



# WOMEN AGAINST VIOLENCE EUROPE

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## WAVE Thematic Paper

### Preventing and eradicating femicide

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#### 1. Introduction

The WAVE thematic paper on femicide is meant to provide policy-makers and practitioners with a comprehensive yet concise overview on the topic of femicide. The paper includes a detailed definition of the phenomenon, including a wide range of direct and indirect categories. It makes reference to important global actors tackling this phenomenon and developing a knowledge base, such as the UN Special Rapporteur on Violence against Women, its causes and consequences (SRVAW).<sup>1</sup> Available statistics on femicide are presented, underscoring the need to collect accurate data that is comparable, gender disaggregated and makes reference to the relationship between victims and perpetrators. Relevant legal instruments, on the regional and global level, addressing this form of violence against women are mentioned as well. Last but not least, WAVE's contribution in tackling this particular form of violence against women, especially in terms of developing training materials for practitioners and representatives of the criminal justice system and conducting trainings regularly, is also described. In sum, the thematic paper gives policy-makers a roadmap to what efforts ought to be undertaken in order to address and prevent this form of violence. Furthermore, it highlights the contributions made by civil society activists in developing best practices, be it in terms of establishing specialist support services for women, training practitioners to assess and manage risk, or establishing so-called femicide observatories. Finally, recommendations issued by the SRVAW and UN bodies, such as the United Nations Office on Drugs and Crime (UNODC), are introduced, offering policy-makers clear recommendations on how to proceed and what sort of measures to take in order to eradicate and prevent femicide.

#### 2. Definitions

Femicide is the most extreme manifestation of violence against women (VAW) that victims often experience in a continuum of violence. This violence may be experienced in the private or public sphere, and the perpetrators are often intimate partners, family members or persons known to the victim.

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<sup>1</sup> The previous and current mandate holder, Rashida Manjoo and Dubravka Šimonović.

Several definitions on this phenomenon have been developed over the past few decades. Professor Diana Russell is widely acknowledged as having coined the term ‘femicide’, which refers to the killing of females by men because they are females. Caputi & Russell argue that the term best describes the *murders of women by men motivated by hatred, contempt, pleasure, or a sense of ownership of women.*<sup>2</sup>

The alternative term ‘femicide’ has become more widespread in Latin American countries, where the anthropologist Marcela Lagarde has elaborated its theoretical background. According to this perspective, femicide directly implies the idea of state responsibility, as state institutions have failed to take adequate measures to prevent the culmination of violence and abuse into the death of a woman. Thus femicide is seen as a crime perpetrated by the state, by not complying with its due diligence obligations to prevent, prosecute and investigate such crimes. Throughout the last fifteen years, Mexican cities along the US-Mexico border, particularly Ciudad Juarez, have caught the attention of the world media due to the high incidence of femicides, largely caused by an environment conducive to crime and drug trafficking.<sup>3</sup>

### ***Types of femicide***

The SRVAW has also made continuous efforts to disseminate information on this pernicious form of violence, develop a knowledge base and issue recommendations. The previous mandate holder, Rashida Manjoo identified an extensive set of categories divided into direct and indirect forms of femicide. In one of her reports she stated that:<sup>4</sup>

“Rather than being 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.”

The direct category of femicide includes<sup>5</sup>:

- killings of women and girls as a result of domestic violence, inflicted by an intimate or domestic partner;
- misogynist killings of women;
- killings of women and girls in the name of “honour”;
- armed conflict-related killings of women and girls (as a strategy of war, oppression, or ethnic conflict);
- dowry-related killings of women and girls;
- gender identity and sexual orientation-related killings of women (lesbophobic femicides);
- female infanticide and gender-biased sex selection (feticide); and
- ethnic and indigenous identity-related killings.

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<sup>2</sup> Caputi J., & Russell, D., (1997) ‘Femicide: Speaking the Unspeakable’, in Richardson L., Taylor, V. & Whittier, N. eds. *Feminist Frontiers VI*, p. 425, McGraw-Hill: New York

<sup>3</sup> Albuquerque P. & Vemala P. (2008), ‘A statistical evaluation of femicide rates in Mexican cities along the US-Mexico border’, p.5, SSRN papers, [http://texascenter.tamui.edu/PDF\\_BR/v7/v7-Albuquerque.pdf](http://texascenter.tamui.edu/PDF_BR/v7/v7-Albuquerque.pdf) (last accessed 13 February 2017)

<sup>4</sup> *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo*, A/HRC/20/16 (23 May 2012), p. 4, [http://www.ohchr.org/Documents/Issues/Women/A.HRC.20.16\\_En.pdf](http://www.ohchr.org/Documents/Issues/Women/A.HRC.20.16_En.pdf) (last accessed 13 February 2017)

<sup>5</sup> Ibid., p. 5

The indirect category of femicide includes<sup>6</sup>:

- deaths due to unsafe or clandestine abortions;
- maternal mortality;
- deaths from harmful practices (for example, those resulting from female genital mutilation);
- deaths linked to human trafficking, drug dealing, small-arms proliferation, organised crime, and gang-related activities;
- the death of girls or women from neglect, starvation, or ill-treatment; and
- deliberate acts or omissions by public servants or agents of the state.

### 3. Relevant legal instruments

The Convention on the Elimination on all Forms of Discrimination against Women was adopted by the UN General Assembly in 1979.<sup>7</sup> It does not have an explicit provision on the elimination of VAW, however its general recommendation No. 19 issued in 1992 addresses VAW. This subsequently became a source of inspiration for various international and regional documents, including the Declaration on the Elimination of Violence against Women.<sup>8</sup> As the Committee's authoritative interpretative tool, general recommendation No. 19 reflects the Committee's position that violence against women constitutes a form of gender-based discrimination under the meaning of article 1 of the Convention.<sup>9</sup>

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Abuse (Istanbul Convention), is a binding legal instrument which obliges parties to take the necessary measures to promote and protect the rights of women to live free from violence in both the public and the private sphere.<sup>10</sup> It is by far the most comprehensive binding legal instrument which protects the rights of women and addresses the phenomenon of VAW in a holistic manner. It also introduces a set of obligations for states in accordance with the due diligence principle to take the necessary measures to prevent, investigate, punish and provide reparation for acts of VAW.<sup>11</sup> A number of 22 states, most of them from Europe, have signed and ratified the convention. A further 22 states have signed the convention, without ratifying it so far.

The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belem do Para, 1994) represents another relevant legal instrument which calls on states to establish mechanisms for protecting and defending women's rights, and for combating violence against women in the public and in the private sphere. Articles 1 and 2 of the Convention cover a wide range of manifestations of VAW, including femicide, and Article 7 introduces a set of duties for states to pursue, by all appropriate means and without delay, policies to prevent,

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<sup>6</sup> *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo*, A/HRC/20/16 (23 May 2012), p. 5

<sup>7</sup> Full text in English available at: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> (last accessed 13 February 2017)

<sup>8</sup> Declaration on the Elimination of Violence against Women, available at: <http://www.un.org/documents/ga/res/48/a48r104.htm> (last accessed 13 February 2017)

<sup>9</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, A/HRC/32 (19 April 2016), p. 5

<sup>10</sup> Istanbul Convention, Article 4, full text in English available at: [https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046031\\_c](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046031_c) (last accessed 13 February 2017)

<sup>11</sup> Istanbul Convention, Article 5

punish and eradicate such violence.<sup>12</sup> As of August 2012, it has been ratified by 32 of the 35 states of the Organisation of American States. A protocol has also been developed in Latin America for the investigation and prosecution of the crime of femicide – the Panama Protocol.<sup>13</sup> This extensive document provides guidelines and instruments for accurate investigation of these crimes, including in the collection of evidence and in criminal prosecutions, to guarantee women’s access to justice.

#### 4. Available data on femicide

There is currently no reliable, comprehensive global data covering all types of femicide and it is difficult to compare existing national statistics. The United Nations Office on Drugs and Crime (UNODC) provides global estimates on intimate partner homicides in its report from 2013. According to their research, it is estimated that of all the women killed in 2012 (93,000 women), 43,600 (47 per cent) were killed by their family members or intimate partners, whereas 20,000 of all male homicide victims (6 per cent) were killed by such perpetrators.<sup>14</sup> It is also useful to note that ‘femicide’ is a political term, hence the UN often uses the term ‘gender-related killings of women and girls’ in its resolutions or reports. In the context of data collection on femicide, it is important to distinguish between data collected at the national and at the international level. Some forms of femicide are more prevalent in some countries than in others, as this depends on the socio-cultural background. Furthermore, depending on the institutional and administrative capacities of a given country or region, there are states which only collect data on homicide, and others, particularly in Latin America, which do collect data on femicide, according to the way in which this type of criminal offense has been classified in the country’s legal framework.

Hence, when it comes to having statistics on this phenomenon at the global level it is important to stick to a framework that allows for a comprehensive coverage of the most extensive possible set of countries. UNODC published the International Classification of Crimes for Statistical Purposes in 2015, which has been endorsed as an international statistical standard for data collection.<sup>15</sup> This tool could be used as a starting point for data collection on femicide at the national level. It aims to ensure that data will be comparable, as it seeks to classify crimes according to behaviours and not offences, thus overcoming the difficulty of compiling data on crimes that are prosecuted under different laws and classified as different criminal offences in various national settings.

#### 5. Actions undertaken at the global level

The SRVAW, Dubravka Šimonović, on the International Day of the Elimination of Violence against Women, repeatedly called on states to collect and publish data on the number of femicides occurring

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<sup>12</sup> Convention of Belem do Para, full text in English available at:

<https://www.oas.org/en/mesecvi/docs/BelemDoPara-ENGLISH.pdf>

<sup>13</sup> *Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide)*, full text in English available at:

<http://www.un.org/en/women/endviolence/pdf/LatinAmericanProtocolForInvestigationOfFemicide.pdf> (last accessed 13 February 2017)

<sup>14</sup> *Global Study on Homicide* (2013), United Nations Office on Drugs and Crime p. 53,

[http://www.unodc.org/documents/gsh/pdfs/2014\\_GLOBAL\\_HOMICIDE\\_BOOK\\_web.pdf](http://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf) (last accessed 13 February 2017)

<sup>15</sup> *International Classification of Crimes for Statistical Purposes* (March 2015), United Nations Office on Drugs and Crime, [https://www.unodc.org/documents/data-and-analysis/statistics/crime/ICCS/ICCS\\_English\\_2016\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/statistics/crime/ICCS/ICCS_English_2016_web.pdf) (last accessed 13 February 2017)

in a given country, i.e. the gender related killings of women and girls, disaggregated by age and ethnicity of victims, and the sex of the perpetrators, and, most importantly, indicating the relationship between the perpetrator and the victim. The SRVAW gave specific recommendations to Member States in her thematic reports (A/HRC/32/42<sup>16</sup>; A/71/398<sup>17</sup>), and provided guidelines and a flexible model for the establishment of Femicide Watches, which are meant to act as observatories monitoring such cases, collecting data, and disseminating information and best practices on how to address and prevent femicide. She emphasized that it is necessary to analyse every single case. Those being not only numbers but real women victims of a most brutal form of violence, committed against them by their intimate partners or family members. These analyses need to be undertaken in order to determine shortcomings of national prevention systems existing in specific countries and help identify actions needed to prevent such crimes.

At present, criminal justice statistics represent the starting point for collecting data on femicide, as murders of women by intimate partners is the proxy currently used at the international level. The Sustainable Development Goals number 5<sup>18</sup> and 11<sup>19</sup> specifically address the need to tackle all forms of violence against women and ensure that cities, public spaces and urban settlements are accessible and safe for all persons, including women and children. Statistics on femicide however call for having an operational definition on this phenomenon, since such offences are criminalized differently by UN Member States. Currently mostly Latin American countries have specific laws on femicide, yet very often such crimes are not reported as such to police authorities. Nevertheless, intentional homicide by the type of perpetrator and the relationship between victims and perpetrators should be taken into account during any data collection exercise. As a brief set of recommendations, The SRVAW highlighted that criminal justice systems play a key part in the data collection process, hence, it is important to ensure that those which are gender-neutral are at least gender-sensitive.<sup>20</sup>

## 6. Risk Factors for Intimate Partner Femicide:

Specialist support services for women, such as helplines, shelters or centres, are essential when it comes to preventing this extreme manifestation of VAW and supporting women subjected to violence and abuse. Practitioners working in such facilities are encouraged to conduct risk assessment. It is important to bear in mind though that checklists do not represent a definite assessment of risk, these rather serving as guidance for practitioners indicating on which issues they should focus on when

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<sup>16</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, A/HRC/32 (19 April 2016), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/080/53/PDF/G1608053.pdf?OpenElement> (last accessed 13 February 2017)

<sup>17</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, Thematic focus: modalities for the establishment of femicide or gender-related killings watch, A/71/398 (23 September 2016), [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/71/398&referer=https://www.google.at/&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/71/398&referer=https://www.google.at/&Lang=E) (last accessed 13 February 2017)

<sup>18</sup> Goal 5: achieve gender equality and empower all women and girls, <http://www.un.org/sustainabledevelopment/gender-equality/> (last accessed 13 February 2017)

<sup>19</sup> Goal 11: Make cities inclusive, safe, resilient and sustainable, <http://www.un.org/sustainabledevelopment/cities/> (last accessed 13 February 2017)

<sup>20</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, Thematic focus: modalities for the establishment of femicide or gender-related killings watch, A/71/398 (23 September 2016), p.

carrying out the risk assessment.<sup>21</sup> The following represents a non-exhaustive set of risk factors associated with intimate-partner femicide<sup>22</sup>:

- History of violence
- Prior physical violence and threats
- Separation from an abusive partner after cohabitation
- A woman having a child by a previous partner living in the home
- Forced sex
- Possession of a firearm
- Jealousy of an abusive partner
- Abuse during pregnancy
- Stalking
- Controlling behaviour and isolation
- Precarious financial situation/unemployment
- Substance abuse, drugs and/or alcohol

## 7. Contribution of WAVE

On the 25 of November 2016 the OSCE Gender Section, in co-operation with WAVE, the UN Office on Drugs and Crime, the Academic Council on the United Nations System and the Office of the UN Special Rapporteur on violence against women organised a symposium that addressed the need to combat femicide and conduct systematic collection, documentation and analysis of such crimes.<sup>23</sup>

The need of having a model for data collection that can be applied by various states has been brought up during the discussions. Furthermore, such mechanisms ought to be implemented at the national level first, since it is the duty of states to collect data on femicide under the requirements of the Sustainable Development Goals.

WAVE has been making sustained efforts to prevent femicide throughout the past couple of years. A number of training materials have been elaborated by WAVE in partnership with other experts on how to identify and protect high-risk victims of gender-based violence, conduct risk-assessment and strengthen multi-agency cooperation. These four training manuals<sup>24</sup> make an important contribution in building up the capacities of practitioners and actors from criminal justice systems across Europe to better support victims of gender-based violence and take the necessary measures to avoid the culmination of such violence into femicide. Furthermore, in 2016 (15-16 September, Vienna), WAVE has conducted a training on *'Preventing femicide and repeat violence against women. Applying a victim-centered and rights-based approach in multi-agency work to empower survivors and prevent violence.'*

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<sup>21</sup> *Protect II Risk Assessment and Safety* (2012), WAVE, p.81, [http://files.wave-network.org/trainingmanuals/PROTECTII\\_Risk\\_Assessment\\_and\\_Safety\\_2012\\_English.pdf](http://files.wave-network.org/trainingmanuals/PROTECTII_Risk_Assessment_and_Safety_2012_English.pdf) (last accessed 13 February 2017)

<sup>22</sup> This set of risk factors is based on a study carried out by Jacquelyn Campbell et.al (2003), 'Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study', *American Journal of Public Health*, vol. 93(7), pp. 1089-1097, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1447915/> (last accessed 13 February 2017)

<sup>23</sup> WAVE has published a [press release](#) on its website about the outcome of the event and the recommendations which were provided by the panellists.

<sup>24</sup> *Protect I, Protecting High Risk Victims* (2011), *Protect II Risk Assessment and Safety* (2012), *Genderstat Guidance* (2012), *Effective Multi-Agency Cooperation* (2015). All training manuals are available on the WAVE website: <https://www.wave-network.org/resources/training-manuals> (last accessed 13 February 2017)

The event was attended by 20 practitioners from EU and non-EU member states working in women's organizations.

## 8. Best practices for data collection on femicide developed by WAVE members

### The Femicide Census<sup>25</sup>

This is a best practice developed by Karen Ingala Smith in partnership with Women's Aid Federation England. The Femicide Census collates the details of hundreds of femicides committed by men, to explore whether lessons can be learnt by viewing these cases together. The initial analysis presented in their first report<sup>26</sup> finds that these are not isolated incidents, since too many of them followed a similar pattern of violence and were premeditated. Data analysed from the Femicide Census showed that many femicides were committed in similar settings, where similar weapons were used, and similar relationships existed between the perpetrators and victims. By highlighting the trends in cases of femicide, their report further points out that through social, institutional and state changes, instances of femicide can be reduced, if not completely prevented.<sup>27</sup>

### The Femicide Monitoring Project<sup>28</sup>

This best practice was developed by Women's Aid Ireland and spans across twenty years of intense work involving minute data collection by tracking the homicides of women in national newspaper records and also gathering homicide data from the Gardaí, i.e. the Irish national state police, to ensure that cases which were not reported in the newspapers were not missed. Their first report was published in November last year, containing a detailed analysis of the femicides recorded throughout the twenty-year period.<sup>29</sup> This has enabled Women's Aid to identify similar patterns of behaviour regarding perpetrators and a series of risk factors for femicide, such as attempted strangulation and assault with knives. The report also issued a set of recommendations to state agencies on how to prevent the culmination of VAW and domestic abuse into femicide. It is thus emphasized that the increased recognition and management of risk factors for intimate partner homicide would lead to an improved response to domestic abuse by the state and its agencies.<sup>30</sup>

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<sup>25</sup> Further information available at: <https://www.womensaid.org.uk/what-we-do/campaigning-and-influencing/femicide-census/> (last accessed 13 February 2017)

<sup>26</sup> Brennan, Deirdre, *Femicide census: Profiles of women killed by men* (7 December 2016), Women's Aid England, <https://1q7dqy2unor827bjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2016/12/The-Femicide-Census-2016.pdf> (last accessed 13 February 2017)

<sup>27</sup> Ibid., p.3

<sup>28</sup> Further information available at: <https://www.womensaid.ie/about/newsevents/news/2016/11/25/media-release-women-more-likely-to-be-killed-at-ho/> (last accessed 13 February 2017)

<sup>29</sup> *Behind Closed Doors: 20 years of the Women's Aid Femicide Monitoring Project* (25 November 2016), Women's Aid Ireland, <https://www.womensaid.ie/download/pdf/20161129124652.pdf> (last accessed 13 February 2017)

<sup>30</sup> Ibid., p. 4

## Femicidio.net<sup>31</sup>

This is a non-profit initiative by the association Otro Tiempo, which sought to establish an online platform for the purpose of disseminating information and data on the phenomenon of femicide/feminicide. It is presented as a gender-oriented news and data website, which contains reports, interviews, articles, special inquiries and statistics on femicide and other forms of VAW prevalent in Spain and Latin America. Information on a range of sub-categories is made available, including the rights of women, types of femicide and manifestations of VAW, whereby relevant reports from Ibero-America are also mentioned. The online database includes comprehensive statistics from Spain, disaggregated according to national administrative units.<sup>32</sup>

### 9. Recommendations for preventing and eradicating femicide<sup>33</sup>

- Strengthen the capacity of criminal justice institutions to prevent, investigate, prosecute, and punish cases of femicide
- Assess the effectiveness of laws;
- Implement training programmes and awareness campaigns;
- Promote and enhance coordination, at all levels of government, between institutions mandated to prevent, investigate, prosecute, punish and remedy femicide, as well as coordination with other relevant sectors, including civil society and the education, health, social services and security sectors;
- Provide sufficient human, technical and financial resources for the implementation of laws, policies, procedures and practices to prevent and respond to femicide, including by adopting gender-sensitive budget policies as well as monitoring and accountability procedures;
- Monitor the implementation of laws, policies, procedures and practices and gender-sensitive budget policies to prevent and respond to femicide, and evaluate their effectiveness and impact, including from a gender perspective, through transparent, participatory and inclusive processes;

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<sup>31</sup> Further information available at: <http://femicidio.net/> (last accessed 13 February 2017)

<sup>32</sup> <http://www.geofemicidio.com/geoinf.aspx?idPais=70> (last accessed 13 February 2017)

<sup>33</sup> The following recommendations have been issued in a report published by UNODC on the *Outcome of the meeting of the open-ended intergovernmental expert group on gender-related killing of women and girls*, E/CN.15/2015/16 (March 2015), p.4, [https://www.unodc.org/documents/justice-and-prison-reform/English-TAKING\\_ACTION\\_AGAINST\\_GENDER-RELATED\\_KILLING\\_OF\\_WOMEN\\_AND\\_GIRLS.pdf](https://www.unodc.org/documents/justice-and-prison-reform/English-TAKING_ACTION_AGAINST_GENDER-RELATED_KILLING_OF_WOMEN_AND_GIRLS.pdf) (last accessed 13 February 2017)



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