one dollar a day by 2015 to improve the quality of life, thereby achieving full employment and decent work.

From the year 2016 with projection to the year 2030 the Sustainable Development Goals -ODS-, (UNDP, 2022), include within goal 8 that relates income, to promote sustained, inclusive and sustainable economic growth, full and productive employment for all, issues that are pursued with the improvement of productivity and competitiveness in the target company in the research.

Since then, the macroeconomic goal has been to achieve high levels of economic productivity by 2030 through diversification, technological modernization and

innovation, among other things by focusing on higher value-added and labor-intensive sectors.

Macroeconomic policy aspects congruent with the analysis, conclusions and microeconomic projections of the research and business policy of the project presented as a solution to the problem established in the target federation.

The content of the alignment of K'atun's objectives and goals towards 2032 includes the variables of productivity and competitiveness established in the research as independent variables to be worked on in order to achieve modifications in the dependent variable of income, the main element of the study in the search for a solution to the problem identified.

The municipal development plans included in the Monografía Catastral Tukurú, Alta Verapaz, (Gobernacion Departamental Alta Verapaz. Municipal Planning Office, 2009). The Municipal Development Plan, Current Territorial Development Model of San Miguel Tukurú, (SEGEPLAN, 2010); the Departmental Development Plan, (SEGEPLAN, 2011). In addition, the decisions of the Municipal Council of San Miguel Tukurú, Alta Verapaz and the Municipal Development and Land Use Plan 2019-2032 were consulted. (SEGEPLAN, 2020); having identified in each of the sources analyzed the characteristics of economic growth, deficiencies in productivity and competitiveness that were manifested in the municipal and departmental competitiveness indexes.

To determine the situation of the federation within its environment, the location of the department of Alta Verapaz, jurisdiction to which the municipality of San Miguel Tukurú, headquarters of the Federation for the Development of Tukurú, FEDEMT, belongs, was established within the classification of the local competitiveness index in position 22 of 22 departments; the departmental capital Cobán, was placed in place 136 of 340 municipalities with index 51.77% and the municipality of San Miguel Tukurú was placed in position 324 of 340 municipalities with local competitiveness index of 41.54%. (FUNDESA, 2017).

In addition, the results established in the productivity and competitiveness indicators in the survey demonstrated the need to increase income by means of a business policy that permanently obtains profitability.

## **Method**

In order to turn the federation into a competitive company, the research was oriented towards the observation and analysis of the management environment, for which reason information was gathered from primary and secondary sources, taking into account the importance of public policies among the latter, analyzing them to obtain objective quantitative conclusions and orienting the solution towards a business policy integrated by components for a management that surpasses productivity and competitiveness.

The research design oriented by the theory of research methodology in its fifth edition (Hernández, 2010), corresponded to a methodological scope of exploratory, descriptive and explanatory type that was used to constitute the strategy to obtain profitability and achieve the objectives to improve productivity and competitiveness, income and market share with an updated management with positive results in each production cycle.

The design is exploratory because it deals with a subject that has not been studied very much, and it is known through macroeconomic analysis, the contents of external, national, regional and municipal public policies, with observation of the area of influence

of the federation and its members, using this knowledge to identify the area of management of the federation, the context and situations of study and the possible relationships between the research variables.

It was descriptive because it sought the properties, characteristics and profile of the organizations of the federation targeted by the research, as well as to obtain information at the microeconomic level of the processes and work management that was carried out at the time of collecting the information on the variables included in the survey and that integrate the different management components.

It was correlational in scope because it explained and quantified the relationship between income, productivity and competitiveness variables, as well as the experimental variables used to formulate an answer to the established income problem.

Definition of research variables: In order to overcome the research problem and to solve it through the fulfillment of the established objective, income was determined as a dependent variable and productivity and competitiveness as independent variables, adding to the latter the experimental variables to use them as precise information points and use them to search for appropriate questions to be used in the capture of information during the field work.

It then emerged that in order to increase the current annual income it was necessary to implement a business management for income improvement through productivity and competitiveness, which constituted the general question and the beginning of the research.

Operationalization of the variables: This was done by conceptualizing them as dependent, independent and experimental, determining their meaning, establishing their denomination and operation, which included general aspects and the following chapters:

1.- Information on the population of the communities, 2. Associate or organizational land tenure, 3. Individual and partnership income, 4. Crops and extent of each crop in the work area, 5. Situation of cardamom and coffee, 6. Administrative, accounting and financial aspects of the organization, 7. Aspects of classification, storage, conservation, 8. Agro-industrial process, 10.- Technical assistance received by the organization/community.

Points included in the research report that represented the independent variables productivity and competitiveness and the dependent variable income, which were disaggregated as active or experimental variables of importance to rationalize the theoretical variables to obtain information from primary sources with accuracy and to make quantitative recognition of the research by calculating indicators, are represented in tables and graphs in the article.

Type of sampling and sample determination: The technique applied was simple random sampling by clusters (Webster, 2001), because it was important to preserve the criterion of an organization composed of 35 associations in equal socioeconomic and production conditions, making the selection of the sample within the universe (federation) allowing the random extraction of the information necessary for the survey work in 8 units (Arias, 1999).

Sample that originated at typical score 1.96 with 95 % confidence level, estimated sample proportion .5; Population or universe 35; data included in Data Processing Creative Survey Research System. (Creative Research Systems, 2019).

Information from which resulted in a sample of 9 members of the universe considered, a sample value to which the application of the formula of the Data Processing Program for finite sample correction makes the necessary adjustment to 8 associations to be surveyed.



Research technique and instrument: Once the variables were defined and the indicators to be obtained were established, according to et al (Arias, 1999), the pertinent data collection technique and instrument were selected to answer the questions formulated. All in correspondence with the problem, objective and research design.

Continuing with Arias, the research technique was understood as the survey and the procedure or particular way of obtaining data or information for field research, a structured questionnaire being the guide for the interview. In addition to the previous instrument, a notebook was used to store observations and a computer with a hard disk and memory sticks was used to file the information obtained.

The ballot was elaborated to carry out the survey as a transactional or cross-sectional research because the data collection was done in a unique time for each association considered in the sample.

The field work made it possible to obtain information for the survey through the questionnaire, which was considered an instrument for capturing information, validating it with the following process:

A test of the ballot was run on 37% of the sample used to review the construction, content and ordering of each question item. Analysis used to achieve consistency and make the questions in each component coherent. Finally, a reasonable revision of the survey was obtained, thus validating the procedure.

The debugging of the data collected made it possible to relate the answers obtained to the total number of respondents and the number of units included, verifying that the answers to most of the questions offered reasonable and quantitatively representative responses.

The validation of the research instrument was followed by verification of the definition of the topic, design of the work plan to be followed, interview of the representative person of the organization included within the percentage of units selected to test the instrument; the information from the questionnaire was used for quantification and preliminary drafting of text for analysis, generalizing results, demonstrating the reliability and validity of the work by preparing a written report of results to demonstrate the coherence of the questions of the questionnaire by components of interest and to obtain conclusions approximating the reality originating from the selected topic.

At the conclusion of the validation process of the research instrument, the reliability of the instrument and the validity of the sample survey were established, orienting the scientific content to be obtained towards the search for productivity and competitiveness improvement.

## **Results**

Related to productivity and competitiveness, findings from the research environment are presented, which correspond to the macroeconomic level of the country, intermediate level of the region and microeconomic level that provided results based on the survey work carried out in the target company.

This relationship resulted in the need to update the corporate policy by means of a management proposal with a project integrated by components, establishing the process of elaboration of the proposal up to the formulation of the pre-feasibility and its subsequent feasibility study.

## ***Findings about productivity and competitiveness of the research environment***

According to the local competitiveness indexes, there is a relationship between the global competitiveness of Guatemala within the world environment, with position 96 in a universe of 140 countries; for local competitiveness of the municipalities, Guatemala, seat of the capital of the republic, ranks 1 among 340 municipalities, Cobán, departmental head of Alta Verapaz 173 and San Miguel Tucurú, the latter jurisdiction to which the federation belongs, in position 324 of 340 municipalities. In addition, the department of Alta Verapaz is ranked 22nd out of 22 departments. (FUNDESA, 2018a).

The local competitiveness index and its component factors by reference municipality (Table N°1) presents the LCI for the municipalities of Guatemala, Cobán and San Miguel Tucurú, showing the competitive difference between the municipality of Guatemala and those that correspond to FEDEMT's management area.

**Table 1**

*Local competitiveness index and factors comprising it by municipality of reference*

Factors	Municipality		
	Guatemala % Guatemala	Cobán % Cobán % Cobán	San Miguel Tucurú % San Miguel Tucurú
Local competitiveness index	77.82 <sup>(1)</sup>	40.60 <sup>(2)</sup>	37.11 <sup>(3)</sup>
Institutions	69.72	35.84	54.6
Infrastructure	81.96	54.09	45.49
Adoption of Tics	93.2	23.43	6.86
Economic environment	82.75	57.92	43.55
Health	100.00	61.22	36.41
Workforce and talent	71.67	39.65	28.93
Product market	39.51	9.28	32.13
Labor market	83.07	50.15	46.62
Financial system	64.87	21.54	33.94
Market size	71.44	33.34	28.91
Business dynamics	97.85	60.27	54.74
Innovation capacity	100.00		

*Note.* <sup>(1)</sup> Position 1 of 340 municipalities. <sup>(2)</sup> Position 270 out of 340 municipalities. <sup>(3)</sup> Position 308 out of 340 municipalities. Source: FUNDESA. Local competitiveness index.2020.

The factors that make up the local competitiveness index (FUNDESA, 2020), Table N°1, made up of activities of different public sector institutions, private sector organizations and the financial system, establish the possibility of economic growth for the region. These factors offer modest indicators that hinder economic growth in the municipality and the improvement of competitiveness for productive activities of the rural private sector in which the federation analyzed participates, within which the capacity for innovation does not exist for Cobán and San Miguel Tucurú. The adoption of ICTs was 6.86 for the latter.

With the LCI scores for Alta Verapaz, in the analysis of the local competitiveness index and service indicators in Alta Verapaz (Table 2), references were established to identify existing problems, one of them being employment and income from family activities 46.07 for the department, 50.70 for the departmental capital and 38.40 for the municipal capital of Tucurú. Indicator that shows the difficulty in achieving sustainable economic growth in the department and in the municipality where the activities of the federation under investigation are carried out.

**Table 2***Analysis of the local competitiveness index and service indicators. Alta Verapaz*

Location	Index local competitiveness	Accessible institutions and services	Connectivity and infrastructure	Km. Asphalt Road network	Employment and family income
Department	44.30 (22/22)	61.92	58.99	39.69	46.07
Header <sup>a</sup>	51.77(136/340)	62.28	63.74	39.69	50.70
Municipality <sup>b</sup>	41.54 (324/340)	64.06	56.66	39.69	38.40

Note. <sup>a</sup> Cobán <sup>b</sup> Tukurú

Source: FUNDESA. Last updated October 2017(Various official sources).

Regarding the productivity and local competitiveness indicators of the aforementioned municipalities, they do not pertain to private business management, since they represent indicators of the municipal and departmental environment resulting from the application of public economic policy.

The aspects of business management considered below present indicators of variables including the average annual income of U.S. 779.00 for coffee and cardamom, with the addition of income from the sale of surplus production of basic grains for family consumption in the nearby market that reached the U.S. 1023.00 and I note the identified problem of income level corresponding to the poverty level and dissatisfaction of the company's associates.

Such income obtained U.S. 1023.00 with indicator of .57, scored in productivity and competitiveness indicators estimated for the associative enterprise (Table 3 sub-index 1), offered in relation to the reference income established prior to the U.S. research. 1769.00, justifying the discomfort of the participants in the productive process because it corresponded to an income below the minimum necessary to exceed the poverty line income qualification.

**Table 3***Estimated indicators of productivity and competitiveness for associative companies*

Indicator	Indicative level	Variable
Reference income productivity <sup>(1)</sup>	.57	Salary reference U.S. \$1769.00
Agricultural productivity <sup>(2)</sup>	.92	Production qq per hectare
Raw materials traded <sup>(3)</sup>	.85	Volume of raw material traded unprocessed
Technical assistance <sup>(4)</sup>	.29	Permanent Assistance
Current business management <sup>(5)</sup>	.12	Integrated and functional management Accounting records and controls Working capital Technical Assistance Industrialization Integrated and systematic marketing
Business productivity <sup>(6)</sup>	.70	Income Agricultural productivity Industrialization Technology
Business competitiveness <sup>(7)</sup>	.32	Current business management Industrialization Technical assistance Business Productivity
Technical labor productivity <sup>(8)</sup>	.36	Workdays per cycle Production per cycle
Economic productivity <sup>(9)</sup>	1.32	Sales revenue per cycle Cost of production per cycle

*Note.* In brackets explanatory callout corresponding description on pages 9 and 10 in this article.

Due to the lack of an integrated and functional administrative methodology, at the time of the survey, there were no functional administrative procedures and there was no system of records and controls that worked with adequate accounting procedures. Bank credit was also not used for most of the producers who were members of the associations.

For marketing costs, no accounting records were used, so no information was obtained on the historical monetary value of the activities carried out during the research period.

Due to the absence of internal records and controls, the productivity and competitiveness of the production cycle under analysis was calculated with the information from the survey, establishing the following indicators.

The earned income indicator, Table 3 sub-index 1, is presented as a productivity indicator of .57 with a negative differential of .43, which value does not reach the basic reference income.

The related variables to obtain the yield indicator for agricultural work, table 3 subindex 2, showed a productivity of .92 for individual work per plot in general, however, the performance of the experimental variables of other components will have to be improved to reach through the industrial process and efficient commercialization the acceptable level of efficiency.

Table 3, numeral 3, shows an indicator of .85 for the participation of the commercial activity of negotiation in raw material, establishing .15 for the sale of industrialized product, a result that constitutes one of the reasons for the low level of income, whose demonstrative participation is the lack of generation of added value in the management process that is carried out in the associations and in the federation.

The indicator of .29 (Table 3 numeral 4) for technical assistance indicated not having a permanent and orderly training process of knowledge to improve the skills of the farmer or the person responsible for operational activities in the agroindustrial process.

According to Table 3 number 5, a coefficient of .12 was obtained for the current business management indicator originated in 3 out of 6 experimental variables, an indicator that is essential to overcome by updating the business management by components.

The business productivity indicator, Table 3 sub-index 6, presented is of the order of .70, a coefficient that is lower by 30 performance points to meet the expectations of the factors used efficiently.

The company's conditions (Table 3 sub-index 7) regarding the satisfaction of market participation requirements, present an indicator of .32 which determined the importance of updating and establishing new procedures to increase competitiveness.

The technical productivity of the labor factor, Table 3 sub-index 8, offers an indicator of .36, originated in the relation of the experimental variables production per work cycle and number of workdays, indicator necessary to increase to consider satisfactory the productivity relation obtained, whose projection must recover the real value of the workdays applied to the process studied.

The economic productivity of each product and its overall productivity reflected in the productivity indicators, Table 3 number 9, for the case of the products-analyzed, coffee, cherry cardamom and parchment as a company, for the work cycle studied 1.32, coefficient greater than the minimum necessary to overcome (1.0) with sales revenue, a relationship that demonstrates efficiency in the use of production factors.

## **Discussion and conclusions**

The indexes calculated for the global competitiveness of the republic of Guatemala (ICG) and the local competitiveness index (ICL) of the municipality of Guatemala, the department of Alta Verapaz and the municipality of San Miguel Tucurú, (FUNDESA, 2018b), are related as environment of the associative enterprise because given the level of significance they present, they hinder economic growth and the improvement of competitiveness in the municipality for productive activities of the rural private sector in which the federation participates, a difficulty that is evidenced by the income level of the target population, whose classification has been established as poverty level.

### ***Characteristics of corporate governance***

As a consequence of not applying an integrated and functional administrative methodology, the managerial functions of planning, organization, control and direction are not carried out, and consequently the purpose of constituting an associative company with productivity and commercial competitiveness in the market in which it participates is not achieved.

In addition, the system of records and controls is not used to establish adequate accounting procedures.

The technical assistance does not obey a permanent and orderly training system that offers knowledge to improve the skills of the participating associate, a variable that added to the deficient commercialization of whose costs there are no records to be used for accounting purposes, impairs the realization of a productive process of high commercial value; in addition, with the lack of infrastructure and technology, it was established that there is a lack of an operative with productivity to act competitively.

The average annual income of U.S. 1023.00 for coffee and cardamom plus basic grains in relation to the reference income (U.S. 1769.00) confirmed the identified problem of income level, generating an indicator in the order of .57, lower than the minimum sufficiency expected as satisfactory for the requirements of the participating associate.

The technical productivity of the labor factor showed a relationship of low performance between the experimental variables production and quantity of wages applied to the work cycle of .36, which needs to be improved in order to achieve a technical productivity of the labor factor that recovers the value of the wages used.

The economic productivity of each product and its overall productivity reflects the internal conditions of the company, where external factors, such as market conditions, as considered by Rodriguez (1971), have an impact, which are manifested in the amount of income, which depends on the sales price, established on the basis of costs and expenses, where the value of inputs and wages is important.

When obtaining 1.32 as an indicator in the annual production cycle process investigated for the calculation of economic productivity, it is necessary to mention that the value of wages considered as a contribution of the family economy was not included in the calculation of the cost of production, nor the investment and depreciation in fixed assets such as the value of land acquired associatively because no records were available. Also not included in the cost structure is the financial expense caused by the advance of the value of the product negotiated prior to harvest.

Omission of elements that results in a decrease in the total cost, which is necessary to establish the selling price and calculate the profit. The selling price is lower than the real price that should be applied to recover the total amount of the investment in the work cycle and determine the corresponding profit. This situation allows us to note why such productivity, for the investigated period, exceeded the production costs, providing an artificial profit.

From the magnitude of the independent variables productivity and competitiveness and their relationship with income, it can be deduced that it is necessary to improve results through efficiency in the business activity in order to obtain profitability at the end of each cultivation and harvesting process through competitive marketing.

### ***Proposal approach***

The productivity and competitiveness indicators of the analyzed management, income, technical productivity of the labor factor and economic productivity, recommended updating the business management policy to provide the necessary added value for each production and commercial period to overcome the level of income that caused the established problem.

This recommendation leads to a proposal that will promote benefits through the commercialization of processed and industrialized crops under competitive conditions, obtaining from the added value to be generated the corresponding profit that can be used for investments in various activities that will make the productive activity sustainable for each work cycle.

By applying the strategy and using the research design, we obtained an integrated project made up of components with updated business presence to improve productivity and competitiveness, establishing the development process of this, through the formulation of the pre-feasibility and its subsequent feasibility study to determine the goodness of the investment in the future. This project, considered as a business policy, will promote benefits through the marketing of processed and industrialized products under competitive conditions.

In this way, the process will be ordered to achieve benefits that will allow exceeding the established income and these studies will be used to determine *ex ante* the possibility of reaching the target competitiveness annually and will reflect the importance of making investments in the different components to be executed. (Madeiros, 2019).

The development of the work offered as a scientific contribution the design applied in the research, which established the possibility of entrepreneurial transformation to opt for the correct use of available resources to improve income and quality of life through technified work, pursuing a multiplier effect towards rural entrepreneurship with the possibility of extrapolating in the future the type of innovative model generated to study productivity and competitiveness through different levels of the country's economic system.

This contribution indicates that competitiveness is a dynamic process and is framed by a series of business, structural and systemic factors included in the proposal for the adequacy of business policy.

The productivity and competitiveness indicators obtained from the analysis of the macroeconomic environment that established the level of income below the U.S. were also presented. 1769.00, from the knowledge of public programs and policies as an intermediate level of economic analysis and from the analysis of the current productivity and local competitiveness indexes that placed the department, the capital of Alta Verapaz, and the municipal jurisdiction within the national environment in a backward situation.

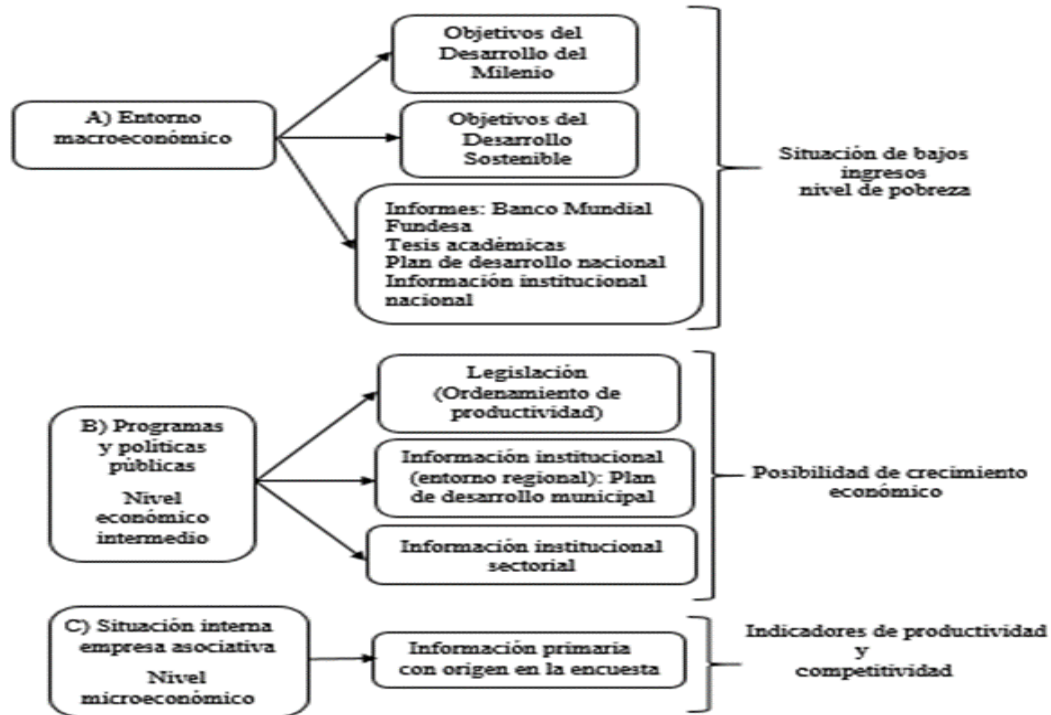
In addition, the microeconomic review provided indicators of productivity and competitiveness particular to the federation.

According to the procedure worked, the values obtained from the business calculation were placed in the interval from zero to infinity, observing, according to (da Conceicao, 2020), that if the indicator was greater than the unit, the activity would have a favorable comparative advantage for the product or variable calculated; being the values obtained in the research for most of the indicators less than 1, the comparative advantage has turned out to be unfavorable.

The complete interrelation of the 3 levels, macroeconomic, meso and microeconomic of the model used, is presented with the literals A) Macroeconomic environment, B) Programs and public policies, intermediate economic level and C) Internal situation, microeconomic level of the research design of productivity and

competitiveness, presented in Figure 1, allowed analysis, obtaining results and developing the business policy proposal to improve income through a new business management.

**Figure 1**  
*Productivity and competitiveness research design*



The above discussion is presented based on elements of the results obtained and contents cited below used to arrive at the proposed solution as an integrated project.

The National Human Development Report for Guatemala 2002-2019 mentions that existing policies to improve the quality of life of the population include activities oriented towards access to financing, formalization of productive organizations, technological innovation, infrastructure improvement, training and investment.

Activities projected in the microeconomic management scheme of the federation's associative companies, with which we obtain updated institutional validity with the proposed solution to improve income through increased productivity and because they provide validity of interest towards 2032, the year of projection of the SDGs and the national development plan in force since 2015.

The inclusion of these activities in the research and the proposed solution to the identified problem is evidence of the search for economic growth.

Through the results of the research, the competitiveness conditions of the federated associations with an indicator of .32 were related to the established local competitiveness indexes of .37 for the department of Alta Verapaz, .40 and .36 in the municipalities of Cobán and Tukurú (FUNDESA, 2018b).

This situation placed the associative company in the competitive structure of the department at a deficient level, placing it in the departmental economic growth and of the municipal jurisdiction, within the positioning of the competitiveness index, in order 20 of



22 departments and in the 248 and 316 for the municipalities of Cobán and Tukurú respectively.

In the context analyzed, in terms of the structure of merchandise exports. (World Bank, 2017), it was determined that Guatemala is above the world average level of raw material exports and higher than the rest of Latin America and the Caribbean, which justifies the importance of adding value to FEDEMT's work process, to increase income through an agro-industrial process of productivity improvement that allows competing in the domestic market and if possible in the external market with high competitive capacity. The federation sells .85 of the product as raw material in its own domestic market.

The findings related to productivity and competitiveness were technical productivity .36 and economic productivity 1.32, which justified the need to update the business by means of a management proposal by components, establishing the process of elaboration of this through the formulation of the pre-feasibility and its subsequent feasibility study.

The study was considered to be limited by the training of human resources, smallholding land tenure, a situation that reduces the possibility of increasing the volume of agricultural production even with the addition of working capital, training, bank financing, application of technology and other elements.

As external limitations of the investigation, there were several states of prevention and states of siege during the period of investigation. Emergence of pandemic originating from SARS 2 COVID 19 virus.

The integrated proposal for the increase of productivity and competitiveness is based on the improvement of technology for agroindustrial activities, being necessary the technical, administrative and financial readjustment in the federated associations to work in the market obtaining profitability from each work cycle.

In addition to the above, it will be necessary to establish technical education and training to add value to the work of human resources in the development of permanent activities.

The integrated project comprises a preparation and evaluation process to transform business management and obtain results that increase the income of associates by means of the following.

1. Continue the research considering the results of the Productivity and Competitiveness Study in a rural area of San Miguel Tukurú Alta Verapaz Guatemala, to develop the pre-feasibility of the integrated project using the products of the survey conducted in that study.

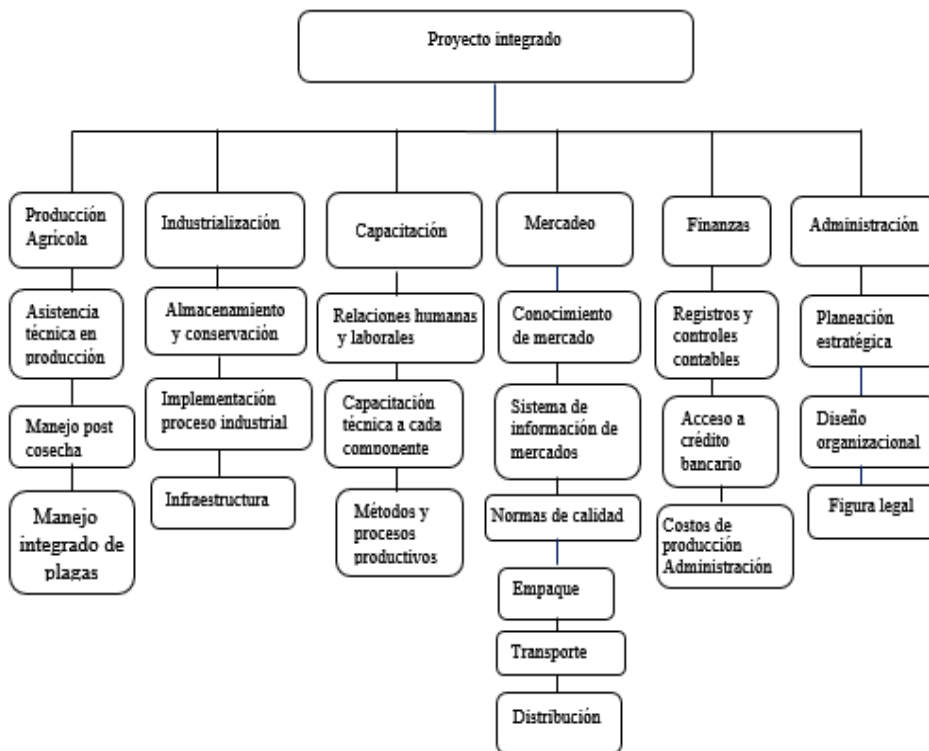
2. To implement the proposal by components and activities for the new management with the content referring to project administration, (Ocampo, 2002) who emphasizes the need to formulate the feasibility, coinciding with (Baca, 2001) to formulate the feasibility project as an update of the company, with the inclusion of management studies, market, technical, organizational, legal, economic, financial and business environment studies, which, when integrated into an integrated project by means of the strategy used in the research design, will provide the formal, technical and legal structure necessary to achieve the objectives of the agroindustrial enterprise analyzed.

3. Adapt to the integrated project proposed as a solution, factors considered within the Tobit model, such as innovative capacity and sophistication of the business environment (improvement of administration and finances), future knowledge of structural aspects such as the size of the internal and external markets and the quality of demand, as well as systemic factors such as supply and quality of infrastructure, training

of labor force, important to constitute a competitive unit. According to et al (Madeiros, 2019).

In order to make the updated system dynamic, it is proposed to develop the internal environment of the functional organization chart below included as Figure N°2, with which the characteristic of an integrated project is acquired and which includes the components of the business strategy to be implemented in FEDEMT and in the associated first degree organizations; such development will make the analyzed company competitive.

**Figure 2**  
*Functional Organization Chart*



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**INNOVATION IN BUSINESS MODELS, A STRATEGY FOR THE  
COMPETITIVENESS OF MSMES**  
**LA INNOVACIÓN EN LOS MODELOS DE NEGOCIO, UNA ESTRATEGIA PARA LA  
COMPETITIVIDAD DE LAS MIPYMES**

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**ABSTRACT**

**Keywords:**

innovation, business model,  
competitiveness.

The objective is to make a documentary analysis on the concepts of innovation, business model and competitiveness that allows to understand the business work of MSMEs and their implications towards the creation of value, through the increase of customers or users of the products or services offered and the competitive advantages, this being a contribution to the reader. also addressing strategic factors that innovation has and that lead to the establishment of research trends on the subject. It is a documentary work in which various sources were consulted such as magazines, books and other literature located in Scopus, Scielo, Google scholar and other databases to have a structured frame of reference. Although business models allow for a structured organization, new business dynamics based on technological advances coupled with innovation are essential and allow market demands to be met in a timely manner, this being an element that contributes to the adaptability of new innovative processes in each link of the production chain. as well as the creation of value, this being a scenario of great relevance for the end consumer, as well as a response from corporate social responsibility to each of its parties involved.

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**RESUMEN**

**Palabras clave:**

innovación, modelo de negocios,  
competitividad

El objetivo es hacer un análisis documental sobre los conceptos de innovación, modelo de negocios y competitividad que permita entender el quehacer empresarial de las MiPymes y sus implicaciones hacia la creación de valor, mediante el incremento de clientes o usuarios de los productos o servicios ofrecidos y las ventajas competitivas, siendo este un aporte al lector, abordando de

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igual manera factores estratégicos que tiene la innovación y que conlleven a establecer las tendencias investigativas sobre el tema. Es un trabajo documental en el cual se consultaron diversas fuentes como revistas, libros y demás literatura ubicada en Scopus, Scielo, Google scholar y demás bases de datos para tener un marco de referencia estructurado. Si bien los modelos de negocio permiten tener una organización estructurada, las nuevas dinámicas empresariales fundamentadas en los avances tecnológicos aunados a la innovación, son imprescindibles y permiten atender de manera oportuna las demandas del mercado, siendo este un elemento que coadyuva a la adaptabilidad de nuevos procesos innovadores en cada eslabón de la cadena productiva, como a la creación de valor, siendo este un escenario de gran relevancia para el consumidor final, como también una respuesta desde la responsabilidad social empresarial a cada una de sus partes involucradas.

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## Introduction

The theoretical contributions found in journals such as Long Range Planning, Strategic Entrepreneurship Journal, Journal of Business Models and the Journal of Cleaner Production, help to reflect on the new business dynamics that have arisen in the course of the 21st century, not forgetting Porter (2005), who considers that aspects such as innovation, competitiveness, shared value, among others, lead organizations to have a differentiated recognition in their sector, having as a basis:

[...] the introduction of a new, or significantly improved, product (good or service), process, new marketing method or new organizational method, in the firm's internal practices, workplace organization or external relations [...] (OECD, 2005, quoted in Acosta, et al., 2017-409)

According to the corporate purpose of the organizations, the financial, commercial, technological and other variables that adapt to their business context must be established, as well as to the dimension of their business model, which from the perspective of innovation must have *sine quanon* conditions aligned among them. The objective of this work is to make a documentary analysis of the concepts of innovation, business model and competitiveness that allows understanding the business activities of MSMEs and their implications for value creation.

Although in the academic context this topic is addressed under names such as entrepreneurship, business plan, innovation, among others, it should be noted that innovation in business is more a condition of decision, organizational management and from the development perspective of the entrepreneur or business owner, which is why the necessary actions must be defined, with the physical, economic, technological and knowledge resources, to make innovation a business reality according to the needs of the various business actors.

## Method

For the construction of this article we resorted to the documentary analysis product of other researches, which have been carried out on the subject of innovation as a strategy for the development of new business models, and that allow companies to remain competitive in the market, thus, a bibliographic search was made in specialized databases such as Scopus, Scielo, Google Scholar, among others, which allowed to recognize the different variables of innovation, competitiveness and other business factors of business models. Similarly, data consolidated in the doctoral dissertation, "Sustainable Business Management: A proposal for a business model for MSMEs in the city of Manizales , Colombia, under the authorship and direction of the authors of this document.

## Results

For the conformation of a business model, it is considered necessary to take into account what Osterwalder and Pigneur (2010) propose in relation to the mission, vision, values and principles, as pillars of the strategic work of the organization and that seek to generate economic and social value to the products and/or services provided, highlighting the importance of its stakeholders, and that lead to the strategy being flexible

in relation to the organizational culture and structure of the firm, as well as proposed by Bock et al, (2012), who considers innovation as a factor that allows reconfiguring the strategic work of companies, based on the environment to be reached and the internal factors that must be intervened to achieve the proposed results.

According to the approaches proposed by Ramírez et al. (2019), strategy becomes the focus that the business model should have, as established by Maucuer and Renaud (2019), by placing the strategy in terms of organizational development, the strategy cannot be proposed, accepted and validated behind the back of the environment in which the company is located, it must respond to the needs of its stakeholders, as well as to the dynamics of the market.

For Canizales (2020), innovation is the state that an organization fulfills, between its permanence or disappearance in its business environment, it implies being alert to the constant changes regarding the task of competitiveness, and it is from this perspective that the human factor becomes a fundamental element of innovation, each time, through the implementation of training processes in business management, value is generated in the processes and procedures that are carried out in organizations, which allows their survival, as well as the adoption of new innovative processes and procedures, allowing them to meet market demands in a timely manner, especially if we are talking about a globalized market.

Regarding the concept of the Business Model, Toniut (2020) recognizes that Drucker (1954) and Levitt (1960) have already been considering it for years, when they considered that every organization should ask itself the question "What is our business?" (Drucker, 1954), reflected under this question that businessmen should not look inside the business but outside, know the perception of the customer and other external actors, which allows them to be attentive to the dynamics of the markets, among others; Levitt (1960), for his part, considers that the needs of customers should be recognized, in order to meet them in a timely manner. These two scenarios lead to establishing the importance of the customer and other external stakeholders in the organization's innovative work, which must be aligned with the generation of value and competitiveness.

It also refers to the fact that innovation should be understood as a constant in the processes and procedures of the organizations, since these are due to the incorporation of technology, which is a strategy for the generation of value in the processes and procedures that support the business model, but without failing to recognize the value of people in this incorporation, in the same way it is taken into account what innovation represents in organizational management, each time that its dynamics leads to rethink and rethink the business model, without losing its essence, but incorporating new variables conducive to endure over time.

Toniut (2020) considers that there is no single definition of business model that can be applied to all companies, not even in theory, since the characteristics of each of them must be recognized and the pertinent adoptions made, this being a fundamental factor in innovation, for which reason he describes the various concepts presented by authors such as those shown in Table 1.

**Table 1***Authors proposing constituent elements of business models*

Author's name	Business Model Elements
Smith & Linder (2005)	Strategic choices, value creation, value networks and value capture.
Johnson et al. (2008)	Value proposition, resources and key processes.
Zott & Amit (2009)	The content, the structure and the way it is managed.
Demil & Lecocq (2009)	Resources and competencies, internal and external organization and value proposition.
Osterwalder & Pigneur (2010)	Customers, supply, infrastructure, viability.
Casadesus-Masanell & Ricart (2011)	Policies, tangible resources and administration.

Note. Adapted from Toniut (2020).

According to the contributions made by the aforementioned authors, it can be established that some of them coincide in the *sine quanon* characteristics of business models (Table 2).

**Table 2***Sine quanon characteristics of business models*

Feature	Authors	Remarks
Customer Profile	Smith & Linder (2005) Johnson et al. (2008) Ricart, (2009) Osterwalder & Pigneur (2010) Teece (2012)	Considered as the first step to reach the final consumers with the product or service, meeting their needs in a timely manner.
Resources	Smith & Linder (2005) Johnson et al. (2008) Demil & Lecocq (2009) Osterwalder & Pigneur, (2010) Casadesus & Ricart (2011)	They are the essential factor once the product or service to be offered is determined, the physical, technical and technological resources are articulated, together with knowledge management for the generation of value.
Activities, Actions or Processes	Smith & Linder (2005) Johnson et al. (2008) Zott & Amit (2009) Demil & Lecocq (2009) Osterwalder & Pigneur (2010) Casadesus & Ricart (2011) Teece (2012);	The logical and articulated sequences of resources and people are considered for the achievement of the objectives proposed for the products or services to be offered.
Cost systems and financial structure	Smith & Linder (2005) Johnson et al. (2008) Osterwalder & Pigneur (2010) Teece (2012)	Every business model must be accompanied by a financial plan that establishes its costs and profitability in the small, medium or long term.
Value Proposition	Smith & Linder (2005) Johnson et al. (2008) Demil & Lecocq (2009) Osterwalder & Pigneur (2010) Teece (2012)	It is considered the factor that generates differentiation with other products and services offered by the competition, always seeking to satisfy the consumer's needs.

Note: Adapted from Toniut (2020).



One of the factors to be taken into account in the work of companies is related to corporate social responsibility, which is why Coronel et al. (2019), propose that productivity conditions should be marked by the contribution made to society through the generation of value. Thus, Escudero (2014) considers that business strengthening should be based on meeting customer needs, cost management and revaluation of the company, these being scenarios that are typical of innovation.

Other authors who consider the importance of relations with the business environment or with stakeholders are Barragán et al. (2017), who state that these relationships should be focused on meeting their needs, based on the environmental, economic and social policies that every organization should have, as proposed by Schwalb and García (2013), who also consider that information and communication systems, they also consider that information and communication systems must be useful to make known the processes and procedures of each of the production links and their value proposition in each of the processes defined from the time the materials are received until their respective final disposal, without generating any type of contamination and thus being a source of value generation.

From the point of view of competitiveness, we take up what Carrasco et al. (2021), who conceive it as the capacity of companies, regardless of their size, to produce goods and services, which allows them to meet market demands in a timely manner, always strengthening their processes so that they are of high quality, without affecting costs. They also consider that productivity reflects the importance of organizational competitiveness, based on the factors of production that have always been recognized: land, capital and labor, and that knowledge joins them to strengthen their competitive business activities.

Thus, the value proposition, cost structure, market segment, productivity, marketing, financing, among others, allow MSMEs to develop their processes and procedures in an innovative way, as well as accompanying the decision making process that should not only be noted in the physical aspect of the company, but also in intangible processes such as communication, organizational learning, the relationship with stakeholders and other concepts that contribute to the positioning and sustainability of companies and that should be developed in a systemic way, i.e., that all employees are involved in it.

Another element that should be considered in the competitive and productive work of MSMEs is the implementation of administrative and organizational processes as proposed by Carvallo et al. (2021), who consider that the implementation of administrative and organizational processes favors their business dynamics, since it allows them to have a better knowledge of their internal and external factors and to adapt to the changes demanded by the business environment to which they belong.

Although planning and decision making are interrelated, they are considered fundamental to mark the development of the company and to reach levels of competitiveness. Likewise, it is considered that the interaction and interrelation between the areas of marketing, production, finance and personnel allow innovation and development processes to be consolidated in a systemic way, which leads to more effective and efficient productivity.

Table 3 presents a conceptual review of sustainability presented by some authors who have considered it an essential factor in the business models of today's companies and who contribute to the competitiveness and productivity of companies.

**Table 3**  
*Table of authors and previous research contributions*

<b>Authors</b>	<b>Contribution</b>
<b>Bernal (2008)</b>	In his study, he concluded that this generation's connection to the auto parts industry manufacturers allows terminal companies to spread assembly costs and concentrate efforts and resources on providing professional services to customers.
<b>Cortes and Valencia (2015)</b>	They believe that the metal-mechanic industry is one of the most important industrial sectors in Colombia, made up of small and medium-sized companies because its market share is high.
<b>Grisales and Londoño, (2015)</b>	They conclude that: for the metal-mechanic industry, technology and its application contribute greatly to the creation of organizational competitiveness and competitive advantage by positioning the company and allowing its various processes to benefit in time and cost, which have an impact on the final product.
<b>Ramirez and Vela (2016)</b>	Confirm the diagnosis of the company includes determining the existing risk profile of the company questions and provide specific references in the integrated QHSE management system.
<b>Martinez and Rodriguez (2017)</b>	It states that: thanks to the high multiplier effect and quality employment opportunities, it is considered one of the most important sectors of the manufacturing industry and is an important link in the productive structure of several sectors of the national economy.
<b>Center for Regional Economics [CERE] (2017)</b>	They state that: the metal-mechanic sector is one of the most important sectors of the manufacturing industry and the main economic variables considered are presented in this work.
<b>Ahmad et al. (2018)</b>	They conclude that: most P-SPD and SPD tools are based on a life cycle perspective.
<b>Antequera (2012)</b>	It formulated a methodological proposal for the analysis of regional sustainability using the systemic vision for its conceptualization, applying the sustainability paradigm for its analysis, the methodology of indicators, and the innovative aspect of the process was that it applied a comparative analysis between two regions.
<b>Ruiz (2018)</b>	He concluded that corporate social responsibility policy is the short-term challenge for most companies is to integrate this policy into the company's strategy, business and operating model. The definitions and criteria for classifying SMEs in Latin America have been the subject of analytical and methodological discussions.
<b>Trujillo (2018)</b>	With his study, he describes the interrelationships between inventory and maintenance management processes, spare parts allocation, troubleshooting, efforts to reduce downtime costs and keep inventory as low as possible.
<b>Andrade and Salinas (2018)</b>	To achieve sufficient process control and to gain the competitive advantage that leads to success in an organization, it is necessary to fully understand and define the main processes under study.
<b>ECLAC (2019)</b>	It states that in the commerce sector, microenterprises dominate both in total number (96.9%) and number of employees (60.5%), there are microenterprises in other sectors of economic activity, but fewer than in other sectors (62%).
<b>Alzate et al. (2019)</b>	They propose the implementation model of the integrated control system, which is built in two stages, this model refers to the processes and activities that must be considered to comply with regulatory requirements and ensure the effectiveness and efficiency of the system.
<b>Jimenez (2019)</b>	They highlight innovation and marketing management processes (IDB Competitiveness Map) and analyze successful models developed by some companies for others in the same or similar industries to adapt to manage the transfer of knowledge and technology between companies and industries.

Authors	Contribution
<b>Valladares and Eduardo (2019)</b>	They emphasize that SEDEMI's business model is focused on satisfying customer needs, so innovation objectives must take this approach into account.
<b>Cortes et al. (2020)</b>	Identify indicators that allow the analysis and evaluation of the performance and "competitiveness of the industry.
<b>Ampuero and Pizarro (2020)</b>	They express that corporate sustainability from a public relations point of view.
<b>González et al. (2020)</b>	They see the organization as a living organism and following the constant processes of change proposed by systems theory. He identified theoretical relationships between all the variables, the strongest being between networks-open innovation, information-knowledge and product and process innovations.
<b>Dambiski et al. (2021)</b>	Leading academic research estimates that companies with a strong commitment to sustainability outperform their peers in the stock market by 11%.
<b>Malnati (2021)</b>	Researched business management models for sustainability, in the metalworking sector its operation is defined as "an important process in many modern manufacturing operations, and while the practice of plating is not new, the industry is probably only scratching the surface of its potential." It states that inadequate corporate governance practices lead to corruption problems, violations of minority shareholders' rights and loss of business value. It is therefore necessary to deepen this relationship in new markets, such as the Latin American markets.
<b>Villasana (2021)</b>	It argues that knowledge management efforts should focus on knowledge creation, a process that is largely responsible for achieving optimal results for organizations, especially in terms of productivity".
<b>Pinochet (2021)</b>	The contribution of this study is the guidelines for the production of castings and other base metal products and new investments in the form of foreign direct investment in most developing countries create new jobs and development opportunities.
<b>International Labor Organization [ILO] (2022)</b>	He believes that "The future of people and the planet will depend on capital investment over the next 10 to 20 years that drives clean, green, functional and healthier economic growth than ever before."
<b>World Economic Forum (2022)</b>	The role of the private sector in the new paths of sustainable economic development of small and medium-sized enterprises. Promote dialogue between the public and private sectors and civil society on specific development issues or industry sectors.
<b>Steiner (2022)</b>	They claim that responsible consumers are concerned about a range of factors, including product sourcing, manufacturing, production, repressive regimes, human rights, labor relations, state weapons development, animal testing, and political donations
<b>López and Peñalosa (2023)</b>	He highlights that there is a great debate on how to successfully implement the transition to clean energy; which consists of making a plan for alternative renewable energies, and making the most of waste.
<b>International Metalworking (2023)</b>	

*Note.* Describes the authors and their contributions as a summary. Corresponds to a summary of the state of the art of this research. Own elaboration (2023).

## Discussion and Conclusions

For competitiveness, innovation processes are considered necessary, from the perspective of business models, every time they are articulated and interact with the various business and organizational systems that integrate it, thus market dynamics, financial and technological conditions must be *sine quanon* conditions, Jiménez (2021), considers taking into account management elements such as planning, decision making,

organization, team work, among others, that articulated to the business strategy defined by the management seeks to achieve levels of competitiveness and productivity.

Although innovation has been consolidating as an essential element in the business activity that allows organizations to remain in the environment and adapt to changes, it must be related to the generation of knowledge that takes place within the company thanks to the contributions made by employees, either from their expertise or their time in educational centers, likewise, it must be taken into account that the competitiveness of a company is centered on the competitiveness of its employees.

MSMEs have become established as the companies that drive the economy at any level, whether local, regional or national, and this is the scenario for generating growth strategies based on innovation and competitiveness, either through productive linkages with companies in the same sector or complementary sectors.

Similarly, it is considered a challenge for MSMEs, its administrative and organizational structure from the perspective of generating value in each of its processes and procedures, which leads to its permanence in the market to be increasingly competitive and productive is how the business model must recognize first of all the customer, this is who acquires the products or services offered to meet their needs, likewise resources must be considered and recognize that human capital is the one who gives value to the resources of the productive work of the organization and that together lead to the generation of value.

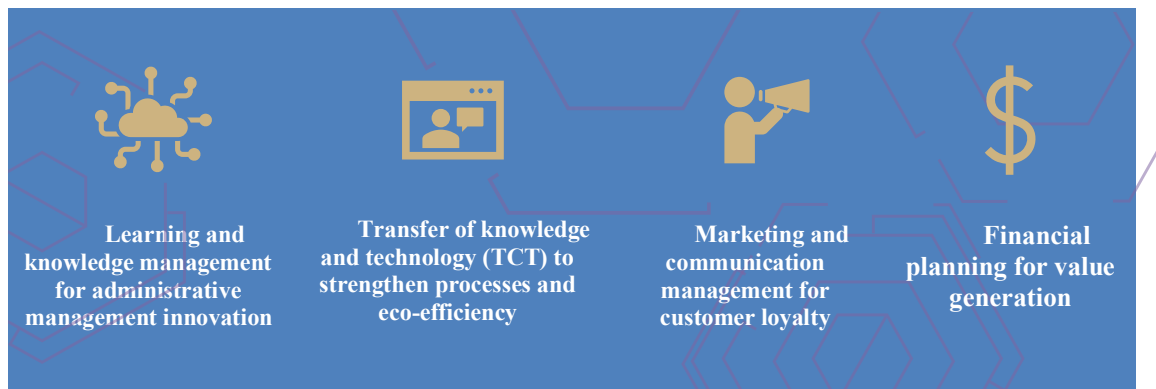
Innovation processes can be established as a response to market demands, either from the generation of new products or services or from the improvement of processes and procedures in favor of the improvement of existing ones, but taking as a basis what Sánchez et al. propose. (2018), by considering human talent as the primary factor in innovation processes, this is how organizations should strive to have continuous training and updating processes in new technological trends, which facilitates their adaptability, in addition to bearing in mind that technological developments, product of knowledge transfer, lead to more innovative products being offered and in line with market demands.

The contributions made by Ramírez et al. (2021), are framed in the importance for companies to define strategies leading to the generation of added value in each of the actions, whether production or service, that are carried out in the organization and that are denoted in the external context with which it interacts, although it is recognized as a system, where the processes of improvement or innovation must impact on all areas, which leads to the fulfillment of competitiveness indicators.

For MSMEs in the metal-mechanic sector, these scenarios become visible to the extent that they are integrated with large companies for the development of some parts of their production processes, so it is considered that the generation of production chains or clusters should be aligned with the growth and development strategy of the companies involved, and also allows the linking of collaborators who, without a high degree of academic training, do have great technical experience, which is essential when developing new products or services.

It can be well established that innovation in business models is based on four variables, which contribute in an articulated manner so that the model is not only visible, but can be adapted to the demands of the business environment in which it is located, and each of the variables is described below.

**Figure 1**  
Variables of the MSME business model



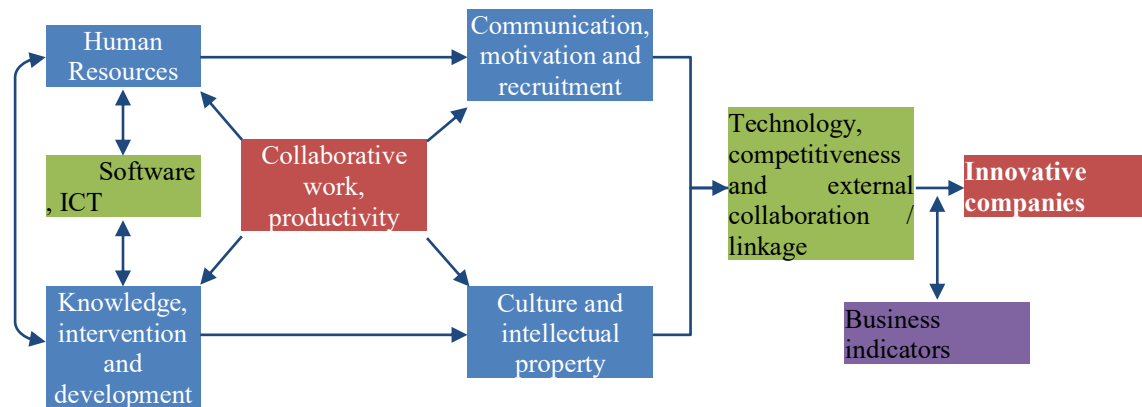
*Note.* The figure illustrates the variables of the model.

The factors that are part of each of the four variables of the model are listed below.

- Variable one: learning and knowledge management for innovation in administrative management.
  - Collective policies,
  - The work-family relationship and
  - The employees' career plans.
- Variable two: transfer of knowledge and technology (TCT) for strengthening processes and eco-efficiency
  - The use of heat from the plant,
  - Guidelines for air quality improvement,
  - Air conditioning management,
  - Reuse of products and components
  - Optimization of production capacity.
- Variable three: marketing and communication management for customer loyalty
  - Brand strategy,
  - Guidelines for competitive analysis,
  - Actions for green marketing,
  - Suggestions for the communication strategy.
- Variable four: financial planning for value generation
  - Actions to improve the company's profit margin,
  - Guide for establishing the investment budget,
  - Indicators for profitability, liquidity and debt capacity analysis.

Likewise, the following are the elements of business management and in which each of them are located and which complement each other in a systemic way, always seeking to be competitive.

**Figure 2**  
Elements of business management for innovation



*Note.* Describes the elements of an organizational management model for innovation in SMEs, taken from Ríos et al. (2022).

This means that business models should not be static but dynamic, that their processes and procedures should be read from a systemic perspective, leading to the achievement of the competitiveness and productivity demanded by the business sector.

Similarly, it can be considered a contribution to the academic work from the teaching of entrepreneurship, where the concept of innovation becomes a scenario that can only be learned in practice, when each of the elements of business management are strategically combined and aligned with the task of sustainability, always with the sole purpose of having an innovative and competitive business model.

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**GENDER VIOLENCE IN MEXICO AND THE INSUFFICIENT LEGISLATION  
AND GOVERNMENT ACTIONS FOCUSED ON COMBATING IT  
VIOLENCIA DE GENERO EN MEXICO Y LA INSUFICIENCIA DE LEGISLACION Y  
ACCIONES DE GOBIERNO ENFOCADAS A COMBATIRLA**

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**ABSTRACT**

**Keywords:**

violence, gender, women,  
femicide, Mexico.

It can be said that gender violence refers to any action intended to cause harm to an individual based on their gender. This type of inequality arises from harmful conventions, the abusive exercise of authority, and discrepancies in gender distribution. Gender inequality represents a flagrant violation of the fundamental rights of the human being; at the same time, it becomes a welfare and protection dilemma that threatens integrity. It is estimated that one in three females will face some type of physical or sexual assault during their life cycle. When they find themselves in situations of emergency and displacement, the chances that women and girls will be victims of gender inequality increase significantly. The problem of violence against women, derived from its underestimation in the social and cultural context, raises concerns both nationally and internationally. Although measures have been implemented to save their rights and alter social perception, the progress achieved in 2012 with the criminalization of femicide is only an initial step. Government actions and court regulations are not enough; a profound transformation is required in the culture rooted in our society, particularly the influence of patriarchy, which is especially prevalent in the Latino region. Mexico has alarming rates of femicides largely due to this ideology that promotes male superiority and that underlies gender-based violent acts directed towards women. Considerable progress has been made in recognizing the existence of gender-based violence by classifying femicide as a specific crime. Through disclosure to combat it, it has moved out of the private sphere and has become a problem of public interest. It has evolved to be a matter subject to legal regulation and is one of the main concerns nationally.

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**RESUMEN**

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**Palabras clave:**

violencia, género, mujeres, feminicidio, México.

Se puede decir que la violencia de género se refiere a cualquier acción destinada a causar daño a un individuo basado en su género. Este tipo de inequidad surge de convenciones dañinas, el ejercicio de la autoridad de manera abusiva y discrepancias en la distribución de género. La inequidad de género representa una flagrante infracción a los derechos fundamentales del ser humano; al mismo tiempo, se convierte en un dilema de bienestar y resguardo que amenaza la integridad. Se estima que una de cada tres personas de género femenino enfrentará algún tipo de agresión física o sexual durante su ciclo vital. Cuando se encuentran en situaciones de emergencia y desplazamiento, las probabilidades de que las mujeres y niñas sean víctimas de inequidad de género aumentan significativamente. La problemática de la violencia hacia mujeres, derivada de su subestimación en el contexto social y cultural, plantea inquietudes tanto en la escala nacional como en la internacional. Aunque se han implementado medidas para salvaguardar sus derechos y alterar la percepción social, el avance logrado en 2012 con la tipificación del feminicidio como delito es solo un paso inicial. Las acciones gubernamentales y las regulaciones judiciales no son suficientes; se requiere una transformación profunda en la cultura arraigada en nuestra sociedad, en particular la influencia del patriarcado, que es especialmente prevalente en la región latina. México figura con índices alarmantes de feminicidios en gran medida debido a esta ideología que promueve la superioridad masculina y que subyace en los actos violentos de género dirigidos hacia las mujeres. Se ha dado un considerable avance al reconocer la existencia de la violencia de género mediante la clasificación del feminicidio como un delito específico. A través de la divulgación para combatirla, se ha desplazado de la esfera privada y se ha convertido en un problema de interés público. Ha evolucionado para ser un asunto sujeto a regulación legal y se encuentra entre las principales preocupaciones a nivel nacional.

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## **Introduction**

The impact of violence in terms of health and society is of great magnitude. This phenomenon causes a significant number of deaths per day, particularly among young people and minors. In addition to these deaths, a considerable number of people, regardless of gender and age, experience injuries, disabilities and health problems as a result of violent acts.

For this reason, the problem of violence against women has generated multiple proposals and measures for its prevention, attention, punishment and eradication. Although this problem has been persistent in society, in recent times it has begun to become more evident and to lose its naturalized character. From a gender perspective, it is recognized that violence against women originates in social construction, and in this sense, different sectors of society have a role in changing these conditions. Governments and the implementation of public policies can play a significant role in this process. Gender mainstreaming is considered an important tool to address inequalities in access to opportunities between men and women and to ensure equality.

## **Methodology**

It focuses on carrying out a descriptive research which consists of compiling detailed data about the origin and evolution of gender violence in Mexico, as well as the laws and policies that help to combat it in the country. Gathering information will be useful to understand the problem and in turn reveal whether the legislation and government actions taken to combat it are sufficient.

## **Results**

The results obtained from this research article can be focused on the statistics consulted which mark, according to the sources of consultation, that in the country in all the states of the republic 385 investigation files were opened in cases of femicides officially, also, it was understood that from 2015 to 2022 there was an increase of 98.68% of violent deaths, which, as understood not all were opened to an investigation file. The conclusion is that not enough has been done by the State to find solutions and reduce these figures.

## **Background**

### ***Definition of gender violence***

Gender-based violence can be said to refer to any action intended to cause harm to an individual based on his or her gender. This type of inequity arises from harmful conventions, abusive exercise of authority and discrepancies in gender distribution.

Gender inequality represents a flagrant infringement of fundamental human rights; at the same time, it becomes a welfare and protection dilemma that threatens integrity. It is estimated that one in three women will face some type of physical or sexual aggression during their life cycle. When in situations of emergency and displacement, the likelihood of women and girls being victims of gender inequality increases significantly.

To reinforce the idea, the opinion of UN Women (2020) is widely considered, where the website explains that violence directed towards female individuals and young women represents one of the most widespread violations of the inherent rights of humanity at the global level. Countless incidents of this nature are recorded daily in all corners of the globe. This type of harassment has far-reaching physical, economic and psychological consequences for women and girls, both in the short and long term, as it hinders their ability to participate fully in society on an equal footing. The scope of this impact, both on the lives of individuals and their families, as well as on society as a whole, is overwhelming. The circumstances created by the global health crisis, including confinement, limited mobility, increased isolation, increased stress and economic uncertainty, have led to an alarming increase in acts of violence against women and girls in private settings, while increasing the vulnerability of women and girls to other forms of violence, from spousal bonding in childhood to sexual harassment in cyberspace. In this section of common queries, we provide a general synopsis of the multiple categories of aggression that any gender equality advocate who wishes to work effectively in this field must be proficient in handling.

Within the UN Women website (2020) argues about one type of physical violence, which is known as abuse in the domestic sphere or intimate partner violence, involves any series of actions aimed at securing or maintaining supremacy and dominance over an intimate partner. Involves any conduct of a physical, sexual, emotional, financial, and psychological nature (including threats of such conduct) that exerts influence over another person. It is one of the most common manifestations of violence suffered by women globally.

Aggression towards women and girls in the private sphere may include:

1. Financial violence: It involves gaining or attempting to gain absolute control over another person's financial resources, hindering their access and prohibiting their employment or education.
2. Psychic violence: It involves generating fear through intimidation, threats of physical harm to the person, their partner or their children, as well as their pets and possessions. It also includes subjecting the person to psychological abuse and forcing the isolation of the person from friends, family, colleagues or school.
3. Emotional violence: It includes undermining self-esteem through persistent criticism, underestimation of capabilities, name-calling or other verbal abuse. It also affects the couple's relationship with their children and may prevent the couple from interacting with family and friends.
4. Physical violence: It encompasses causing physical harm to a partner by hitting, kicking, burning, grabbing, pinching, pushing, slapping, pulling hair, biting, denying medical attention or forcing the consumption of substances such as alcohol or drugs, as well as the application of any other type of physical force. This could include property damage.
5. Sexual violence: It encompasses coercion of a partner to engage in sexual acts without his or her consent.

### ***Gender violence in Mexico***

According to the website IEP Mexico (2021) gender violence within the country:

Recent years have seen a growing social awareness of gender violence in Mexico. Among other factors, this is due to the consistent increase in the levels of family violence and sexual violence throughout the country, as well as the

growing prevalence of the crime of femicide - that is, the gender-based murder of a woman.

In early 2020, several high-profile femicide cases, including the murder of a minor, sparked widespread protests across the country. According to ACLED data, there were approximately 359 demonstrations against gender violence in Mexico in 2020, an increase of 76% over the previous year. Most of these demonstrations occurred in March 2020, when tens of thousands of women across the country participated in a nationwide strike.

On the other hand, INEGI (2021) explains in an article that:

In 2021, nationwide, of all women aged 15 years and older, 70.1 % have experienced at least one incident of violence, which can be psychological, economic, patrimonial, physical, sexual or discrimination in at least one area and exercised by any aggressor throughout their lives.

Psychological violence is the most prevalent (51.6 %), followed by sexual violence (49.7 %), physical violence (34.7 %) and economic, patrimonial and/or discriminatory violence (27.4 %).

While, from October 2020 to October 2021, 42.8 % of women aged 15 years and older experienced some type of violence, psychological violence is the most prevalent (29.4 %), followed by sexual violence (23.3 %), economic, patrimonial and/or discrimination violence (16.2 %) and physical violence (10.2 %).

The above paragraphs confirm the opinion of one author who says that the problem of abuse of women in Mexico persists, unfortunately, and is often underestimated. In today's environment, characterized by violence and lack of security, the fragility of a broad swath of society is intensifying. This is why it is imperative to address the structural roots that maintain the gender problem in the nation (Avilés, 2012).

The problem of violence against women, derived from its underestimation in the social and cultural context, raises concerns at both the national and international levels. Although measures have been implemented to safeguard their rights and alter social perception, the progress achieved in 2012 with the criminalization of femicide is only an initial step. Governmental actions and judicial regulations are not enough; a profound transformation is required in the culture rooted in our society, particularly the influence of patriarchy, which is especially prevalent in the Latin region. Latin America has alarming rates of femicides largely due to this ideology that promotes male superiority and underlies gender-based violence against women. The revision and modification of this ideology would allow all individuals, regardless of gender, to exercise their rights and freedoms autonomously, promoting a society that guarantees protection and respect for women.

According to the author, considerable progress has been made in recognizing the existence of gender violence by classifying femicide as a specific crime. Through outreach to combat it, it has moved out of the private sphere and become an issue of public concern. It has evolved to be a matter subject to legal regulation and is among the main concerns globally. Although it persists in Mexican society, manifested in advertisements that objectify women, news headlines about disappearances and deaths of women, and gender-based wage disparity, public perception of this issue has changed significantly. Now it is repudiated, whereas before it was considered normal. It is currently classified as a separate crime, generating public demonstrations of protest in response to abuses or deaths of women and girls, accompanied by marches and campaigns to promote reporting and improve women's safety, both by the government and society in general.

Discrimination against women, which implies the deprivation or limitation of their rights due to their gender, is evident in social network platforms and other mass media through near real-time information on kidnappings and femicides. However, a significant change in mentality and the consolidation of values that promote equal respect for all members of society has not yet been achieved.

For Sánchez de los Monteros (2020) in Mexico, specifically, both male and female persons contribute to and promote acts of violence against female persons by following the cultural models transmitted by the education they have received. This is reflected in the way they educate their offspring and adopt machista roles in their family nucleus, where the practical belief prevails that women have the responsibility to serve and take care of household chores and childcare. Women are often limited in their opportunities to access education, develop personally and seek employment outside the home. Their voices, opinions and efforts to excel are minimized. This same ideology is what leads many women not to report acts of violence, in part due to the fear of possible reprisals and the re-victimization they might suffer when filing a complaint. If the violence is recurrent, it is often extremely difficult for them to escape from the situation, as they may justify it by thinking that it will not happen again or that they provoked it with their behavior. Patriarchal ideology is still dominant in our culture, which places all of us in socially defined roles that are difficult to abandon. Every advance towards a more equitable gender ideology, such as when a woman files a complaint or exercises her right to live free of violence, involves considerable effort. This effort translates into leaving behind patriarchal beliefs and attitudes, despite social pressures, and facing laws that are not always favorable to women

### ***Origins and Evolution of Gender Violence in Mexico***

According to the article by Alunecer (2010), in order to detect violence against women in the historical context of Mexico before the arrival of the colonizers, there are no primary sources other than the narratives contained in the writings of Fray Bernardino de Sahagún, specifically in his work "Historia General de las cosas de la Nueva España", which is preserved in three languages: Nahuatl, Spanish and Latin, in the Florentine Codex. This source may provide some insight into the situation of girls and women at that time. Sahagún recounts the birth of a baby girl and the rite of welcome that surrounds her: "My daughter, and my lady, you have already come into this world. Behold, we have sent our Lord, who is in every place. You have come to the place of weariness and the place of toil and the place of congoxas, where it is cold and windy. Note, my daughter, that the middle of your body I cut and take your navel, because so commanded and ordered your mother and your father Yoaltecuhtli, who is the lord of the night, and Yoaltíctli, who is goddess of the baths. You have been inside the house, like the heart inside the body."

The distinction was manifested from the very moment of birth, since, if the newborn was a boy, it was celebrated with great joy, while, if it was a girl, the midwife, upon receiving her, cut her umbilical cord under the bonfire, pronouncing these words: "You are not to go out of the house. You must not be in the habit of going anywhere. You are to be the ashes with which the fire is covered in the hearth. You must be the trivets where the pot is placed. In this place our lord buries you. Here you have to work. Your job is to fetch water and grind corn on the metate. There you shall sweat, by the ashes and by the hearth".

Alunecer (2010) says in the article that sexual violence becomes more evident during the period of the Conquest, as it brought with it a brutal aggression towards women, who became part of the war plunder. The initial miscegenation in the 16th century was mostly the result of extreme sexual violence. During this period, women were



victims of rape, non-consensual unions, extramarital relations and, in some cases of women of the indigenous nobility, marriages that were unfavorable for them.

In the newly born New Spain, which combined the traditions of both cultures characterized by the submission of women, women were obliged to obey their husbands completely in exchange for sustenance and presumed "protection" in the family sphere. Although the Catholic Church imposed fidelity and shared responsibility for the upbringing of children, in practice this was not always enforced. Women were considered physically inferior and were denied many rights and responsibilities. They were also seen as mentally inferior to men, and the supposed "protection" meant that, from a legal point of view, their perpetual minority status was perpetuated: husbands had absolute control over the economic transactions of their wives, unmarried daughters and widowed mothers. In general, women could not participate in public activities without the approval and presence of men. Fathers were the guardians of their children and mothers were guardians only in the event of the father's death, as long as the father had not previously designated another person to assume this responsibility.

According to an article by Páez (2011), although violence against people is by no means a novel phenomenon, since it has an undeniable historical antecedent in patriarchal contexts, its recognition and visibility, which implies a change in its perception from a private matter to a problem of a social nature, is relatively recent. Certainly, most individuals are aware of situations of mistreatment, whether in the family or in the community, but these have been silenced under the pretext of considering them as private matters. Since ancient times in the evolution of human culture, a relationship of subordination of one gender to another has always prevailed. This phenomenon has not only been limited to the conception of the inferiority of one gender in relation to the other, but has surpassed the limits of rationality, even manifesting itself through aggressive behavior, supported by the patriarchal system and subsequently endorsed by subsequent societies, thus giving shape to the already deep-rooted and globally recognized gender violence.

Discrimination against people in society represents the earliest known form of exploitation, even preceding slavery. There are numerous ancient examples illustrating inequalities and discrimination against people, some of which date back to 400 BC.

### ***Description of the Main Laws and Government Actions Related to Gender Violence in Mexico***

The following are a series of articles related to gender violence within the country. According to ECLAC (2017)

The last amendment in 2020 of the General Law on Access of Persons to a Life Free of Violence includes the incorporation of gender-based political violence, which is defined as any action or inaction, including tolerance, based on gender aspects and exercised in the public or private sphere, which has the purpose or result of restricting, eliminating or weakening the full exercise of the political and electoral rights of one or more persons, the ability to fully exercise the functions inherent to their position, work or activity, the free performance of the public function, decision making, freedom of association, as well as the access and exercise of prerogatives, in the case of pre-candidacy, candidacy, functions or similar public positions.

On the other hand, within the same ECLAC article (2017) the Observatory for Gender Equality in Latin America and the Caribbean's repository of regulations on violence currently includes more than 380 sets of regulations, categorized by nation, from

38 countries in Latin America and the Caribbean, as well as legislation from Spain and Portugal related to this area.

The content ranges from legislation on violence in family or domestic settings, known as first generation regulations, to the most contemporary regulations on comprehensive protection against gender-based violence against women (GBV), with their recent adaptations and adjustments, present in 13 Latin American countries. It also includes regulations that criminalize femicide in 17 Latin American countries, in addition to legislation related to sexual crimes, harassment in the workplace, specific regulations on street harassment and the dissemination of intimate content through electronic media. There are also laws addressing harassment and political violence against women in the Plurinational State of Bolivia and Peru, which are unique in the region.

The repertoire also includes regulations defining and criminalizing human smuggling and trafficking in persons, regulations complementing laws on violence against women, and norms establishing the creation of specialized agencies in various areas of the State.

### ***General Law on Women's Access to a Life Free from Violence***

According to the website Secretaría de las Mujeres (2021):

The purpose of the General Law on Women's Access to a Life Free of Violence is to establish coordination between the Federation, the Federal Entities, the Federal District and the municipalities to prevent, punish and eradicate violence against women, as well as the principles and modalities to guarantee their access to a life free of violence that favors their development and well-being in accordance with the principles of equality and non-discrimination, as well as to guarantee democracy, integral and sustainable development that strengthens the sovereignty and democratic regime established in the Political Constitution of the United Mexican States.

This law mentions the guiding principles for the access of all women to a life free of violence, which must be observed in the elaboration and execution of federal and local public policies:

- I. Legal equality between women and men.
- II. Respect for the human dignity of women.
- III. Non-discrimination.
- IV. Women's freedom.

The different types of violence are explained on the website, and this information is shown below:

1. Emotional Violence - encompasses behaviors that disrupt psychological balance, including neglect, possessive behavior, hurtful comments, belittling remarks, contempt, detachment, infidelity, destructive criticism, exclusion, apathy, harmful comparisons, denial of autonomy and threats, with results that can lead to depressive states, social isolation, erosion of self-esteem and even extreme situations.
2. Physical Violence - Comprises intentional actions that cause bodily harm through the use of physical force or objects, resulting in visible or invisible injuries.
3. Property violence - Involves acts or omissions that affect the victim's survival, including manipulation, theft, destruction, retention or diversion of belongings, personal documents, assets and economic resources intended for the victim's needs, including damage to common or personal property.

4. Economic Violence - Refers to any conduct by the aggressor that undermines the financial stability of the victim, including restrictions aimed at controlling her income and wage discrimination in the workplace.
5. Sexual Violence - Involving acts that degrade or damage the physical and sexual integrity of the victim, violating her freedom and dignity, this form of abuse of power reflects gender supremacy by objectifying and denigrating the assaulted person.
6. Other similar forms that violate the dignity, integrity or freedom of persons, regardless of gender.

According to an amended Paragraph of DOF 20-01-2009, 11-01-2021, 29-04-2022, published in an article of the Chamber of Deputies (2023):

ARTICLE 1.- The purpose of this law is to establish coordination between the Federation, the federal entities, the territorial districts of Mexico City and the municipalities to prevent, punish and eradicate violence against women, adolescents and girls, as well as the principles and mechanisms for full access to a life free of violence, as well as to guarantee the enjoyment and exercise of their human rights and strengthen the democratic regime established in the Political Constitution of the United Mexican States.

### ***Gender Violence Against Women Alert***

The Instituto Nacional De Las Mujeres (2019) says in its article that the Gender Violence Alert Against Women (AVGM) is a mechanism that protects women's human rights, unique in its approach globally. It is established in specific legislation, the General Law on Women's Access to a Life Free of Violence, and its activation and application process is described in the regulations related to this law.

This is a set of emergency governmental measures aimed at addressing and eradicating gender violence, especially femicide, as well as any situation that results in an aggravated comparison that hinders the full exercise of women's human rights in a given region, whether a municipality or a federative entity. This violence can be perpetrated by individuals as well as by the community itself.

The central purpose of the gender violence against women alert is to ensure the protection of women and girls, put an end to violence directed against them, and eliminate inequalities that may be caused by laws or public policies that violate their human rights.

On the other hand, the Comisión Nacional Para Prevenir Y Erradicar La Violencia Contra Las Mujeres (2020) says that the Gender Violence Alert against Women (AVGM) represents an exceptional approach in the fight against gender violence, especially femicide, which is the most serious manifestation of this violence directed against women, adolescents and girls. This phenomenon arises from the violation of their fundamental rights and the excessive abuse of power, both in public and private spheres, often resulting in social and state impunity. It is characterized by acts of hate and discrimination that endanger their lives, leading to violent deaths such as femicide, suicide, homicide or other forms of preventable deaths, as well as behaviors that seriously affect the integrity, safety, personal freedom and full development of women, adolescents and girls.

In cases of femicide, the penalties stipulated in the criminal laws in force are applied.

This mechanism reflects the federal government's commitment to human rights in general and women's rights in particular. It consists of a series of coordinated, comprehensive, temporary and emergency governmental actions, carried out in collaboration among authorities at all levels of government to address and eliminate feminicidal violence in a given geographic area. In addition, it seeks to eliminate the

comparative injustice resulting from inequalities created by laws and public policies that impede the recognition or exercise of the human rights of women, adolescents and girls, in order to guarantee their full access to the right to a life free of violence.

Within the article it is mentioned that the Gender Awareness Activation process begins when:

- I. At the request of autonomous government agencies in charge of human rights or international entities specialized in safeguarding human rights.
- II. Through the petition of legally constituted groups in civil society or groups of people close to the victims, represented by an authorized delegate.
- III. Based on the detection by the Entity for the Prevention of Gender Violence of the constant increase of incidents or crimes involving transgressions to the fundamental rights to life, liberty, integrity and well-being of women, adolescents and girls in a specific location or the presence of a comparative injustice.

It also specifies the information that the Gender Awareness Activation application must include, it is as follows:

- I. Detailed account of the acts of violence committed against women, adolescents and girls, supported by verifiable documentation, official statistics, testimonies or other data supporting the allegations presented in the application.
- II. Precise geographic area where the acts of violence are reported.
- III. Mention of the authorities in charge of addressing the aforementioned violence.
- IV. The other conditions of presentation established in the Regulations.

To complement, the content and issuer of the AVGM Declaration must have the following:

- I. Motivational elements.
- II. Supporting evidence.
- III. Proposals for various actions addressing prevention, correction, security, justice, attention and reparation, in addition to regulatory adjustments suggested by the Interinstitutional Monitoring Group (GIM).
- IV. A request to the relevant authorities to allocate or reorganize budget, personnel and material resources needed to deal with the situation.
- V. Geographic area affected by the measures and, if applicable, the entities in charge of their implementation.

The Declaration originates from the central government sphere, under the umbrella of the Ministry of the Interior. The head of said Secretariat will officially communicate to the heads of the Executive, Legislative and Judicial branches, as well as to the entity in charge of prosecuting justice in the metropolitan areas of Mexico City or the municipalities of the state where the AVGM is enacted.

Once the Alert is notified, federal, state, municipal or local authorities should immediately and in collaboration with the GIM, carry out the Strategic Action Program to comply with the guidelines (Instituto Nacional De Las Mujeres, 2022).

### ***General Law on Equality between Women and Men***

Within an article of the National Institute of Women, the regulation in question seeks to establish and safeguard parity of conditions and equal treatment between individuals of different genders, proposing guidelines and institutional structures aimed at guiding the community towards the realization of effective equality in both public and private environments. Empowerment of women and resistance to all forms of inequality

based on gender differences are encouraged. Its standards are of relevance to society and are generally complied with in all geographic areas of the country.

This law is made up of a series of articles which, according to Justia Mexico (2023), are as follows:

- Article 1. The purpose of this Law is to regulate and guarantee equality between women and men and to propose institutional guidelines and mechanisms to guide the Nation towards the fulfillment of substantive equality in the public and private spheres, promoting the empowerment of women. Its provisions are of public order and social interest and of general observance throughout the National Territory.
- Article 2. The guiding principles of this Law are: equality, non-discrimination, equity and all those contained in the Political Constitution of the United Mexican States.
- Article 3. The rights established by this Law apply to women and men who are in the national territory, who by reason of their sex, regardless of their age, marital status, profession, culture, ethnic or national origin, social condition, health, religion, opinion or different abilities, are at some kind of disadvantage in the face of the violation of the principle of equality that this Law protects. Violation of the principles and programs provided therein shall be punished in accordance with the provisions of the Federal Law of Responsibilities of Public Servants and, as the case may be, by the applicable laws of the Federal Entities that regulate this matter.
- Article 4. The provisions of the Federal Law to Prevent and Eliminate Discrimination, the Law of the National Human Rights Commission, the Law of the National Women's Institute, the international instruments ratified by the Mexican State and other applicable laws on the subject shall be applied in a supplementary manner and as appropriate.
- Article 5. For the purposes of this Law, the following definitions shall apply:
  1. Affirmative actions: A set of temporary measures aimed at accelerating de facto equality between women and men.
  2. Mainstreaming: This is the process that ensures the incorporation of the gender perspective in order to assess the implications for women and men of any action programmed in legislation, public policies, administrative, economic and cultural activities in public and private institutions.
  3. National System - Sistema Nacional para la Igualdad entre Mujeres y Hombres (National System for Equality between Women and Men).
  4. National Program - National Program for Equality between Women and Men.

The National Women's Institute (INMUJERES, 2007), in its informative article on general legislation regarding gender equality, in multiple aspects, formalizes the progress made in the fight against discrimination and in pursuit of parity between men and women in Mexico. Its relevance lies not only in its concordance with the fourth article of the Mexican Constitution and the adherence to international agreements agreed by Mexico, but mainly in the creation of a legal framework for collaboration and coordination among the three levels of government in order to guarantee real equality, eradicating all forms of discrimination based on gender differences, as indicated in the first article of this law.

To achieve this objective, the law specifically establishes three fundamental elements: the National System for Equality, the National Program for Equality and the supervision of compliance with these. In this system, the National Women's Institute (Inmujeres) leads the actions of the three levels of government, while the National Human

Rights Commission is responsible for monitoring and evaluating the actions carried out by other public administration entities.

In accordance with the right to information, which is one of the six pillars guiding gender equality policies, Inmujeres presents the current edition of this document, with the aim of addressing the concerns generated by this law since its entry into force. For Inmujeres, disseminating a document of this nature among officials at the federal, state and local levels is an essential step towards achieving the goals established by this legislation. Knowing and reflecting on its content allows us to address the challenges posed by this law, the importance of which transcends the limits of the regulation itself.

### ***National Program to Prevent, Address, Punish and Eradicate Violence against Women 2014-2018***

According to the Comisión Nacional Para Prevenir Y Erradicar La Violencia Contra Las Mujeres (2014) the Comprehensive Program, disseminated on April 30, 2014, as part of national policies related to the promotion of rights, gender equity and violence against women, aims to ensure prevention, care and punishment to reduce risks related to gender violence, through institutional collaboration to strengthen national policy with a comprehensive approach.

This program contributes to the achievement of four national goals: "Mexico in Peace," "Prosperous Mexico," "Inclusive Mexico," and "Mexico with Quality Education," and to the horizontal strategy called "Gender Perspective," as established in the National Development Plan 2013-2018. It is also linked to various sectoral objectives present in the programs corresponding to the following sectors: Government; Labor and Social Welfare; Health; Education; Social Development; Agrarian, Territorial and Urban Development; Finance and Public Credit; and Communications and Transportation, in addition to the one related to the Attorney General's Office.

The article mentions that it also incorporates five goals, the purposes of which are as follows:

1. Promote the convergence of legislative norms and foster cultural changes to contribute to the absence of violence against women.
2. Ensure comprehensive prevention to reduce the risks associated with violence against women and girls.
3. Ensure the availability of comprehensive services for women and girls affected by violence.
4. Ensure women's access to justice through effective investigation, reparation and punishment.
5. Consolidate institutional collaboration in aspects related to the prevention, attention, punishment and elimination of violence against women.

These goals are deployed in 16 tactics and 118 specific actions that contribute to the assurance of human rights and the elimination of violence against women in our nation.

This global program involves the three levels of government, autonomous bodies and civil society, including initiatives to protect the rights of girls, indigenous women, women with disabilities, migrants, adolescents, the elderly and women deprived of their freedom.

## **Discussion**

Thanks to the information gathered, it was possible to define that, in Mexico, gender violence represents a complex and unfortunate challenge that threatens on a large scale the cultural and social roots, as it brings with it negative and worrisome consequences for women and girls in the country. Legislation and government actions are not enough, as cases persist and show themselves in various forms. Statistics reveal an alarming prevalence of gender-based violence in the country, there is undoubtedly an increase in awareness and demand for change. However, the fight against gender-based violence is not limited to government policies; it implies a profound cultural change that challenges the gender norms ingrained in Mexican society. To effectively address gender-based violence in Mexico, an approach is needed that combines sound public policies, civil society participation and a concerted effort by all actors to change the entrenched attitudes and beliefs that perpetuate this problem. All of the above for the benefit of society itself.

### ***Challenges and obstacles that generate a conflict of interest***

The main conflict of interest, which has everything to do with the article in question, focuses on the mistreatment and discrimination that continues to be experienced in homes, because, although there are already laws and too much information, it is difficult for people to go for help, for fear that it would be counterproductive to express what their aggressor is committing. Therefore, it is considered necessary to carry out any type of investigation that will help to identify all those who remain silent within the home and continue to suffer this type of mistreatment.

According to the Comisión Nacional Para Prevenir Y Erradicar La Violencia Contra Las Mujeres (National Commission to Prevent and Eradicate Violence Against Women), both in Mexico and around the world, there are numerous challenges on the road to achieving genuine equality between people of different genders, which entails the elimination of violence directed towards them.

Wage disparity, unequal distribution of responsibilities related to unpaid work in the home, which falls predominantly on women and minors, violence in the workplace, early marriages, sexual harassment, entrenched gender stereotypes, practices, customs and traditions that perpetuate discrimination against these people, are just some examples of the challenges that hinder the access of women, girls and adolescents to a life free of violence and to the full realization of their rights under conditions of equality.

According to the Comisión Nacional Para Prevenir Y Erradicar La Violencia Contra Las Mujeres (2019), the disparities and inequalities experienced by women in Mexico are reflected in various spheres, such as education, employment, health and violence against them. Here are some illustrative figures:

1. Women make up slightly more than 50% of the enrollment in university and technological degree programs, but their presence predominates in social fields, such as education (74.4%) and health (67.0%). In technical areas, they do not even reach a third of the enrollment, with 28.7% in Engineering, Manufacturing and Construction and 32.2% in Natural, Exact and Computer Sciences.
2. Annually, there are about 10,000 births to underage mothers.
3. The economic participation rate for women is 43.8%, while for men it is 77.5%. In the case of indigenous women, this rate is slightly higher at 21%.
4. More than 53.2% of employed women do not have access to social benefits.

5. 25.3% of women 15 years of age and older who do not attend school have no income of their own, in contrast to 5.9% of men.
6. Women spend an average of 43.2 hours per week on domestic work and family care, while men spend only 15.8 hours, which is equivalent to one-third of the time spent by women on these tasks.
7. Unpaid work performed by women in their homes represents 17.5% of the Gross Domestic Product (GDP), while that of men is equivalent to 5.8%.
8. A total of 8.1 million married or cohabiting women (30.5%) experienced some incident of intimate partner violence in the past 12 months.

According to the México Social website (2018) the transformation of violence against individuals into a public sphere and into the realm of State responsibility is largely due to actions undertaken by organizations and movements at the global level. Through their efforts, it was revealed that violence directed toward individuals is not simply a result of occasional personal misconduct, but is deeply rooted in structures of inequality between different genders. Since the beginning of this century, the interaction between the promotion of the rights of individuals and the initiatives of the United Nations (UN) has been instrumental in promoting the consideration of violence against individuals as a human rights issue at the international level.

The bases of violence directed at individuals are to be found in the historical inequality of power relations between different genders and in the widespread discrimination that people face in the public and private spheres.

Violence against individuals manifests itself as a means for certain groups to maintain control over the autonomy and sexuality of others.

However, the various manifestations of this violence depend on factors such as ethnic background, socioeconomic status, age, sexual orientation, disability, nationality and religious beliefs.

Sexual harassment is a form of violence in which, although there is not necessarily a relationship of subordination to the aggressor, as can happen in work or educational environments, it is characterized by an abuse of power that generates vulnerability and risk for the victim.

### ***Statistics on gender violence***

As a complement, the following table shows the investigation files that have been opened in the country for the alleged crime of femicide, which, as is well known, is one of the most frequent cases of gender violence in the country and in the world.



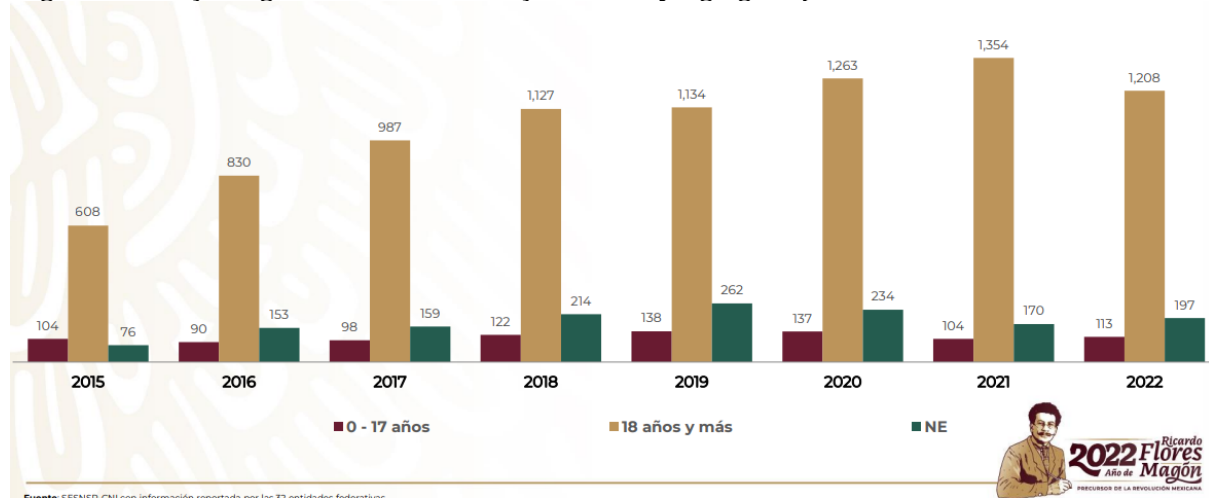
**Table 1**  
*Femicide investigation files*

<b>Municipality/Mayor's Office</b>	<b>Entity</b>	<b>Folders</b>
Guadalupe	Nuevo León	9
Juarez	Chihuahua	7
Ecatepec de Morelos	Mexico	6
General Escobedo	Nuevo León	6
Juarez	Nuevo León	6
Ensenada	Baja California	5
Monterrey	Nuevo León	5
Morelia	Michoacán	5
Tlalpan	CDMX	5
Benito Juarez	Quintana Roo	4
Cadereyta Jiménez	Nuevo León	4
Cienega de Flores	Nuevo León	4
Cuauhtémoc	CDMX	4
Salinas Victoria	Nuevo León	4
Tlalnepantla de Baz	Mexico	4
Valle de Chalco Solidaridad	Mexico	4
Aguascalientes	Aguascalientes	3
Atizapán de Zaragoza	Mexico	3
Center	Tabasco	3
Chihuahua	Chihuahua	3
Comitán de Domínguez	Chiapas	3
Cuernavaca	Morelos	3
Culiacan	Sinaloa	3
Gomez Palacio	Durango	3
Iztapalapa	CDMX	3
Lion	Guanajuato	3
Naucalpan de Juarez	Mexico	3
Saltillo	Coahuila	3
Tijuana	Baja California	3
Zapopan	Jalisco	3

*Note.* Retrieved from Instituto Nacional De Las Mujeres (2022).

**Figure 1**

*Registration of alleged violent deaths of women by age group.*



Note. Retrieved from Instituto Nacional De Las Mujeres (2022).

## Conclusion

Violence is one of the most serious problems facing today's society, as it is present in the lives of many Mexican men and women. Fighting it is a hard and arduous task for people, however, imagining a country without violence in general is too comforting. With this research article, it was discovered that gender violence is a type of both physical and psychological violence exercised towards a person, commonly of the female gender. Such gender-based violence is of great concern because it can result in damage to the victim's health, whether physical, emotional or sexual, or even death. The issue of domestic violence represents a widespread challenge, as people may find themselves in situations of bewilderment if they suspect that someone is being abused. Also, some victims choose not to seek medical care for their injury due to fear of leaving the relationship with their abuser. In this sense, raising awareness becomes an imperative need.

Despite the advances, both in terms of social transformation and the creation of laws that support and help women and girls feel safer in the country, it is not enough, because even the cases of abuse and murders have increased over the years, the problem persists and manifests itself in various forms, from domestic violence and street harassment to systematic discrimination in the workplace and politics. Clearly the role of the state is crucial in promoting gender equality and public awareness of this issue.

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**THE STONE IN THE MIDDLE OF THE WAY:  
WHERE DOES THE CONFRONTATION OF GENDER-BASED VIOLENCE IN  
BAHIA STUMBLE?**

**A PEDRA NO MEIO DO CAMINHO:  
ONDE O ENFRENTAMENTO À VIOLÊNCIA DE GÊNERO NA BAHIA TROPEÇA?  
LA PIEDRA EN MEDIO DEL CAMINO:  
¿DÓNDE TACÓ EL ENFRONTAMIENTO A LA VIOLENCIA DE GÉNERO EN BAHÍA?**

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**ABSTRACT**

**Keywords:**

woman, gender violence,  
confrontation,  
Brazil

The high rates of violence against women in Brazil place it in fifth place in the world ranking. It is observed that, although the country has placed limits on such practices through the Maria da Penha Law (2006) and the Femicide Law (2015), which criminalized gender-based violence and made femicide a heinous crime, they indicate that the mere Criminalization is not enough to contain such practices. Despite all efforts to the contrary, an analysis focused on the State of Bahia shows that the rates of violence against women are the highest in the Northeast and continue to rise, resulting in at least one recorded daily case, between 2022 and 2023. In this context, this documentary literature review investigation, incorporated qualitative, deductive and comparative methods, to verify at what point the fight against gender-based violence in Bahia stumbles, understanding that the pure and simple criminalization of the act of violence does not characterize an efficient solution to contain a pattern that was previously rooted in the country's sociocultural scenario, making it essential to adopt actions based on reflection, debate and awareness.

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**RESUMO**

**Palavras-chave:**

mulher, violência de  
gênero, enfrentamento,  
Brasil

Os altos índices de violência contra a mulher no Brasil o colocam em quinto lugar no ranking mundial. Observa-se que, embora o país tenha dado limites a tais práticas por meio da Lei Maria da Penha (2006) e da Lei do Femicídio (2015), que criminalizava a violência de gênero e tornava o feminicídio crime hediondo, sinalizam que a mera criminalização não é suficiente para a contenção de tais práticas. Malgrado todo em empenho em contrário, uma análise focalizada no Estado da Bahia, apontam que os índices de violência contra a mulher são os mais altos do Nordeste e seguem subindo, incorrendo em pelo menos um caso diário registrado, entre 2022 e 2023. Nesse contexto, essa investigação de revisão de literatura documental, incorporou os métodos qualitativo, dedutivo e comparativo, para verificar em que ponto o enfrentamento à violência de gênero na Bahia tropeça, compreendendo que a

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criminalização pura e simples do ato de violência não caracteriza uma solução eficiente para conter um padrão até então enraizado no cenário sociocultural do país, sendo imprescindíveis a adoção de ações pautadas na reflexão, debate e conscientização.

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**RESUMEN**

**Palabras clave:**

mujer, violencia de género, confrontación, Brasil, Bahía.

Los altos índices de violencia contra las mujeres en Brasil lo ubican en el quinto lugar del ranking mundial. Se observa que, si bien el país ha puesto límites a tales prácticas a través de la Ley Maria da Penha (2006) y la Ley de Femicidio (2015), que penalizaron la violencia de género y convirtieron el feminicidio en un crimen atroz, indican que la mera criminalización no es suficiente para contener tales prácticas. A pesar de todos los esfuerzos en contrario, un análisis centrado en el Estado de Bahía muestra que las tasas de violencia contra las mujeres son las más altas en el Nordeste y continúan aumentando, resultando en al menos un caso diario registrado, entre 2022 y 2023. En este contexto, esta investigación de revisión de la literatura documental, incorporó métodos cualitativos, deductivos y comparativos, para verificar en qué punto tropieza la lucha contra la violencia de género en Bahía, entendiendo que la criminalización pura y simple del acto de violencia no caracteriza una solución eficiente. contener un patrón previamente arraigado en el escenario sociocultural del país, por lo que resulta imprescindible adoptar acciones basadas en la reflexión, el debate y la sensibilización.

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## Introduction

A study carried out by the United Nations Development Program (UNDP) reported that 84.5% of Brazilians have some kind of prejudice against women. Perhaps this data can explain why the number of women victims of violence is so alarming in the country <sup>1</sup> (Brazil, 2023).

According to information made available by the Network of Security Observatories, through the bulletin "Elas Vivem: dados que não se calam", 2,423 cases of violence against women were recorded in 2022 alone. This means that every four hours a woman becomes a victim of violence. Of these, 495 were characterized as femicides in Brazil (Neves, 2023).

The document presents the results of the monitoring of seven different Brazilian states, including Bahia, which recorded the highest number of femicides, taking the lead in the Northeast Region, with 91 cases and 316 crimes. This was also considered the state with the highest rate of growth in relation to gender-based violence, with at least one case occurring every day, registering a variation of 58% in relation to the last bulletin (Neves, 2023).

This data raises many questions, including the factors that influence the increase in cases of violence and femicide in the state. In response, concepts such as "toxic masculinity" have emerged, reflecting a series of misogynistic behaviors acquired culturally and perpetuated over the generations, in an attempt to reframe them. It is clear, therefore, that in addition to criminalizing violence against women, it would be necessary to promote a change in behaviour between the sexes in order to curb the pattern that has taken root in the country's social scene. In other words, a leap in consciousness.

In this sense, Brazil was chosen as a pilot country to integrate the Latin American Model Protocol for the Investigation of Violent Deaths of Women for Gender Reasons, and must adjust to adapt and implement national regulations and guidelines (UN, 2016). Notably, actions like this have been developed in Brazil since 2003, through the first National Plan for Women's Policies, in which states and municipalities took responsibility for creating departments or secretariats to deal specifically with the issue.

However, despite the progress made under the Maria da Penha Law (2006) and the Femicide Law (2015), among others, neither the country nor the state of Bahia have achieved significant results in reducing and combating violence against women, as we have seen. It is believed that criminalization is fundamental, however, the work of debate, reflection and awareness, even if it does not offer immediate results, in the long term, can be a solution.

In view of the above, this documentary literature review article incorporated the qualitative, deductive and comparative method in order to analyze the main obstacles to tackling gender violence in the state of Bahia, making it useful as a multidisciplinary study and reflection on an alarming issue that urgently needs a solution.

## Masculinity and its Relationship with Gender Violence

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<sup>1</sup> Brazil, Every four hours at least one woman is a victim of violence. Security Observatory Network, March 6, 2023. Available at: < [ELAS VIVEM: Every 4 hours a woman suffers violence \(observatorioseguranca.com.br\)](https://observatorioseguranca.com.br) >. Accessed at: october 26, 2023.



### **Gender relations**

Historically, it can be seen that social relations, then based on male domination, were based on a constructive process where, until the 18th century, with sexual monism, both sexes considered only one genital organ, that is, the male. In this period, the male is the standard of metaphysical perfection, while the female reflects the imperfect, an underdeveloped being, differentiated by the ability to procreate, which is why her role was restricted to the private sphere (de Paula and Rocha, 2019).

Through the Enlightenment, the image of women changed from the reflection of an underdeveloped man to a subject endowed with its own characteristics, beginning the process of biological differentiation between men and women. Thus, in the 20th century, through the first feminist studies, the concept of gender emerged, which categorized male and female (de Paula and Rocha, 2019).

For Cabrera (2023, p.31), debating masculinities means debating gender, "a category that was created in the biotechnological discourse of the 1940s, when medicine sought to visually and discursively define and adapt, through hormonal and/or surgical treatments, the sex of babies born intersex," he criticizes.

However, Teles (2023) warns that, from that moment on, gender becomes a social construction, which can be considered a complex structure that encompasses the state, family and individual spheres, through sexuality. Therefore, the concept goes beyond the designation present in social roles or reproductive biology, in which both masculinity and femininity are based on concepts constructed through cultural patterns, whose structured model is subject to social surveillance.

In this sense, masculinity is a configuration of men's behavioral practices based on gender relations, in which "the performances of masculinities integrate a set of meanings and behaviors that naturally mark relationships," according to Teles (2022, p.2). Araújo and Santos (2022, p.138) clarify that "masculinity is toxic when toxic behaviors are directly related to the exercise of masculinity".

Therefore, in order to understand men's relations of violence against women from a gender perspective, it is essential to include analyses of the processes of male sociability and socialization, as well as what it actually means to be a man in society (Brasil, 2003).

In this context, toxic masculinity corresponds to "(...) the fact that men not only practice harmful and destructive actions towards themselves, others or things in the world, but also consider this to be normal and encourage, propagate, defend or maintain such practices", as Araújo and Santos (2022, p.138) put it.

By understanding this dynamic, we consider that:

It is through the training of bodies that the fundamental dispositions are imposed, those that make them both inclined and able to enter the social games most favorable to the development of virility: politics, business, science and the social libido. This social training begins in childhood and continues throughout life, precisely because it is incorporated into the culture.

(Teles, 2023, p.2)

Circumstantially, the categorization between male and female genders has brought about considerable social changes. However, instead of generating equal rights, as supposed, it not only substantiated the inequalities imposed, but also legitimized the process of supposed male superiority, marking the beginning of polarized constructions between men and women (de Paula and Rocha, 2019).

It should be noted that gender codes are internalized as being natural, "(...) because of this, the naturalization of this categorization becomes an accumulative process, multiplying and subverting socially constructed patterns, warns Teles (2023, p.4).

Returning to the course of history, according to Cabrera (2023), through the intervention of the feminist movement, which began to claim its place in society and question the male gender, the destabilization of a system hitherto considered stable began. Franco (2018) points out that since the 1970s, social struggles and feminist movements have gained greater visibility through the denaturalization of violence against women.

At this time, according to Magalhães (2023), the process of women's participation in politics began to portray a reality of deficiency, stemming from a socially constructed context that was undergoing changes by highlighting different forms of exclusion. However, at the end of the same decade in Brazil, thanks to the forces of the same feminist movement, women took on a more active political and social role, and with women's participation in the 1988 Constitution, the formal achievement of equal rights for men and women in Brazil was recognized.

From this process, the fight for proclaimed gender equality began, broadening the discussion within the political arena. This movement put women's rights on the political agenda, especially with regard to holding public authorities accountable for implementing public policies aimed at guaranteeing rights and improving the lives of this clientele, which included putting an end to the differences between the economic and social roles of men and women (Araújo and Santos, 2022); (Franco, 2018).

However, the lack of equality is still present and is the subject of much discussion. Teles (2023, p.4) warns that: "Inequalities are sources of conflict, which is why it is necessary to question how this fact is established and naturalizes gender asymmetries, supporting male hegemony. The idea of hierarchy is one of the roots of domestic violence." On this basis, understanding this context is essential.

### ***When Masculinity is Toxic, it Becomes Violence***

Notably, the concept of masculinity has gradually been reconstructed. New issues have come to be accepted and demanded of this new man, such as participatory fatherhood, the affective and sexual satisfaction of his partner, greater care for his health and self-image, among other previously silenced demands (de Paula and Rocha, 2019).

However, in view of the high rates of femicide, it is clear that many men have not let go of their crystallized personalities, and do not want to give up or lose their former space of dominance, making them feel threatened. For these individuals, the solution to this conflict is the same one they are often taught as children, which is violence (de Paula and Rocha, 2019, p.85).

In this sense, both Teles (2023) and de Paula and Rocha (2019) point to the fact that, to this day, most men still seem to maintain symptoms of a toxic masculinity, which restricts them and prevents them from abandoning old behaviors in order to resignify them.

According to the Program for the Prevention, Assistance and Combat of Violence Against Women, included in the National Plan, promoted in 2003, studies show a significant number of women who claim to have been victims of physical violence by their partner throughout Latin America, where in some countries the percentage of women reached 50% by the year 2000.

According to the document, "in Brazil in particular, an estimated 300,000 women report being physically assaulted by their husbands or partners each year. More than half

of all women murdered in Brazil were killed by their intimate partners" (Brasil, 2003, p.21).

However, studies carried out on men show a no less disturbing scenario:

In Rio de Janeiro, a survey published in 2003, in which 749 men aged between 15 and 60 were interviewed, highlighted that 25.4% said they had used physical violence against their partner, 17.2% said they had used sexual violence and 38.8% said they had insulted, humiliated or threatened their partner at least once (Acosta and Barker, 2003 apud Brasil, 2003, p.21).

To support this dynamic in a more current context, we highlight a study carried out by Magrin (2022). Through a study that analyzed the male perspective on aggression, the researcher conducted remote, semi-structured interviews with 13 men over the age of 18, in which the participants drew on their own experiences, including the development of aggressive behavior. The main risk factors for domestic violence were the behavior of the victims, the patriarchal and macho culture, and toxic masculinities. The results show that the women were considered as much victims as perpetrators of the aggression they suffered.

Magrin (2022) lists the main speeches of these men as: 1) main characteristics (low schooling, financial instability, unemployment, insecurity, jealousy, low self-esteem etc.); 2) minimization and denial of the violence (the aggressor tends to minimize the aggression or not recognize it); 3) family history (male aggressors were victims of the parent as children); 4) social roles and toxic masculinity (fear of losing identity and social prominence to the partner); 5) substance use (as a justification for violent acts); 6) blaming the woman for the aggression (due to provocation, interest or emotional maladjustment); and 7) impunity (women tend to withdraw the complaint after threats from their partners; slowness of Brazilian justice) (Magrin, 2022) <sup>2</sup>.

According to Cabrera (2023) and Araújo and Santos (2022), toxic behavior can be harmful not only to women, who are the main victims of aggression, but it also compromises the balance of the entire social structure, since it imposes a series of harmful norms and behaviors, including on men.

In light of the above, Cabrera (2023, p.11) points out that:

Men's lives are coordinated by these patterns even before they are born. During their childhood, education is often based on the idea that boys don't cry and that if they go home without fighting back, they will be beaten at home too, so that they learn to be strong and defend themselves. In other words, there is a set of prescriptions that end up taking part in the subjective construction of men and which cause countless consequences in their adult lives.

However, even though men also act as victims, they are the main aggressors. Especially in societies like Brazil, which is sexist, racist, patriarchal, ageist, androcentric, classist, trans/phobic, in which women are blamed for the aggressions they suffer, whether physical or psychological, from men with whom they have or have not had emotional ties, according to Franco (2018).

Notably, women have been immersed in a discriminatory social order, in which they have been forced through female subordination, to a lesser or greater degree of

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<sup>2</sup> This data points to the importance of understanding the phenomenon from other perspectives, and we agree with the author when she states that: "It is important to involve men in the debate on the issue, as this type of initiative can help prevent the phenomenon from occurring" (Magrin, 2022, p.8).

subjection, to live in spaces of oppression, whether in the public or private sphere. "However, the incidence of violence in the sphere of conjugality is more recurrent," concludes Franco (2018, p.44).

Right in the space where there should be greater security. It should be noted that most incidents of domestic violence consist of a process of abuse that tends to go on for years and, in general, recurs and gets worse as time goes by.

This dynamic of violence can be seen in the news on an almost daily basis, such as the one below, from 2022, which states:

"Teacher arrested for attempted femicide after setting fire to ex's house in Acre". The subtitle of this news story reports that he had been denounced in 2018, when he was seen assaulting the same woman with a helmet. She didn't die in the arson, because she wasn't at home, but she lost her possessions and gained trauma (Teles, 2023, p.1).

In order to minimize these recurring practices and the high rates of violence, Law No. 11.340/2006, known as the Maria da Penha Law, provides for actions that are not only punitive against perpetrators of domestic violence, but also preventive, offering them assistance, which includes processes to re-educate the masculinities that generated the problem. However, what we see in practice is an approach based on punishment (de Paula and Rocha, 2019, p.83).

The law provided for the creation of Specialized Women's Care Centres, which "(...) are spaces for psychological or social care, guidance and legal referral to women in situations of violence, helping to strengthen and rescue their citizenship". Likewise, other facilities such as Shelters, Temporary Shelters, Specialized Women's Police Stations (DEAMs), Women's Service Centers or Stations in Common Police Stations, Specialized Prosecutors' Offices, the Brazilian Women's House, the General Health Service and Health Services aimed at dealing with cases of sexual and domestic violence (COSTA, 2021, p.24), which play a fundamentally important role in tackling violence against women.

In that respect,

The network for combating violence against women is defined as an articulated action between governmental and non-governmental institutions and the community, aimed at effective prevention strategies and policies that guarantee women's empowerment and their rights. The care network is defined as a set of actions and services from different sectors (social assistance, justice, public security and health), which aim to provide comprehensive and humanized care (COSTA, 2021, p.25).

This analysis can be admitted as true when considering Law No. 13.104/2015, or the Femicide Law, which provides for the criminalization of the death of women involving domestic and family violence, discrimination or disregard for the victim's status as a woman, making this a qualified homicide, classified as a heinous crime, whose penalties can vary between 12 and 30 years in prison (Magalhães, 2022); (Teles, 2023).

However, it's important to consider that toxic patterns are deeply rooted in Brazilian culture and, consequently, in Brazilian society, and it's not enough to just change the legal aspects of this in order to bring about real change. Thus, gender violence can result not only from the imposition of male power, but also from the consequences that the seizure of this power has reflected and still reflects socially, analyzes Magalhães (2022).

Thus, even years after these laws came into effect, there has been no real reduction in the number of femicides or violence committed against women, which once again shows that criminalization is important, but raising awareness is fundamental. According to Araújo and Santos (2022, p.137), "it is important to emphasize that both men and women can identify with a type of masculinity".

Studies such as those by Cabrera (2023), Franco (2018), Lopes (2022), Teles (2023), as well as other authors cited in this brief analysis, determine the crisis of masculinity, as it is known, in that:

The market and advertising have also discussed toxic masculinity. Advertising is certainly always attentive to social phenomena, as it looks for new trends and market opportunities. In this sense, observing the ongoing changes that are continually transforming masculine ideals, their place in social relations and their contemporary ways of being and expressing themselves, brands are in a continuous process of repositioning expressed through advertising discourse aligned with feminist issues (Cabrera, 2023, p.11).

In this context, the current discussion on the subject expresses substantial changes in relation to social acceptance of the abusive and arbitrary male power in force, objecting to its hegemony within the established gender system

As can be seen throughout this discourse, it is thanks to this evolutionary leap in consciousness that behaviors previously accepted as standard have come to require adjustments, and new concepts have emerged as a way of elucidating, reflecting on and debating the problem, as we intend to analyze.

## **Scenarios of Violence**

In Brazil, gender equality came late, through the 1988 Constitution. It was only then that equal rights for men and women were recognized (Oliveira, 2013). This milestone opened the way for a series of achievements.

However, the data does not allow us to ignore the fact that violence against women over time has conflagrated a problem of vast magnitude that is reflected today, especially with regard to domestic violence (Magalhães, 2022).

According to the definitions established by the United Nations on violence against women and summarized by Balbinott (2018, p.240), conceptually,

Gender-based violence is an expression used to refer to the various acts practiced against women as a way of subjecting them to physical, sexual and psychological suffering, including various forms of threats. It is characterized, in particular, by the imposition or pretension of subordination and control of the male gender over the female.

It should be noted that population studies carried out in various countries show that, since the mid-1980s, the prevalence of acts of violence against women has come from their intimate partners, i.e. husbands, partners and boyfriends, followed by family members, says Magalhães (2022).

The culmination of violence against women is death. This act is called femicide, i.e. a crime committed because of gender. In this sense, the number of deaths recorded as a result of gender conflicts in which women are the victims shows that the crimes are

generally committed by men, as well as situations of abuse in the domestic environment, threats or intimidation, sexual violence, among others. These acts are carried out, in particular, by current or former partners (Magalhães, 2023).

Therefore, it would be correct to say, as Garcia et. al. agree. Al (2016), that intimate partners are primarily responsible for the murder of women. According to the author, 40% of all femicides worldwide are committed by an intimate partner.

On the other hand, there has been a 6% reduction in the number of men murdered by their partners. This means that the number of women murdered by their partners is statistically 6.6 times higher than the proportion of men murdered by their wives and partners (Garcia, 2016).

In this conflictive context, over a ten-year period in Brazil, between 2001 and 2011, it is estimated that there were 50,000 femicides, equivalent to around 5,000 deaths a year, when compared to the total Brazilian population during this period. Data indicates that the majority of these deaths were the result of domestic and family violence, since one third of these cases occurred in the victim's home (Garcia et al. Al, 2016).

And those numbers are rising. According to Costa (2021, p.11),

In 2015, Brazil enacted Law 13.104/15, the Femicide Law, which amended the Brazilian Penal Code, making the penalties for the crime of femicide more severe. However, data from the Public Security Forum (2019) shows that since 2016, the year after the femicide law was implemented, the number of murders of women has risen, from 929 in 2016 to 1,326 in 2019.

In Brazil, the Bulletin *Elas Vivem*, published in 2023, warns and informs that:

Femicide is a crime with a signature. Most of these cases happen where it's actually supposed to be safe and where people can be trusted: in the family. *Elas Vivem* found that 75% of violence is perpetrated by partners or ex-partners. In many cases, these aggressors don't just target their partners, but also their children and other relatives, and then try to take their own lives (Neves, 2023).

In this sense, we agree with Borges and Lucchesi (2015, p.218), when they infer that: "(...) gender-based aggression is a complex phenomenon and will certainly not be prevented by measures designed within the masculine order that organizes our social structures."

Brazil has sought to remedy the problem of violence against women by severely punishing and criminalizing the male aggressor, with the victimized woman in the background, whose abuse seeks to be minimized "(...) through paternalistic state policies to assist the victim; that is, male solutions have been sought for a problem created precisely by male domination" (2015, p.218).

### ***Measures to combat violence against women in Brazil***

Violence is one of the most serious problems in the world today, and is one of the main causes of death for people between the ages of 15 and 44. In this sense, it is clear that the abuse of power or the intentional use of physical force, whether against a person or a group, has disastrous consequences and impacts. However, it should be emphasized that violence has different perspectives for men and women: the former suffer violence in external spaces, usually perpetrated by another man; the latter are subjected to male

violence in private and domestic spaces, with their partner as the aggressor (Brasil, 2003, p.9) <sup>3</sup>

In order to inhibit domestic violence against women, the Brazilian legal system has not only created laws aimed at punishing crimes against women, but has also established measures to protect and assist these victims, including the provision of a multidisciplinary team. However, we can see that actions are being taken to raise awareness and protect this clientele, without taking into account the fact that the aggressor is the same person who gives rise to the problem, contributing to an even greater increase in cases of violence, according to Oliveira, (2020) <sup>4</sup>.

Brazil's Federal Constitution gives terms to domestic violence in its 8th paragraph, art. 226, which states that: "The state will ensure assistance to the family, in the person of each of its members, creating mechanisms to curb violence in relationships" (Brazil, 2003, p.9).

In 2003, the National Policy to Combat Violence against Women was published, which is ultimately responsible for establishing guidelines, concepts, principles and actions aimed at combating and preventing gender-based violence, as well as providing assistance and guarantees to this clientele, under the terms dictated by international human rights and national standards (Oliveira, 2020, p. 11).

That same year, through Law No. 10.778, compulsory notification of violence against women was created, which notifies domestic and sexual violence, among others. Implemented through the Notifiable Diseases Information System (SINAN), under the Ministry of Health (Costa, 2021).

This notification has the intrinsic objective of prevention, assistance and guaranteeing rights, where Costa (2021, p.23) states that,

According to the National Policy for Women (2011), the Ministry of Social Security has signed an agreement with the Secretariat for Women's Policies to file regressive actions in cases of pensions caused by domestic violence. With this, the aggressor is held accountable and the state is not left with the costs of the violence. It is yet another acknowledgement by the state of the extent to which domestic violence makes it impossible for women to be autonomous. It is also yet another way of penalizing and holding the aggressor responsible for the damage caused to women and the state, which in many cases, when it doesn't cause the victim's death, leaves them with physical and mental sequelae for life.

An analysis of the legal provisions of Law No. 11.340/2006, or the Maria da Penha Law, shows that they deal with the prevention of gender violence, either by trying to prevent the crime or by seeking instruments to prevent recurrence. In this sense, "whenever the legal norm raises this type of concern, it is characterized as criminal policy," says Oliveira (2020, p. 9).

Furthermore, the Maria da Penha Law provided for the creation of courts with multidisciplinary service teams, duly integrated by qualified and specialized

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<sup>3</sup> Brazil (2003). Presidency of the Republic. Special Secretariat for Women's Policies. Ministry of Health, Brasília; s.n; 2003. 66 p. ;illus. Available at: < [Brasil. Presidência da República. Secretaria Especial de Políticas para as Mulheres](#) >. Accessed at: nov 03, 2023.

<sup>4</sup> Oliveira, J.C.R.D. (2020). Preventive Public Policies: the re-education of men who commit acts that offend the integrity of women according to the Maria da Penha Law. FACNOPAR Course Conclusion Paper. Apucarana, 2020. Available at: < [89b2e0553db5a034e17e3d54ca30bb5e.pdf \(facnoper.com.br\)](#) >. Accessed at: november 03, 2023.

professionals. According to Costa (2021, p.25): "Specialized Prosecutor's Offices - the Specialized Prosecutor's Office prosecutes crimes of violence against women. It also acts to supervise the services of the care network" (Costa, 2021, p.23).

In 2009, Law No. 10.778/09 on compulsory notification of violence against women was enacted by the three different spheres of government, and it can be said that progress has been made. At this time, the reference centers and women's defense offices were created, as well as the care and assistance networks for women in situations of violence (Costa, 2021).

In this sense, Costa (2021) considers that these policies have been positive, "(...) in terms of bringing women closer to their rights and the protection of justice, boosting the empowerment and autonomy of women in situations of violence practiced by their spouse in the domestic sphere" (Costa, 2021, p.23).

According to the National Policy to Combat Violence Against Women, the policy's priorities and actions revolve around expanding and improving the assistance network with regard to the care and health of women in situations of violence, promoting and guaranteeing rights to combat violence, prevention through the production, systematization and reporting of data on violence through compulsory notification, for example (Costa, 2021, p.23).

As a way of reinforcing this, Law 12.845/13 (The Next Minute Law) promoted guarantees that are not limited to the diagnosis and emergency treatment of injuries caused by the aggressor. Victims should have access to comprehensive care that includes medical, psychological and social support, the administration of medication against pregnancy and sexually transmitted diseases, the collection of material for HIV testing, the facilitation of reporting the incident and the provision of guidance on their legal rights and available health services (Costa, 2021, p.24).

From the same perspective, N<sup>o</sup> 13.104, also known as the Femicide Law, was enacted in 2015. The intrinsic principle of this legal provision is to classify homicides committed against women in Brazil as heinous (Oliveira, 2020, p. 10), which is important to consider:

The law was created on the advice of the Joint Parliamentary Commission of Inquiry into Violence Against Women. The UN called on states to expand national legislation so that they could penalize the perpetrators of murders and violent acts against women. Violence against women is considered to be any type of act, action or omission, based on gender, that can cause death, physical or psychological suffering to women, whether it occurs in the public or private sphere (Oliveira, 2020, p. 10).

The phenomenon of gender-based violence affects women of all societies, ages, social classes, educational levels, sexual orientation, races and ethnicities. In this context, it is a problem linked to power, in which, on the one hand, there is the domination of men over women and, on the other, the dominant ideology that supports it. It should be noted that regardless of the type of violence practiced against women, all of them are based on the inequalities that prevail in societies and all of them harm women's citizenship and represent a violation of human rights (Brazil, 2003, p.9).

It should be noted that a large number of aggressors are part of the intimate circles of women in situations of violence, with black and brown women, among the youngest, accounting for a higher percentage than white women. According to data provided by the



Atlas of Violence, Oliveira (2020) explains that many of these women remain silent because they don't feel safe enough to assert their rights.

According to the author, "This can happen for two reasons: 1) fear that the complaint won't succeed, and that the aggressor won't pay for the act he committed; 2) they don't want to talk about it so as not to relive what happened" (Oliveira, 2020, p. 13).

In order to curb the high numbers registered in the country, Brazil has become a signatory to several international agreements related to gender violence, with the aim of reducing the high rates of violence throughout the country, which includes the state of Bahia, the basis for the analysis in the following chapter.

## **Gender Violence in Bahia**

Salvador is the current capital of the state of Bahia and, historically, it was also the first capital of the Portuguese colony in Brazil. According to the IBGE (Brazilian Institute of Geography and Statistics) <sup>5</sup>, Bahia has an area of almost 565,000 km<sup>2</sup>, making it the largest state in the Northeast in terms of land area and the fifth largest in Brazil. Data from the 2022 census indicates that the population of Bahia totals 14,136,417, of which 7,317,534 are women and 6,508,424 are men (IBGE, 2023).

However, although the number of women exceeds that of men in the state, the data on violence against women is alarming and places it at the top of the ranking, not only as the largest, but also as the most violent in the Brazilian Northeast.

Cases are constantly being reported, as can be seen in the example of an article in the newspaper G1 Bahia, published in 2021, which reports that 29 cases of violence have been recorded in Bahia, including rape, although it warns that "(...) the number of victims may be much higher, as many find it difficult to report, due to shame and fear that family members will know what happened and due to the slowness of the justice system in prosecuting and convicting aggressors". The article goes on to say that this evidence does not only expose victims to the crime they have suffered, but also to the consequences of this stigma imposed on society (SOUZA, 2021).

In an interview, Costa (2021) reports that:

The SPM-BA employee reported that the biggest difficulty in drawing up public policies for women in Bahia is the lack of sufficient financial resources, both to hire more people, since today the secretariat has only 10 technicians who do virtual and face-to-face work in the coordination of the fight against violence. He warns that the amount of manpower is insufficient, taking into account that Bahia has 417 municipalities for the number of 10 employees who need to fulfill the agenda in all the municipalities (Costa, 2021, p.37).

Data from the Security Observatory Network from 2021, placed the state of Bahia in 3rd place in cases of femicide in the Brazilian ranking. Between 2017 and 2020, the number of femicides in the state rose from 74 in 2017 to 113 in 2020 (BAHIA, 2021 apud Costa, 2021, p.27).

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<sup>5</sup> IBGE, Brazilian Institute of Geography and Statistics. Population Projection, Bahia, 2023. Available at: <[IBGE | Cidades@ | Bahia | Pesquisa | Projeção da população | População projetada | 2022](#)>. Accessed at: october 20, 2023.

Costa (2021, p.27) warns that the lockdown, a result of the security measures adopted during the COVID-19 pandemic, caused the number of victims to increase by 150% in cases of femicide in May 2020 alone. In this scenario, "according to data from the Violence Monitor (2020), there were 57 femicides in the first half of 2020, and 48 in the same period of 2019."

However, the evidence shows that the pandemic does not justify the increase in cases in the state, since, in 2022, Bahia remained in the position of the national ranking, being the state in the Northeast with the highest number of femicides, registering 91 cases, about one per day, points out the bulletin *Elas Vivem: dados que não se calam* (SPM, 2023).

According to Costa (2021, p.38):

(...) Bahia has only 15 DEAMs and they are distributed in 14 cities, and the state has 417 municipalities. These figures demonstrate a deficiency in Bahia's network for dealing with violence. The importance of the network is ratified in the National Policy to Combat Violence Against Women (BRASIL, 2011). The policy's priorities and actions revolve around the expansion and improvement of the assistance network with regard to the care and health of women in situations of violence, the promotion and guarantee of rights to combat violence, and prevention.

Larissa Neves, a researcher at the Security Observatories Network, warned in an interview about the need for greater judicial protection for women victims of violence in the state, since many cases are underreported, which is an aggravating factor (SPM, 2023).

In an analysis of women seen at Delegacias Especializadas de Atendimento à Mulher (Deam's) it can be seen that:

"Most of these women (victims of violence) can't even report it. We are facing a problem that is social and requires the commitment of society as a whole, especially public management. The increase in registration in the general data (of all the states analyzed by the network), grew 8% from 2020 to 2021, and 8.61% from 2021 to 2022" (SPM, 2023).

It should be noted that, although the data is discouraging, progress has been made in recent years with the creation of laws, public policies and other measures to curb gender-based violence, such as the Specialized Women's Police Stations (Deam's) that have been set up across the country.

However, situations like this are a frequent occurrence:

In Bahia, we have 15 specialized police stations (Deam) throughout the territory - these units are responsible for developing actions that protect victims from potential aggression. And the situation is still challenging because none of the state's Deams are open 24 hours a day. All of them are open only during business hours. Two of them are in Salvador - Paripe and Brotas - and are the only ones in the state with extended service, one of the stipulations of the new Federal Law No. 14.541, which determines the creation and uninterrupted operation of Specialized Women's Police Stations. The others are spread across 13 other municipalities. Despite this progress, the Deams cover only 3.5% of Bahia's territory, given that it has 417 municipalities (Neves, 2023).

This data reinforces the assertion that most of these tools are deficient, making up an apparatus that punishes the consequence of the act, without seeking to resolve the

cause. In this sense, it is believed that the pure and simple criminalization of violence against women is not enough to solve the problem, although it works as a palliative measure capable of containing an even greater growth in numbers in the short term.

However, actions that stimulate debate, reflection and awareness, although they require a greater investment of time, can be more efficient in the long term by helping to re-signify mistaken socio-cultural scenarios, cooperating in the development of a more equitable and fair society, as suggested by most of the authors in this study.

## Conclusion

Gender-based violence in Brazil has reached alarming levels and studies show that many Brazilians carry some form of prejudice against women, as demonstrated throughout this analysis.

It was noted that the state of Bahia leads the Northeast in cases of violence against women, listing the highest number of femicides between 2022 and 2023, and is also the state with the highest rate of growth in relation to gender violence, with at least one case recorded every day (Neves, 2023).

The question therefore arose in this investigation: where does the fight against gender violence in Bahia stumble? In response, it was understood that the pure and simple criminalization of the act of violence is not an efficient solution.

In this sense, this study sought to reflect on the context of violence expressed in this scenario, trying to analyze the factors that influence the increase in cases of violence and femicides in the state, in order to understand the main obstacles to reducing this situation.

Thus, new concepts emerge as answers to the emerging search for a new meaning for misogynistic behaviors acquired culturally and perpetuated over generations.

It has therefore become clear that the criminalization of violence against women under the Maria da Penha Law and subsequent laws may not achieve the desired results if, together, actions are not taken to promote a real change in behaviour in relationships between the sexes, with a view to curbing the pattern that has been ingrained in the country's social scene until now, and consequently in the state of Bahia. In other words: measures capable of enabling a leap in consciousness.

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*The stone in the middle of the road: where does the fight against gender violence in Bahia stumble?*