



# Femicide

**A Global Issue that Demands  
Action**

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# Femicide

## A Global Issue That Demands **Action**

"We must keep chronicling the fragility of women's lives all over the world. My gratitude to the writers who have been brave enough to expose female infanticide, burning of widows, rape, and other instances of violence against more than one half of the human race."

Erica Jong  
Author of "Fear of Flying"

## FOREWORD

Femicide is the ultimate form of violence against women and girls and takes multiple forms. Its many causes are rooted in the historically unequal power relations between men and women and in systemic gender-based discrimination. For a case to be considered femicide there must be an implied intention to carry out the murder and a demonstrated connection between the crime and the female gender of the victim.<sup>1</sup> So far, data on femicide have been highly unreliable and the estimated numbers of women who have been victims of femicides vary accordingly. Femicides take place in every country of the world. The greatest concern related to femicide is that these murders continue to be accepted, tolerated or justified - with impunity as the norm. To end femicide we need to end impunity, bring perpetrators to justice, and every individual has to change his/her attitude towards women.

To date, the United Nations has not adopted a resolution directly addressing gender-related killings. According to the 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”.<sup>2</sup> This definition fails to include explicitly violence that can lead to death and consequently misses an important component of violence against women.

On the occasion of the International Day for the Elimination of Violence against Women, the Vienna Liaison Office of the Academic Council on the United Nations System (ACUNS) organized a one-day symposium on femicide in the United Nations (UN) Office in Vienna, with the kind support of the Austrian Federal Ministry for European and International Affairs; the Permanent Missions to the UN Office at Vienna of Austria, Argentina, Philippines, Thailand, and the United Kingdom of Great Britain and Northern Ireland; Small Arms Survey and the Vienna NGO Committee on the Status of Women. Member State representatives, social scientists, NGO representatives, law enforcement officials, prosecutors and feminist activists had the opportunity to speak about femicide, explain its meaning and causes, and presented examples of best practice in fighting femicide. Participants agreed in the VDF that there are at least 11 forms of femicide and that the UN must do more to conduct research on the extent of these killings and evaluate programmes set up to combat femicides.

This publication is the result of this symposium and comprises the speeches and presentations of the various experts of the symposium. They discussed the issue of femicide from different perspectives, addressed the problems related to femicide including impunity and proposed comprehensive ways to fight this crime efficiently. In addition to the speeches this publication contains further information about the major forms of femicide. These short articles give an overview of the various crimes, including a description of the extent of the respective form of femicide and best practice examples to fight this crime. The list of examples is by no means exhaustive but all should be considered murder under the law. In September 2012 an important step was taken in El-Salvador to elaborate a “Protocol for

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<sup>1</sup> Kumari, Ranjana. 2013. *How do we Fight Femicide*. Best Practices and Strategies.

<sup>2</sup> General Assembly Resolution 48/104

the investigation and documentation of extreme violence against women”, which can be found in this publication.

This publication also contains the first UN document to focus on gender-based killings, the 2012 report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, to the Human Rights Council. In response to the presentation of this report sixty four states issued a statement that member states “must exercise due diligence to prevent, investigate, prosecute and punish the perpetrators”.<sup>3</sup>

The aim of this publication is to inform practitioners, Member State representatives, NGO workers, legislators, prosecutors and any other relevant actors who can contribute to putting an end to femicide. With this information about the diverse campaigns, we hope that efforts can be combined and strengthened to end this hideous crime once and for all.

Claire Laurent and Michael Platzer

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<sup>3</sup> Human Rights Council, 21st Session. Joint Statement on Gender-Based Killings, Item 8. 20 September 2012



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**1. Symposium on Femicide**  
United Nations Office in Vienna  
26 November 2012

*"I join millions of women and men in thanking you for exposing femicide, the most widespread and wrongly justified violence on earth. The killing of females because they are females threatens national security by destroying gender balance in some nations, and it has now been proven to be the subject/object, victor/victim paradigm that normalizes violence within and between nations. We can no longer afford gender-neutral language or false divisions into cultural and political that conceal femicide on this fragile Space Ship Earth."*

Gloria Steinem

## 1.1. VIENNA DECLARATION ON FEMICIDE

*We, the participants of the Vienna Symposium on Femicide, held on 26 November 2012 at the United Nations Office at Vienna,*<sup>4</sup>

Alarmed by the fact that femicide is increasing all over the world and often remains unpunished, which not only intensifies the subordination and powerlessness of women and girls, but also sends the negative message to society that violence against females may be both acceptable and inevitable,

Recognizing that femicide is the killing of women and girls because of their gender, which can take the form of, inter alia: 1) the murder of women as a result of domestic violence/intimate partner violence; 2) the torture and misogynist slaying of women 3) killing of women and girls in the name of “honour”; 4) targeted killing of women and girls in the context of armed conflict; 5) dowry-related killings of women and girls; 6) killing of women and girls because of their sexual orientation and gender identity; 7) the killing of aboriginal and indigenous women and girls because of their gender; 8) female infanticide and gender-based sex selection foeticide; 9) genital mutilation related femicide; 10) accusations of witchcraft and 11) other femicides connected with gangs, organized crime, drug dealers, human trafficking, and the proliferation of small arms,

Emphasizing that traditions and culture cannot be used as justifications for the violation of women’s human rights, in particular the right to life and the right to be free from violence,

Recognizing that femicide requires efforts on all levels of society to achieve its eradication,

Reaffirming the commitment to work together towards putting an end to femicide, in full compliance with national and international legal instruments,

Recalling the Human Rights Council’s Resolution on Accelerating Efforts to Eliminate all Forms of Violence against Women: Remedies for Women Who Have Been Subjected to Violence (A/HRC/20/L.10), which welcomed the recent report of the Special Rapporteur on gender-related killings, and invited Member States to submit relevant information and remedies,

Taking note of the General Assembly’s Model Strategies and Practical Measures on the Elimination of Violence Against Women in the Field of Crime Prevention and Criminal Justice (A/RES/65/228, Annex), and the research presented on the killing of women by the United Nations Office on Drugs and Crime (Global Study on Homicide 2011),

1. Urge Member States, in respect of their due diligence obligation to protect women as well as to prevent and prosecute femicide, to undertake institutional initiatives to improve the prevention of femicide and the provision of legal protection, remedies and reparation to women survivors of violence against women, in accordance with international treaties and to consider adopting and implementing legislation to investigate, prosecute, punish and redress femicide in line with the effective experience of some countries;

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<sup>4</sup> The Vienna Declaration on Femicide can also be signed online: <http://www.ipetitions.com/petition/vienna-declaration-on-femicide/>

2. Call upon Member States to design, implement and evaluate comprehensive strategies and programmes aimed at removing obstacles that prevent women and girls from enjoying their full rights, including public education programmes and interventions aimed at empowering women and girls as well as sensitizing men and boys, in order to change the mindset of societies, as well as to conduct research on the role of gender-related causes (or motives) of femicide, including misogyny, to inform the above-mentioned strategies and programmes;
3. Urge Member States to support the introduction of a goal on ending violence against women in the post-2015 development agenda with a specific target of reducing by half the number of femicides by 2025;
4. Invite the United Nations Office on Drugs and Crime, the United Nations Entity for Gender Equality and Empowerment of Women (UN Women), the Office of the High Commissioner for Human Rights, UNICEF, the United Nations Development Programme, the United Nations Population Fund and other relevant United Nations agencies and programmes to assist and support Member States in developing and adapting measures and strategies to prevent and respond to femicide as a grave and unacceptable violation of women's and girls' most basic human right to life;
5. Encourage the United Nations Office on Drugs and Crime, UN Women, UNICEF, and other relevant United Nations entities, the institutes of the United Nations Crime Prevention and Criminal Justice Programme Network, and research institutions to conduct relevant research on femicide, including in particular data collection, analysis, evaluation of programs set up to combat femicide, and the role of policies to facilitate efforts to eradicate femicide;
6. Recognize the indispensable work of civil society organizations in fighting femicide worldwide and encourage Member States and donors to support and finance their efforts;
7. Invite the UNODC to identify relevant civil society organizations and facilitate Member States' cooperation with civil society organizations in order to create synergies and make use of all available resources to design implement, and evaluate programs to end femicide;
8. Encourage collaboration between the Human Rights Council, UNICEF, the Commission on Crime Prevention and Criminal Justice, the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women as well as regional human rights mechanisms;
9. Call for the creation of a platform where lawyers, prosecutors, judges, law enforcement officials, academics, feminists, non-governmental organizations, United Nations agencies, governmental and inter-governmental institutions, and other relevant actors could share their expertise and good practices, in order to transfer knowledge across regions.

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OPENING MESSAGE

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I am so pleased to join you for this important meeting with a focus to take action against femicide. I want to thank the Academic Council on the United Nations System and the permanent missions of several governments for bringing all of us together. We can no longer stand by as women are murdered for one reason and one reason only, because they are women. The crime of femicide is growing all over the world and often remains unpunished. It is a human rights violation that is characterised by misunderstanding and impunity. Femicide takes many forms, including murder by intimate partners, so called crimes of passion, and honour killings and also the murder of women in conflict, women accused of witchcraft and women whose murderers are associated with dispute over dowry.

While data on femicide is unreliable and must be improved to properly register and characterize these killings, we do have data that paints a sobering and shocking picture. In Australia, Canada, Israel, South Africa and the United States between forty and seventy percent of female murder victims were killed by their intimate partner. In Guatemala two women are murdered on average each day; in Honduras femicide is considered the second highest cause of death of women of reproductive age; in Bangladesh, in the first half of 2009, 119 cases of dowry related violence including 78 deaths were reported; and in India there were an average of 8000 reported cases of dowry death each year for the period 2007 to 2009.

Femicide is the most extreme manifestation of violence against women and is a gross human rights violation. In response we need to join forces to combat femicide. All of us in UN Women are working very hard to draw attention to femicide, to raise awareness and to develop specific tools to fight this crime. In Latin America we are working in collaboration with United Nations High Commissioner for Human Rights, civil society and some countries on a specific protocol. This **REGIONAL PROTOCOL** is designed to enable effective **INVESTIGATION, DOCUMENTATION** and **PROSECUTION** of femicide. I believe that this regional protocol will make a main contribution to our global efforts to effectively deal with this crime.

All members should strengthen their legislation prohibiting all forms of violence against women and ensure that public institutions such as police forces, prosecution officers and courts remain accountable for the delivery of safety and justice for women and girls. Women and girls subjected to gender based violence must have access to services for their timely protection, safe haven and empowerment to escape life threatening situations. Ending violence against women is at the heart of our work at UN- Women to empower women and advance human rights, freedom and equality.

Together with the UN system UN Women stands ready to work with countries on adopting legal reforms to eliminate all forms of violence against women and girls or also on extending services to survivors and on stepping up activities in prevention. The most effective way to eliminate violence against women is to stop it from happening in the first place.

*Born in Santiago de Chile, Ms. Bachelet, a pediatrician and epidemiologist with studies in military strategy, served as Chilean Minister of Health and afterwards as Minister of National Defense. She was the first female president of Chile from 2006 to 2010. In 2010 Ms. Bachelet was appointed as the Executive Director of UN Women.*

#### Opening Remarks

Femicide is a form of gender-based violence against women and girls leading to their death. Though there are different forms of femicide and a different amount of incidences in various parts of the world, there is one basic and general problem: structural violence in societies. There is no country in the world where there is real equality between women and girls and men and boys. Everywhere in the world women and girls have fewer chances to find well-paid work, acquire wealth and achieve advancement into positions of power.

This situation is even worse in all those countries where women and girls are already discriminated due to a lack of legal provisions promoting gender equality. Greater dependency on families, difficult access to health services and education, combined with limited freedom of movement and limited chances to decide their own way of life are further factors to amplify discrimination and reduce the quality of their personal lives. Legal and societal discrimination of women does not only become visible in areas such as difficult access to education, health systems, paid work, property and power, but also in the greater danger to become victims of violence.

While the greatest danger for men is to experience physical violence or to be killed by other men, violence between women does not happen often. While men experience violence mostly in public space, violence against women takes place in their private sphere, the perpetrators being partners, ex-partners, husbands or other male members of their families. Austria makes no exception: **ONE IN FIVE WOMEN HAS EXPERIENCED VIOLENCE IN A PERSONAL RELATIONSHIP.**

As Austrian Minister for Women I believe that it is one of my most important tasks to promote measures against violence against women and thus break up the vicious and sometimes fatal circle of violence against women. This implies identifying and eliminating the causes for **STRUCTURAL VIOLENCE**. Preventing violence against women and femicide in a sustainable manner can only be achieved through legal and real equality between women and men.

Having said this, I must add that we all know what a long and difficult process this is. It is therefore important to **SUPPORT VICTIMS** of gender-based violence and protect them of further acts of violence. I am glad that in Austria we have comprehensive support systems for victims of domestic violence, legal provisions, as well as **SOCIAL SERVICES**, all of which were made possible through the laws on protection from violence.

Today's symposium provides the opportunity to present best practices against lethal forms of gender-based violence. This occasion should also serve as a call on the international community to act. The „**VIENNA DECLARATION ON FEMICIDE**“ could help with this task. Regarding the causes for violence against women and femicide as its most extreme form, we have to underline that strong political will is called for to provide real equality for women and girls before the law and in society everywhere in the world. To achieve this we need co-operation and the clear commitment of states to reach these goals.

I would like to send my best wishes for an interesting day of working together and learning from each other. Most of all, I wish you success for your endeavors to support women and girls to achieve a life with equal rights and chances, a life free from violence.

*Born in Guntramsdorf, Minister Heinish-Hosek acquired her high school education in Vienna and later graduated the Teacher's College in Baden. She served as an Executive Municipal Councilor in Guntramsdorf. Furthermore, she is a renowned promoter of equal treatment of women in Austria and was appointed Federal Minister for Women and the Civil Service in 2008.*

### Preventing Sexual Violence in Conflict and Post-Conflict Situations

Ambassador Susan le Jeune d'Allegershecque addressed two issues in her speech: (i) the launch of the Foreign Secretary's **PREVENTION OF SEXUAL VIOLENCE IN CONFLICT** (PSVC) and (ii) examples of UK based initiatives to protect women from other forms of violence, such as forced marriage and honour killings. Below is a summary of the key points.

#### *Overview of the Prevention of Sexual Violence in Conflict Initiative*

The crucial months before the UK's G8 Presidency provide us with the opportunity to build the necessary momentum around this initiative and to drive this issue up the global agenda.

Despite extensive efforts the international community has had limited success in tackling sexual violence in conflict. The use of sexual violence against women, but also men and children, in conflict continues. This is illustrated by recent events in Rwanda, Libya, Syria and Bosnia. Millions of women are affected by inhuman treatment sometimes resulting in death and which always causes deep psychological scarring. Only twenty years ago on European soil, rape camps were set up and tens of thousands of women were subjected to sexual slavery and enforced pregnancy.

Foreign Secretary William Hague's meetings with female victims of sexual violence were the catalyst for the PSVC Initiative. These issues have sometimes been pushed to one side because it was too awkward, difficult, controversial or shockingly not important enough to tackle them. This cannot continue.

The PSVC Initiative was launched on 29 May 2012, in the presence of UNHCR Special Envoy Angelina Jolie. It aims to replace the culture of impunity with one of deterrence, by increasing the number of perpetrators brought to justice, strengthening international efforts and co-ordination to prevent and respond to sexual violence and by supporting state building national capacity.

To achieve this, the UK will:

(i) launch a **SUSTAINED CAMPAIGN** through the UK's Presidency of the G8 in 2013 to **BUILD A GLOBAL PARTNERSHIP** to prevent sexual violence in conflict. The objective will be to secure a range of new commitments from G8 Partners to strengthen international efforts to prevent and respond to sexual violence in conflict. We hope that participation will broaden beyond the G8 over time. We are also assessing the need for a new international protocol on the investigation and documentation of sexual violence in conflict

(ii) establish a **SPECIALIST TEAM** of UK experts to deploy to conflict areas to support the UN and civil society to investigate allegations of sexual violence, gather evidence and help build national capacity to do so (to date 70 people have been recruited for this team); and

(iii) increase **ITS SUPPORT TO THE UN SECRETARY-GENERAL'S SPECIAL REPRESENTATIVE (SRSG)** on Sexual Violence in Conflict to bolster their efforts to strengthen national capacity to investigate, prosecute perpetrators of sexual violence and to protect survivors and witnesses. On 25 September 2012 the Foreign Secretary announced £1 million of core funding to the SRSG's office.

Examples of the other UK based initiatives to protect women from other forms of violence or abuse such as domestic violence, forced marriage and honour killings. Ambassador le Jeune d'Allegeershecque also covered a number of issues that are targeted through campaigns by the British authorities to protect vulnerable women in the UK, such as forced marriages and honour killings.

The **FORCED MARRIAGE UNIT (FMU)** is a joint-initiative between the Foreign and Commonwealth Office and the Home Office. In 2011 there were 1468 cases where the FMU gave advice or support related to a possible forced marriage, of which 78 per cent were female and 22 per cent male. Abroad, we work with Embassy staff to rescue victims who may have been held captive, raped and/or forced into a marriage. In the UK the FMU assists actual and potential victims of forced marriage, as well as professionals working in the social, educational and health sectors.

“Honour killings”: a recent case widely publicised in the press is that of Shafilea Ahmed, a seventeen year old schoolgirl who dreamed of becoming a lawyer. Her dreams and ambitions clashed with her parents' desire for an arranged marriage for her in Pakistan. They regularly argued over clothing, money and boyfriends. In 2003 Shafilea was murdered by her parents. They escaped justice for a number of years until Shafilea's younger sister agreed to testify against them in 2010. The things Shafilea wanted to do, are matters we might take for granted. However this woman living in the UK, today, could not take these matters for granted. This only highlights how far we need to come to ensure equality for all women.

Murder, rape and brutalisation of women happen all the time and it happens everywhere. However the British Government is absolutely committed to doing everything it can to stop violence against women. To achieve its objective, the government will devote resources, funding but most importantly **POLITICAL WILL** in order to fight the abuse.

*H.E Ambassador Susan le Jeune d'Allegeershecque joined the British Foreign & Commonwealth Office (FCO) in 1985 and has served in Europe, South East Asia and Latin America. She began her career working on nuclear non-proliferation. Most recently, she has been the FCO's Director for Human Resources, and a member of the FCO's management board. In August 2012, Mrs. le Jeune d'Allegeershecque was appointed Ambassador and UK Permanent Representative to the UN and other International Organisations in Vienna.*

### Welcome Remarks

On the occasion of the International Day for the Elimination of Violence against Women, which was celebrated yesterday, 25 November, I welcome the opportunity to open this Symposium on Femicide on behalf of the Executive Director of the United Nations Office on Drugs and Crime, Yuri Fedotov, and the entire Office.

At the outset of my remarks, allow me to sincerely thank my colleagues of the Academic Council on the United Nations System (ACUNS), the Commission on the Status of Women and the Organization of Small Arms Survey, for having taken the initiative to organize this symposium on such an important topic, “femicide”, which represents the most serious form of violence against women.

I would also like to welcome and thank the distinguished panelists who took time from their very busy schedule to be here today and welcome all the participants who gathered here to attend this symposium, which addresses a dramatic, global emergency.

“Femicide” can be defined as the killing/murder of women because they are women. In the most widely accepted definition, the concept of “femicide” applies to all forms of killings motivated by gender-based discrimination.

As such, **“FEMICIDE” INCLUDES MUTILATION MURDER, RAPE MURDER, DOMESTIC VIOLENCE ESCALATING INTO MURDER, FEMALE INFANTICIDE, DOWRY-RELATED DEATHS, SO-CALLED HONOR KILLINGS, DEATHS FROM HARMFUL PRACTICES OR NEGLECT (SUCH AS STARVATION OR ILL-TREATMENT)**. Whatever manifestation this gender-motivated killings of women takes, “femicide” can be considered as the most tragic and violent form of discrimination against women and gender inequality and it constitutes a serious violation of the human rights of women such as their right to life, not be subject to torture and other cruel, inhuman or degrading treatment or punishment, personal integrity and liberty, and non-discrimination.

Evidence indicates that the majority of gender-motivated killings of women are perpetrated by intimate partners or close family members. As highlighted in the **GLOBAL STUDY ON HOMICIDE 2011**, recently released by UNODC, the most common manifestation of violence against women globally is intimate/family-related violence, which at its most extreme ends in homicide.

As the Study indicates “...indeed, in many countries intimate partner/family-related homicide is the major cause of female homicides, and female homicides rate are much more likely to be driven by this type of violence than the organized crime-related homicide typology that so affects men. For example, in 2008 more than a third (35%) of female homicide victims in countries of Europe were murdered by spouses or ex-spouses and 17% by relatives, while women account for more than three quarters (77%) of all the victims of intimate partner/family-related homicide in



the region. It is for this reason that in many countries the home is the place where a woman is most likely to be murdered, whereas men are more likely to be murdered in the **streets...**".

"Femicide", as all forms of violence against women, is deeply rooted in historically unequal power relations between men and women and it is often embedded in and supported by social values, cultural patterns and practices.

The common denominators of all manifestations of femicide are the **SOCIO-POLITICAL AND ECONOMIC DISEMPOWERMENT** of women and the systematic disregard for equal enjoyment of human rights by women.

As indicated by the Special Rapporteur on violence against women, its causes and consequences, Ms. Rashida Manjoo, "femicide" is also accompanied by the failure and/or willingness of States to exercise due diligence to prevent, investigate, prosecute and punish this crime.

With your permission, I would like to take this opportunity to say a few words on the work the United Nations Office on Drugs and Crime undertakes to prevent and respond to violence against women, whose most violent and serious manifestation is represented by the gender-motivated killings of women.

The normative basis upon which the work of UNODC in the area of violence against women rests, is given by a set of international standards and norms in the area of crime prevention and criminal justice, and primarily the **UPDATED MODEL STRATEGIES AND PRACTICAL MEASURE ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE**, adopted by the General Assembly in December 2010 (resolution 65/228).

The Model Strategies and Practical Measures represent a comprehensive framework to assist States in developing policies and carrying out actions to eliminate violence against women and to promote equality between men and women within the criminal justice system.

They are organized around eleven themes: 1) guiding principles; 2) criminal law; 3) criminal procedure; 4) police, prosecutors and other criminal justice officials; 7) health and social services; 8) training; 9) research and evaluation; 10) crime prevention measures; and 11) international cooperation.

The Model Strategies and Practical Measures, whose aim is to contribute to de jure and de facto equality between women and men, recognize that violence against women is a phenomenon that exists in every country in the world as a pervasive violation of human rights and a major impediment to achieving gender equality, development and peace and they specifically acknowledge the need for an active policy of mainstreaming a gender perspective in all policies, programmes and practices to ensure gender equality and equal and fair access to justice, as well as establishing the goal of gender balance in all areas of decision-making, including those related to the elimination of violence against women.

During the last recent years, within UNODC there has been a programmatic increase in the broad area of strengthening crime prevention and criminal justice system responses to violence against women.

The largest UNODC portfolio of programmes addressing violence against women is in the Southern African region, in particular South Africa, where several activities are on-going, including the establishment of a fourth **ONE-STOP CENTER**, building upon the success of the three previous centers, which have all been handed over to local governments, the implementation of a **VICTIM EMPOWERMENT PROGRAMME** and the **TRAINING**, at sub-regional level, of police officers based on the **UNODC HANDBOOK ON EFFECTIVE POLICE RESPONSES TOWARDS VIOLENCE AGAINST WOMEN**.

In Kenya, the Office, as part of its activities related to the implementation of the UNODC Regional Programme, is currently assisting the government in developing a strategy to prevent and address sexual and gender-based violence, including the development of a training manual for prosecutors on ending sexual and gender-based violence. In the Latin American region, in Argentina, Brazil, Chile, Paraguay and Uruguay, UNODC is implementing a project aimed at improving the countries' capacity to offer support to victims of gender-based violence. To that end, it directs efforts towards increasing the level of knowledge and awareness among relevant government employees and the civil society on questions related to violence against women.

In Afghanistan, UNODC activities focus on the social integration of women released from prison who are vulnerable to violence, while in Viet Nam, UNODC's project "**STRENGTHENING CAPACITY OF LAW ENFORCEMENT AND JUSTICE SECTORS TO PREVENT AND RESPOND TO DOMESTIC VIOLENCE IN VIET NAM**" aims at responding to an urgent need by building the national capacity of the country to fully and comprehensively implement the 2008 Law on Domestic Violence Prevention. The Office has also developed a series of important tools, which have a significant relevance for protecting women such as the **HANDBOOK ON EFFECTIVE POLICE RESPONSES TOWARDS VIOLENCE AGAINST WOMEN** and its accompanying training curriculum, and it is currently in the process of developing relevant training material for prosecutors and judges.

Furthermore, UNODC is part of the **UNITED NATIONS ACTION NETWORK AGAINST SEXUAL VIOLENCE IN CONFLICT**, which is a joint initiative to improve the quality of programming of the different UN entities part of the initiative to address sexual violence in conflict, to increase the coordination of efforts for comprehensive prevention and response services, and to improve accountability. As I mentioned earlier at the beginning of my remarks, "femicide" is a global phenomenon and there are indications, as highlighted by the Special Rapporteur in her recent report to the Human Rights Council of last May, that in some parts of the world gender-motivated killings of women are on the increase.

It is therefore our **COLLECTIVE RESPONSIBILITY** to identify measures and practices that can effectively prevent and combat this wide spreading emergency and to assist countries in implementing those measures and practices. There is a general understanding and agreement that in order to address this phenomenon, there is need to put in place holistic and articulated strategies that simultaneously address the change in social norms, value systems and perception and develop and enforce comprehensive legislation on gender equality, the status of women in society and violence against women.

It is also important to develop and implement specific legislation that distinguishes gender-based and gender-motivated killings of women from other gender-neutral homicides of women as a critical measure to establish patterns and design appropriate and effective responses to eliminate gender-motivated killings of women. In this regard, we should welcome the specific legislation on “femicide” and “gender-motivated killings of women” adopted in the recent years by some countries of the Latin American region and draw upon their experience.

It is also vital to strengthen the state response, particularly the criminal justice one, to this form of violence so as to address in particular the existing problems of poor criminal investigations and underreporting and improve the State’s capacity to effectively investigate, prosecute and punish all forms of violence against women and provide reparation to victims and their families.

Finally, in view of the recognized **SCARCITY OF DATA** on this phenomenon and the difficulty in comparing data, it is imperative to assist countries in developing and strengthening their capacities to gather and analyze data, disaggregated by relevant categories.

I do hope that today’s symposium will indeed provide an opportunity to discuss in depth some of the most effective measures and strategies and will be able to identify a set of specific recommendations upon which the international community, including the United Nations system, can draw to successfully prevent and combat the tragedy of “femicide”.

*Sandeep Chawla, Ph.D., is the UNODC Deputy Executive Director and the Director of the Division for Policy Analysis and Public Affairs. He has been Chief of Research at the United Nations Office on Drugs and Crime (UNODC) since 1994 and since then he has led the development of UNODC’s research and analysis capabilities. He is the Editor of the United Nations Bulletin on Narcotics, which is one of the oldest journals in the field, having been in continuous publication since 1949.*

### Introductory Remarks

On behalf of the Austrian Permanent Mission and the Austrian Federal Ministry for European and International Affairs I would like to warmly welcome you to today's symposium on femicide. I would also like to thank the Academic Council on the United Nations System for this important initiative, bringing together state representatives, UN experts and representatives of civil society.

The International Day for the Elimination of Violence against Women we celebrated yesterday reminds us that too many women worldwide still suffer various forms of physical and psychological violence, the worst being gender-related killings. A study financed by the European Union indicates that there are approximately 3,500 intimate partner violence-related deaths every year in Europe alone. Many more women are killed worldwide by their partners or family members in the name of "honour", by armed groups as a deliberately used "weapon of war" or by traffickers, to name just a few examples.

Figures show that we need to urgently address this issue and the discussions here in Vienna come at a very timely moment. The United Nations Office on Drugs and Crime with its explicit mandate on crime prevention has in the past worked intensely on the prevention of violence against women. We need to build on these achievements. UNODC's work is not only crucial and helpful in raising awareness at an international level about the magnitude of the problem worldwide, it also helps us to better understand the reasons and possible interlinkages when addressing the complex topic of gender-related killings in a comprehensive manner. The numerous experts present at today's symposium will afford us the opportunity to learn more about possible best practices to fight these heinous crimes at a national level. It will also help us to develop further our strategies and identify possible new avenues at international level with a view to ending impunity for such crimes.

In her latest report to the UN Human Rights Council in June 2012, the Special Rapporteur on violence against women, its causes and consequences, Ms. Rashida Manjoo, has shed light on the multi-faceted phenomenon of gender-related killings and has thereby drawn the attention of the international human rights community to this issue. The Special Rapporteur has concluded that acts of femicide *"(...) are not isolated incidents that arise suddenly and unexpectedly, but represent the ultimate act of violence which is experienced in a continuum of violence. Women subjected to continuous violence and living under conditions of gender-based discrimination and threat are always on –'death row, always in fear of execution'"*. Therefore, in order to prevent gender-related killings, states have to follow a **HOLISTIC APPROACH** to investigate and sanction violence against women, including the fight against structural discrimination and wide-spread stereotypes.

As a reaction to the Special Rapporteur's report, a **JOINT STATEMENT ON BEHALF OF 64 STATES** from all regions was delivered at the session of the Human Rights Council last September. This statement also stressed the need for addressing the root causes of gender-related killings and highlighted the necessity to properly investigate acts of

femicide, including the development of international guidelines for the documentation and investigation of gender-based killings. I want to thank Spain for its important initiative to propose such a statement and we are look forward to further discussions on this issue in the Human Rights Council.

It is a very positive sign that in recent years many international actors have increased their efforts on analysing and fighting femicide. In this context I would like to specifically mention the EU. Following the adoption of the **EU GUIDELINES ON VIOLENCE AGAINST WOMEN AND GIRLS AND COMBATING ALL FORMS OF DISCRIMINATION AGAINST THEM** in 2008, issues related to gender-related killings were regularly addressed through various human rights and other policy dialogues with third countries.

During the next Summit meeting of the EU and the CELAC, the Community of Latin American and Caribbean States, at the end of January next year, the 60 member countries will agree to establish a **DIALOGUE ON GENDER ISSUES** as one of the priorities of this bi-regional partnership. Moreover, it is planned – and we very much favour it – that the Head of States and Government should express strong political support for the elaboration of a **PROTOCOL FOR THE INVESTIGATION AND DOCUMENTATION OF CASES OF EXTREME VIOLENCE AGAINST WOMEN**. The aim is to establish a Protocol to be used as a universal reference for all states concerned.

For Austria, women’s rights and the fight against violence and discrimination against women is a corner stone of our foreign policy. As a token of the support for the system-wide UNSG campaign for combating violence against women, Austria regularly contributes to the UN Trust Fund specifically created for that purpose and also provides support for the implementation of the recommendations of the UN anti-violence study co-financed by Austria.

We also believe that the new **COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE**, adopted last year, can help to set new standards in the fight against the worst forms of violence against women, including femicide. As the first legally binding instrument creating a comprehensive legal framework to prevent violence, to protect victims and to end the impunity of perpetrators, it has the potential to influence legal and policy debates far beyond its regional scope. Austria has committed to ratify this Convention in 2013 and encourages other states to do so as well, to ensure its rapid entry into force.

Shockingly, the prevalence of different manifestations of femicide is increasing rather than decreasing on a global level and impunity continues to be widespread. These figures remind us, that we cannot rest on these efforts as long as the prevalence of gender-related killings is increasing. I hope that the symposium today will contribute to raise more awareness within the United Nations system for this vital topic and to bring together key actors to combine their efforts. In this sense I wish you fruitful debates and look forward to the outcomes you will propose for the way forward.

*H.E. Ms. Christine Stix-Hackl has a PhD in Law from the University of Vienna. Her expertise in legal matters of the European Union was demonstrated in her participation in the negotiations on the accession of Austria to the EU. Among many functions, she served as an Advocate General of the European Court of Justice in Luxembourg, before taking the post of Ambassador in that country until 2011.*

### Opening remarks to inaugurate the photo exhibition on the occasion of the

#### Symposium on Femicide

Globally, the prevalence of different manifestations of gender related killings is reaching alarming numbers. It has been calculated to be the leading cause of death of women - more than malaria or other infectious diseases, cancer, or war. Femicide occurs in all countries and in various forms. Gender-related killings are the extreme manifestations of existing forms of violence against women. What is worse is that these manifestations continue to be accepted, tolerated or justified - with impunity as the norm. To abolish violence against women, we need to bring an end to impunity and bring perpetrators to justice.

Thailand has prioritized women's rights in our national agenda. The **NATIONAL CAMPAIGN TO STOP VIOLENCE AGAINST WOMEN**, which I personally support, has been running for five consecutive years and has been very successful. Only six days ago, our Ministry of Social Development and Human Security launched **A CAMPAIGN TO ABOLISH DOMESTIC VIOLENCE**. Likewise, many states are responding to this important issue by adopting specific legislation against femicide, developing awareness-raising campaigns, and providing trainings for professional groups, including the police, prosecutors, and members of the judiciary.

On international front, I am delighted that UNODC, the Office of the High Commissioner for Human Rights, and UN Women are now collaborating on this issue. Thailand stands ready to cooperate with the United Nations on this important issue.

I would like to applaud the Academic Council on the United Nations System (ACUNS) in Vienna for organizing this symposium and this photo exhibition. I would like to thank Claire Laurent whose idea this was to commemorate the International Day for the Elimination of Violence against Women and who collected these photos from a diversity of sources, including prize winning photographers such as Lissette Lemus, Jodie Biber, Walter Astrada and Alice Driver. In our exhibition, several forms of femicide are shown in a graphic way. I encourage you to visit the exhibition at the Multimedia Room with the hope that it will make us all pause and consider how we can contribute to stop this barbarity in the 21<sup>st</sup> century.

*Born in Bangkok, HRH Bajrakitiyabha Mahidol is the granddaughter of HRH King Bhumibol of Thailand. Her professional career started at the Thai Permanent mission to the UN in New York City. Later, she was appointed Attorney of the Office of the Attorney General in Bangkok and in December 2011 she was elected Chairperson of the United Nations Commission on Crime Prevention and Criminal Justice (CCPCJ). She is widely known for her activism regarding women's rights. Currently, she is the Ambassador and Permanent Representative of Thailand to the UN in Vienna.*

Opening Statement

We are all aware that femicide remains a global concern. According to the Report to the Human Rights Council last May by the Special Rapporteur on Violence Against Women, Ms. Rashida Manjoo, gender-related killings of women are reaching alarming proportions. Ms. Manjoo also stressed that such killings are not a new form of violence, but rather are the extreme manifestation of existing forms of violence against women that are culturally and socially embedded and continue to be accepted, tolerated or justified.

From beatings to “honour” killings, from crimes of passion to sexual violence as a tactic of war, from intimate partner violence to dowry-related disputes -- the forms of gender-based killings are varied, but their scope and their impact are equally devastating.

Femicide and other forms of violence against women are unacceptable, whether perpetrated by states or non-state actors, whether in the public or private sphere, in peacetime or in times of conflict.

Indeed the subject of femicide has reached such a level of intensity, severity and complexity that it truly merits to be brought to the forefront of the international agenda. When women and girls are **DENIED THE CHANCE** to fully contribute to society because of the violence or fear they face, our entire world suffers. In recent years the global movement against all forms of violence against women has worked to transform significantly the place of women, and the status of gender-based violence within the human rights discourse.

The 1993 World Conference on Human Rights adopted the **VIENNA DECLARATION AND PROGRAMME OF ACTION** that recognized that “the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights”. Also in 1993, the UN general assembly adopted the **DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN**, which provides a comprehensive framework on this subject, in terms of definition, scope, obligations of states, and the role of the UN.

Much more remains to be done by states, international organizations and civil society to ensure that women can live free from gender-based violence. We need states to respect, promote, protect and fulfill the **HUMAN RIGHTS OF WOMEN AND GIRLS**. This requires political will and steadfast commitment at the highest levels of leadership. Political will is expressed in many ways, including strengthening legislation, national plans of action, mechanisms and institutions to eradicate violence against women, providing adequate resources, and creating an enabling environment conducive to an effective collaboration with civil society and other actors.

We need to improve **COLLECTION, ANALYSIS, AND USE OF DATA** and research to enhance gender-based violence prevention, response efforts and programs of action. We need stronger, more consistent and visible leadership by intergovernmental bodies and forums including the UN to highlight the persistence and unacceptability of all forms of violence against women in all parts of the world

We realize, however, that governments alone cannot end this problem. That's why we need to deepen our engagement with a **BROADER SET OF STAKEHOLDERS**, including civil society and grassroots international organizations, all of which are a vital part of the effort to end femicide and other forms of violence against women. We recognize that the issue of femicide and other forms of violence against women have come to prominence primarily because of the grassroots work of women's organizations and movements around the world; drawing them **OUT OF THE PRIVATE DOMAIN TO PUBLIC ATTENTION** and international consciousness and the arena of state accountability.

Their efforts acted as catalysts in expanding the understanding of femicide and other forms of violence against women. They supported the development of international norms and standards and the creation of monitoring and reporting mechanisms. We commend our partners in civil society for these initiatives.

*H.E. Ambassador Lourdes O. Yparraguirre graduated from Maryknoll College, Quezon City, Philippines with a B.A. in International Studies and earned a Diploma in International Economics and Development from the Institute of Social Studies in The Hague. Prior to joining the Department of Foreign Affairs, Ms. Yparraguirre was a Senior Economic Development Specialist at the National Economic and Development Authority (NEDA) She held various posts in the Philippine Department of Foreign Affairs both home and abroad. Her foreign assignments include missions in Washington and the UN in Geneva.*



"Femicide"—The Power of a Name

*Sociologist Diana Russell has organized campaigns for decades to end violence against women. Here she argues that labeling the most extreme form of such violence is essential to combating it.*

*"The first good-looking girl I see tonight is going to die."—Edward Kemper, serial killer*

Public awareness about violence against women has increased dramatically over the last four decades in the United States, thanks to women's multi-faceted activism. However, despite extensive media coverage on male-perpetrated murders of women—including what appear to be increasing numbers of serial killers who target women and girls—few people seem to register that most of these murders are extreme manifestations of male dominance and sexism. In contrast, many individuals recognize that some of the murders of African Americans, Latinos, Asian Americans, Native Americans and other people of color are racist, that some of the murders of Jews are anti-Semitic, and that some of the murders of lesbians and gay men are homophobic.

As long ago as 1976, I chose the new term *femicide* to refer to the killing of females by males *because* they are female. I cited numerous examples of these lethal forms of male violence against women and girls in my testimony on femicide at the **FIRST INTERNATIONAL TRIBUNAL ON CRIMES AGAINST WOMEN**<sup>5</sup> that took place in Belgium that year. I hoped that introducing this new concept would facilitate people's recognition of the misogynistic motivation of such crimes. Since then, I have engaged in many different strategies in the hope that one or other of them would inspire feminists in the United States to adopt this term instead of the gender-neutral words murder or homicide. However, most American feminists, including those who have focused their efforts on combating violence against women, continue to use terms—such as domestic homicides—that obscure the misogynist factor in virtually all these crimes.

Although women's male partners are by far the most frequent perpetrators of femicides (about 40 to 50 percent), it is vital to recognize that femicides are also perpetrated by strangers, acquaintances, dates, friends, colleagues, johns, and other family members. Thousands of men who murder women every year in this country are motivated by misogyny. Indeed, the vast majority of *all* murders of women are femicides. In contrast, the relatively few women who murder men are usually motivated by self-defense. Thus, the eradication of sexism—what feminists have been striving for since our beginning—would eliminate this most powerful motive, and few men would murder women.

In contrast to the continuing failure of efforts to get U.S. feminists to adopt the term femicide, the concept is now widely used in many Latin American countries.<sup>6</sup> Sometimes referred to as *feminicide* in these countries, feminists in Mexico, Guatemala, Costa Rica, Bolivia, Chile, El Salvador, Brazil, Uruguay, Peru, Nicaragua, and Honduras have adopted one or other of these terms. Anti-femicide organizations have also been formed, eight of which have so far succeeded in getting their governments to pass laws against femicide. What accounts for the differences in the

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<sup>6</sup> Schulman, Aaron. 2010. *The Rise of Femicide*. New Republic. Available at: <http://www.newrepublic.com/femicide-guatemala-decree-22?page=0,0>

responses of U.S. and Latin American feminists to the term femicide—and the activism that it has inspired—is a total mystery to me.

On a more positive note, there *are* a few researchers on femicide in the United States, including a team led by feminist Jacqueline Campbell<sup>7</sup>, who discovered that the percentage of what they call "intimate partner" femicides increased from 54 to 72 percent between 1976 and 1996. That span of years included intense periods of feminist activity, suggesting that women's growing independence has resulted in some men reacting with lethal violence. Feeling their power threatened or challenged, these men appear to feel entitled to use whatever force is necessary to maintain dominance over those they consider their inferiors. **MALE SUPREMACY** continues to render all women chronically and profoundly unsafe. In Campbell's words<sup>8</sup>, "all women are at risk of femicide." The fear of being murdered by a man is probably felt by most women at some time in their lives.

Femicides are frequently trivialized and depoliticized by the claim that the perpetrators are "crazy." In contrast, it is generally accepted that the lynching of African Americans and the torture and murder of concentration camp inmates were political hate crimes, the goals of which were to preserve white dominance and Aryan/Nazi supremacy, regardless of the psychopathology of the perpetrators. In any case, being mentally ill does not free men from their misogyny or racism. Femicides are lethal hate crimes. While the **FEDERAL HATE CRIME LAW** includes crimes motivated by actual or perceived gender, and 28 states have statutes that include gender, the only gender-based hate murder (femicide) that I have located was charged by the U.S. Justice Department in 2002. The perpetrator had bound, gagged, and slit the throats of two lesbians while they were camping in a National Park. "They **DESERVED TO DIE** because they were lesbian whores," he said, revealing that his hate crime was based on lesbiphobia as well as misogyny. It's clear that other strategies are needed to combat femicides in this country.

In the post-9/11 era, terrorism has become a major preoccupation of the U.S. government. However, there is no recognition of the fact that women have been living with male terrorism—manifesting in high magnitudes of rape, beatings, and femicides, as well as threats of these acts—hanging over our heads on a daily basis for eons. Unlike victims of national terrorism, victims of male terror are often blamed for their deaths—while having no way to identify which men are a danger to them. Worse still, those who kill their would-be perpetrators in self-defense are frequently accused of murder and incarcerated for many years.

Despite the fact that most women are also in denial about this reality, I am hoping that increasing numbers of U.S. feminists will soon embrace the concept of femicide, and organize to combat it. And were my hope not realized, I am optimistic that the term *femicide*, and the activism it usually inspires, will eventually spread from Latin America to the United States and the rest of the world.

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*Diana E. H. Russell has a Ph.D. from Harvard University and is a Professor Emerita at Mills College in Oakland, California, in the United States. She is one of the foremost experts on violence against women and girls in the world -- especially sexual violence. For the past 40 years she has been deeply engaged in pioneering research and has authored, co-authored, edited, and/or co-edited 17 books and numerous articles.*

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<sup>7</sup> Available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/209731.pdf>

<sup>8</sup> Available at: <http://www.baylor.edu/content/services/document.php/28840.pdf>

### Strategies to Tackle Femicides in India

The following are strategies that I would like to suggest on the basis of my experience as the founder and director of *The 50 Million Missing Campaign*<sup>9</sup>, a grassroots lobby working to end female genocide in India since 2006, and my research on this subject from my book *Sex and Power: Defining History, Shaping Societies*<sup>10</sup> as well as other papers and articles.

- 1) **Establish as issue of national priority through a media blitzkrieg:** I have found much denial in the Indian public about the genocidal scale of violence against women and girls in India. This denial persists even among professionals, doctors and ex-civil servants, as I found out while addressing a Rotary International chapter in Kolkata.<sup>11</sup> The government must launch a **MEDIA BLITZKRIEG** to make the eradication of genocidal violence an issue of national priority. This blitzkrieg should take a similar form to the recently successful **15-30 MINUTE EDUCATIONAL SEGMENTS** on all media networks on the digitization of television in India.
- 2) **Establish as issue of citizens' legal/ moral accountability:** The media blitzkrieg as well as all other government campaigns must directly inform and warn the public that killing daughters, forcing women to abort female foetuses, dowry extortion and murders, 'honour' killings and 'witch' lynching are crimes and entail penalties under law. As of now, the public is simply urged to be 'nice' or 'kind' to girls and women through references to them as mothers or goddesses that bring wealth!
- 3) **Establish separate and specialized police and court units to deal only with Femicide cases:** Given the massive volume of femicidal crimes in India, there is an enormous need for **POLICE** that are trained to be gender sensitive and to efficiently book and investigate cases. There is also an enormous need for efficient, fast-track courts. The rapid increasing rate of these crimes is undoubtedly a response to the inefficiency and corruption of the police and judicial systems in addressing these crimes. I have often heard the families of victims say that it is no use going to the police because they won't do anything anyway, or will botch the case for a bribe from the criminal party. It took Anshu Singh's middle-class family, who could afford to hire a lawyer, almost eight months just to get arrests for their daughter's dowry related murder.<sup>12</sup> Moreover, the police are also known to commit dowry murders<sup>13</sup> and other crimes against women and girls. For example in one case the police was found to be sexually abusing and exploiting girls in a home for orphaned girls.<sup>14</sup>

<sup>9</sup> Available at: <http://www.50millionmissing.info>

<sup>10</sup> Rita Banerji. 2009. *Sex and Power: Defining History, Shaping Societies*. Penguin Books, India.

<sup>11</sup> Rita Banerji. October 2009. *Female Genocide in India and The 50 Million Missing Campaign*. Intersections: Gender and Sexuality in Asia and the Pacific, Issue 22, Available at: <http://intersections.anu.edu.au/issue22/banerji.htm>

<sup>12</sup> August 27, 2010. *Anshu's Story: Killed 45 days after her wedding*. Gender Equal: A blog on India's Gendercide. Available at: <http://genderbytes.wordpress.com/2010/08/27/killed-45-days-after-her-wedding-anshus-story/>

<sup>13</sup> *Newspaper reports of police committing dowry related crimes*. The 50 Million Missing Newsblog. Available at: <http://violenceonindianwomen.wordpress.com/?s=police+dowry>

<sup>14</sup> Raghav Ohri. 06 Jun, 2012. *Haryana cops raped us: Children's home inmates*. The Indian Express. Available at: <http://www.indianexpress.com/news/haryana-cops-raped-us-childrens-home-inmates/958499/>

- 4) **Demand responses/actions from female politicians and government offices dealing with women's issues: FEMALE POLITICIANS** whether they head states, or the nation's ruling party, never publicly address crimes against women and girls, even when there are cases that hit the media headlines.<sup>15</sup> When they do, their stance is derogatory to women.<sup>16</sup> This is true even for the government offices designed to deal with women's rights.<sup>17</sup> It also needs to be pointed out that because of the approach of women politicians and public servants, crimes against women rise in states governed by women.<sup>18</sup>
- 5) **Set up a system of monitoring and regulating the standards of NGOs for women and children:** There's an urgent need to establish **MINIMUM STANDARDS, REGULATORY GUIDELINES, and ROUTINE INSPECTIONS** of the NGOs and **SHELTERS** for girls and women in India. As of now there is widespread abuse, both physical and sexual, in many of these homes<sup>19</sup>. In my experience, I found that most of these homes, even when funded by large agencies, do not provide adequate services or even the services they claim to provide. Many of these appear to be set up simply to garner funds for the private use of the individuals running them. There is also no systematic education or job training provided at these organizations, which would allow the girls to become independent, competitive, and able to pursue their individual dreams and aspirations. What is provided is simply perfunctory, and is often dependent on foreign volunteers who work or teach in short spurts and often don't even speak the local language. In most children's homes a dowry is paid to marry off the girls by the age of 18 years. For adult women these homes are like squalid, life-time concentration camps where there is always the possibility of sexual abuse and exploitation.<sup>20</sup>
- 6) **Make mandatory the record of all births and bi-annual monitoring of children till the age of 6 years:** There is no means to estimate how many girls are actually killed after birth in India, since most **BIRTHS ARE NOT RECORDED**. The government regards 0-6 years as the age range for the 'child sex ratio', and uses this scale to estimate the number of sex-selected abortions.<sup>21</sup> However, this is a convenient way of lumping sex-selective abortions and the killing of infants and girls up to age of six years into one category to obfuscate the actual data for the latter. Different studies, looking at different factors killing girls after birth in India, consistently establish six years as the age up to which most girls are killed.<sup>22</sup>
- 7) **Make mandatory the record and/or autopsy of all deaths up to the age of 35 years:** Most cases of female infanticide, death of girls under five years of age by starvation or violence, dowry related murders, deaths due to forced abortions, 'honor' killings, and death of under-age married girls due to maternity complications, do not come to light as there is **NO HOSPITAL OR POLICE RECORD** of when or how they died.
- 8) **De-emphasize Culture and Emphasize Law and Human rights in all projects and approaches:** The collective psychology that engenders and sustains female genocide in India is deeply embedded in India's history, culture and

<sup>15</sup> Maitreyee. October 22, 2012. *Why women's issues are unpopular among women politicians*. One India News. Available at: <http://news.oneindia.in/feature/2012/why-womens-issues-are-unpopular-among-women-politician-1087522.html>

<sup>16</sup> Swati Sengupta. February 17, 2012. *Victim's character has no bearing on the case*. The Times of India.

<sup>17</sup> July 19, 2012. *Dress carefully to avoid crime: NCW Chief*. The Times of India.

<sup>18</sup> Rajat Rai. 13 March 2008. *In Mayawati's U.P., crime against women rising*. The Indian Express; Ananya Sengupta. 03 July 2012. *Bengal tops list of crimes against women*. The Telegraph.

<sup>19</sup> Agence France-Presse. July 20, 2012. *Wide-spread sexual abuse uncovered at Indian orphanages*. The Raw Story.

<sup>20</sup> Falguni Banerjee. 13 July 2012. *Inmates raped at will by outsiders in Hoogly rehabilitation home*. The Times of India.

<sup>21</sup> Jansankhya Sthirata Kosh (National Population Stabilization Fund) Available at: [http://www.jsk.gov.in/sexratio\\_and\\_population.asp](http://www.jsk.gov.in/sexratio_and_population.asp)

<sup>22</sup> Rita Banerji. 07 February, 2012. *Where infant girls face premeditated murder*. Women's News Network.

traditions, which I establish in my book *Sex and Power*. However, there are other indicators of a collective, **CULTURAL MIND-SET** at play. For example, most forms of violence against women and girls takes a “gang” form.<sup>23</sup> Almost all dowry murders and ‘witch’ hunts are ‘gang’ style lynching. Similarly, most reported rapes by strangers are gang-rapes. Furthermore, the killing of infant girls and forced abortions of female foetuses are also almost always due to collective family pressure on women bearing children. This ‘gang’ factor is a critical indication of the fact that genocidal violence stems from a collective cultural identity, which often boosts itself by diminishing the individual (de-individuation) and diffusing personal responsibility.<sup>24</sup> It is therefore imperative that the line of policy and action to stop femicides must be separated from, and independent of, pre-existent cultural moulds, and focuses exclusively on protecting the rights of individuals (infants, girls and women) under existing national and international laws.

- 9) **Raise women’s awareness about their legal rights:** The media, government and NGO campaigns often do not address women and girls directly, instead, they address families, entreating them to treat their daughters, daughters-in-law and wives well. This is a passive approach that objectifies women. Women and girls need to be addressed directly, **INFORMED OF THEIR RIGHTS** and resources, and urged to stand up for themselves in a way that is morally and psychologically empowering.
- 10) **Set up a medical ethics body to monitor and evaluate the role of doctors in cases of foeticides, forced abortions, and dowry violence:** From accounts of women I’ve spoken to and those recently shown on a T.V. talk show, women who are forced by their husbands and in-laws to abort female foetuses, report that the doctors collude with the family.<sup>25</sup> Often the women are subject to medical procedures, and sex selected abortions without their consent, which in itself is illegal, as are the procedures for sex selection abortions, because it violates the patient’s integrity. Also, women who are violently assaulted with acid, raped or burnt are frequently turned away by hospitals and clinics that do not want to get involved in possible criminal cases.
- 11) **Intensify awareness campaigns and special police/court response units to femicide in areas with more/increasing wealth and development:** Existing government and NGO efforts to stop female genocide in India continue to focus on the poorest communities, and on providing economic incentives and other such projects. Though it is imperative to continue the effort to provide education, and raise the basic standard of living in the poorest communities, this approach does not address the actual pattern of female genocide. The census data and other studies consistently show that as education and wealth increases (even for women), the violence against,<sup>26</sup> and annihilation of, women increases in India.<sup>27</sup> It is, therefore, very important to **STRATEGICALLY FOCUS ANTI-FEMICIDE PROJECTS** on areas where there is an inflow of, or greater, wealth and development. Even in rural communities, families with farms and property are more likely to kill than those without.
- 12) **Set up special review and censor panels for T.V. programs in India:** **TELEVISION** is the most widely watched and influential medium across all classes in India today. Its impact is far-reaching. Many of the most popular T.V. programs, with the highest viewership ratings, reinforce the misogynistic, patriarchal, power-wielding customs, and

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<sup>23</sup> See tag ‘gang’ on The 50 Million Missing Newsblog. Available at: <http://violenceonindianwomen.wordpress.com/tag/gang/>

<sup>24</sup> Rhonda Oneslager. 23 Oct, 2006. *Gang Rape: A psychological perspective of group dynamics*. Yahoo Contributor Network. Available at: <http://voices.yahoo.com/gang-rape-psychological-perspective-group-dynamics-97868.html?cat=9>

<sup>25</sup> Satyameva Jayate. *Female Foeticide*, Part I, Available at: <http://youtube/YbtSKglgaoY>

<sup>26</sup> Sindhu Kannan. 11 June, 2012. *Posh south Chennai tops in dowry abuse cases*. The Times of India.

<sup>27</sup> Rita Banerji. 12 June, 2011. *Why education and economics are not the solution to India’s female genocide*. Gender Equal: A blog on India’s gendercide.

entertain ideas such as child-marriage, the oppression of brides by the in-laws, 'control' of women through violence and the marginalization of widows.<sup>28</sup>

**13) Mandate laws that will allow the removal of children from homes where they are at risk of abuse and/or violence:**

India currently has no **LAWS** which permit and/or necessitate the removal of children from unsafe homes. Hence, in cases like Karishma's, where there is established danger to a child's life and well-being, she cannot be removed from the home.<sup>29</sup> As evidenced from a recent custody battle between India and Norway about the removal of children from the care of an Indian family, specifically the mother, the Indian government intervened and the children were forcibly returned to India<sup>30</sup>, whereupon over-riding an agreement with the Norwegian government, an Indian court placed the children back in the care of the mother.<sup>31</sup>

**14) Mandate a law regulating the sale and distribution of acid which is fast increasing in its use as an inexpensive and lethal weapon against women in India:**

At the time Roopa was undergoing surgery there were two other young girls in the same emergency surgery ward, whose in-laws had also force-fed them acid because they didn't get more dowry. This is what I witnessed in one week, in one hospital, in one city in India. The doctor told me he gets about 200 such cases a year. There is no official record of how many women endure this type of acid violence in India. Acid is also used by communities to threaten women as a form of social control, and assault them in cases of sexual harassment. Acid leaves women disfigured, blind and maimed for life<sup>32</sup>, yet courts in India consistently refuse to control the **SALE AND DISTRIBUTION OF ACID** for economic reasons.<sup>33</sup> Acid is available cheaply in every small utility store because it is also used as an inexpensive cleaning agent.

**15) Involve foreign embassies and women's NGOs in recognizing and addressing these issues in expatriate Indian communities:**

All the issues discussed here, also impact on women in Indian communities outside of India, including in North America, Europe, and Australia.<sup>34</sup> From my own experience of having lived in the United States for eleven years, and also communicating with other Indian feminists in expatriate Indian communities, I find that the response from Indians outside India mirrors what I've described in India in this report.<sup>35</sup> Most vulnerable are first generation women who migrate to these countries, often through marriage. Because the police are unaware of the internal cultural dynamics of violence in Indian communities they may not deal with cases of dowry violence or murder appropriately, as in the case of Smalin Jenita.<sup>36</sup> Smalin who lived in the U.S. was being abused for dowry, and when three months pregnant she was thrown out of a moving car by her husband and in-laws. The response of Indian women's NGOs and even Indian feminists and female academics, especially in North America (the U.K. groups are far

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<sup>28</sup> Radhika Bhirani. 22 November, 2012. *Slapped, Kicked, Abused – Whither women's empowerment on TV?* The Weekly Voice.

<sup>29</sup> 17 May, 2010. *Karishma's Story*. Gender Equal: A blog on India's Gendercide. Available at:

<http://genderbytes.wordpress.com/2010/05/17/her-story-karishmas-grandmother-tried-to-kill-her/>

<sup>30</sup> Rita Banerji. 24 April, 2012. *Indian child custody case causes culture clash and concern in Norway*. Women's News Network.

<sup>31</sup> 17 Nov, 2012. *Norway foster children to return to Indian mother*. Ice News.

<sup>32</sup> See 'acid' tag in The 50 Million Missing Newslog. Available at: <http://violenceonindianwomen.wordpress.com/?s=acid>

<sup>33</sup> 01 Sept 2012. *Strive for a consensus among states to regulate retail sale of acid, SC tells Centre*. The Times of India. Available at: [http://articles.timesofindia.indiatimes.com/2012-09-01/india/33535154\\_1\\_acid-attack-aparna-bhatt-separate-offence](http://articles.timesofindia.indiatimes.com/2012-09-01/india/33535154_1_acid-attack-aparna-bhatt-separate-offence)

<sup>34</sup> Rita Banerji. 19 May 2011. *Indian girls 'missing' world-wide*. Pickled Politics, Available at:

<http://www.pickledpolitics.com/archives/12663>

<sup>35</sup> 02 July 2012. *Interview with Artist Soraya Nulliah on Art, apartheid women and violence*. Gender Equal: A blog on India's gendercide. Available at: <http://genderbytes.wordpress.com/2012/07/02/artist-soraya-nulliah-on-art-apartheid-women-and-violence/>

<sup>36</sup> Vidya Venkat. Dec 08-21, 2007. *Jenita's tale*. Frontline, Vol.24, Iss.24.

more pro-active), is similar to that in India – often cloaked in denial.<sup>37</sup> Their response is geared more towards protecting cultural identity than protecting women. For instance, one Indo-American women’s rights activist while discussing how an Indian woman desperately called her when her husband and in-laws forcibly took her in for an abortion, who it is not clear was actually even helped, still seemed more concerned that the U.S. bill to restrain sex-selection was “extremely anti-immigrant” because it was targeting Asians.<sup>38</sup> Often the community closes ranks and views the victim as a threat to its ‘image’ and forces her to accept her situation.

It is therefore very important for Western women’s NGOs to reach out to women in these communities and create a safe space for them. In one Indian television show on dowry violence, an Indian woman who had migrated through marriage to the U.S., and who feared for her life testified that it was ultimately the American women’s groups that helped her there.<sup>39</sup> **FOREIGN EMBASSIES** need to work with the key women’s NGOs in their own countries to incorporate awareness among **IMMIGRANT WOMEN** (especially those who come through marriage) of their rights and resources available at the time of issuing visas. Similarly, often foreign governments and women’s NGOs hold the safety of girls and women in third world cultures to a different standard than they would hold their own. They often prioritize cultural ‘sensitivity’ over the safety of individual women and girls, and pander to the former. The ‘gang’ dynamics that I discussed earlier in the report also manifest in expatriate Indian communities.

I can testify to this through my own experience. While living in Washington D.C. in the late 90s, I tried to help a young, married Indian woman, a psychologist, escape from her extremely violent and controlling husband, a computer engineer. I secretly organized for her to go to her brother’s house in California, her passport and visa, helping her hide clothing and other items she had needed in arranging for her travel. Two weeks later she returned to the building because her extended family had flown in from India and other cities in the U.S., and as a group decided that she had been brainwashed by me into breaking up her ‘marriage’ and the family! I was uncomfortable with the husband’s silently aggressive attitude towards me from then on, and I could have asked for protection from my building management or the police, had the need arisen. But, many women in Indian communities in, and outside of India, are trapped in a violent, cultural prison.

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<sup>37</sup> Rita Banerji. 2012. *Why Kali Won’t Rage: A Critique of Indian Feminism*. Gender Forum: An Internet Journal for Gender Studies, Issue 38.

<sup>38</sup> Saira Kurup. 03 June, 2012. *Sex determination tests happen not only in India but also in West with sizeable Indian population*. The Economic Times.

<sup>39</sup> Rituparna Chatterjee. Satyameva Jayate. 20 May, 2012. *Ugly dowry truths of big fat Indian weddings*. IBN-Live, Available at: <http://ibnlive.in.com/news/satyamev-jayate-ugly-dowry-truths-of-big-fat-indian-weddings/259706-44-124.html>

Best Practice in Spain to Combat Femicide

Discrimination against women prevails throughout the world and violence against women is the most severe consequence of such discrimination and a serious violation of their human rights. The Inter-American Court of Human Rights defined femicide as "the murder of women by gender" considering that these deaths result from a structural and social attitude, rooted on a culture of violence and discrimination based on gender.

Acts of violence against women when performed against them, because they are women, demand a serious and specific attention of the International Community. Such violence is manifested in many ways: Most victims are raped and some mutilated, tortured or dismembered. Femicide is a complex phenomenon, ranging from the death of women by their partners or ex-partners, to their kidnapping followed by rape and subsequent killing committed by unknown perpetrators, to ritual crimes performed by sects or other groups.

Many factors contribute to exacerbate the problem: frequent impunity of the murderers; lack of a specific national legal framework for this type of crime; traditional institutional tolerance with violence against women, are some of the factors that increase the number of offences. **INTERNATIONAL HUMAN RIGHTS INSTRUMENTS** for the protection of women, such as the **CONVENTION OF BELEM DO PARA**, and relevant legal bodies have highlighted the obligation of States to prevent and eradicate femicide and to adopt administrative, legislative and judicial measures to prohibit gender discrimination. States must ensure the exercise of the rights of women and pursue by all appropriate means and without delay, policies to prevent, punish and eradicate violence against women.

A milestone on the fight against femicide was the judgment issued on December 10, 2009, by the Inter-American Court of Human Rights, in the **COTTON FIELD CASE**. After this judgment it is clear that States have a duty to remove all obstacles preventing the proper investigation of the facts; use all available means to speed up investigations and prosecutions; and undertake specific research lines regarding sexual violence, in order to prevent such crimes in the future. Furthermore, the Court considered that States Parties to the American Convention of Human Rights, to have an obligation to standardize all their protocols and manuals; to update their research criteria; and to restructure the administration of justice related to investigate disappearances, sexual violence and murder of women.

This judgment has implications not only for the members of the inter-american family, but for other systems of human rights protection, such as the **EUROPEAN COURT OF HUMAN RIGHTS**. After this judgment, states can be held responsible by lack of diligence in the investigations, lack of access to justice for the families of the victims, and therefore for the impunity of the perpetrators. To sum up, states are responsible for taking the necessary steps to ensure a life free of violence for women.

Gender violence is a crime that occurs all over the world and no country is free from this kind of felony. For example, in Spain, a gender violence enquiry conducted by the Ministry of Health, in 2011, in which nearly 8.000 women were interviewed in 630 towns all over the country, revealed that many women are victims of violence:



- The percentage of women who reported that they had suffered domestic violence at some time in their life was nearly 11%. The data showed a steady and significant increase, compared to previous years.
- Only 27% of the women who reported experiencing domestic violence sometime in their lives, filed a law suit against their husband / partner or ex-husband..
- Of every hundred women who suffered gender violence in Spain last year, 85% were Spanish and 14% were foreigners.

Additionally, more than 60 women were murdered in acts of domestic violence in 2011. In 2012 the number is up to 43 women murdered. Spain is committed to prevent these crimes and therefore is trying to promote international instruments to combat this serious problem.

To this end, together with some Latin-American countries and relevant members of the civil society, we are developing a **“VOLUNTARY PROTOCOL FOR THE EFFECTIVE INVESTIGATION OF FEMICIDE IN LATIN AMERICA AND THE CARIBBEAN”** that will first be discussed and presented in Latin America and which could later be recommended as a universal standard. The experience of some countries in the Americas that already have specific criminal laws in this area, such as: Costa Rica, Chile, Guatemala, Mexico, and Paraguay is relevant for the purpose of the Protocol to adopt common international standards for the prevention, investigation and punishment of femicide.

The Protocol contains recommendations to strengthen the investigative process in areas such as forensic issues, preservation of evidence, forensic anthropological research, identification of bodies, and creation of genetic data banks. This project involves several Latin American countries, the University Carlos III of Madrid, the Federation of Associations for the defense and promotion of human rights in Spain, UN Women, the Office of the UN High Commissioner for Human Rights and the Spanish Government. As part of this project, Spain convened a first expert meeting on 28 June 2011 in Madrid, where the terms of references for the Protocol and a revised draft were introduced. Additional meetings of experts in forensic, police, law and anthropology took place in Panama and Guatemala, in 2012. These meetings will produce a draft protocol that will be open to public consultation and endorsed by an international conference of experts to be organized in Madrid in 2013.

By its nature, this Protocol is not binding, but it will be of great use for the creation of national protocols dealing with this crime. The objective is to have a standardized model, which will serve as reference to all countries that need to combat this crime. We hope that the draft Protocol will be discussed in international fora such as the Human Rights Council session in March 2013 and the UN General Assembly the same year.

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# GLOBAL STUDY ON HOMICIDE 2011



TRENDS / CONTEXTS / DATA

The following article is an excerpt of the UNODC Global Homicide Report 2011.<sup>40</sup> Ms. Angela Me, one of the research coordinators of this study, presented this document during the Symposium on Femicide on 26 November 2012 at the United Nations Office in Vienna.

## **Women and Intimate Partner/Family-Related Homicide**

From physical and sexual to psychological and economic abuse, violence against women is not restricted to one particular form. Nor, as reported in a 2006 United Nations Report of the Secretary-General,<sup>41</sup> is it confined to a particular culture, region, country or specific groups of women within a given society. Rather, violence against women is global, **SYSTEMIC**, and often rooted in power imbalances and structural inequalities between men and women. As stated in a recent report by UN Women: “Violence against women and girls is both an extreme manifestation of gender inequality and discrimination, and a deadly tool used to maintain women’s subordinate status”.<sup>42</sup> In contexts across the globe, women, to a greater or lesser extent, remain vulnerable to both lethal and non-lethal violence, in part due to entrenched discrimination in relation to property, the family, access to health, employment and citizenship. Violence against women can occur at home, in the street or in the workplace, and be perpetrated both by persons known and unknown to the victim. Its most common manifestation globally, however, is in the form of intimate partner/family-related violence.<sup>43</sup>

At its most extreme, violence perpetrated by a family member, an **INTIMATE** or a former intimate partner can lead to death. Whilst such lethal violence against family members and partners shares a number of common features, or risk factors, around the world, including a history of domestic violence, (male) domination and abuse, it is also characterised by important differences, including social and economic factors, culture and tradition, and the place of women in society.<sup>44</sup>

While, in principle, lethal intimate partner/family-related violence can affect both men and women, victims of this form of violence are most likely to be women at the hands of their current or former male partners. In a large number of countries, intimate partner/family-related violence is a major cause of female homicides, with the result that homicide trends affecting women overall are driven by levels of intimate partner/family-related violence, rather than by firearm and organized crime/gang-related violence, as they are for men. Globally, high quality data on lethal forms of violence against women are limited and such patterns may not necessarily hold true in all contexts,

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<sup>40</sup> United Nations Office on Drugs and Crime. 2011. *Global Homicide Report*. Trends, context, data.

[http://www.unodc.org/documents/data-and-analysis/statistics/Homicide/Globa\\_study\\_on\\_homicide\\_2011\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/statistics/Homicide/Globa_study_on_homicide_2011_web.pdf)

<sup>41</sup> United Nations General Assembly Report of the Secretary-General, In-depth study on all forms of violence against women (2006).

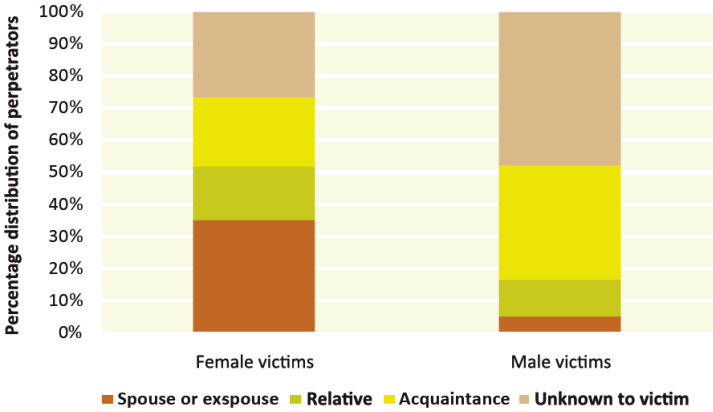
<sup>42</sup> UN Women, *Progress of the World’s Women 2011-2012: In Pursuit of Justice* (2011).

<sup>43</sup> According to the UN Report of the Secretary-General, In-depth study on all forms of violence against women (2006), surveys undertaken in the last decade in different parts of the globe indicated that the lifetime prevalence of physical violence by an intimate partner varied widely between 10 per cent and 60 per cent.

<sup>44</sup> See, for example, Kim, B. and Titterington, V.B., *Abused South Korean Women: A comparison of those who do and do not resort to lethal violence*, International Journal of Offender Therapy and Comparative Criminology (2008) and Brookman, F. and Maguire, M., *Reducing Homicide: A review of the possibilities*, Home Office Online Report (2003).

particularly in situations such as the immediate aftermath of a conflict, where women may be presented with greater risks outside of the home than within it. Increased understanding of violence against women, in all its manifestations, is reliant on enhanced data and trend information.<sup>45</sup>

**Percentage distribution of homicide perpetrators by sex of victim, selected European countries (2008 or latest available year)**



Source: UNECE Statistical Division Database.

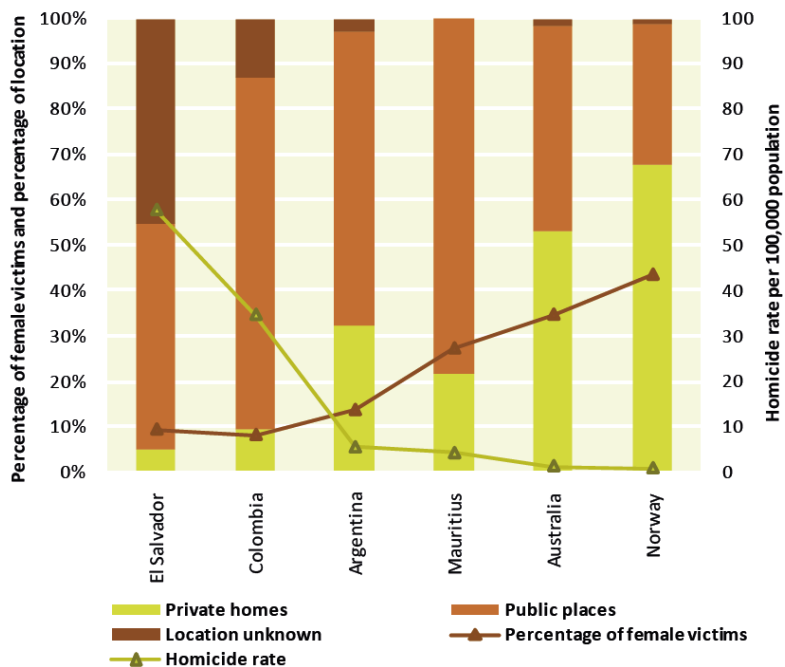
means that, in the selected European countries for which data are available, women make up more than 75 per cent of all the victims of this specific homicide typology. The proportion of violent crime related to intimate partner and family-related disputes varies according to the overall level of violent crime. Countries with higher homicide rates are often affected by high levels of “street crime” related to drug trafficking, organized crime, street fights or other forms of violent crime.

This is an environment traditionally dominated by **YOUNG MALES** who both commit the great bulk of the violence and make up the greatest share of its victims. At the other end of the spectrum there are countries with a very low homicide rate where the presence of gangs and organized crime groups only accounts for a small share of all homicides. The relative share (but not the absolute rate) of homicides related to domestic disputes and intimate partner/ family-related violence is therefore higher in those countries and the profile of the victim changes accordingly as women become more predominant among all homicide victims.

Available data for Europe, for example, demonstrate the different patterns of lethal violence that affect women and men: in 2008, **HALF OF FEMALE VICTIMS WERE MURDERED BY FAMILY MEMBERS** (35 per cent by spouses or ex-spouses and 17 per cent by relatives), while only 5 per cent of all male victims were killed by spouses or ex-spouses and some 10 per cent by other family members (see figure 4.1). Beyond Europe, studies from Australia, Canada, Israel, South Africa and the United States show similar results, with 40 to 70 per cent of female murders linked to intimate partner/family-related violence. The greater impact on women of killings by spouses or former spouses

<sup>45</sup>While better data on lethal violence affecting women can be produced through the collection of contextual information about homicides, more accurate data about the extent and impact of non-lethal forms of violence can be collected through population-based surveys (general victimization surveys or dedicated violence against women surveys). The production of improved data both on lethal and non-lethal violence on women is fundamental for raising awareness and formulating evidence-based policy responses, not least in the field of criminal justice.

**Fig. 4.4: Percentage distribution of homicide locations and homicide rates, selected countries (2009 or latest available year)**



Source: UNODC elaboration of national official sources.

Because these two different types of homicides have different impacts on the two sexes, **THE HOME IS THE MOST LIKELY PLACE FOR A WOMAN TO BECOME A VICTIM OF HOMICIDE**, while men are more likely to be murdered in the street or in public places. Data presented in figure 4.4 show that a high proportion of homicides are committed in the home in countries where the percentage of female victims is higher and homicide rates are lower. The relationship between the sex of the victim and the place in which a homicide occurs shows that typical homicide typologies differ between homicides committed in the home, in public places such as commercial or recreational facilities, and homicides committed on the street. Homicides taking place in the home may be more likely to involve a known perpetrator such as a family

member or intimate partner, whereas homicides taking place in the street may be more likely to involve a perpetrator unknown to the victim.

Countries with higher homicide rates, such as Columbia and El Salvador, show a higher percentage of homicides carried out in public places, which is due to higher levels of organized crime and street violence-related homicide, which mostly affect men. By contrast, lower homicide rates, such as those in Australia and Norway, point to the fact that more homicides take place in the home, be it the victim’s or perpetrator’s, which implies the relatively increased significance of intimate partner/ family-related homicides in those countries and, accordingly, a higher percentage of female homicide victims. Available time-series data indicate that there is a certain stability over time in the level of homicide related to intimate partner/family-related violence. This has been associated with levels of underlying tension in society and the fact that several enduring risk factors of intimate partner/family-related violence—linking it to a prior history of domestic violence, male partner unemployment, firearm ownership, drug and alcohol use, the threat of separation, sexual jealousy, extreme male dominance and other risk factors—can only be expected to change slowly over time.<sup>46</sup>

If the rate of intimate partner/family-related homicide remains fairly stable over time, while the rate of homicide linked to all other causes declines, as has been the case in a number of countries around the world in the last decade, the **SHARE OF INTIMATE PARTNER/FAMILY-RELATED** homicides among all homicides inevitably **INCREASES**. The same phenomenon has also been observed in a number of other countries outside Europe, including Australia, Japan, the

<sup>46</sup> See, for example: Cao, L., Hou, Ch. and Huang, B., *Correlates of the Victim Offender Relationship in Homicide*, International Journal of Offender Therapy and Comparative Criminology (2007); Abrahams, N., Jewkes, R. and Mathews, Sh., *Guns and gender-based violence in South Africa*, South African Medical Journal (2010) and Roberts, D.W., *Intimate Partner Homicide: Relationships to Alcohol and Firearms*, Journal of Contemporary Criminal Justice (2009).

United States and Zambia. Furthermore, if there is a higher share of women among intimate partner/ family-related homicides this implies that, in contexts of decreasing overall homicide levels, the share of men among all homicide victims gradually decreases over time, while the share of female victims goes up. There is evidence to suggest that this is indeed the case.

The observation that homicides related to disputes between intimate partners, ex-partners or family members are fairly stable over time and are unaffected by bouts of killings triggered by external interventions does not mean that rates of intimate partner/family-related homicides are not worth targeting through broader social policies and crime prevention initiatives. In Canada, for example, it has been argued that there is a strong link between higher levels of **FEMALE EDUCATION**, the subsequent increased labour force participation and **FINANCIAL INDEPENDENCE** of women and long-term decreases in intimate partner/family-related homicide.<sup>47</sup> Interventions aimed at curbing domestic violence against women in general, as well as both supporting and protecting women during periods when the risk of violence at the hands of their partners is particularly high (such as during and immediately after divorce) also have an impact on reducing the intimate partner/family-related homicide rate. They can also be more immediate than many broader, though fundamental, social measures and policies, which inevitably take time to have a noticeable impact on female homicide rates.

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<sup>47</sup> Dawson, M., Bunge, V. and Balde, Th., National Trends in Intimate Partner Homicides: Explaining Declines in Canada, 1976 to 2001, Violence Against Women (2009).

How Do We Fight Femicide? Best Practices and Strategies in Chile

I. Introduction: Violence against Women and Femicide in Chile

Traditionally, Chile has been a ‘macho’ society with pronounced gender roles. The male is the predominant authority figure in the family group, particularly in partner relationships. Not long ago domestic violence was included only in civil law and left out of criminal legislation. Marital rape was not a crime and femicide was considered a crime of passion (homicide or parricide). As a consequence, there were many judicial resolutions that diminished the penalty. It was taken as a given that the accused had acted in a state of anger, jealousy, or irresistible force due to the ending of the relationship.

Although there has been important progress, there are still gaps between men and women with regard to salary, domestic responsibilities, childcare, and violence. 36 percent of women in Chile have been the victims of domestic violence induced by their partner. Moreover, for 83 percent of the total domestic violence incidents reported, and for 90 percent of the sexual assault reports received by the Chilean Police, the victim is a female.

In the early 1990s, Chile signed CEDAW and the Convention of Belem do Para. In 1994 Chile enacted the first law of domestic violence in civil proceedings, which considered conciliation as an appropriate procedure. In 2005, Chile enacted a new law that is still in force, which legally binds all public institutions to protect and respond to victims. This law recognized domestic violence as an offence and created a specific crime called “habitual batter.” Conciliation was forbidden and a protective statute was created.

It is for this reason that in 2007 discussions were instigated around **MODIFICATION TO THE CRIMINAL LEGISLATION** in Chile, to recognize the gravity of violence exercised against women for the sole fact of being a woman. That same year, The National Women’s Service (SERNAM) started to register femicides reported by the press. This concern was transformed into legislation in 2012 by means of **LAW 20480**, which established the new offence of femicide, and which also incorporated legal modifications granting women greater protection. This law reinforced the idea that sexual assault is an outrage against sexual freedom when the victim is a woman, and often ends with impunity in partner relationships.

In Chile, femicide is now punished under **ARTICLE 390 OF THE PENAL CODE**, together with parricide, and refers to any man who kills a woman who is or who has been his spouse or partner. In Chile the crime of femicide only occurs when the offense is between partners; it excludes couples who have never lived together. When the crime occurs with partners who have never lived together, it is still included in the Chilean Femicide Circuit.

The **LAW ON FEMICIDE** came into force on December 18, 2010. In 2011, 40 cases of femicide and 87 of attempted femicides were registered in Chile, 10 less than what was recorded in 2010. Thus far in 2012, there have been 30 cases of femicide and 68 attempted femicides.

## II. Practice and Strategy in the Fight against Femicide

With respect to the practice and strategies developed in Chile to avoid and decrease the instances of femicide we can distinguish three lines of action:

### a) Prevention

In the line of prevention, diverse programmes and campaigns have been and are still being developed in Chile, which are directed towards reducing violence and discrimination towards women. Amongst these, we should highlight:

- i. **EARLY WARNING PROGRAMME:** To prevent domestic violence in the local context, especially through awareness-raising in early childhood.
- ii. **PUBLIC CAMPAIGNS** on the radio and television: Urge for the reporting of violence against women, present violence as an unacceptable problem across all sectors of society, and outline the role of those who witness an assault against a woman.
- iii. Public campaigns focused on decreasing violence in young couples (15-24 years old).

### b) Protection

It is just as important to make progress by clearly setting out **PENALTIES**, as is it to improve protection mechanisms. This means to train members of public institutions so they can adopt the right steps to prevent femicide. On the other hand, governments must provide support programs for the protection mechanisms, as they are insufficient on their own.

In this regard, The National Women's Service has taken some lines of action to protect and support women:

#### i. Women's Centers

In 2000, SERNAM launched the "**WOMEN'S CENTERS**". The goal is to act at a local level to reduce violence against women, especially within partner relationships, by paying careful attention to women that are the victims of violence. This is achieved by facilitating a process of **CONTAINMENT AND PROTECTION**, strengthening the personal capacity of these women to confront the problem of partner violence through psychological, social and legal interventions, allowing them to increase their level of autonomy and self-esteem and diminish the levels of violence, risk and danger. Currently, there are 94 women's Centers, located throughout 15 regions.

#### ii. Women's Shelter for female victims of partner domestic abuse



In 2007 the National Women's Service started the **PROGRAMME OF WOMEN'S SHELTERS**. The principal goal is the protection of women that are victims of partner violence who find themselves in situations of high or life-threatening risk due to domestic abuse. Currently, there are 24 women's shelters with national coverage. The main objective is to offer protection to these women and their children under 12 years of age, guaranteeing a safe residence of a temporal nature, covering their basic needs, offering psychological and judicial assistance, and supporting them in the reestablishment of their life plan and the process towards autonomy, among other actions.

iii. Programs to re-educate men who batter

A line of intervention for men that exercise violence, with the object of directing **re-EDUCATIVE AND SPECIALIZED ATTENTION** through a psychosocial intervention that seeks to eliminate or decrease the violence that these men exercise against woman, diminishing the possibilities of re-incidence.

iv. Centers for female victims of sexual violence

SERNAM is planning for 2013 the construction of three centers to look after women who have been victims of sexual abuse. These places will be located in three different regions of Chile and will provide comprehensive gender-specific assistance (legal and psychological) to assist in the reparation of the victim's loss.

v. Shelter for female victims of trafficking persons with sexual intent. This shelter was implemented by SERNAM in 2012 and receives women from all of Chile.

**c) Response to cases of accomplished or attempted femicide: Cross-Sector Protocol of Assistance for Victims of Femicide (Chilean Femicide Circuit)**

The **CHILEAN FEMICIDE CIRCUIT** is a coordinated cross-sector mechanism, whose object is to guarantee the protection and comprehensive assistance (psychological, social, and legal) for direct victims of attempted femicide, and the indirect victims of attempted and accomplished femicide, especially in the cases of children and adolescents, as well as other family members and adult victims. This protocol is applied in all cases of femicide or attempted femicide. In such instances, the Chilean Police force (in Chile, this is called "Carabineros de Chile") through the Department of Family Protection, the Ministry of Interior and Public Security through the Victim Support Centre, SERNAM through the Domestic Violence Protection Unit, and the National Service for Minors (SENAME) of the Rights Protection Office act as one unit.

The protocol works as follows: the **CHILEAN POLICE** send the national authorities of each organization party to the protocol a data sheet with a record of acts that may amount to an accomplished or attempted femicide. After this, SERNAM carries out a **LEGAL ANALYSIS** of the information received and in accordance with the information on file, decides whether to activate the protocol or not. If the case amounts to an attempted or accomplished femicide, the responsible regional officers of SERNAM are informed and implement the protocol. From here on, they carry out the first **VISIT TO THE VICTIMS** and their families to offer them protection and/or judicial representation by filing their

grievance in the criminal system. Assistance is also offered from other organizational parties to the protocol, and all the necessary antecedents are solicited to support the victims in an efficient and opportune manner, for both adults and minors.

With the information collected, the antecedents are sent immediately to the National Service for Minors and to the Ministry of the Interior. Through the **RIGHTS PROTECTION OFFICE (OPD)** SENAME makes contact with the family and children, issues a report evaluating the situation of the indirect victims who are legal minors, and implements any corresponding measures of protection in coordination with SERNAM and the Victim Support Centre. The Victim Support Centre, which is a part of the Ministry of the Interior, after receiving the information from SERNAM and SENAME, contacts the victims affected in order to offer therapeutic and reparatory support. Throughout the trial process and until a sentence is obtained, the direct and indirect victims, if they desire, are represented in criminal matters by the regional lawyers of SERNAM.

### III. Conclusion

In addition to the issues discussed, it is important to keep in mind plans for future developments with regard to concepts, penalties, recording mechanisms, treatment for victims and compensation or benefits for the children of victims of femicides. Through different mechanisms of prevention, protection and response, there is a growing awareness in Chile regarding the gravity of violence against women and femicide, in particular. While the actions undertaken are small in relation to the object of eliminating violence against women for the sole fact of being a woman, great progress has been made especially since the issuance of Law 20480 in 2010, which sanctioned femicide as a new offence. We hope to continue generating new practices and strategies that allow us to fight efficiently against femicide.

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## How Do We Fight Femicide: Best Practices and Strategies

### **Introduction to Gender Inequality in South Asia and India**

Gender inequality remains at large throughout India and thousands of women face widespread social, cultural and economic discrimination within the family as well as the wider community. Violence against women (VAW) is also a growing concern throughout the region and within South Asia, which is home to one-fifth of the world population; violence, or the risk of violence, permeates every aspect of women's lives from birth to death. It is estimated that one third of South Asian women experience violence throughout their lives and VAW is **INSTITUTIONALIZED** through family structures, wider social and economic frameworks, and cultural and religious traditions. This violence is insidious, it is a **WIDELY ACCEPTED** method for controlling women, is largely overlooked by law enforcement agencies, and is ignored by those in power.

### **Definition of Femicide**

The term 'femicide' was originally defined as the killing of women but has been adapted over time to represent the act of killing women because of their gender. In this sense femicide is understood to be motivated by misogyny and prejudice against women. For a case to be considered femicide there must be an implied intention to carry out the crime and a demonstrated connection between the crime and the gender of the victim. Several crimes against women that can be recognised as femicide include sexual murders, mortality resulting from domestic or family violence, and cultural or institutional violence that result in mortality.

Throughout India several forms of violence against women fit within the definition of femicide including domestic violence, honour killings, dowry deaths, sex-selective abortions, infanticide, domestic violence and witch hunting. This paper will focus on domestic violence, dowry deaths, and sex-selective abortions.

### **Domestic Violence**

Domestic violence is prevalent across India and is widely accepted as **A LEGITIMATE PART OF FAMILY** life by both women and men. The family institution is an extremely important aspect of Indian culture and is central to the country's social and economic frameworks. However, for many women the family does not represent a safe and protective unit, rather it reinforces wider patterns of gender discrimination and legitimises violence as a method for controlling and subjugating women.

The most recent National Family Health Survey found that in India 34% of women between the ages of 15-49 have experienced violence at some point since they turned 15 and that 37% of married women have experienced violence. In 2011, 99135 cases of domestic violence were reported to the police. Given the extremely high rate of under-reporting of violence against women, particularly domestic violence, the actual number of women who experience violence within the home is thought to be significantly higher.

The number of women who are killed by intimate partners or relatives in India each year remains unknown. However, domestic violence is one of the most common sources of violence against women and is therefore understood to be one of the biggest causes of femicide throughout the country. There were 9377 cases of murder of women reported in India in 2011 many of which could be described as femicide. A further 47746 cases of female suicide were also reported. Many women's activists question police responses to suicide cases and suggest that many crimes are covered up by family members and police and are **REPORTED AS SUICIDE** rather than murder.

### **Dowry Deaths**

The dowry system also reinforces discrimination against women and dowry related deaths continue to compromise women's safety throughout India, Pakistan, Nepal and Bangladesh. In 2011 there were 8,618 cases of dowry related deaths in India alone.

Dowry is a cultural tradition in which the family of the bride gives cash and presents to the family of the groom. It was originally meant to support new couples beginning their married life. However, India's prevailing patriarchy as well as rising economic demands, have turned dowry into a commercial transaction that is underpinned by socio-economic standing and reinforces the **FINANCIAL DEPENDENCY** of women on their husbands.

Violence against women often increases when a family requests a larger dowry after marriage or shows dissatisfaction with the dowry they have received. Whilst dowry is illegal it continues to be practiced throughout the country and dowry related violence is an on-going issue for Indian women.

Dowry-related deaths are closely linked to a women's age at marriage, her education level, and her exposure to mass media. Within India, states with lower female literacy rates, higher rates of child marriage and less access to mass media generally experience more dowry deaths.

### **Sex-selective Abortions**

The practice of sex-selected abortions throughout South Asia, particularly India, highlights the extent of patriarchy and misogyny throughout the region. It is a particularly insidious form of violence because it **PREVENTS GIRL CHILDREN FROM BEING BORN** purely because they are girls. The practice of sex-selective abortions is growing throughout the region and nearly 600,000 girls are missing in India each year as a result of sex-selective abortions.

The increasing availability of prenatal technologies means that families are able to determine the sex of the foetus and are choosing to abort female foetuses at an alarming rate. An estimated 10 million female foetuses have been aborted over the past two decades. Somewhat surprisingly, female foeticide has historically been overwhelmingly practiced among educated, middle-class families. However, as the availability of the sex-determination technology has increased there has also been an increase in the practise amongst lower-class and rural communities.

### **Responses to Femicide**

While honour killings, dowry deaths and sex-selective abortions reflect a strong culture of violence against women throughout India there is a strong effort in all sectors of Indian society to stem the tide of gender-based violence and femicide and achieve equality between men and women. New laws and policies as well as growing support from law enforcement agencies and civil society groups are empowering women to seek assistance in the case of violence and abuse. Furthermore, efforts are being made to improve the implementation of legislation which is helping to increase the rate of conviction and reduce the prevalence of gender-related crimes.

The **DOWRY PROHIBITION ACT 1961** bans the request and payment of dowry of any form as a precondition for a marriage. Whilst, the Pre-Conception and **PRE-NATAL DIAGNOSTIC TECHNIQUES ACT** prohibits the use of prenatal technologies to determine the sex of a foetus and several states have launched vigilance cells in an effort to curb incidences of female foeticide. There is no legislation directly addressing honour killings and currently the crime is dealt with under the Indian Penal Code or the Criminal Procedure Code.

Women's organisations have also worked to educate women on their rights and provide support to those who have experienced violence. Many NGO's across the country provide counselling, legal support and livelihood programmes for women so that they can become more empowered and financially independent. This is paralleled by government initiatives to promote women's social and political empowerment. The **RESERVATION OF 33% OF SEATS IN INDIA'S LOCAL GOVERNMENT** increased women's political participation and has led to more gender friendly governance. The development of further affirmative action legislation in the state of Goa, which allocates nearly half of the state's representative council seats for women, has led to Goa being considered safer for women than both New Delhi and Mumbai

In spite of these efforts femicide persists throughout India. Whilst legislation may protect victims of violence in theory in many cases the penalties outlined within the legislation are weak. Furthermore, the implementation of these laws remains limited and in many cases ineffective in preventing femicide or prosecuting the perpetrators of this violence.

A lack of **COMMITMENT** to ending VAW at the political level is evident across India and is preventing substantive action at the legislative, policy and programmatic level. The Indian government must be held to account for its failure to effectively address femicide or ensure women's rights are upheld. Furthermore, efforts must be made to encourage and support governments to develop effective and comprehensive approaches to femicide.

### **Approaches Required to Address Femicide Throughout India.**

Tackling femicide is extremely difficult especially given gender discrimination and violence against women is so embedded within India's social, cultural and economic structures. Responses to femicide must be **COMPREHENSIVE** and involve the development and implementation of strong legislation, gender sensitive law enforcement policies and protocols, awareness raising at the grassroots level, support for individuals and families experiencing violence, and the realisation of women's social, economic and political rights. The impact of femicide on Indian women and society is extreme and current government responses are failing to both protect women from violence and prevent violence from occurring.

### **The Development and Implementation of Violence against Women Legislation**

The development of legislation and legal frameworks for addressing femicide is an important step in tackling violence against women and strong legislation is vital for holding perpetrators of violence to account. **LEGISLATION** is also essential for addressing structural gender discrimination as well as cultural and social legitimisation of violence against women. However, the development of legislation is not enough and few efforts have been made throughout India to ensure that women friendly legislation moves beyond symbolism and is implemented effectively.

A lack of funding and infrastructure to address violence remains one of the biggest impediments to the effective implementation of this legislation and little budgetary allocations are directed towards the reduction of violence against women and the realisation of women's rights. The lack of funding prevents law enforcement bodies from effectively carrying out activities required to implement legislation including carrying out programmes aimed at addressing violence. Furthermore, the failure of government agencies to allocate funding to services providers for training and awareness raising has meant that a lack of awareness about, and understanding of, the law persists amongst the general public as well as law enforcement bodies.

Monitoring of the **IMPLEMENTATION** of this legislation is also vital. The lack of monitoring and supervision of the Pre-Conception and Prenatal Diagnostic Techniques Act including inspections of genetic clinics and centres has meant that pre-natal diagnostic techniques/scans continue to be used to determine the sex of the child and abort girl children. Many clinics do not maintain accurate or up to date patient records making it difficult to follow up on cases suspected to involve sex-selective abortions. In the case of mobile clinics and other sex selection test centres the implementation of this legislation is even more difficult and these areas have largely been unaffected by the PC & PNDT Act.

### **Sensitisation of Police Personnel**

One of the main issues associated with the implementation of violence against women legislation is the response of law enforcement personnel to crimes against women. In many cases the lack of training amongst law enforcement agencies means that police have little understanding of violence against women legislation, are **UNAWARE** of their duties in responding to cases of violence and are influenced by social structures of gender bias and discrimination when responding to crimes.

The failure of police to respond to reports of violence including their refusal to register First Information Reports in cases of domestic violence and dowry harassment or dowry death is common and is compounded by widespread harassment of women by police officers when reporting a crime. These factors, as well as women's lack of confidence in police responses to violence, results in violence escalating and increases the risk of femicide. Furthermore, the perpetrators of this violence are not held to account for their actions.

Efforts must be made to sensitise police policies and processes related to the handling of violence cases. Protocols must be developed so that police officers know how to respond when women report crimes and appropriate monitoring systems must be established to ensure these **PROTOCOLS** are being followed. Furthermore, gender sensitization training must become mandatory for all police personnel in order to break down structures of gender discrimination, to develop a women-friendly culture within police frameworks, and to educate **POLICE** on women's rights, and laws protecting women from violence.

### **Increase in Support Services for Women**

There is inadequate support available for women who experience violence and in many cases their lack of resources means they are forced to endure on-going violence. Support programs can strengthen infrastructure by increasing shelter homes and improving medical facilities. This infrastructure ensures that women who wish to leave violent situations have safe alternative accommodation, medical services and socio-support services. Support services can

also educate women on their rights and the legislation protecting from violence and can assist them to make positive changes in their lives and to respond to violence. Awareness building programmes around women's rights are essential to addressing the underlying cases of domestic violence. Currently, only approximately 1% of women report incidences of abuse and many are not aware of their rights or of legislation protecting them from violence and harassment.

### **Addressing Patriarchy**

Femicide cannot be fully addressed without tackling the widespread patriarchy and misogyny that permeates much of Indian society. Strong efforts must be made to engage with **LOCAL COMMUNITIES**, to build connections with community leaders and to develop education programmes on women's rights. These programmes will inform women of their rights and the services that are available to them in the case of violence. They will also educate men on the consequences of committing violence and will demonstrate that this behaviour is both socially unacceptable and a breach of the law. It is vital that the overwhelming culture of patriarchy is taken into consideration when developing interventions, so that education campaigns highlight the value of girl children and women to society and outdated attitudes towards women are replaced with respect and gender sensitivity.

India is modernising at a rapid rate and traditional cultures and practices are being forced to adapt to meet new economic and social frameworks. More and more Indian women are emerging as educated, independent citizens and are paving the way for a new gender friendly India. The rise in violence against women and femicide can be seen, in part, as a response to this change and as an attempt to reassert traditional power structures. However, strong efforts are being made to educate communities on the importance and benefits of women's rights and women are becoming more empowered to seek assistance from NGO's and law enforcement agencies. With further action and support from the government and civil society Indian women will overcome this growing violence and become an increasingly influential part of Indian society.

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## Femicide in Europe

### *Introduction to the Concept of Femicide in the European Union*

The use of the terms '*femicide*' and '*feminicidio*' with a gender-related meaning has been spreading throughout Europe since the last decade of XXI century, after the international exposure of the events in Ciudad Juárez, Mexico, in particular with the contribution of Spanish women's rights activists.

The first reference to femicide in official documents of the European Union (EU) was in the course of the **HEARING ON FEMINICIDIO** in Mexico and Guatemala at the European Parliament (EP) in April 2006. In October 2007, the EP adopted a **RESOLUTION ON THE MURDER OF WOMEN** (feminicide) in Mexico and Central America and the role of the European Union in fighting the phenomenon.<sup>48</sup> The EP renewed its condemnation of femicide in its latest Annual Human Rights Report, adopted in December 2010. Femicide is also mentioned in the EU Guidelines on violence against women,<sup>49</sup> adopted by the EU Council in December 2008. In April 2009, the EU Presidency issued a statement welcoming the start of the Inter-American Court on Human Rights (IACtHR) trial,<sup>50</sup> and in June 2010 the EU High Representative Catherine Ashton issued a declaration on behalf of the EU expressing her concern about femicide in Latin America, condemning "all forms of gender violence and aberrant crime of femicide," and welcoming the IACtHR judgment.<sup>51</sup>

Today the notion of *femicide*, in the meaning introduced by Diana Russell, is widely used in Europe in sociological and criminological analysis and by the mass media. In Italy the term *femmicidio* (*femicide*), in the meaning introduced by Russell, is used at theoretical level by criminological and sociological research. The term *femminicidio* (*feminicidio*), is used in political and sociological contexts, especially by feminist groups, to conceptualize every form of discrimination or violence (physical, sexual, psychological, economic, structural, cultural, including violence perpetrated or condoned by the State and its officials) affecting a woman for the sole reason that she is a woman. According to Marcela Lagarde's definition of *feminicidio*, the term enables us to highlight the common root causes of any form of gender-based violence, that annihilates women in their physical, psychological, and social dimensions.

<sup>48</sup> European Parliament, Resolution 2007/2025(INI) of October 11<sup>th</sup> 2007 on "The Murder of Women (Feminicide) in Mexico and Central America and the Role of the European Union in Fighting the Phenomenon", [http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2007/2025\(INI\)](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2007/2025(INI)) .

<sup>49</sup> EU Guidelines on Violence against Women and Girls and Combating All Forms of Discrimination against Them, pp. 1-19, <http://www.consilium.europa.eu/uedocs/cmsUpload/16173cor.en08.pdf> .

<sup>50</sup> "Declaration by the Presidency on behalf of the European Union on the opening in the Inter-American Court on Human Rights of the Case of Campo Algodonero on femicide in Ciudad Juarez" (PESC/09/47 - 27/04/2009), <http://europa.eu/rapid/pressReleasesAction.do?reference=PESC/09/47&type=HTML> .

<sup>51</sup> "Declaration by the High Representative Catherine Ashton on behalf of the European Union on Femicide" (Brussels, 30 June 2010 - 11706/1/10 REV 1 - PRESSE 199), [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/115578.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/115578.pdf)



## ***Rates of Victimization in Europe***

The available national statistics confirm that, in all European countries, the majority of female homicide are gender-based murders (*femicides*). In Europe the most common manifestation of femicide is the killing of a woman by her partner or former partner as a result of intimate partner violence (IPV). The Daphne Project (2007-2013) included a research on IPV-related mortality in Europe (EU27).<sup>52</sup> The outcomes are alarming: in Europe there are approximately 3.500 IPV-related deaths every year, making for 9 deaths a day, of whom 7 are women or girls.

According to the research, in 2006 there has been a total of 3.413 IPV-related deaths in the EU27, of whom 2.419 are female deaths: 1.409 direct femicides by a partner, 1.010 suicides of women who were victims of IPV, 272 male homicides by a partner, 186 collateral homicides, 536 suicides of male IPV-related homicide perpetrators. Direct femicides represent less than a half (41%) of the total mortality linked to IPV. Yet it is women who are the most frequent victims of this extreme form of violence (71% of victims: direct femicides and female suicides), as well as children, as they are the most affected by collateral homicides.

## ***Femicide as a Violation of Human Rights and of the due Diligence Obligation of States***

Statistics and surveys highlight the gender dimension of female homicide and of “domestic homicide,” and their connection with patriarchal values. In Italy, like in other European countries, until quite recently domestic violence and uxoricide have been treated, by both society and authorities, as **PRIVATE MATTERS** and ‘neutral’ crimes. In the last two decades, thanks to UN and EU declarations and programmes, a cultural change has been taking place and crimes against women are increasingly seen as a violation of women’s rights. However, the gender-based approach still lacks in data collection and criminological analysis of female homicide and suicide. The absence of a gender perspective in these fields, as well as the lack of collection of vital information, make it more difficult to promote the development of gender-based strategies for prevention of femicide and to protect every single women who survived IPV.

How can States provide adequate response in order to prevent femicide and to protect survivors of violence against women (VAW)? All European countries have a formal (*de jure*) commitment in protecting women’s human rights, as they ratified the most important international human rights instruments on women’s rights, set forth the principle of equality between women and men in their Constitutions, and have in place national legislation and national action plans (NAPs) on VAW. However, *de facto*, in most European countries, an effective and adequate compliance with the **DUE DILIGENCE OBLIGATION** is hindered by both ‘regional’ factors — such as: the **LACK OF COMMON LEGAL DEFINITIONS** of gender violence, domestic violence and IPV; a scarce compliance with international standards in **DATA COLLECTION** and development/implementation of NAPs; an inadequate and insufficient collection of data and statistics on VAW, IPV and femicide; a **LACK OF STRUCTURAL AND LONG-TERM MEASURES** to properly address VAW, structural discrimination and stereotypes — and local factors — including: the lack of **GENDER SENSITIVITY** shown by the criminal justice system

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<sup>52</sup> Daphne Project, “Protect: Good Practice in Preventing Serious Violence, Attempted Homicides, Including Crimes in the Name of Honour, and in Protecting High-Risk Victims of Gender-Based Violence” and “Protect II: Capacity Building in Risk Assessment and Safety Management to Protect High-Risk Victims”, [http://ec.europa.eu/justice/gender-equality/index\\_en.htm](http://ec.europa.eu/justice/gender-equality/index_en.htm) ; for the Daphne III programme please see: [http://ec.europa.eu/justice/gender-equality/programme/index\\_en.htm](http://ec.europa.eu/justice/gender-equality/programme/index_en.htm)

and the police; the inaccessibility and unavailability of support services for most women, especially those belonging to vulnerable groups or living in rural areas; and the lack of a holistic gender approach.

States cannot ignore the need to address comprehensively patriarchal values and gender stereotypes, that are still deeply rooted in our societies. Most NGOs all over the world denounce a lack of political willingness to address the underlying structural causes of discriminatory VAW connected to femicide. This is the most important challenge: as long as the State continues ignoring the structural dimension of VAW as a form of gender discrimination, institutional response will not be appropriate or helpful to survivors. The obligation to prevent femicide should be read in a more fundamental way: that is, States should address the underlying causes of discriminatory violence. This is not clear to most EU Member States: only Spain adopted a holistic legislation to eradicate the *machista* culture, with the Organic (i.e. Constitutional) Law no. 1/2004, which addresses both discrimination and VAW, considering the whole range of obligations of the State under the due diligence principle (prevention, protection, punishment, compensation). **SPANISH ORGANIC LAW** gives without any doubt a good example of integrated approach, because it provides not only for prosecution, including the creation of special courts, but also for preventive and supportive measures (welfare, child support, housing, employment), and it is unique in Europe in its specification of gender-based violence.

Under the due diligence obligation to prevent femicide, the most important challenges in Europe are: collecting comparable data; strengthening awareness-raising campaigns to inform women of their rights, of the available services in their district, and of the high risk of femicide connected to staying in abusive relations; and training professionals on risk evaluation. However, on these issues, some countries have been developing good practices that can be shared. In Finland, the **FINNISH HOMICIDE MONITORING SYSTEM (FHMS)** allows in-depth research about femicide/femicide, for crime prevention and prevention targeting purposes. At the moment this is the most complete data collection instrument in use in Europe, providing particular information on domestic VAW which resulted in the death (suicide or murder) of the victim. Under the due diligence obligation to protect women who experienced IPV from being re-victimized or killed, the European countries need to make the existing services available, accessible, appropriate, and coordinated, in order to offer immediate protection and to identify *ad hoc* protection for high-risk victims and vulnerable women. Securing State funding for support services available to all victims throughout the country, like in Austria, Denmark and the Netherlands, should be considered a promising practice.

The obligation to prosecute those responsible for abuses includes implementing more effective investigation, law enforcement and punishment. An important challenge under this obligation is establishing professional **TRAINING** with a view to reducing inadequate protection due to police and prosecutor prejudice, and to ensure the respect of the dignity and safety of the victims during investigation and in each phase preceding the judgement. Several national experts emphasize the importance of establishing multi-agency intervention programmes in which criminal justice and other professionals may collaborate in a systematic way.

Last but not least, States have to provide adequate **COMPENSATION** to the victims. For example, in the ECHR judgment *Opuz vs. Turkey* (2009),<sup>53</sup> the condemnation for a femicide was only € 35.000, a sum covering both damages and legal

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<sup>53</sup> European Court of Human Rights, 3<sup>rd</sup> section, Case *Opuz vs. Turkey*, Application no. 33401/02, Judgement Final, Strasbourg, June 9<sup>th</sup> 2009, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-92945>

costs. This is not enough to stop femicides. We hope that the ECHR rules will be modified in order to introduce the possibility, as it happens in IACtHR trials, to impose on States acts of transformative reparation as well.

### ***The Involvement of Regional and International Human Rights System in Responding to Femicide***

ECHR Judgements, CEDAW decisions under the communication procedure, CEDAW Concluding Observations, the Recommendations of the Special Rapporteur on Violence Against Women — here are some important tools to identify minimum standards, binding for all the States, for the appropriate implementation of the due diligence obligations on VAW. There are some remarkable evolutions in the interpretation of the positive obligation of States to protect (potential) victims of VAW, especially about victims of intimate partner femicide.

Treaties' provisions on due diligence obligations have been applied by ECHR and CEDAW in the sense of a hermeneutic change concerning VAW laws in European countries. ECHR judgments such as *Opuz vs. Turkey* show that States are now being held accountable for their failure in protecting women from any violation of their rights, and that the due diligence obligations are not merely theoretical requirements, but usable, practical, reasonable and shareable standards for the prevention of femicide.

The formulation of right-based claims by women remains an important strategic and political tool for women's empowerment and for addressing women's human rights violations.<sup>54</sup> Our priorities as NGOs are that the international and regional human right systems work to:

- reinforce States' obligations under international human rights law to prevent and respond to violations occurring in the private sphere, also adopting guidelines for implementation;
- adopt all necessary measures to hold States accountable for their failure to protect women's rights, especially the right to life and the right of access to justice;
- modify ECHR rules with a view to introducing the possibility to impose on States acts of transformative reparation as well.

### ***Conclusions***

Positive changes at national level through compliance with international human rights standards require from States a **STRONG POLITICAL WILL**. That is why the use of the concept of femicide by State actors should be a political choice (rather than the simple criminalization of a conduct), entailing the States' acknowledgement of:

- the connection between VAW, even in its extreme manifestations, and the systematic discrimination and oppression of women because they are women;
- the fact that the high number of femicides is also a consequence of the failure of the States to protect women from any violation of their rights;

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<sup>54</sup> Human Rights Council, 20<sup>th</sup> session, Agenda item 3: "Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development", Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/HRC/20/16, May 23<sup>rd</sup> 2012, Para. 104, <http://daccess-ods.un.org/TMP/4755791.42570496.html> .

- the urge to act with due diligence, with a view to combating femicide, in order to change the social norms and the value system and eradicate the perception of VAW as a private matter.

In our opinion, it is not useful — at least, not in every country, and especially not in Europe — that regional or international human right system urge States to criminalize femicide introducing a gendered crime. This is not a priority for Europe. In general, it is easier for States to **EMENDATE THEIR OWN CRIMINAL CODE** than to change their approaches and strategies for the protection of women from re-victimization and for the prevention of femicide. Of course, international and regional human rights bodies should necessarily provide examples of what is actually considered femicide/feminicide and what is not, but it would not be conducive to codify by law a rigid definition of femicide/feminicide.

Femicide and feminicide are, above all, political and sociological concepts. An open definition of femicide/feminicide will help women all over the world to identify new forms of direct and indirect physical, psychological, social, and cultural annihilation of women 'because they are women'. To prevent femicide and feminicide, we must work together for the promotion of women's rights, and for a greater justice ability of States' violations of their own due diligence obligations on the issue of violence against women.

*Barbara Spinelli is a lawyer and a women's rights activist, as well as a member of Giuristi Democratici, the Italian branch of the International Association of Democratic Layers. She is also a member of the Italian NGO Platform "30 anni CEDAW - Lavori in corsa" [30 years CEDAW - Work in Progress], in representation of which she wrote, and presented during CEDAW 49<sup>th</sup> session (2011), the shadow report on CEDAW implementation in Italy. She was invited as European expert by the UN Special Rapporteur on violence against women Rashida Manjoo to the 2011 UNFPA expert group meeting on gender-motivated killings of women (UNFPA New York headquarters, October 12<sup>th</sup>, 2011). She presented the Expert Paper on "Femicide and feminicide in Europe. Gender motivated killings of women as a result of intimate partner violence". She is author of the essay Femminicidio. Dalla denuncia sociale al riconoscimento giuridico internazionale, FrancoAngeli, 2008, and of numerous publications on this issue.*

<http://www.giuristidemocratici.it/>

### How Do We Fight Femicide?

#### Best Practices and Strategies from the IFWF

I wish to express my thanks to the organisers of this symposium on Femicide. In my speech I would like to stress the challenges and the importance of grassroots' campaigns against femicide.

Femicide is a crime against humanity but it goes on all over the world in many ways and forms. To put an end to this massacre of women there is a great need to universalize and amplify our struggle. Therefore, running campaigns to support women's right to enjoy a life in freedom and dignity, and awareness raising on gender equality play a crucial role to stop femicide. In the light of these aims the International Free Women's Foundation (IFWF) has launched the campaign "**FEMINICIDE IS A CRIME AGAINST HUMANITY - STOP THE FEMINICIDE!**" with the aim of contributing to the elimination of all forms of violence against women.

The IFWF was founded on 9 March 2001 in Amsterdam by women from Kurdistan, Turkey, the Netherlands and Germany. Exactly 4 years ago, on the International Day for the Elimination of Violence Against Women in 2008, the first campaign started with the slogan „We are women. We are nobody's honour. Our honour is our freedom!“.

The aim of this first campaign was to counteract so-called honour killings and to challenge the term “honour”, which is still a highly taboo issue - not only in the Kurdish society. Public meetings, educational community work – for women and for men and demonstrations were a part of the campaign as well as solidarity with victims of crimes in the name of “honour” in daily life. The intense discussions around the understanding of the “concept of honour” and the right of women's self-determination led to the decision to continue with another campaign starting on International Women's Day, 8 March 2010.

The second campaign was organised with the motto: '**LET'S STRENGTHEN OUR STRUGGLE FOR FREEDOM TO OVERCOME THE CULTURE OF RAPE!**'

The third campaign "**STOP THE CRUELTY OF STONING AND EXECUTIONS!**" was initiated by the IFWF in 2011 to protest against death penalties and executions including the stoning of women which threatens the lives of women and women human rights activists in countries like e.g. Iran, Saudi Arabia, Pakistan, Afghanistan, Sudan, Somalia, and Nigeria. Besides public protests and conferences the international signature campaign “1 million signatures to stop stoning” was initiated and a petition was organised to save the lives of the Kurdish women's rights activists Zeynep Celaliyan and Sakine Ashitian who were sentenced to death by Iranian courts.

Following these campaigns, the current fourth campaign “Stop Femicide!” started on 8 March 2011. By exposing the concepts of honour, systematic rape and killing of women, just because they are women, we have been trying to reveal, name and understand the reasons and the dimensions of violence against women.

Three main goals of the campaign are:

1. To reach a **COMMON DEFINITION** that is adequate to name and to combat effectively all forms of violence against women
2. To achieve social and political changes to challenge, outlaw and prevent the “normality” of violence against women
3. To compass legal adjustments in international and national laws so that femicide will be prosecuted as a crime against humanity

In this sense, on behalf of the IFWF I would like to thank the organisers and the sponsors of this symposium for taking the initiative to highlight this crucial issue of vital importance and to head for the “Vienna Declaration on Femicide”. We trust that this declaration can become an important tool for ensuring legal adjustments in international and national laws so that in future femicide will be prosecuted as a crime against humanity in parallel to genocide.

We hope to make another important step with the side event “**FEMINICIDE IS A CRIME AGAINST HUMANITY**” during the 22<sup>nd</sup> regular session of the UN Human Rights Council in Geneva which the IFWF has been organising in cooperation with different organisations like the European Feminist Initiative (EFI), Femmes Solidaire and the International Women’s Alliance (IWA). We are looking forward to meeting all of you again on this occasion, and we believe that we will succeed in stopping femicide globally with our joint efforts.

*Ms. Karademir has been a member of the International Free Women’s Foundation (IFWF) for many years. The IFWF was created in 2004 in Den Haag. Since then, the IFWF initiated numerous education projects for women and girls, mainly in the Middle East, and supports any project that offers women and children a chance to create their own identity, to develop their personality and philosophy of freedom.*

<http://www.freewomensfoundation.org/>

### Femicide in Global Perspective<sup>55</sup>

About 66,000 women and girls are violently killed every year, accounting for approximately 17 per cent of all victims of intentional homicides. While the data on which these conservative estimates are based is incomplete, it does reveal certain patterns with respect to the male v. female victim ratio in homicides, intimate partner violence, and the use of firearms in femicides— defined here as ‘the killing of a woman’.

#### **The gendered dimension of homicide**

When it was coined by the feminist movement in the 1970s, the term femicide referred exclusively to the gender-based killing of women by men. Since then, however, its definition has broadened to encompass any killing of a woman (see Box 1).

#### **Box 1 – Defining femicide**

Diana Russel, an architect of the term femicide, indicates that the concept has been in use for centuries. In 19th-century Britain, for example, it was used to designate the ‘killing of a woman’ (Russel, 2008, p. 3). The feminist movement politicized the use of the word femicide in the 1970s, restricting its meaning to the killing of a woman or a girl based on her sex (Bloom, 2008, p. 178). With time, this definition has expanded to refer to any killing of a woman. While such an approach dilutes the political connotation of violence against women based on their sex, it facilitates the comparability of cross-national data on lethal violence against women. A number of recent studies and data collection exercises focus on the issue of femicide in a stricter sense. Qualitative studies of the killing of women in Latin America, for example, seek to assess the intent of the perpetrator. Furthermore, some countries in Latin America have implemented specific laws on femicide in recent years, such as Guatemala in 2008 and Chile in 2010 (Guatemala, 2008; Chile, 2010). These laws take into consideration the targeting of a woman for misogynous or gender-based reasons and foresee stricter penalties if there is evidence of such circumstances.

*Source: Alvazzi del Frate (2011, p. 116)*

Data collection on femicide—in its broader sense—is increasingly taking place at the national and sub-national levels. On the basis of such statistics, the Small Arms Survey created one of the most comprehensive databases on female victims of homicide to date, covering 56 per cent of the world’s female population in 111 countries and territories for

<sup>55</sup> This article summarizes the main findings of Alvazzi del Frate (2011), largely based on *Femicide in Global Perspective*, by Matthias Nowak, Research Note No. 14, Geneva: Small Arms Survey, 2012 and on the disaggregated data on femicides produced for the *Global Burden of Armed Violence 2011* (Alvazzi del Frate, 2011, p. 113).

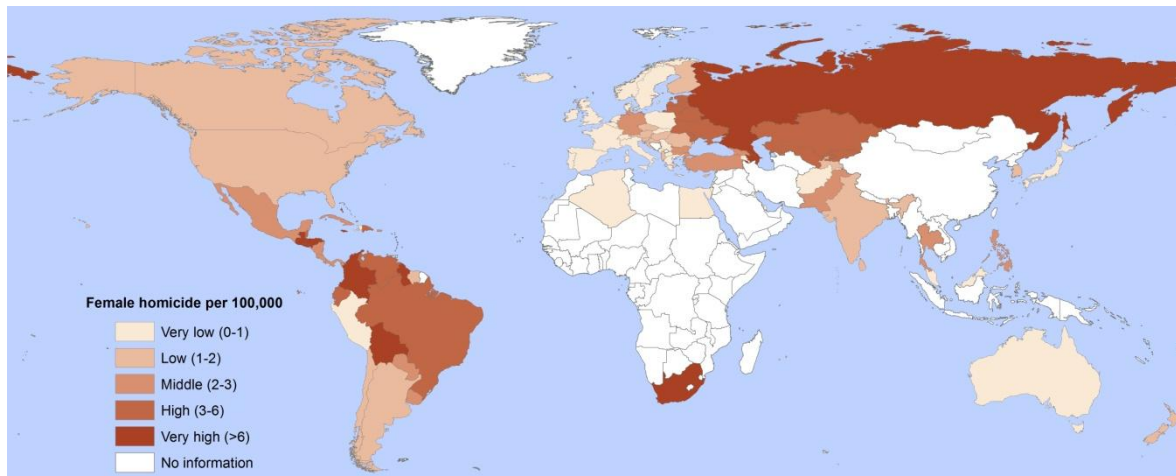
the period 2004–09 (Alvazzi del Frate, 2011, p. 116). Still, information on many countries is missing and challenges to comprehensive data collection persist, including definitions discrepancies, limited capacity and resources, and a lack of detail in statistical records.

### Global patterns of femicide

The global extent of femicide is estimated at approximately 66,000 victims per year for the period 2004–09.<sup>56</sup> This figure represents about 17 per cent or almost one-fifth of all homicide victims (396,000 deaths) for an average year (Geneva Declaration Secretariat, 2011, p. 7). Map 1 reveals the global distribution of femicides, expressed as a rate per 100,000 female population for an average year between 2004 and 2009.<sup>57</sup> More than half of the 25 countries with high and very high femicide rates (at least

3 femicides per 100,000 female population) are in the Americas: 4 in the Caribbean, 4 in Central America, and 6 in South America. The regions with the highest femicide levels largely correspond to the regions with the highest overall rates of lethal violence (Alvazzi del Frate, 2011, p. 119). Indeed, four out of five regions with the highest homicide rates also feature at the top of the femicide ranking, namely—in descending order—Southern Africa, South America, the Caribbean, and Central America. Meanwhile, femicide rates in Eastern Europe and the Russian Federation appear disproportionately high with respect to homicides in general.

**Map 1. Rates of female homicide victims per 100,000 population, 2004–2009**



Source: Alvazzi del Frate, 2011, p.118.

Regional and country-level femicide rates can obscure significant variations at the sub-national level. In Ciudad Juarez, Mexico, for example, the 2009 femicide rate was 19.1 per 100,000 female population, whereas the national average femicide rate was 2.5 per 100,000 in 2004–09. Similarly, Brazil records a national rate of 4.3 femicides per 100,000 women, yet the state of Espírito Santo registered 10.9 per 100,000 in 2008. Settings with particularly high femicide rates also exhibit high levels of tolerance of violence against women; moreover, their criminal justice

<sup>56</sup> This figure is based on known data plus estimates 'calculated by applying regional rates of femicide to the populations of countries with missing information and using the global rate for regions with no data' (Alvazzi del Frate, 2011, p. 117).

<sup>57</sup> Important data gaps can clearly be identified, especially in Africa and Asia, where homicide data disaggregated by sex is lacking.

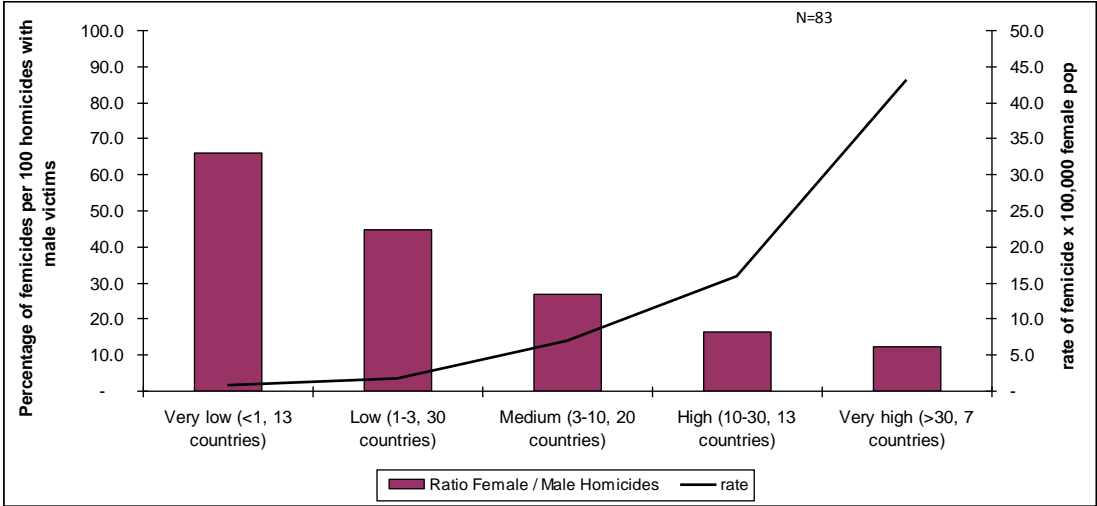


systems tend to be inefficient and lack the resources—or political will—needed to fully investigate and prosecute femicide cases (Alvazzi del Frate, 2011, p. 122).

**Homicide victims: women v. men**

While it is true that countries with the highest levels of homicide generally also show the highest rates of lethal violence against women, the ratios of male to female homicide victims across countries reveal a different pattern.

**Figure 1. Femicide rate and number of femicide victims for every 100 male homicide victims in 83 countries, 2004–09**

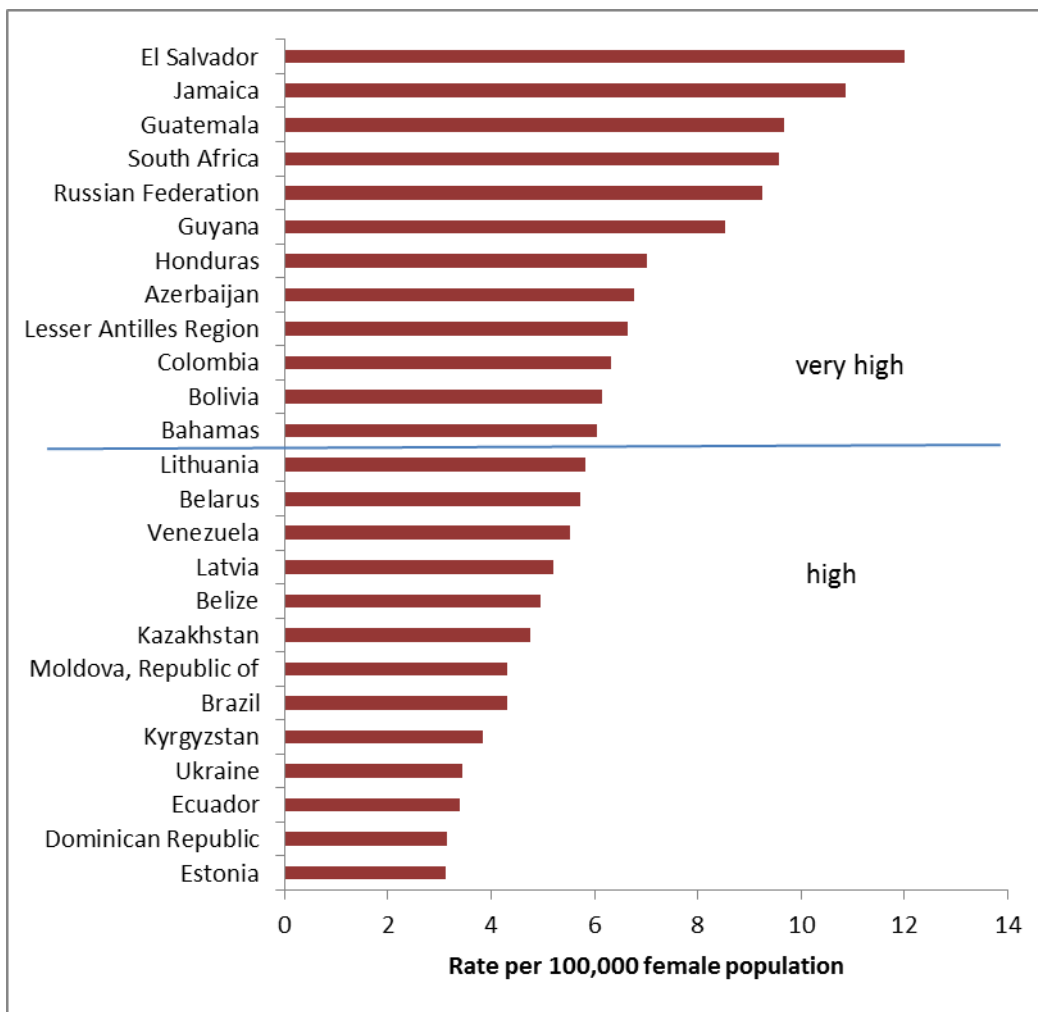


Source: GBAV 2011 Femicide database.

We have divided 83 countries in five groups (from very low to very high overall homicide rates, see Figure 1). In the 13 countries with very low overall homicide rates there is the smallest difference between male and female rates: about 66 women are killed for every 100 men. In contrast, in countries affected by high and very high levels of homicide, the disparity between the sexes is significantly greater, at 16.3 and 12.5 women per 100 men, respectively. In other words, as the homicide rate increases, the number of women killed in comparison to men appears to decrease. Yet whereas men are up to ten times more likely than women to become victims of a homicide in countries such as Brazil, Colombia, Puerto Rico, and Venezuela, women are by no means safer in these settings than elsewhere; indeed, these countries witnessed the highest femicide rates of the period under review (Alvazzi del Frate, 2011, p. 123). The highest femicide rates can be observed in countries and territories affected by high or very high overall homicide rates (see Figure 2). With a rate of 12.0 per 100,000 people, El Salvador is the country with the highest femicide rate, followed by Jamaica (10.9), Guatemala (9.7), and South Africa (9.6).

In countries marked by high levels of lethal violence, women are more frequently attacked in the public sphere, including by gangs and organized criminal groups; in this context, femicides often take place in a general climate of indifference and impunity.

**Figure 2. Average femicide rates per 100,000 female population in 25 countries and territories with high and very high rates, 2004–09**



Source: Alvazzi del Frate, 2011, p. 120.

### Intimate partner violence

The majority of perpetrators of femicides are male, frequently family members or friends of the victim, and often a current or former intimate partner. The close relationship between perpetrators and victims can sometimes facilitate identification of the author of the crime. A sample study of 54 countries and territories providing information on relationships between perpetrators and victims of femicide reveals that the proportion of IPV-related

lethal violence is rather low in countries with high femicide rates. For example, in El Salvador and Colombia, which feature among the countries with the highest femicide rates, only three per cent of all femicides are committed by a current or former intimate partner, whereas in Cyprus, France, and Portugal (all countries with low or very low femicide rates) killings of women by former and current partners account for more than 80 per cent of all cases

(Alvazzi del Frate, 2011, pp. 129–30). Strikingly, the majority of IPV- related femicide victims experienced prior violence and physical abuse from the same perpetrator (Campbell et al., 2003, p. 1091).

IPV-related victimization often leads to self-directed violence. In the United States, for example, 35 to 40 per cent of victims who survived domestic violence attempted to commit suicide at some point during or after the termination of the abusive relationship. Research conducted in the European Union reveals that of all cases of deaths occurring in the wake of spousal violence, 42 per cent were due to suicide (Psytel, 2010, pp. 9–10).

## **Firearms**

Firearms play an important role in lethal violence. The *Global Burden of Armed Violence 2008* estimates that on average 60 per cent of all homicides are committed with firearms (Geneva Declaration Secretariat, 2008, p. 5). The display of firearms—as a means to intimidate, threaten, or coerce some- one—is a predictor of their actual use.

Many women report having been threatened with a firearm before they fall victim to a femicide. Firearms in the home similarly represent an increased risk to women as they are more likely to be used to threaten and inflict harm on family members than to protect the home from intruders (Alvazzi del Frate, 2011, p. 131). Analysis of a sample of 24 countries with detailed data on the type of weapons used in committing femicides reveals a direct correlation between femicide rates and the use of firearms. Specifically, countries affected by high levels of femicide exhibit a higher proportion of femicides committed with firearms. On average, firearms were used in one-third of all femicides worldwide; in Brazil, Colombia, El Salvador, Guatemala, and Honduras, however, firearms were used in more than 60 per cent of femicides (Alvazzi del Frate, 2011, p. 131). The highest percentage of firearm-related femicides was observed in 2009 in Ciudad Juarez, Mexico, where firearms were used in more than 80 per cent of all femicides—almost as high a percentage as for firearm homicides with male victims (p. 132).

## **Conclusions**

While men comprise the majority of homicide victims in countries with high levels of violence, a woman’s risk of being killed is also highest in these settings. Wherever gun violence levels are spiralling out of control, the risk of victimization increases for the entire male and female population. Intimate partner violence is wide- spread and rarely limited to an isolated episode. As part of an abusive relationship, it can easily become lethal. Prolonged exposure to intolerable levels of violence at home can also lead a victim to commit ‘forced suicide’. The availability of detailed data on characteristics of victims and perpetrators, circumstances, relationships, and causes of lethal events is increasing, encouraging research on femicide and other forms of armed violence. Nevertheless, serious information gaps and incomplete geographical coverage continue to hamper research. Other forms of lethal violence suffered by women—such as dowry deaths— need to be incorporated in future research. Accurate information is a key to understanding the characteristics of femicide and to developing sound, evidence-based policy responses to enhance security for women around the globe.

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## 2- Introduction into the **Different Forms of Femicides**

*"Rather than a new form of violence, gender-related killings are the extreme manifestation of existing forms of violence against women. Such killings are not isolated incidents that arise suddenly and unexpectedly, but are rather the ultimate act of violence which is experienced in a continuum of violence."*

*Rashida Manjoo,  
Special Rapporteur on Violence against Women,  
its causes and consequences*

Femicide as a result of domestic violence is most commonly referred to as 'intimate partner homicide.' For our purpose, "intimate partner femicide" will be used throughout this article. Intimate partner femicide can collectively be defined as the killing of women, in a domestic situation, because they are women. This includes the killing of women by former, or current, spouses or boyfriends, but does not exclude the killing of women by other male family members such as sons and fathers. Intimate partner femicide is an international issue that has gained attention from the United Nations, non-governmental and other international organizations. Domestic violence is an 'invisible' crime in which 90 percent of domestic violence abuse goes unreported.<sup>58</sup>

### ***Femicide as a Result of Domestic Violence: A Global Problem***

On an international scale, women are far more likely than men to be assaulted, raped, or killed by their former or current intimate partners. Domestic violence has a higher rate of 'REPEAT VICTIMIZATION' than any other type of crime.<sup>59</sup> Since 2005, the World Health Organization (WHO) has stated that, "the number of intimate partner violence prevalence studies increased fourfold, from 80 to more than 300, in 2008."<sup>60</sup>

In Europe, Ms. Rashida Manjoo, the United Nations' Special Rapporteur on Violence against Women, its causes and consequences, has stated at the European Parliament in Brussels on October 9<sup>th</sup> 2012, that intimate partner violence and femicide are significantly underreported in the region, and throughout the world. Ms. Manjoo also stated that in Italy the number of women murdered by men has increased. In 2010, 127 women were killed by men. Of those female victims, 70 percent were Italian, while 76 percent of male perpetrators were Italian. Of all female homicides in Italy, 54 percent were committed by a former or present partner, and only 4 percent were committed by complete strangers.<sup>61</sup> According to *UN Women*, Italian intimate partner femicides have increased from 15.3 percent from 1992 to 1994, to 23.4 percent from 2007 to 2008.<sup>62</sup> From January 2012 to November 2012, roughly 105 Italian women were killed via intimate partner violence.

In the cases of Spain and Finland, intimate partner homicide has increased, while Cyprus' intimate partner homicide rates have increased substantially. Meanwhile in England, Wales, Norway, Hungary, and Iceland, these rates have

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<sup>58</sup>NPR. 2012. *Italian Women Call For Action Against 'Femicide'*. Available at: <http://www.wbur.org/npr/165658673/italian-women-call-for-action-against-femicide> [Accessed: 18 Jan. 2013].

<sup>59</sup> Women's Aid, Making Women and Children Safe. 2013. *National and International Statistics*.

<sup>60</sup> World Health Organization. 2012. *Violence against women: an urgent public health priority*. Bulletin of the World Health Organization 2011.

<sup>61</sup>UN Human Rights Council, *Rashida Manjoo*. 2012. *Report of the Special Rapporteur on violence against women, its causes and consequences*, A/HRC/20/16.

<sup>62</sup> United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). 2012. *UN Women calls on Member States and stakeholders to take urgent action against femicide*. Available at: <http://saynotoviolence.org/around-world/news/un-women-calls-member-states-and-stakeholders-take-urgent-action-against-femicide> [Accessed: 18 Jan. 2013].

decreased over time. Overall in the region, intimate partner homicide rates have remained constant over the last 70 years.<sup>63</sup>

In the United Kingdom, in 2001 and 2002, 46 percent of female femicide victims were killed by a former or current partner whereas 5 percent of men were killed by an intimate partner. Roughly two women per week in the UK are killed by an intimate partner. Specifically in the country of Ireland, 188 women have been murdered since 1996; 115 (61%) of those women were killed in their own homes, 73 women, or 53 percent, were killed by a former or current partner, with 48 (35%) killed by someone they knew (brother, son) in resolved cases since 1996. Of the resolved cases in 1996, 99 percent of women were killed by men, while only one percent were killed by another female.<sup>64</sup> Further, according to the University of Tillburg, Victimology Institute, "12,000 women are killed annually in Russia, in domestic violence disputes, - one every 45 minutes."<sup>65</sup>

In Australia, Canada, Israel, South Africa, and the United States, 40 to 70 percent of females were killed by their former or current partners. In Guatemala roughly two women are killed per day. In Mexico, men are most frequently killed by firearms, whereas women are killed in more violent means via suffocation, strangulation, by drowning, being poisoned, burned, raped, and mutilated.<sup>66</sup>

In the United States in 2007, 45 percent of women were killed by a current or former partner, compared to 5 percent of men.<sup>67</sup> Furthermore, femicide is the leading cause of death in African-American women aged 15-45 years of age and the seventh leading cause of death of all U.S. women. Intimate partner violence is responsible for 40 to 50 percent of femicides; increasing from 54 percent in 1976 to 72 percent in 1996. 67 to 80 percent of intimate partner femicides involved physical abuse prior to death.<sup>68</sup> The U.S. Federal Bureau of Investigation (FBI) classifies these killings as intimate homicides. From 1976 to 2004, 40,823 women have been killed, with an average of over 1,500 women killed per year in the United States.

The killing of women in intimate femicides is almost double to the 23,506 men killed by an intimate partner during the same time period.<sup>69</sup> Overall, one-fifth of murder victims were killed by an intimate partner, and two out of five female murder victims were killed by an intimate partner. The percentage of male victims has decreased, while female victim rates have fluctuated decreasing from 43 percent in 1980 to 38 percent in 1995 only to reach 45 percent in 2008. The study conducted by the U.S. Department of Justice shows a direct correlation between intimate partner homicide and age. As the age of the female increases, so does the chance for intimate partner femicides.

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<sup>63</sup>UN Human Rights Council, *Rashida Manjoo*. 2012. *Report of the Special Rapporteur on violence against women, its causes and consequences*, A/HRC/20/16.

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<sup>65</sup>Film "The Forgotten Ones". 2009. Produced and directed by Michael Platzer, University of Tillburg, INTERVICT.

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<sup>68</sup>U.S. Department of Justice. 2011. *Homicide Trends in the United States, 1980-2008*. Patterns & Trends: NCJ236018. Bureau of Justice Statistics, p.1-36.

<sup>69</sup>Silent Witness National Initiative. 2012. *The latest information Nov. 27, 2012 from the Bureau Of Justice Statistics (BJS) on Intimate Partner Violence, 1993-2010*.

Over the span of 1980 to 2008, spousal femicide has decreased while boyfriend/girlfriend femicide rates have increased.

In 1980, 69.1 percent of intimate partner homicide was spousal, while only 25 percent were by boyfriend/girlfriend. In 2008, 46.7 percent was spousal, while 48.6 percent was boyfriend/girlfriend. The means by which intimate partner femicide is conducted also contains a gender-gap over this time period. In 1980, 68.9 percent of men were killed with firearms and 30.5 percent by other means (knives, blunt objects, personal weapons); similarly 69.5 percent of women were killed with firearms and 28.9 percent by other weapons.<sup>70</sup> However, in 2008, 53 percent women were killed with firearms, and 41 percent by other means. Overall, two-thirds of intimate partner femicides perpetrated by a spouse were using firearms. Boyfriends were more likely to be killed with knives, while girlfriends were more likely to be killed by force.<sup>71</sup>

According to Dr. Kevin Fullin of the American Medical Association, “one-third of all women’s injuries coming into our emergency rooms are no accident. Most are the result of deliberate premeditated acts of violence. And frequently they occur over and over until the woman is killed.”<sup>72</sup> The New York City Department of Health has stated that “battered women increase their chances of being killed when they try to escape a domestic violence situation”.<sup>73</sup>

### ***Best Practices and Recommendations***

*UN Women* has called on police forces, prosecution offices, and courts to provide accurate investigations and prosecution to be available and readily utilized when dealing with domestic violence and intimate partner femicides. Women must have access to services in which protection can be ensured.<sup>74</sup> There is a need for safe havens and self-empowerment for women to escape domestic violence, life-threatening situations which will likely result in death. Therefore, an increased amount of investment to prevent such abuses and killings is required to give women the resources and avenues they need to escape.

The United Nations has released a report calling on the Italian government to create a specific body dedicated to gender equality issues, including training judges to be able to effectively address cases related to violence against women.<sup>75</sup> Furthermore, the meeting in May at **THE HUMAN RIGHTS COUNCIL MADE FOUR MAIN RECOMMENDATIONS:** “(a)

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<sup>70</sup> U.S. Department of Justice. 2011. *Homicide Trends in the United States, 1980-2008*. Patterns & Trends: NCJ236018. Bureau of Justice Statistics, p.1-36.

<sup>71</sup> Ibid.

<sup>72</sup> Can be retrieved from: Silent Witness National Initiative. 2012. *The latest information Nov. 27, 2012 from the Bureau Of Justice Statistics (BJS) on Intimate Partner Violence, 1993-2010*.

<sup>73</sup> Silent Witness National Initiative. 2012. *The latest information Nov. 27, 2012 from the Bureau Of Justice Statistics (BJS) on Intimate Partner Violence, 1993-2010*.

<sup>74</sup> United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). 2012. *UN Women calls on Member States and stakeholders to take urgent action against femicide*.

<sup>75</sup> NPR. 2012. *Italian Women Call For Action Against 'Femicide'*. Available at: <http://www.wbur.org/npr/165658673/italian-women-call-for-action-against-femicide> [Accessed: 18 Jan. 2013].



enhanced access to justice of women; (b) ending impunity of perpetrators; (c) disaggregated data collection; and (d) supporting national capacity and assistance.”<sup>76</sup>

CEDAW welcomed the **NATIONAL PLAN FOR PREVENTING AND ADDRESSING DOMESTIC VIOLENCE AND CIVIL COEXISTENCE**. This instrument seeks to overcome barriers from sociocultural, to institutional, and legal barriers in addressing domestic violence. Point 26 also acknowledges protective measures that the Criminal Code and Criminal Procedure Code have taken. As addressed by other committees and organizations, there is a concern over protection, service availability and efficiency, lack of reporting, and lack of awareness campaigns. New laws have been lobbied for electoral and penal law, employment and education to be amended in legislative terms. Furthermore, there has been encouragement to utilize media and educational outlets to raise awareness that domestic violence is not acceptable.<sup>77</sup>

While **LEGISLATIVE MEASURES** are important in raising global awareness, and even national awareness, issues of domestic violence are dealt with more efficiently through local community means. National organizations such as *Women’s Law*<sup>78</sup> in the U.S. can be accessed online and gives state-by-state legal information and resources that is readily available. Adequately, trained law enforcement is important to end domestic violence before it becomes a femicide case. Often crimes of domestic violence go unpunished due to a case being built on hearsay, victims dropping criminal charges or refusing to testify against the perpetrator, or the police force not charging the perpetrator correctly. Alarming, a misdemeanor crime may be the only charge made by the arresting officer, but there is a felonious charge that is overlooked.

**POLICE FORCES** are not always trusted in every country. When a police force lacks public trust, there are fewer reports of domestic violence related crimes. The news and private blogs are flooded with victims that have been told that there is nothing that can be done, that there is no protection from their partners, husbands, or family members. Often, the police are the first contact for victims, and services, programs, and shelters ideally should follow immediately.

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<sup>76</sup> UN Human Rights Council, *Rashida Manjoo*. 2012. *Report of the Special Rapporteur on violence against women, its causes and consequences*, A/HRC/20/16.

<sup>77</sup> CEDAW. 2012. Summary report CEDAW/C/SR.922, CEDAW/C/SR.923.

<sup>78</sup> Women's law. Available at: <http://www.womenslaw.org> [Accessed: 18 Jan. 2013].

Honour killing is the most extreme form of the now recognized body of honour-based crimes, which attempt to control female behavior. Victims are almost always females<sup>79</sup> in their late teens to early twenties. Familial collusion is frequent, and, in some cases, a family council is set up to decide whether a woman should be killed and, if so, how. Killings are generally also perpetrated by members of the victim's family, particularly young boys in order to mitigate the severity of the sentence,<sup>80</sup> or by a hired killer.<sup>81</sup> An honour killing is usually the last resort following other forms of honour-based violence including forced marriage, threats and harassment.

The "crime" committed by the victim is typically related to their choice of sexual or marital partner, education and employment, mode of dress, behaviour and contact in relation to the opposite sex, sexuality or a general failure to respect the familial and community **STANDARDS OF FEMININE BEHAVIOUR**.<sup>82</sup> Tragically, victims of rape are also frequently killed to restore their family's honour.<sup>83</sup> Their behaviour is viewed as casting shame upon the victim's relatives and only with their death can honour be restored to the "fallen" family. Should the family refuse to act, they may be subjected to harassment and exclusion by their community, as well as pressure to commit the crime.

Stoning, stabbing, beating, burning, beheading, hanging, throat slashing, lethal acid attacks, shooting and strangulation are all common methods for executing honour killings.<sup>84</sup> Killings are also frequently **PUBLICLY PERFORMED** in order to influence the behaviour of other women within the community.<sup>85</sup> Furthermore, perpetrators are often exculpated or receive reduced sentences, with many governments indirectly supporting the practice through their own inaction or the defense of killings as customary practice.<sup>86</sup>

### Honour-related Killings: A Global Problem

There is no definitive list of what is considered honourable, with the standard varying between communities and cultures. Honour killings have been practiced by a myriad of societies throughout different periods of history. A common misconception is that honour killings find their support within the scriptures of major religions. Instead, the origin of such crimes may be traced back to Roman law, medieval Albania, Calvin's control of Geneva, the Ching dynasty in China, the Italian Penal Code until 1980 and the Penal Codes of the Napoleonic Empire.<sup>87</sup>

<sup>79</sup> Homosexual and heterosexual men may also become victims of acts by the family of the woman they are supposed to have dishonoured, however, cases are less frequent as killing a man carries the risk of igniting family feuds.

<sup>80</sup> Pope, Nicole. 2012. *Honour Killings in the Twenty-First Century*. New York: Palgrave MacMillan, p.101.

<sup>81</sup> Estimates in the United Kingdom suggest that a hired killer commits 1 in 8 'honour' killings.

<sup>82</sup> Honour Based Violence Awareness Network – International Resource Centre. 2013. Available at: <http://hbv-awareness.com> [Accessed 28 Jan. 2013]

<sup>83</sup> Cohen, John. 2010. *Honour Killings and Cultural Defense*. California Western International Law Journal 40(2), p.197.

<sup>84</sup> Ibid p.191.

<sup>85</sup> UN Human Rights Council, *Rashida Manjoo*. 2012. *Report of the Special Rapporteur on violence against women, its causes and consequences*, A/HRC/20/16.

<sup>86</sup> O'Brien, Jodi, ed. 2008. 'Honour Killings'. *Encyclopaedia of Gender and Society*.

<sup>87</sup> Honour Based Violence Awareness Network – International Resource Centre. 2013. Accessed 28 January 2013. Available at <http://hbv-awareness.com> [Accessed 28 Jan. 2013]

Described by the High Commissioner for Human Rights, Navi Pillay, as “a plague that affects every country,”<sup>88</sup> while honour killings are most prevalent in the Middle East and South Asia, cases have been reported in Bangladesh, Brazil, Ecuador, Egypt, India, Iran, Iraq, Israel, Jordan, Lebanon, Morocco, Pakistan, the Philippines, the Syrian Arab Republic, Turkey, Uganda, Western Samoa and Yemen.<sup>89</sup> In addition, within Europe, killings have occurred in France, Germany, Italy,<sup>90</sup> Sweden and the United Kingdom<sup>91</sup> and further afield in Australia, Canada<sup>92</sup> and the United States of America. In Western countries, the practice has been witnessed largely within immigrant communities, where authorities are wary of criminalizing the practices of religious and ethnic minorities. Despite these known instances, many crimes remain unidentified due to the high number of unreported cases and effective concealment by the respective family, community and authorities.

Recorded data on India and Pakistan recognizes around 1000 killings per year and 12 per year in UK, while Turkey recorded approximately 1000 over five years.<sup>93</sup> However, since the *United Nations Population Fund* reported in 2000 that 5000 honour killings occurred per year, no subsequent figures have been published by the organization.<sup>94</sup> This data gap highlights the “underreported and underdocumented”<sup>95</sup> nature of the crime globally. In India, an increase in killings has been attributed by some to an intensification of the conflict between modern and traditional attitudes, values and beliefs fuelled by India’s high economic growth, increasing social mobility and the relatively recent media focus on the crime.<sup>96</sup> New Delhi is not alone, with evidence of a significant rise in killings globally between 1989 and 2009 due either to the genuine escalation of the crime or the increased incident of accurate classification. This data showed half of the victims to be daughters or sisters, and a quarter to be girlfriends or wives, of the perpetrator. Furthermore, almost half of the killings were carried out by multiple actors, and more than half of the victims were tortured before death.<sup>97</sup>

### **Best Practices and Recommendations**

Responses to honour killings vary worldwide. In India and Pakistan informal **LEGAL SYSTEMS**, known as *Jirga*, have the power to call for killing, “compensation marriages” and even the highly-publicised gang-rape of Mukhtaran Mai in Pakistan.<sup>98</sup> Their rulings, which are the product of community traditions, take precedence over state laws.<sup>99</sup> In Pakistan in 2011, 77% of honour killing cases resulted in acquittal.<sup>100</sup> While the government has denounced the

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<sup>88</sup> UN News Centre. 2010. *Impunity for domestic violence, ‘honour killings’ cannot continue* – UN official.

<sup>89</sup> Amnesty International, United States of America. 2013. *Culture of Discrimination: A Fact Sheet on “Honor Killings”*.

<sup>90</sup> Resolution 1681 adopted in 2009 asked Council of Europe Member States to “draw up and put into effect national action plans to combat violence against women, including violence committed in the name of so-called ‘honour’.”

<sup>91</sup> Voice of America. 2009. *Number of Honor Killings in Europe Higher than Thought*.

<sup>92</sup> Gatehouse, Jonathon. 2009. *Canada has been Lucky*. *Maclean's* 122(31): p.24-25.

<sup>93</sup> Cohen, John. 2010. ‘Honour Killings and Cultural Defense’. *California Western International Law Journal* 40(2), p.193.

<sup>95</sup> UN Human Rights Council, *Rashida Manjoo*. 2012. *Report of the Special Rapporteur on violence against women, its causes and consequences, A/HRC/20/16*.

<sup>96</sup> Chelser, Phyllis and Nathan, Bloom. 2012. *Hindu vs. Muslim Honor Killings*. *Middle East Quarterly* 19(3), p. 43.

<sup>97</sup> Chelser, Phyllis. 2010. *Worldwide Trends in Honor Killings*. *Middle East Quarterly* 17(2): p.4.

<sup>98</sup> Honour Based Violence Awareness Network – International Resource Centre. 2013. Available at <http://hbv-awareness.com> [Accessed 28 Jan. 2013]

<sup>99</sup> Cohen, John. 2010. ‘Honour Killings and Cultural Defense’. *California Western International Law Journal* 40(2), p.211.

<sup>100</sup> Chelser, Phyllis and Nathan Bloom. 2012. ‘Hindu vs. Muslim Honor Killings’. *Middle East Quarterly* 19(3) 43., p.45.

practice, and in 2005, introduced a 10-year minimum sentence, further enforcement measures are consistently “watered down or abandoned.”<sup>101</sup> Similarly, the Indian government, media and India’s Supreme Court have repeatedly condemned the practice and NGOs have become increasingly active. In 2010, the Supreme Court also took steps to **PROTECT POTENTIAL VICTIMS** and highlighted the duty of officials to act with respect to the practice.<sup>102</sup>

Penal Codes frequently allow for reduced sentences for honour-based crimes within Iran, Syria, Iraq and Jordan among other countries.<sup>103</sup> Many instances are either not reported or stagnate early in the proceedings due to the cultural belief that such crimes are private family matters, leaving few who will testify. Despite this, India has attempted to take steps towards reducing killings by handing down the death penalty to significant numbers of people who have “colluded” in killings.<sup>104</sup> However, in some countries, women thought to be in danger have been imprisoned ‘for their own safety.’ In some regions, distrust of authority with respect to crimes perpetrated against women in some regions is also a major impediment to combating the crime; as is lack of police training to correctly identify the practice.

Turkey is also making progress toward **CHANGING PUBLIC MENTALITIES** to honour killings by initiating education and **PROTECTION PROGRAMS**, the importance of which has been highlighted by the fact that 48% of national human rights institutions worldwide have labeled gender-based stereotypes as the key impediment to improving women’s rights.<sup>105</sup> The location of judicial proceedings in rural, as opposed to urban, environments has also been found to significantly alter outcomes.<sup>106</sup> Despite this, **PENAL CODE REFORM** in Turkey in 2004, enacted in consultation with women’s and children’s rights organisations,<sup>107</sup> corresponded with a spike in “honour suicides,”<sup>108</sup> where women are provided with weapons to end their own lives, and threatened with torture should they refuse.<sup>109</sup>

Northern European and Scandinavian states have also developed protocols for the protection of potential victims, to complement the increasingly available advice and counseling offered by NGOs. German research has suggested that in Western states, where killings occur almost exclusively in first-generation immigrant communities, increased focus on the **INTEGRATION OF MINORITIES** is a crucial step towards reducing the prevalence of the crime.<sup>110</sup> At present, comprehensive responses to honour-based violence in Western countries requires greater coordination, the lack of

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<sup>101</sup> Ibid., p.49.

<sup>102</sup> Ibid., p.51.

<sup>103</sup> Honour Based Violence Awareness Network – International Resource Centre. 2013. Available at <http://hbv-awareness.com> [Accessed 28 Jan. 2013]

<sup>104</sup> Ibid.

<sup>105</sup> OSCE Office for Democratic Institutions and Human Rights. 2012. *Handbook for National Human Rights Institutions on Women’s Rights and Gender Equality*. Warsaw: OSCE Office for Democratic Institutions and Human Rights.

<sup>106</sup> UN Human Rights Council, *Rashida Manjoo*. 2012. *Report of the Special Rapporteur on violence against women, its causes and consequences*, A/HRC/20/16, p.12.

<sup>107</sup> United Nations Division for the Advancement of Women United Nations Office on Drugs and Crime. 2008. *Good practices in legislation on violence against women - Report of the expert group meeting*.

<sup>108</sup> Gatehouse, Jonathon. 2009. ‘Canada has been Lucky’. *Maclean’s* 122(31): 24-25.

<sup>109</sup> Stange, M./ Oyster, C. eds. 2011. *Encyclopedia of Women in Today’s World*.

<sup>110</sup> Honour Based Violence Awareness Network – International Resource Centre. 2013. Available at <http://hbv-awareness.com> [Accessed 28 Jan. 2013].

which may be due to the relatively recent appearance of these types of crimes in these regions.<sup>111</sup> In Sweden, the death of Fadime Sahindal mobilized the implementation of **TRAINING PROGRAMS** for police, social workers and teachers, the publication of awareness campaigns targeting immigrants and the creation of numerous shelters.<sup>112</sup> The **ACTION PLAN FOR COMBATING MEN’S VIOLENCE AGAINST WOMEN, VIOLENCE AND OPPRESSION IN THE NAME OF HONOR AND VIOLENCE IN SAME-SEX RELATIONSHIPS (2007)** aims to create a safer environment for women living in urban communities.<sup>113</sup>

In 2004, the United Kingdom announced plans to reopen old cases for possible reclassification as honour killings.<sup>114</sup> A program comparable to federal witness protection has also been established in London. In Canada new immigrants are informed that the Canadian justice system will not tolerate honour killings.<sup>115</sup>

Attempts to avoid or mitigate criminal charges using the “cultural defense” argument yet to be codified by any state, has been used with a limited degree of success with respect to charges for “lesser” offences. The defense argues that the defendant’s behaviour conforms to the customary practices applicable in their homeland and is therefore reasonable.<sup>116</sup>

Key areas for development in order to reduce the prevalence of honour crimes include training and capacity building for public officials, the establishment of specialized police forces, prosecutorial units and courts, penalties for non-compliance by the relevant authorities, mechanisms to monitor implementation and the **COLLECTION OF DATA**. However, perhaps most importantly, legislation must ensure that sentences reflect the seriousness of the crime to end the culture of impunity, which offers exemptions and reduced penalties to perpetrators.<sup>117</sup>

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<sup>111</sup> Ibid.

<sup>112</sup> Gatehouse, Jonathon. 2009. ‘Canada has been Lucky’. *Maclean's* 122(31): 24-25.

<sup>113</sup> UN Women. 2012. *Handbook for National action plans on Violence against women*. New York: United Nations.

<sup>114</sup> Chelser, Phyllis. 2010. ‘Worldwide Trends in Honor Killings’. *Middle East Quarterly* 17(2): 4., 10.

<sup>115</sup> Ibid.

<sup>116</sup> Cohen, John. 2010. ‘Honour Killings and Cultural Defense’. *California Western International Law Journal* 40(2), p. 179.

<sup>117</sup> Department of Economic and Social Affairs, Division for the Advancement of Women. 2009. *Handbook for Legislation on Violence against Women*. New York: United Nations.

Femicide or gender-related killing of women and girls is regarded as an alternative to the gender-neutral term of homicide, which overlooks the realities of inequality, oppression and systematic violence against women.<sup>118</sup> According to Deepka Puri<sup>119</sup> dowry represents the property given to the daughter by her family to take with when she gets married.

The term 'dowry deaths' refers to a particular type of femicide, which involves the killing of a woman, usually by immolation in the household. Since the parents are unable to provide any more dowry and the daughter cannot be a source of income for the family any longer, the husband starts considering her an unsuitable wife.

Gangrade and Chander contend that the dowry system, as practiced today, has become an instrument of oppression and torture for the bride and her parents.<sup>120</sup> The dowry tradition has undergone changes in the past centuries: what was supposed to represent a gift from the bride's family to that of the groom's has now come to imply a substantial payment of money or a transaction of jewelry, household items, appliances and even vehicles.<sup>121</sup>

#### ***Dowry Related Killings: A Global Problem***

The practice of the dowry system has deep cultural roots in all parts of the world, going back to the ancient Greek city-states and Roman times<sup>122</sup>; hence it is based on old traditions and customs. Anderson<sup>123</sup> conducted a study in which he argues that two basic factors are responsible for the prevalence of marriage payments, which then vary across communities, depending on the social, political and economic structures existing there. The arranged marriage represents the foundation of the dowry system, where money or goods can be transferred from the family of the bride to the groom', in which case the dowry applies or vice versa, where the bride price is applied.

There are relatively few comparative studies on marriage transfers in the rest of Southeast Asia, yet some indicate that dowry payments occur frequently in Nepal, and have started to spread to Bangladesh and Sri Lanka<sup>124</sup> as well. Existing research points out that bride price is more common in Africa, and other Southeast Asian countries such as Indonesia, Thailand and Burma<sup>125</sup>, while dowry is almost a universal practice in India and Pakistan. Traditional Chinese and Taiwanese practice/traditions include both bride price and dowry.<sup>126</sup>

In India, the dowry practice has spread to different castes, provinces, economic classes, and religions. The Indian government has taken several measures in order to tackle this problem, including criminalizing dowry and dowry-

<sup>118</sup> UN Human Rights Council, *Rashida Manjoo*. 2012. *Report of the Special Rapporteur on violence against women, its causes and consequences*, A/HRC/20/16, p.6.

<sup>119</sup> Puri, Deepka. 1999. In Johnson, Pamela/ Johnson Jennifer. 2011. *The Oppression of Women in India*. Vol. 7(9), pp. 1051-1068.

<sup>120</sup> Johnson, Pamela/ Johnson Jennifer. 2001. *The Oppression of Women in India, Violence Against Women*, vol. 7(9), in Johnson & Johnson p.156

<sup>121</sup> Ibid.

<sup>122</sup> Anderson, Siwan. 2007. 'The Economic of Dowry and Brideprice'. In: *Journal of Economic Perspectives*, vol 21, p. 153

<sup>123</sup> Ibid., pp.151-174

<sup>124</sup> Ibid., p.154

<sup>125</sup> Spiro, Melford. 1975. *Marriage Payments: A paradigm form the Burmese Perspective*.

<sup>126</sup> Parish, William/ Willis, Robert. 1993. *Daughters, Education and Family Budgets* .

related violence against women. The **INDIAN PENAL CODE** amended in 1983 outlawed dowry-related cruelty carried out by the husband and his relatives, and the 1986 Amendment introduced stronger punishments for dowry deaths.<sup>127</sup> Nevertheless, in reality, legal enforcements have proved to be rather inefficient. Investigation and prosecution have been hampered by corruption, insensitive police personnel, a sense of social and cultural apprehension towards this type of murder, and a general tendency on behalf of investigators to dismiss dowry deaths as 'suicides', 'kitchen accidents' or merely as events related to family disputes. Another flaw can be traced in the vague statutory language in the law's definition, since it does not specify which items are included in the dowry before and after the wedding takes place.<sup>128</sup> According to the Indian National Crime Record Bureau, dowry deaths are on the rise in India. In 1982, 392 cases were registered<sup>129</sup>, and in 2006, 7,618 cases were recorded, in 2009, 8,383,<sup>130</sup> and in 2011 8,618.<sup>131</sup> The Crime in India Report of 1999 acknowledges that records of **REGISTERED** dowry deaths should be reviewed with caution, since a considerable number of crimes against women go unreported due to the social stigma attached and the lengthy court procedures.<sup>132</sup>

A study conducted by Nigam in 2002<sup>133</sup> reports that dowry-related killings follow two patterns: first, the young brides are either murdered or forced to commit suicide (18.4%) when their parents refused to concede to continuing dowry demands or second, the murders are committed on the pretext of complex family relations or extra-marital relations (52,6%). Following a decade of sustained advocacy and activism by the women's movement in India, the passage on the **PROTECTION OF WOMEN IN THE DOMESTIC VIOLENCE ACT OF 2005**, recognizing women's needs for emergency relief, improved the situation of victims significantly. Drafted by the Lawyers Collective Women's Rights Initiative through a consultative process and with support from the UN Trust Fund to End Violence against Women, the law built on the past **EXPERIENCES OF WOMEN**.<sup>134</sup> It sought to do this, responding to the need to protect women and to enable them to negotiate a life free from violence. It also brought the issue into the public sphere, overcoming the traditional private-public divide and highlighting that any form of violence against women is an infringement of their human rights.<sup>135</sup> The dowry practice is may also be found in Pakistan, even though it was banned by an anti-dowry law in 1976.<sup>136</sup> Statistics on the number of casualties resulting from dowry deaths are unclear, so that the term 'bride burnings' is often used. According to the findings of the Progressive Women's Association, a Pakistani NGO, in 1999 bride burning resulted in the violent deaths of at least 300 women, the perpetrators being most often the victim's husbands or the husband's family.<sup>137</sup> An article by Anderson, which analyzes the prevalence of dowry practice in contemporary

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<sup>127</sup> Carlson-Whitley, Angela. 1994. *Dowry Death: A Violation of the Right to Life under Article Six of the International Covenant on Civil and Political Rights*. In: Seattle University Law Review, vol 17(3), p. 638

<sup>128</sup> Ibid., p. 641

<sup>129</sup> Ibid., p.642

<sup>130</sup> National Crime Record Bureau. 2010. *Crime Against Women*. Available at: <http://ncrb.nic.in/cii2010/cii-2010/Chapter%205.pdf>, [Accessed 11 Feb. 2013]

<sup>131</sup> Ibid.

<sup>132</sup> Sharma & Gupta. 2004. 'Gender-Based Violence in India, A Never-Ending Phenomenon'. In: Journal of International Women's Studies, vol. 6(1), pp. 114-123

<sup>133</sup> Nigam, Manish / Kumar Jain, Ashok ed. 2004. *Trends of organophosphorus poisoning in Bhopal region an autopsy based study*.

<sup>134</sup> UN Women. 2012. *Confronting Dowry Related Death in India: Women at the Center of Justice*.

<sup>135</sup> Ibid.

<sup>136</sup> UN Human Rights Council, Rashida Manjoo. 2012. *Report of the Special Rapporteur on violence against women, its causes and consequences*, A/HRC/20/16, p.15.

<sup>137</sup> BBC. 1999. South Asia Bride Burning "Kills Hundreds". Available at: [http://news.bbc.co.uk/2/hi/south\\_asia/431607.stm](http://news.bbc.co.uk/2/hi/south_asia/431607.stm) [Accessed 11 Feb. 2013]

societies, points out that in Pakistan, during the 1970s and 1990s, in both rural and urban areas, dowry had been paid for almost 90% of the marriages included in the study's sample.<sup>138</sup>

According to the Asia Legal Resource Center (ALRC), dowry-related violence in Bangladesh where femicides occur, if a family fails to pay the full dowry claim.<sup>139</sup> According to a statement released by the ALRC in 2004, quoting *Odhikar*, a human rights organization in Bangladesh, "267 women including one child were victimized due to dowry-related matters. Among them, 165 were killed, 77 tortured by acid violence, one was divorced and 11 committed suicide due to incessant dowry demands".<sup>140</sup> There have been some legal measures taken to control such violence against women, an example being the Acid Control Act and the Dowry Prohibition Act from 1980. However, the level of violence, which continues unabated, demonstrates that such laws do not have the capacity to bring this situation to an end. While such laws are passed under pressure from women's groups and international lobbies, the state often fails to put in place implementation mechanisms to enforce them.<sup>141</sup>

In Nepal, dowry is closely related to social prestige. There, the 'SOCIAL CUSTOMS AND PRACTICES ACT' (2009)<sup>142</sup> prohibits the dowry system. However, not a single case has been registered in which somebody had been punished.<sup>143</sup> Dr. Banshidhar Mishra argues that dowry deaths are a serious problem in Nepal, particularly in the Terai belt, a region on the border of India.<sup>144</sup> There, many girls marry Indian men because of the open border, and their marriages follow the dowry-related traditions of India. Here most death incidents are obscured and labeled as private family affairs.<sup>145</sup>

### **Best Practices and Recommendations**

Bhave<sup>146</sup> argues that India could remedy the dowry death problem by enacting a **NATIONAL DOWRY TORT STATUTE**. Such a statute would discourage the groom's family's economic incentive to demand dowry by allowing victims of dowry-related violence to collect money damages. A study by Kishwar<sup>147</sup> on the dowry system in India has revealed that there tends to be general consensus that voluntary giving is fine when a daughter gets married. However, extortion through subtle or coercive means is wrong and should be punished by law. Therefore, the solution put forward is that sections from the Indian Penal Code which deal with extortion and blackmailing should be enforced more vigorously. From this perspective, this measure would be preferable to the abolishment of the dowry practice, which was theoretically achieved through the Dowry Prohibition Act of 1961, yet could not deter its occurrence. One explanation is that people in India from all castes feel that dowry is actually beneficial to women. It guarantees that they will receive their share of inheritance from their parents, since traditionally it is the male heir who gets to live

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<sup>138</sup> Anderson, Siwan. 2007. 'The Economic of Dowry and Brideprice'. In: Journal of Economic Perspectives, vol 21, p.154

<sup>139</sup> Commission on Human Rights, Sixty First Session. 2005. *Dowry Related Violence Against Women in Bangladesh*.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

<sup>142</sup> UN Human Rights Council, *Rashida Manjoo*. 2012. *Report of the Special Rapporteur on violence against women, its causes and consequences*, A/HRC/20/16.

<sup>143</sup> Poudel, Smita. 2006. *Dowry, a Social Evil*. Strict laws required to prevent women from being treated as commodities.

<sup>144</sup> Bansh Jha, Hari. 2000. *Nepal Flirts with Dowry*. Indian influence along the border states has slowly wrought changes to the marriage system.

<sup>145</sup> Poudel, Smita. 2006. *Dowry, a Social Evil*. Strict laws required to prevent women from being treated as commodities.

<sup>146</sup> Bhave, Sunil. 2007. *Deterring Dowry deaths in India*. In: Suffolk University Review, 40(2), pp. 291-313

<sup>147</sup> Madhu Purnima Kishwar, Manushi. 2005. *Strategies for Combating the Culture of Dowry and Domestic Violence in India*, p.6.



with his bride in his parent's house and will come in possession of most remaining assets after they pass away.<sup>148</sup> However, at this point, according to Kishwar, one must ask the question: who can decide when a gift is voluntary or when it is given under pressure? Factors such as corruption and bribery of law enforcement officials might contribute to the distortion of perceptions and the modification of past statements, so that cases remain unsolved, the perpetrators unpunished and the victims silenced.

Kishwar<sup>149</sup> notes that demonstrations took place in India which sought to bring the issue of dowry deaths and abuse suffered by women out of the privacy of homes into the public domain. However, these neither succeeded in eliminating violence, nor in reducing the practice of dowry. In her study, she argues that women's vulnerability is mainly related to the concept of 'parya dhan'<sup>150</sup>, or 'the wealth of aliens', where the women's real place lies in their marital families, not in the parental ones. As such, the most feasible way of solving this problem seems to be the enactment of legislation that obliges parents to give an equal share of their property and privately owned land to both sons and daughters. This way the woman would become economically independent and in her later stages of life, she would not need dowry as a parental financial provision before entering married life. As a result, people would then feel less compelled to give dowry, not to mention that it would place men and women on an equal social footing.

The media can also play a positive part in educating the population, raising awareness about the fatalities of the dowry practice and tackling stereotypes attached to women.<sup>151</sup> Rita Banerji states that education and a solid economic background do not ensure that women will not fall prey to various forms of domestic violence, including dowry deaths, because the parents of an educated bride will have to pay a greater amount of dowry.<sup>152</sup> On the other hand, a groom with a university degree will also expect to receive a larger dowry. Nevertheless, efforts initiated by international organizations such as the United Nations, covenants, conventions such as CEDAW, or other types of agreements and documents offer a foundation on which civil society activists can base their work. Furthermore this can also give an incentive to governments and put pressure on policy makers to take these issues more seriously and act accordingly. The ALRC considers that in order to tackle dowry deaths in Bangladesh, the UN Human Rights Council could encourage the Bangladeshi government to adopt a more **PROACTIVE APPROACH** for the elimination of dowry.<sup>153</sup> The ALRC also recommends that civil society organizations and the media launch a campaign which highlights dowry problems and raises awareness in this respect. To ensure improved statistics on dowry-related killings, the UN Special Rapporteur on Violence against Women<sup>154</sup> recommends the creation of an **INTERNATIONAL STANDARD FOR THE INVESTIGATION OF FEMICIDES**, where an **ACTION PROTOCOL** with more exact indicators and categories for femicides will be developed.

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<sup>148</sup> Ibid, p.3

<sup>149</sup> Ibid, p.9

<sup>150</sup> Ibid., p.21

<sup>151</sup> Banjeri, Rita. 2011. *So Why Education and Economics are not the Solution to India's Gendercide*. Available at: <http://genderbytes.wordpress.com/2011/06/12/why-education-and-economics-are-not-the-solution-to-indias-female-genocide/> [Accessed 11 Feb. 2013]

<sup>152</sup> Un Women. 1979. *The Convention on the Elimination of all Forms of Discrimination Against Women*.

<sup>153</sup> Commission on Human Rights, Sixty First Session. 2005. *Dowry Related Violence Against Women in Bangladesh..*

<sup>154</sup> Un Women. 1979. *The Convention on the Elimination of all Forms of Discrimination Against Women*. p.27.

In the last decades, a new tendency has occurred in drug cartels. An increase in the amount of drugs being trafficked has gone hand in hand with a rise in the killing of women. Many articles relate this to the 'Macho' culture of drug trafficking that appears mostly in Latin-American countries. Femicide in the drug trade has a meaning, it is **SYMBOLIC**. Killing the woman of your enemy means that you can hurt him and that your power extends by hurting his 'belongings'.<sup>155</sup> Within the **MASCULINITY OF THE DRUG CULTURE**, hurting a woman symbolizes the cohesion of the gang, demonstrates masculinity and diminishes the enemy's morale.<sup>156</sup> Drug-related femicides occur not only with respect to the enemy, but also to the government. Killing a woman is used, in a sense, to send a message to the government, for example to warn them about drug policies.<sup>157</sup>

Concluding, in the world of drug trafficking, women are viewed as objects, as means to fulfill a goal, and are considered as belongings of enemies that you can hurt. The fact that women are used as "**DRUG MULES**" to carry drugs on their person (in their body cavities) without concern for their health or being caught reinforces their disposable value.<sup>158</sup>

#### **Organized Crime related Femicide: A Global Problem**

In the last decades, drug sales in Latin America have grown enormously. In the three countries of Guatemala, El Salvador and Honduras, also called the 'Primary Drug Corridor', a tendency has appeared where a strong rise in drug trafficking coincides with an equally strong rise in female killings.<sup>159</sup> In Honduras, the number of women killed per man has grown for 1 woman per 10 men to 4 women per 10 men. These murders follow other types of violence against women, such as sexual savagery, torture and mutilation.<sup>160</sup>

El Salvador has the highest rate of female killings in the world.<sup>161</sup> In this country, femicides occur mostly due to drug gangs' fights over the drug business. According to the Organization of Salvadoran Women (ORMUSA), the amount of murders in the country has doubled, but the amount of femicides has risen fivefold in the last couple of years.<sup>162</sup> Another example of femicide in relation to drug trafficking can be found in Mexico. Amnesty International has reported that since 1993, organized crime in Mexico has grown significantly. In one city, Ciudad

<sup>155</sup> Fox, Edward. 2012. *How the Drug Trade fuels Femicide in Latin America*. Insight Crime: Organized Crime in the Americas.

<sup>156</sup> Toledo, Patsili. 2012. *The Drug War Femicide*. Available at <http://www.project-syndicate.org/commentary/the-drug-war-femicides> [Accessed 28 Jan. 2013]

<sup>157</sup> Mares, Andrea. 2001. *The Rise of Femicide and Women in Drug Trafficking*. Available at <http://www.coha.org/the-rise-of-femicide-and-women-in-drug-trafficking/> [Accessed 28 Jan. 2013,]

<sup>158</sup> Resolution 52/1: *Promoting international cooperation in addressing the involvement of women and girls in drug trafficking, especially as couriers*. The Commission on Narcotic Drugs.

<sup>159</sup> Fox, Edward. 2012. *How the Drug Trade fuels Femicide in Central Americas*. Insight Crime: Organized Crime in the Americas.

<sup>160</sup> Toledo, Patsili. 2012. *The Drug War Femicide*. Available at <http://www.project-syndicate.org/commentary/the-drug-war-femicides> [Accessed 28 Jan. 2013]

<sup>161</sup> Smith, Zoe. 2012. *Tackling Violence against Women in El Salvador*.

<sup>162</sup> Stone, Hannah. 2011. *Violence against Women rises in El Salvador*.

Juárez, the number of women being killed has risen by 400%. These murders have different underlying causes, but many of them represent features of gender-based violence.<sup>163</sup>

In the annual report of the Special Rapporteur on Violence Against Women, its causes and consequences, Rashida Manjoo, the case of Ciudad Juárez is mentioned where, just outside the city, over 700 female bodies were found, which showed signs of rape and/or torture.<sup>164</sup> The forensic investigators of these cases and many researchers believe that most of them are related to organized crime, such as local gangs involved in drugs. In 2008, Mexican president Calderon sent troops to the city to fight the drug cartels and the trafficking. Unfortunately, this measure led to an increase of 579% in femicides and women continue to be killed. Due to the perpetrators impunity, women continue to be killed just for sport.<sup>165</sup>

### **Best Practices and Recommendations**

Although the killing of women in connection to drug trafficking mostly takes place in Latin America, there are also some good signs coming from this region. Guatemala established a special law in 2008 that criminalizes femicide. It is called the Law against Femicide and other forms of Violence against Women. This is an important step against the impunity of perpetrators of femicide. It has created a shift in the perception of women, and it led to the first conviction under this law in 2009. This has **ENCOURAGED OTHER WOMEN** to speak up as well, which will hopefully lead to more convictions.<sup>166</sup> The Guatemalan President Otto Pérez Molina has also announced the creation of a **SPECIAL FEMICIDE UNIT/TASK FORCE** that will focus on intelligence and investigation, and strives to reduce femicide by 25 percent in 2013 ensuring that more perpetrators will be convicted.<sup>167</sup>

In Honduras, women have created a **NATIONAL CAMPAIGN AGAINST FEMICIDE** and protest in large groups against the gender-related killing of women and girls. It is a good sign that women feel empowered to fight for their rights and against femicide.<sup>168</sup> In countries like Guatemala, Brazil and Mexico, an initiative has taken place to create special public transportation for women only, where they are free from threats and sexual harassment. This is especially effective against organized crime related femicide, because this usually takes place in public places or at least outside the home.<sup>169</sup> Chile is also a very good example of a country that has taken action in very different ways to prevent femicides. One component of the program involves the education of men who are violent against women to counter the aforementioned macho culture.<sup>170</sup>

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<sup>163</sup> Amnesty International. 2003. *Developments as of September 2003*. Available at: <http://www.amnesty.org/en/library/asset/AMR41/026/2003/en/a62f0982-d6c3-11dd-ab95-a13b602c0642/amr410262003en.pdf> [Accessed: 28 Jan. 2013]

<sup>164</sup> Un Women. 1979. *The Convention on the Elimination of all Forms of Discrimination Against Women*.

<sup>165</sup> Riley, Jessica. 2012. *Brutal Female Homicides continue in Ciudad Juárez with no end in sight*.

<sup>166</sup> Guatemala Human Rights Commission. 2009. *Guatemala's Femicide Law*. Progress against impunity?

<sup>167</sup> Bevan, Anna-Claire. 2012. *Guatemalan Government Launches Femicide Unit*. Available at <http://latinalista.com/2012/02/guatemalan-government-launches-femicide-unit/> [Accessed 28 Jan. 2013]

<sup>168</sup> Pavon, Francisco. 2012. *Femicide in Honduras*. This Machista Society breeds a growing and tangible hatred towards women. Available at <http://policy-practice.oxfam.org.uk/blog/2012/11/femicide-in-honduras> [Accessed 28 Jan. 2013]

<sup>169</sup> McAnarney, Alex. 2012. *Femicide in Central America: Is creating Female Friendly Urban Zones really the Solution?*

<sup>170</sup> Cotapos, Francisca. 2013. *How do we fight Femicide? Best practices and Strategies in Chile*, p. 1-3.

A UN report has defined targeted killing as “the intentional, premeditated and deliberate use of lethal force, by States or their agents acting under colour of law, or by an organized armed group in armed conflict, against a specific individual who is not in the physical custody of the perpetrator.”<sup>171</sup> It is a practice which can occur in times of peace or armed conflict. The main elements of targeted killings, to distinguish it from any other sort of killings, is its premeditated nature, the fact that lethal force is intentionally used against an individual or a specific group and, the victims are previously selected by the perpetrator.

Many times, around the world, States have adopted policies either, expressly or implicitly, that targeted a specific group of individuals. A clear-cut example can be found during World War II, where anti-Semitic policies were pursued, which led to the deaths of millions of individuals of Jewish origin.<sup>172</sup> The concern that arises in this article are the policies of targeted killings of women undertaken by State or non-State actors during wartime. For this, it is important to bear in mind that according to the **FOURTH GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR**, women should not be attacked by armed forces and in particular, have to be protected against rape and any type of indecent assault<sup>173</sup>.

### ***Targeting Killings of Women at War: A Global Problem***

When armed conflicts arise, women have been frequently targeted, raped and/or killed as part of a military strategy. Not only it is used to disable the individual and sever the victim’s family bonds but also to affect the community. There have been reports which showed that rape was committed by armed forces to force whole communities to flee from their area of residence, as a nationalistic policy in situations of ethnic conflict or as a general tool to instill fear, to **DOMINATE AND CONTROL** behaviour.<sup>174</sup> “Such violence is often used as a weapon of war, to punish or dehumanize women and girls, and to persecute the community to which they belong. Women and girls suffer from operations randomly or strategically targeting and terrorizing the civilian population, but also from summary and extrajudicial executions, imprisonment, torture, rape and sexual mutilations for fighting in resistance movements, for engaging in the search for and defense of their loved ones, or for coming from communities suspected of collaboration.”<sup>175</sup> Reports of this practice were found during the Bosnian conflict, where 200,000 to 500,000<sup>176</sup> women and girls were raped. These occurrences happened in the victim’s homes in front of their family or were

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<sup>171</sup> A/HRC/14/24/Add.6, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Fourteenth Session, 28 May 2010.

<sup>172</sup> BBC. 5 Nov. 2002. *US Drones Take Combat Role*.

<sup>173</sup> Article 27 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in time of War, Geneva, 12 August 1949.

<sup>174</sup> Swiss, S./ Giller, J. ed. 1993. *Rape as a Crime of War*. A medical Perspective. The Journal of the American Medical Association, Volume 270, p. 613.

<sup>175</sup> UN Human Rights Council, *Rashida Manjoo*. 2012. *Report of the Special Rapporteur on violence against women, its causes and consequences*, A/HRC/20/16, p.15.

<sup>176</sup> UN Women. *Facts and Figures on peace and Security*. Available at: [http://www.unifem.org/gender\\_issues/women\\_war\\_peace/facts\\_figures.html#2](http://www.unifem.org/gender_issues/women_war_peace/facts_figures.html#2) [Accessed 4 Feb. 2013]

committed in large-scale detention camps which were placed throughout the occupied territory. "In Bosnia-Herzegovina and Croatia, rape was an instrument of 'ethnic cleansing'. It was not uncommon that, soon after the rape, the women were killed."<sup>177</sup> The UN Commission of experts that investigated the rapes in former Yugoslavia has concluded: "Rape cannot be seen as incidental to the main purpose of the aggression but as serving a **STRATEGIC PURPOSE** in itself," reports the European Community"<sup>178</sup>.

Not too far apart in time, the same form of sexual violence was practiced in the Rwandan Genocide, in 1994. Similarly to the Bosnian conflict, it was used as an instrument for ethnic cleansing and as a means to sever social and family bonds. In Rwanda, as virginity would determine a girl's ability to marry, the rape victims were often marginalized and shunned by the community.<sup>179</sup> If the female victim was married, her husband would frequently abandon her. The UN Special Rapporteur Rene Degni-Segui, in 1996, reported that in Rwanda, it was estimated that 200,000 to 500,000 women and girls were victims of sexual violence and "rape was systematic and was used as a "weapon" by the perpetrators of the massacres".<sup>180</sup> During the Genocide, the Tutsis, although the Hutus did not target specifically women, were subject to torture, humiliating and brutal treatment at the hands of the perpetrators before they were killed.

Burma (Myanmar) is a country devastated by fifty years of armed conflict and military rule, ever since the military coup in 1962. Myanmar is also home to a diverse and multicultural population (Shan, Rakhine, Kachin, Karen, Karenni, Chin, and Mon) and where several religions are practiced. Since 1962, there have been several uprisings and protests to put an end to the military regime, which were crushed by the government's armed forces. To stop the opposing force's movements and control each ethnic state, the government resorted to sexual violence. The UN Special Rapporteur Rajsoomer Lallah affirmed: "These violations have been so numerous and consistent over the past years as to suggest that they are not simply isolated or the acts of individual misbehaviour by middle- and lower-rank officers but are rather the result of policy at the highest level, entailing political and legal responsibility."<sup>181</sup> As a tool of warfare, rape has been used to punish any women or girls for supporting the rebels, to spread fear throughout the community and making them unwilling to organize and confront the regime, to gain information and for ethnic cleansing.<sup>182</sup> As a result of the rape and the degrading treatment suffered by the hands of the armed forces, several women and girls have lost their lives.<sup>183</sup>

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<sup>177</sup>Supplement No. 38 (A/49/38). 1994. *Special report* - Concluding comments of the Committee on the Elimination of Discrimination against Women: Bosnia and Herzegovina, Thirteenth session, January/February 1994.

<sup>178</sup> Stiglmeier, A./ Faber, M. ed. 1994. *Mass Rape: The War Against Women in Bosnia-Herzegovina*. University of Nebraska Press. pp. 85, 86, 198.

<sup>179</sup> Women under Siege. *Rwanda*. Available at: <http://www.womenundersiegeproject.org/conflicts/profile/rwanda> [Accessed 4 Feb. 2013]

<sup>180</sup> E/CN.4/1996/68, *Report on the situation of human rights in Rwanda* submitted by Mr. René Degni-Ségui, Special Rapporteur of the Commission on Human Rights, Fifty-second session, 29 January 1996, par. 16-18.

<sup>181</sup> A/53/364, *Interim report on the situation of human rights in Myanmar* prepared by the Special Rapporteur of the Commission on Human Rights in accordance with Economic and Social Council decision 1998/261 of 30 July 1998, 10 September 1998, at par. 59.

<sup>182</sup> Women under Siege. *Burma*. Available at: <http://www.womenundersiegeproject.org/conflicts/profile/burma> [Accessed 4 Feb. 2013]

<sup>183</sup> The Special Rapporteur on extrajudicial, summary or arbitrary executions, Civil and Political Rights, Including the Question of Disappearances and Summary Executions. 2006. *Extrajudicial, summary or arbitrary executions*. Report of the Special

The Democratic Republic of Congo has been plagued by conflict ever since the military coup. The power struggle for the control of the country's valuable natural and valuable resources caused each opposing faction to resort to violence, corruption and particularly sexual violence as a means to dominate.<sup>184</sup> The scale reached such a level that "Yakin Erturk, Special Rapporteur of the U.N. Human Rights Council on violence against women, said in 2008 that sexualized violence was perceived as "normal" by local communities in eastern Congo".<sup>185</sup> Women and girls are often violated to keep the civilians quiet about the whereabouts of armed forces, to increase food insecurity since violence will in turn make the population too fearful to wander alone to gather provisions, and sexual violence is also used as part of a **RITUAL** to protect the soldiers in war.<sup>186</sup> It has been estimated that approximately 1,100 women and girls are raped each month and, up until now, at least 200,000 were subject to sexual violence.<sup>187</sup> In common with other conflicts, women have been targeted in order to be raped and then killed. Their death is either a result of extensive injuries suffered by the perpetrator or was decided by the assailant.<sup>188</sup>

For very different reasons, women and girls have been targeted during wartime. Even though the State or non-State actor's goal might have been to rape women in order to create an **ENVIRONMENT OF FEAR** and cause families to flee or to attain territorial dominance, the fact is that many women have died as a result of this form of violence. Furthermore, due to state's impunity, using sexual violence as a tool of warfare has become normal for civilians and sexual violence and killings become rampant. However, due to the very nature of the armed conflicts it is exceedingly difficult to determine how many women were victims and died from this form of femicide.

### **Best Practices and Recommendations**

Despite the bleak picture described, there have been signs of improvement, and measures have already started to be taken to combat sexual and gender based violence during wartime. The Security Council has adopted so far, five resolutions on "**WOMEN, PEACE AND SECURITY**" which, when combined, form the Women, Peace and Security international policy framework. These resolutions are particularly important due to their binding nature on every UN Member State.

- **RESOLUTION 1325** (2000) – Considered a landmark resolution, because it was the first form of legal document to acknowledge the need to respect women's rights and to support their participation in peace negotiations and in post-conflict reconstruction.

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Rapporteur: Addendum: Summary of cases transmitted to Governments and replies received, delivered to the U.N. Econ. & Soc. Council [ECOSOC], Commission on Human Rights, U.N. Doc. E/CN.4/2006/53/Add.1, 27 March 2006

<sup>184</sup> Women under Siege. *Democratic Republic of Congo*. Available at:

<http://www.womenundersiegeproject.org/conflicts/profile/democratic-republic-of-congo>, [Accessed 4 Feb. 2013]

<sup>185</sup> Ibid.

<sup>186</sup> Lisa, Jackson. 2008. "*The Greatest Silence*", documentary.

<sup>187</sup> UN Office of the High Commissioner for Human Rights, *Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003*

<sup>188</sup> "Sexual violence in the Congo, and especially in the Kivus, falls squarely within my mandate because it has reached such levels of brutality that women have literally been raped to death" A/HRC/14/24/Add.3, Philip Alston UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Fourteenth Session, 1 June 2010, at par. 62.

- **RESOLUTION 1888** (2008) – It mandated peacekeepers to protect women and children from sexual violence during armed conflict. It also foresaw the deployment of a team of experts to assist UN and national personnel to combat this form of violence in the field.
- **RESOLUTION 1889** (2009) – Reaffirmed Security Council Resolution 1325 adopted in 2000 and condemned continuing sexual violence against women in conflict and post-conflict situations. It also called on all those involved in the planning for disarmament, demobilization and integration programmes, in particular, to take into account the needs of women and girls associated with armed groups, as well as the needs of their children.
- **RESOLUTION 1960** (2010) – Calls for an end to sexual violence and establishes reporting measures. It emphasizes the importance of ending impunity regarding sexual crimes in wartime.

In 2004 and 2005, through presidential statements, the Security Council called on member States to implement Security Council resolution 1325 through national action plans. As of now, several governments have already taken the initiative, including Rwanda, Senegal, Côte d'Ivoire and the Democratic Republic of Congo.<sup>189</sup> In collaboration with the UN, the Liberian Government has implemented a programme which is meant to address and prevent sexual and gender-based violence in Liberian society. The joint programme focused on **BEHAVIORAL CHANGE** by raising awareness of sexual and gender-based violence through **PUBLIC AWARENESS CAMPAIGNS**, and its implementation was realized between 2008 and 2012.<sup>190</sup>

A similar programme was adopted in the Democratic Republic of Congo and supported by the inter-agency network of **UN ACTION AGAINST SEXUAL VIOLENCE IN CONFLICT**. This was the first integrated mission setting ever to adopt a nation-wide strategy against sexual violence. Through consultation and the cooperation of all stakeholders, the **COMPREHENSIVE STRATEGY ON COMBATING SEXUAL VIOLENCE** aims to put an end to the impunity of sexual violence, reform the security sector and assist the judicial system.<sup>191</sup> Pursuant to Security Council Resolution 1960, the Secretary-General of the UN issued a **REPORT ON THE IMPLEMENTATION** of that resolution, as well as resolutions 1820 (2008) and 1888 (2009), where he singled out every State where there were suspicions of sexual violence and/or gender-related killings. Through it, a comprehensive analysis of the evolution and practices of violence against women during in conflict was done from December 2010 to November 2011. The States listed were: Bosnia and Herzegovina, Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Colombia, Egypt, Guinea, Kenya, Liberia, Libya, Sri Lanka, Myanmar, Nepal, Sudan, Sierra Leone, Somalia, South Sudan, Syrian Arab Republic, Chad, Timor-Leste (East Timor).<sup>192</sup>

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<sup>189</sup> For more information regarding the National Action Plans and an updated list of Member States which implemented Security Council Resolution 1325. Available at: <http://www.peacewomen.org/pages/about-1325/national-action-plans-naps> [Accessed 3 Feb. 2013]

<sup>190</sup> Gayflor, Vabah, Minister of Gender and Development, Liberia. 2008. *Combating Sexual and Gender Based Violence in Liberia*, p.2.

<sup>191</sup> Office of the Senior Adviser and Coordinator for Sexual Violence. 2009. *Comprehensive Strategy on Combating Sexual Violence in the DRC*, pp. 4-7

<sup>192</sup> UN Secretary-General. 2012. *Conflict-related sexual violence*. Report of the Secretary-General, 13 January 2012, A/66/657\*-S/2012/33\*

Today, the world has become more aware of the issue of female infanticide which until recently was largely unknown to the public. Female infanticide refers to a practice, happening in countries including Southeast Asia, China, India and Pakistan, in which, due to the different value of boys and girls, many girls are mistreated, abused, starved, murdered and even aborted for the simple reason that they are girls. The higher respect and social benefits for having a son, the **GREATER EXPENDITURE** on daughters with regard to their lower earning potential later on in life, large dowries at marriage and taking care of parents-in-law in old age, as well as governmental policies such as the one-child policy in China lead to families making the decision to have a boy, which has a detrimental effect on the gender ratio in these countries.

### *Female Infanticide and Gender Based Sex-Selective Foeticide: A Global Problem*

Female infanticide refers to murdering of female children and is an especially horrifying manifestation of the lower “value” of women in patriarchal societies. Female infanticide in India and China has received special attention among researchers, academics and activists, as well as, more recently, the wider community through daring documentaries and initiatives by international and non-governmental organizations. This interest is especially due to the statistics that speak of the extent of the phenomenon in these countries. Already in 1995 a study showed that the number of baby girls who died soon after birth was three times higher than the number of boys in India.<sup>193</sup>

Female infanticide has been widely seen in India and the statistics of gender ratio in the country support this. In 2011 the gender ratio for children under the age of 15 years old was 117 boys per 100 girls<sup>194</sup> with the average ratio at birth being between 103 and 108 boys per 100 girls. The sheer horrific nature of the offence is illustrated by the methods applied. In India **TRADITIONAL METHODS OF KILLING** baby girls include feeding babies with salt to raise their blood pressure, milk mixed with poisonous plants or rice with its husk still on which slices the baby’s throat. Recently, to avoid detection, families have started using other methods such as starving or dehydrating the babies or wrapping them in wet towels to induce pneumonia.<sup>195</sup> The reasons for female infanticide in India stem from the cultural, social background and practical rationale of the country.<sup>196</sup> Once married, the woman becomes part of the husband’s family, thus leaving the parents of the woman alone at an old age. Furthermore, at marriage a huge dowry is to be paid by the wife’s family to the husband. There have also been cases where the husband’s family uses the life and well-being of the wife as a leverage in “blackmailing” her family into continuous payments with an increase in the past years of dowry-related deaths.<sup>197</sup> These “economic” reasons play a significant role in the preference for a son.

In China, son preferences are revealed. As in India, after marriage the wife becomes part of the husband’s family. This means that after the wife is married, her parents may be left alone and find it hard to take care of themselves in old age. The typical **SOCIAL BIAS** against baby girls results in them being abandoned discriminated or neglected. As in

<sup>193</sup> George. S.M. *Female Infanticide in Tamil Nadu, India*. From Recognition Back to Denial? Available at: [http://www.womenstudis.in/elib/sex\\_selection/ss\\_female\\_infanticide\\_in\\_tamil.pdf](http://www.womenstudis.in/elib/sex_selection/ss_female_infanticide_in_tamil.pdf) [Accessed: 21 Jan. 2013]

<sup>194</sup> Central Intelligence Agency. 2011. *The World Factbook*. Sex Ratio.

<sup>195</sup> Webster University. *Female Infanticide*. Available at: <http://www2.webster.edu/~woolfm/femaleinfanticide.html> [Accessed 21 Jan. 2013]

<sup>196</sup> Maps of India. *Indian Women*. Available at: <http://www.mapsofindia.com/culture/indian-women.html> [Accessed 3 Feb. 2013]

<sup>197</sup> Bedi, R. 2012. *Indian Dowry Deaths on the Rise*. The Telegraph.



India, in China baby girls do not always receive the necessary nutrition or medical attention. Often their births are not recorded or announced, babies are abandoned or killed.<sup>198</sup> More than 95 percent of orphans in China are abandoned baby girls, forced to live in degrading and unsanitary conditions.<sup>199</sup> This is also due to the “one-child” policy in China where a couple is allowed to have only one child. For couples in rural areas, the policy states that they are allowed a second child if their first child is a girl. This points to the fact that the government took precautions against a foreseeable discrimination against baby girls, especially in rural areas. Nevertheless, the death rate of girls before their fifth year is 12 percent higher than that for boys.<sup>200</sup> Furthermore, the gender ratio for children up to 15 years old is 117 boys for every 100 girls.<sup>201</sup> The lack of girls for all the boys has already had some unexpected consequences such as **ABDUCTIONS AND SALE** of young girls to secure a wife for a son,<sup>202</sup> as well as trafficking of girls from other countries for the same purpose.<sup>203</sup>

These aforementioned preferences for boys do not only have an effect on the actions of families after the birth of a baby. Even before any child is born, the discriminatory practices of sex determination in the womb and gender biased sex selection and foeticide through abortion may take place. Foeticide refers to the killing of a fetus, female foeticide is the killing of a fetus because it is female. Such practices have resulted in a changed gender ratio at birth in both India and China. While the natural gender ratio at birth ranges between 102 to 106 boys per every 100 girls,<sup>204</sup> in countries where gender biased foeticide takes place numbers show a different story. In Chinese urban areas the gender ratio has continuously been rising with ratios of up to 120 boys per every 100 girls in 2005 and rural areas exhibit an even higher deviation.<sup>205</sup> In 2009 the figures showed 118 boys per every 100 girls.<sup>206</sup> The fact that the one-child policy in China is a determining factor in the enforcement and perpetuation of female foeticide also leads to many pregnancies and births not being documented at all and being kept in secret from the state. In India the statistics are just as shocking with 914 girls being born for every 1000 boys, with the normal ratio being 952 girls per 1000 boys.<sup>207</sup> Between 2001 and 2003 the statistics showed that there were 883 girls per every 1000 boys;<sup>208</sup> thus there has been certain improvement in the gender ratio.

The improvement in India may be due to governmental reactions and the amendment in 2002 of both the **MEDICAL TERMINATION OF PREGNANCY ACT, 1971** and **THE PRE-NATAL DIAGNOSTIC TECHNIQUES (Regulation and Prevention of Misuse) ACT, 1994**, which outlaw abortion except in certain circumstances and sex determination of a foetus with a view of aborting it, respectively. Nevertheless, it must be mentioned that enforcement of the laws has sometimes been seen as insufficient, and public servants have been urged to take action and even take a pledge to the abolition

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<sup>198</sup> See *supra* note 3.

<sup>199</sup> Woods, B. /Blewett, K. 1995. *The Dying Rooms*.

<sup>200</sup> Hays, J. 2011. *Preference for Boys and Missing Girls in China*. Facts and Details.

<sup>201</sup> See *supra* note 2.

<sup>202</sup> Aljazeera. 2012. *What is Fueling Child Abduction in China?*

<sup>203</sup> The Dially Chilli. 2011. *Vietnamese Girls Sold as Brides in China*.

<sup>204</sup> UN World Health Organization. 2011. *Preventing Gender-Biased Sex Selection*.

<sup>205</sup> Li, S. 2007. *Imbalances Sex Ratio at Birth and Comprehensive Intervention in China*. Institute for Population and Development Studies

<sup>206</sup> Christophe, G. 2012. *Sex Imbalances at Birth: Trends, Consequences, and Policy Implications*

<sup>207</sup> United Nations Population Fund India. 2008. *Trends in Sex Ratio at Birth and Estimates of Girls Missing at Birth in India (2001-2008)*

<sup>208</sup> *Ibid.*

of female foeticide.<sup>209</sup> In September 2012 there was even a proposal to treat female foeticide as murder,<sup>210</sup> which is illustrative of the serious nature of the phenomenon in India.

Although India and China may be the most severely affected countries, they are not the only ones. Azerbaijan, Armenia, Georgia, Montenegro, Albania, Vietnam and Pakistan have all showed an unnatural gender ratio at birth in the past six years, with numbers ranging from 109.9 to 117.6 boys per every 100 girls. Azerbaijan leads this ranking.<sup>211</sup> In all affected countries, however, we can observe long-standing traditions and social presumptions of the role and worth of sexes having a magnified effect after access to technology and modern medical advances has increased.<sup>212</sup> This, however, will have long-term negative consequences on the demographics of the affected countries, much like female infanticide.

Sex selection is even possible before any pregnancy with the sorting of sperms depending on the chromosomes they bring or through preimplantation genetic diagnosis of embryos in in vitro procedures. These are relatively non-invasive methods of sex selection and are more technologically advanced than the other methods discussed above. They are mostly practiced for sex determination in Western and developed countries because of their price and may also constitute gender-biased sex selection. This emphasizes the nature of female inequality as a truly world-wide problem. Sex selection is a major issue as both a result and a continuation of gender inequality. Furthermore, one needs to consider the implications of such technological advances, the access to these in other less developed countries and what this may lead to.<sup>213</sup> The importance of the issue was stressed by the **COMMITTEE ON EQUAL OPPORTUNITIES FOR MEN AND WOMEN** of the Parliamentary Assembly of the Council of Europe which acknowledged pre-natal sex selection as a growing phenomenon, which "finds its roots in a culture of inequality and reinforces a climate of violence against women."<sup>214</sup> The Parliamentary Assembly of the Council of Europe, in its **RESOLUTION 1829** (2011) warned of the dangers of sex-imbalances stating:

"The Assembly wishes to warn Council of Europe member states against the social consequences of prenatal sex selection, namely population imbalances which are likely to create difficulties for men to find spouses, lead to serious human rights violations such as forced prostitution, trafficking for the purposes of marriage or sexual exploitation, and contribute to a rise in criminality and social unrest."<sup>215</sup>

Deviations from the average gender ratio at birth have been examined in 107 in Andorra, Bosnia and Herzegovina, Luxembourg, Montenegro, Portugal and Slovenia, 108 in "the former Yugoslav Republic of Macedonia" and in Kosovo; 109 in San Marino; 111 in Georgia; 112 in Albania, Armenia and Azerbaijan. For all the other member states it is between 104 and 106.<sup>216</sup> Nevertheless, the fact that gender inequality is so great as to facilitate sex selection to such an extent even in Europe, should ring a warning bell both for the social norms that we grow up with, as well as for the advancement of technology, which may sometimes get out of hand.

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<sup>209</sup> One World South Asia. 2012. *Fight Female Foeticide*. Indian Government to Public Servants

<sup>210</sup> Kher, S. 2012. *Make Law Tougher*. Treat Female Foeticide as Murder: State to Centre. The Indian Express.

<sup>211</sup> See supra note 13.

<sup>212</sup> Gilles, K./ Feldman-Jacobs, C. 2012. *When Technology and Tradition Collide*. From Gender Bias to Sex Selection, Population Reference Bureau.

<sup>213</sup> Van Balen, F./ Inhorn, M.C. 2003. *Son Preference, Sex Selection, and the "New" New Reproductive Technologies*. International Journal of Health Services, Vol. 33, No. 2, pp. 235-52.

<sup>214</sup> Pet, D. 2011. *Sex Selection*. Not Only Asia's Problem, Says Council of Europe, Centre for Genetics and Society.

<sup>215</sup> Council of Europe Parliamentary Assembly. 2011. Resolution 1829, Prenatal Sex Selection, para 6.

<sup>216</sup> Strump, D. 2011. Document 12715, Prenatal Sex Selection Report. Council of Europe Committee on Equal Opportunities for Women and Men.

## **Best Practices and Recommendations**

South Korea was the first country to report sex ratio distortions at birth because the application of sex-selective technology there preceded other Southeast Asian countries.<sup>217</sup> With the wider access to better health care and ultrasound technologies, the sex ratio inequality between girls and boys rose in the country and reached its peak in the 1990s. In 1991 the gender ratio was 117 boys for every 100 girls.<sup>218</sup> In the mid 1990s, the South Korean government began a public awareness campaign warning of the dangers of gender ratio inequality, as well as stricter enforcement of laws forbidding sex-selection technologies.<sup>219</sup>

Some, however, have argued that the road towards balanced gender ratios at birth was taken by South Korea also due to its rising GDP and changing social culture, more readily accepting gender equality and non-discrimination policies.<sup>220</sup> An especially important role in the changing social culture is given to the effects of modernity, urbanization and industrialization in relation to social assumptions of genders.<sup>221</sup> This is due to the changing of **SOCIAL SUPPORT STRUCTURES** and the importance of **FAMILY TIES**, relations and gender for the success of a person later on in life. The urban lifestyle which gives people more freedom of movement and actions, social inclusion and importance has led to women being looked upon more favorably than in rural areas.<sup>222</sup>

Industrialization and urbanization are thus seen to have molded the social changes that contributed to the normalization of the gender ratio in South Korea. It is further argued that **ANTI-DISCRIMINATION LAWS** and especially enforcement, **FEMALE EDUCATION** and **EQUALITY DEVELOPMENTS**, contributing to female independence, as well as **RETIREMENT PROVISIONS FOR PARENTS**, so not to make them dependent on their children in old age<sup>223</sup>, have made the social preference for sons seem outdated and unnecessary.<sup>224</sup> However, the high GDP of the country at the time of these developments, makes some of the lessons from South Korea not completely applicable to the situations in China and India at the moment.<sup>225</sup>

In conclusion, female infanticide and feotocide are horrific crimes which unfortunately are not merely a thing of the past. Although the most affected countries are predominantly in Asia, and although India and China provide the most extreme area for research on the topic, these issues are not limited geographically. The long-standing traditional values of the different genders and their collision with modern technology have contributed to the growth of this problem. It is up to the international community and the different State governments to become aware of this issue and take action, perhaps keeping in mind lessons learned from the successful example of South Korea and other countries where the sex ratios have remained balanced.

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<sup>217</sup> Hesketh, T./ Wei Xing, Z. 2006. Abnormal sex ratios in human populations: Causes and consequences.

<sup>218</sup> Park, C. B./ Cho, N. H. 1995. *Consequences of Son Preference in a Low-Fertility Society*. Imbalance of the Sex Ratio at Birth in Korea. *Population and Development Review*, Vol, 21, No. 1.

<sup>219</sup> *Ibid.*

<sup>220</sup> Eckard, E. 2012. When Girls Become Liabilities: The Trend of Gendercide in India, Center for Global Prosperity

<sup>221</sup> See *supra* note 1, p. 5; also The Economist. 2010. *Gendercide, The War on Baby Girls*.

<sup>222</sup> See *supra* note 1, p. 6.

<sup>223</sup> See *supra* note 1, p. 5.

<sup>224</sup> The Economist. 2010. *Gendercide, The War on Baby Girls*.

<sup>225</sup> *Ibid.*

## 2.7. GENITAL MUTILATION RELATED FEMICIDE AND THE KILLINGS OF WOMEN DUE TO ACCUSATIONS OF SORCERY/WITCHCRAFT

CAROLINE SESAY

Female Genital Mutilation (FGM) is a **DESTRUCTIVE OPERATION**, during which the female genitalia are partly or entirely removed or injured for non-medical reasons. Most often the mutilation is performed before puberty, often on young girls between infancy and age fifteen.<sup>226</sup>

FGM is prevalent in Africa, Asia and the Middle East and also among immigrants in Australia, Europe and the USA. About 140 million girls and women worldwide are currently living with the consequences of FGM. In Africa, an estimated 92 million girls, 10 years old and above, have undergone FGM. In the UK, it is estimated that up to 24,000 girls under the age of 15 are at risk of FGM.<sup>227</sup>

### ***Female Genital Mutilation related Femicide: A Global Problem***

According to the UNFPA, infant mortality rates are higher in countries where FGM is practiced. Furthermore, “death rates among babies during and immediately after birth are also higher for those born to mothers who have undergone FGM/C. It is estimated that an additional one to two babies per 100 deliveries die as a result of FGM/C. The consequences of FGM/C for most women who deliver outside the hospital setting are expected to be even more severe, especially in places where health services are weak or women cannot easily access them”.<sup>228</sup>

Additionally, according to a WHO study on Burkina Faso, Ghana, Kenya, Nigeria, Senegal, and Sudan, where the practice of FGM is common, “deliveries to women who have undergone FGM are significantly more likely to be complicated by caesarean section, postpartum haemorrhage, episiotomy, extended maternal hospital stay, resuscitation of the infant, and inpatient perinatal death, than deliveries to women who have not had FGM.”<sup>229</sup>

“Overall, 1760 (6%) women were delivered by caesarean section, and 1970 (7%) deliveries were complicated by postpartum blood loss of 500ml or more. Women with FGM II [removal of clitoris and labia minora] and FGM III [removal of part or all of the external genitalia with stitching or narrowing of the vaginal opening.] were significantly more likely to have a caesarean section and postpartum blood loss of 500ml or greater than were women who had not had FGM.”<sup>230</sup>

### ***Best Practices and Recommendations***

Following the prohibition of FGM by the English Parliament nearly 30 years ago, specialist units were set up at major hospitals throughout the country to help victims of FGM. It is also an offence to take British girls abroad for the purpose of mutilation. In Scotland, the **FEMALE GENITAL MUTILATION ACT** was introduced in 2003, and came into effect

<sup>226</sup> WHO. 2012. Female Genital Mutilation. Factsheet no241. Available at:

<http://www.who.int/mediacentre/factsheets/fs241/en/> [Accessed 15 Feb. 2013]

<sup>227</sup> UK Home Office. 2013. *Female Genital Mutilation*. Available at:

<http://www.homeoffice.gov.uk/crime/violence-against-women-girls/female-genital-mutilation/> [Accessed 15 Feb. 2013]

<sup>228</sup> UNFPA. *Strategic Response to FGM*. Available at: [http://www.unfpa.org/gender/practices3\\_2.htm](http://www.unfpa.org/gender/practices3_2.htm) [Accessed 15 Feb. 2013]

<sup>229</sup> WHO Journal Paper. 2013. *Female genital mutilation and obstetric outcome: WHO collaborative perspective study in six African countries*, p. 1839.

<sup>230</sup> *Ibid*, p.1838

in March 2004. The act makes it illegal to: practice FGM in the UK; take British nationals or permanent residents of the UK abroad for the purposes of GM whether or not it is lawful in the destination country and to aid, abet, counsel or procure the carrying out of FGM abroad and has a penalty of up to 14 years in prison and, or, a fine. To date, there has not been a single prosecution against FGM in the UK.<sup>231</sup>

In France, there have been some 100 convictions of FGM<sup>232</sup>, by far the largest in Europe. In France, mothers are expected to **ATTEND MOTHER AND CHILD CLINIC** for regular check-ups, where the doctors examine the child's genitals, until the child is six years old. They also liaise with the child's school and visit schools to check on girls. In France, they offer FGM reconstructive surgery to those who have been cut. This combination of prevention and prosecution in France has significantly reduced FGM in France.<sup>233</sup>

In Sierra Leone, there is no specific law against FGM but a person can be charged under the **OFFENCE AGAINST THE PERSON ACT 1861**, section 43, which states: "Persons convicted of aggravated assault on females and boys under fourteen years of age may be imprisoned or fined and bound over to keep the peace"<sup>234</sup> They can also be charged under **CAP 31 on Ordinance to Prevent Cruelty to Children 1926**, Section 4 'If a person over the age of sixteen years who has the custody, charge or care of any child, wilfully assaults, ill treats, neglects, abandons or exposes in a manner likely to cause a child unnecessary suffering or injury to his health including injury or loss of sight or hearing or limb or organ of the body and any mental derangement that person shall be guilty of misdemeanour.'<sup>235</sup>

Twelve African countries – Benin, Burkina Faso, Central African Republic, Chad, Cote d'Ivoire, Djibouti, Ghana, Guinea, Kenya, Senegal, Tanzania and Togo - have enacted laws criminalizing the procedure. Several other countries have also imposed monetary fines. In Egypt, the Ministry of Health issued a decree declaring FGM unlawful and punishable under the Penal Code. As of January 2003, there have been reports of prosecutions and arrests in Burkina Faso, Egypt, Ghana, Senegal and Sierra Leone.<sup>236</sup>

Countries such as Australia, Belgium, Canada, New Zealand, Norway, Sweden and USA have passed laws criminalizing FGM. In Australia, six out of eight states have passed laws against the practice. In the United States, the federal government and sixteen states have also criminalised the practice. Moreover the USA and Canada consider FGM as a type of harm that could qualify someone for protection under the Convention relating to the Status of Refugees. However, despite FGM being made unlawful, there have been no prosecutions in any of these countries.<sup>237</sup>

In many countries in Africa, there now exist strong Indigenous movements aimed at stopping the practice of FGM. In Kenya, a ceremony called '**CIRCUMCISION WITH WORDS**' celebrates a young girls' entry into womanhood by using words and not through genital cutting. In Senegal, religious leaders have gone on village-to-village pilgrimages to get people to stop the practice. These steps at the local level are of utmost importance, because as has been concluded by the

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<sup>231</sup> Lloyds Roberts, Sue. 2012. *Hidden World of female genital mutilation in the UK*.

<sup>232</sup> A Malian woman was jailed for eight years for circumcising 48 girls following a Paris trial which pitted French law against FGM. BBC Online Network, *Woman Jailed for 48 Circumcisions*. BBC. 17 February 1999. *World: Europe Woman jailed for 48 Circumcision*.

<sup>233</sup> Lloyds Roberts, Sue. 2012. *Hidden World of female genital mutilation in the UK*.

<sup>234</sup> *United Nations Convention on the Elimination of All Forms of Discrimination against Women*. 2006. UN Document CEDAW/C/SLE/5

<sup>235</sup> Ibid

<sup>236</sup> Vlachová, Marie/ Biason, Lea. 2005. *Women in an Insecure World, Violence against Women Facts, Figures and Analysis*. p. 36.

<sup>237</sup> Ibid

Special Rapporteur for Violence against Women, “it is only with enthusiastic support from the local community that this practice can be eventually eliminated.”<sup>238</sup>

Another successful initiative is “END FGM”, a European campaign, led by Amnesty International Ireland, working in partnership with a number of organizations in European Union (EU) Member States. The campaign aims to put FGM higher on the EU agenda and to echo the voices of women and girls living with FGM and of those at risk of being subjected to it. The campaign advocates for the recognition of human rights and lobbies EU institutions to ensure that the EU adopts a comprehensive and coherent approach towards ending FGM.<sup>239</sup>

### ***Killings of women due to accusations of sorcery/witchcraft: A Global Problem***

Based on *HelpAge International's* definition, witchcraft-related femicide, is the killing of women who have been suspected/accused of causing harm to others by supernatural means.<sup>240</sup>

In the majority of cases, witchcraft allegations are linked to personal jealousy, and disputes between neighbours or family over land and other inheritance.<sup>241</sup> “Recent media reports have highlighted the problem in Burkina Faso, Ghana, India, Kenya, Malawi, Nepal and Tanzania, though the problem is much more widespread than this. In most of these countries, belief in witchcraft is common, with people from all sections of society sharing this belief regardless of their level of education, socio-economic group or ethnic origin.”<sup>242</sup>

“Although in the majority of the cases younger women are at higher risk of sorcery/witchcraft violence, a study has found that in some parts of Africa, older women are more vulnerable to sorcery-related femicide due to their economic dependence on others, or the **PROPERTY RIGHTS** that they hold—and which younger members of the family want to inherit. Also, if women are perceived as **DANGEROUS** and a threat to men, their labelling as witches, and consequently their destruction, is then seen as justified”.<sup>243</sup>

According to a 2009 *Tanzania Legal and Human Rights Centre* report, older women constituted 2,585 in the eight regions where the practice is predominant, between 2004 and 2009. This amounts to an average of 517 killings per year. Statistics for Mwanza region alone, which has the highest rate of killing of older women, indicate that 698 older women were killed as a result of witchcraft allegations during that period, resulting in an average of 140 killings per year.<sup>244</sup> “A study in Zimbabwe found that of the 42 cases of femicide involving women older than 50, most of the women had been accused of witchcraft by male relatives prior to the killing...”<sup>245</sup>

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<sup>238</sup> United Nations. 2002. *Cultural Practices in the Family that are Violent towards Women*. Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy. UN Document E/CN.4/2002/83

<sup>239</sup> END FGM. European Campaign. 2013. *A Strategy for the European Union Institutions*.

<sup>240</sup> “Witchcraft: the practice of causing harm by supernatural means. A witch: a person who is believed to cause harm by supernatural means.” Sleep, Bridget. 2011. *Using the law to tackle accusations of witchcraft: HelpAge International's position*. Help Age International.

<sup>241</sup> Sleep, Bridget. 2011. *Violence Against Older Women: tackling witchcraft accusations in Tanzania*. HelpAge International

<sup>242</sup> Ibid.

<sup>243</sup> Watts, C./ Osam, S. ed. 2001. *Femicide in Southern Africa*, edited extracts from *The private is public: A study of violence against women in Southern Africa. Harare, Zimbabwe, Women in Law and Development in Africa, 1995*. In Harmes, R. and D. Russell ed. 2001. *Femicide in Global Perspective*, New York: Teachers College Press.

<sup>244</sup> Sleep, Bridget. 2011. *Violence Against Older Women: tackling witchcraft accusations in Tanzania*. HelpAge International.

<sup>245</sup> UN Human Rights Council, *Rashida Manjoo*. 2012. *Report of the Special Rapporteur on violence against women, its causes and consequences*, A/HRC/20/16, p.15.

In Ghana, women who are accused of being witches are forced to leave their homes and live in so called 'witch camps.' According to *ActionAid*, there are six 'witch camps' in Northern Ghana, Gambaga, Kuku, Gnani, Bonyase, Nabuli and Kpatinga.<sup>246</sup> According to the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, majority of the inmates are elderly women.

A report by *ActionAid* showed that the majority of these women have been accused by their relatives or neighbours. "An *ActionAid* survey of the camps found more than 70% of women were accused of being witches after their husbands died."<sup>247</sup> The report shows that majority of these women have no income and as such were seen as a burden to society.

Women who are accused of witchcraft suffer sometimes fatal, violence and abuse at the hands of their accuser. "A mother of three was murdered after being blamed for the death of a child through witchcraft. She was beaten unconscious before being set on fire".<sup>248</sup> The Special Rapporteur on extrajudicial, summary or arbitrary executions, recommends that killings of alleged witches should be treated as murder, and should be investigated and punished.<sup>249</sup>

In Senegal, belief in witchcraft is widespread. Senegalese law does not have legislation prohibiting accusations of witchcraft, however, "[v]iolence related to witchcraft accusations can be prosecuted under other offences in the Criminal Code, such as murder, assault and incitement."<sup>250</sup>

For a person to be convicted under Article 234 of the **SENEGAL CRIMINAL CODE**, no actual harm needs to have been caused; it is sufficient that the practice of witchcraft was the likely cause. There is no requirement to prove that the practice of witchcraft has resulted in actual harm as a supernatural act cannot be proved in a court of law. As a result, people accused of witchcraft can therefore be convicted without having caused harm to anyone.<sup>251</sup>

### **Best Practices and Recommendations**

*HelpAge International* and local NGO partners have focused on community interventions. Committee members are being taught about women's rights and they try to educate the people about the harmful consequences of witchcraft allegations, misconceptions about HIV and other illnesses which the local people cannot explain. "**INFLUENCING THE BEHAVIOUR** of traditional healers and local militia, and working with local government officials, religious leaders and the Tanzanian media have been a priority. Community members have been trained as paralegal advisers to provide advice on land, inheritance and marriage rights".<sup>252</sup>

*HelpAge International* indicates that attitudes are changing, and, as a result the number of killings has reduced, especially in areas where work is being done to prevent them. Despite this, people are still afraid of reporting instances of witchcraft killings, believing it is dangerous to do.<sup>253</sup>

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<sup>246</sup> ActionAid. 2012. *Prisoners of Prejudice: Women Accused of Witchcraft condemned to Ghana's "Withcamps"*.

<sup>247</sup> *ibid*

<sup>248</sup> ActionAid. 2012. *Prisoners of Prejudice: Women Accused of Witchcraft condemned to Ghana's "Withcamps"*

<sup>249</sup> . United Nations Human Rights Office of the High Commissioner of Human Rights. 2009. *Witches in the 21st Century*.

Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/Witches21stCentury.aspx> [Accessed 15 Feb. 2013]

<sup>250</sup> Sleaf, Bridget. 2011. *Using the law to tackle accusations of witchcraft: HelpAge International's position*.

<sup>251</sup> *ibid*

<sup>252</sup> Sleaf, Bridget. 2011. *Violence Against Older Women: tackling witchcraft accusations in Tanzania*. HelpAge International.

<sup>253</sup> HelpAge. *No Country for Old Women*. Available at: <http://www.helpage.org/newsroom/features/no-country-for-old-women/> [Accessed 15 Feb. 2013]

The word 'misogyny' has pervaded literary and cultural discourse for thousands of years, divulging through various venues in literature, religion, cultural practices and philosophical thought.<sup>254</sup>

According to Webster's Dictionary, misogyny is having or showing **HATRED OR DISTRUST** of women.<sup>255</sup> However, recent debates show that a modern understanding of misogyny tends to encompass "an entrenched prejudice against women", as well as a pathological hatred of them.

In her book *Misogynies*, Joan Smith also suggests that whilst most people acknowledge unfair treatment of women and discrimination on the basis of gender, many are reluctant to admit the underlying feelings of hatred of women, which seem to perpetually resurface and help to maintain the patriarchal structures of society.<sup>256</sup>

Misogyny becomes dangerous when attitudes and behavior are translated into physical forms of violence. The brutal killing of women and girls, along with related crimes such as rape and sexual torture, carry powerful overtones of misogyny, and are a present reality in both developed and developing countries. These murders have influenced how women live their lives throughout the world, avoiding areas or walking alone at night. It has created an atmosphere of gendered fear that is more muted or entirely absent in the case of men, even though men can also be victims of homicide.

**SERIAL KILLINGS** of women, although far less frequent than domestic murders, are also known to carry strong connotations of misogyny. During the twentieth century, the United States witnessed a series of serial killers that preyed on women, from Richard Speck, Albert DeSalvo (also known as the "Boston Strangler"), Ted Bundy and Richard Ramirez (also known as the "Hillside Strangler").<sup>257</sup> The largest death toll of any serial killer in US history was by Gary Ridgway, a blue-collar worker who pleaded guilty to murdering 48 women. Ridgway confessed that he mainly targeted prostitutes and vagrant women as they were less likely to provoke public concern and outrage. Serial killings however, are prominent in many parts of the world:

- Germany (where Bruno Ludke killed at least 80 women from 1928 to 1943)
- Poland (Lucian Staniak, who killed twenty women in the 1960s)
- France (Thierry Paulin and Jean-Thierry Mathurin, who targeted elderly Parisian women between 1984 and 1987.)<sup>258</sup>

Belgium has also witnessed cases of serial killings, as evidenced by the 1996 trial of Marc Dutroux, who was accused

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<sup>254</sup> Andrews, J. Rita. 2010. *The Mist of Misogynies*. Engender Org.

<sup>255</sup> Rodis, Rodel. 2013. *What's Misogyny in Tagalog?* Inquirer Global Nation, January 2013

<sup>256</sup> Smith, Joan. 1989. *Misogynies: Reflections on Myths and Malice*. p.10

<sup>257</sup> *Forensic Colleges*. 2010. "America's 20 Most Notorious Serial Killers."

<sup>258</sup> Vlachova, Marie/ Biason, Lea. 2005. "Domestic and Serial Killings of Women" in *Women in an Insecure World*. Violence Against Women, Facts Figures and Analysis. Geneva Centre for the Democratic Control of Armed Forces (DCAF). SRO Kundig: Geneva. P.22



of murdering, raping, abducting and imprisoning six girls aged eight to nineteen.<sup>259</sup> Among his victims, two eight-year-old girls were imprisoned in the cellar of his own house; raped, abused and who later starved to death. The police also found hundreds of pornographic footage in the different houses Dutroux had bought and used for his “businesses.” These horrendous crimes caused an outrage in Belgium, and federal and police action was heavily criticized as being inefficient in conducting formal investigations. Dutroux was sentenced to life imprisonment.

Serial killings are misogyny carried to the extreme. The profiles of serial killers are similar to those of rapists; controlled by an unfulfilled psychosexual need, men with low self-esteem and problems with gender and control.<sup>260</sup> There is frequently a power differential between men and women that plays into the psychology of the offender.<sup>261</sup>

One Indian journalist recently reported that misogyny has become so entrenched in India’s collective psychology that the killing of women and girls has almost become a commonplace act.<sup>262</sup> In India, a rape is said to occur every 22 minutes, and most cases go unreported due to the extreme shame and dishonour bought upon the victim’s family.<sup>263</sup> The recent gang rape of the 23-year-old medical student on the bus, where she was tortured with an iron rod leading her to die two weeks later, has sparked uproar in the country. Shockingly, only a month later, yet another case of seven men raping a woman occurred and was reported in the media.<sup>264</sup>

Whether women have gained more courage to voice their silent pain after worldwide media attention on the topic is uncertain. What is certain is that the lack of priority action as well as **FAILED INVESTIGATIONS** and inadequate sanctions by the justice system have contributed to an atmosphere in which murderers, torturers and rapists of women are completely sheltered. The fact of **IMPUNITY** of the offenders, as well as the shocking frequency with which these killings and related crimes of rape and sexual torture occur, tend to suggest that misogyny has an underlying cultural and social bias.

Misogyny can also manifest itself in disguised forms, as with the incorporation of pornographic and sadomasochist imagery in the media through television, advertising, movies and music.<sup>265</sup> Images of nakedness, black leather, incarcerated female bodies, blood and even injury are so frequently exhibited to the public in most Western societies that these have become commonplace.

### **Best Practices and Recommendations**

Currently, thousands of worldwide projects are underway, working to eliminate all forms of violence and prejudice against women. Launched in 2008, the **UNITE TO END VIOLENCE AGAINST WOMEN CAMPAIGN** works in close collaboration with governments, civil society, women’s organizations, young people, the private sector, the media

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<sup>259</sup> Bell, Rachel. 2004. *Marc Dutroux, A pedophile and Child-Killer*. The Crime Library.

<sup>260</sup> *The Toledo Times*. 2 September 1990. *Serial Killers*, p.4

<sup>261</sup> Dworkin, Andrea. 1974. *Woman Hating*. New York: Dutton, p.29

<sup>262</sup> Mangaldas, Leeza. January 2013. Misogyny in India: We are all Guilty. *CNN*.

<sup>263</sup> Menon, Anjana. 2013. Opinion: India’s rape problem needs a rewiring of society’s attitude. *CNN*.

<sup>264</sup> Karimi, Faith & Singh, S. Harmeet. 2013. *Police: 7 men gang rape bus passenger in India*. *CNN*.

<sup>265</sup> Jeffreys, Sheila. 2005. *Beauty and Misogyny: Harmful Cultural Practices in the West*. Routledge: New York, p.28

and the entire UN system in combating violence against women in girls.<sup>266</sup> **MISS REPRESENTATION** is another organization, based on a documentary, which aired in 2011 on *OWN: Oprah Winfrey Network*, exploring the media's misrepresentations of women (often carrying connotations of misogyny), particularly in terms of power and influence.<sup>267</sup>

Empowering vulnerable women through knowledge and awareness, strengthening media sensitization against violence against women, addressing trafficking of women, increasing women's participation in **DECISION-MAKING** processes in political, economic and social sectors of society, as well as working closely with men in addressing those issues are some of core principles guiding such projects. On the other hand, much can be done to improve safety, particularly in urban areas, to community watches, neighborhood lighting and **CITY PLANNING**.

In 2007, the *World Health Organization* released a 76-page report titled "Engaging men and boys in changing gender-based inequity in health: Evidence from program interventions."<sup>268</sup> This report showed that through short-term programs, men and boys do have the capacity to **CHANGE THEIR ATTITUDES AND BEHAVIOR** in issues of gender-based violence and equitable relationships between men and women. Male-run organizations that focus on ending gender-based violence are becoming more prevalent internationally. One example is the *Voices of Men*, which offers theatrical plays for boys and teenagers that address sexual assault, domestic violence and other gender-based issues.<sup>269</sup>

Nonetheless, from all of the acts of violence against women mentioned above, one thing is clear: it is women who return home at night clutching the keys tightly in fear that they may not return home safely. It is women who walk past construction sites and get whistled at, name-called and sexually harassed. It is women who get accused of being "witches", "bitches" and not equipped to be in positions of authority. Whilst homicide is also a reality for men, acts of violence through rape and serial killings is almost absent in the case of men. Misogyny is entrenched in every part of the world. It is a reality for most women, and whilst there are laws and policies in place that aim to eliminate forms of discrimination against women, there is lack of preventive action to ensure the safety of women around the world.

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<sup>266</sup> United Nations Secretary-General's UNiTE to End Violence against Women Campaign 2012.

<sup>267</sup> Miss Representation. 2011. Available at <http://www.missrepresentation.org> [Accessed: 14 Jan 2013]

<sup>268</sup> Barker, G./ Ricardo, C., ed. 2007. *Engaging Men and Boys in Changing Gender-Based Inequality in Health*. Evidence from programme interventions." Geneva: World Health Organization.

<sup>269</sup> Horn, Ashley/ Homan, Carina ed. 2007. *Men Working to End Violence Against Women*. Best Practices and the National Organizations Leading this Work." Chicago Alliance Against Sexual Exploitation.

### 3. ENDING VIOLENCE AGAINST WOMEN. FROM WORDS TO ACTION.

#### STUDY OF THE SECRETARY-GENERAL

Excerpts of the Study of the Secretary-General "Ending violence against women. From words to action"<sup>270</sup>

#### Culture and violence against women

"Various manifestations of femicide, the murder of women because they are women, illustrate the **INTERRELATIONSHIP BETWEEN CULTURAL NORMS AND THE USE OF VIOLENCE** in the subordination of women. Femicide takes place in many contexts: intimate partner violence, armed conflict, workplace harassment, dowry disputes and the protection of family "honour". For example, crimes committed in the name of "honour", usually by a brother, father, husband or other male family member, are a means of controlling women's choices, not only in the area of sexuality but also in other aspects of behaviour, such as freedom of movement. Such crimes frequently have a collective dimension, with the family as a whole believing itself to be injured by a woman's actual or perceived behaviour. They are often **PUBLIC** in character, which is integral to their social functions, which include influencing the conduct of other women. In other cultural contexts, preoccupation with women's sexuality is manifested not only in practices for enforcing chastity but also in the way female sexuality is turned into a commodity in the media and advertising."<sup>271</sup>

The role of culture as a causal factor for violence against women must therefore be investigated within diverse cultural settings, taking into account the many ways in which the concept of culture is used.

#### Intimate partner violence

"At its most severe, intimate partner violence leads to death. Studies of femicide from Australia, Canada, Israel, South Africa and the United States of America show that 40 to 70 per cent of female murder victims were killed by their husbands or boyfriends. In a study in the United States, murder was the second leading cause of death for girls aged 15 to 18, and 78 per cent of homicide victims in the study were killed by an acquaintance or an intimate partner.<sup>86</sup> In Colombia, every six days a woman is reportedly killed by her partner or former partner."<sup>272</sup>

"Practices of **SON PREFERENCE**, expressed in manifestations such as female infanticide, prenatal sex selection and systematic neglect of girls, have resulted in adverse female-male sex ratios and high rates of female infant mortality in South and East Asia, North Africa, and the Middle East. A study in India estimated that prenatal sex selection and infanticide have accounted for half a million missing girls per year for the past two decades. In the Republic of Korea, among pregnancies having sex-identification tests, more than 90 per cent of pregnancies with male foetuses resulted in normal births, whereas more than 30 per cent of those with female foetuses were terminated, according to the National Fertility and Family Health Survey. "<sup>273</sup>

"Violence related to demands for dowry—which is the payment of cash or goods by the bride's family to the groom's family—may lead to women being killed in dowry-related femicide. According to official crime statistics in India, approximately 6,822 women were killed in 2002 as a result of such violence. Small community studies have also indicated that dowry demands have played an important role in women being burned to death and in deaths of women **LABELLED AS SUICIDES**. Crimes against women committed in the name of "honour" may occur within the family or within the community. These crimes are receiving increased attention, but remain underreported and under-

<sup>270</sup> Full text available at: [http://www.un.org/womenwatch/daw/public/VAW\\_Study/VAWstudyE.pdf](http://www.un.org/womenwatch/daw/public/VAW_Study/VAWstudyE.pdf) [Accessed 6 Apr. 2013]

<sup>271</sup> United Nations. 2006. *Ending Violence against Women and Girls*. From Words to Action, p.33

<sup>272</sup> Ibid, p.42

<sup>273</sup> Ibid, p.46

documented. The most severe manifestation is murder—so-called “honour killings”. UNFPA estimated that 5,000 women are murdered by family members each year in “honour killings” around the world. A government report noted that “karo-kari” (“honour killings”) claimed the lives of 4,000 men and women between 1998 and 2003 in Pakistan, and that the number of women killed was more than double the number of men.

**OLDER WOMEN**, including in particular widows, are subject to harmful practices in a number of countries, which can involve both the family and the community. A study conducted in Ghana, based on data collected from news reports and interviews, found that many poor, often elderly women were accused of witchcraft. Some were murdered by male relatives and those who survived were subjected to a range of physical, sexual and economic abuses. Violence directed against widows, including sexual abuse and harassment and property-related violence at the hands of relatives, mainly in-laws, has been reported from a number of countries including India, but information remains scarce."<sup>274</sup>

### **Femicide: the gender-based murder of a woman**

"**FEMICIDE OCCURS EVERYWHERE**, but the scale of some cases of femicide within community contexts—for example, in Ciudad Juárez, Mexico and Guatemala—has drawn attention to this aspect of violence against women. Most official sources agree that more than 320 women have been murdered in Ciudad Juárez, one third of whom were brutally raped.<sup>120</sup> In Guatemala, according to National Civil Police statistics, 1,467 women were murdered between 2001 and the beginning of December 2004.<sup>121</sup> Other sources claim the figure is higher, with 2,070 women murdered, mostly aged 14 to 35. The killings have been concentrated in areas where the economies are dominated by maquilas, assembly plants for export products owned and operated in tax-free zones by multinational companies. Impunity for these crimes is seen as a key factor in these occurrences, and in the case of Guatemala, the legacy of the internal armed conflict that ended in 1996 is also seen as a contributing factor."<sup>275</sup>

### **Areas requiring enhanced attention**

"While femicide is gaining recognition, the underlying dynamic of gender inequality that fuels the murders of women in different contexts is still inadequately understood.

### **Health consequences**

"Violence against women **FREQUENTLY LEADS TO DEATH**. Femicide, suicide, AIDS-related deaths and maternal mortality can be fatal consequences of violence against women. There is little data on lethal outcomes of violence against women, such as the proportions of maternal deaths and AIDS mortality directly attributable to the different forms of violence women suffer. A few studies based in health facilities indicate a relationship between intimate partner violence and death during pregnancy. For example, a study of 400 villages and seven hospitals in rural western India found that 16 per cent of all **DEATHS DURING PREGNANCY** were the result of partner violence. A similar trend has been found in Bangladesh and the United States. "<sup>276</sup>

### **Criminal and civil justice sectors**

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<sup>274</sup> Ibid, p. 47

<sup>275</sup> Ibid, p. 48

<sup>276</sup> Ibid, p.58

"Statistics may be collected more systematically in the criminal and civil justice sectors than in other sectors. The police are often the primary source of information on intimate partner homicides and other types of femicide. The criminal justice sector has the potential to collect information on both victims and perpetrators and to track repeat victimization and repeat offending. Because these sectors operate on the basis of a **CODE OF LAW**, it should be possible to **ORGANIZE DATA** by criminal code sections. In most countries, however, it is not possible to gain a complete picture of the magnitude of violence against women because statistics are not broken down according to the sex of the victim and do not describe the relationship of the victim to the perpetrator. Some countries have specific laws on domestic violence while others address domestic violence under laws on assault, grievous bodily harm, sexual assault, stalking, homicide and other crimes. Even within an individual country, different ministries may record the same crime differently, in light of different responsibilities, such as the ministry of justice and the ministry of health."<sup>277</sup>

"**UNDER-DOCUMENTED** forms of violence against women include femicide; sexual violence against women in armed conflict and postconflict situations; trafficking in women for sexual and other exploitation; harmful traditional practices (other than female genital mutilation/ cutting); prenatal sex selection and neglect of infant girls; forced marriage; early marriage; acid throwing, dowry or "honour" related violence; stalking; sexual harassment and violence in custody, workplaces and educational settings; and economic violence. It also includes violence against certain groups of women, for example, members of ethnic minorities, women with disabilities and migrant and undocumented women."<sup>278</sup>

## Femicide

"Recent studies on femicide have found that the **CHARACTERISTICS OF MURDERS** of women are very different from those of men and often involve domestic violence, extreme jealousy and possessiveness or passion, dowry disputes or issues of "honour". Further, they are often accompanied by sexual violence, as seen in recent high rates of murders of women reported in parts of Mexico and Guatemala.

Studies of femicide have relied primarily on **RECORDS** provided by the police, the courts or medical examiners. Such records have been used to determine the relationship between the victim and the perpetrator (for example, intimate partners, family members or in-laws or strangers) and the circumstances of death (for example, cause of death and location). Some countries categorize so-called "honour" killings or dowry murders separately, which allows researchers to examine risk factors and dynamics of these killings. However, these crimes are generally considered to be grossly underreported.

In most countries, police and forensic data regarding homicides are incomplete, and often do not provide basic information about circumstances of death or the relation between victim and perpetrator. In many countries, homicide data are not even disaggregated by the sex of the victim. Researchers have used innovative methods such as "verbal autopsies", which involve interviews with individuals close to the victim, to determine the circumstances of deaths and to learn how they might have been prevented. In South Africa, researchers addressed the under-recording of femicide in police records by reviewing records from a variety of sources, including private mortuaries. "

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<sup>277</sup> Ibid, p.75

<sup>278</sup> Ibid, p. 78-79

<sup>279</sup> Ibid, p. 78-79

Excerpt of the biography of Joana Adesuwa Reiterer, who was accused of witchcraft as a child.

*The book "Hexenkind"(2011) tells the story of Joana Adesuwa and her mother accused of witchcraft by her own father because of his own bad fortune and desire to marry a new wife. They are driven out of their village by a voodoo priest and must survive on their own wits. Joana and a film crew visit the slums of West Africa where shunned women and children seek to eke out a living and the "witch camps" in the wilderness where these banned women seek refuge. The film "Joana und die Mächte des Finsternis" was shown on 3Sat and Bavarian television.*

### Prolog<sup>280</sup>

On 30 August 2012, the governor of the Nigerian Federal State Akwa Ibom, Godswill Akpabio, gave an interview on CNN about witch-hunting in Nigeria. Before broadcasting the interview, CNN showed a report on the abuse of so called "witch children". Children accused of using black magic were beaten and were doused with boiling water. Some of them were covered with scars, most probably cuts from machetes. Other children said that they had been sent away by their family. The governor stated that these allegations were greatly exaggerated; that these things take place only rarely. Besides, a law had been passed in 2008 against these incidents. This law criminalised the witch stigmatization of children, which could be penalised with up to fifteen years of imprisonment.

"That brought the situation immediately under control", said Akpabio.

After being asked more precisely about the number of people being prosecuted under that law, he admitted that up til now nobody had been convicted. However, five people had been accused and are currently in the middle of a trial.

The governor criticized a report which Stepping Stone Nigeria, an organization working with local street children, had sent to the United Nations. The report gave proof that a large number of children of Akwa Ibom, accused of being witches, were taken into the forests. There, they were doused with acid, burnt or buried alive.

"That report is part of the media propaganda against the state and was done for pecuniary reasons", claimed Akpabio.

He also explained, that he did not believe in witchcraft. He also did not believe that thousands of Nigerian children are abused because of witchcraft allegations. However, he is taking these allegations seriously.

"There is no government who would watch as children are being burnt alive or killed, without adopting measures against it."

### Chapter 20<sup>281</sup>

04. January 2010, Eastern Cape: Mamakazi Mkhwanazi and her niece burnt beyond recognition after being accused of witchcraft

13 January 2010, South Africa: Women accuses her 81-year-old neighbour of witchcraft and stabs her fifty times, before cutting her throat

12 October 2010, Cameroon: Outraged Neighbours drag 80-year-old half naked woman on the street, because she allegedly swallowed children and had provoked mysterious miscarriages

30 October 2010, Ghana: African "Witches" burnt in isolated witch camps.

29 November 2010, Ghana: 72-year-old Ghanaian doused with kerosene and set on fire by evangelical priest, after being accused of witchcraft

27 December 2010, South Africa: Matome Albert Shai (64) accused of witchcraft and stoned to death

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<sup>280</sup> Adesuwa Reiterer, Joana. 2011. Hexenkind. Die Wahre Geschichte einer Frau, die in Afrika als Hexe verfolgt wurde. Vienna: edition a, p. 7. / Translated from German into English

<sup>281</sup> Ibid, p. 159

## 5. JOINT STATEMENT ON GENDER-BASED KILLINGS, ITEM 8

### HUMAN RIGHTS COUNCIL

21<sup>st</sup> Session

#### Joint Statement on gender-based killings, Item 8

1. Gender equality is essential for the achievement of human rights for all. Yet discriminatory legal frameworks and practices against women and girls persist. Many legal traditions throughout the world continue to institutionalize discrimination for women and girls with regard to nationality and citizenship, health, education, marital rights, employment rights, parental rights, inheritance and property rights.
2. Discrimination against women prevails throughout the world and violence against women is the most severe consequence of such discrimination. Such violence is shown in many ways and in many situations: domestic violence, violence against women prisoners, sexual violence in armed conflicts, violence through social discrimination, or in conditions of specific types of discrimination, as in the case of discrimination against indigenous women or women belonging to minorities, immigrants or asylum seekers.
3. In this sense, gender-based killings are the most serious manifestations of discrimination and violence against women. Such killings are the ultimate act of violence, which is experienced in a continuum of violence, as it was shown by the third report of the Special Rapporteur on violence against women. Gender-based killings are the violent death of women and girls based on their gender, whether it occurs within the family, a domestic partnership, or any other interpersonal relationship; in the community, by any person or group, or when it is perpetrated or tolerated by the state or its agents, by action or omission.
4. High rates of violence against women and girls in combination with a frequently limited access to justice often paired with discriminatory obstacles, in law as well as in practice, prevalent impunity, gender inequalities and lack of respect for the human rights of women and girls, as well as the persistence of discriminatory socio-cultural patterns and persisting stereotypes are among the causes that influence the rise in the number of female deaths.
5. In keeping with many international instruments on human rights, States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls and must exercise due diligence to prevent, investigate, prosecute and punish the perpetrators, and provide protection to women and girls who have experienced violence.
6. In this sense, the lack of a proper investigation leads to impunity, which is one the main causes of the continuity of these crimes. Therefore, the development of international guidelines for the documentation and investigation of gender-based killings, which ensures compliance with the guarantee of non-repetition, is necessary. The preparation of those guidelines, that may be used by the judiciary, law enforcement prosecutors and political bodies, can strengthen both the investigation processes and the criminal proceedings to sanction the perpetrators of such crimes. Some initiatives try to respond to this need, such as the “Model of Protocol for an Effective investigation of Femicides”, which is being drafted this September in Guatemala by multidisciplinary civil society experts in gender-based violence (forensic experts, legal experts and investigators) with the help of UN Women and the OHCHR.
7. In accordance with the recommendations made by the UN Human Rights Council resolution A/HRC/20/L.10, which “urges States to ensure that remedies for women and girls subjected to violence, whether judicial, administrative, policy or other measures, are available”, signing states of this declaration commit themselves to fight impunity of gender-based crimes, especially the horrendous crimes of gender based-killings, taking necessary steps to achieve this goal. These actions can consist, among others, on legislative cooperation, creation of national sex-disaggregated data bases, publication of gender educational programs and manuals, standardizing of protocols, development of expertise or any other adequate action in order to eradicate gender based violence.

## 6. EXPERTS MEETING REGARDING WOMEN'S ACCESS TO JUSTICE: EFFICIENT INVESTIGATION OF FEMICIDES IN LATIN AMERICA

### Concept Note<sup>282</sup>

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Panama City, June 13-15<sup>th</sup>, 2012  
(Translated from Spanish into English)

#### 1. Context and precedents

##### a) Access to justice for women victims of violence

The access to justice is a human right granted in all the international regional human rights instruments. Before the violations of human rights, the States have the duty of acting with the proper diligence, with a responsibility that includes prevention, investigation, sanction and compensation. The acts of violence against women- one of the most severe forms of discrimination- has stimulated debates and discussions regarding how to guarantee access to justice.

The Auditing or due diligence has been approved in several legal instruments related to violence against women such as the recommendation no. 19 of the Committee on the Elimination of Discrimination against Women, the Declaration on the Elimination of Violence against Women proclaimed by General Assembly and the Convention de Belém do Pará. The creation of the mandate of the Special Rapporteur on violence against women including its causes and consequences, has contributed to question several focuses in which violations against women are treated in an isolated way from the subordination of women within a system. This contributes to the historical perpetuity of inequality in the power relations between both genders, and has redefined violence against women as a direct effect of gender discrimination, which shapes social, economical, cultural and political structures. In 2006, the previous Special Rapporteur suggested the use of the Auditing or due diligence as a tool for the effective implementation of women's rights, including the right to a life without violence. In 2011, the current Special Rapporteur proposed a framework to approach different issues related to violence against women, and for the implementation of measures to deal inequality and intra and inter-gender discrimination.

In this same context, the obstacles to obtaining justice have also been analyzed and taken into consideration. Several instruments such as General Assembly resolutions, Human Rights Council reports, personal actions by Secretary General and the recent report of UN Women about justice access, among others, provide a series of recommendations and highlight interesting political measures, institutional configurations and reforms, training, awareness raising and other measures to enhance the capacities of those in charge of investigating, documenting, judging and sanctioning violence against women, and guaranteeing effective resources and compensations to the victims and their families.

##### b) Gender-based murders or femicides- definition

Femicide makes reference to the murder of a woman because of the fact that she is a woman. The concept gained importance in the feminist movement from the 70's when "femicide" was proposed as an alternative to the neutral

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<sup>282</sup> This text is the summary of the publication. The entire publication is available at: <http://www.oacnudh.org/wp-content/uploads/2012/07/Protocolo-femicidios-20042012-FINAL-2.pdf> [Accessed 1 Apr. 2013]



term of homicide in order to recognize the discrimination, oppression, inequality and systematic violence against women that, in its extreme, culminates with the death of the woman. Several definitions have been suggested.

In the most widely accepted definition, the concept femicide applies to all the forms of killing motivated in gender discrimination. The in-depth study, by the Secretary-General, on all forms of violence against women (a61122Add.1) affirms that “various manifestations of femicide, the murder of women because they are women, illustrate the interrelationship between cultural norms and the use of violence in the subordination of women”. The most clear examples of femicides include murder by mutilation, murder by rape, domestic violence that turns into murder, infanticide, “crimes committed in the name of honor”, deaths resulting from harmful practices or abandonment (such as hunger or abuse).

This way, femicide can be interpreted as the most violent expression of discrimination against women and gender inequality which deprives women the enjoyment of the most basic human rights. All manifestations of femicide have in common the socio-political and economic disempowerment of women, and the systematic contempt towards the enjoyment of human rights.

### c) Femicide in the international human rights law

Since an isolated murder of an individual is not responsibility of the State, once there is an evident patron, in which the State’s response is clearly insufficient, international human right laws must be applied. Independently from the existence of a patron, any act of violence in the public or private scope, either by the State or individuals, invokes the due diligences from the State to prevent, investigate, judge and sanction such acts. These obligations are established in the international instruments of human rights, particularly, the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and on Economic, Social and Cultural Rights, Convention against Torture, Convention Eliminating All Forms of Discrimination Against Women, and the Convention on the Rights of the Child.

These instruments also guarantee the rights of women and girls to be informed and to have an adequate and efficient access to the measures of prevention and protection against all forms of gender violence.

The Declaration on Femicide of 2008 of the Inter-American Commission of Women recognizes femicide is the most serious manifestation of discrimination and violence against women in Latin America and the Caribbean. It points out that the inexistence or limitations in the access to justice, the prevalence of impunity and persistence in patrons of socio-cultural discrimination all influence in the increased number of deaths. The States are recommended to promulgate laws and to strengthen the existing legislation for the empowerment of women, their rights and freedom, as well as the improvement of the criminal investigation systems and protection of the women affected by violence.

The rules of the Inter-American Court of Human Rights have significantly contributed to the interpretation and implementation of regional human rights obligations of great relevance for the prevention and protection of women before acts of femicide. In the innovative case *González y otras Vs. Mexico*, the Court determined that Mexico had failed in its obligation of guaranteeing the rights to life, personal integrity and personal freedom of the murdered women. The State was asked to revoke all the *de jure* and *de facto* obstacles that prevented the due diligence in the investigation of the facts and to use all the means at its disposition to guarantee that the investigation and judicial process are held in a way that eliminate the possibility of similar cases repeating.

Other relevant regional instruments to fight the acts of femicide are the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Council of Europe Convention on preventing and combating violence against women and domestic violence and the Declaration for the elimination of violence against women in the ANSA region. Considering the high levels of impunity in the acts of femicide around the world, these instruments emphasize the obligation of sanctioning all the responsables of violent acts against women.

d) Femicides in Latin America

Since the beginning of the 90's countries in Central America and the Caribbean have has alarming number of violent murders of women and girls. Sexual violence has been present in many cases of young and poor women in Ciudad Juárez, Mexico, and similar patrons have been noticed in other countries such as El Salvador and Guatemala. High levels of socio-economical inequality, extreme levels of violence, deep roots of patriarchal attitudes and a *machista* culture are the common causes and factors that continue fomenting a "State of violence" in which women are still victims of violence.

Due to the high number and proliferation of gender-based crimes in Latin America and the Caribbean, the region has been at the vanguard in the elaboration of legal, judicial and political responses to the femicide theme. The Convention of Belem do Para defines violence against women as "any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere." The Declaration of Femicide of 2008 defines femicide as the "violent death of women based on gender, whether it occurs within the family, a domestic partnership, or any other interpersonal relationship; in the community, by any person, or when it is perpetrated or tolerated by the state or its agents, by action or omission".

Femicide has been categorized as a crime in several countries (Costa Rica, Chile, El Salvador, Guatemala, Paraguay, Nicaragua and several states in Mexico), in some cases though reforms to the Criminal Code. The existing legislations show the lack of a common definition of the crime, since some legislations make reference to murders only consequence of violence within an intimate couple, and others include murder in the public and private spheres. In general, the application of the law is still very weak.

e) The work on femicide by the Regional Office for Latin America

The Regional Office of the United Nations High Commissioner for Human Rights for Central America (ROCA) has had among its priorities perfecting the institutional capacity to deal with violence against women. In particular, the office has centred its efforts in strengthening national capacities to deal with femicide.

In El Salvador, during the first semester of 2011, 294 women were murdered, two more per day than in 1999. This is the reason why in the past two years the Regional Office has centred its efforts in El Salvador. The Office supported the elaboration of a law about violence against women, which included femicide. In 2011, it collaborated in the elaboration of a Protocol for the Investigation of Femicide, based in a new framework.

f) Work of UN Women in the region

UN Women has contributed to the documentation and measurement of violence against women through investigations in several regions/countries to develop a global perspective about femicide and other activities to deal with this issue.

UN Women has been working at a regional level to improve the data (Mexico), support a political and legislative transformation (El Salvador, Nicaragua, Dominican Republic), support the application of femicide and violence against women laws (Guatemala), and coordinate different initiatives to deal with femicide.

g) Work of the campaign of the Secretary General UNiTE to end violence against women

The campaign of the Secretary General was launched in 2009 in Latin America and in 2010 in the Caribbean. The campaign is coordinated by 14 agencies of the United Nations System, which have developed a strategic plan that includes, as one of its pillars, “stop impunity”.

h) Other initiatives

The Federation of Associations for the defence and promotion of Human Rights of Spain and the University Carlos III, among other associations, universities and Latin American organizations, have been implementing a project to prevent, investigate and sanction femicide. This project’s objective is to make recommendations of good practices and ethical codes for professionals involved in the investigation and eradication of femicide. Several workshops and seminars, regarding the investigation of femicide in Latin America, have been implemented. The Federation wishes to establish a Protocol for the investigation and documentation of cases of extreme violence against women to be used as an universal reference for the States of the Latin-American region, following the methodology of the Protocol of Istanbul.

## **2. Objectives**

The Regional Office of OACNUDH, in collaboration with UN Women, will conduct a meeting of experts about investigation of femicide. The meeting will have the following objectives:

1. Review and evaluate in an effective way the experiences of investigation and trial of femicide, including an analysis of the existent frameworks, the investigation instruments and protocol, the best practices and challenges (Costa Rica, Chile, Guatemala, El Salvador, Nicaragua, Paraguay, Mexico);
2. Based on this review and evaluation, identify the common basic elements which shall be included in the regional protocol to investigate and document femicide.

### *Participants*

The experts meeting will gather around 15 to 20 specialists and relevant actors of the following countries and institutions:

1. Public officers and professionals in charge of femicide investigations from countries like Mexico, Colombia, Costa Rica, Guatemala, Chile, Peru and Spain.
2. Specialist from the Federation of Associations for the defence and promotion of Human Rights, in view of his work for the establishment of a Protocol for universal reference.
3. Specialist of the OACNUDH from the Woman Human Rights and Gender Section (WHRGS) and the Rule of Law Section (ROL), ROCA personnel, as well as other personnel from other UN entities and institutions from the region.

## 7.A. STATEMENT OF SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES, RASHIDA MANJOO

### FEMICIDE – A GLOBAL ISSUE THAT DEMANDS ACTION Symposium organized by the Academic Council on the United Nations System November 26, 2012



At the outset, I would like to thank the Academic Council on the United Nations System, the United Nations Office on Drugs and Crimes, and the sponsoring Permanent Missions for inviting me to address this Symposium on Femicide as a global issue that demands action.

As you know, I devoted my 2012 annual thematic report to the UN Human Rights Council to the issue of gender-related killings of women, and I would like to share some of my main findings with you today.

The report provides an overview of the global trends and manifestations of gender-related killings of women, which are currently reaching alarming proportions. These include: killings of women as a result of intimate partner violence; killings of women due to accusations of sorcery/witchcraft; killings of women and girls in the name of “honour”; killings in the context of armed conflict; killings of indigenous women; extreme forms of violent killings of women, such as those related to gangs, organised crime, drug dealers, and human and drug trafficking chains; killings as a result of sexual orientation and gender identity; and other forms of gender-related killings of women and girls, such as female infanticide.

My thematic report addresses the killings of women whether they occur in the family, the community, or are perpetrated or condoned by the State. Globally, the prevalence of different manifestations of such killings is increasing, with terms such as femicide, feminicide, honour killings, crimes of passion, and so on, used to define them. My report argues that the lack of accountability for such crimes is the norm.

Rather than a new form of violence, gender-related killings are the extreme manifestation of existing forms of violence against women. Such killings are not isolated incidents which arise suddenly and unexpectedly, but are the ultimate act of violence which is experienced in a continuum of violence.

The report analyses the conceptual evolution of the terminology that describes the gender-related killings of women, particularly the use of the terms femicide and feminicide. Proposed as an alternative to the gender-neutral term of homicide, which overlooks the realities of inequality, oppression, and systematic violence against women; the terms femicide and feminicide have emerged as part of the struggle by the women’s rights movements to name women’s experiences and to create a form of resistance to this fatal form of violence.

The question of States’ responses to violence against women is also highlighted in my thematic report, which analyses the impunity and the institutional violence aspect of the gender related killing of women, which are caused by States’ acts or omissions. Institutional violence against women and their families can include: tolerance, blaming victims, lack of access to justice and effective remedies, negligence, threats, corruption and abuse by officials. Under

this scenario, femicide/feminicide is a State crime tolerated by public institutions and officials - due to the inability to prevent, protect and guarantee the lives of women, who have consequently experienced multiple forms of discrimination and violence throughout their lifetime.

All over the world, the manifestations of gender-related killings of women are culturally and socially embedded, and continue to be accepted, tolerated or justified - with impunity as the norm. States' responsibility to act with due diligence in the promotion and protection of women's rights, is largely lacking.

Some steps taken by States to comply with their due diligence obligation to prevent violence against women include the adoption of specific legislation, the development of awareness-raising campaigns, and the provision of training for professional groups including the police, prosecutors and members of the judiciary. Some States have adopted national action plans on violence against women in an effort to coordinate activities between and within government agencies and to take a multi-sectoral approach to prevent violence.

However, these achievements have not led to a decrease in the killings of women or translated into real improvements in the lives of many women and girls. As such killings are in many cases the culmination of series of abuses committed against women by spouses and partners, access to justice is essential to break this continuum of violence.

It is clear that while States have initiated various preventive programmes, there are numerous gaps in their efforts. A holistic approach in preventing gender-related killings must be emphasized in all the measures taken by States to investigate and sanction violence, especially in crafting, implementing and evaluating legislation, policies and national plans of action.

My thematic report concludes by recalling how international and regional human rights systems have interpreted the due diligence obligations of States in cases involving gender-related killings. These include ensuring effective investigations, prosecution and sanctions; guaranteeing de jure and de facto access to adequate and effective judicial remedies; treating women victims and their relatives with respect and dignity throughout the legal process; ensuring comprehensive reparations to victims and their relatives; identifying certain groups of women as being at particular risk for acts of violence, due to multiple forms of discrimination, when adopting measures to prevent all forms of violence; and modifying the social and cultural patterns of conduct of men and women as well as eliminating prejudices, customary practices and other practices based on the idea of the inferiority or superiority of either of the sexes, and on stereotyped roles for men and women.

Violence against women has been affirmed in many human rights instruments and by human rights bodies, as a violation of the rights and fundamental freedoms of women. The killing of women constitutes a violation of amongst others the right to life, equality, dignity and non-discrimination, and the right not to be subjected to torture and other cruel, inhuman, or degrading treatment or punishment. States have, therefore an obligation to prevent, investigate and punish all cases of gender-related killings of women, as well as provide redress to surviving victims and their families.



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## Human Rights Council

### Twentieth session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo\* \*\* <sup>283</sup>**

### *Summary*

This thematic report addresses the topic of gender-related killings of women. Rather than a new form of violence, gender-related killings are the extreme manifestation of existing forms of violence against women. Such killings are not isolated incidents that arise suddenly and unexpectedly, but represent the ultimate act of violence which is experienced in a continuum of violence. Women subjected to continuous violence and living under conditions of gender-based discrimination and threat are always on—death row, always in fear of execution.

Globally, the prevalence of different manifestations of gender-related killings is reaching alarming proportions. Culturally and socially embedded, these manifestations continue to be accepted, tolerated or justified—with impunity as the norm. States' responsibility to act with due diligence in the promotion and protection of women's rights is largely lacking as regards the killing of women.

\* The footnotes are reproduced as received, in the language of submission only.

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## **I. Introduction**

1. The present report, submitted pursuant to Human Rights Council resolution 16/7, is the third thematic report submitted to the Council by the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, since her appointment in June 2009. Chapter II summarizes the Special Rapporteur's activities since her previous report to the Council up until 20 March 2012. Chapters III to V address the topic of gender-related killings of women.

## **II. Activities**

### **A. Country visits**

2. During the period under review, the Special Rapporteur requested invitations to visit Bosnia and Herzegovina, Croatia, India and Venezuela (Bolivarian Republic of). Earlier requests for country visits were also reiterated to the Governments of Bangladesh, Nepal, Turkmenistan, Uzbekistan and Zimbabwe.

3. The Special Rapporteur visited Jordan, from 11 to 24 November 2011 (see A/HRC/20/16/Add.1); Italy, from 15 to 26 January 2012 (A/HRC/20/16/Add.2); and Somalia, from 9 to 16 December 2011 (A/HRC/20/16/Add.3). In addition, she visited Solomon Islands, from 12 to 16 March 2012, and Papua New Guinea, from 18 to 26 March 2012. The Special Rapporteur would like to thank these Governments for having responded positively to her requests for a visit and urges the Governments that have not yet done so to provide a favourable response.

### **B. Communications and press releases**

4. The communications sent to Governments during the reporting period (see the joint communications report, A/HRC/20/30) concerned a wide array of issues that reflect a pattern of inequality and discrimination relating to violence against women, its causes and consequences. These included: arbitrary detention; torture or cruel, inhuman or degrading treatment or punishment; summary and extrajudicial executions; sexual violence, including rape, sexual abuse and sexual exploitation; and other forms of violence grounded in discrimination against women.

5. The Special Rapporteur issued numerous press statements, either individually or jointly with other mandate holders.

### **C. General Assembly and Commission on the Status of Women**

6. In October 2011, the Special Rapporteur presented her first written report to the General Assembly (A/66/215). It contained an overview of the mandate's work and main findings, and the challenges that continue to be identified.

7. In the report, the Special Rapporteur described how the mandate has analysed violence against women in four main spheres: violence in the family; violence in the community; violence that is perpetrated or condoned by the State; and violence that occurs in the transnational sphere. She then analysed States' obligations, under international human rights law, to prevent and respond to all acts of violence against women.

8. The Special Rapporteur argued that States' efforts to comply with their due diligence obligation must address the structural causes that lead to violence against women. In doing so, States should consider the multiple forms of violence suffered by women and the different types of discrimination they encounter, in order to adopt multifaceted strategies to effectively prevent and combat this violence. She concluded the report by presenting a proposal for a holistic approach to understanding and addressing discrimination and violence against women.



9. On 29 February 2012, the Special Rapporteur submitted a written statement to the Commission on the Status of Women, in which she highlighted the need to ensure the social, cultural, and economic participation and empowerment of rural women.

#### **D. Other activities**

10. The Special Rapporteur participated in consultations, held in Brussels in June 2011, with European civil society organizations, including representatives of European observatories on violence against women.

11. On 12 October 2011, the Special Rapporteur convened an expert group meeting in New York to inform her thematic report on gender-related killings of women. The meeting brought together 25 experts from academia, civil society organizations and United Nations agencies and bodies with technical and practical expertise on and experience in working on violence against women.

12. On 18 July, 2011, the Special Rapporteur participated in a general discussion on the protection of women's human rights in conflict and post-conflict which was organized in New York by the Committee on the Elimination of Discrimination against Women. The Special Rapporteur also held a bilateral meeting with the Committee with a view to strengthening partnerships between the two mandates.

13. The Special Rapporteur also participated as main speaker in numerous international conferences including, among others, the South Asian conference entitled —Reclaiming Space—from Victimhood to Agency: State and Civil Society Responses to Violence against Women, held in Pakistan in September 2011; the Women Building Peace conference, held in Barcelona in October 2011; and the Strengthening Girls' Rights Worldwide conference, held in Berlin in October 2011.

#### **III. Gender-related killings of women**

14. In this report, the Special Rapporteur addresses the topic of gender-related killings of women whether they occur in the family or the community or are perpetrated or condoned by the State. Globally, the prevalence of different manifestations of such killings is increasing, and a lack of accountability for such crimes is the norm. Terms such as femicide, feminicide, honour killings and crimes of passion, among others, have been used to define such killings.

15. Rather than a new form of violence, gender-related killings are the extreme manifestation of existing forms of violence against women. Such killings are not isolated incidents that arise suddenly and unexpectedly, but are rather the ultimate act of violence which is experienced in a continuum of violence. Women subjected to continuous violence and living under conditions of gender-based discrimination and threat are always on —deathrow, always in fear of execution.<sup>1</sup> This results in the inability to live, and is a major part of the death process when the lethal act finally occurs.<sup>2</sup> Rather than serving isolated or individual purposes, such violence follows institutional logic —to delineate and sustain hierarchical social relations of race, gender, sexuality and class and, thereby, to perpetuate the inequality of marginalized communities.<sup>3</sup>

16. The killings can be active or direct, with defined perpetrators, but they can also be passive or indirect. The direct category includes: killings as a result of intimate-partner violence; sorcery/witchcraft-related killings; honour-related killings; armed conflict-related killings; dowry-related killings; gender identity- and sexual orientation-related killings;

and ethnic- and indigenous identity-related killings. The indirect category includes: deaths due to poorly conducted or clandestine abortions; maternal mortality; deaths from harmful practices; deaths linked to human trafficking, drug dealing, organized crime and gang-related activities; the death of girls or women from simple neglect, through starvation or ill-treatment; and deliberate acts or omissions by the State.

17. The discrimination and violence that is reflected in gender-related killings of women can be understood as multiple concentric circles, each intersecting with the other. These circles include structural, institutional, interpersonal and individual factors. The structural factors include macrolevel social, economic and political systems; institutional factors include formal and informal social networks and institutions; interpersonal factors include personal relationships between partners, among family members and within the community; and individual factors include personality and individual capacities to respond to violence.<sup>4</sup>

18. Thus an understanding of gender-related killings requires taking into account the political, social and economic contexts within which it takes place, including the responses of men to women's empowerment; the political, legal and societal reaction to such killings; the principle of the continuum of violence; and patterns of structural discrimination and inequality that continue to form part of the reality of women's lives. It is also important to disaggregate data by factors such as race, ethnicity, education, sexual orientation and economic status, among others, to establish systemic patterns that exacerbate existing vulnerabilities.<sup>5</sup>

19. Impunity for the killings of women has become a global concern. As noted by the Secretary General: —Impunity for violence against women compounds the effects of such violence as a mechanism of control. When the State fails to hold the perpetrators accountable, impunity not only intensifies the subordination and powerlessness of the targets of violence, but also sends a message to society that male violence against women is both acceptable and inevitable. As a result, patterns of violent behaviour are normalized.<sup>6</sup>

### A. Conceptual evolution of terms

20. The term femicide has been used since the beginning of the nineteenth century to describe the killings of women.<sup>7</sup> It was proposed as an alternative to the gender-neutral term of homicide, a term which overlooks the realities of inequality, oppression and systematic violence against women. It reappeared in the 1970s as part of the struggle of the feminist movement to name their own experiences and create a form of resistance to this fatal form of violence.<sup>8</sup>

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<sup>1</sup> Nadera Shalhoub-Kevorkian, Reexamining Femicide: Breaking the Silence and Crossing —Scientific Borders , *Signs*, The University of Chicago Press, Vol. 28, No. 2 (2002) at 581.

<sup>2</sup> Ibid.

<sup>3</sup> Darren Lenard Hutchinson, —Ignoring the Sexualization of Race Heteronormativity, *Critical Race and Anti-Racist Politics* , 47 *Buffalo Law Review* (1999) at 20.

<sup>4</sup> See Shae Garwood explaining Moser's framework for causal levels of gender violence, —Working to Death: Gender, Labour, and Violence in Ciudad Juárez, Mexico pp. 4-5, citing Caroline Moser, 'The Gendered Continuum of Violence and Conflict' in C. Moser and F. Clark (eds) *Victims, Perpetrators, or Actors? Gender, Armed Conflict and Political Violence* (London: Zed Books, (2001).

<sup>5</sup> Gauthier, D. and W. Bankston, (2004) —*Who kills whom revisited: A sociological study of variation in the sex ratio of spouse killings* . *Homicide Studies*, 8(2), 96-122.

<sup>6</sup> See, United Nations, *In-depth study on all forms of violence against women: Report of the Secretary-General*, A/61/122/Add.1 (2006) at 76.

21. Femicide was first defined as —the murders of women by men motivated by hatred, contempt, pleasure or a sense of ownership of women.<sup>9</sup> Subsequently, it was defined as —the misogynist killing of women by men.<sup>10</sup> The definition was expanded to go beyond that of misogynist killings, to all forms of sexist killings, including those killings by men motivated by the socially constructed right to do so, their superiority over females, pleasure or sadistic desires towards women, or the assumption of ownership over women.<sup>11</sup>

22. The term femicide has been used in the context of killings of women in the private and public spheres. In some European contexts, such killings are described as —crimes of passion. In South Asia the term femicide has been adopted to encompass cultural practices in the region such as female infanticide, preadolescent mortality of girls and dowry-related deaths.<sup>12</sup> The phenomena of so-called —honour killings in the Middle East are rarely specifically labelled as acts of femicide, but some scholars have highlighted the femicidal nature of such acts and the impunity that accompanies such killings.<sup>13</sup>

23. A critical comparison, when addressing the killings of women, can be seen in the labelling in the West of femicides as —crimes of passion stemming from individual violent behaviour; and in the East, as —crimes of honour arising from cultural/religious practices and beliefs. This dichotomy exposes the simplistic, discriminatory and often stereotypical manner of construction, thereby obscuring the intersectionality of political, economic, social, cultural, and gender factors faced by all women around the world.<sup>14</sup>

24. With the alarming escalation of extreme forms of violence against women and girls in the 1990s, including in Mexico, El Salvador and Guatemala,<sup>15</sup> there was a pressing need to create and adopt new concepts and strategies to address the phenomenon. The disproportionate impact of economic, political and social factors in which the killings of women and girls were occurring, as well as the patriarchal nature of the societies that subordinated them, had to be taken into account. This violence has included torture, sexual abuse, deprivation of liberty, post mortem dismembering and the abandoning of bodies in public spaces by perpetrators (individual or groups), known or unknown to the victim. It is in this specific context that the concept of femicide scenarios was developed to determine the existence of a femicide crime, despite the difficulties of identifying motive, intention and perpetrators.<sup>16</sup>

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<sup>7</sup> See Corry, J. (1801) —*A Satirical view of London at the commencement of the nineteenth century*”, Edinburgh: T. Hurst, Paternoster-Row; Ogilvy and Son, Holborn; R. Ogle, Turnstile; and Ogle and Aikman. Also MacNish, W. (1827) —*The confessions of an unexecuted femicide*” (3a. ed.), Glasgow: M.R. M’Phun, Trongate. And Wharton, J. and J. Smith (1987) —*The law lexicon, or, dictionary of jurisprudence*” (English edition). Littleton, CO: F.B. Rothman. (Originally published in 1848).

<sup>8</sup> Kaye, J. (2007) —*Femicide* , Online Encyclopedia of Mass Violence, available at [www.massviolence.org](http://www.massviolence.org), accessed on 5 September 2011.

<sup>9</sup> Caputi, J. and D. Russell (1990) —*Femicide: Speaking the unspeakable*”. Ms.: The World of Women, 1(2).

<sup>10</sup> Radford, J. and D. Russell (eds.) (1992) —*Femicide: The Politics of Woman Killing*”, New York: Twayne.

<sup>11</sup> Harmes, R. and D. Russell (eds.) (2001) —*Femicide in Global Perspective*”, New York: Teachers College Press.

<sup>12</sup> Ibid.

<sup>13</sup> Kaye, J. (2007) —*Femicide* , Online Encyclopedia of Mass Violence, available at [www.massviolence.org](http://www.massviolence.org), accessed on 5 September 2011.

<sup>14</sup> Supra note 1.

<sup>15</sup> See in particular reports on the visits to Mexico (E/CN. 4/2006/61/Add.4), El Salvador (E/CN.4/2005/72/Add.2 and A/HRC/17/26/Add.2)+ and Guatemala (E/CN.4/2005/72/Add.3).

<sup>16</sup> Carcedo, A. et al. (2010) —*We will not forget nor will we accept. Femicide in Central America 2002 – 2006*”, Costa Rica. CEFEMINA.

25. Parallel to this conceptual discourse, Mexican feminists decided to translate the term femicide directly from its Latin origins as *—feminicidio*.<sup>17</sup> The femicide versus feminicide debate that has taken place in the Latin American context has not been resolved as yet. In the interim, feminists and academics have simply moved past the issue and adopted either or both terms, depending on the country, the context, the campaign or the lobbying target.<sup>18</sup>

26. Despite the increasing attention paid to the killings of women, there is little consistency in the normative frameworks used by researchers and service providers.<sup>19</sup> Some scholars propose that a framework which includes the theoretical, political, operative and judicial aspects is useful, as it enables the recognition of multiple intersections of class, ethnicity, race, age, disability, migration, occupation, sexual orientation and gender identity, among others, in the killings of women.<sup>20</sup>

27. Other scholars advocate for the use of the notion of continuum as a tool of analysis where reinforcing linkages between different types of violence are complex, context-specific, and interrelated. This tool integrates a multitude of causal factors at structural, institutional, interpersonal, and individual levels.<sup>21</sup>

28. It is argued that the term feminicide 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. This can include: tolerance, the blaming of victims, lack of access to justice and effective remedies, negligence, threats, corruption and abuse by officials.<sup>22</sup> Under this scenario, femicide/feminicide is a State crime tolerated by public institutions and officials, due to the inability to prevent, protect and guarantee the lives of women, who have consequently experienced multiple forms of discrimination and violence throughout their lifetime.

## B. Global trends and manifestations

29. Globally, the prevalence of different manifestations of gender-related killings is reaching alarming proportions. Culturally and socially embedded, these manifestations continue to be accepted, tolerated or justified—with impunity as the norm. States' responsibility to act with due diligence in the promotion and protection of women's rights, is largely lacking as regards the killing of women.

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<sup>17</sup> They considered that the Spanish use of the word femicide —*femicidio*— simply referred to the homicide of women. See Monarrez, J. (2008) "*Morir por ser mujeres, Femicidio/Feminicidio La Violencia Maxima*". Revista Mujer Salud. El Inventario del Feminicidio Juarese. Vol. 4/2008. Chile.

<sup>18</sup> Carcedo, A. —Análisis y diagnósticos de legislación comparada—. Paper presented at the international conference on —Violence and Femicide in Bolivia—, 7, 8, 9 November 2011. La Paz, Bolivia.

<sup>19</sup> See Conference report (2009) —Strengthening Understanding of Femicide. Using research to galvanize action and accountability—, Program for Appropriate Technology in Health (PATH), *InterCambios*, Medical Research Council of South Africa (MRC), and World Health Organization (WHO). Conference held on 14–16 April, 2008. Washington, DC.

<sup>20</sup> Supra note 16.

<sup>21</sup> Supra note 4.

<sup>22</sup> Lagarde, M. (2001), Introduction in "*Feminicidio una perspectiva global*". Harmes, R. and D. Russell (eds.) Mexico DF: Centro de Investigaciones Interdisciplinarias en Ciencias y Humanidades, UNAM.

<sup>23</sup> Ibid.

## 1. Killings of women as a result of intimate-partner violence

30. Intimate-partner violence is a problem affecting millions of women all over the world, and the overwhelming burden of partner violence is borne by women.<sup>24</sup> Research on homicide resulting from intimate-partner violence reflects, almost without exception, that females are at greater risk than males, and that the majority of female homicide victims are killed by male intimate partners.<sup>25</sup> The United Nations Office on Drugs and Crime studies also confirm that in many countries, intimate partner/family-related homicide is the major cause of female homicides, and that female homicide rates are much more likely to be driven by this type of violence than by the organized crime-related homicide typology that so affects men.<sup>26</sup>

31. As with all forms of intimate-partner violence, intimate-partner femicide is likely to be significantly underreported. Studies have shown that in some countries between 40 and 70 per cent of female murder victims are killed by an intimate partner.<sup>27</sup> In many countries the home is the place where a woman is most likely to be murdered, whereas men are more likely to be murdered in the street.<sup>28</sup>

32. One study indicates that there are approximately 3,500 intimate partner violence-related deaths every year in Europe.<sup>29</sup> Women account for more than 77 per cent of all victims of intimate partner/family-related homicide,<sup>30</sup> with women between the ages of 35 and 44 at higher risk.<sup>31</sup>

More recently, research indicates there has been an increase in the rates of killings of women.<sup>32</sup> For instance, in Spain there has been a 15.16 per cent increase in intimate partner femicides.<sup>33</sup> In Italy, the total number of homicides (male and female murders) is decreasing; however, female homicides increased from 15.3 per cent during 1992-1994 to 23.8 per cent during 2007-2008.<sup>34</sup> According to data, in England and Wales in 2009/10 95 female victims of homicide were killed by a current or former partner, compared to 21 male victims of domestic homicide.<sup>35</sup>

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<sup>24</sup> Heise, L. and C. Garcia-Moreno, (2002) —*Violence by intimate partners* . In E. G. Krug, L. L. Dahlberg, J. A. Mercy, A. B. Zwi, and Lozano, R. (eds.). World report on violence and health, pp. 89-121. Geneva, Switzerland: World Health Organization.

<sup>25</sup> See Browne, A., Williams, K., and D. Dutton, (1999) —*Homicide between intimate partners* . In M. D. Smith & M. Zahn (eds.). Studying and preventing homicide, pp. 55-78. Thousand Oaks, CA: SAGE., Campbell, J., (1992) —*If I can't have you, no one can: Power and control in homicide of female partners* . In Radford, J. and Russell, D. (eds.). Femicide: The politics of woman-killing, pp. 99-113. New York, NY: Twayne. Dawson, M., and R. Gartner, (1998) —*Differences in the characteristics of intimate femicides: The role of relationship state and status* . Homicide Studies, 2, 378-399, and Gauthier, D. and W. Bankston, (2004) —*Who kills whom revisited: A sociological study of variation in the sex ratio of spouse killings* . Homicide Studies, 8(2), 96-122, Heise, L. and C. Garcia-Moreno, —*Violence by intimate partners* . In: Krug E, Dahlberg, L., Mercy, J., Zwi, A. and R. Lozano, (eds.) (2002) *World Report on Violence and Health* [First Edition]. Geneva, CH: World Health Organization; 2002:87–122. Adinkrah, M. (1999) —*Uxoricide in Fiji: the sociocultural context of husband-wife killings* . Violence Against Women. 1999; 5(11):1294–1321. Kellermann, A. and J. Mercy, (1992) —*Men, women, and murder: gender-specific difference in rates of fatal violence and victimization* . The Journal of Trauma. 1992; 33:1–5. And Mercy, J. and L. Saltzman, (1976-85) —*Fatal violence among spouses in the United States* , American Journal of Public Health. 1989; 79(5):595–599.

<sup>26</sup> United Nations Office on Drugs and Crime (UNODC) —2011 Global Study on Homicide , Vienna.

<sup>27</sup> Supra note 24.

<sup>28</sup> Supra Note 26.

<sup>29</sup> Project DAPHNE (2007) —*Estimation of mortality linked to intimate partner violence in Europe - IPV EU\_Mortality* , Psytel, June 2010. Available at <http://psytel.eu/violences.php> .

<sup>30</sup> Supra note 26.

<sup>31</sup> Icrs-Viu, Esplugues, J.S., Marmolejo, I.I., Esteve, Y.G., and Sánchez, P.M., (2010) —*3rd International Report on Partner Violence against women* . The data was compiled in 2006, and shows the evolution of femicides between 2000 and 2006. Chapter 2, pp. 65-99.

33. Studies in Honduras and Costa Rica show that more than 60 per cent of femicides are perpetrated by an intimate partner or male family member.<sup>36</sup> In Peru, 70 per cent of acts of femicide are carried out by a former or current intimate partner.<sup>37</sup> In Mexico, 60 per cent of the women who were murdered by their intimate or ex-intimate partners had previously reported domestic violence to public authorities.<sup>38</sup> In some cases in Nicaragua, while the crimes were perpetrated by persons unknown to the victim, the murders were planned and paid for by the partner or ex-partner.<sup>39</sup>

34. A 2004 national study on femicide in South Africa estimated that a woman is killed by her intimate partner every six hours.<sup>40</sup> Of the cases in which relationship status could be established, 50.3 per cent of the women were killed by an intimate partner. Furthermore, a racial analysis indicates that women of colour are disproportionately affected by such killings. The rate for coloured women was 18.3 per 100,000 women; for African women it was 8.8, and for white women, 2.8.<sup>41</sup>

35. Statistics from the United States Department of Justice estimate that 40 per cent of female homicide victims were killed by an intimate partner in 1993, increasing to 45 per cent in 2007. An estimated 6 per cent of male homicide victims were killed by an intimate partner in 1993, decreasing to 5 per cent in 2007.<sup>42</sup> Also, where the relationship between the victim and the murderer could be determined, over 90 per cent of the women knew the

male killer, with 60 per cent of the victims being wives, common-law wives, ex-wives, or girlfriends of the offenders.<sup>43</sup> In 2008 firearms were the most common weapon used by men to murder women, with nearly two thirds of the women having been murdered by male intimate partners. Women also suffer —hostile gun displays as a form of intimate partner violence, by which abusive partners threaten to use guns against their victims.<sup>44</sup>

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<sup>32</sup> Spinelli, B. (2011) —*Femicide and feminicide in Europe. Gender-motivated killings of women as a result of intimate partner violence* . Expert group meeting on gender-motivated killings of women. Convened by the Special Rapporteur on Violence against Women, its causes and consequences, Ms. Rashida Manjoo, New York, 12 October 2011.

<sup>33</sup> Ibid.

<sup>34</sup> Official data collected by EURES.

<sup>35</sup> Homicide Index; as published in Table 1.05 of ‘Homicides, Firearm Offences and Intimate Violence 2009/10’ at para. 280.

<sup>36</sup> See Carcedo, A. and M. Sagot (2001) —*Femicidio en Costa Rica. Cuando la Violencia contra las Mujeres Mata* , San Jose: OPS/INAMU.

<sup>37</sup> Melendez, L. (2010) —*Per – Incidencia y formaci n sensible al g nero para los legisladores y operadores de justicia* . In Jimenez, P. and K. Ronderos, (eds.) —*Feminicidio: Un fen meno global. De Lima a Madrid* . Heinrich Böll Stiftung and CAWN.

<sup>38</sup> Lagarde y de los Rios, M. (2006) —*Feminicidio* , Artículos de Ciudad de Mujeres. Paper presented at Universidad de Oviedo, 12 January 2006. Available online at [www.ciudaddemujeres.com/articulos](http://www.ciudaddemujeres.com/articulos).

<sup>39</sup> Puntos de Encuentro (2006) —*Lo que cocinamos: II Encuentro Feminista Centroamericano*”, La Boletina No. 64. Available online at [www.puntos.org.ni](http://www.puntos.org.ni).

<sup>40</sup> See Mathews S, Abrahams N, Martin L, Vetten L, van der Merwe L, and R. Jewkes, (2004) —*Every six hours a woman is killed by her intimate partner: a national study of female homicide in South Africa* . Gender and Health Research Group, Medical Research Council Policy Brief, South Africa; 2004; 5.

<sup>41</sup> Ibid.

<sup>42</sup> Catalano, S., Smith, E., Howard, S., and M. Rand, (2009) —*Female Victims of Violence* , Bureau of Justice Statistics, Selected Findings. U.S. Department of Justice, September 2009.

Available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/fvv.pdf>

<sup>43</sup> Violence Policy Center, *When Men Murder Women: An Analysis of 2008 Homicide Data*. Washington, DC, 2010, p. 10. Available at <http://www.vpc.org/studies/wmmw2010.pdf>

<sup>44</sup> Ibid. p. 1.

## 2. Killings of women due to accusations of sorcery/witchcraft

36. The killing of women accused of sorcery/witchcraft has been reported as a significant phenomenon in countries in Africa, Asia and the Pacific Islands.<sup>45</sup> The pattern of violations includes violent murders, physical mutilation, displacement, kidnapping and disappearances of girls and women.<sup>46</sup> In many countries where women are accused of sorcery/witchcraft, they are also subjected to exorcism ceremonies involving public beating and abuse by shamans or village elders.<sup>47</sup>

37. Although in the majority of the cases younger women are at higher risk of sorcery/witchcraft violence, a study has found that in some parts of Africa, older women are more vulnerable to sorcery-related femicide due to their economic dependence on others, or the property rights that they hold—and which younger members of the family want to inherit.<sup>48</sup> Also, if women are perceived as dangerous and a threat to men, their labelling as witches, and consequently their destruction, is then seen as justified.<sup>49</sup>

38. A study in Zimbabwe found that of the 42 cases of femicide involving women older than <sup>50</sup>, most of the women had been accused of witchcraft by male relatives prior to the killing.<sup>50</sup> A study conducted in Ghana found that many poor, often elderly, women were accused of witchcraft and subsequently murdered by male relatives, or subjected to a range of physical, sexual and economic abuses.<sup>51</sup>

39. Women accused of witchcraft in Ghana are often violently driven from their communities and forced to take refuge in —witch camps. Many widows are subjected to property-related violence, including violent evictions and loss of inheritance; and subjected to sexual abuse and harassment by relatives.<sup>52</sup> In India, based on accusations of being a *dayan* (witch) or practising *banamathi* (witchcraft), physical violence is sometimes employed against Dalit women as a mechanism to take possession of their family lands and/or to keep them under economic subjugation, sexual exploitation, gender domination and control.<sup>53</sup> In Nepal, particularly in the southern Terai region, elderly women, widows, destitute women and women of low caste are often targeted and deprived of their property rights or victimized to settle a personal vendetta.<sup>54</sup>

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<sup>45</sup> See, Chapter on victim groups in the extrajudicial executions context of the Handbook compiling observations and recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (hereinafter —Handbook on Victim Groups ), Chapter 8, Victim Groups, at pp. 47-50.

<sup>46</sup> Indai Sajor, —Gender-motivated Killings of Women Accused of Sorcery & Witchcraft a Form of Femicide: Papua New Guinea Case , paper prepared for Expert Group Meeting, October 12th, 2011. pp. 9-10.

<sup>47</sup> Handbook on Victim Groups (Supra Note 45) p. 49

<sup>48</sup> Galloway, S. (1995) —*Femicide project* . Report by country. Zimbabwe. Women in Law and Development in Africa (WILDAF).

<sup>49</sup> Watts, C., Osam, S. and E. Win (2001) —*Femicide in Southern Africa* , edited extracts from —*The private is public: A study of violence against women in Southern Africa* . Harare, Zimbabwe, Women in Law and Development

<sup>50</sup> Supra note 48.

<sup>51</sup> See, Adinkrah, M., —Witchcraft accusation and female homicide victimization in contemporary Ghana , Violence against women, vol. 10, No. 4 (2004), pp. 325-356, in *In-depth study on all forms of violence against women, Report of the U.N. Secretary-General* at para. 125.

<sup>52</sup> A/HRC/7/6/Add.3, report of the Special Rapporteur on violence against women, its causes and consequences, Addendum, Mission to Ghana, 21 February 2008.

<sup>53</sup> A/HRC/11/6/Add.1, 2009, at para. 228. See also Saravanan, S., Violence against women in India: A literature review (New Delhi, Institute of Social Studies Trust, 2000); Chen, M. A., —Widowhood and aging in India , United Nations Research Institute for Social Development case study available at: [http://www.unrisd.org/unrisd/website/projects.nsf/\(httpAuxPages\)/25DCC0F9F3E206C3C1256BB200552FC6?OpenDocument&category=Case+Studies](http://www.unrisd.org/unrisd/website/projects.nsf/(httpAuxPages)/25DCC0F9F3E206C3C1256BB200552FC6?OpenDocument&category=Case+Studies).

<sup>54</sup> Jill Schnoebelen, —Witchcraft allegations, refugee protection and human rights: a review of the evidence , New Issues in Refugee Research, Research Paper No. 169, Policy Development and Evaluation Service, 2009, p. 11.

40. In Papua New Guinea, cases of torture and murder of an estimated 500 women accused of practising sorcery/witchcraft have been reported.<sup>55</sup> Sorcery allegations against women have been increasing, in particular in the Highlands region.<sup>56</sup> Suspected witches have been thrown from cliffs, tortured, dragged behind cars, burned or buried alive. Victims of such attacks and killings are mainly widows or other vulnerable elderly women who do not have children or relatives to protect them, women born out of wedlock or women who do not have any standing in the family.<sup>57</sup> According to police reports, women are six times more likely than men to be accused of sorcery.<sup>58</sup>

41. Those who torture or kill are almost exclusively men, and are often related socially or biologically to the victim.<sup>59</sup> Some accusations of sorcery are economically motivated, for the purpose of taking over land or possessions of those accused, or because payments have been made by third parties to name alleged sorcerers. According to expert reports, —increasingly, there is a perception that accusations of sorcery are a convenient disguise for premeditated killings based more on a person’s dislike for another, jealousy, envy, greed, rivalry or revenge and targeting women from the tribes or communities.<sup>60</sup>

42. A study showing sentencing patterns in witchcraft-related cases in Southern Africa reveals that men accused of killings of women were sentenced to shorter periods of time, and often the charges were reduced to minor crimes. Overall, sentences were lenient when the perpetrator was the husband or a male relative of the woman killed. In Zambia, for instance, the average sentence was one to two years for charges of premeditated homicide of women.<sup>61</sup>

### 3. Killings of women and girls in the name of “honour”

43. As noted by the Secretary-General, certain cultural norms and beliefs are the causal factors of harmful practices resulting in violence against women, such as crimes committed in the name of —honour.<sup>62</sup> Honour killings have been characterized as being among the most severe manifestations of harmful practices.<sup>63</sup> Murder to cleanse family honour is committed with high levels of impunity in many parts of the world.<sup>64</sup> Although honour crimes have mainly occurred in the vast zone spreading from the Sahara to the Himalayas, it also occurs in other regions and countries with migrant communities.<sup>65</sup>

44. Honour killings remain underreported and underdocumented globally. The United Nations Population Fund (UNFPA) has estimated that 5,000 women globally are murdered by family members each year in honour killings.<sup>66</sup> With widespread urbanization, the proliferation of media and the changing roles of women, it has become difficult for such crimes to go unnoticed, and such killings are becoming more visible.<sup>67</sup>

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<sup>55</sup> Supra Note 45 at p. 49

<sup>56</sup> The broad majority of the population in the highlands believes in extra-natural explanations to life misfortunes. When a death, sickness or an accident occurs, it is common to explain it as having been caused by the use of sorcery.

<sup>57</sup> Sorcery, Witchcraft and Christianity in Melanesia by Franco Zocca and Jack Urame, Melanesian Institute 2008.

<sup>58</sup> See also Amnesty International 2009 and The National, June 19, 2003, p. 6.

<sup>59</sup> Supra Note 46.

<sup>60</sup> Ibid., p. 3.

<sup>61</sup> Rude, D. and M. Kazunga. (1995) —*Report on the femicide research* . Report by country. Zambia. Women in Law and Development in Africa.

<sup>62</sup> Supra Note 6, at para. 78.

<sup>63</sup> Ibid., at para. 123.

<sup>64</sup> Expert Group Meeting report —Violence against women: Good practices in combating and eliminating violence against women . Organized by the Division for the Advancement of Women in collaboration with the United Nations Office on Drugs and Crime, 17 to 20 May 2005, Vienna, Austria.

<sup>65</sup> E/CN.4/2002/83.

<sup>66</sup> See, UN In-depth study on all forms of violence against women, report of the Secretary-General, A/61/122/Add.1, 2006, at para. 78.

<sup>67</sup> Baydoun, A. (2011) —*Killing of women in the name of honour: An evolving phenomenon in Lebanon* . Paper presented at the Expert Group Meeting on gender-motivated killings of women. Convened by the Special Rapporteur on violence against women, its causes and consequences, Ms. Rashida Manjoo, New York, 12 October 2011.



45. Honour killings take many forms, including direct murder; stoning; women and young girls being forced to commit suicide after public denunciations of their behaviour; and women being disfigured by acid burns, leading to death.<sup>68</sup> Honour crimes are also linked to other forms of family violence, and are usually committed by male family members as a means of controlling women's sexual choices and limiting their freedom of movement. Punishment usually has a collective dimension, with the family as a whole believing it to be injured by a woman's actual or perceived behaviour, and is often public in character. The visibility of the issue and the punishment also serves a social objective, namely, influencing the conduct of other women.<sup>69</sup>

46. Stoning is a method of capital punishment primarily used for crimes of adultery and other related offences linked to honour, of which women are disproportionately found guilty. This has resulted in 23 joint communications by mandate holders sent between 2004 and 2011, in respect of more than 30 women sentenced to death by stoning. Other communications to governments relate to honour crimes committed by family members or to the action/inaction of the State with regard to flogging or death by hanging of women for suspected premarital sex, for adultery, for failing to prove rape, and for acts deemed incompatible with chastity.<sup>70</sup>

47. It is argued that in the United Kingdom of Great Britain and Northern Ireland crimes in the name of honour are rooted in cultural traditions, not religious beliefs, and that —the conflation of the concepts of culture and religion contributes to the misunderstanding of such crimes, particularly in the context of Islamophobia and the ‘war on terror’.<sup>71</sup> Similarly, the Special Rapporteur on extrajudicial, summary or arbitrary executions noted that —a number of renowned Islamic leaders and scholars have publicly condemned this practice and clarified that it has no religious basis .<sup>72</sup>

48. The Special Rapporteur on violence against women has raised concerns about the phenomenon of self-immolation, reported in Afghanistan and the Islamic Republic of Iran, whereby women and girls attempt suicide by setting themselves on fire because they feel they are —dishonouring the family.<sup>73</sup>

49. United Nations treaty bodies have expressed concerns that honour-related crimes often go unreported, are rarely investigated and usually go unpunished, and that when they are punished the sentences are far less than those for equally violent crimes without the —honour dimension.<sup>74</sup> Reduced sentences are justified on the basis of the necessity of murdering such women, to defend the misconceived notion of family honour.<sup>75</sup>

50. In his report on working towards the elimination of crimes against women committed in the name of honour, the Secretary-General presented a series of recommendations in relation to the criminalization of such acts, and noted that those deliberately participating in, facilitating, encouraging or threatening women and girls in the name of honour should be punished.<sup>76</sup> He also noted that —in countries with immigrant communities, protection should be given to victims and potential victims in connection with asylum and immigration procedures.<sup>77</sup>

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<sup>68</sup> Ibid. at para. 78.

<sup>69</sup> See, In-depth study on all forms of violence against women, report of the Secretary-General, at para. 84.

<sup>70</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum, 15 years of the United Nations Special Rapporteur on violence against women, its causes and consequences (1994-2009) – A critical review, A/HRC/11/6/Add.5 (2009).

<sup>71</sup> Kelly, L. and Sen, P. (2007) —Violence against Women in the UK . Shadow Thematic Report for the CEDAW Committee.

<sup>72</sup> E/CN.4/2000/3.

<sup>73</sup> E/CN.4/2006/61/Add.5. See Special Rapporteur on violence against women, —Situation of Women and Girls in Afghanistan , A/58/421 on Afghanistan, and country mission report, at para. 29. See Special Rapporteur on violence against women, mission to the Islamic Republic of Iran, E/CN.4/2006/61/Add.3, 27 January 2006 at para. 29.

<sup>74</sup> A/65/44, para. 60 and 63. Report of the Committee against Torture, Forty-third session (2-20 November 2009), Forty-fourth session (26 April-14 May 2010).

<sup>75</sup> See report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2000/3, 2000, at para. 78.

<sup>76</sup> A/57/169 at para. 32.

#### 4. Killings in the context of armed conflict

51. During armed conflict, women experience all forms of physical, sexual and psychological violence, perpetrated by both State and non-State actors, including unlawful killings.<sup>78</sup> Such violence is often used as a weapon of war, to punish or dehumanize women and girls, and to persecute the community to which they belong.

52. Women and girls suffer from operations randomly or strategically targeting and terrorizing the civilian population, but also from summary and extrajudicial executions, imprisonment, torture, rape and sexual mutilations for fighting in resistance movements, for engaging in the search for and defence of their loved ones or for coming from communities suspected of collaboration.<sup>79</sup> Gender inequality becomes more pronounced in conflict and crisis situations, as competing masculine discourses place contradictory demands on women, and conflict is instrumentalized as a pretext to further entrench patriarchal control.<sup>80</sup>

53. The Special Rapporteur on the situation of human rights defenders has stated that women human rights defenders, who challenge oppressive governments and policies, are more at risk of suffering violence and other violations. While reclaiming their rights or the rights of their communities, they are perceived as challenging accepted sociocultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation, and the role and status of women in society. The mission report on Colombia by the Special Rapporteur on the situation of human rights defenders highlights the killings of several women human rights defenders and the gravity of the violence, persecution and sexual torture in these murders.<sup>81</sup>

54. In Afghanistan, women's rights defenders continue to be regularly threatened and intimidated, and high-profile women, mainly political activists, have been assassinated, and their killers have not been brought to justice.<sup>82</sup> The Taliban's interpretation of sharia law is used to justify harsher punishments for women seen to be mixing with men outside their immediate families.<sup>83</sup> A common means of intimidation and control of local communities, mainly women, is the use of night letters. These are threatening letters, usually hand-delivered, or pasted onto a door or in a mosque, by insurgent groups. The content of these letters varies, but the main message is a threat of harm to women and girls (or their parents) if they go to school or to work, leave their homes, speak to non-family men, or call radio stations with music requests.<sup>84</sup>

55. In the 45-year-old civil war in Colombia, women community leaders and women fighting for their rights are the main targets of gender-related killings.<sup>85</sup> These women are especially vulnerable if they promote land rights<sup>86</sup> and the rights of the most marginalized groups, such as indigenous people, ethnic and religious minorities, trade unionists, and lesbian, gay, bisexual and transgender individuals.<sup>87</sup> The Special Rapporteur on extrajudicial, summary or arbitrary executions has confirmed that defenders of women's rights are significant targets of unlawful killings by both Colombian State forces and illegal armed groups.<sup>88</sup> The gender-specific intimidation of women defenders includes the targeting of their children and families, as a way to manipulate their roles as mothers, thereby exerting additional pressure on them to stop their human rights work.

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<sup>77</sup> Ibid.

<sup>78</sup> In-depth study on all forms of violence against women, report of the Secretary-General at para. 143.

<sup>79</sup> A/HRC/14/22 (2010) at para. 33, report of the Special Rapporteur on violence against women, its causes and consequences.

<sup>80</sup> A/HRC/4/34/Add.2, at para 22, Report of the Special Rapporteur on violence against women, its causes and consequences, Mission to Turkey, 5 January 2007.

<sup>81</sup> Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, —Mission to Colombia . 4 March 2010, A/HRC/13/22/Add.3.

<sup>82</sup> Human Rights Watch, Country Summary: Afghanistan. January 2011.

<sup>83</sup> Report —*Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan* . United Nations Assistance Mission in Afghanistan, Kabul, and Office of the United Nations High Commissioner for Human Rights, Geneva. 9 December 2010.

<sup>84</sup> Ibid.

## 5. Dowry-related killings of women

56. In some South Asian countries, a widespread practice is that of dowry-related murders. This term covers the deaths of young brides who are murdered, or driven to suicide by continuous harassment and torture perpetrated by the groom's family in an effort to extort dowry payment or an increased dowry of cash or goods. The most common manifestation of this practice is the burning of the bride. These incidents are often presented as, and accepted to be, accidents, such as death as a result of an —exploding stove.<sup>89</sup>

57. Dowry-related violence is embedded in religious and cultural traditions of the South Asian region.<sup>90</sup> The practice has permeated all communities. Pakistan enacted an anti- dowry law in 1976, Bangladesh in 1980 and Nepal in 2009. Despite legislative reforms, dowry is an indispensable part of weddings in this region; it has been a cause of violence against women,<sup>91</sup> and the laws have failed to have an impact in curbing dowry or elevating the status of women within marriage.<sup>92</sup>

58. In several cases in Bangladesh, dowry-related harassment of women has been aggravated to acid attacks, leading to blindness, disfigurement and death of women.<sup>93</sup> In 2002, Bangladesh passed a law imposing the death penalty on offenders and also restricted the sale of acid, in response to the growing problem of acid attacks.<sup>94</sup> In the first half of 2009, 119 cases of dowry-related violence, including 78 deaths, were reported. In 2008, 172 women were killed, and the figure for 2007 was 187.<sup>95</sup>

59. Statistics for the period 2007 to 2009 show that there have been between 8,093 and 8,383 reported cases of dowry deaths in India.<sup>96</sup> As noted by experts, the numbers of reported cases do not add up to conviction rates. The National Crime Records Bureau of India reports that for 2008 there were 1,948 convictions, as against 3,876 acquittals.<sup>97</sup> Acid attacks are also becoming a growing phenomenon in India, with young women being targeted for spurning suitors and for rejecting proposals of marriage, as well as in connection with contestation over dowry.<sup>98</sup>

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<sup>85</sup> Supra Note 81 at para. 31.

<sup>86</sup> Colombia Human Rights Network, Urgent Action Appeal (May 3, 2002), available at: [http://colhrnet.igc.org/newitems/may02/ai\\_urgent\\_appeal\\_3may02.htm](http://colhrnet.igc.org/newitems/may02/ai_urgent_appeal_3may02.htm).

<sup>87</sup> Human Rights First. Report to the Committee on the Elimination of All Forms of Discrimination against Women, on its Consideration of the Combined Fifth and Sixth Periodic Reports by the Government of Colombia. Thirty-seventh Session 2007.

<sup>88</sup> A/HRC/14/24/Add.2, at para 74, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mission to Colombia. 31 March 2010.

<sup>89</sup> BBC online network, —*World: South Asia Bride burning 'kills hundreds'* , in BBC News, 27 August 1999 (accessed 5 September 2011).

<sup>90</sup> Flavia Agnes, —Gender Based Killings—A South Asian Perspective , Paper prepared for Expert Group Meeting, New York, October 12, 2011, p. 7.

<sup>91</sup> [http://www.gorkhapatra.org.np/rising.detail.php?article\\_id=45558&cat\\_id=7](http://www.gorkhapatra.org.np/rising.detail.php?article_id=45558&cat_id=7)

<sup>92</sup> Supra note 90.

<sup>93</sup> Law Commission of India, Report submitted to the Honorable Supreme Court of India for its consideration in the pending proceedings filed by one Laxmi in W.P. (Crl.) No. 129 of 2006 on —The Inclusion of Acid Attacks as Specific Offences in the Indian Penal Code and a law for Compensation for Victims of Crime , July, 2008, Report No. 226 (2009), p. 3.

<sup>94</sup> In 2002, the Parliament of Bangladesh enacted two laws against acid violence: Under the Acid Control Act of 2002, the unlicensed production, import, transport, storage, sale, and use of acid can result in a prison term of 3-10 years. Those who possess chemicals and equipment for the unlicensed production of acid can get the same prison term.

<sup>95</sup> <http://www.irinnews.org/report.aspx?reportid=86100>

<sup>96</sup> Supra note 90.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

60. Human rights bodies have strongly condemned these practices.<sup>99</sup> Experts argue that there is a need to address the underlying cultural concerns, such as the subordinate status of women within their birth/natal and marital homes; issues of property and ownership within these realms; the control of women's sexuality; the stigma attached to divorce; and the lack of support for a woman after she is married.<sup>100</sup>

## 6. Killings of aboriginal and indigenous women

61. Aboriginal and indigenous women and girls experience extremely high levels of violence. The social, cultural, economic and political marginalization of aboriginal and indigenous women globally, along with a negative legacy of colonialism, historic racist government policies and the consequences of economic policies, has driven an alarming number of these women into extremely vulnerable situations. For example, the effect of certain economic policies imposed on the Central America region has exacerbated the vulnerability of indigenous women, and has forced them to migrate both internally and regionally. They have been pressed into low-skilled and low-paid jobs, mainly in *maquila* factories, domestic service, the sex trade and prostitution, under precarious and exploitative conditions.

62. The intersection of different layers of discrimination based on race, ethnic identity, sex, class, education and political views further disenfranchises indigenous and aboriginal women, reproducing a multi-level oppression that culminates in violence. In cases of killings of aboriginal and indigenous women, the main failings by the authorities are the failure of police to protect aboriginal women and girls from violence and to investigate promptly and thoroughly when they are missing or murdered, and the disadvantaged social and economic conditions in which aboriginal women and girls live, which make them vulnerable to such violence.<sup>101</sup>

63. In Guatemala, the current experience of massive and violent killings of indigenous women has a legacy stemming back to colonial times, further increasing during the 36-year armed conflict. Indigenous Maya women constituted 88 per cent of victims of sexual and systematic attacks, with such attacks being publicly and intentionally perpetrated, mainly by military and paramilitary personnel.<sup>102</sup> After the 1996 Peace Accord, no efforts were made to seek justice for and provide reparations to the victims and their families. In fact, article 200 of the Penal Code (repealed in 2006) afforded immunity to perpetrators of sexual violence and kidnapping of women and girls over 12 years old, where the perpetrator subsequently married the victim. Thus a State-endorsed impunity was established, condoning all forms of violence, particularly against indigenous women.

64. In Australia, violence against aboriginal women is egregious due to the use of weapons and the licensing of firearms. Incidents of weapon-inflicted violence, involving hammers, knives, sticks, stones, guns and pickets, have resulted in a number of homicides of aboriginal women.<sup>103</sup> Recent reports indicate that aboriginal women are at far greater risk of being the victims of homicide, rape and other assaults than non-aboriginal women.<sup>104</sup>

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<sup>99</sup> See CERD/C/IND/CO/19, CEDAW/C/IND/CO/3, CEDAW/C/TUN/CO/6, CRC/C/BGD/CO/4, E/C.12/IND/CO/5.

<sup>100</sup> Kishwar, Madhu, (2005). 'Destined to Fail - Inherent Flaws in the Anti Dowry Legislation'. *Manushi*, (148), May-June, pp. 3-12.

<sup>101</sup> Sharon McIvor and Shelagh Day, 'Gender-Motivated Killings of Aboriginal Women and Girls Canada', Prepared for UN Expert Group Meeting on Gender-motivated killings of women, 12 October 2011.

<sup>102</sup> The Commission for Historical Clarification — *La Violencia Sexual contra la Mujer*, Volume 3, #41.

<sup>103</sup> Penelope Andrews, 'Violence against Aboriginal Women in Australia: Possibilities for Redress within the international human rights framework', 60 *Albany Law Review* 917.

<sup>104</sup> *Ibid.*

However, aboriginal women have been reluctant to expose these acts of violence, due to the risk of further denigration of their communities from the dominant white society. As noted by the Committee on the Elimination of Discrimination against Women, —indigenous women and girls face the highest levels of violence, especially at home where indigenous women are 35 times as likely to be hospitalized as a result of family violence-related assaults as non-indigenous females.<sup>105</sup>

65. Until 1985 Canada had many discriminatory laws against aboriginal women and children; this has had an intergenerational impact, and has contributed to a legacy of violence, abuse and impunity.<sup>106</sup> Today, a young aboriginal woman is five times more likely than other Canadian women of the same age to die of violence.<sup>107</sup> According to a 2010 report, of 582 cases of violence against aboriginal women, 20 per cent involved missing women and girls, 67 per cent involved women or girls who died as a result of homicide or negligence, and 4 per cent fell under the category of suspicious death (usually declared natural or accidental by the police).<sup>108</sup> Between 2000 and 2008, 153 cases of murders of women and girls were reported, and in 115 of these cases, the bodies are still missing.<sup>109</sup> Aboriginal women and girls are more likely to be killed by a stranger than are non-aboriginal women. Approximately 50 per cent of such murders remain unsolved.<sup>110</sup> The Committee on the Elimination of Discrimination against Women has expressed its concern that —hundreds of cases involving aboriginal women who have gone missing or been murdered in the past two decades have neither been fully investigated nor attracted priority attention, with the perpetrators remaining unpunished.<sup>111</sup>

## 7. Extreme forms of violent killings of women

66. The growing sociopolitical phenomena of gangs, organized crime, drug dealers, human and drug trafficking chains, massive migration and the proliferation of small arms have had a devastating impact on women’s lives, particularly in Mexico and Central America. The northern triangle of Central America has the highest rates of homicide in a non-conflict context.<sup>112</sup> The rate of killings of men has been stable during the last decade, but there has been an increase in the rates of killings of women.<sup>113</sup> In 2004 in Guatemala, murders of women increased 141 per cent, as opposed to 68 per cent for men; in El Salvador in 2006 murders of women increased 111 per cent, compared to 40 per cent for men; and in Honduras in 2007 murders of women increased 166 per cent, compared to 40 per cent for men.

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<sup>105</sup> CEDAW Committee, Concluding Observations to Australia, U.N. Doc. CEDAW/C/AUL/CO/7, 2010, para. 40.

<sup>106</sup> Complaint to the UN Human Rights Committee: Sandra Lovelace v. Canada, Communication No R.6/24, U.N. Doc. Supp. No. 40 (A/36/40), at 166.

<sup>107</sup> Amnesty International, *No More Stolen Sisters: The Need for a Comprehensive Response to Discrimination and Violence Against Aboriginal Women*, September 2009, at 1, available at: <http://www.amnesty.org/en/library/info/AMR20/012/2009/en>

<sup>108</sup> Native Women’s Association of Canada, *What Their Stories Tell Us: Research findings from the Sisters in Spirit initiative*, 2010, at 18, available at: [http://www.nwac.ca/sites/default/files/imce/2010\\_NWAC\\_SIS\\_Report\\_EN.pdf](http://www.nwac.ca/sites/default/files/imce/2010_NWAC_SIS_Report_EN.pdf). Since the publication of the 2010 report, more missing and murdered aboriginal women and girls have been added to the SIS database and the number is now over 600.

<sup>109</sup> Native Women’s Association of Canada, *Voices of Our Sisters In Spirit: A Report to Families and Communities*, 2nd Edition, March 2009 at 96, available at: [www.nwac.ca/sites/default/files/download/admin/NWAC\\_VoicesofOurSistersInSpiritII\\_March2009FINAL.pdf](http://www.nwac.ca/sites/default/files/download/admin/NWAC_VoicesofOurSistersInSpiritII_March2009FINAL.pdf)

<sup>110</sup> Ibid.

<sup>111</sup> CEDAW Committee, Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada, U.N. Doc. CEDAW/C/CAN/CO/7, (2008) at para. 31.

<sup>112</sup> UNDP (2009) —*Abrir espacios para la seguridad ciudadana y el desarrollo humano* Informe sobre Desarrollo Humano para América Central. IDHAC, 2009-2010. Colombia. UNDP.

<sup>113</sup> Supra Note 16.

67. As regards Mexico, in 1993 reports began to appear in the international media of the discovery of the mutilated bodies of raped and murdered women on wastelands outside the city of Ciudad Juárez.<sup>114</sup> Data collection on femicides has indicated an escalation in the numbers of killings, with one author estimating that approximately 740 femicides occurred between 1993 and 2009 in Ciudad Juárez.<sup>115</sup> The patterns of killings include abduction and disappearances for a few days; torture and sexual assault by groups of men; murder and mutilation, particularly of the sexual organs and breasts; decapitation in some cases; and the naked bodies/body parts being left on public display or dumped in empty wastelands of the city. In the worst cases, parts of the bodies are scattered through different areas of the city with messages written on the bodies or on paper found on the bodies. It is argued that the murders are conducted with symbolic effect—destroying the victim’s humanity, integrity and identity.<sup>116</sup>

68. Victims come from a range of social and economic backgrounds, which vary from country to country, as do the circumstances in which they are killed. Many of the murdered women come from the most marginalized sectors of society: they are poor, from rural areas, of ethnic origin, sex workers or maquila workers. Young women between 16 and 24 years old are the most vulnerable group. Overall, 25 per cent of murders reveal evidence of sexual assault; 66 per cent of murders in Honduras and 44 per cent in El Salvador exhibit signs of brutality.<sup>117</sup> Small firearms were used in 90 per cent of femicides in Guatemala<sup>118</sup> and in 79 per cent of femicides in Honduras in 2010.<sup>119</sup> Femicide is considered the second-highest cause of death of women of reproductive age in Honduras.<sup>120</sup>

69. Central America is a post-conflict region with fragile States and institutions, and it is also the poorest region in the Americas.<sup>121</sup> The effect of certain economic policies encouraged and facilitated the introduction of maquilas. The low-paid jobs created by the maquila industry are mainly occupied by women, in particular poor and illiterate women from rural areas. Contracts are generally on a temporary basis, with long working hours and no benefits. Also, women walk through dark public spaces as they return home late in the day, with no protection against criminal activities in the public sphere.

70. Furthermore, organized crime groups and gangs (known as *maras*) have multiplied and have created an internal system of control of local territory and of communities. They have established an open market for a profitable arms trade, which allows them to position themselves as the main providers of private security for drug cartels, entrepreneurs and the elite.

## 8. Killings as a result of sexual orientation and gender identity

71. Gender-based killing due to sexual orientation and gender identity is a phenomenon that has been recently, albeit insufficiently, documented. Although limited statistics are available, civil society reports suggest that violence, motivated

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<sup>114</sup> Prieto-Carron, M., Thomson, M. and M. Macdonald (2007) —*No more killings! Women respond to femicides in Central America*”, Gender and Development, volume 15:1, Routledge Publishing.

<sup>115</sup> Monárrez, J. (2009) —*Trama de una injusticia. Femicidio sexual sistémico en Ciudad Juárez* , El Colegio de la Frontera Norte, Mexico.

<sup>116</sup> The women are viewed as inferior and are hence turned into waste material. See Segato, R. (2004) —*Territorio, soberanía y crímenes de segundo Estado: la escritura en el cuerpo de las mujeres asesinadas en Ciudad Juárez* , Serie Antropológica, 362, Brasil.

<sup>117</sup> Supra Note 16.

<sup>118</sup> Ibid.

<sup>119</sup> Sánchez, J. (2011) —Impunidad: Un grito sin respuesta. Informe final femicidios en Honduras , Tribuna de Mujeres Contra los Femicidios. Honduras.

<sup>120</sup> Ibid.

<sup>121</sup> UNDP Human Development Index (2010).

by hatred and prejudice based on sexual orientation and gender identity, is a daily reality for many. It is —characterized by levels of serious physical violence that in some cases exceed those present in other types of hate crimes.<sup>122</sup> Lesbian, gay, bisexual, transsexual, transgender, intersex and queer persons (LGBTIQ), and also activists working in this sector, are targeted because they do not conform to stereotypes of gender sexuality and/or identity, thus becoming victims of homophobic crimes.

72. Manifestations of violence, such as abuse of police power, sexual violence in prisons and murders fuelled by hate, as well as several kinds of discrimination, persist. As academics have noted,<sup>123</sup> there is a paradox in the advancement in the protection of individuals' sexual rights on the one hand, and the increasing escalation of homophobic crimes on the other. In this sense, LGBTIQ persons, including women, are especially vulnerable to many kinds of violent crime, from killings in private homes to killings in public spaces known as —social cleansing, extortion by blackmailers who threaten to reveal their identity to the public, and abuse from officials, especially the police, who sometimes arrest them.<sup>124</sup>

73. In the case of South Africa, the recent murders of Black lesbian women demonstrates the multiple and intersecting factors that have led to an escalation in homophobic attacks, despite progressive constitutional provisions preventing discrimination on the basis of, among others, race, gender and sexual orientation.<sup>125</sup>

74. The Human Rights Council has expressed its concern about the increasing violence and killings of lesbian, gay, bisexual and transgender persons and the impunity surrounding these crimes.<sup>126</sup> More recently, the Council passed a groundbreaking resolution on human rights violations based on sexual orientation and gender identity.<sup>127</sup>

75. The Inter-American Commission on Human Rights has held several hearings in the last three years regarding the situation of violence and discrimination against sexual minorities in some countries of the Caribbean and Central and South America. In these countries, civil society organizations have expressed their concern regarding increasing incidents of homophobic crimes.<sup>128</sup>

76. Reports of homicides of —trans people reflect that 93 murders were recorded in the first half of 2010.<sup>129</sup> Another project has revealed that between January 2008 and September 2011 there were 681 reports of murdered —trans people in 50 countries.<sup>130</sup>

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<sup>122</sup> See Human Rights First, *Violence Based on Sexual Orientation and Gender Identity Bias*, 2008 Hate Crime Survey (2008) at p. 1.

<sup>123</sup> Julieta Lemaitre, —Love in the Time of Cholera , *Sur*, International Journal of Human Rights, Argentina, 2010.

crimes on the other. In this sense, LGBTIQ persons, including women, are especially vulnerable to many kinds of violent crime, from killings in private homes to killings in public spaces known as —social cleansing, extortion by blackmailers who threaten to reveal their identity to the public, and abuse from officials, especially the police, who sometimes arrest them.<sup>124</sup>

<sup>124</sup> *Ibid.*, at p. 80.

<sup>125</sup> Kim Vance, ARC International —gender-motivated killings of women on the basis of sexual orientation and gender identity . Paper presented at EGM Oct 2011.

<sup>126</sup> Report of the Working Group on the Universal Periodic Review. Honduras. Human Rights Council. A/HRC/16/10, 4 January 2011, at para 35.

<sup>127</sup> Human Rights Council resolution 17/19.

<sup>128</sup> IACHR, hearings on sexual orientation and gender identity available at:

<http://www.cidh.oas.org/prensa/publichearings/Advanced.aspx?Lang=ES>

<sup>129</sup> The TMM project started in April 2009 as a cooperation between Transgender Europe (TGEU) and the academic online magazine *Liminalis – A Journal for Sex/Gender Emancipation and Resistance*. With the involvement of the editorial team of *Liminalis*, the TMM became a pilot project of Transgender Europe's —Transrespect versus Transphobia Worldwide research project in September 2009.

<sup>130</sup> [http://www.transrespect-transphobia.org/en\\_US/tvt-project/tmm-results/all-tmm-reports-since-2008.htm](http://www.transrespect-transphobia.org/en_US/tvt-project/tmm-results/all-tmm-reports-since-2008.htm)

## 9. Other forms of gender-related killings of women and girls

77. As noted above, certain cultural norms and beliefs are the causal factors for harmful practices resulting in violence against women.<sup>131</sup> For example, in India the practice of sati, that is, the burning alive of a widow on her husband's pyre, has emerged since the country's independence.<sup>132</sup> To date there have been at least 40 reported cases.<sup>133</sup>

78. Female infanticide has been practiced throughout history, on all continents, and by persons from all backgrounds.<sup>134</sup> It remains a critical concern in a number of countries today. It is closely linked to the phenomenon of sex-selective abortion, which targets female fetuses. Female infanticide has been known to take such forms as the induced death of infants by suffocation, drowning, neglect and exposure to danger or other means.<sup>135</sup>

79. In recent decades, sex-ratio imbalances in favour of boy children have grown in a number of Asian countries, and there is broad agreement concerning the problem of gender-biased sex selection.<sup>136</sup> In a context of son preference, the recent availability of technologies that can be used for sex selection has compounded the problem. The rise in sex-ratio imbalances and the normalization of the use of sex selection is caused by deeply embedded discrimination against women within marriage systems, family formation and inheritance laws.<sup>137</sup>

80. In the case of India, international attention has been drawn to the vast divergence in the country's natural gender ratio, with estimates that in 2003 100 million women were —missing from its population.<sup>138</sup> It is estimated that one million selective female foetal abortions occur annually in India.<sup>139</sup> There is no official statistical data available on female infanticide, but in the state of Kerala, it is estimated that about 25,000 female newborns are killed every year.<sup>140</sup> The preadolescent mortality rate of girls under 5 years old was 21 per cent higher than for boys of the same age in India. Violence, as well as nutritional and deliberate medical neglect by girls' parents, was cited as the main causes of death.<sup>141</sup>

81. Female infanticide in China goes back as far 2000 B.C. Girls were the main victims of infanticide, especially so in times of poverty and famine.<sup>142</sup> A study suggested that the estimated number of missing girls in the twentieth century in China between 1900 and 2000 is 35.59 million, representing 4.65 per cent of its population. An analysis of the most recent data from China shows that while the sex ratio at birth is more skewed in rural areas, the ratios in large cities increased in 2005 compared to 2000.<sup>143</sup> These findings suggest that son preference is still a strong influence, and is increasingly being acted upon by those living in cities.

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<sup>131</sup> See the In-depth study on all forms of violence against women, report of the Secretary-General.

<sup>132</sup> Banerji, R. (2009) —*Female Genocide in India and the 50 Million Missing Campaign* Intersections: Gender and Sexuality in Asia and the Pacific. Issue 22

<sup>133</sup> Mani, L. (2003) —*Multiple meditations: feminist scholarship in the age of multinational reception*, Feminist Theory Reader, McCann, C., and Kim, S. (eds), New York: Routledge, 2003, pp. 365–77, p. 372.

<sup>134</sup> Williamson, L. (1978) —*An anthropological analysis*. In Marvin Kohl (ed.), *Infanticide and the value of life*, pp. 61-75. Buffalo, NY: Prometheus Books.

<sup>135</sup> Hom, S. (1992) —*Female infanticide in China: the spectrum of human rights and reflections towards another vision*. In Harnes, R. and D. Russell (eds.) (2001) —*Femicide in Global Perspective*, New York: Teachers College Press.

<sup>136</sup> Preventing gender-biased sex selection. An interagency statement by OHCHR, UNFPA, UNICEF, UN-Women and WHO. 2011.

<sup>137</sup> Ibid.

<sup>138</sup> Sen, A. (2003) —*Missing Women Revisited*, British Medical Journal 327:1297-8. UK

<sup>139</sup> Allahbadia, G. (2002) —*The 50 million missing women* Journal of Assisted Reproduction and Genetics, vol. 19, no. 9: 411–16.

<sup>140</sup> Aravamudan, G. (2007) —*Disappearing Daughters: The Tragedy of Female Foeticide*, New Delhi: Penguin Books, pp. 157–59.

<sup>141</sup> Moccia, P., Anthony, D., and A. Orlandi (eds) (2007) —*The State of the World's Children*, South Asia Edition. Women and Children.

The Double Dividend for Gender Equality. UNICEF.

<sup>142</sup> Croll, E. (1980) —*Feminism and socialism in China*. New York, Schocken Books, pp. 24.

<sup>143</sup> Ibid.



## IV. International and national developments

### A. International human rights law and jurisprudence

82. Violence against women has been affirmed, in many human rights instruments and by human rights bodies, as a violation of the rights and fundamental freedoms of women. The killing of women constitutes a violation of, among others, the rights to life, to equality, dignity and non-discrimination, and not to be subjected to torture and other cruel, inhuman, or degrading treatment or punishment. The obligation of States to ensure these rights arises pursuant to the duty of States to prevent and protect individuals from human rights violations within their jurisdictions, to punish perpetrators and to compensate individuals for such violations. The failure of States to guarantee the right of women to a life free from violence allows for a continuum of violence that can end in the deaths of women.

83. Gender-based violence has been recognized as one of the most extreme and pervasive forms of discrimination, severely impairing and nullifying the enforcement of women's rights.<sup>144</sup> The Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women address all forms of violence, which include the killing of women, as acts of violence that are prohibited under international law.<sup>145</sup>

84. Treaty bodies and special procedure mandate holders have also condemned specific forms of violence, including femicide, honour-related killings, systematic killings, disappearances and witchcraft-related killings of women.<sup>146</sup> They have also raised concerns in relation to the significant obstacles for women in accessing justice, the climate of impunity surrounding such cases, and also the systematic failure of States to investigate or provide redress.<sup>147</sup>

85. A significant component of the international human rights framework is the duty placed on States to prevent, investigate, punish and provide compensation for all acts of violence. The Declaration on the Elimination of Violence against Women spells out the obligation of States to exercise due diligence when gender-based violence occurs, whether perpetrated by the State or by private persons.<sup>148</sup> In numerous resolutions relating to the intensification of efforts to eliminate all forms of violence against women, the Human Rights Council and the General Assembly have also urged States to act with due diligence

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<sup>144</sup> See, for example, Human Rights Council resolution 14/12 of 18 June 2010 on accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in prevention; Declaration on the Elimination of Violence against Women, General Assembly resolution 48/104 of 20 December 1993; United Nations, *Beijing Declaration and Platform for Action*, Fourth World Conference on Women, September 15, 1995, A/CONF.177/20/Rev.1 (1995) and A/CONF.177/20/Add.1 (1995); CEDAW Committee, *General Recommendation 19: Violence against Women*, (11th Session 1992), U.N. Doc. A/47/38 at 1 (1993).

<sup>145</sup> See Declaration on the Elimination of Violence against Women, General Assembly resolution 48/104 of 20 December 1993, article 1.

<sup>146</sup> The Commission on the Status of Women, the Commission on Human Rights (replaced by the Human Rights Council) and the Commission on Crime Prevention and Criminal Justice have also regularly adopted resolutions on violence against women. See, for example, General Assembly resolutions 63/155, 61/143, 59/166, 58/147 and 56/128. See Felice Gaer, —Approaches of the human rights treaty bodies to gender-based killings of women , Presentation at Expert Group Meeting, New York, 12 October, 2011.

<sup>147</sup> See Report of the Secretary-General, *In-depth study on all forms of violence against women*, U.N. Doc. A/61/122/Add.1 (2006); *Access to Justice for Women's Victims of Violence in the Americas*, Inter-Am. Com. H.R., supra note 4; *Hemispheric Report of the Commission of Experts of the Mechanism to Follow-up on the Implementation of the Convention Belem do Pará* (hereinafter —Hemispheric Report ), Inter-American Commission of Women, OEA/Ser.L/II.7.10 MESECVI-II/doc.16/08 rev.1 (2008); and Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo supra. Committee on the Elimination of Discrimination against Women, —General Recommendation No. 28 on the Core Obligations of States Parties Under Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women , (2010) at 34.

<sup>148</sup> See Article 4(c) of the Declaration on the Elimination of Violence against Women, General Assembly resolution 48/104 of 20 December 1993.

to prevent, investigate, prosecute and punish the perpetrators of violence against women and girls and to provide protection to the victims.<sup>149</sup>

86. The rights of women and girls to be informed about and provided with access to the mechanisms of justice and effective remedies are also contained within international human rights law.<sup>150</sup> As noted by the Special Rapporteur: —the obligation to provide adequate reparations involves ensuring the rights of women to access both criminal and civil remedies and the establishment of effective protection, support and rehabilitation services for survivors of violence.<sup>151</sup> The General Assembly has repeatedly urged Member States to take action towards this end by means of a more systematic, comprehensive, multisectoral and sustained approach, adequately supported and facilitated by strong institutional mechanisms and financing, through national action plans; and to ensure that all human rights and fundamental freedoms are respected and protected.<sup>152</sup>

87. Relevant resolutions also provide that States must condemn violence against women and not invoke custom, tradition or religion to avoid their obligations to eliminate such violence; develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to victims; provide access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies; and ensure that the secondary victimization of women does not occur because of laws insensitive to gender considerations, enforcement practices or other interventions.<sup>153</sup>

88. In other resolutions, the General Assembly has also urged States to review or abolish all laws and regulations that discriminate against women or have a discriminatory impact on women and ensure that provisions of multiple legal systems comply with international human rights obligations, and to use best practices to end impunity and a culture of tolerance towards violence against women, including by evaluating and assessing the impact of legislation, rules and procedures regarding violence against women and reinforcing criminal law and procedure relating to all forms of violence against women, as well as by incorporating into law measures aimed at preventing violence against women.<sup>154</sup>

89. In 2000, the Human Rights Committee adopted general comment 28 on the equality of rights between men and women, in which it stated that honour crimes which remained unpunished constituted a serious violation of the International Covenant on Civil and Political Rights. Moreover, laws which imposed more severe penalties on women than on men for adultery or other offences also violated the requirement of equal treatment.<sup>155</sup>

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<sup>149</sup> General Assembly resolutions 61/143 of 19 December 2006; 62/133 of 18 December 2007 and 63/155 of 18 December 2008 on the intensification of efforts to eliminate all forms of violence against women.

<sup>150</sup> See Article 4 of the Declaration on the Elimination of Violence against Women and Article 7 of Convention Belem do Para, *supra* note 1. Also relevant are the rights to judicial protection and effective remedies established in general human rights instruments. See the American Convention on Human Rights (arts. 8 and 15); the American Declaration of the Rights and Duties of Man (art. XVIII); the Universal Declaration of Human Rights (art. 8), the International Covenant on Civil and Political Rights (art. 2, para. 3), the International Convention on the Elimination of All Forms of Racial Discrimination (art. 6), the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (art. 14).

<sup>151</sup> Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo*, U.N. Doc. A/HRC/14/22, (2010) at p.1.

<sup>152</sup> General Assembly, Resolution 61/143 of 19 December 2006 and Resolution 63/155 of 18 December 2008 on the intensification of efforts to eliminate all forms of violence against women.

<sup>153</sup> United Nations, Declaration on the Elimination of Violence against Women, General Assembly resolution 48/104.

<sup>154</sup> See Resolution 61/143 of 19 December 2006 and Resolution 63/155 of 18 December 2008 on the intensification of efforts to eliminate all forms of violence against women, *supra*.

<sup>155</sup> CCPR/C/21/Rev.1/Add.10.

In 2004, the General Assembly passed a resolution on the elimination of crimes against women and girls committed in the name of honour. It stressed the need to treat such crimes as criminal offences punishable by law. It emphasized that such crimes are incompatible with all religious and cultural values, and called upon all States to continue to intensify efforts to prevent and eliminate crimes against women and girls committed in the name of honour, by using legislative, administrative and programmatic measures.<sup>156</sup>

90. The Committee on the Elimination of Discrimination against Women has held State parties accountable for their failure to act with due diligence in addressing violence against women.<sup>157</sup> For example, in the cases of *Goekce (deceased) v. Austria* and *Yildirim (deceased) v. Austria*,<sup>158</sup> both concerning women victims of domestic violence, the Committee found that the State had discriminated against the women for failing to act with due diligence to protect their rights to life and to physical and mental integrity. The Committee has also addressed structural discrimination against women in relation to gender-based murders. In its inquiry under article 8 of the Optional Protocol into the abduction, rape and murder of women in and around Ciudad Juárez, the Committee has recommended that Mexico sensitize all state and municipal authorities to the need for violence against women to be regarded as a violation of fundamental rights.<sup>159</sup>

91. Furthermore, the Committee on the Elimination of Discrimination against Women has characterized the persecution of women accused of witchcraft as an extreme form of violence against women.<sup>160</sup> It has expressed its concern about the persistence of the belief in witchcraft and the subjection of women in witch camps to violence.<sup>161</sup>

92. The Committee on the Elimination of Discrimination against Women has urged Canada to examine the reasons for the failure to investigate the cases of missing or murdered aboriginal women, to take the necessary steps to remedy the deficiencies in the system, to carry out thorough investigations of the cases of aboriginal women who have gone missing or been murdered in recent decades, to conduct an analysis of such cases in order to determine whether there is a racialized pattern to the disappearances, and to take measures to address the problem if that is the case.<sup>162</sup>

93. The Committee against Torture has stated that the definition of torture includes the principle of non-discrimination on any grounds, including gender, sexual orientation and transgender identity.<sup>163</sup> Thus, States are obliged to protect certain minority or marginalized individuals or populations especially at risk of torture, and should ensure such protection by fully prosecuting and punishing all acts of violence and abuse and ensuring implementation of other positive measures of prevention and protection.<sup>164</sup>

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<sup>156</sup> General Assembly resolution 59/165 of 20 December 2004.

<sup>157</sup> The Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women allows the Committee to review individual petitions against State parties that have ratified the CEDAW Convention. See Article 7, para. 3.

<sup>158</sup> CEDAW Committee, *Sahide Goekce (deceased) v. Austria*, communication No. 5/2005, views adopted 6 August 2000; *Fatma Yildirim (deceased) v. Austria*, communication No. 6/2005, views adopted 6 August 2007.

<sup>159</sup> Report on Mexico produced by the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention, and reply from the Government of Mexico, CEDAW/C/2005/OP.8/MEXICO, para. 286.

<sup>160</sup> With regard to India, in 2007, the Committee noted its concern about the practice of witch-hunting, See CEDAW Concluding Observations to the country, U.N. Doc. CEDAW/C/IND/CO/3.

<sup>161</sup> In examining the report on Ghana, the Committee received information alleging that some 2,000 witches and their dependants were confined in five different camps.

<sup>162</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada, U.N. Doc. CEDAW/C/CAN/CO/7, (2008) at para. 32.

<sup>163</sup> See, Committee against Torture (hereafter CAT), General Comment No. 2, at para. 20.

<sup>164</sup> *Ibid.*, at para. 21.

The Human Rights Council, in its resolution 17/19, requested the United Nations High Commissioner for Human Rights to present a study documenting discriminatory laws and practices and acts of violence against individuals based on sexual orientation and gender identity.

## B. Some national practices

94. States have sought to comply with their due diligence obligation to prevent violence against women through the adoption of specific legislation, the development of awareness-raising campaigns, and the provision of training for professional groups, including the police, prosecutors and members of the judiciary.<sup>165</sup> Many States have adopted national plans of action on violence against women in an effort to coordinate activities between and within government agencies and to take a multisectoral approach to prevent violence.

95. In Afghanistan, the Law on Elimination of Violence against Women broadly criminalizes violence against women broadly. Despite this, cases of gender-based killings and other serious crimes against women are still being prosecuted under the Penal Code instead of under the new law.<sup>166</sup> This is resulting in acquittals of perpetrators, the reduction of charges to less serious crimes, convictions with lighter sentences and women victims themselves being accused of —moral crimes.<sup>167</sup> Also, article 398 of the Penal Code mitigates penalties for murder if the victim is a close relative caught in the act of committing adultery, and the killing was not premeditated.<sup>168</sup>

96. Legislative advances have been made by Lebanon regarding honour crimes. In August 2011, Lebanon repealed article 562 of its Criminal Code. That article had mitigated the sentences of people who claimed they killed or injured their wife, daughter or other relative to protect the family honour.<sup>169</sup> The Lebanese courts almost invariably refused to accept the alleged notion of honour to justify these crimes, and article 562 was rarely used by the judges.<sup>170</sup> Nevertheless, women's organizations in Lebanon argued that enacting a comprehensive law for the protection of women from family violence was an effective strategy to prevent killings of women in the first place.<sup>171</sup>

97. In 2010, the government of British Columbia established the Missing Women Commission of Inquiry, to conduct fact-finding missions and police investigations with regard to reports of missing and murdered women in the city of Vancouver (the Pickton case).<sup>172</sup> This initiative does not address the phenomena in other parts of the country.<sup>173</sup>

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<sup>165</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, *The due diligence standard as a tool for the elimination of violence against women* (hereinafter *The Due Diligence Report*), E/CN.4/2006/61, 2006, para. 38.

<sup>166</sup> United Nations Assistance Mission to Afghanistan (UNAMA) and the Office of the High Commissioner for Human Rights in Afghanistan, —*A Long Way to Go: Implementation of the Elimination of Violence against Women Law in Afghanistan*, November 2011.

<sup>167</sup> *Ibid.*

<sup>168</sup> *Supra* note 83.

<sup>169</sup> See Human Rights Watch, —*Lebanon: Law Reform Targets 'Honor' Crimes*, August 2011.

<sup>170</sup> Baydoun, A. (2011) —*Killing of women in the name of honour: An evolving phenomenon in Lebanon*. Paper presented at the Expert Group Meeting on gender-motivated killings of women. Convened by the Special Rapporteur on violence against women, its causes and consequences, Ms. Rashida Manjoo, New York, 12 October 2011.

<sup>171</sup> *Ibid.*

<sup>172</sup> Sharon McIvor and Shelagh Day, —*Gender-Motivated Killings of Aboriginal Women and Girls Canada*, Prepared for UN Expert Group Meeting on Gender-motivated killings of women, 12 October 2011.

<sup>173</sup> *Ibid.*

The normal evidentiary rules were amended to shift the burden of proof to the accused in the hope that it would enable the prosecution to secure convictions. Similarly, evidentiary rules relating to the offence of abetment (instigation, conspiracy or intentional aiding) to suicide were amended to more justly deal with cases of suicides committed by women due to dowry harassment.<sup>176</sup> Despite such reforms, the incidence of dowry-related killings continues.<sup>177</sup>

99. Although some States have enacted legislation providing for the punishment of witches, penalties for the persecution or killing of witches have not been explicitly established. In some countries, laws consider witchcraft as an aggravating circumstance which warrants a lesser punishment for the aggressor.<sup>178</sup> For example, in Papua New Guinea, attacks against persons accused of sorcery can be prosecuted as a crime under ordinary criminal legislation. Although the Sorcery Act of Papua New Guinea provides for the prosecution of those responsible for the deaths of accused witches, there is almost no enforcement of the law, as witnesses often fail to cooperate out of fear or complacency.<sup>179</sup> According to reports, of 67 sorcery-related incidents in Simbu recorded by the police between 2000 and 2005 (including 92 persons dead or injured), only six affidavits were produced regarding killers of suspected witches and only two people were eventually sentenced.<sup>180</sup>

100. In 2008 Guatemala passed the Law against Femicide and Other Forms of Violence against Women. It includes a comprehensive framework and incorporates a wide definition that acknowledges that femicide is committed by a person who, in the context of unequal power relations between men and women, puts to death a woman because she is a woman.

101. At the federal level, Mexico passed the General Law on Women's Access to a Life Free of Violence in 2007. Although this law does not recognize femicide as a crime, it has included —femicidal violence (*violencia feminicida*) as a type of violence. To date, only the federal authorities of the capital and three county/state governments have issued executive regulations to implement this new legislation.

102. In 2010, El Salvador passed the Integral Law for a Life Free of Violence for Women, which defines and classifies two types of femicide: when the perpetrator of the death of a woman is motivated by hatred or contempt based on gender; and aggravated femicide, when the perpetrator is a civil servant, government official or member of the police or army, when two or more persons are involved, when the killing is committed in the presence of any of the victim's members of the family, when the victim is a minor or with a disability, or when the aggressor has abused any authoritarian power held in the family, work or educational environment.

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<sup>174</sup> See Section 304-B, Indian Penal Code. A minimum of seven years and a maximum of life imprisonment was the prescribed punishment.

<sup>175</sup> See S.498-A of the Indian Penal Code.

<sup>176</sup> See Section 306 of the Indian Penal Code.

<sup>177</sup> The National Crime Record Bureau of India (NCRB) reports for 2008, there were 1,948 convictions as against 3,876 acquittals. In 2009, 8,383 dowry violence cases have been reported. See *Crime in India*, National Crime Record Bureau (NCRB), Ministry of Home Affairs, Government of India, cited in Flavia Agnes, *supra*, p. 7.

<sup>178</sup> *Supra* note 45 at p.51.

<sup>179</sup> Jill Schnoebelen, —Witchcraft allegations, refugee protection and human rights: a review of the evidence , *New Issues in Refugee Research*, Research Paper No. 169, Policy Development and Evaluation Service, 2009.

<sup>180</sup> Oxfam, *Sorcery Beliefs and Practices in Gumine: A Source of Conflict and Insecurity*, 15 Oct 2010.

## V. Conclusions and recommendations

103. While States have initiated various preventive programmes, there are numerous gaps in their efforts. 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. A holistic approach in preventing gender-related killings must be emphasized in all the measures taken by States to investigate and sanction violence, especially in crafting, implementing and evaluating legislation, policies and national plans of action.

104. Feminists have also identified what they believe are other challenges: the difficulty of translating social realities into claims based on rights; the narrow interpretation of rights within an international legal order; and the prevalence of discriminatory cultural stereotypes in the administration of justice. The formulation of rights-based claims by women remains an important strategic and political tool for women's empowerment and for addressing human rights violations.

105. The 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. The different frameworks, definitions and classifications used in the conceptualization of femicide often complicate the collection of data from different sources and could lead to documentation that may not be comparable across communities or regions.<sup>181</sup> Studies on the subject have been conducted primarily using data from homicide databases. Information collected by official or State sources is frequently not harmonized or coordinated. Often there are incongruities between the data collated by the different facilities, including inconsistencies in the categories used to document the circumstances surrounding the crime, the victim-perpetrator relationship and the fact of pre-existing violence. The development of an effective evidence base requires improving the quality and comparability of data.<sup>182</sup>

106. The use of inexact categories for the classification of murders, such as the category "others", results in misidentification, concealment and underreporting of femicides—in particular those that do not occur in a family situation. Another common practice is the use of stereotypical and potentially prejudicial categories, including "crime of passion" or "mistress".<sup>183</sup>

107. In February 2009 the Statistical Commission, in response to a request from the General Assembly,<sup>184</sup> adopted a set of indicators that can document the prevalence of violence against women. The indicators proposed include: degree, frequency, relationship with the perpetrator, victim's age, and records of murder cases. According to the information gathered to date, no country has all the information necessary to calculate and create the proposed indicators.

108. Although media coverage of killings of women has generally perpetuated stereotypes and prejudicial biases, it has provided contextual information, including, inter alia, the victim-perpetrator relationship and any history of violence. This has helped women's organizations to distinguish cases of femicide from those of homicides of women.

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<sup>181</sup> Supra note 19.

<sup>182</sup> Ibid., p. 4.

<sup>183</sup> Carcedo, A. —Femicide in Central America 2000–2006 . Presentation of a study co-authored by Lemus, G., Kennedy, M., Herrera, M., D'Angelo, A., Hidalgo, Ana., Ungo, U., and S. Pola – in Conference Report supra note 20.

<sup>184</sup> See General Assembly resolution 61/143.

109. The lack of adequate assessment of risk, the lack of enforcement by police and the judiciary of civil remedies and criminal sanctions, and the absence or inadequate provision of services, such as shelters, also exacerbate the risk of women of being abused and murdered, as often women have no choice but to continue living with their abusers.<sup>185</sup>

110. In the context of murders relating to witchcraft, a number of factors that hinder or prevent adequate police response were identified. These include shortages of personnel, vehicles and fuel and a limited presence of the police, as well as the taboo surrounding sorcery, which in and of itself prevents intervention. In many cases communities do not cooperate and are reluctant to give information to the police due to fear of mob rule and of being accused as co-sorcerers if they assist victims.<sup>186</sup>

111. International humanitarian law proscribes gender-based violence and extrajudicial executions of women during armed conflict. It also forbids attacks on their personal dignity, in particular humiliating and degrading treatment. Significant obstacles to investigating and prosecuting killings of women have been identified. These include the failure of police intervention, a lack of implementation of security measures for women, repeated attacks on law-enforcement officials and women's rights advocates, and inaccessible detention locations in areas under the control of insurgents and other illegally armed groups. Institutional weakness results in impunity in cases of gender-related killings of women, as a lack of respect for the rule of law, corruption and poor administration of justice are the norm.

112. Despite progressive jurisprudence from the regional human rights systems, often there is no mechanism to coordinate the implementation of the judgements at the national level, with some authorities stating that the absence of a special implementing law precludes fulfillment. It is argued that in order to facilitate compliance with such rulings, the creation of an international standard for the investigation of femicide, which ensures compliance with the guarantee of non-repetition, is necessary. An Action Protocol, aimed at the judiciary, prosecutors and political bodies, can outline guidelines for the prevention and investigation into incidents of femicide.<sup>187</sup>

113. As noted by this mandate, developing indicators for State responses "is somewhat less complex than measuring violence, because there are clear responsibilities set out in international law: to prevent, protect, prosecute and provide compensation".<sup>188</sup> While adequate regulatory frameworks have generally been adopted to deal with violence against women, weaknesses include: a lack of adequate operative, technical, financial and human resources and, in some cases, a lack of political will to effectively and practically address the problem.

114. In 2007, the Economic Commission for Latin America and the Caribbean concluded that to end violence against women, it is imperative that it become a focus of public agendas: firstly, as a human rights violation, secondly, because violence is an obstacle for development and, finally, because it is a key issue for democracy and governance.<sup>189</sup> In this sense, the elimination of violence against women is based on three pillars: legal protection, public policies and a culture of respect without discrimination.<sup>190</sup>

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<sup>185</sup> Lidia Casas and Macarena Vargas, *The response of the State to Domestic Violence*, Chile, 2011.

<sup>186</sup> *Supra* Note 46 pp. 9-10.

<sup>187</sup> Project: Protocol of Madrid. "*Creation of a Protocol for the Effective Investigation and Documentation of Extreme Violence against Women for Gender-Based Reasons: Femicide*". Derechos Humanos: Federación de Asociaciones de Defensa y Protección, and University Carlos III, Madrid.

<sup>188</sup> A/HRC/7/6, at para 69.

<sup>189</sup> Economic Commission for Latin America and the Caribbean (ECLAC), (2007), — *Ni una m s El derecho a vivir una vida libre de violencia en Am rica Latina y el Caribe* , (LC/L.2808), Santiago de Chile.

<sup>190</sup> ECLAC (2009) "*Ni una m s Del dicho al hecho: Cu nto falta por recorrer nete para poner fin a la violencia contra las mujeres* . Chile.

115. A holistic approach for the elimination of all forms of violence against all women would require that systemic discrimination, oppression and marginalization of women be addressed at the political, operative, judicial and administrative levels.<sup>191</sup>

116. In cases involving gender-related killings, the international and regional human rights systems have included some of the following standards regarding the due diligence obligations of States:

- (a) Conduct effective investigations of the crime, and prosecute and sanction acts of violence perpetrated by State or private actors, especially when these acts demonstrate a pattern of systemic violence towards women;
- (b) Guarantee de jure and de facto access to adequate and effective judicial remedies;
- (c) Include in the obligation of access to justice a requirement to treat women victims and their relatives with respect and dignity throughout the legal process;
- (d) Ensure comprehensive reparations for women victims of violence and their relatives, including measures that are designed to address institutional and social factors;
- (e) Identify certain groups of women as being at particular risk for acts of violence due to having been subjected to discrimination based on more than one factor, including women belonging to ethnic, racial and minority groups. Such factors must be considered by States in the adoption of measures to prevent all forms of violence;
- (f) Modify the social and cultural patterns of conduct of men and women and eliminate prejudices, customary practices and other practices based on the idea of the inferiority or superiority of either of the sexes, and on stereotyped roles for men and women.

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<sup>191</sup> A/HRC/17/26 Special Rapporteur on violence against women — Multiple and intersecting forms of discrimination and violence against women (2011).



**8. 57<sup>th</sup> Session of the Commission on the Status of Women**  
4-15 March 2013

*"One young woman was gang-raped to death. Another committed suicide out of a sense of shame that should have attached to the perpetrators. Young teens were shot at close range for daring to seek an education. These atrocities, which rightly sparked global outrage, were part of a much larger problem that pervades virtually every society and every realm of life. "*

*Ban Ki-moon*  
*United Nations Secretary-General*

### UN Secretary-General's Message on International Women's Day<sup>284</sup>

8 March 2013

As we commemorate International Women's Day, we must look back on a year of shocking crimes of violence against women and girls and ask ourselves how to usher in a better future.

One young woman was **GANG-RAPED TO DEATH**. Another committed suicide out of a sense of shame that should have attached to the perpetrators. Young teens were shot at close range for daring to seek an education. These atrocities, which rightly sparked global outrage, were part of a much larger problem that pervades virtually every society and every realm of life.

Look around at the women you are with. Think of those you cherish in your families and your communities. And understand that there is a statistical likelihood that many of them have suffered violence in their lifetime. Even more have comforted a sister or friend, sharing their grief and anger following an attack.

This year on International Women's Day, we **CONVERT OUR OUTRAGE INTO ACTION**. We declare that we will prosecute crimes against women – and never allow women to be subjected to punishments for the abuses they have suffered. We renew our pledge to combat this global health menace wherever it may lurk – in homes and businesses, in war zones and placid countries, and in the minds of people who allow violence to continue.

We also make a special promise to women in conflict situations, where sexual violence too often becomes a tool of war aimed at humiliating the enemy by destroying their dignity.

To those women we say: the United Nations stands with you. As Secretary-General, I insist that the welfare of all victims of sexual violence in conflict must be at the forefront of our activities. And I instruct my senior advisors to make our response to sexual violence a priority in all of our peace-making, peacekeeping and peacebuilding activities.

The United Nations system is advancing our UNiTE to End Violence against Women campaign, which is based on the simple but powerful premise that all women and girls have a **FUNDAMENTAL HUMAN RIGHT** to live free of violence.

This week in New York, at the Commission on the Status of Women, the world is holding the largest-ever UN assembly on ending violence against women. We will make the most of this gathering – and we keep pressing for progress long after it concludes.

I welcome the many governments, groups and individuals who have contributed to this campaign. I urge everyone to join our effort. Whether you lend your funds to a cause or your voice to an outcry, you can be part of our global push to end this injustice and provide women and girls with the security, safety and freedom they deserve.

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<sup>284</sup> Message available at: <http://www.un.org/en/events/womensday/sgsmmessage.shtml> [Accessed 1 Apr. 2013]

Excerpt of the Opening Statement of Michelle Bachelet at the CSW57<sup>285</sup>

### “Time for action: Prevent and end violence against women and girls”

I am delighted to be here with all of you at this 57th session of the Commission on the Status of Women. This is not just one more session. This is not just one more year. So much has happened since we last met. The world is watching as we come together to prevent and end violence against women and girls.

Recent events and protests point to growing awareness and momentum. Over the past few months, women, men, and young people took to the streets with signs that ask “Where is the justice?” with rallying cries that say “**WAKE UP!**”

They declared solidarity with a Pakistani girl shot for defending the right to education. They pledged justice for a young woman in India and another in South Africa who were brutally raped and later died. They demanded an end to the endless cases of rape and violence that threaten the lives of countless women and girls in every country but never make the headlines.

[...]

I would like to share with you women’s voices and stories from around the world:

A 20-year-old girl named Kristin from the United States was raped by a close male friend she thought she could trust, and she wrote this in her journal: “The pain. The stench. The look of hate in his eyes. Is he still out there? What is left of my soul?” Less than five months later, Kristin took her own life, unable to live with the pain any longer.

A young woman from northern Mali said this: “The rebels were just at the corner and watching me. When I came out, they forced me in their vehicle and chained my two arms. There were four of them and they took me to a dark area. Three other girls were also there. They raped us during two nights and each time they came in groups of three, four and sometimes five.”

A 44-year-old woman from Vietnam said this: “He bled me for every dong I earned. He would say, ‘How much do you earn today? Give me all or I will beat you to death.’”

And a young woman from Moldova who was kidnapped and trafficked said this in a court statement: “They took me to a forest and I was beaten and raped... I really believed I was going to die. They then drove me to a house where many men were staying. They were all very drunk and took turns to rape me.”

**THE VIOLENCE NEEDS TO STOP.** We need strong commitment and action to end violence against women and girls.

[...]

During the past decades, we have made progress in the articulation of international norms and standards, and national laws and policies and programmes.

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<sup>285</sup> Full text available at: <http://www.unwomen.org/2013/03/opening-statement-of-michelle-bachelet-at-csw57-time-for-action-prevent-and-end-violence-against-women-and-girls/> [Accessed 1 Apr. 2013]

But violence against women and girls remains widespread, and **IMPUNITY IS STILL THE NORM** rather than the exception.

Now we must take on the challenge of implementation and accountability.

My message is: **NOW IS THE TIME FOR ACTION.**

It is time for action when up to 70 per cent of women in some countries face physical and /or sexual violence in their lifetime. When intimate partner violence accounts for between 40 and 70 per cent of female murder victims in Australia, Canada, Israel, South Africa and the United States.

When one in three girls in developing countries is likely to be married as a child bride; when some 140 million girls and women have suffered female genital mutilation; when millions of women and girls are trafficked in modern-day slavery; and when women's bodies are a battleground, and rape is used as a tactic of war: it is time for action.

This 57th session of this Commission provides us with an historic opportunity to exercise our responsibility to prevent and end violence against girls and women.

Violence against women occurs everywhere. And we know that ending this violence requires a strong chain of justice and the rule of law.

Today 160 countries have laws to address violence against women. Yet all too often the women and girls subjected to this violence are blamed and made to feel shame for the very violence that was committed against them. They search for justice in vain. In the worst cases, the women whose rights were violated are punished themselves while the perpetrators walk in freedom.

During the past six months, we have witnessed rising global public outrage at the violence committed against women and girls, some of whom are human rights defenders.

One of them is a 15-year-old girl whose courage, determination and campaigning for girls education is an inspiration to all of us. She proved her incredible strength by enduring a brutal attack and two operations to repair her skull and restore her hearing, a brave human rights defender named Malala Yousafzai.

Recently Malala spoke in front a camera for the first time, and she credited her survival to "the prayers of the people." "Because of these prayers," she said, "God has given me this new life and I want to serve, and I want every girl, every child to be educated."

It is for Malala and for every girl and woman, and every human being, that we must come to a strong **ACTION-ORIENTED** agreement to prevent and end violence against girls and women.

This is an issue of universal human rights and inherent human dignity that concerns us all, involves us all, and requires concerted and urgent action from all of us.

When we set up UN Women more than two years ago, we made ending violence against women one of our top priorities. And we are fully aware that this requires supporting changes in attitudes and behaviours, and making headway towards equal rights, equal opportunities and equal participation, especially in decision-making.

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2 We are working in 85 countries to support national efforts to prevent violence in the first place, to end impunity for these crimes, and to expand essential services to survivors. The UN Trust Fund to End Violence against Women has delivered more than \$86 million dollars to 351 initiatives in 128 countries and territories. You can learn more about these efforts in

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the two reports before this Commission—one on the normative aspects of the work of UN Women, and the other on the UN Trust Fund to End Violence against Women.

The UN Secretary-General's UNiTE campaign to end violence against women is mobilizing awareness and action worldwide. In Kyrgyzstan, to name just one example, NGOs, artists, footballers, media and the private sector joined together and the Government adopted a new law with tougher penalties for bride kidnapping.

And last year in November, we launched the COMMIT Initiative. So far 41 countries from every region have made clear, national commitments in their countries and I salute them. The commitment of Governments is rising, and we expect more commitments in the coming days.

The full and equal participation of women makes democracy, the economy, and peace stronger.

As a standard-setting organization, the United Nations must lead by example. The UN Secretary-General has appointed many women to **HIGH LEVEL POSITIONS**, as Under-Secretary-General and Assistant Secretary-General, in a historic jump. However, the representation of women in the UN system increased only marginally from 39.9 per cent in 2009 to 40.7 per cent in 2011, at a slower rate than in the previous two years. Gender parity has been reached only at the lower professional levels.

[...]

I would now like to highlight five key areas for action.

**First, we need to strengthen implementation of laws, policies and programmes for preventing and responding to violence against women and girls.**

Implementation must be accelerated and Governments should be held **ACCOUNTABLE** for their commitments and obligations. While there has been some progress, particularly for services and responses, implementation has been slow and uneven across countries. Many justice systems are weak and do not respond to women's needs and there are shortages of trained police, legal and forensic staff. We need stronger action and sufficient budgets for laws, policies and programmes to deliver justice and services to women.

**Second, we need to place more focus on preventing violence against women and girls.**

Violence can be prevented by addressing the root causes of gender inequality and discrimination and protecting the human rights of women and girls, including their reproductive rights and right to sexual and reproductive health. When women and girls can claim their rights, and enjoy equal opportunity and an adequate standard of living, they are less susceptible to gender-based violence.

It is also critical to foster changes in attitudes, beliefs and behaviours that condone or perpetuate violence. This can be done through awareness-raising, community mobilization, educational programmes, and support for children and young people who are exposed to violence.

One thing is certain: Preventing violence against women requires the engagement of all segments of society, and especially **MEN AND BOYS AS PARTNERS** in gender equality and respectful relationships.

**Third, we must address prevention and response together as part of a comprehensive and coordinated strategy to be effective.**

We need to send the strong signal that violence is unacceptable and will not be tolerated and perpetrators will be punished. Words need to be matched by action. In all our efforts, we need to engage survivors because they know from experience what is needed. For instance, sending a trafficking victim back home to where she was kidnapped may result in her being targeted again by the same kidnappers, resulting in further exploitation and violations of her rights. Such a scenario could be prevented by addressing prevention and response together with a focus on the rights of the woman.

Women's participation in overall **DECISION-MAKING**, in peace talks and peace-building, and in institution-building, can prevent violence against women and girls. Preventing violence against women is important because this violence undermines key elements of successful post-conflict peacebuilding, such as social stability, economic recovery, effective State authority, and overall development.

**Fourth, establishing comprehensive and accessible multi-sectoral services and responses is essential.**

This means providing the full range of services and responses.

Here I would like to provide an excellent example from El Salvador. In their programme, Ciudad Mujer, the focus is not only in responding to violence against women, but in offering services that can empower women in all spheres of life, including childcare, financial support, access to health services – including sexual and reproductive health – shelters, legal aid, and long-term support, among others. This is exactly the approach and vision that is needed to respond to violence against women and allow me to congratulate El Salvador for pushing this model forward.

[...]

And one thing is certain: We need more women police, peacekeepers and judges. Studies show that women report rape more when there are women police officers. It is very simple – we need to give women the confidence, the trust that they will be treated fairly, justly! Women serving on the front lines of justice strengthen justice for women.

**Fifth and finally, reliable data, analysis and research are essential to inform the development of laws, policies and programmes on violence against women and girls.**

Monitoring and evaluating their effectiveness is necessary. And here I would like to highlight an exciting initiative that is grounded in data and evidence, the Safe Cities programme. The first step that municipalities take is a scoping study to determine the extent of the problem and identify problem areas. Work is now underway in more than 20 cities, and this number continues to rise, to make cities safe for girls and women.

All over the world, change is possible and change is happening.

[...]

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### Statement on International Women's Day<sup>286</sup>

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International Women's Day, 8 March 2013, is an important day to reflect on the many accomplishments of women, but we should also remember the millions of women across the globe who continue to face violence, abuse and even murder. Violence against women and girls is one of the most widespread violations of human rights. It includes physical, sexual, psychological and economic abuse cutting across every boundary of age, race, culture, wealth and geography.

The most violent and dramatic form of violence against women is their murder, which is often motivated by gender. The UN Office on Drugs and Crime estimates that, in 2010, 84,000 females were the **VICTIMS OF HOMICIDE** globally. This figure represents 18 per cent of the 468,000 homicides occurring in that year. In many of these cases, the female victims are killed by intimate partners or family members.

Another important factor is the **IMMUTABILITY** of these crimes. While most forms of homicide show yearly variations, intimate partner and family-related homicides display fewer fluctuations. The result is a form of homicide that appears ingrained within societies and communities around the world.

And murder is only the ultimate expression of this form of violence. Despite recent advances in some countries, especially in the area of legislation, millions of women continue to report experiences of violence. It is estimated that as many as six out of 10 women will experience physical or sexual violence, or both, at some point during their life.

My Office is a committed partner in the international community's determination to eradicate every form of violence against women. To do so, we need to develop innovative **CRIME PREVENTION POLICIES** that target domestic and family-related violence.

But this global crime desperately needs a global response. We need to work simultaneously in all the countries and regions of the world to change perceptions, and to develop laws on gender equality and the status of women in society. Women and girls must be valued and respected by every sector of every society.

Based on UNODC's statistics, in Europe, on average, 18 women are killed every day and 12 of them are murdered at the hands of their intimate partners or other family members. We must not allow these murders to continue. On International Women's Day, I call on nations, international organizations, civil society the private sector, and the public to work together to create societies where women feel safe and secure.

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<sup>286</sup> Available at: <http://www.unodc.org/unodc/en/speeches/statement-on-international-womens-day-2013.html> [Accessed 1 Apr. 2013]

## 8.4. STATEMENTS DELIVERED BY MEMBER STATES ON THE OCCASION OF THE 57<sup>TH</sup> UN COMMISSION ON THE STATUS OF WOMEN

Excerpts of some statements delivered during the 57<sup>th</sup> session of the UN Commission on the Status of Women.

### ARGENTINA<sup>287</sup>

H.E. Ambassador Gloria Bender, Special Representation for Women in the International Area, Ministry of Foreign Affairs (7 March 2013)

*"Last November, FEMICIDE was incorporated as an aggravating circumstance of homicide in our PENAL CODE, according to which whoever commits femicide may face life imprisonment, with the understanding that it is an aggravated form of murder, which rules out the consideration of mitigation factors for reasons of „violent emotion“. Life imprisonment is also applicable to whoever kills „for the purpose of causing suffering to a person with whom he maintains a relationship“ - called „linked femicide“- such is the case of men who have murdered their wife’s children. In the same manner, article 80 of the Penal Code explicitly provides for LIFE IMPRISONMENT to the man who „murders a woman or a person, who perceives himself with the female gender identity, and commits intention gender violence.“*

### CHILE<sup>288</sup>

Ms. Viviana Paredes Mendoza, Deputy Minister of the National Service for Women (6 March 2013)

*"The State policy applied in Chile to tackle the violence against women has contributed to the annual reduction of the number of femicides from 57, in 2008, to 34, in 2012; these statistics which include murdered women in YOUTH relationships. It should be highlighted, in this context, the campaigns of prevention of violence in youth relations ,for the timely detection of violence among youth. As SERNAM, we are also working on a draft law which aims at sanctioning this form of violence. Nevertheless it is important to highlight SERNAM’s scope of activities have widened, to include not only domestic violence, but also human trafficking and sexual violence."*

### COSTA RICA<sup>289</sup>

H.E. Ambassador Eduardo Ulibarri, Permanent Representative to the United Nations in New York

*"In these last years, thanks to a combination of education, legislation and political awareness, we have achieved a significant reduction of FEMICIDES. With a total population of four and a half million of inhabitants, we went from 40 femicides in 2011 to 18 in 2012. Nevertheless, the adequate protection of women’s physical integrity and security is still a matter of particular concern, so that the Government of President Laura Chinchilla approved recently a PLAN FOR THE PREVENTION OF FEMICIDES. He immediately proposed, among other measures, the strengthening of shelters which care for women in mortal danger ; an emergency repertoire with basic information and protection resources and the improvement of reporting mechanisms and follow-up. In the medium term, we are establishing a plan to strengthen the service platform for the assistance of women victims of domestic violence, a study of social costs of violence against women and improvement of the VIGILANCE, REGISTRY AND INFORMATION SYSTEMS. The violence and insecurity generated by organized crime and drug trafficking also particularly affects women, who, in an increasing number, are used in the lowest links of the*

<sup>287</sup> Translated from Spanish into English. Full text available at:

<http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/Argentina.pdf> [Accessed 1 Apr. 2013]

<sup>288</sup> Translated from Spanish into English. Full text available at:

<http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/Chile.pdf> [Accessed 1 Apr. 2013]

<sup>289</sup> Translated from Spanish into English. Full text available at:

[http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/COSTA\\_RICA\\_CSW57\\_FINAL.pdf](http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/COSTA_RICA_CSW57_FINAL.pdf) [Accessed 1 Apr. 2013]



*drug trafficking chain. This use, often imposed by their partners, has become the main cause of female criminality and imprisonment in our country, something which we are deeply concerned about."*

## **FINLAND**<sup>290</sup>

Mr. Paavo Arhinmäki, Minister for Gender Equality Affairs of Finland (5 March 2013)

*"While human rights and in particular the human rights of women hold a central place in our political decision process, the issue of violence against women and girls is unfortunately not unfamiliar to Finland.[...] Prevention, protection and prosecution are the three elements at the core of the elimination of violence against women and girls. The Council of Europe Convention on preventing and combating violence against women and domestic violence, the **ISTANBUL CONVENTION**, is built on these three principles, and it was opened for signature on 11 May 2011.*

*[...]*

*Finland was among the very first signatories of the Istanbul Convention, and is strongly committed to its ratification. By concluding the Convention, the Council of Europe and its signatories have reached, for the first time in Europe, a set of legally binding standards to prevent violence against women and domestic violence, to protect its victims and **PROSECUTE** and punish the perpetrators."*

## **GUATEMALA**<sup>291</sup>

Ms. Elisabeth Quiroa Cuéllar, Presidential Secretariat on Women (SEPREM) (6 March 2013)

*"Guatemala, basing itself on the **CONVENTION OF BÉLEM DO PÁRA**, has undertaken great efforts and concrete actions to tackle the violence against women and girls, and it has given priority in the political agenda of the three State organisms, which execute institutional and complementary efforts. Examples of these are the **LAW AGAINST FEMICIDE AND THEIR COMMISSION**, the creation of Specialized Courts, the Secretariat against Sexual Violence, exploitation and human trafficking. Despite our advances, violence against women continues to affect Mayan, Garinagu and Xinca women, as well as young girls and boys."*

## **HONDURAS**<sup>292</sup>

Maria Antonieta Botto de Fernfindez, Minister of the National Institute for Women

*"I give you information that the reform to add **FEMICIDE** into our penal code, as a **PENAL PROVISION** which sanctions the extreme violence against women for gender-related reasons, has been approved by our Sovereign National Congress (parliament) and it is only pending the very soon promulgation by our President, this achievement represents a historical act for our country for our gender causes and security of women.*

*Lastly I wish to inform you that before our mandate ends, the **NATIONAL PLAN AGAINST VIOLENCE**, which is now undergoing its final revisions, will be approved, which is also another instrument in favour of equality, of equity and a life free of violence."*

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<sup>290</sup> Full text available at: <http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/finland.pdf> [Accessed 1 Apr. 2013]

<sup>291</sup> Translated from Spanish into English. Full text available at: <http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/guatemala.pdf> [Accessed 1 Apr. 2013]

<sup>292</sup> Translated from Spanish into English. Full text available at: <http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/honduras.pdf> [Accessed 1 Apr. 2013]

## ITALY<sup>293</sup>

Professor Elsa Fornero, Minister of Labour and Social Policies in charge of Equal Opportunities (5 March 2013)

*"But today I would like to speak particularly on behalf of the many women, wives, mothers, sisters, and daughters who everyday are victims of domestic violence and abuse. I especially wish to give voice to the **124 WOMEN KILLED** in Italy in 2012. While there is not time to list their names, we are gathered here today also for them.*

*[...] I am firmly convinced that government actions to combat violence must ensure not only immediate assistance and support but also help create the conditions for economic and professional independence.*

*[...] Another related issue is the frequent tendency of advertising to depict the female body through indecent and sexist imagery, even going so far as to encourage violence. The Italian Government has started to tackle the problem in cooperation with communication companies, for example removing over 100 offensive advertisements in 2012 alone."*

## MEXICO<sup>294</sup>

Mrs. Lorena Cruz Sánchez, President of the National Women's Institute of Mexico (5 March 2013)

*"In Mexico we have learned our lesson from the painful events in Ciudad Juarez that led to recommendations and a sentence of the **INTER-AMERICAN COURT OF HUMAN RIGHTS** against our country, as a result, we have created a new legislation to sanction **FEMICIDE**, the death of women and girls by the mere fact of being women or for their gender, we have also built investigation **PROTOCOLS** for femicide crimes, disappearance of women and sexual violence.*

*Femicides can and must be prevented. It is announced each time a woman or a girl goes to a hospital or a police station or before a judge, and they only minimize the complaint and attend the wounds. All of these women should have been subject to credibility, and should have been protected. Access to justice for women will avoid more violence and prevent death. For this reason we are installing justice centers for women, spaces where assistance for legal and social services will be provided."*

## NAMIBIA<sup>295</sup>

Hon. Rosalia Nghidinwa, Minister of Gender Equality and Child Welfare

*"In 2007, Namibia held its first National Gender-Based Violence Conference which brought together representatives from governments, civil society, traditional authorities, Media and Faith-Based organisations from all parts of the country. ... The conference developed **ACTION-ORIENTED RECOMMENDATIONS AND STRATEGIES**, resulting in the launching of a national mass media campaign on Zero Tolerance for Gender-Based Violence, which focused on three main issues, such as human trafficking, killing of women and girls, and **BABY DUMPING**."*

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<sup>293</sup> Full text available at: <http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/italy.pdf> [Accessed 1 Apr. 2013]

<sup>294</sup> Full text available at: <http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/mexico-en.pdf> [Accessed 1 Apr. 2013]

<sup>295</sup> Full text available at: <http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/namibia.pdf> [Accessed 1 Apr. 2013]

## **NIGER**<sup>296</sup>

Representative of the Ministry for Population, the Promotion of Women and Child Protection

*"As regards the fight against **Female Genital Mutilation**, the State and its partners were able to decrease the numbers of FGM carried out from 5% in 1998 to 2,2% in 2006, notably through pleading, reinforced capacities and community action. More than 130 female circumcisers decided to lay down their knives and benefited from microcredits to undertake other commercial activities; 200 traditional and religious authorities support the fight against FGM; 219 neighborhood taskforces were created; and awareness raising activities for relevant actors took place."*

## **NORWAY**<sup>297</sup>

H.E. Ms. Inga Marte Thorkildsen, Minister of Children, Equality and Social Inclusion (5 March 2013)

*"Violence against women: what is it? A global disgrace, that persists regardless of national boundaries, regardless of ethnicity and regardless of wealth*

*It is the **LEADING CAUSE OF DEATHS** and disabilities among women of all ages. Causing more deaths among young women than cancer, malaria, accidents and war combined. The disgrace is devastating the lives of millions of girls and women and of societies alike. Causing huge economic burdens on countries across the world. Norway is no exception; a small country of 5 million people where the cost of such violence is estimated to one billion US Dollars annually."*

## **PANAMA**<sup>298</sup>

H.E Niurka Palacio , Deputy Minister of the Department of Social Development (7 March 2013)

*"We have completed several public consultations with all relevant stakeholders of Panamanian society for the creation and presentation of a draft law, which aims at protecting and prevention all forms of violence against women and girls. This proposal is to incorporate **FEMICIDE** in our Penal Code and create **SPECIALIZED AGENCIES** which will focus on physical and psychological assistance of women victims of violence, and the establishment of Superior Prosecutors to prosecute those who commit this offence."*

## **PAPUA NEW GUINEA**<sup>299</sup>

H.E. Mr. Robert G. Aisi, Permanent Representative (11 March 2013)

*"This Session is also a stark reminder to us all that there is no city or country in the world, where women and girls live free from the fear of violence. No leader can claim: This is not happening in my backyard. None! As national priority, Papua New Guinea is also now in the process of drafting a Family Protection Bill that will criminalize domestic violence. We are also working towards repealing the **SORCERY ACT 1971** in its entirety and make all sorcery related killings a criminal offense whilst working with all sectors of the community on raising advocacy and education against sorcery-related killing, and strengthen **LAW ENFORCEMENT** capacity to adequately address this law and order concern.*

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<sup>296</sup> Translated from French into English. Full text available at:

<http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/niger.pdf> [Accessed 1 Apr. 2013]

<sup>297</sup> Full text available at: <http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/norway.pdf> [Accessed 1 Apr. 2013]

<sup>298</sup> Translated from Spanish into English. Full text available at:

<http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/Panama.pdf> [Accessed 1 Apr. 2013]

<sup>299</sup> Full text available at: <http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/png.pdf> [Accessed 1 Apr. 2013]

A recent survey conducted by our Constitutional and Law Reform Commission concluded that nearly two-thirds of Papua New Guinea's married women suffer violence inflicted by their husbands or partners. The recent gruesome sorcery-related murder of a 20-year-old mother burnt alive in my country, outraged the nation and the international community, where it was roundly condemned in the strongest terms by my Prime Minister. Our law enforcement authorities have arrested some of the perpetrators, who are waiting to be tried in the Court of Law for this heinous crime. This example, symbolizes the savagery of some of the forms of violence against women and girls face today."

### **TRINIDAD AND TOBAGO**<sup>300</sup>

Senator the Hon. Ms. Marlene Coudray, Minister of Gender, Youth and Child Development

"Included among these are the efforts to enhance the **RESPONSIVENESS** of law enforcement agencies to reports of domestic violence which has resulted in the production of the **DOMESTIC VIOLENCE INVESTIGATIVE AND PROCEDURAL MANUAL FOR POLICE OFFICERS**. [...] The Government also works closely with civil society and private sector organizations, as well as international agencies to prevent and eliminate gender-based violence and to provide a number of these support mechanisms for victims and survivors at no cost.

[...]

The Government of Trinidad and Tobago takes this opportunity to thank UN Women for supporting the project "Strengthening State Accountability and Community Action for Ending Gender-based Violence", which supports existing measures and is to be implemented soon.

### **TURKEY**<sup>301</sup>

H.E. Ms. Fatma Sahin, Minister of Family and Social Policies (5 March 2013)

"Despite national and international efforts to combat violence against women and the increasing awareness in this area, women and girls continue to suffer in large numbers from harmful and customary practices, early and forced marriages, crimes committed in the name of honour and other forms of violence. [...] Acts of violence against women and girls are a **REFLECTION OF A MENTALITY**, which aims to put women in secondary positions in society and impose control over them.[..] I would like to note there that the Istanbul Convention is a milestone in combating violence against women. It is a product of a lasting persistent struggle, which initially started at grassroots and has acquired regional and global dimensions."

### **URUGUAY**<sup>302</sup>

H.E. Ambassador José Luis Cancela, Permanent Representative to the United Nations in New York (11 March 2013)

"At the same time, I have to recognize that despite the advances of Uruguayan society in legislative, institutional and public political matters, there is still much to be done. [...] Uruguay is working to overcome the partial and fragmented responses, looking to reach a **HOLISTIC RESPONSE** which translates into intersectoral and integrated State policies which not only intend to reduce, but completely eliminate all deaths of women and girls and consolidate a path to the eradication of gender violence, forever.

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<sup>300</sup> Full text available at: <http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/trinidadandtobago.pdf> [Accessed 1 Apr. 2013]

<sup>301</sup> Full text available at: <http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/turkey.pdf> [Accessed 1 Apr. 2013]

<sup>302</sup> Translated from Spanish into English. Full text available at:

<http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/uruguay.pdf> [Accessed 1 Apr. 2013]

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### Commission on the Status of Women

#### Fifty-seventh session

4-15 March 2013 Agenda item 3

**Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”**

**Draft agreed conclusions submitted by the Chair of the Commission, Ms. Marjon V. Kamara (Liberia), on the basis of informal consultations**

### The elimination and prevention of all forms of violence against women and girls

1. The Commission on the Status of Women reaffirms the Beijing Declaration and Platform for Action, the outcome documents of the twenty-third special session of the General Assembly, and the declarations adopted by the Commission on the occasion of the tenth and fifteenth anniversaries of the Fourth World Conference on Women.
2. The Commission also reaffirms the international commitments made at relevant United Nations summits and conferences in the area of gender equality and the empowerment of women, including in the Programme of Action at the International Conference on Population and Development and the key actions for its further implementation.
3. The Commission reaffirms that the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, and the Optional Protocols thereto, as well as other relevant conventions and treaties, provide an international legal framework and a comprehensive set of measures for the elimination and prevention of all forms of discrimination and violence against women and girls, as a cross-cutting issue addressed in different international instruments.
4. The Commission recalls the rules of international humanitarian law, including the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977.
5. **THE COMMISSION RECALLS THE INCLUSION OF GENDER-RELATED CRIMES AND CRIMES OF SEXUAL VIOLENCE IN THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT, AS WELL AS THE RECOGNITION BY THE AD HOC INTERNATIONAL CRIMINAL TRIBUNALS THAT RAPE AND OTHER FORMS OF SEXUAL VIOLENCE CAN CONSTITUTE A WAR CRIME, A CRIME AGAINST HUMANITY OR A CONSTITUTIVE ACT WITH RESPECT TO GENOCIDE OR TORTURE.**

6. The Commission acknowledges also the important role in the prevention and elimination of discrimination and violence against women and girls played by regional conventions, instruments and initiatives and their follow-up mechanisms, in respective regions and countries.
7. The Commission reaffirms the commitment to the full and effective implementation of and follow-up to all relevant resolutions of the General Assembly, in particular the Declaration on the Elimination of Violence against Women, and the Economic and Social Council and its subsidiary bodies on the elimination and prevention of all forms of violence against women and girls. It also reaffirms its previous agreed conclusions on violence against women (1998) and on elimination of discrimination and violence against the girl child (2007).
8. The Commission recalls Security Council resolutions 1325 (2000) of 31 October 2000, 1820 (2008) of 19 June 2008, 1888 (2009) of 30 September 2009, 1889 (2009) of 5 October 2009 and 1960 (2010) of 16 December 2010 on women and peace and security and all relevant Security Council resolutions on children and armed conflict, including resolutions 1882 (2009) of 4 August 2009 and 1998 (2011) of 12 July 2011 on armed conflict and post-conflict situations.
9. The Commission also recalls Human Rights Council resolutions 17/11 of 17 June 2011 on accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in protection, 20/6 of 5 July 2012 on the elimination of discrimination against women and 20/12 of 5 July 2012 on accelerating efforts to eliminate all forms of violence against women: remedies for women who have been subjected to violence.
10. The Commission affirms that violence against women and girls is rooted in historical and structural inequality in power relations between women and men, and persists in every country in the world as a pervasive violation of the enjoyment of human rights. Gender-based violence is a form of discrimination that seriously violates and impairs or nullifies the enjoyment by women and girls of all human rights and fundamental freedoms. Violence against women and girls is characterized by the use and abuse of power and control in public and private spheres, and is intrinsically linked with gender stereotypes that underlie and perpetuate such violence, as well as other factors that can increase women's and girls' vulnerability to such violence.
11. The Commission stresses that "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. The Commission also notes the economic and social harm caused by such violence.
12. The Commission strongly condemns all forms of violence against women and girls. It recognizes their different forms and manifestations, in different contexts, settings, circumstances and relationships, and that domestic violence remains the most prevalent form that affects women of all social strata across the world. It also notes that women and girls who face multiple forms of discrimination are exposed to increased risk of violence.
13. The Commission urges States to strongly condemn violence against women and girls committed in armed conflict and post-conflict situations, and recognizes that sexual and gender-based violence affects victims and survivors, families, communities and societies, and calls for effective measures of accountability and redress as well as effective remedies.
14. The Commission urges States to strongly condemn all forms of violence against women and girls and to refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women.

15. The Commission recognizes that all human rights are universal, indivisible and interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and stresses that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States regardless of their political, economic and cultural systems to promote and protect all human rights and fundamental freedoms.
16. **THE COMMISSION STRESSES THAT ALL STATES HAVE THE OBLIGATION, AT ALL LEVELS, TO USE ALL APPROPRIATE MEANS OF A LEGISLATIVE, POLITICAL, ECONOMIC, SOCIAL AND ADMINISTRATIVE NATURE IN ORDER TO PROMOTE AND PROTECT ALL HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF WOMEN AND GIRLS, AND MUST EXERCISE DUE DILIGENCE TO PREVENT, INVESTIGATE, PROSECUTE AND PUNISH THE PERPETRATORS OF VIOLENCE AGAINST WOMEN AND GIRLS AND END IMPUNITY, AND TO PROVIDE PROTECTION AS WELL AS ACCESS TO APPROPRIATE REMEDIES FOR VICTIMS AND SURVIVORS.**
17. The Commission stresses that the right to education is a human right, and that eliminating illiteracy, ensuring equal access to education, in particular in rural and remote areas, and closing the gender gap at all levels of education empowers women and girls and thereby contributes to the elimination of all forms of discrimination and violence against women and girls.
18. The Commission reaffirms that women and men have the right to enjoy, on an equal basis, all their human rights and fundamental freedoms. It urges States to prevent all violations of all human rights and fundamental freedoms of women and girls and to devote particular attention to abolishing practices and legislation that discriminate against women and girls, or perpetuate and condone violence against them.
19. The Commission stresses that the realization of gender equality and the empowerment of women, including women's economic empowerment and full and equal access to resources, and their full integration into the formal economy, in particular in economic decision-making, as well as their full and equal participation in public and political life is essential for addressing the structural and underlying causes of violence against women and girls.
20. The Commission also recognizes the persistence of obstacles that remain for the prevention and elimination of all forms of violence against women and girls, and that the prevention and response to such violence requires States to act, at all levels, at each and every opportunity in a comprehensive and holistic manner that recognizes the linkages between violence against women and girls and other issues, such as education, health, HIV and AIDS, poverty eradication, food security, peace and security, humanitarian assistance and crime prevention.
21. The Commission recognizes that women's poverty and lack of empowerment, as well as their marginalization resulting from their exclusion from social and economic policies and from the benefits of education and sustainable development can place them at increased risk of violence, and that violence against women impedes the social and economic development of communities and States, as well as the achievement of the internationally agreed development goals, including the Millennium Development Goals.
22. The Commission recognizes that violence against women has both short- and long-term adverse consequences on their health, including their sexual and reproductive health, and the enjoyment of their human rights, and that respecting and promoting sexual and reproductive health, and protecting and fulfilling reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences, is a necessary condition to achieve gender equality and the empowerment of women to enable them to enjoy all their human rights and fundamental freedoms, and to prevent and mitigate violence against women.

23. The Commission expresses deep concern about violence against women and girls in public spaces, including sexual harassment, especially when it is being used to intimidate women and girls who are exercising any of their human rights and fundamental freedoms.
- 24. THE COMMISSION EXPRESSES CONCERN ABOUT VIOLENT GENDER-RELATED KILLINGS OF WOMEN AND GIRLS, WHILE RECOGNIZING EFFORTS MADE TO ADDRESS THIS FORM OF VIOLENCE IN DIFFERENT REGIONS, INCLUDING IN COUNTRIES WHERE THE CONCEPT OF FEMICIDE OR FEMINICIDE HAS BEEN INCORPORATED IN NATIONAL LEGISLATION.**
25. The Commission recognizes that illicit use of and illicit trade in small arms and light weapons aggravates violence, inter alia, against women and girls.
26. The Commission recognizes the vulnerability of older women and the particular risk of violence they face, and stresses the urgent need to address violence and discrimination against them, especially in the light of the growing proportion of older people in the world's population.
27. The Commission reaffirms that indigenous women often suffer multiple forms of discrimination and poverty which increase their vulnerability to all forms of violence; and stresses the need to seriously address violence against indigenous women and girls.
28. The Commission recognizes the important role of the community, in particular men and boys, as well as civil society, in particular women's and youth organizations, in the efforts to eliminate all forms of violence against women and girls.
29. The Commission acknowledges the strategic and coordinating role of national machineries for the advancement of women, which should be placed at the highest possible level in government, for the elimination of discrimination and violence against women and girls, and the need to endow these machineries with the necessary human and sufficient financial resources to enable them to function effectively. The Commission also acknowledges the contribution of national human rights institutions where they exist.
30. The Commission recognizes the important role of the United Nations system, in particular of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), in addressing discrimination and violence against women and girls at the global, regional and national levels and in assisting States, upon their request, in their efforts to eliminate and prevent all forms of violence against women and girls.
31. The Commission stresses the importance of data collection on the prevention and elimination of violence against women and girls, and in that regard takes note of the work of the Statistical Commission towards a set of indicators on violence against women.
32. The Commission welcomes the progress made in addressing violence against women and girls such as the adoption of relevant laws and policies, the implementation of preventive measures, the establishment of protection and appropriate support services for victims and survivors and improvement in data collection, analysis and research. In this regard, the Commission welcomes the contributions and participation of governments at all levels, and all relevant stakeholders in efforts to address violence against women and girls in a holistic manner.



- 33. The Commission recognizes that despite progress made, significant gaps and challenges remain in fulfilling commitments and bridging the implementation gap in addressing the scourge of violence against women and girls. The Commission is in particular concerned about: insufficient gender-sensitive policies; inadequate implementation of legal and policy frameworks; inadequate collection of data, analysis and research; lack of financial and human resources and insufficient allocation of such resources; and that existing efforts are not always comprehensive, coordinated, consistent, sustained, transparent and adequately monitored and evaluated.
- 34. The Commission urges governments, at all levels, and as appropriate, with the relevant entities of the United Nations system, international and regional organizations, within their respective mandates and bearing in mind national priorities, and invites national human rights institutions where they exist, civil society, including non-governmental organizations, the private sector, employer organizations, trade unions, media and other relevant actors, as applicable, to take the following actions:

**A. Strengthening implementation of legal and policy frameworks and accountability**

(a) Consider ratifying or acceding to, as a particular matter of priority, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child and their respective Optional Protocols, limit the extent of any reservations, formulate any such reservations as precisely and as narrowly as possible to ensure that no reservations are incompatible with the object and purpose of the Conventions, review their reservations regularly with a view to withdrawing them and withdraw reservations that are contrary to the object and purpose of the relevant treaty; and implement them fully by, inter alia, putting in place effective national legislation and policies, and encourages States parties in their reporting to relevant treaty bodies to include requested information on measures to address violence against women and girls;

(b) Encourage the use of all relevant sources of international law, international guidelines and best practices regarding protection of victims and survivors to combat violence against women and girls;

**(c) ADOPT, AS APPROPRIATE, REVIEW, AND ENSURE THE ACCELERATED AND EFFECTIVE IMPLEMENTATION OF LAWS AND COMPREHENSIVE MEASURES THAT CRIMINALIZE VIOLENCE AGAINST WOMEN AND GIRLS, AND THAT PROVIDE FOR MULTIDISCIPLINARY AND GENDER-SENSITIVE PREVENTIVE AND PROTECTIVE MEASURES SUCH AS EMERGENCY BARRING ORDERS AND PROTECTION ORDERS, THE INVESTIGATION, SUBMISSION FOR PROSECUTION AND APPROPRIATE PUNISHMENT OF PERPETRATORS TO END IMPUNITY, SUPPORT SERVICES THAT EMPOWER VICTIMS AND SURVIVORS, AS WELL AS ACCESS TO APPROPRIATE CIVIL REMEDIES AND REDRESS;**

(d) Address and eliminate, as a matter of priority, domestic violence through adopting, strengthening and implementing legislation that prohibits such violence, prescribes punitive measures and establishes adequate legal protection against such violence;

**(e) STRENGTHEN NATIONAL LEGISLATION, WHERE APPROPRIATE, TO PUNISH VIOLENT GENDER-RELATED KILLINGS OF WOMEN AND GIRLS AND INTEGRATE SPECIFIC MECHANISMS OR POLICIES TO PREVENT, INVESTIGATE AND ERADICATE SUCH DEPLORABLE FORMS OF GENDER-BASED VIOLENCE;**

(f) Ensure women’s and girls’ unimpeded access to justice and to effective legal assistance so that they can make informed decisions regarding, inter alia, legal proceedings and issues relating to family law and criminal law, and also ensure that they have access to just and effective remedies for the harm that they have suffered, including through the adoption of national legislation where necessary;

(g) Take the necessary legislative and/or other measures to prohibit compulsory and forced alternative dispute resolution processes, including forced mediation and conciliation, in relation to all forms of violence against women and girls;

(h) Review and where appropriate, revise, amend or abolish all laws, regulations, policies, practices and customs that discriminate against women or have a discriminatory impact on women, and ensure that the provisions of multiple legal systems, where they exist, comply with international human rights obligations, commitments and principles, including the principle of non-discrimination;

(i) Mainstream a gender perspective into all legislation, policies and programmes and allocate adequate financial and human resources, including through the expanded use of gender-responsive planning and budgeting, taking into account the needs and circumstances of women and girls, including victims and survivors of violence, for the development, adoption and full implementation of relevant laws, policies and programmes to address discrimination and violence against women and girls and for support to women's organizations;

(j) Increase the investment in gender equality and the empowerment of women and girls, taking into account the diversity of needs and circumstances of women and girls including victims and survivors of violence, including through mainstreaming a gender perspective in resource allocation and ensuring the necessary human, financial and material resources for specific targeted activities to ensure gender equality at the local, national, regional and international levels, as well through enhanced and increased international cooperation;

(k) Develop and implement effective multisectoral national policies, strategies and programmes, with the full and effective participation of women and girls, which include measures for prevention, protection and support services and responses; data collection, research, monitoring and evaluation; the establishment of coordination mechanisms; allocation of adequate financial and human resources; independent national monitoring and accountability mechanisms; and clear timelines and national benchmarks for results to be achieved;

(l) Ensure that in armed conflict and post-conflict situations the prevention of and response to all forms of violence against women and girls, including sexual and gender-based violence, are prioritized and effectively addressed, including as appropriate through the investigation, prosecution and punishment of perpetrators to end impunity, removal of barriers to women's access to justice, the establishment of complaint and reporting mechanisms, the provision of support to victims and survivors, affordable and accessible health-care services, including sexual and reproductive health, and reintegration measures; and take steps to increase women's participation in conflict resolution and peacebuilding processes and post-conflict decision-making;

**(m) ENSURE ACCOUNTABILITY FOR THE KILLING, MAIMING AND TARGETING OF WOMEN AND GIRLS AND CRIMES OF SEXUAL VIOLENCE, AS PROHIBITED UNDER INTERNATIONAL LAW, STRESSING THE NEED FOR THE EXCLUSION OF SUCH CRIMES FROM AMNESTY PROVISIONS IN THE CONTEXT OF CONFLICT RESOLUTION PROCESSES AND ADDRESS SUCH ACTS IN ALL STAGES OF THE ARMED-CONFLICT AND POST-CONFLICT RESOLUTION PROCESS INCLUDING THROUGH TRANSITIONAL JUSTICE MECHANISMS, WHILE TAKING STEPS TO ENSURE THE FULL AND EFFECTIVE PARTICIPATION OF WOMEN IN SUCH PROCESSES;**

**(n) END IMPUNITY BY ENSURING ACCOUNTABILITY AND PUNISHING PERPETRATORS OF THE MOST SERIOUS CRIMES AGAINST WOMEN AND GIRLS UNDER NATIONAL AND INTERNATIONAL LAW, AND STRESSING THE NEED FOR THE ALLEGED PERPETRATORS OF THOSE CRIMES TO BE HELD ACCOUNTABLE UNDER NATIONAL JUSTICE OR, WHERE APPLICABLE, INTERNATIONAL JUSTICE;**

(o) Take effective steps to ensure the equal participation of women and men in all spheres of political life, political reform and at all levels of decision-making, in all situations, and to contribute to the prevention and the elimination of discrimination and violence against women and girls;

(p) Underline commitments to strengthen national efforts, including with the support of international cooperation, aimed at addressing the rights and needs of women and girls affected by natural disasters, armed conflicts, other complex humanitarian emergencies, trafficking in persons and terrorism, within the context of actions geared to addressing and eliminating violence against women and girls and the realization of the internationally agreed goals and commitments related to gender equality and the empowerment of women, including the Millennium Development Goals. Also underline the need to take concerted actions in conformity with international law to remove the obstacles to the full realization of the rights of women and girls living under foreign occupation, so as to ensure the achievement of the above-mentioned goals and commitments;

(q) Ensure that the specific needs of women and girls are incorporated into the planning, delivery and monitoring of, and infrastructure for disaster risk reduction programmes and protocols and humanitarian assistance to address natural disasters, including those induced by climate change such as extreme weather events and slow onset impacts, with their full participation, and that in disaster preparedness efforts and in post-disaster settings, the prevention and response to all forms of violence against women and girls, including sexual violence, are prioritized and adequately addressed;

(r) Address violence against women and girls resulting from transnational organized crime, including trafficking in persons and drug trafficking, and adopt specific policies to prevent and eradicate violence against women in crime prevention strategies;

(s) Strengthen bilateral, regional and international cooperation, by consolidating existing mechanisms and developing new initiatives consistent with the United Nations Convention on Transnational Organized Crime and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and by implementing the United Nations Global Plan of Action to Combat Trafficking in Persons;

(t) Take appropriate measures to address the root factors, including external factors, that contribute to trafficking in women and girls. Prevent, combat and eliminate trafficking in women and girls by criminalizing all forms of trafficking in persons, in particular for the purpose of sexual and economic exploitation, as well as by strengthening existing civil and criminal legislation with a view to providing better protection of the rights of women and girls and by bringing to justice and punishing the offenders and intermediaries involved, including public officials, by protecting the rights of trafficked persons and preventing revictimization. Take appropriate measures to ensure that identified victims of trafficking in persons are not penalized for having been trafficked. Provide identified victims of trafficking appropriate protection and care, such as rehabilitation and reintegration in society, witness protection, job training, legal assistance, confidential health care, and repatriation with the informed consent of the trafficked person, regardless of their participation in any legal proceeding. Accelerate public awareness, education and training to discourage the demand that fosters all forms of exploitation;

(u) Strengthen international cooperation, including through the fulfilment of international official development assistance commitments, that support multisectoral policies, strategies, programmes and best practices, in accordance with national priorities aimed at achieving sustainable development and the realization of the empowerment of women, particularly towards ending violence against women and girls and promoting gender equality;

(v) Encourage private sector investment in programmes, campaigns and strategies to respond to, prevent and eliminate all forms of discrimination and violence against women and girls, including sexual harassment at the workplace, and to empower victims and survivors of violence;

(w) Adopt and fund policy reforms and programmes, and support education, to sensitize, train and strengthen the capacity of public officials and professionals, including the judiciary, police and military, as well as those working in the areas of education, health, social welfare, justice, defence and immigration; hold public officials accountable for not complying with laws and regulations relating to violence against women and girls, in order to prevent and respond to such violence in a gender-sensitive manner, end impunity, and avoid the abuse of power leading to violence against women and the revictimization of victims and survivors;

(x) Prevent, investigate and punish acts of violence against women and girls that are perpetrated by people in positions of authority, such as teachers, religious leaders, political leaders and law enforcement officials, in order to end impunity for these crimes;

(y) Create and enhance a supportive environment for increased consultation and participation among all relevant stakeholders in efforts to address violence against women and girls, especially organizations working at the community level to promote the empowerment of women and girls, as well as victims and survivors so they can become agents of change and their knowledge and experience can contribute to the elaboration of policies and programmes;

(z) Support and protect those who are committed to eliminating violence against women, including women human rights defenders in this regard, who face particular risks of violence;

(aa) Take appropriate measures to ensure the human rights of and protect women and girls deprived of their liberty and/or under State custody or State care from all forms of violence, in particular sexual abuse;

(bb) Adopt a life-cycle approach in efforts to end discrimination and violence against women and girls and ensure that specific issues affecting older women are given greater visibility and attention, are addressed through the fulfilment of obligations under relevant international conventions and agreements and included in national policies and programmes to prevent and eliminate violence against women;

## **B. Addressing structural and underlying causes and risk factors so as to prevent violence against women and girls**

(cc) Accelerate efforts to prevent and eliminate all forms of discrimination against women and girls and ensure their equal enjoyment of all human rights and fundamental freedoms, including the right to education and to the highest attainable standard of physical and mental health; ensure that all children, particularly girls, have equal access to, and complete, free and compulsory primary education of good quality, and renew their efforts to improve and expand girls' education at all levels, including the secondary and higher levels, in all academic areas; and increase girls' ability to attend school and extracurricular activities by investing in public infrastructure projects and accessible quality public services and providing a safe environment;

(dd) Promote women's full participation in the formal economy, in particular in economic decision-making, and their equal access to full employment and decent work; empower women in the informal sector; and ensure that women and men enjoy equal treatment in the workplace, as well as equal pay for equal work or work of equal value, and equal access to power and decision-making, and promote sharing of paid and unpaid work;

(ee) Accelerate efforts to develop, review and strengthen policies, and allocate adequate financial and human resources to address the structural and underlying causes of violence against women and girls, including gender discrimination, inequality, unequal power relations between women and men, gender stereotypes, poverty as well as their lack of empowerment, in particular in the context of the economic and financial crisis; and accelerate efforts to eradicate poverty and persistent legal, social, and economic inequalities, including by strengthening women's and girls' economic participation, empowerment and inclusion, in order to decrease their risk of violence;

(ff) States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter of the United Nations that impede the full achievement of economic and social development, particularly in developing countries;

(gg) Take all appropriate legislative, administrative, social, educational and other measures to protect and promote the rights of women and girls with disabilities as they are more vulnerable to all forms of exploitation, violence and abuse, including in the workplace, educational institutions, the home, and other settings;

(hh) Undertake legislative, administrative, financial and other measures to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies, inter alia, by means of international cooperation; prioritize and intensify initiatives towards the economic empowerment of women at the grass-roots level, including through entrepreneurship education and business incubators, as a way of uplifting their status, thereby reducing their vulnerability to violence;

(ii) Refrain from using social justifications for denying women their freedom of movement, the right to own property and the right to equal protection of the law;

(jj) Design and implement national policies that aim at transforming those social norms that condone violence against women and girls, and work to counteract attitudes by which women and girls are regarded as subordinate to men and boys or as having stereotyped roles that perpetuate practices involving violence or coercion;

(kk) Develop and implement educational programmes and teaching materials, including comprehensive evidence-based education for human sexuality, based on full and accurate information, for all adolescents and youth, in a manner consistent with their evolving capacities, with the appropriate direction and guidance from parents and legal guardians, with the involvement of children, adolescents, youth and communities, and in coordination with women's, youth and specialized non-governmental organizations, in order to modify the social and cultural patterns of conduct of men and women of all ages, to eliminate prejudices, and to promote and build informed decision-making, communication and risk reduction skills for the development of respectful relationships and based on gender equality and human rights, as well as teacher education and training programmes for both formal and non-formal education;

(ll) Carry out awareness-raising and education campaigns, in cooperation with civil society organizations, especially women's organizations, through different means of communication, targeting the general public, young people, men and boys, to address the structural and underlying causes of violence and abuse against women and girls; to overcome gender stereotypes and promote zero tolerance for such violence; to remove the stigma of being a victim and survivor of violence; and to create an enabling environment where women and girls can easily report incidences of violence and make use of the services available and of protection and assistance programmes;

(mm) Mobilize communities and institutions to address and change attitudes, behaviours and practices that perpetuate and condone gender stereotypes and all forms of discrimination and violence against women and girls, by engaging with women's and youth organizations, national machineries for the advancement of women, national human rights institutions where they exist, schools, educational and media institutions and others directly working with women and girls, men and boys and with individuals at all levels of society and in all settings, religious and community leaders and elders, teachers and parents;

(nn) Promote and protect the human rights of all women including their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence; and adopt and accelerate the implementation of laws, policies and programmes which protect and enable the enjoyment of all human rights and fundamental freedoms, including their reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and their review outcomes;

(oo) Develop and implement gender-sensitive policies, strategies, programmes and measures which promote greater understanding and recognition that caregiving is a critical societal function and encourage the equal sharing of responsibilities and chores between men and women in caregiving, including for persons with disabilities, older persons and people living with HIV, as well as for child-rearing, parenting and domestic work; and also work to change attitudes that reinforce the division of labour based on gender, in order to promote shared family responsibility for work in the home and reduce the domestic work burden for women and girls;

(pp) Engage, educate, encourage and support men and boys to take responsibility for their behaviour, to ensure that men and adolescent boys take responsibility for their sexual and reproductive behaviour, and to refrain from all forms of discrimination and violence against women and girls; develop, invest in, and implement policies, strategies and programmes, including comprehensive education programmes to increase their understanding of the harmful effects of violence and how it undermines gender equality and human dignity, promote respectful relationships, provide positive role models for gender equality and to encourage men and boys to take an active part and become strategic partners and allies in the prevention and elimination of all forms of discrimination and violence against women and girls;

(qq) Review, enact and strictly enforce laws and regulations concerning the minimum legal age of consent and the minimum age for marriage, raising the minimum age for marriage where necessary, and generate social support for the enforcement of these laws in order to end the practice of child, early and forced marriage;

(rr) Ensure the provision of viable alternatives and institutional support, including for girls who are already married and/or pregnant, especially educational opportunities with an emphasis on keeping girls in school through post-primary education and promoting the empowerment of girls through improving educational quality and ensuring safe and hygienic conditions in schools, physical access to education, including by establishing safe residential facilities and childcare, and increasing financial incentives to women and their families where necessary;

(ss) Ensure the access of adolescents to services and programmes on preventing early pregnancy, sexually transmitted infections and HIV, ensuring personal safety, and preventing the use and abuse of alcohol and other harmful substances;

(tt) Develop policies and programmes, giving priority to formal and informal education programmes that support girls and enable them to acquire knowledge, develop self-esteem and take responsibility for their own lives, including access to a sustainable livelihood; and place special focus on programmes to educate women and men, especially parents and caregivers, on the importance of girls' physical and mental health and well-being, including the elimination of child, early and forced marriage, violence against women and girls, female genital mutilation, child sexual exploitation, including commercial sexual exploitation, sexual abuse, rape, incest and abduction, and the elimination of discrimination against girls such as in food allocation;

(uu) Develop and support existing policies and programmes targeting children and young people, especially women, who have experienced or witnessed domestic violence or sexual abuse, including protection for children in the justice system, so as to reduce the risk of their possible revictimization or perpetration of violence and restore their health; and implement such programmes in a gender-responsive manner with the meaningful participation of young people, civil society and women's and youth organizations, and educational and health institutions;

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(xx) Improve the safety of girls at and on the way to and from school, including by establishing a safe and violence free environment by improving infrastructure such as transportation, providing separate and adequate sanitation facilities, improved lighting, playgrounds and safe environments; adopting national policies to prohibit, prevent and address violence against children, especially girls, including sexual harassment and bullying and other forms of violence, through measures such as conducting violence prevention activities in schools and communities, and establishing and enforcing penalties for violence against girls;

(yy) Take measures to ensure that all workplaces are free from discrimination and exploitation, violence, and sexual harassment and bullying, and that they address discrimination and violence against women and girls, as appropriate, through measures such as regulatory and oversight frameworks and reforms, collective agreements, codes of conduct, including appropriate disciplinary measures, protocols and procedures, referral of cases of violence to health services for treatment and police for investigation; as well as through awareness-raising and capacity-building, in collaboration with employers, unions and workers, including workplace services and flexibility for victims and survivors;

(zz) Increase measures to protect women and girls from violence and harassment, including sexual harassment and bullying, in both public and private spaces, to address security and safety, through awareness-raising, involvement of local communities, crime prevention laws, policies, programmes such as the “Safe Cities for Women and Children” initiative, improved urban planning, infrastructures, public transport and street lighting, and also through social and interactive media;

(aaa) Condemn and take action to prevent violence against women and girls in health-care settings, including sexual harassment, humiliation and forced medical procedures, or those conducted without informed consent, and which may be irreversible, such as forced hysterectomy, forced caesarean section, forced sterilization, forced abortion, and forced use of contraceptives, especially for particularly vulnerable and disadvantaged women and girls, such as those living with HIV, women and girls with disabilities, indigenous and Afro-descendent women and girls, pregnant adolescents and young mothers, older women, and women and girls from national or ethnic minorities;

(bbb) Further adopt and implement measures to ensure social and legal inclusion and protection of women migrants, including women migrant workers in origin, transit and destination countries, and promote and protect the full realization of their human rights, and their protection against violence and exploitation; implement gender-sensitive policies and programmes for women migrant workers and provide safe and legal channels that recognize their skills and education, provide fair labour conditions, and as appropriate facilitate their productive employment and decent work as well as integration into the labour force;

(ccc) Also take measures to ensure the protection of self-employed workers in cross-border work and women seasonal workers from violence and discrimination;

### **C. Strengthening multisectoral services, programmes and responses to violence against women and girls**

(ddd) Establish comprehensive, coordinated, interdisciplinary, accessible and sustained multisectoral services, programmes and responses at all levels, and with the support of all available technologies, for all victims and survivors of all forms of

violence against women and girls based on their needs, that are adequately resourced and include effective and coordinated action by, as appropriate, police and the justice sector, legal aid services, health-care services, including sexual and reproductive health, and medical, psychological and other counselling services, including specialist services as appropriate, State and independent women's shelters and counselling centres, 24-hour hotlines, social aid services, one stop crisis centres, immigration services, child services, public housing services to provide low threshold, easy to reach and safe assistance for women and children, as well as assistance, protection and support through access to long-term accommodation, educational, employment and economic opportunities, and take steps to ensure the safety and security of health-care workers and service providers that assist and support victims and survivors of violence, and in cases of girl child victims, such services and responses must take into account the best interests of the child;

(eee) Further take measures to coordinate services through the establishment of processes for referral between services of victims and survivors while ensuring their confidentiality and safety, establish national benchmarks and timelines, and monitor their progress and implementation; as well as ensure access to coordinated multisectoral services, programmes and responses for all women and girls at risk of or subjected to violence;

(fff) Ensure the availability and accessibility for victims and survivors and their children to services, programmes and opportunities, for their full recovery and reintegration into society, as well as full access to justice, including those subjected to domestic violence and other forms of violence, by putting in place measures, and where these exist, expanding such measures; and ensure the provision of adequate and timely information on available support services and legal measures, when possible in a language that they understand and in which they can communicate;

(ggg) Create, develop and implement a set of policies, and support the establishment of rehabilitative services, to encourage and bring changes in the attitudes and behaviours of perpetrators of violence against women and girls, and to reduce the likelihood of reoffending, including in cases of domestic violence, rape and harassment, as well as monitor and assess their impact and effect;

(hhh) Improve access to timely, affordable and quality health systems for women and girls, including through gender-sensitive national strategies and public-health policies and programmes that are comprehensive, affordable and better targeted to addressing their needs and that encourage women's active participation in their design and implementation; and also enhance women's access to affordable, safe, effective and good-quality treatment and medicines, with a special emphasis on the poor, vulnerable and marginalized segments of the population;

(iii) Address all health consequences, including the physical, mental and sexual and reproductive health consequences, of violence against women and girls by providing accessible health-care services that are responsive to trauma and include affordable, safe, effective and good-quality medicines, first line support, treatment of injuries and psychosocial and mental health support, emergency contraception, safe abortion where such services are permitted by national law, post-exposure prophylaxis for HIV infection, diagnosis and treatment for sexually transmitted infections, training for medical professionals to effectively identify and treat women subjected to violence, as well as forensic examinations by appropriately trained professionals;

(jjj) Accelerate efforts to address the intersection of HIV and AIDS and violence against all women and girls, in particular the common risk factors, including through strategies to address domestic and sexual violence, and to strengthen coordination and integration of policies, programmes and services to address the intersection between HIV and violence against women and girls, and ensure that responses to HIV and AIDS are leveraged to prevent violence against them, while meeting their specific needs for sexual and reproductive health-care services, as well as HIV and AIDS diagnosis, affordable and accessible treatment and prevention, including procurement and supply of safe and effective prevention commodities, including male and female condoms;



(kkk) Eliminate discrimination and violence against women and girls living with HIV as well as the caregivers of persons living with HIV and take into account their vulnerability to stigma, discrimination, poverty and marginalization from their families and communities when implementing programmes and measures which encourage the equal sharing of caring responsibilities;

(lll) Expand the availability of health-care services, and in particular, strengthen maternal and reproductive health centres, as key entry points that provide support, referrals to services and protection to families, women and girls at risk of violence, especially sexual violence, and which provide support to adolescents in order to avoid early and unintended pregnancies and sexually transmitted infections, through education, information and access to sexual and reproductive health-care services;

#### **D. Improving the evidence base**

(mmm) Carry out continued multidisciplinary research and analysis on the structural and underlying causes of, cost and risk factors for violence against women and girls and its types and prevalence, in order to inform the development and revision of laws and their implementation, policies and strategies, and make such information public to support awareness-raising efforts;

(nnn) Collect, collate, analyse and disseminate reliable, comparable and anonymized data and statistics on a regular basis, disaggregated by sex and age, at the national and local levels on different forms of discrimination and violence against women and girls, its causes and consequences, including the health costs and economic costs to society of such discrimination and violence, and also consider all other relevant factors, such as accessibility, to inform the formulation, monitoring and evaluation of laws, policies and programmes;

(ooo) Improve the collection, harmonization and use of administrative data, including, where appropriate, from the police, health and judiciary, on incidents of violence against women and girls, including data on the relationship between the perpetrator and victim and geographic location, ensuring that confidentiality, ethical and safety considerations are taken into account in the process of data collection, and improving the effectiveness of the services and programmes provided and protecting the safety and security of the victim;

(ppp) Develop national monitoring and evaluation mechanisms to assess policies and programmes, including preventive and response strategies to address violence against women and girls in both public and private spheres;

(qqq) Promote the sharing of best practices and experiences, as well as feasible, practical and successful policy and programme interventions; as well as promote the application of these successful interventions and experiences in other settings.

**35. THE COMMISSION EMPHASIZES THAT ENDING VIOLENCE AGAINST WOMEN AND GIRLS IS IMPERATIVE, INCLUDING FOR THE ACHIEVEMENT OF THE INTERNATIONALLY AGREED DEVELOPMENT GOALS, INCLUDING THE MILLENNIUM DEVELOPMENT GOALS, AND MUST BE A PRIORITY FOR THE ERADICATION OF POVERTY, THE ACHIEVEMENT OF INCLUSIVE SUSTAINABLE DEVELOPMENT, PEACE AND SECURITY, HUMAN RIGHTS, HEALTH, GENDER EQUALITY AND EMPOWERMENT OF WOMEN, SUSTAINABLE AND INCLUSIVE ECONOMIC GROWTH AND SOCIAL COHESION, AND VICE VERSA. THE COMMISSION STRONGLY RECOMMENDS THAT THE REALIZATION OF GENDER EQUALITY AND EMPOWERMENT OF WOMEN BE CONSIDERED AS A PRIORITY IN THE ELABORATION OF THE POST-2015 DEVELOPMENT AGENDA.**

Excerpt of the key note speech of H.E. Ambassador Maria Oyeyinka Laose , on the occasion of the conference "The Prevention of Violence against Women and Femicide" on 28 March 2013 in the UN Office at Vienna

### Measures to Prevent Violence against Women and Femicide

**International cooperation:** I am convinced that to end this circle of violence against women we need a continuous international cooperation to complement efforts that are already in place. UN Women is a very important actor in this fight. Yet, more international cooperation is required on the following:

1. **legislation:** as a wise man once said, law is the glue that holds modern civilization. I would like to strongly recommend that we must continue to explore means through which all forms of violence against women can be **CRIMINALIZED**. This would be the first step, then followed by seeking the collaboration of the civil society to ensure enforcement. We must seek to change legislation in any society where violence leading to the killing of women is condoned.

2. **public enlightenment:** the need to engage the public through the press cannot be overemphasized. We must encourage initiatives that expose all forms of violence against women so that the perpetrators do not find a safe haven to continue with these objectionable acts. We can take advantage of globalization and make this a global fight by engaging the press.

3. **special measures to provide for girl child education:** one of the major weaknesses that make any person most vulnerable to social ills is the lack of education. It may be recalled that girl child education is one of the MDG goals. A very fundamental means to prevent violence against women and femicide is to ensure a **GOOD EDUCATION** for the girl child. Consequently, I would like to add that to achieve this we must ensure that the girl child, wherever she may be on this planet, should be educated up to the tertiary level.

4. **affirmative action in appointing women:** it must be stressed that we must continue to advocate for the appointment of women at national and international levels, so that they may occupy at least 35% of all positions. Such appointments bring women into limelight and help counter the sometimes perceived cultural inferiority of women. This also helps by giving women a louder voice.

It is of utmost importance to **HIGHLIGHT FEMICIDE** as a consequence of violence against women, calling for effective preventive measures, as those recommended in the General Assembly's Resolution 48/104 in 1993. This should be a UN agenda item to be researched by study groups, which will then submit their findings to the UN for deliberation, with a view to working for a **GLOBAL STANDARD**, rather than leaving it for individual countries to decide.

[...]

Based on the observation of the lack of adequate policies on femicide some states have, it is up to UN Women to push the debate at the international level and call for a global study and discussion on femicide at UN level. This should be seen as a collective concern and should be a collective aspiration. Thus, together, whether from developing or developed countries, North or South, East or West, we should come together to face up to this heinous crime and address it properly. Talking about it more and more at national levels and networking among advocacy groups in different countries will draw attention to femicide sooner than later.



**"We can no longer stand by as women are murdered for one reason and one reason only, because they are women. The crime of femicide is growing all over the world and often remains unpunished. It is a human rights violation that is characterised by misunderstanding and impunity."**

**Michelle Bachelet  
Executive Director, UN Women**

**"Women subjected to continuous violence and living under conditions of gender-based discrimination and threat are always on —deathrow, always in fear of execution."**

**Rashida Manjoo,  
Special Rapporteur on Violence against Women,  
its causes and consequences.**

**"Human life is sacred. The killing of women and girls is considered a particularly grievous offence in all religions. The protection of the weak and vulnerable is a Christian duty, as it is in other faiths. Femicide cannot be justified under God's law."**

**Cardinal Christoph Schönborn,  
Archbishop of Vienna**