

President's Newsletter

F E M I C I D E --- D R A F T 1

1. Defining Femicide

Femicides (sometimes referred to also as feminicide or gender-related killings), are specifically defined as the killing of a woman because she is a woman, or the killing of a girl because she is a girl (<http://unstudied.org/about-uns/acs/acs-vienna/projects/femicide>). Femicide, according to the UN, is the extreme and ultimate manifestation of existing forms of violence against women in patriarchal societies. Crimes of this kind reinforce the idea that women are sexual objects and belong to men. For a case to be considered femicide, there must be an implied intention to carry out the crime, as well as a demonstrated connection between the crime and the gender of the victim.

“Femicide” was proposed as an alternative to the gender-neutral term of homicide which overlooks the realities of inequality and systematic violence against women. Femicides are also sometimes referred to as “crimes of passion” (predominantly in the European context), “honour killings” (mostly in the Middle Eastern context) or **gendercide** (http://www.unicef.org/emerg/files/women_insecure_world.pdf). “Gendercide”, however, is criticised for perpetrating the taboo of the subject of the murder of females. Thus, “femicide” is most commonly used.

The usefulness of the concept of femicide has been widely debated. The UN Special Rapporteur highlights that the term could be usefully adopted when holding governments to account at the international level, as it highlights the impunity and the institutional violence aspect of such crimes, which are caused by States’ acts or omissions. Institutional violence against women and their families is present in all aspects of States’ responses to the killings of women. Hence, femicide/feminicide is recognised as a State crime tolerated by public institutions and officials (http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A.HRC.20.16_En.PDF).

The global extent of femicide is estimated at approximately 66,000 victims per year for the period between 2004 and 2009. This represents about almost one-fifth of all homicide victims for an average year. Violence against women is institutionalized to lesser or larger extents through family structures, social and economic frameworks, and cultural and religious traditions. Culturally and socially embedded, femicide continues to be accepted, tolerated or justified—with impunity as the norm. Due to the fact that it is so deeply institutionalized, violence against and the targeted killing of women often remains unrecognised, under-reported or neglected by national law enforcements (<http://www.unwomen.org/en/news/stories/2013/5/un-women-calls-for-urgent-and-effective-action-against-femicide>).

2. Forms of Femicide

Femicide refers to both the active/direct incident of the gender-related killing of women and girls, with clearly defined perpetrators, as well as its passive and indirect occurrence. Studies find that out of different modalities of femicide, **intimate femicide – i.e., the killing of the woman by her male intimate partner – appears to be predominant.**

A **2013 ACUNS report “The Killing of Women and Girls around the World”** defines 11 different forms of femicide: 1) The murder of women as a result of intimate partner violence, 2) The torture and misogynist slaying of women, 3) The killing of women and girls in the name of “honour”, 4) The targeted killing of women and girls in the context of armed conflict 5) The dowry-related killings of women; 6) Female infanticide and gender-based sex selection femicide; 7) Genital mutilation related femicide; 8) The killings of women due to accusations of sorcery and/or witchcraft 9) the Femicides

associated with gangs, organized crime, drug dealers, human trafficking, and the proliferation of small arms; 10) The killing of aboriginal and indigenous women and girls because of their gender and finally, 11) The killing of women and girls because of their sexual orientation and gender identity. Details on the different forms of femicide can be found here: <http://acuns.org/wp-content/uploads/2013/05/Claire-Laurent.pdf>.

The **UN Special Rapporteur** furthermore defines the death of girls or women from simple neglect, through starvation or ill-treatment; and deliberate acts or omissions by the State as forms of femicide (http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A.HRC.20.16_En.PDF).

3. Risk factors for perpetration of and victimization related to femicide

A report on “**Understanding and Addressing Violence against Women**”, published by the WHO and Pan-American Health Organisation, outlines the most prevalent risk factors for being a victim of femicide identified across studies. At the individual and/or family/relationship level, these include pregnancy or the link between intimate partner violence and maternal mortality, prior abuse by the perpetrator, presence of a child from a previous relationship which is not the biological child of the perpetrator, estrangement from the partner and leaving an abusive relationship.

The report furthermore identifies the most common risk factors for perpetration. These factors include unemployment, Gun ownership (especially in the USA but also in countries with high levels of gun violence, such as South Africa, and in conflict and post-conflict settings), forcing sexual intercourse on a partner, problematic alcohol use and illicit drug use and mental health problems (especially for femicide-suicide, in which the male perpetrator kills himself after killing his female partner).

At the societal level, the most prevalent risk factors for both the perpetration and victimisation related to femicide are identified as gender inequality, including low number of women in elected government and reductions in government social spending on areas such as health and education (i.e. government final consumption expenditure). NGOs, national governments and international organisations seek to actively address and target these societal problems.

Report accessible via: (http://apps.who.int/iris/bitstream/10665/77421/1/WHO_RHR_12.38_eng.pdf). A summary of a report on **Domestic Violence Homicide** specifically can be found via: http://www.ncdsv.org/images/FWV_PredictorsDVHomicide_2004.pdf.

4. Regional Case Studies

i. Latin America

Increasing rates of violence against women have been reported across Latin America and of the 25 countries with the highest femicide rates, more than half are in the Americas (<http://www.ohchr.org/EN/NewsEvents/Pages/EndingImpunityLAC.aspx>). UN Deputy High Commissioner for Human Rights Kyung-wha Kang pointed out that in 2011, a recorded number of 647 women were killed in El Salvador, 375 in Guatemala, and that currently, femicide is considered the second leading cause of death of women of reproductive age in Honduras. Recent research conducted by the UN Human Rights Office finds that the increase in organized crime, human trafficking, drug trafficking and the proliferation of small arms as major reasons for staggeringly high feminicide rates.

According to a 2011 study, **El Salvador** has the highest, still increasing, rate of femicide in the world (http://www.genevadeclaration.org/fileadmin/docs/GBAV2/GBAV2011_CH4_rev.pdf).

According to local women's rights groups, the killings are fuelled by impunity, machismo, and the weakness of a state that has failed to understand the magnitude of the problem, according to women's rights groups (<http://www.ipsnews.net/2013/04/impunity-machismo-fuel-femicides-in-el-salvador/>).

In the incidence of homicides against women globally, **Mexico** is currently ranked on place 16. Cases of femicide in Mexico have seen a steady increase since the year 2007 (http://www.unwomen.org/~media/headquarters/attachments/sections/library/publications/2013/2/feminicidio_mexico-1985-2010%20pdf.pdf). A report presented before the Committee on the Elimination of all forms of Discrimination against Women (CEDAW) in 2012 thematises "**Femicide and Impunity in Mexico: A context of structural and generalized violence**". It argues that there exists a systematic pattern of impunity in Mexico as well a lack of statistical data and records on incidents of femicide in Mexico. Thus, many cases involving violence against women continue to go without a formal investigation, judgment and sanctions by the justice system, both at the Federal and local level. The full report can be found via: http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CDDandCMDPDH_forthesession_Mexico_CEDAW52.pdf.

ii. Europe

While figures for homicides have tended to fall in Europe in recent years, figures for domestic homicides – which are the cases that affect women the most – have not fallen. The European Commission **Daphne Project 2007-2013** included a research on Intimate Partner Violence (IPV)-related mortality in Europe (EU27). The outcomes are alarming: the project suggests that in Europe there are approximately 3.500 IPV-related deaths every year, making for 9 deaths a day, 7 of whom are women and girls (http://ec.europa.eu/justice/grants1/programmes-2007-2013/daphne/index_en.htm).

Furthermore, a **2013 EuroLat working document** finds that "half of the women murdered in Germany died at the hands of their partner/spouse or former partner/spouse, while in France the number of women murdered in 'domestic violence' has risen in the last years by more than 20 %. In Italy too, feminist organisations report a sustained increase in femicide in recent years.

5. Documenting Femicide

It is of crucial importance to establish violence against women surveys as regular statistical exercises within all national statistical systems, thus ensuring regular and accurate monitoring of femicide cases. However, collecting correct data on femicide is challenging. In most countries, police and medical data-collection systems rarely have the necessary information or do not report the victim-perpetrator relationship or homicide's motives. Whilst in the United States, femicide research is abundant, European agencies have funded many initiatives on gender and violence but not specifically on femicide. Academic research on femicide, too, is still at infancy and often remains uncoordinated.

In Europe, **The Action** has now established "the first pan-European coalition on femicide with researchers already studying the phenomenon nationally, in order to advance research clarity, agree on definitions, improve the efficacy of policies for femicide prevention, and publish guidelines for the use of national policy-makers" (<http://www.femicide.net/>).

National documentation in Europe mechanisms are advancing as well. In the UK, for instance, the first census on women killed by men, called **Femicide Census**, was launched at a special conference in February 2015. The database includes a wide range of information about women who have been killed

by fatal male violence, the perpetrators and the incident of murder itself. (<http://www.womensaid.org.uk/page.asp?section=00010001001400130010#femcensus>).

In response to the femicide crisis in Latin America, ECLAC (Economic Commission for Latin America and the Caribbean) established an extensive database on murder cases of women by their intimate partners. The complete database is published and accessible via CEPALSTAT (<http://interwp.cepal.org/sisgen/ConsultaIntegrada.asp?idIndicador=1345&idioma=e>). Furthermore, the **UN Human Rights Office and UN Women** created a **Model Protocol** for the independent investigation of gender-related killings in Latin America (www.ohchr.org/Documents/Issues/Women/WRGS/ProtocoloLatinoamericanoDeInvestigacion.pdf).

Each year, on the occasion of the International Day on the Elimination of Violence against Women, the **Vienna Liaison Office of the Academic Council on the United Nations System (ACUNS)** organizes a symposium on a different theme related to the most extreme forms of violence, including femicide. Moreover, the organisation assisted in drafting and supported the adoption of General Assembly Resolution 68/191 “Taking action against gender-related killing of women and girls”. In 2014, ACUNS launched a second Volume of "**Femicide: A Global Issue that Demands Action**", including resolutions and legal instruments from UN bodies, statements of high-ranking officials, and country/ regional reports on femicide (http://www.genevadeclaration.org/fileadmin/docs/Co-publications/Femicide_A%20Gobal%20Issue%20that%20demands%20Action.pdf). In March 2015, ACUNS published a Third Volume called "**Femicide: Targeting of Women in Conflict – A Global Issue that demands Action**". Volume III can be accessed via: http://acuns.org/wp-content/uploads/2015/04/Femicide-III_Core-Stanzell.pdf.

6. Action at the Latin American and European Level

In Latin America, the **Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women**, known as the **Belém do Pará Convention** contains specific obligations on States Parties which must act with due diligence to prevent, punish and eradicate violence against women, both in the public and private spheres (<https://www.oas.org/en/mesecvi/docs/BelemDoPara-ENGLISH.pdf>).

In October 2007, the European Parliament adopted a **resolution on the murder of women (femicide) in Mexico and Central America** which specifies the role of the European Union in fighting the phenomenon (The full document can be accessed on: http://www.europarl.europa.eu/intcoop/eurolat/assembly/plenary_sessions/athens2014/adopted_docs/femicide/1026102en.pdf). The EP has renewed its condemnation of femicide in its latest Annual Human Rights Reports. Femicide is also mentioned in the **EU Guidelines on Violence against Women** adopted by the EU Council in December 2008.

The **Istanbul Convention adopted in 2011** presents the first official international treaty on femicide at European level, even though it has not yet received the number of ratifications required to enter into force. The Convention contains specific obligations on countries in regard to violence against women and children, creating a common base that will lead to the adoption of similar laws and policies in the different countries (<http://www.coe.int/t/dghl/standardsetting/convention-violence/>).

In March 2014, the **Euro-Latin American Parliamentary Assembly** passed a **Resolution on femicide in the European Union and Latin America** which calls for the application of joint action and efforts by Latin America and Europe, based on dialogue, cooperation and reciprocal exchange of best practices between countries in order to prevent, punish and eradicate it (http://www.europarl.europa.eu/intcoop/eurolat/assembly/plenary_sessions/athens2014/adopted_docs/femicide/1026102en.pdf).

7. UN Action and General Assembly Resolution 68/191

According to the 1993 **Declaration on the Elimination of Violence against Women**, violence against women "means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life". This definition fails to include explicitly violence that can lead to death and consequently misses an important component of violence against women. The IAW could advocate for such a kind of resolution.

In December 2013, the UN General Assembly adopted **Resolution 68/191 on Taking action against gender-related killing of women and girls**. The Resolution reaffirms the Declaration on the Elimination of Violence against Women, the Convention on the Elimination of All Forms of Discrimination against Women as well as the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women. It stresses the obligation of all states *to promote and protect all human rights and fundamental freedoms for all, including women and girls*, and urges States to *strengthen national legislation, where appropriate, to punish violent gender-related killing of women and girls and to integrate specific mechanisms or policies to prevent, investigate and eradicate such deplorable forms of gender-based violence*.

The Resolution furthermore emphasises the *significance of the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice⁷ as a way to assist countries in strengthening their national crime prevention and criminal justice capacities to respond to all forms of violence against women*.

Previously, the **UN Convention on the Elimination of All Forms of Discrimination against Women** and the **Declaration on the Elimination of Violence against Women** had already addressed all forms of violence, which include the killing of women, as acts of violence that are prohibited under international law.

8. The UN Special Rapporteur on violence against women, its causes and consequences

The United Nations Commission on Human Rights in resolution 1994/45, adopted on 4 March 1994, decided to appoint a Special Rapporteur on violence against women, including its causes and consequences. The mandate was extended by the Commission on Human Rights in 2003, at its 59th session in resolution 2003/45.

In May 2012, the UNGA published a **Report of the Special Rapporteur on violence against women, its causes and consequences**, Rashida Manjoo addressing gender-related killings of women

(http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A.HRC.20.16_E_n.PDF). The report specifies the existing international legal mechanisms and practices to prevent femicide, including the UN Convention on the Elimination of Discrimination against Women and the Committee on the Elimination of Discrimination against Women. Furthermore, it outlines national practices such as the adoption of specific legislation, development of awareness-raising campaigns, and provision of training for professional groups.

While it is recognised that States have initiated preventive programmes, remaining challenges include a *“lack of overall societal transformation; inadequate provision of access to justice; the absence and/or insufficiency of the rights-based discourse when addressing the killings of women; and the blindness to structural inequalities and the complex intersecting relations of power in the public and private spheres, which remain the root causes of sex and gender discrimination”*. Moreover, it argues that *“weaknesses in information systems and the poor quality of data are major barriers in investigating femicides, developing meaningful prevention strategies and advocating for improved policies”*. Hence, the report concludes that a more holistic approach to combatting femicide is needed which would address systemic discrimination, oppression and marginalization of women at the political, operative, judicial and administrative levels.

