

Advancing Human Rights and Eliminating Violence against Women: FEMICIDE/FEMINICIDE

THE LAST STEP

In Latin America and the Caribbean the murders of women and young girls have intensified in the last few years. In the 1990s, the murders of women in Ciudad Juárez, Mexico, attracted a flurry of public attention since these incidents affect every country in the region.

Violence against women is one of the most serious problems confronting the region, a problem that in its most extreme form results in the murder of hundreds of women and young girls, and may include torture, mutilation, cruelty, and/or sexual violence. This type of violence has been specifically defined in some countries as *femicide* and in others as *feminicide*.

The murder of women is a culmination of actions characterized by the continued and systematic violation of women's rights and human rights. The term "gender-based killing" was introduced by Diana Russell and Jill Radford in their book *Femicide: The Politics of Woman Killing*, published in 1992. The concept of *femicide* refers to the killing of women because of their gender and its function as a form of domination, power, and control over women.¹

Gender-based killing can exist during times of peace or war. It can be committed by persons known to the victim (husbands, boyfriends, family-members, friends) or unknown (rapists, murderers, criminal groups). What all the murders have in common is that they are rooted in the unequal power relations between men and women, which place women in a position of greater vulnerability and thereby limit their ability to enjoy their rights to life, personal integrity, freedom, and due process.

Femicide/Feminicide exists when the State does not guarantee women's safety or creates an environment in which women's lives are not secure in their communities and at home. It also exists when the authorities do not effectively execute their tasks.

This concept has been adopted by a large number of women's organizations in Latin America and the Caribbean to denounce violence against women and the impunity that allows it to continue.² Using the term *femicide/feminicide* for gender-based killing has helped to undermine the arguments that gender-based violence is a private matter and tendency to blame the victim.

Murdering women constitutes a constant and systematic violation of human rights and women's rights. It also indicates a lack of compliance with the international obligations that States commit to by ratifying international and regional instruments to protect and defend human rights and women's rights.

THE NUMBERS TALK

Lack of data makes it difficult to reveal the real number of gender-based killings that have occurred in the region. Record-keeping systems in different countries do not offer precise data regarding the victim, her relationship with the perpetrator, the specific cause of death, the motive of the crime, or the existence of previous domestic violence. Consequently, investigations rely on the press for information, which results in under-reporting of the actual number of murders in the region.

- **Ciudad Juárez, Mexico** has become emblematic of the rise in the murders of women, which reached almost 300 in 2003. This phenomenon, however, is not limited to Ciudad Juárez. According to a study carried out by the Special Commission on Feminicide, a woman or young girl is murdered every 6 hours in Mexico.

1. Diana E.H. Russell and Jill Radford. *Femicide: The Politics of Woman Killing*. Twayne Publishers, New York, 1992.

2. Ana Carcedo. *Femicidio en Costa Rica, una realidad, un concepto y un reto para la acción*. Isis International, <http://www.isis.cl/Feminicidio>

- A study by the Forensic Institute (Instituto de Medicina Legal) in **El Salvador** revealed that 147 cases of femicide/feminicide occurred between January and May of 2005.
- A study of 57 judicial case files of murders of women in the Greater Metropolitan Area of Santiago, **Chile** (Región Metropolitana de Chile) between 2001 and 2002, revealed 28 cases of femicide, of which 21 were classified as *intimate femicide* and 7 as *non-intimate femicides* (prostitutes murdered by clients and women murdered by rapists, sexual aggressors, etc).
- According to a 2001 study, a woman is murdered by her partner every 12 ½ days in **Uruguay**.
- In the last 10 years, 4,500 violent deaths were reported in **Brazil**; 10% of these cases involved women.
- In **Puerto Rico**, 2004 saw 31 cases of women killed as a result of domestic violence; 32.3% of the victims were married and 12.9% were separated at the time of the murder.³
- In **Colombia** two women are murdered every day as a result of the armed conflict.⁴
- Since 2001, more than 2,500 murders of women have been reported to the National Civilian Police of **Guatemala**. Until April 2006, only 14 of the cases under investigation by the authorities, have resulted in a sentence.⁵
- According to a study undertaken by Defense for Women's Rights (Defensa de los Derechos de las Mujeres, DEMUS), in **Peru**, 100 women were murdered in 2004; 20% of them had previously been victims of violence by the perpetrator and 14% were murdered by a stranger.⁶

CHALLENGES

In spite of the adoption of important mechanisms and policies designed to eradicate violence against women, States have not adequately complied with their obligations to exercise due diligence for the prevention, investigation, prosecution and sanction of the murders of women. Among the biggest challenges are the:

- Lack of adequate attention and political will to confront *femicide/feminicide*.
- Lack of knowledge about or failure to apply international treaties to protect human rights and women's rights.
- Absence of adequate record-keeping systems that can provide precise data and allow for adequate treatment of the problem.
- Shortcomings in investigations, including omissions, errors and negligence, a lack of evidence necessary to prosecute the accused, and, in some cases, the fabrication of evidence.
- Revictimization of the murder victim, showing more interest in her personal life than in uncovering what happened.
- Absence of effective access to justice and assistance to family members in pursuing prosecution of the perpetrators and to eliminate the impunity surrounding violence against women.
- Absence of integrated and coordinated institutional frameworks and strategies to guarantee public security and reduce violence against women.

3. Isis International. Databank on Femicide in Latin America and the Caribbean. <http://www.isis.cl>

4. Isis International. *Informe. El último peldaño de la agresión*. <http://www.isis.cl>

5. Center for Legal Action on Human Rights (CALDH). *Follow-up report on compliance on the part of the Guatemalan State to the recommendations of the Special Rapporteur of the United Nations on Violence Against Women*. April 2006. Available <http://www.wola.org>.

6. *Feminicidio en América Latina*. Document compiled for the Hearing on *Feminicidio en América Latina* before the Inter-American Commission on Human Rights. March 2006. Available <http://www.wola.org>

INITIATIVES

In the last several years, in the face of the rise of gender-based killings in the region, organizations, feminist networks, and women's social movements have defined strategies and presented multiple proposals urging States to take more decisive steps and adopt legislation that takes into account femicide/feminicide as a specific crime. Many of these organizations and networks have also established alliances with other civil society organizations in order to give greater visibility to their actions and initiatives.

- **Special Hearing on Femicide/Feminicide in Latin America before the Inter-American Commission on Human Rights of the OAS.**⁷ In March 2006, a conglomerate of regional organizations and networks working on women's issues and human rights participated in the hearing to increase the visibility of the murders of women and call attention to the States' lack of compliance with their international obligations.
- **Regional Campaign "For Women's Lives, Not One More Death" / "Por la Vida de las Mujeres, Ni Una Muerte +"**⁸ – In 2001, the Latin America and the Caribbean Feminist Network Against Domestic and Sexual Violence launched a three-year campaign within the framework of the International No Violence Against Women Day to call public attention to the rise in the murders of women in Latin America and the Caribbean. Throughout the region, networks and civil society organizations carried out vigils, marches, and street mobilizations to form a common front against this serious problem.
- **CEDAW Inquiry Under Article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women in Regard to Mexico.**⁹ In July 2003, in response to a request submitted by Mexican women's rights organizations and with the support of the Mexican government, the Committee decided to conduct a confidential inquiry into the abduction, rape, and murder of women and lack of due diligence in investigating and prosecuting these crimes in the Ciudad Juárez area of Chihuahua, Mexico. The inquiry included an official visit in 2003 and the presentation of the Committee's findings and recommendations in January 2005.
- **Special Congressional Commission to Monitor Investigations of Femicide in the Republic of Mexico and Administration of Justice (Mexico).**¹⁰ Established in 2003, one of the most important achievements of the Commission, and a first in Mexico, is the use of a diagnostic investigation using official information on the violent deaths of young girls and women. This approach was piloted in 10 states. It will now be applied in all 31 states and the Federal District (Mexico City). The Commission has also put together international workshops to create spaces for reflection and exchange among legislators from Guatemala, Spain, and Mexico.

RECOMMENDATIONS

The eradication of discrimination and violence against women, in particular femicide/feminicide, implies first recognizing it in order to take the necessary and effective steps for its prevention and prosecution.

Given the lack of adequate attention by the authorities to ensure the serious and timely investigation, prosecution, and punishment of those responsible for the murders, local, regional, and international organizations and networks have put forth various proposals on how to confront this problem, including:

At the legislative and public policy levels:

- Eliminating the terms "crime of passion" (*crimen pasional*) and "murder by violent emotion" (*asesinato por emoción violenta*) from the penal code. These terms have resulted in reduced sentences for men who murder their partners.
- Guaranteeing integral and coordinated public policies that take into account the specific needs of women among all State institutions charged with combating violence against women.

7. *Feminicidio en América Latina*. Op Cit.

8. For more information on the campaign, see Isis International, <http://www.isis.cl>

9. To obtain a copy of the report see CEDAW, <http://www.ohchr.org/spanish/bodies/cedaw/>.

10. Diana E.H. Russell y Roberta A. Hermes, Ed. *Feminicidio: una perspectiva global*. Presentation of Marcela Lagarde y de los Ríos. Centro de Investigaciones Interdisciplinarias en Ciencias y Humanidades. Universidad Nacional Autónoma de México, 2006.

At the State institutional level:

- Promoting efforts to gather data in a coordinated and consistent manner. Various organizations have proposed standardizing statistics on violence against women and specifically femicide/feminicide statistics to provide complete and adequate information for the entire region.
- Implementing measures for the application of due diligence necessary to investigate and solve the murders of women, prosecute and punish those responsible, and provide access to protection and support services for the families of the victims.
- Promoting and implementing gender training and sensitivity programs for the institutions responsible for public security and the administration of justice in the hopes of improving their response to victims and their families.

At the civil society level:

- Monitoring, on an on-going basis, compliance with existing obligations such as those contained in international agreements for the protection of human rights and women's rights.

At the community level:

- Launching education and publicity campaigns to promote a "zero tolerance" policy on violence and discrimination against women, explicitly including that gender-based violence can result in the death of the victim (femicide/feminicide).

RESOURCES

Isis International Databank on gender-based killing in Latin America and the Caribbean, including extensive bibliography and documentation. <http://www.isis.cl>

Washington Office on Latin America (WOLA) US-based non-governmental organization that promotes public policies and initiatives to prevent, investigate, and punish murders of women and eradicate violence against women in Mexico and Guatemala. Documents, publications and links on the murders of women in both countries. <http://www.wola.org>

Amnesty International Global Campaign to eradicate violence against women. <http://www.amnesty.org>

Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) Network of women's organizations in Latin America and the Caribbean working for the defense of women's rights in the region. <http://www.cladem.org>

Information and Communication on Women (CIMAC) Daily press reports on women's issues, including gender-based violence in Mexico and Latin America. <http://www.cimac.cerigua.org.mx/portada.html>

Center of Informative Reports on Guatemala (CERIGUA) Daily electronic reports on Guatemala, including a section on women's rights. <http://www.cerigua.org/portal/index.php>

Rapporteur on the Rights of Women of the Inter-America Commission on Human Rights of the OAS Analyzes the means by which the legislation and practices of member states on women's rights comply with obligations established in regional human rights instruments. Official visits and information on Mexico and Guatemala to address the situation of the rights of women, in particular the murders of women. <http://www.oas.org/main/main.asp?sLang=S&sLink=http://oas.org/cim/defaults.htm>

UN Special Rapporteur of the Commission on Human Rights on Violence Against Women Analysis of information and recommendations to the member states on measures to eliminate violence against women at international, regional, and national levels. Reports on official missions to Mexico, Guatemala, and El Salvador to address violence against women. <http://www.ohchr.org/spanish/issues/women/rapporteur/>

UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW)

<http://ohchr.org/english/bodies/cedaw>

United Nations Fund for Women (UNIFEM). <http://www.unifem.org>