

# FEMICIDE

Volume XII



## Living Victims of Femicide



亞太家庭組織  
OFAP

Organization of the Families of Asia and the Pacific



KAREN E. BURKE  
RESEARCH  
FOUNDATION  
Science for Health

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## **FEMICIDE, Volume XII**

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The Global Femicide Watch Platform is a special project of the United Nations Studies Association (UNSA) Global Network. It provides selected, high quality information - the „must-knows“ - on the issue of femicide: the gender related killings of women and girls. It addresses and better informs policy and decision makers at all levels, actors from the criminal justice system, practitioners, civil society activists, academics, and individuals concerned with this horrible phenomenon.

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# **FEMICIDE**

**Living Victims of Femicide**  
*Subtheme: Silenced to Death*

**Volume XII**

## PREFACE

A balloon that goes into the sky forever. A balloon that can never again be attached to the hand of the child that held it. The heart of a mother, victim of femicide, that leaves the side of her child forever. This is what we wanted to represent on our cover. The loneliness that the living victims of femicide suffer once their loved ones are gone. The last sight of affection that is lost, before the storm starts hitting reality.

*Aida Rodriguez Rodriguez*



# FOREWORD

Helen Hemblade and Helena Gabriel, Editors of *FEMICIDE*

25<sup>th</sup> November 2019

FEMICIDE XII marks the beginning of a new era. FEMICIDE XII is the result of evaluating what worked well with the eleven previous volumes and what we could do better in the future. FEMICIDE XII demonstrates where we come from, what we stand for and what we strive for. It is a culmination of our ongoing efforts to help end violence against women (VAW) and its most severe manifestation: femicide.

FEMICIDE XII is the first volume released under a new publisher: The United Nations Studies Association (UNSA) Vienna. The *FEMICIDE* team and the Global Femicide Watch Platform, a special project of UNSA, have cooperated closely but it was not until this summer that we decided to join forces, bundle our resources and broaden our capacities. Two motivated teams merged to prosper together.

From now on, all submissions in *FEMICIDE* are double blind peer reviewed and as such all academic articles in future volumes testify to quality and innovation in this field. Despite these big changes, what has remained the same is our commitment to bring about change, to attract attention to and promote the fight against a societal phenomenon that, sadly, is worsening. The killing of women because they are women occurs in various forms on a global level and symbolises a world where VAW is broadly accepted.

Regrettably, our contribution to end violence against women seems to be more important than ever! What gives us hope is that we are not fighting alone: International Organizations, NGOs, activists, scholars and other motivated individuals have come together to support the production of FEMICIDE XII.

The first part of FEMICIDE XII covers the effects of femicide on children of the victims and is dedicated to the late Prof. Anna Costanza Baldry. The second part is titled 'Silenced to Death', focusing on the killing of women who speak out against abuse.

We hope you have an eye opening and inspiring read!

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# PART I

## Important Statements

**“Violence against women and the expropriation of their unpaid labour, as well as the higher level of exploitation of their paid labour, are integral to the way in which power is organized in capitalist society—and how it seeks to divide rather than unify the population. More than a third of women worldwide have experienced physical/sexual violence.”**

**John Bellamy Foster, Professor of Sociology at University of Oregon, 2019**

# STATEMENT BY ALAA SALAH, CIVIL SOCIETY REPRESENTATIVE

## UN Security Council Open Debate on Women, Peace and Security

29 October 2019

Madam President, Excellencies, my civil society colleagues, ladies and gentlemen,

Good morning. I am honored to be here with you from Sudan, which is today full of hope for peace, freedom and justice.

My name is Alaa Salah. I am 22 years old and I grew up in Khartoum. Before the revolution, I was a student of architectural engineering. I did not grow up around politics, but in an ordinary middle-class family—my mother is a designer and my father owns a construction company. But, as I would walk to University every day and see my fellow citizens around me, struggling to get food and medicine, half of the country living in poverty, how could one not become political? In December last year, our fight for bread became a fight for our freedom.

I stand before you today to tell you my story, which is one shared by the thousands of ordinary women and men of Sudan who left their homes, their schools and their daily work to take to the streets, to face bullets and teargas, who risked their lives and their livelihoods to demand an end to dictatorship. My journey to you was forged by a long line of Sudanese women who have fought for peace and justice in our communities for decades, well before we arrived at this important moment in the future of Sudan. I wouldn't be here without them.

I address you as a member of MANSAM, a coalition of Sudanese women's civil and political groups, and on behalf of the NGO Working Group on Women, Peace and Security.

My statement will focus on two key issues:

- (1) Women's meaningful participation and protection of women's rights; and
- (2) Accountability and disarmament.

Women have played an important role in Sudan at pivotal moments in our history—in opposing colonial rule, fighting for the right to vote, as well as in recent struggles against the dictatorship of Omar al-Bashir. It has also taken extraordinary courage to fight for basic rights—to wear trousers, to leave their hair uncovered, to voice their opinions on social media without fear, or to share a meal with male friends—all of which were criminalized by the former regime's public order laws. These laws were designed to quash dissent and also to target women, particularly from the most marginalized and working-class communities, such as tea and food sellers, whose working tools could be confiscated without explanation, who faced penalties, and who could be jailed.

Women and young people were at the forefront of the recent protests, often outnumbering men and accounting for 70 per cent of protestors. I was one of many women chanting, singing and walking with my fellow citizens through the streets. Women led resistance committees and sit-ins, planned protest routes, and disobeyed curfews, even in the midst of a declared state of emergency that left them vulnerable to security forces. Many were teargassed, threatened, assaulted, and thrown in jail without any charge or due process. Both women and men also faced sexual harassment and were raped. Women also faced retaliation from their own families for participating in the protests.

Women served as key members of the Forces of Freedom and Change (FFC) and helped shape the Declaration of Freedom and Change—a roadmap for Sudan's transition from military to civilian rule. However, despite this visible role, despite their courage and their leadership, women have been side-lined in the formal political process in the months following the revolution. Even in the past, when we have achieved a seat at the table—women represented 31 per cent of parliamentarians in 2018—they were often without real influence and left out of decision-making circles. Despite

women standing ready to actively contribute to the political negotiations that began in April this year between the military council and the Forces of Freedom and Change, only one woman participated in the talks, that too, only after strong advocacy by women's groups. Now, unsurprisingly, women's representation in the current governance structure falls far below our demand of 50 per cent parity and we are skeptical that the 40 per cent quota of the still-to-be formed legislative council will be met.

For the last 30 years, women's bodies and our rights have been policed; backlash has been swift and violent when patriarchal norms have been challenged. Women activists, politicians, human rights defenders, and peacebuilders continue to be, systematically attacked and targeted, including through sexual violence, which has forced many out of the country entirely. Additionally, women's organizations are at the front line of meeting basic needs and protecting rights in conflict-affected areas, but security restrictions and obstructive administrative requirements prevent critical work from being carried out in areas such as Blue Nile and Nuba Mountains. In particular, humanitarian access to Jebel Marrah, a conflict area in Darfur notorious for the routine use of mass rape by security forces to terrorize women and girls, continues to be a major challenge in the provision of life-saving services for those communities.

Given women's pivotal role in working towards peace and development, in the promotion of human rights, and in providing humanitarian assistance to communities in need, there is no excuse for us not to have an equal seat at every single table. If we are not represented at the peace table, and if we don't have a meaningful voice in parliament, our rights will not be guaranteed, and discriminatory and restrictive laws will remain unchanged, continuing the cycle of instability and violence. After decades of struggle and all that we risked to peacefully end Bashir's dictatorship—gender inequality is not and will never be acceptable to the women and girls of Sudan. I hope it is equally unacceptable to the members of this Chamber.

Sudan is one of the most heavily militarized countries in the world. We do not need more firearms, yet many governments, continue to

sell weapons that directly contribute to and perpetuate conflict, ongoing violations of human rights and forced displacement. The widespread availability of weapons in my country is one of the factors fueling violence and insecurity for all people, including women and girls.

As this body well knows, accountability and access to justice have been all but absent in my country. The existing discrimination and inequality women face, coupled with conflict and violence over decades, has resulted in women being subjected to a wide range of human rights violations, including sexual and gender-based violence on an epic scale. These crimes contributed to the indictment of our ousted President for genocide, war crimes and crimes against humanity. But violence against women did not end with the end of Al-Bashir's reign. As recent as early September, seven women living in the Shangil Tobaya displaced persons camp in Darfur were raped by armed men. These women join the thousands of women and girls who have borne the brunt of the violence carried out across the country.

Now women are saying "enough". It is time for accountability and justice for all crimes committed before, during, and after the revolution. This is the least that can be done to honor those who have been killed or who suffered atrocities.

Madam President,

The strength of the revolution came from the representation of diverse voices from across the country—this inclusion is now integral to the legitimacy of the transition process. Unless the political process reflects and embraces the diversity of our society, women groups, civil society, resistance groups, ethnic and religious minorities, those who have been displaced, and people with disabilities—no agreement will reflect our collective aspirations.

In conclusion, we urge the Security Council and the international community to:

- Press the transitional government, Forces of Freedom and Change, and armed groups to support the full, equal and meaningful participation of women. We call for at least 50

per cent representation of Sudanese women across all peace processes, in the current negotiations, and at all levels of the government and urge you, the international community, to support our demand in all your engagement with the transitional government.

- Actively monitor the situation in Darfur and halt the drawdown of the peacekeeping mission until the security situation stabilizes; protection of civilians, including those in internally displaced camps, can be ensured; and conditions for safe and voluntary returns are met.
- Support accountability and end impunity. The transitional government must fully support an independent, international fact-finding mission, to investigate and hold all perpetrators of human rights violations, including sexual and gender-based violence, accountable. Omar al-Bashir must immediately be transferred to the International Criminal Court. The transitional government must ratify the Convention on the Elimination of All Forms of Discrimination Against Women without *any* reservations
- Support civil society and ensure women human rights defenders are able to carry out their work unhindered and without fear of reprisals. End the use of lethal and excessive force against protestors.
- Stop fueling conflict. Finally, we implore all countries to stop the export of arms to my country when there is a risk that they will be used in violation of international humanitarian and human rights law, including to perpetrate sexual and gender-based violence, in line with the Arms Trade Treaty.

In conclusion, I would like to leave you with a slogan that grew loud with our recent protests—freedom, peace and justice, revolution is the people’s choice.

Thank you.

*Originally published by the The NGO Working Group on Women, Peace and Security*

# STATEMENT BY DUBRAVKA SIMONOVIC, UNITED NATIONS SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES

28th session of the Commission on Crime Prevention and Criminal Justice,

20-24 May 2019

Excellences, Distinguished delegates, Ladies and gentlemen, Chairperson,

Let me begin by congratulating you and your Bureau on your election.

I am delighted to participate in the 28th session of the Commission on Crime Prevention and Criminal Justice (CCPCJ) during its discussion on agenda item five “on the responsibility of effective, fair, humane and accountable criminal justice systems in preventing and countering crime motivated by intolerance or discrimination of any kind” and to share my expertise in the field of preventing and responding to violence against women and girls as a form of discrimination and violation of women’s human rights.

With 2019 marking the 25th anniversary of the creation of the mandate of the Special Rapporteur on violence against women, its causes and consequences, my forthcoming report to the Human Rights Council in June will contribute to next year’s review of the Beijing Platform for Action +25, and other relevant review processes, including the review of SDG Agenda 2030, and will reflect on the challenges now facing women in attaining their rights. I will also provide an analysis of the evolution of the mandate, current challenges and the way forward.

It should be noted that Human Rights Council resolution 32/19 of 2016, enabled my mandate to participate in the work of the CCPCJ and since 2017, I have been participating in its deliberations, each time under a different agenda item, but always with a main focus on the prevention of femicide or gender related killings of women, and on other issues of relevance to violence against women and the criminal justice system.

I hope that in line with SDG Agenda 2030 and its Goal 5, targets 2 and 16 on the reduction of all forms of violence and related deaths, that in the near future the CCPCJ will establish a separate agenda item, or sub-item, on the prevention of violence against women and the criminal justice system and that my mandate will have the possibility to engage in a constructive dialogue on the issue with delegates attending this Commission.

This would be also in line with the Doha Declaration article 5(f), that called for mainstreaming of a gender perspective into our criminal justice systems by developing and implementing national strategies and plans to promote the full protection of women and girls from all acts of violence, including gender-related killing of women and girls; it would also be accordance with the obligations of States parties under the Convention on the Elimination of all Forms of Discrimination against Women and its Optional Protocol, and take into account the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice and General Assembly resolutions on the gender-related killing of women and girls.

Excellences,

The changing global context of women’s rights over the last 25 years, including within the criminal justice system, has brought with it many positive changes, however it has also revealed the persistent and systematic discrimination and violence against women that is deeply rooted in the fabric of our society. As noted in the guide for this thematic discussion, certain cases of gender-based violence and gender-related killing may fall within the category of crime motivated by intolerance or discrimination.

In 2018, UNODC published an important Global Study on Homicide: Gender-related killing of women and girls, a report that I often refer to when addressing femicide. The study reveals that gender-related killings of women and girls remain a grave problem across regions, in countries rich and poor. While the vast majority of homicide victims are men, killed by strangers, women make up the vast majority of victims killed by an intimate partner, at 82 percent. Data that I have received from States parties reveals a similar pattern.

Ladies and Gentlemen,

My mandate has identified the prevention of gender-related killings or femicide as a long term initiative. In my report to the General Assembly in 2016 (A/71/398), in which I address the topic of femicide, I also outlined the modalities required for the establishment of femicide or gender-related killings of women watches or observatories, as prevention mechanisms.

I proposed that data on the number of femicides should be published annually, on 25 November, along with information concerning the prosecution and punishment of perpetrators.

I have proposed the collection of administrative and comparable data on: i) intimate partner femicide ii) family related femicide based on the relationship between the perpetrator and the victim/s and iii) all other femicides based on the country context.

I have also called for a flexible model for the establishment of a national femicide watch or observatory on violence against women that should analyse cases in order to determine national shortcomings and focus on the prevention of such cases.

A Femicide Watch would be an important tool for the implementation of General Assembly resolutions of 2013 and 2015 (A/Res/70/176) on gender related killings of women initiated by the CCPCJ.

The CEDAW Committee's General Recommendation No. 35 of 2018 on gender-based violence against women, updating general recommendation No.

19, contends that the definition of discrimination against women under the terms of the Convention "includes gender-based violence; that is, violence directed against a woman because she is a woman or that affects women disproportionately". The violence experienced by women is rooted in multiple and intersecting forms of discrimination and inequalities, often reflected in patterns attributable to gender-based discrimination, whereby structural factors influencing such discrimination are encountered at the macro-level of social, economic and political systems (A/71/398). I was actively involved in the elaboration of this General Recommendation, which also calls for the "establishment or designation of gender-based killing of women observatories to collect administrative data on gender related killings and attempted killings of women, also referred to as 'femicide' or 'feminicide'.

Since the 2016 report, some progress has been made in developing national observatories and the collection of data on gender related killings, however much remains to be done. As a means of further encouraging States and other relevant stakeholders to accelerate efforts to prevent gender related killings of women, in October 2018, I issued a renewed call for data on femicide. I received submissions from a number of countries, including Argentina, Australia, Austria, Azerbaijan, Canada, Colombia, Costa Rica, Croatia, Ecuador, El Salvador, France, Georgia, Guatemala, Italy, Mexico, Nicaragua, Norway, Portugal, Qatar, Slovenia, Spain, Sweden, Switzerland Turkey and the United Kingdom of Great Britain and Northern Ireland.

On 16 and 17 January 2019, I attended a consultation meeting on femicide organised by the European Institute for Gender Equality and the European Observatory on Femicide, in Vilnius. The purpose of the meeting was to develop modalities for the collection of comparable data on femicide.

During the country visits that I have undertaken as Special Rapporteur I have recommended that Governments establish a "femicide watch/ VAW observatory " and some of them have acted upon these recommendations. For example, in Georgia and Argentina a femicide observatory was established through the ombudsperson,

while in Canada, an academic Canadian Femicide Observatory for Justice and Accountability was established and it published its first Report in 2018.

Ladies and gentlemen,

While the use of information and communications technology has contributed to the empowerment of women and girls, its use has also generated new forms of online violence against women and girls. As a means of tackling this recent phenomena and initiating the debate between States and internet intermediaries, I chose to focus my last report to the Human Rights Council in 2018 on online violence against women (A/HRC/38/47). In my report I recommend that States, in accordance with the principle of due diligence, address new forms of online violence against women and girls as human rights violations that are interrelated with the broader framework of discrimination against women and girls, and that internet intermediaries uphold women's human right standards.

Distinguished delegates,

As noted previously, my forthcoming report to the Human Rights Council on 25 years of the mandate calls for a UN system wide approach to address violence against women. As such, it highlights the importance of maximizing efficient and effective use of existing structures and resources and to ensure coherence and coordination between relevant UN agencies, as well as UN and regional independent monitoring mechanisms on women's human rights and violence against women. I believe that such collaboration would lead to the establishment of a more comprehensive, credible and coordinated response to violence against women.

In this regard, I am confident that the cooperation that has already been established between my mandate and the Commission on areas of mutual interest can effectively contribute to the

establishment of a UN system wide approach to eliminate violence against women, in which the CCPCJ has important role to play.

I thank you for your attention.

# STATEMENT BY THE UNITED NATIONS INFORMATION CENTRE PRETORIA

4 September 2019

United Nations condemns perpetual acts of gender-based violence and femicide and calls on men to stand up against violence

The United Nations in South Africa strongly condemns the violent murders of 19-year old student Uyinene Mrwetyana, boxing champion Leighandre Jegels and many other women and girls who have become victims of gender-based violence in recent days. We extend our deepest sympathies to their families.

These murders are unfortunately part of an unabating trend of intimate partner violence meted out against thousands of women in South Africa and across the world: globally one in three women has experienced some form of sexual or gender-based violence. South African women and civil society organizations are calling for a national state of emergency. There is indeed a need to immediately reprioritize resources that will effectively deal with perpetrators of violence and offer prevention mechanisms.

“This violence against women, particularly the murder of women by their intimate partners is a national and global crisis and our responses need to change and measure up to the destruction that brought by each life lost. And there must be accountability – men who are largely responsible for this violence – must be held to account,” said the Acting UN Resident Coordinator in South Africa, Ayodele Odusola.

The UN is using the HeForShe Solidarity Movement as an avenue to actively involve men and boys as agents of change for the achievement of gender equality and women’s rights, by encouraging them to act against inequalities faced by women and girls. HeForShe calls on men across society – from CEOs to students – to take responsibility by speaking out when they see any form of discrimination, whether interpersonal or institutional and critically challenging other men and boys if they see them acting or speaking in a way that is discriminatory,

violent or harassing to women and girls.

“To achieve a world where all, especially women and girls are safe and protected, men cannot be left out of the picture. Negative cultural and social norms, particularly patriarchal privilege is at the heart of gender-based violence, therefore men have an integral role in breaking down these destructive norms and practices,” added Mr. Odusola.

The results of the “HeForShe” movement is evident. In Klerksdorp, the Southern Africa Catholic Bishops Council uses taverns as sites for change in the fight against rape culture and gender-based violence through monthly “HeForShe” community dialogues attended by over 5000 men.

Gender-based violence is costly. It costs the lives of women and girls. It robs us of women who could contribute to South Africa’s development. It costs the economy millions of rand – between at least R28.4-billion and R42.4-billion. It directly and indirectly destroys our society. Workplaces which are sites of economic activity but also sites of violence must therefore play an integral part in establishing and sustaining mandatory programmes against all forms of violence and sexual harassment and where relevant must support victims and survivors of violence.

The UN calls on South African men and boys in both public and private spaces: male leaders in corporate, political and religious spaces, law enforcement officers and others whose responsibility it is to protect society to urgently commit to ending violence against women and girls.

For more information on HeForShe or to make your commitment visit [www.heforshe.org](http://www.heforshe.org).

# STATEMENT BY THE UNITED NATIONS TURKEY COUNTRY TEAM

**Emine Bulut**

*26 August 2019*

The United Nations Turkey Country Team condemns the horrendous murder of Emine Bulut and of other women who have tragically lost their lives due to femicide. We stand in solidarity with all women and men of Turkey who are taking a stand against and working to prevent and end violence against women and girls.

Violence against women and girls is one of the most widespread, persistent and devastating human rights violations in our world today. It occurs worldwide, cutting across all nationalities, ethnicities, generations, and spheres of our societies. At its most extreme, it takes lives and ruins communities. Every day 137 women across the world are killed by intimate partners or other family members. The killing of women by their partner is often the culmination of long-term violence and can be prevented.

We recognize the considerable progress that Turkey has made with regards legislation to combat violence against women. Turkey was the first country to ratify in 2012 the Council of Europe Convention on preventing and combating violence against women and domestic violence. The Istanbul Convention – a ground-breaking international agreement, in line with the global standards set out in the UN Convention on Elimination of All Forms of Discrimination against Women (CEDAW) – provides comprehensive framework to prevent violence, protect survivors and prosecute perpetrators, backed by coordinated and comprehensive policies and allocated resources.

We call for the full and effective implementation of the Istanbul Convention. We stand ready to continue supporting the Turkish government, civil society, including women’s organizations, and all relevant stakeholders in these efforts. These include further strengthening the legal framework and its implementation, improving services for survivors, and addressing the root causes of violence against women and girls, by tackling wider gender inequalities and challenging gender

stereotypes, hate speech and attitudes that lead to discrimination and condone and incite violence.

We join the numerous institutions, organizations and individuals in Turkey who have called for an end to femicide and to gender-based violence. All members of society, each and every one us, can help to stop this preventable global scourge and to reach the goal of creating a society free from all forms of violence against women and girls. In the words of the UN Secretary General António Guterres on the occasion of the 2018 International Day for the Elimination of Violence against Women: *“Not until the half of our population represented by women and girls can live free of fear, violence and everyday insecurity, can we truly say we live in a fair and equal world.”*

# JOINT STATEMENT BY THE GOVERNMENT OF MEXICO, THE EUROPEAN UNION (EU) AND THE UNITED NATIONS (UN)

29 May 2019

The government of Mexico, together with the European Union (EU) and the United Nations (UN), launched the Mexico Spotlight Initiative, a partnership that seeks to prevent and combat femicides and violence against women and girls.

The government of Mexico, the EU and the UN signed the cooperation agreement at the Ministry of the Interior of Mexico on Wednesday 29 May 2019. The Initiative will be implemented in five municipalities in three states: State of Mexico, Chihuahua and Guerrero. The programme is based on a coordinated action of different actors, including local governments and civil society, and includes a \$12 million investment from the European Union.

“Spotlight Initiative is a global initiative to combat a global problem, collaboratively with the UN and governments of five continents”, explained the Director General of International Cooperation and Development of the European Commission, Stefano Manservigi. “A life free of violence for women is the foundation of a peaceful society, the pillar of development. With Spotlight Initiative - together - we can change lives,” he said.

## Ending femicides

“Femicide is the most extreme form of violence against women”, said UN Women Executive Director, Phumzile Mlambo-Ngcuka. “In Mexico, 9 women are murdered daily”, she deplored. “We have to make Spotlight Initiative in Mexico work. We have to make sure that there will not be any more femicide,” said Ms. Mlambo-Ngcuka. “Spotlight Initiative has been created so that there will not be any more cases such as the one of Mariana Lima.”

Irinea Buendía Cortés, human rights activists and mother of Mariana Lima Buendía, a femicide victim, shared her story with the audience. “All we want is justice. We will not get our daughters back, so justice is the minimum we should get!” She added that “each violent death of a women should be

investigated with a gender perspective”. “Spotlight is a hope, un breath of fresh air. We hope that it will be implemented in close collaboration with the associations of victims”.

“The name of the Initiative comes from the necessity to put the light on the generalized violence that women and girls experience daily around the world,” declared journalist and human rights activist Lidia Cacho.

In her statement, the Ministry of Interior Olga Sánchez Cordero recognized the new collaboration with the EU and the UN. „We are uniting our efforts to find the best ways to eliminate violence against women and girls,” she said. „The government of Mexico is dedicated to ensure women’s safety”.

## An Initiative based on six pillars

The Initiative is based on six pillars: (1) improve laws and policies to avoid discrimination and violence; (2) strengthen the institutions in charge of preventing, investigating and eliminating violence, especially femicide; (3) promote gender-equality norms, mentalities and behaviors; (4) guarantee and make accessible quality health, social, legal and police services; (5) improve data collection systems that allow informed public policy decisions; and (6) strengthen women’s groups and civil society organizations that promote women’s rights.

In Mexico, the programme will last 4 years and will be implemented by six UN agencies in close coordination with the federal government, state governments and civil society organizations.

*Originally published by ONU Mexico.*

# JOINT STATEMENT ON INTERNATIONAL DAY ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN

25 November 2018

**End the global epidemic of femicide (#NiUnaMenos) and support women speaking up against violence against women (#MeToo)**

Ahead of the International Day for the Elimination of Violence against Women, the *United Nations Special Rapporteur on Violence against Women, its Causes and Consequences (SRVAW)* and the platform of key United Nations and regional expert mechanisms on Violence Against Women, including the *Committee on the Elimination of Discrimination against Women (CEDAW)*, the *United Nations Working Group on the Issue of Discrimination against Women in Law and in Practice (WGDAW)*, the *Special Rapporteur on the Rights of Women in Africa of the African Commission on Human and Peoples' Rights*, the *Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights (IACHR)*, the *Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI)* and the *Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)*

jointly call on all States and all relevant stakeholders worldwide to end the global epidemic of femicide or gender-related killings of women, and gender-based violence against women.

Available data from both States and the United Nations indicate that among the victims of all intentional killings involving intimate partners (in which there is an established intimate relationship between perpetrator and victim) almost 80% of victims are women. Most of these deaths are preventable. Intimate partner, family related, and other femicides, or gender-related killing of women persists in all corners of the world as a global epidemic that permeates both the private and public spheres (as recognized by the 2015 UN General Assembly resolution *on taking action against gender-related killing of women and girls (A/RES/70/176)*). The MESECVI and many States (Australia, Austria, Ecuador, Egypt, Canada, Colombia, Georgia, Guatemala, Italy, Nicaragua,

Norway, Portugal, Spain, Sweden, Switzerland, Turkey, the UK and Mexico), some academic institutions and NGOs (from Croatia, Spain, the UK and Australia) have provided data on femicide to the Special Rapporteur on Violence against Women that are available on the mandate website (<https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/CallForFemicide.aspx>).

Despite the global reach of Sustainable Development Goal 5, which calls for the achievement of gender equality, and specifically (target 5.1), which further commits States to eliminate all forms of violence against women, girls and adolescents, and reaffirms the aim of the international and regional women's rights instruments in this regard, its implementation remains a challenge for all States. Additionally, there are numerous push back efforts that continue to undermine gender equality and empowerment of women by attacking and misconstruing the term *gender*, in spite of its use in UN documents (including the International Declaration on the Elimination of Violence against Women, and CEDAW's General Recommendation No. 35) to define violence against women as gender-based violence.

Regional legal frameworks such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention) and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (the Maputo Protocol) affirm that violence against women constitutes a violation of their human rights and a form of discrimination, that it is an offence against human dignity and that it is a manifestation of the historically unequal power relations between women and men.

The #MeToo movement has also demonstrated that violence against women, girls and adolescents is happening throughout our communities and affecting us all. It impacts women from all social backgrounds, of all ages, and in all professional settings, and is deeply linked to damaging gender stereotypes and women's lack of equality.

While the movement has broken the silence on sexual harassment and other forms of sexual violence, for the most part, it has not always been followed by adequate reforms of laws and policies, nor has it produced much needed results and changes in women's daily lives. International and regional mechanisms should capitalize on this transformative movement to re-affirm States' obligations under various human rights instruments that protect women's rights in order to promote lasting change.

The Experts also highlight that gender-based violence remains widely unpunished across the world. As women, girls and adolescents strive access to fair, unbiased and opportune justice, impunity prevails in cases of femicide, sexual violence, harassment and other violent and discriminatory crimes against them. As such, States must comply with their international and regional obligations in terms of their due diligence to investigate, identify those responsible and hold them accountable. The prevalence of impunity breeds social tolerance to this phenomenon which perpetuates these inadmissible crimes.

Indeed, new forms of gender-based violence against women have been emerging, including online violence against women, which is spreading rapidly and poses a significant risk. The so-called "doxing", "sextortion" and "trolling", as well as the non-consensual distribution of intimate content (or "revenge porn"), have already been used as methods of intimidation against women human rights defenders, women in politics, journalists, bloggers, young women, women belonging to ethnic minorities and indigenous women, afro-descendant women, LGBTIQ women, women with disabilities and women from marginalized groups. Internet intermediaries (such as Facebook, Google, Twitter, Instagram and others), as well as States share a joint responsibility to prevent and address such cyber violence against women.

The lack of inclusion in political decision-making and societal leadership helps to fuel the myriad other human rights violations that women face on a daily basis, including acts of discrimination against women in the areas of work, education, marriage and property rights, as well as the denial of sexual and reproductive services and rights, including safe and legal abortion. Harmful practices such as disappearances, human trafficking for sexual purposes, female genital mutilation, child and forced marriage, and bride kidnapping, are all forms of gender-based violence that are exacerbated by the persistent discriminatory gender stereotypes that prevent women from fully exercising their autonomy and enjoying their rightful dignity as human beings.

In addition, as more women have become involved in politics, all of the international and regional mechanisms have received information on various manifestations of political violence, from harassment through social media or sexist media coverage of women politicians to the femicide of women politicians at the local level in several countries. The development of concrete tools to identify and address these emerging and increasing forms of violence against women who exercise their political rights is a crucial component of the protection of democratic governance.

Where national governments fail to take measures to prevent sexual violence and harassment or fail to ensure that perpetrators can be held accountable, international and regional mechanisms stand ready to hold them to account. Regional human rights standards and human rights organizations have a key role to play in combatting gender-based killings, sexual violence, harassment and all other forms of violence against women.

The Experts, therefore, call for strengthened cooperation between independent global and regional mechanisms, as common synergies and efforts to address violence against women under the existing normative framework on human rights, which will contribute to closing gaps in combating and preventing violence against women worldwide. The Experts also call for the inclusion of monitoring mechanisms to ensure full implementation of Sustainable Development Goal 5.

In this regard, the undersigned mechanisms urge States, civil society and other stakeholders, to intensify efforts to eradicate violence against women and to ensure that gender-based violence is no longer tolerated, and reiterate their call to end the global epidemic of gender-based killings or femicides (*#NiUnaMenos*) and support the voices of those speaking up against endemic violence against women (*#MeToo*).

# STATEMENT BY ANTÓNIO GUTERRES, SECRETARY-GENERAL

*International Day for the Elimination of Violence against Women-New York, 19 November 2018*

I am very pleased to be with you to discuss this essential topic.

Violence against women and girls is a global pandemic. It is a moral affront to all women and girls and to us all, a mark of shame on all our societies, and a major obstacle to inclusive, equitable and sustainable development. At its core, violence against women and girls in all its forms is the manifestation of a profound lack of respect – a failure by men to recognize the inherent equality and dignity of women.

It is an issue of fundamental human rights. The violence can take many forms – from domestic violence to trafficking, from sexual violence in conflict to child marriage, genital mutilation and femicide. It is an issue that harms the individual but also has far-reaching consequences for families and for society.

Violence experienced as a child is linked to vulnerability and violence later in life. Other consequences include long-term physical and mental health impacts and costs to individuals and society in services and lost employment days. This is also a deeply political issue.

Violence against women is tied to broader issues of power and control in our societies. We live in a male-dominated world. Women are made vulnerable to violence through the multiple ways in which we keep them unequal.

When family laws which govern inheritance, custody and divorce discriminate against women, or when societies narrow women's access to financial resources and credit, they impede a woman's ability to leave abusive situations.

When institutions fail to believe victims, allow impunity, or neglect to put in place policies of protection, they send a strong signal that condones and enables violence.

In the past year we have seen growing attention to one manifestation of this violence. Sexual harassment is experienced by almost all women at some point in their lives.

No space is immune. It is rampant across institutions, private and public, including our very own. This is by no means a new issue, but the increasing public disclosure by women from all regions and all walks of life is bringing the magnitude of the problem to light.

This effort to uncover society's shame is also showing the galvanizing power of women's movements to drive the action and awareness needed to eliminate harassment and violence everywhere.

This year, the global United Nations UNiTE campaign to end violence against women and girls is highlighting our support for survivors and advocates under the theme 'Orange the World: #HearMeToo'.

With orange as the unifying colour of solidarity, the #HearMeToo hashtag is designed to send a clear message: violence against women and girls must end now, and we all have a role to play.

We need to do more to support victims and hold perpetrators accountable. But, beyond that, it is imperative that we – as societies -- undertake the challenging work of transforming the structures and cultures that allow sexual harassment and other forms of gender-based violence to happen in the first place.

These include addressing the gender imbalances within our own institutions. This is why we have adopted a UN system-wide gender parity strategy. We have achieved parity in the senior management group and we are well on track to reach gender parity in senior leadership by 2021, and across the board by 2028.

The UN has also reaffirmed its zero-tolerance policy for sexual harassment and assault committed by staff and UN partners. We have recruited specialized investigators on sexual harassment, instituted fast-track procedures for addressing complaints and initiated a 24/7 helpline for victims.

I also remain committed to ending all forms of sexual exploitation and abuse by peacekeepers and UN staff in the field – one of the first initiatives I took when I assumed office.

Nearly 100 Member States that support UN operations on the ground have now signed voluntary compacts with us to tackle the issue, and I call on others to join them, fully assuming their responsibilities, in training, but also in ending impunity.

Further afield, we are continuing to invest in life-changing initiatives for millions of women and girls worldwide through the UN Trust Fund to End Violence against Women. This Fund focuses on preventing violence, implementing laws and policies and improving access to vital services for survivors.

With more than 460 programmes in 139 countries and territories over the past two decades, the UN Trust Fund is making a difference. In particular, it is investing in women's civil society organizations, one of the most important and effective investments we can make.

The UN is also working to deliver on a comprehensive, multi-stakeholder, innovative initiative to end all forms of violence against women and girls by 2030, in line with the Sustainable Development Goals.

The 500-million-euro EU-UN Spotlight Initiative is an important step forward in this direction. As the largest-ever single investment in eradicating violence against women and girls worldwide, this initial contribution will address the rights and needs of women and girls across 25 countries and five regions. It will empower survivors and advocates to share their stories and become agents of change in their homes, communities and countries.

A significant portion of the Spotlight's initial investment will also go to civil society actors, including those that are reaching people often neglected by traditional aid efforts. But even though this initial investment is significant, it is small given the scale of the need. It should be seen as seed funding for a global movement in which we must play a role. It is that global movement that we celebrate today, as we look forward to the coming 16 days devoted to ending gender-based violence.

Not until the half of our population represented by women and girls can live free of fear, violence and everyday insecurity, can we truly say we live in a fair and equal world.

Thank you very much.

# PART II

## Living Victims of Femicide

**“Some of the biggest victims of domestic violence  
are the smallest.”**

**-UNICEF, 2015**

## DEDICATED TO ANNA COSTANZA BALDRY, 1970-2019



A restless activist, an original scholar, a European citizen and a great woman: we have lost a remarkable human being and a great colleague. Anna Costanza Baldry passed away on March 9, 2019 in Rome, Italy. Born in London, she defined herself in a TV programme in 2017 as a nonconformist from a very early age. Her interest in psychology and criminology developed very soon in her academic life. After earning a degree in criminology from the University of Cambridge in 1996, and a Ph.D. in social psychology from the University of Rome-La Sapienza in 1999, she undertook a successful academic career. She was full-time professor of social psychology at Università Luigi Vanvitelli and affiliated as part-time professor at Lumsa University (Italy). In 2003 she was the recipient of a Marie-Curie fellowship at the Free University of Amsterdam to study methods of prevention for violence against women.

During her academic career, Anna was the recipient of numerous grants, prizes and fellowships, as well as the author of important publications on gender violence and police response. She was also prominent and vocal in many feminist and anti-violence NGOs. In consideration of her actions and research regarding violence against women, the President of Italy bestowed upon her the title of Officer of the order of merit of the Italian Republic, as one of the “everyday life heroes” in 2015. From 2013 to 2017 she was actively involved in Cost Action IS1206 entitled “Femicide across Europe”, and a co-chair of one of its Working Groups on the prevention of femicide. Subsequently, she was one of the international advisory board members of the European Observatory on Femicide, a research and advocacy initiative located at the University of Malta.

Anna loved life. She enjoyed swimming, jogging and horse-back riding. She urged us never to forget that life was out there, beyond classrooms and meetings. We have lost Anna, but shall not forget her legacy.

### **Advisory Board of the European Observatory on Femicide:**

*Santiago Boira, Universidad de Zaragoza, Spain*

*Consuelo Corradi, Lumsa University, Italy*

*Christiana Kouta, Cyprus University of Technology*

*Maria José Magalhães, University of Porto, Portugal*

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*Monika Schröttle, University of Dortmund an Nuremberg, Germany*

*Shalva Weil, Hebrew University of Jerusalem, Israel*

# FEMICIDE ORPHANS IN ISRAEL

**Shalva Weil, Senior Researcher, The Hebrew University of Jerusalem, Israel, and Research Fellow, Department of Biblical and Ancient Studies, UNISA, South Africa**

## Introduction

Femicide - the killing of women because they are women - is often conceived as a binary act of men murdering women because of their gender. This is reinforced by the fact that the majority of femicide studies are of intimate partner killings.

Often, the wider social context of the female victims is forgotten in studies of femicide. The victim may have extended family involved in the murder. This can be the case in the context of so-called 'honour killings', where a father, mother-in-law or brothers may be implicated. In addition, the victim of femicide is not a sole individual. In many cases, she has children, parents or parents-in-law, neighbours or friends, who may be knowledgeable about persistent domestic violence at the hands of the victim's partner, or may be actually present at the time of the femicide.

It was Anna Costanza Baldry and colleagues who brought my attention to the plight of the orphans left behind after a femicide (Kapardis, Baldry and Konstantinou 2017). She and her colleagues had conducted a qualitative study of eighteen intimate partner femicide orphans in Cyprus from 2001-2014, and reported on a prior history of serious physical, verbal, and psychological abuse by an oppressive male partner. The authors discussed the inability of the authorities to heed numerous warning signs and thereby avert femicides, and they also demanded support for the orphans involved.

In this paper, I shall deal with one aspect of femicide and orphans, namely, the children who are actually present at the scene of the crime when the femicide is enacted. This aspect of femicide has been neglected in research on femicide, but it is obviously important, since these children will grow up to bear the trauma for the rest of their lives after witnessing the crime committed.

Let me illustrate in relation to data collected in Israel during the last five years 2014-2018. During

these five years, Israel has a mean number of 19.2 femicides per annum (standard deviation 2.96) of different types of femicide (e.g. intimate partner femicide, 'honour killings' by family members, femicides of strangers, and so on). The numbers of femicides with children present is concomitantly very small, constituting 7.3% of all femicide cases in the past five years i.e. just seven cases. Despite the small number of cases, an analysis of the orphans of femicide is worthy of discussion since it throws light upon which Israelis are likely to have children present at the time of the murder, and who is high-risk in this respect.

The article neither deals with government or social welfare intervention for orphans after the femicide, nor does it cover psychological support for the treatment of post-femicide trauma.

## Femicide in Israel

Following the establishment of the State of Israel in 1948, the Jewish population which was settled in Palestine almost doubled in 18 months, with Jews flocking to Israel after the Holocaust and fleeing persecution in Arab lands. Additional waves of immigrants reached Israel in the 1950's and 1960's. After the breakup of the former Soviet Union (FSU), about one million former Soviet immigrants migrated to Israel between the years 1990 and 2000 (some then re-emigrated to the United States, Canada and elsewhere). At the end of 2015, there were 891,000 immigrants from the FSU living in Israel (Central Bureau of Statistics (CBS) 2016). At the end of 2017, a total of 148,700 Jews of Ethiopian origin reside in Israel, including 61,700 Ethiopian Jews born in Israel (CBS 2018). In recent years, Israel has also taken in non-Jewish and non-indigenous 'foreigners': migrants with legal work permits, and illegal immigrants, such as migrant workers with expired work permits or asylum seekers. According to the CBS, the total population of Israel in May 2019 was 9,036,000 million people, of whom c. 75% are Jewish, 21% are Arab (Muslim or Christian) and c. 4% are other religions or unclassified (CBS 2019).

Academic articles on femicide in Israel have identified killings among particular ethnic groups. Shalhoub-Kervorkian and Daher-Nashif have studied femicides among Israeli Arabs/Palestinians (2013). A longitudinal study of femicide in Israel covering the years 1995-2007 noted that Russian immigrants may murder their partners under the influence of alcohol, and that the number of femicides among Ethiopian immigrants was 21 times higher than their proportion in the total population (Sela-Shayovitz 2010a). Sela-Shayovitz has also shown that femicides, often committed with a firearm, significantly increased in war-type periods and specifically among immigrants holding firearms during the Second Intifada (Sela-Shayovitz 2010b). Weil has written about the femicide of elderly women in Israel (2017).

In a pioneering work, Katz (2014) interviewed seven Israeli children from 2009 to 2012 who had witnessed their father kill their mother. All the interviews with children aged four to seven years were conducted within 24 hours of the femicide. Some of the children's narratives are chilling. The study reinforced the knowledge that femicides usually take place after prolonged domestic violence and emphasizes the profound effect femicides can have on children, with consequences for treatment by legal, social welfare and clinical professionals.

### **A Study of Orphans of Femicide in Israel, 2014-2018**

#### *Methods*

All cases of femicide in Israel over the age of 18 were examined for the last five years. In line with the advice of the United Nations Special Rapporteur on violence against women, its causes and consequences at the 27th Session of the Commission on Crime Prevention and Criminal Justice, 14-18 May 2018 (Simonovic 2018), data on intentional homicides were collected and out of that data, gender-related killings of women or femicide data were extracted. Since Israel does not officially disaggregate for femicides, the data were not gathered from one exclusive source, but obtained one by one from police statistics, media reports, parliamentary reports and internet

accounts.<sup>1</sup> It should be noted that vast differences appear amongst all these sources, and the check of what constitutes femicide, and the follow-up of all cases has been painstaking and meticulous.<sup>2</sup>

### **Results**

Table 1 presents all femicides in Israel 2014 -8, collated from the above-mentioned sources, according to the ethnicity of the victim.

Table 2 shows all the femicides with children found in the domestic arena at the time of the crime, the mode of femicide, and the victim and perpetrator's ages and their relationship.

When the total number of femicides in Israel (96) is compared with the number of cases of femicides with children present (7), it is shown that children were present in 7.3% of all femicides in Israel. It will be noted that the Ethiopian Jews are disproportionately represented (three of the five cases of femicides among Ethiopian immigrants had children present). Stabbing is also the prevalent form of femicide among Ethiopian Jews (cf. Weil 2016).

All femicides were perpetrated by intimate partners except for one 'honour killing' in which the victim probably knew her perpetrators. In this case (Table 2, no. 4), there were four suspects apprehended in their thirties, who were relatives and acquaintances of the victim, but they have since been released. The case has not yet been solved.

In Table 3, the ages of the victim's children present at the femicide are recorded, along with the physical harm caused to them or other children.

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1 Other Israeli researchers relied on one source only. For example, Sela-Shayovitz used a list of 174 victims from 2005-2014 (19 more cases than the number we included in this research for the decade 2006-2015) provided by the Israeli organization 'No to Violence against Women'.

2 For example, the Haaretz newspaper (the Israeli equivalent of "The Times") maintains a website on femicide based on their own media reports, which is not always updated and contains many mistakes. In 2017 they recorded 14 cases, as opposed to our count of 19; in 2018, they recorded 22 cases, as opposed to 27 documented femicide cases in this study.

**Table 1. Femicide Cases by Ethnicity 2014-2018**

Year	Israeli Jew (born in Israel)	Israeli Arab	FSU Immigrant	Ethiopian Jewish Immigrant	Foreign Worker/ Refugee	Unknown	Total
2014	3	4	4	1	-	-	12
2015	2	10	4	1	2	1	20
2016	7	9	2	-	-	-	18
2017	8	6	2	1		2	19
2018	6	11	3	2	2	3	27
Total	26	40	15	5	4	6	96

During the five years, 27% victims of femicide were Israeli born, 41.7% were Israeli Arabs, 5.2% were of Ethiopian origin, 15.6% were from the FSU, and 10.4% were foreigners or unknown.

**Table 2. Ethnicity, Mode of Femicide, Age and Relationship of Femicide Victim and Perpetrator, 2014-2018**

Case	Year	Ethnic Origin of Victim	Mode of femicide	Victim's Age	Ethnic Origin of Suspect	Suspect's Age	Victim-Suspect Relationship
1	2014	Ethiopian Jew	Stabbing	44	Ethiopian Jew	49	Partner
2	2015	FSU	Stabbing	30	FSU	37	Partner
3	2016	Arab	Stabbing	35	Arab	46	Partner
4	2016	Arab	Shooting	32	Arab	30's*(4 suspects)	Relatives and acquaintances
5	2017	Ethiopian Jew	Stabbing	36	Ethiopian Jew	42	Partner
6	2017	Israeli Jew	Stabbing	23	Israeli Jew	28	Partner
7	2018	Ethiopian Jew	Stabbing	36	Ethiopian Jew	24	Partner

**Table 3. Age of Victim's Children Present at the Femicide, Children's and Presence of other Victims, 2014-2018**

Case	Year	Age of Children Present	Children's Fatality	Other Victims
1	2014	3, 17	No	No
2	2015	5	No	No
3	2016	10, 14	No	No
4	2016	4,5,11,12	No	No
5	2017	17	No, but child stabbed	No
6	2017	Victim's children: 8 months, 2. Neighbour's children: 10, 11	Yes All killed.	Neighbour's children: 11 years killed (and 10 year old stabbed).
7	2018	6 months, 6, 7	No	No

As shown in Table 3, in most cases there was more than one child present under the age of 18 when the femicide took place. A total of 17 children were present in seven cases of femicide. In one case, all the children who were bystanders, including one of the neighbour's children (another was stabbed), were killed. It should be noted that the murderers themselves can even end up becoming victims of

the very act that they perpetrate: in some cases, they inflict harm upon themselves or attempt suicide. In 2014 one of the Ethiopian immigrant murderers committed suicide, and in 2017, the murderer attempted suicide.

## Conclusions

It is a truism that a child who remains after an intimate partner femicide is essentially orphaned twice: once because the mother has been murdered and the second time because the father or mother's partner has committed suicide or is imprisoned or sent to a long-term psychiatric hospital. Suicide cases create finality for the orphans, but in most cases the orphans have little contact with their fathers and are effectively orphaned by them too.

This article has investigated the prevalence of children who are witnesses to the femicides of their mother during the past five years 2014-2018: 17 children were present in seven femicides in five years. It adds a new perspective to the growing literature on femicide in Israel. The study revealed that in 7.3% of all intimate partner femicides, children witness the act of murder.

Although the numbers are very small indeed, it can be seen that Ethiopian Jews represent a disproportionate percentage of these cases. In all cases the children are under the age of 18; in most cases there was more than one child present; in one case, other children were also present, and they were killed in addition to the mother i.e. femicide and infanticide were perpetrated together.

This article did not describe the traumas that children experienced witnessing femicide. Nor did it account in any way for the required therapy or desired treatment of orphans, who will have to live with the knowledge that they were bystanders during the murder of their mothers. The article did not delve into the feelings of guilt child survivors face. Nor did it attempt to deal with the complex question of a continued relationship with fathers, who are murderers.<sup>3</sup>

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3 In the abovementioned study carried out by Kapardis, Costanza Baldry and Konstantinou (2017), all orphans reported having lived in a violent domestic environment, and all but one described their father or step-father as a nasty, violent tyrant, yet some still wanted to have a relationship with their fathers, even if they were in prison.

Notwithstanding, this study throws light upon the orphans of femicide, which is little discussed globally or even in Europe.<sup>4</sup> In the case of Israel, it illustrated who the child witnesses of femicide have been over the past five years, and pointed to the possible tragic child survivors of femicide in the future.

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# RECOGNIZING THE CHILDREN LEFT BEHIND: MAKING INVISIBLE VICTIMS OF FEMICIDE VISIBLE

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Legal and social responses to femicide or the gender-related killings of women vary, often depending on the characteristics of the incidents or those involved (Dawson 2016; Grant 2010; Hemblade et al. 2018; Yilmaz 2016). For instance, the severity of convictions and length of incarceration are often more punitive when children are killed alongside their mothers (Grant 2010; Hemblade et al. 2018). For example, in Latin American countries such as Guatemala, Panama, and Nicaragua, specific provisions exist classifying homicide as femicide if the victim is killed in the presence of her children (Sarmiento et al. 2014). In Canada, although femicide and its characteristics have not been defined in the *Criminal Code*, killing a victim in the presence of her children is an aggravating factor considered by judges at sentencing (Dawson 2012; Grant 2010). Similarly, the dynamics of media coverage and resulting public attention also increase dramatically in such cases (Peelo et al. 2004). Even if not killed, femicides that involve child witnesses draw more media attention than femicides that do not involve children (Peelo et al. 2004).

Despite the seemingly intense public concern with the welfare of children, with some exceptions, research rarely focuses on the presence of children in cases of femicide, whether also killed in the incident or living victims left behind following the femicide. More specifically, few studies have examined who these children are (e.g. sex and age), whether they were home at the time of the killing, whether they witnessed the killing (i.e. indirectly by hearing or directly seeing), the context in which their mother was killed (i.e. intimate partner or stranger killing), what happened to the children after the femicide (e.g. where and with whom they lived), or the impact of femicide on their subsequent life course trajectories.

Even though a large body of literature focuses on the negative impacts for children living in homes where domestic and family violence occurs, relatively few studies focus on what happens to

children when that violence turns lethal for their mothers and, oftentimes, their fathers who die by suicide following the femicide (Alisic et al. 2017; Hardesty et al. 2008; Kapardis et al. 2017). Fewer still focus on children left behind when femicide occurs outside the context of intimate partner relationships (Ferrara et al. 2015, 2018), even though these children, too, are victims of femicide.

The group of children left behind represent a significant research and practice gap on their own.<sup>1</sup> While more rare than non-lethal violence against women, femicide may leave behind children who face distinct challenges which can have varying impacts. Some of what they experience can be similar to children who lose their parent(s) through accidents or illnesses such as relocation and instability in existing or new relationships that stem from decisions about where and with whom they will now live. However, in intimate partner femicide (IPF) specifically, children left behind have the additional burden of knowing that their father killed their mother, and oftentimes himself, or that he is now incarcerated for killing their mother. In the case of the latter, the child faces the decision about whether to maintain or sever the relationship with their father and how this will be negotiated in the short- and long-term. These children may also lose other family members such as siblings and grandparents, in the case of familicide.

Furthermore, in the period after the femicide, Kapardis et al. (2017) found that children left behind faced further “stigma; secrecy; and, often, serious conflicts of loyalty with respect to the

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1 A practice gap refers to the difference between what is known and what occurs on the ground. For example, although researchers may have identified the best way to handle a situation, there may be various reasons why frontline workers have not adopted this practice, including lack of training, time constraints or lack of resources (for more information see Carnine 1997).

perpetrator and potentially their maternal and/or paternal grandparent” (p. 84). Custody and access disputes between surviving, extended family members were often ongoing, high-conflict situations which took time to abate, if ever, and the children remain in the middle of these disputes. Alternatively, some children may face situations in which no one is available, or wants to make themselves available, to act as the child’s new caregiver, an outcome that brings its own negative and potentially long-term impacts.

Children left behind may also often be overlooked following periods of intense attention immediately following the femicide and/or during lengthy criminal court processes in which they also become the focus of police, social services and the media. This is also true for children whose mothers were killed by a friend, acquaintance or stranger, although the dynamics may vary somewhat given the lack of familial or intimate connections between their mother and the perpetrator. Research rarely analyzes this group of children, focusing more on intimate partner femicide. Regardless of the femicidal context, Kapardis et al.’s (2017) argument remains valid – children are the living voices of femicide, and homicide more generally, paying the “highest price of the killing” (p. 84).

Therefore, it is important to understand the lives of these invisible victims of femicide, before, during and after femicide. At the very least, research needs to begin to document how many children are involved in cases of femicide – whether fatal or living victims – to assess the scope of potential short- and long-term costs of femicide beyond the woman victim herself and the way in which her death – a loss of future potential on her own – also has lifelong consequences for those she was forced to leave behind.

## The Current Study

Drawing from two overlapping datasets, this paper begins to examine these questions in the Canadian context. The first dataset focuses on Ontario, Canada’s most populous province, from 1974-2012. The second dataset focuses on more recent years (2016-2018), providing a broader scope with data collection from all Canadian provinces and territories. Beginning with historical

trends, the first dataset draws from coroner and police records as well as court files and media coverage. The goal is to describe the presence of children, particularly those left behind as a result of femicide as well as the context surrounding the femicide. Like other femicide research, the above study did not have children as a primary focus and, therefore, these historical data are not able to address questions about who these children are beyond their numbers.

Turning to the more recent national data for Canada, this analysis provides a first glance at several characteristics of children killed or left behind after femicide. Focusing on the period from 2016 to 2018, this research is part of the activities of the *Canadian Femicide Observatory for Justice and Accountability* which was launched in 2017.<sup>2</sup> Given these are more recent cases, information is drawn from media coverage primarily and court documents where available. For both analyses, the sample is restricted to women victims of femicide who were aged 14 and older.<sup>3</sup>

For the purpose of both analyses, all killings of women were counted as femicide. As the definition of femicide remains disputed, much femicide research has not restricted the inclusion of cases by a set of pre-determined characteristics. Instead, researchers have typically opted to either focus on all killings of women also known as “female victim homicides” or to focus on the most common femicide subtype, intimate partner femicide (Dawson and Gartner 1998; Stout 1992; UNODC 2013). These approaches continue to be criticized for being over inclusive because they include cases that may not have been motivated by the victim’s gender. However, these approaches remain dominant because of the inherent difficulty in determining the motivations for killings after the fact. Furthermore, this approach provides for

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2 For more information, visit [www.femicideincanada.ca](http://www.femicideincanada.ca) or read the CFOJA inaugural report in English at <https://femicideincanada.ca/callitfemicide.pdf> or in French <https://femicideincanada.ca/Cestunf%C3%A9micide.pdf>.

3 In order to have the potential to leave children behind, the woman needed to be of child-bearing age and, while arguably this could be younger, 14 years and older was used as the threshold for these analyses.

the most representative sample of femicide cases and ensures that legitimate gender-related killings are not excluded simply on the basis that they do not fit the most typical type of femicide. Ongoing Canadian research is working to more accurately determine those killings that involve gender-related motivations and indicators for femicide (Dawson and Carrigan 2017).

**Historical trends in children’s involvement in femicide in Ontario, 1974-2012<sup>4</sup>**

During the period under study (1974-2012), there were 2,158 women killed in Ontario aged 14 and older, according to official records. In two-thirds of the cases (66%), it was possible to determine if the victim had children from available information (N=1,380). Of these, as shown in Table 1, almost one-quarter (23%) of the women had no children whereas more than three-quarters did have children (77%). Among those with children, the

two largest groups of victims had one child (24%)<sup>5</sup> or two children (28%). In total, then, during this period, at least 2,382 children were left without one or both parents (see third column, Table 1). This is a conservative estimate given it is a minimum count due to missing information in one-third of the cases.

*Comparing the presence of children in IPF and non-IPF cases*

Intimate partner femicides comprised the largest group of victims during this period (N=890), representing almost two-thirds of the women killed (64%). The remaining cases involved women killed outside the context of their intimate partner relationships (36%), primarily involving women killed by other family members (9%), friends (6%), acquaintances (6%) and strangers (7%). The majority of both femicide subtypes involved children, although children were more likely to be involved in IPF (81%) compared to non-IPF cases (70%). Specifically, Table 1 shows that 1,651 children were left behind in IPF cases during this period compared to 727 in non-IPF cases. In addition, on average, more children were left behind in each IPF (3 children) case compared to non-IPF (2 children) cases.

4 The data displayed in Table 1 and Table 2 are part of a larger ongoing national project, Geography of Justice, which documents and analyzes all Ontario homicides beginning in 1974. This project was funded, in part, by the Social Science and Humanities Research Counsel of Canada and it is currently being rolled out nationally to capture all homicides documented in all Canadian provinces and territories.

5 Where it was indicated the victim had children, but not how many, the case was coded ‘one child’ and this was figure was included in the ‘one child’ category.

**Table 1: The presence of children in cases of femicide, Ontario, Canada,1974-2012 (N=1,380)**

Number of children	Percent femicide with children	Total # of children	Percent IPF with children	Total # of children in IPF cases	Percent Non-IPF with children	Total # children in Non-IPF cases
	% (N)	N	% (N)	N	% (N)	N
0	23 (314)	0	19 (171)	0	29 (142)	0
1*	24 (340)	340	23 (200)	200	28 (138)	138
2	28 (386)	772	31 (279)	558	22 (106)	212
3	14 (198)	594	16 (141)	423	12 (57)	171
4	6 (83)	332	6 (57)	228	5 (26)	104
5	3 (34)	170	3 (25)	125	2 (9)	45
6	1 (14)	84	1 (9)	54	1 (5)	30
7 or more	1 (11)	90	1 (8)	63	1 (3)	27
Total	1,380	2,382	890	1,651	486**	727

\*Includes cases in which it was indicated that the victim had children, but no number was specified so coded as one child.  
 \*\*Of the original 490 victims, information on type of victim-perpetrator relationship was not available in four cases so final sample is 486 victims.

Therefore, the emphasis on the home or familial environment as a dangerous place for women and girls globally as identified recently (UNODC 2018) is also appropriate when examining children left behind after femicide. However, about one in five femicides with children involved women killed outside the context of their intimate partner relationships (22%) by friends, acquaintances and strangers. These children also represent an important focus for understanding the involvement of children and the impacts of femicide over time.

*Do the contexts surrounding femicide determine presence of children?*

Cases with and without children (N=1,380) were examined to identify the presence of various victim and incident characteristics. This analysis was followed by a comparison of cases that involved children only (N=1,066) to identify any differences across IPF and non-IPF cases. Several significant differences were noted across the two types of comparisons focusing, first, on victim age, marital status and race/ethnicity followed by incident characteristics, including location, cause of death and perpetrator suicide (see Table 2):

- With respect to age, women who did not have children were significantly younger at 30 years old, on average, compared to those with children who were 43 years old, on average. However, when examining only femicides involving children, victims of non-IPF were significantly older than victims of IPF (48 years and 39 years respectively).

- Examining the victim’s marital status, a significantly higher proportion of women without children were single/never married (57%) compared to victims with children that were single/never married (4%). There were no significant differences in marital status across the two femicide subtypes involving children: IPF (4% single/never married) versus Non-IPF (5% single/never married).
- While only marginally significant, femicide victims without children were slightly more likely to be Caucasian (76%) than victims with children (68%).<sup>6</sup>
- While victims across all groups were most likely to be killed at home, IPF victims with children had the highest proportion of such cases (80%) whereas victims of femicide in general who did not have children had the lowest (50%).
- Victims were most likely to be shot to death in cases of IPF with children (30%) and least likely to be shot if they did not have children (20%) in femicide cases generally and, similarly, in cases of non-IPF with children (21%).
- Perpetrators were most likely to die by suicide in IPF cases involving children (29%) and least likely to suicide in non-IPF cases with children (7%).

<sup>6</sup> Race/ethnicity data were coded as Caucasian/Non-Caucasian. The non-Caucasian group includes Indigenous, Black, Asian and other race/ethnic minorities. Ethnic minority groups were collapsed due to small sample sizes.

**Table 2: Comparing victim characteristics of femicide cases with and without children and by femicide subtype (IPF and Non-IPF), Ontario, Canada, 1974-2012 (N=1,380)**

Characteristics	Total Femicides (N=1,380)	Femicide with no children (N=314)	Femicide with children (N=1,066)	IPF with children (N=720)	Non-IPF with children (N=346)
V. Age (mean)	39.6	30	43	39	48
V. Single	17%	57%	4%	4%	5%
V. Caucasian	70%	76%	68%	69%	67%
V. Unemployed	13%	15%	13%	13%	12%
V. Criminal record	13%	13%	13%	13%	14%
V. Substance use	30%	28%	31%	31%	31%
V. Killed at home	69%	50%	74%	80%	62%
V. Shot to death	26%	20%	27%	30%	21%
Femicide/suicide	21%	14%	23%	29%	7%

**Table 3: The presence of children killed in cases of femicide, Canada, 2016-2018**

Number of children	Percent Femicide with children	Total # of children	Percent IPF with children	Total # of children in IPF cases	Percent Non IPF with children	Total # of children in Non-IPF cases
	% (N)	N	% (N)	N	% (N)	N
	83 (N=232)		84 (N=87)		82 (N=145)	
0	17 (49)	0	16 (17)	0	18 (32)	0
1*	27 (75)	75	24 (25)	25	28 (50)	50
2	28 (78)	156	39 (41)	82	21 (37)	74
3	15 (41)	123	14 (15)	45	15 (26)	78
4	6 (17)	68	2 (2)	8	9 (15)	60
5	4 (11)	55	2 (2)	10	5 (9)	45
6	1 (4)	24	1 (1)	6	2 (3)	18
7 or more**	2 (6)	52	1 (1)	7	3 (5)	45
Total	281**	553	104	183	177***	370

\*Includes cases in which it was indicated that the victim had children, but no number specified so coded as one child.

\*\*This excludes 129 cases or 31% of the sample for which information was not available as to whether the victims had children.

\*\*\*Victim-perpetrator relationship was not specified for 36 victims and 25 cases remain unsolved with no accused identified. Given IPFs have higher solve rates and information on relationship is typically available, these cases were included in the Non-IPF group.

### **A national portrait of the presence of children in femicide in Canada, 2016-2018**

During the period 2016 to 2018, there were 410 women killed in Canada aged 14 and older, according to media and court reports. In two-thirds of the sample (69%), it was possible to determine whether the victim had children from available information (N=281). Of these, as shown in Table 3, about 17 percent of the women had no children and the remaining 83 percent had at least one child (77%). Like the Ontario sample above, the two largest groups of victims had one child (27%) or two children (28%). In total, at least 553 children were involved in cases of femicide. Again, this is a minimum count only because information was missing in just over 30 percent of the cases (N=129). On average, between two and three children were killed per femicide case.

#### *Comparing the presence of children in IPF and non-IPF cases in Canada*

While not shown in Table 3, intimate partner femicide comprised the largest group of victims during this period (N=135), representing one-third of the women killed (33%), but significantly less than that documented for Ontario during

the earlier period described above (64%).<sup>7</sup> The remaining cases in the Canadian sample involved women killed outside the context of their intimate partner relationships (40%), cases in which the relationship was not specified (18%) or unsolved cases (10%). When women were killed by someone other than male partners, cases primarily involved killings by other family members (12%), friends/acquaintances (10%) and strangers (9%).

As shown in Table 3, the majority of both femicide subtypes involved children but, in contrast to the Ontario sample, IPF and non-IPF cases were equally likely to involve children (84 percent and 82 percent respectively). Also differing from Ontario patterns, non-IPF cases in the Canadian sample involved more children (N=370) than IPF cases (N=183). Similarly, on average, more children were left behind in each non-IPF (3 children)

7 This could be due to the great reliance on media and court documents as data sources; that is, coroners' records provide what is believed to be 'official' total counts of victims killed by homicide whereas media and court documents will capture only those cases that get reported on or are processed through the criminal justice system. Even in the latter case, not all cases that are processed in the courts get reported on in legal databases. The differences in these data sources and how it impacts findings more generally is currently being examined.

case compared to IPF (2 children) cases. Cases with unspecified relationships and those which remained unsolved may inflate these numbers in the non-IPF category; however, it is expected that the majority of unspecified/unsolved cases involve non-intimate relationships given solve or clearance rates are typically higher for IPFs compared to non-IPF cases (e.g. Trussler 2010).

### *Who are these children?*

The sex and age of the children and their level of direct and indirect exposure to the femicide were possible to document in some cases; however, findings must remain tentative given that information remains missing in other cases. Among femicide cases with children (N=232), sex was known for at least one of the children in 77 percent of the cases (N=178) and the proportion of female and male children were similar – 52 percent and 48 percent respectively.

Documenting the ages of the children involved proved complicated as this information was available for some, but not all children in each case and/or the age range, but not specific ages, were provided. Further, in 29 of the cases (or 13% of the total sample), the age of the child(ren) was not documented. However, where information was known, 81 of the adult children were aged 18 and older, meaning that when children's involvement was documented, they were typically considered minor children in Canada, not having reached the age of majority.<sup>8</sup>

Finally, 20 percent of the children were home at the time of the femicide, and eight percent of the children witnessed the homicide, either directly or indirectly. While information was not available to capture whether the children had previously witnessed domestic or intimate partner violence, research shows that this is often the case in domestic homicides (e.g. Jaffe and Juodis 2006).

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<sup>8</sup> The age at which a child becomes an adult, referred to as 'age of majority' varies in each Canadian province or territory. Six provinces currently define age of majority as 18 years. The remaining jurisdictions designate 19 years. In this article the term '18 years or younger' is used to capture minor children.

While these are minimum estimates that only touch the surface of the impact of femicide on children, these figures clearly underscore the level of children's exposure. Specifically, almost one in 10 children witnessed the femicide and at least one in five were home at the time of the femicide. Given the primary focus of data collection for both projects was not post-femicide experiences, little is known what happened to these children, including supports received from family, community organizations or government. This clearly represents a crucial research priority.

### **Conclusion**

The current study represents only a snapshot, and minimum count, of the number of children involved in femicides in Canada. However, the patterns documented clearly underscore how many of these invisible victims of femicide may be impacted by negative short- and long-term consequences, potentially changing their life-course trajectories for years to come. The dearth of data that has examined the subsequent impacts of such a life-changing event on children's future outcomes is a significant gap. Beginning to understand what supports are available in the short term and how these may or may not protect against immediate and future negative impacts on children is crucial. Examining collaborations across sectors that respond to domestic homicides and provide supports to children following femicides would also be paramount to prevent these children from falling through the system.

Both the historical provincial trends and the more recent national patterns described above demonstrate that, despite the more common focus on children involved in cases of intimate partner femicide, many children are also left behind when non-intimate partner femicides occur, also representing a future priority for researchers. Key research priorities are to determine the impacts on children in IPF femicide cases compared to non-IPF femicide. Further, it is important to understand how post-femicide experiences differ for children who lose their mother at the hands of their father and what are the long-term impacts and potential interventions. Does this vary depending on whether the father died by suicide following the femicide and, if so, how? Do the differences in the

characteristics of IPF incidents suggest potential areas for intervention unique to these cases? For example, historical patterns in Ontario femicides showed that IPF victims with children were the most likely to be killed at home (80%), to be killed by firearms (30%), and to involve perpetrators who died by suicide following the femicide (29%). Each of these factors could lead to potential prevention initiatives focusing, for example, on access to firearms' restrictions or mental health and/or substance abuse issues that may be associated with perpetrators' suicidal actions.

Domestic violence death review initiatives, common in many countries, are one avenue for exploring these questions given that recommendations often focus on how to improve responses when such issues are at play and children are at risk (Dawson 2017; Jaffe et al., 2017). For example, the use of specific risk assessment tools for children and families living in the context of domestic violence situations may be beneficial in capturing some of the above contextual factors (Stanley and Humphreys 2014). More research is also needed on the utility of integrated domestic violence courts which take a "one family, one judge" approach whereby families appear before a single judge who has experience dealing with family and criminal law matters involving domestic violence. This approach represents a more comprehensive response delivered by professionals with enhanced training who would be able to detect more nuanced dynamics that may be dangerous to the women and, therefore, her children (Birnbaum et al. 2014).

Preventing the deaths of women and girls as a result of femicide is important on its own and, in the past decade, international communities have started to recognize these crimes as human rights' violations requiring broad-level systems and social change. As a result of the increased international attention femicide has received, countries have begun adopting more direct approaches to preventing and punishing femicide. For example, beginning in 2007 in Latin America, countries have begun implementing legislation classifying and punishing femicide (Sarmiento et al. 2014). To date, more than 16 Latin American countries have adopted femicide legislation (Sarmiento et al. 2014). Such change is crucial, not only to ensure

ongoing safety and protections of women and girls, but to prevent the future loss of their potential to society caused by femicide.

However, when the focus extends to the presence of children, specifically those left behind, the scope of future loss to communities and society more generally from femicide is staggering, considering the subsequent and far-reaching negative impacts on the life course trajectories of the children left behind as they age into adulthood. Researchers must begin to focus attention on these invisible victims of femicide to reduce their exposure to negative outcomes while, at the same time, continuing to work towards the prevention of femicide in general.

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# MY MOTHER WAS KILLED. HOW DO I RECOVER? IN THE WAKE OF FEMICIDE

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Every day hundreds of women become victims of femicide in many different scenarios and circumstances across the globe. They may be killed by their intimate partners, family members or others in the context of domestic violence and abuse (DVA), intimate partner violence (IPV), family violence (FV), honour-based violence, dowry related violence and or any other form of violence against women. Women are also killed in armed conflicts and wars because they belong to an opposite group and because they are women. Killing or murdering women and or girls simply because of their gender is termed as femicide.<sup>1</sup> Every day, thousands of girls and women also become victims of female infanticide, sex-selected foeticide, genital mutilation related femicide, femicide connected with gangs, organized crime, drug dealing, human trafficking, and the proliferation of small arms.<sup>2,3</sup> This article aims to explore the lasting effects on children and families of murdered women.

*Box 1 provides a summary of various acts classed as femicide identified in existing literature and are compiled here. Regardless of the context, women are killed in various situations because of hate against women, because women are considered less valuable in a patriarchal world and because they are less able to defend themselves. While femicide can be perpetrated by anyone including strangers or family members, such as fathers, brothers, mothers, sisters and other family members, a large majority of murdered women are killed by their current or former intimate partner. Available evidence<sup>i</sup> suggests that 58% of the 87,000 women killed intentionally in 2017 were killed by their intimate partners or family members. This means that 137 women across the world are killed by a member of their own family every day.*

<sup>i</sup> Please note that the numbers quoted in the given study, do not come strictly from administrative data, and were instead a result of a model used to estimate the numbers of femicide.

Among these, more than a third (30,000) were killed by their current or former intimate partner.<sup>4</sup> It is women can also be perpetrators of femicide, either as lesbian partners or kin, however, the phenomenon is rare. According to available data, the largest number (20,000) of all women killed worldwide was in Asia, followed by Africa (19,000), the Americas (8,000) Europe (3,000) and Oceania (300).

## BOX 1

- Killing of women because of DVA/ IPV
- Torture and misogynist slaying of women;
- Killing of girls and women in the name of 'honour'
- Killing of women and girls in the context of armed conflict;
- Dowry-related killings
- Killing of women and girls because of their sexual orientation and gender identity
- Killing of aboriginal and indigenous women and girls
- Female infanticide
- Sex selection foeticide
- Genital mutilation related femicide
- Accusations of witchcraft
- Femicide connected with gangs, organized crime, drug dealers, human trafficking and the proliferation of small arms

While research on DVA and other forms of gender-based violence is increasing, evidence related to femicide is still scarce. One reason is that the act has been defined using gender neutral or male-centred terminology, including 'lethal killings of women', 'female homicide', 'female homicide victimization' and 'manslaughter'. When conducted in the context of DVA, femicide is described as 'honour killings', 'wife murders' or 'uxoricide'. Use of these gender-neutral terms takes the attention away from the gendered nature

of this crime<sup>5</sup>. In addition, lack of appropriate reporting and documentation of necessary information about the victim, the perpetrator and the motives of murder complicates the situation further. As understanding of the phenomenon and recognition of it as a significant issue is increasing, reporting mechanisms are getting better; however, a lot needs to be done and it will take a long time to develop robust mechanisms and systems - on many different levels and many different services - to truly capture and understand the extent of femicide and its impact through better reporting and recording of the crime by the police, law enforcement and other agencies and organisations.

Femicide not only results in the killing of a girl or a woman but also destroys the lives of their family members including parents. When femicide involves women with children, the consequence and impact on their children is enormous as they lose their mother. In some instances, children are also killed by their father and other family members. If children survive, they not only lose their mother, but may also lose their father because of imprisonment or suicide. However, very little research is available on this most vulnerable but overlooked population who experience the most drastic and lifelong impact of the loss of their prime caregiver.

A study conducted in Italy found that 1,600 children of women murdered between 2001-2016., among whom 84% were aged 18 or under, 40% of them had witnessed the killing and 44% saw their mother's dead body. Twenty percent of the children also lost their father who killed themselves after killing children's mother.<sup>6</sup> The authors highlighted that research involving children who lost their mother through femicide is extremely limited.<sup>6</sup> Another study conducted in the Netherlands identified all children bereaved by parental intimate partner homicide and described demographics and family circumstances and assess their exposure to prior violence at home and to the homicide itself. Findings revealed that during 2003–2012, 256 children lost one of their parents (87.1% lost their mother) due to 137 cases of intimate partner homicide. On average, the children were 7.4 years old at the time of the homicide (51.1% were boys; 95% CI 47.3–54.7) and the majority of them were immigrants (59.4%; 95% CI 52.8–66.0).

The majority (84.4%) of children was exposed to previous violence at home. The majority of these children had not received any social services or mental health care. Findings also suggest that the majority of the children (58.7%; 95% CI 52.1–65.3) were present at the location when the killing took place, with varying levels of exposure.<sup>7</sup> Further research is essential to understand this important issue so that appropriate support mechanisms and services can be developed for orphan children of women victims of femicide to support them to overcome the impact of witnessing/experiencing abuse in the family and killing of their mother.<sup>6 7</sup>

### **Children of murdered women**

As mentioned earlier, children of murdered women are a neglected group and not much is known about their demographics. The impact on children depends on their age, level of understanding, attachment with parents, experience of the situation (if they have seen domestic abuse or saw the murder of their mother) and availability of support by health and social care systems, family members and others. Children may develop post-traumatic stress disorder (PTSD) and other psychosomatic symptoms such as enuresis (involuntary urination at night), encopresis (soiling of underwear by children who are past the age of toilet training), sleep disturbance, behaviour problems, anger, tantrums, passive and aggressive behaviours, flashbacks, dissociation, anxiety and depression. The following excerpt from a publicly available account highlights the impact on a child whose mother was killed by her partner in the presence of the child<sup>ii</sup>

When people ask me how I managed, I tell them there were times when I don't think I ever really managed at all. I dropped out of college, I lost my job, I moved around a lot. I tried medication, I tried therapy and, when nothing seemed to work in the way I needed it to, I became extremely desperate for peace. I stopped eating. Days would pass, but I would never feel hungry. Even drinking water became an impossible task. I was convinced that my

ii [https://www.huffpost.com/entry/domestic-abuse-psychological\\_n\\_5bbf5299e4b0bd9ed5578fe6](https://www.huffpost.com/entry/domestic-abuse-psychological_n_5bbf5299e4b0bd9ed5578fe6)

grief had a life of its own, that it was growing through my anguish, that it was stronger than the person underneath it all. I tried bargaining with God to bring my mother back. Late at night I would walk down to the alley where she was killed and replay the incident inside my head. I would drive my car around Vallejo every night for months until the sun came up because my grief made me delusional enough to believe that if I just looked hard enough, I would find her again<sup>8</sup>.

Evidence also suggests that children who experience or witness DVA in childhood are also more likely to perpetrate or accept DVA later in life. The impact experienced by children of murdered mother with regards to experiencing trauma, anger and guilt, guardianship and fulfilment of needs, disruption in routine and environment, and expression of feelings are described below.

### Experiencing Trauma

Losing one's mother at any age is traumatising, however, as a child, it is even more traumatic as a mother is a fundamental attachment figure in a child's life. Separation from mother causes separation anxiety among young children who cannot understand the reason of their mother's absence. The trauma experienced can have a lasting impact on a child's personality and development.<sup>9</sup> In addition, if a child/children witness intimate partner violence between parents or have seen their mother being killed, the impact becomes more dramatic. Surrounding events and stressors can further compound the issue and make coping difficult. For instance, soon after the death of their mother, children may be interviewed by police, social services and other organisations and may be subject to court interventions and welfare decisions.<sup>10</sup> They may or may not have an opportunity to understand the situation or ask questions. In fact, they may get discouraged from asking questions contributing to unresolved questions in their mind as voiced in the following quote<sup>11</sup> by a woman who lost both her parents as a child.<sup>iii</sup> 'They are somehow expected

to pick up the broken pieces of their tragic life and soldier on'.<sup>12</sup> There is a need to understand the needs of children in such circumstances so that appropriate strategies can be developed.

Everyone believed they were protecting me, but what goes around in a child's head when they are bereaved needs to be voiced, otherwise it can grow into a world of fantasy that is often more terrible than the reality<sup>9</sup>.

### Anger and Guilt

Anger and guilt are normal emotion that everyone experiences in various situations., However, these feelings and emotions can be much stronger felt by children of murdered women and especially if they have seen murder of their mother. Such children may have witnessed conflict and abuse, process of separation and fight/ dispute over child custody.<sup>13</sup> They may have tried to defend or protect their mother, find help, before and after her death and may have been left with the dead body of their mother for some time. In addition, some may also witness the suicide of their father. Children exposed to such circumstances may blame themselves for the issues between their parents or for not being able to stop violence or murder as highlighted in the following quote.

After mama was killed, I was overtaken by guilt: guilt for leaving her that afternoon when perhaps the only thing that would have saved her was my continuing to stand in between her and my father, and guilt for not recognizing that my father could be capable of such extreme violence because his primary method of abuse had always been psychological<sup>7</sup>.

It may help them to talk about the issue and to ask questions in a supportive environment; however, they may not get an appropriate response from their carer. They may be pressured not to talk about it or their version of events is negated or their questions are ignored.<sup>14</sup> Such approaches are often used with positive intentions by family members, but effectively reduce the opportunities to mourn their loss.

**Fulfilment of needs:** Children of murdered mothers are often left vulnerable, traumatised

iii <https://www.telegraph.co.uk/women/mother-tongue/9550449/The-pain-of-orphanhood-Things-get-neglected-when-parents-arent-around.html>

and confused. They may lose both parents, are left without a guardian or may end up with surrogate parents. They may be raised by their grandparents or family members, or foster parents who may or not be able to understand and or fulfil all their needs depending on their financial condition and other responsibilities.<sup>2</sup> Children may be unable to articulate their needs effectively. In situations where the perpetrator is given a mild, short-term prison sentence, he may still be able to reclaim access to his children. This then means that children and especially those who are aware of their mother's killing by their father must live with their mother's killer and therefore have considerable impact on their mental health. It is good to see that a public discourse is emerging to remove custody rights from femicide perpetrator to prevent them from reconnecting with their children following their release from prison. Argentina and Italy are among first countries that have adopted laws to protect the rights of such orphans and remove custody rights from perpetrators. Italy has gone one step ahead and 'minors who share their family name with the parent convicted of killing the other parent can request to have it changed. When it comes to appointing guardians, the law gives priority to other relatives and family members'.<sup>15</sup>

***Disruption in the routine and environment:***

Losing parents and living with grandparents or other guardians means that children are displaced from their own home and known environment. They may be exposed to a different routine and regulations depending on their carers and this means that children have to adapt to the situation.<sup>16</sup> They may also have to change schools and lose touch with their usual social environment further complicating the situation. Such disruption may also have an impact on children's ability to articulate their needs and may lead to their assumptions about the availability and reliability of a 'new family'.

***Expressing feelings:*** Orphaned children are often raised by their paternal or maternal grandparents<sup>17</sup> and both of these parties may have very different motivations and factors affecting their ability to raise children.<sup>9</sup> For example, maternal grandparents and other family members may be going through grief and bereavement processes themselves and may not like to talk about the perpetrator or

they may express hate towards the perpetrator. Likewise, paternal family, may experience shame and guilt and a sense of responsibility towards the action of the perpetrator. They may also express a victim blaming attitude by talking negatively about the victim (the children's mother). This may have an impact on children and their ability to communicate their own feelings about their parents. If living with maternal family, they may not express love and affection towards their father and anger or resentment towards their mother. Similarly, when living with the father's family, they may not be able to express love and affection towards their mother and anger or resentment towards their father.<sup>4</sup> In both scenarios, children may live with unresolved issues for a long time or for life.

**Stigma**

Women are often blamed for the abuse they experience in almost any culture. Similarly murdered women are often blamed for their murder. For instance, in case of honour killing a woman is killed because she has done something to dishonour her family and or community. Such victim blaming attitudes also mean that children of the women killed in the name of honour are shunned, stigmatised and made to feel embarrassed and ashamed by the society. They may be taunted and bullied by other children and adults within and outside family or may have to hear negative comments and remarks about their mother. They may find themselves in situations where they have to defend their mother. They may also have to experience negative remarks, comments and attitudes because of their father's action of killing their mother. In both ways, the impact on children's physical and mental health could be catastrophic.

**Conclusion**

It is very clear that not enough information is available about the children of murdered women and their experiences because of many different factors, including age of children (affecting their ability to express), how children are perceived in the society with regards to their knowledge and understanding, lack of understanding about their needs. Further research is needed to understand

the perspective of children about placement of children, contact with the perpetrator (may be the father), the impact of their experiences on their health through longitudinal and multi-centre studies. Such research will help professionals in relevant fields and disciplines to understand the impact on children and therefore, may help them to recognise the need of putting children's right of wellbeing and safety first.<sup>18</sup>

Understanding and responding appropriately to children's need at the time of their experience is also crucial. Such children should be placed in a familial environment with familial people. They should also be provided with appropriate health services to ensure access to counselling and other mental health services to minimise mental health impact of the experience. In addition, efforts are needed to highlight the issue of femicide and to develop appropriate measures and strategies to reduce/eliminate the prevalence of femicide internationally.

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# **PART III**

## **Silenced to Death**

**"The teacher touched me, I will fight this crime till my last breath."**

**Nusrat Jahan Rafi, 19 year old Bangladeshi woman who  
was brutally murdered after filing a sexual assault complaint  
against her headmaster, 2019**

# CENSORSHIP BY MURDER

**Dr. Rubina Möhring, President of Reporters Without Borders Austria**

*March 2019, Vienna, Austria*

“Censorship by murder“- is the most exact definition for the assassination of journalists. The OSCE’s first Representative on Freedom of the Media, Freimut Duve, coined the definition when confronted with the rising number of killed journalists since the turn of century. In parallel to the killings, female journalists is are rising in prominence: even more so than in the past, they inform on riots, civil wars and military wars while continuing to prove themselves as excellent investigative journalists.

Due to their success, nearly 100 female journalists have been assassinated since 1992. All of these women remain unforgotten. Their violent deaths are crimes – not only in the sense of brutal murder but also as a violation of the human right on Freedom of Information. They are killed by hired assassins, to silence them or to use their death as a trophy or gift to a person in power. They are sometimes also killed by accident, another casualty to the violence that the people they report on surround themselves with. Allow me to describe three cases.

October 7<sup>th</sup> 2006. Moscow is preparing the celebration of Vladimir Putins 54h birthday. It is a pleasant and peaceful saturday. In the early afternoon Anna Politkovskaja, the internationally renowned investigative journalist, comes home from shopping. She is shot down in the entrance hall of the house she lives in central Moscow. Five, six, seven shoots into her back, then a final coup de grace into her head. It is rumoured that the murder was meant as a birthday present for Putin by his the Chechnyan allies.

Anna Politkovskaja was an icon in the field of investigative journalism. Being an independent writer, she published her articles in the critical newspaper novaja gazieta. During the time before her death, she was extremely successful in providing insights into the Chechen conflict as well as the ties between the Russian and Chechen military and political leadership, including potential

corruption affairs. Anna knew a lot, including many details. We met a year before her death in Vienna. She was certain that her international popularity would act as a shelter. She was proven wrong. The assassins were found and taken to court years later, however their employers remain unknown.

October 16<sup>th</sup> 2017. On Malta, a member state of the European Union, Daphne Caranuana Galicia was killed by a car bomb near her house in the countryside. Daphne was a Maltese investigative journalist that covered government corruption. She was the Maltese partner of the International Consortium of Investigative Journalists (ICIJ), analyzing the Panama papers.

The identities of the assassins and their employers remain unknown.

April 18<sup>th</sup> 2019. In Derry, Northern Ireland, the journalist Lyra McKee, who became known for her work on the Troubles, was killed while reporting on the riots in Derry. A member of the “New IRA” accidentally shot her, the militant group expressed their regret for the “inadvertent” killing afterwards. McKee was 29 years old.

Women have managed to establish themselves in the now globally linked media network. It is not by chance that the three winners of this year’s Press Freedom Awards from Reporters Without Borders are all female. They gained public attention with their remarkable work and stood out with extraordinary performance and courage. Having achieved these first steps, these globally connected women are linking up and starting to collaborate internationally. Hatice Cengiz, for example, continues to fight for justice for her assassinated fiancée Jamal Khashoggi. The journalist was mutilated in the Saudi Arabia’s Consulate in Istanbul whilst getting some documents for his wedding in 2017. For two years now, Cengiz has tirelessly tried to bring those responsible to justice. She is being supported by an international network of human rights activists, NGOs and private supporters. The

publicly well-known face of the campaign is Amal Clooney.

The most effective way of stopping the murder of female journalists is supporting means of implementing and widening press freedom. More protection is required against harassment, and threats. Safe spaces for journalists need to be legally inaugurated, as well as means for enabling them to do their work by making information accessible and transparent.

Making the truth public should never result in murder. It has for 96 women in the past 17 years. We urge all journalists that suffer from threats, from verbal or physical attacks, from injustice and repression to keep their heads and minds up and to continue their struggle. Their personal and individual fights embody a movement that is larger than its individual parts and even more significant than what the courageous individuals initially fight for. A vast group of people is standing with you in your struggle for free information.

“It is people in power - business, mafia, terrorists, or government and other administrative powers - who try to silence the critical voices as soon as they realize these voices will be heard. The more you do this, the less your aim will be fulfilled. By trying to silence, you produce the contrary - an explosion of non-silence. People’s awareness is raised.”

*Freimut Duve, 2001*

## **ABOUT**

Reporters Without Borders Austria is the Vienna based section Reporters Sans Frontières (RSF). RSF is an international non-profit, non-governmental organization based in Paris that conducts political advocacy on issues relating to freedom of information and freedom of the press. Reporters Without Borders Austria observes media politics in Austria and its neighbour states. Reporters Without Borders reacts to violations of press freedom or the freedom of information. We stand up for everyone’s right to access information and for all journalists who suffer from repression or violence.

# EXCERPT OF ‘SILENCE IS VIOLENCE – END ABUSE OF WOMEN IN AFGHANISTAN’

United Nations Assistance Mission in Afghanistan, Kabul and Office of the United Nations High Commissioner for Human Rights, Geneva

## II. Threats and attacks against women participating in public life

The growing trend of violence against women participating in public life indicates that the critical role of women’s participation in democratic decision-making processes, economic and social development as well as peace and stabilisation efforts is not fully acknowledged or valued in Afghan society and politics. Women and men interviewed for this research indicated that the political space for women who wish to advocate for their rights is increasingly being eroded.

The notion of ‘public life’ is to be understood broadly, as the following examples show. Women have been targeted in a wide range of circumstances when outside the home; from appearing at a public event without a male relative or advocating in public for the respect of women’s rights, to being a provincial or a national elected official or as a civil servant.

Countless media and other reports reveal that women participating in public life have been intimidated, threatened, attacked or even killed. Of five high-profile women interviewed in 2005 by a newspaper interested in covering stories of Afghan women who wanted to take a role in reconstructing their country, three have been murdered and one had to flee the country.<sup>1</sup> A large number of women working for government institutions and female elected officials receive threats or are intimidated. Similarly, women working for international or local humanitarian and human rights organisations, or those who actively promote women’s rights, are targeted. In this respect, information gathered for this report did not shed light on whether a man engaged in similar activities would also be equally targeted. In other words, it would not be possible

in all cases to determine whether the key element behind the threat or harassment is the sex of the victim or her or his activities to promote women’s rights.

Attacks against, and insidious condemnation of women active in the public sphere, send strong signals to women and their families that women should stay at home. Women interviewed in the context of this research, report that due to fear for their security, they restrict their movements, engage in self-censorship, and restrict their participation in public life. Women who appear in public on their own put their reputation and their safety at risk. Mullahs consulted during the research for this report referred to Islamic tenets to justify their perspective that a woman can only appear in public when accompanied by a male relative chaperone namely, a *mahram*. This interpretation of Islam is common in Afghanistan, although *Sharia* specialists consulted in the context of this research disagree that religion imposes the need for a male chaperone, provided that certain rules regarding the *hijab* (Islamic veil) are respected.

The *burqa* received an inordinate amount of attention in the West during the Taliban period. The removal of the *burqa* is often viewed as a symbol of the ‘liberation’ of Afghan women. However, for many women, this is often the only protection they have to move in public locations without being harassed. The *burqa* allows women to maintain a low-profile. Female police officers have reported that they wear a *burqa* for their own personal safety when outside of the police station.

### Different women, same risks

Female parliamentarians, provincial council members, civil servants, journalists, women working for international organizations (including the United Nations), as well as those considered to be engaged in “immoral” professions, have been

<sup>1</sup> Kim Sengupta, Women who took on the Taliban – and lost, The Independent, 3 October 2008.

targeted by anti- government elements (AGEs)<sup>2</sup>, by local traditional and religious power-holders, by their own families and communities, and in some instances by government authorities.

Women who transgress social norms have been threatened via phone calls, 'night letters'<sup>3</sup>, handbills posted in public places, in particular mosques; they have been followed in the street and verbally abused; their offices and homes have been attacked; rumors are spread to ruin their reputation, including during Friday prayers; and in some extreme cases women have been physically attacked, faced assassination attempts, or have been murdered.

Targeted women have reported to UNAMA similar countless stories, regardless of their location or their ethnic background. In particular, women speak of receiving daily phone calls from unknown men, usually claiming to be Taliban, telling them to quit their jobs and return home or they would be killed or abducted. 'Night letters' are usually signed or stamped by the Taliban. Threats also target the relatives of those women working outside the home. A provincial council member also reported that the threats allegedly made by a Talib were also directed at her husband for allowing, and not disapproving of, her work. Accordingly, not only do women fear for their own safety, but also for the safety of their family.

A woman reported that prior to becoming a provincial council member, she and her husband faced harassment from her brother-in-law, a member of the political party Hizb- i-Islami, who accused them of being "non-Muslims". A provincial council member stated that when she was elected, her relatives forced a mullah to condemn her in a mosque for allegedly going against Islamic *Sharia*; she was also accused of being a Communist and a non-Muslim because she had participated in a workshop in the USA and had travelled without a *Mahram*. A female MP reported that during the election campaign, she received several threats from male members of her own family and that her

child was the object of a kidnap attempt. A senior member of the judiciary reported that she received threatening phone calls and leaflets, and that a hand-grenade was thrown into her compound, killing some of her bodyguards.<sup>4</sup>

As exemplified by these stories, the specific reasons behind a threat or an attack are at times difficult to determine: is a woman targeted because she is working outside the home? Playing a prominent role in her community, such as an elected official? Being a civil servant? Promoting women's rights? Questioning or challenging the attitudes of society and men towards women? Empowering other women to claim their rights?

For instance, in April 2009, a Taliban spokesperson claimed responsibility on behalf of his group for the assassination of Sitara Achakzai, provincial council member, who was encouraging women to take up jobs and fight for their rights in Kandahar. The spokesperson indicated that she had been targeted because of her position in the provincial council and that similar attacks would continue regardless of whether the victim was a man or a woman. In this specific case, it appears that the motive behind the killing was not the sex of the victim, but rather, her position within a state institution. Although the killing was seemingly not aimed at discouraging *women's* participation in public life, it still impacted on women interested in seeking elected offices.

Contrary to expectations, there has been an increase in the number of female candidates for the upcoming provincial council elections compared to numbers during the 2005 election.<sup>5</sup> Many observers are however concerned that a number of these candidates might withdraw their nomination due to threats, harassment and possible attacks, particularly during the campaign period. Moreover, at the time of writing, a number of female MPs have already indicated that due to the prevailing security situation and death threats they repeatedly receive, they will not be contesting the next national assembly elections in 2010.

2 Men are similarly targeted as part of a wider campaign against those holding political and government posts by anti-government elements.

3 Threats in writing left at a person's home or hand-delivered, usually at night.

4 Interview with UNAMA Human Rights.

5 At the time of writing, there were 85 more female candidates than in the 2005 Provincial Council elections. 332 women are currently running for Provincial Council elections.

Provincial council member, Zarghuna Kakar, fled her home after she and her family were attacked and her husband killed. She had previously stated that if she had known of the risks, she would not have entered politics.<sup>6</sup> In this respect, criticism has been made against the international community for having encouraged women to be more actively involved in the political life of the country. Lack of adequate protection from the Government, as well as support from the international community, is a source of complaint and frustration for women in high-profile positions.

Similarly, women engaged in promoting human rights, especially the rights of women, are often viewed as being involved in an anti-Islamic conspiracy. They are perceived as acting on behalf of organisations mobilising women to claim rights that supposedly contravene Islamic doctrine. Such women confront strong resistance from their own communities, especially when they are labeled as ‘non-Muslims’ by mullahs who have strong influence in their community. For instance, in Herat province a prominent mullah during Friday prayers condemned a women’s rights NGO as a centre for blasphemy and called on people to loot the office and set it on fire; as result, two female staff members reportedly resigned from their positions.<sup>7</sup>

Discussions with mullahs in the western region revealed that during Friday prayers, men are told that women must not work outside the home. As one mullah stated to UNAMA:

*“What religious leaders do is preach and direct people for the good and prevent them from the bad. We have to enlighten people’s minds to their duties and obligations in accordance with Sharia principles... therefore we have advised that women should not work for foreign NGOs and that Provincial Reconstructions Teams must not hire women.”<sup>8</sup>*

It is worth noting that these mullahs did not construe such preaching as intimidation; their viewpoint is that they are only advising people on a truthful interpretation of Islam.

In this respect, most heads of the district offices of the Ministry of Women’s Affairs reported being under pressure from elders, local commanders, and even local authority representatives not to address cases where Afghan customs and religious beliefs clash with Afghan laws guaranteeing women’s rights. Similarly, female members of justice institutions reported that they face higher risks of receiving threats than their male colleagues. This is particularly the case when they have ruled in favour of a female victim against a male defendant.

Although various factors are at play in any given instance – including at times some personal grievances, a woman active in public life is at risk because she is perceived as going against Islam or transgressing social norms; in the mind of some, this justifies targeting such women. High-profile women in urban centers or women exercising ordinary professions in remote locations are similarly at risk and have been targeted. The nature of the activities performed seems not to be a determining factor, as the motivating factor appears to be the mere fact that a woman is active in society.

### **When tradition suppresses women’s voices**

Women cannot express themselves freely, particularly when their actions are deemed to conflict with traditional practices. Women in politics, for example, not only face threats and attacks from anti-government elements, but also from within the ranks of government. Chauvinist attitudes, conservative religious viewpoints and the domination of Parliament by MPs with a history of warlordism, means that women are silenced; they actually face attacks – both verbal and physical – if they speak their minds. In 2006, MP Malalai Joya had water bottles and abuse hurled at her by fellow MPs when she questioned the criminal records of

<sup>6</sup> Kim Sengupta, see note 1.

<sup>7</sup> Interview with UNAMA Human Rights.

<sup>8</sup> UNAMA Human Rights, discussion with a mullah.

some Mujahedeen; she had to be escorted out of parliament for her own safety.<sup>9</sup>

Female journalists have also reported similar harassment and abuse, as well as dismissal from, or obstruction to, their work. Journalism is perceived by some as an “immoral” profession for women. A journalist was told while live on radio that she should stop working, as women are not supposed to work outside the home. For fear of reprisals by AGEs or religious conservative groups, female journalists have advised that they engage in self-censorship. They refrain from criticising warlords and other power brokers, or covering topics that are deemed contentious such as women’s rights. Journalists also report not using their real names during the course of their work in order to safeguard their security. A journalist reported that ‘night letters’ were distributed in her village, condemning to death any woman who cooperated with her radio-station. This prompted an informal *jirga* convened by the village elders who requested the journalist to discontinue her work. She suspended her programme for 45 days out of fear, but resumed after adopting a different name, tone and timing of her radio programme.

Shaima Rezayee, the 24-year-old presenter of a popular TV music show stated, before her death in May 2005 in Kabul, that “things are not getting better... we have made some gains but there are a lot of people who want to take it all back. They are not even Taliban, they are here in Kabul.” Her TV station was publicly criticised for allowing her to talk freely to men on the programme, and

9 See, Tim Albone, *Woman MP is attacked in a blow for democracy*, The Times, 9 March 2006. Joya was attacked when she interrupted a former warlord who was praising the Mujahedeen during a debate to mark the Anniversary of the defeat of Communism. She declared that there are two types of Mujahedeen – real ones, and criminals responsible for the deaths of tens of thousands of innocent people. MP Joya survived a number of assassination attempts in what is seen as attempts by fundamentalists to silence her. Her parliamentary mandate was suspended in May 2007 for what was considered to be insulting remarks she had made on television about several fellow parliamentarians. The Inter-Parliamentary Union has expressed concern about this suspension and has called upon the Afghan Parliament to allow her to resume her mandate as quickly as possible.

following pressure from conservative clerics she was dismissed from her job.<sup>10</sup>

Similarly, female artists are being targeted. Actress Parwin Mushtakhel, the first Afghan woman to appear on television after the fall of the Taliban regime, had to flee the country due to constant death threats and fear for the safety of herself and her children after her husband was shot dead outside their home. In addition to the death threats she was receiving, her own family reportedly disapproved of her acting, stating that being an actress in Afghanistan is “like being a whore”. She said that when the Taliban went I thought things were getting better for women, now I think they will not change for a long time.”<sup>11</sup> She added that, “the atmosphere has changed; day by day women can work less and less.”<sup>12</sup> Similarly, a young woman from Kandahar entered the televised singing competition “Afghan Star”, the Afghan version of “American Idol”, in 2008. In Kandahar, her behaviour was considered “un-Islamic” and of having dishonoured her family. As a result of the numerous death threats she received, she fled the county.

### Impact on women’s professional lives

Women are constantly forced to adapt their behaviour, and in numerous cases, to cease working. As professionals or active members in their own communities, they censor themselves and struggle to comply with behaviour that is considered appropriate to females in line with traditional and religious practices and norms. Their contribution to society is therefore extremely limited and they are unable to meaningfully participate in decisions that affect their and their families’ lives.

Even women representing State institutions encounter resistance, including from local traditional and religious power-holders. A woman

10 Kim Sengupta, *Women who took on the Taliban – and lost*, The Independent, 3 October 2008

11 Christina Lamb, *Women Choose exile as Taliban laws return*, The Sunday Times, 5 April 2009.

12 Tom Coghlan, *Parween Mushtakhel is forced into hiding as the Taliban return to Kabul*, The Times, 2 March 2009.

working for the Afghanistan Independent Human Rights Commission for several years indicated having problems when on official travel to the provinces. Mullahs questioned her travelling with men and refused her entry to a mosque.

Despite the risks and fear, a number of women continue with their work. As one female MP stated to UNAMA: "Threats do not affect my personal or professional life. I strongly believe that life is like a battle and that we must do our best to win this battle." Others continue this battle, but not without consequence for their personal life. A high-profile woman told UNAMA:

*"Threats have affected my personal life but not my professional life. I did not allow threats to push me back and force me to resign, but in my personal life... All three of my children stopped going to school for fear of abduction or assassination. Wherever I or my children go, we have to be guarded by armed bodyguards. This has caused widespread limitations and made life bitter for me and my children."*

Often the impact of violence, and the course of action women take to deal with it, will depend on the support they have from their families. As one interviewee stated, "my husband has to take me to work in the morning and bring me back in the evening; actually he is both my bodyguard and personal driver!" A family's influence and power are also important factors that protect women; a provincial council member told UNAMA, "The role and influence of the tribe are very important for protection. I have an extended family with influence. My relatives would support me if I encounter any problem."

Similarly, a number of women interviewed, particularly elected officials, noted that because they are working for the people and are helping them, the people are protecting them. A female MP stated that: "I have enjoyed the protection of the people more than relying on my family background. I represent all ethnicities and it caused all people, Pashtun, Hazara, Tajik and Turkmen to respect me and to extend support."

Gender perceptions also affect women's capacity to play the role they are assigned while performing their professional or official duties. Female provincial

councillors and MPs have complained that they are not taken seriously by their male counterparts, although their presence in the Provincial Council and Parliament is required by the law. They often feel marginalized or even ignored. This is particularly manifested when issues at stake relate to matters that are governed in Afghan society by religion. Religious conservatives are said to dominate the Afghan Parliament and certain Provincial Councils. As indicated by a female MP: "most of the time women don't dare even say a word about sensitive Islamic issues, because they are afraid of being labeled as blasphemous."<sup>13</sup>

Women who run for elected office have complained that the fact that they are women was used by male candidates to tarnish their reputation when they were campaigning. Accusations of "immoral" behavior, relayed by conservative religious leaders, are powerful allegations in a highly conservative society.

District representatives of the Ministry of Women's Affairs have expressed concerns about their inability to perform their functions due to lack of respect by male local government counterparts. Similarly, journalists interviewed in the course of UNAMA's research, reported that they are kept aside from standard journalistic procedures such as informing all journalists about important events that would need to be reported upon. "Actually, our male colleagues cannot think of us as members of journalism family", said one journalist.<sup>14</sup> Likewise, a senior member of the judiciary reported to UNAMA that a male colleague told her that he would not accept a woman "sitting in the same chair as him" and that "women are worth half of a man".<sup>15</sup>

Some professions are considered as more appropriate than others for women. Working with women or children, in the health or education sectors, is permissible because it will not expose those women to have contact with men. A religious leader explained to UNAMA: "Sharia allows women

13 Anand Gopal, *Women Lawmakers Battle Warlords*, Inter Press Service, 9 March 2009.

14 UNAMA Human Rights, focus group discussion with female journalists.

15 Interview with UNAMA Human Rights.

to work in the health and education sectors. We can approve of that as these are sectors where they will be in touch only with women and children.”<sup>16</sup> As a result, some women have indicated having changed their profession.

However, in areas that are severely affected by the conflict, schools do not operate, and when they do, parents often do not send their children for fear that they may not return. Schools are reportedly targeted by anti-government elements wishing to curtail government presence and services. Sometimes, only boys have been authorised by AGEs to attend school, which reinforces some patterns that give precedence to boys in educational matters. Breaching these instructions put girls at extreme risk as exemplified by the acid attack on a group of schoolgirls in November 2008 in Kandahar. Teachers reported to UNAMA that when the security situation deteriorates, their families do not allow them to go to work.<sup>17</sup> Increasing attacks against schools, particularly girls’ schools, deprives thousands of girls of their right to education. UNICEF has recorded 292 attacks on schools and educational facilities in 2008. In 2009, the number of documented schools attacked to date is 29,<sup>18</sup> resulting in 13 deaths and 14 injuries. According to UNICEF, 700 schools have been closed due to the conflict and around 200,000 children cannot attend school.<sup>19</sup> While not all attacks on schools have been attributed, an increasing number of security incidents involve what is described as a deliberate insurgent strategy to limit girls’ education and to polarise local communities and foment support for their cause. The situation is extremely worrisome given the very low literacy rates, particularly for women and girls, and the long-term impact it has on the involvement of women in society.

Similarly, non-governmental and humanitarian organisations have reported that female medical professionals are increasingly receiving threats from AGEs, and some have been forced to resign.

This has adversely impacted on women’s access to health services, especially in rural remote areas where there are few qualified medical professionals and where maternal mortality is a critical concern.

### **Inadequate response from public authorities**

Victims repeatedly complain that inadequate attention is given by authorities when they report a case of harassment, threat or attack. Women feel that the lack of action by Afghan authorities serves to reinforce the view that perpetrators of violence are immune from punishment.

Afghan women have repeatedly reported that they have lost faith in the law enforcement and judicial institutions that they consider ineffective, incompetent, dysfunctional and corrupt. Referring an incident to the police, the national directorate of security (i.e., the intelligence service) or a prosecutor is said to be of no avail; cases are usually not taken seriously, properly recorded or acted upon. Ultimately, authorities are not willing or are not in a position to provide women at risk with any form of protection to ensure their safety. For instance, the outspoken head of a district office of a department of women’s affairs told UNAMA that following threats from the Taliban over a period of several months in 2008, her request for security guards for her office was turned down, including by the provincial governor, who she reported had told her: “if you are under threat, just go home.” And when a case is acted upon, it is often done in an unprofessional manner with little regard to the safety and security of women, which further undermines women’s confidence in public authorities’ willingness and capacity to protect them. The police often refer to the lack of appropriate resources, including qualified female officers, to explain their limitations in pursuing such cases.

According to many women, reporting a case to the police may actually further endanger them as it raises their profile. The policing of offices or houses and the provision of personal security might not be available to all women at risk in Afghanistan, and may, counterproductively, raise their profile. As a result, women adopt their own preventive protection measures in order to mitigate the level of risks. In practice, this entails that they attempt to

16 UNAMA Human Rights, focus group discussion with mullahs.

17 Interview with female teachers, Gardez.

18 Figure as at end of April 2009.

19 Press conference – Shigeru Ayoagi, UNESCO Country Director and Gopal Sharma, UNICEF Deputy Representative, 20 April 2009. Transcript available at: [www.unama.unmissions.org](http://www.unama.unmissions.org)

maintain their anonymity when leaving the home, or often restrict their movements or cease work or other activities outside the home altogether.

Public security institutions face great challenges in providing security to women of various professions or carrying out activities in various contexts. While it may be somehow easier to protect a high-profile woman in Kabul by introducing specific protection arrangements, it is far more complicated to identify appropriate responses to ensure the safety of other women, such as nurses or school teachers in conflict-affected areas of the country. To this end, the authorities, and the police in particular, must make further efforts to identify the appropriate ways of guaranteeing the security and safety of all women, irrespective of the nature of their profession and other activities performed outside the home, in particular, all precautionary measures must be taken to secure confidentiality and the complainants' safety. Relevant public institutions should also engage with local communities to ensure the support of the individual's close network.

### **Socio-cultural barriers**

One of the major barriers to realising women's rights in Afghanistan is the way in which traditional practices and conservative interpretations of social norms restrict women's participation in public life. Traditions are often reinforced by arbitrary invocation of religion to further restrict women's movement. As stated by the Minister for Women's Affairs: "Afghan women are facing unacceptable customs from decades ago that are just obeyed. These traditions do not have any religious or legal basis, but the people accept them".<sup>20</sup>

Harmful traditional practices, in some cases preceding Islam, have been reinforced by tribal, community and religious leaders in the name of religion. The concept of "tradition" has, however, to be treated with a degree of caution as, "what to Western eyes looks like tradition is in many instances, the manifestation of new and more brutal forms of subjugation of the weak, made possible by a commodified criminal economy,

total lack of security, and the erosion of bonds of trust and solidarity that were tested to the limit by war, social upheaval, and poverty."<sup>21</sup>

As a result, many communities and families sincerely believe that women should stay at home. A popular Afghan saying encapsulates this: "women are made for homes or graves". The tradition of segregation of the sexes reinforces this belief.

In many cases, women have indicated suffering from immense strain; rather than facing constant pressure mainly from male relatives, colleagues and community members many women have opted for a low profile approach, even if this meant resigning from their position.

This attitude is not restricted to rural areas or families that lack formal education, but is extended to women and girls in urban centres who are also restricted in similar ways. Based on the research undertaken for this report, there is no clear distinction between rural and urban women in terms of risks associated with an active life outside the home, or the support they receive from their families and communities.

On one hand, out of necessity, rural women often work in agricultural fields alongside male family members. Some have argued that women in urban centres are even more restricted to their homes as nothing would justify their going out. On the other hand, some have claimed that the extent of restrictions and level of conservatism is greater in rural areas especially in households with a low level of formal education. As one person interviewed by UNAMA noted: "In remote provinces, it is almost impossible to convince families to let their female members appear in public".<sup>22</sup>

Similarly, while women in rural areas might be required to assist in the fields, highly educated women are not always perceived as having more

<sup>20</sup> Heidi Vogt, *Afghan minister: Old customs impede women's rights*, Associated Press, 14 January 2009.

<sup>21</sup> Deniz Kandiyoti, *Old Dilemmas or New Challenges? The Politics of Gender and Reconstruction in Afghanistan*, Development and Change, Vol. 38, no. 2, 2007, pp. 169-199.

<sup>22</sup> UNAMA Human Rights, focus group discussions with female NGO/ political party staff members. <sup>46</sup> Interview with UNAMA Human Rights.

legitimate grounds to carry out a professional activity. For instance, a Supreme Court judge confided to UNAMA that she had to abandon her position to become a teacher as a result of family pressure<sup>46</sup>. Female medical doctors and journalists have shared similar experiences.

In general, women still believe that educated families would more willingly allow their female members to study and work. As one provincial council member stated:

*“I have always been supported by my family. My father himself was well educated and employed by the Government. He would always say that the education of his daughters was more important than the one of his sons. Why? Because he wanted his daughters’ dowry to be education as such dowries will never be lost or destroyed. In addition, he firmly believed that women’s education was the duty of any Government.”*<sup>23</sup>

Many families, however, remain concerned about disapproval within their extended families and communities, when females go out to work. Some families do not allow their women to undertake an activity outside the home, risking their safety and the safety of other family members. As one woman stated, “if the husband of an educated woman is under the influence of his uneducated family members, he will not allow his wife to work”.<sup>24</sup> Support from husbands and families is thus often a pre-condition for a woman to play an active role in society.

Conservative interpretations and misinterpretations of Islam similarly shape Afghans’ perceptions regarding what is permissible or not for a woman. Religious and community leaders retain an immense power in influencing, if not dictating, peoples’ attitudes. Working outside the home is said, by some mullahs, to be disrespectful of Islam. A female MP indicated: “I was warned not to work, because a female working outside the home is taboo; and that it is forbidden by *Sharia*. The salary I receive is *haram* (illegitimate) and I must stay at home.” A provincial council member

added that some Mullahs label husbands of such women as *kafir*, namely an infidel.<sup>25</sup>

During focus group discussions in the western part of the country, mullahs took the view that “the role models for a Muslim woman are the Prophet’s wives and daughter. The best women are those who stay at home. A woman’s main duty is to manage the household and bring up children in accordance with accepted Islamic morals.” *Sharia* specialists consulted in the course of this research indicated to UNAMA that a number of mullahs in Afghanistan have a very basic knowledge of Islam, and then, only of the core tenets. In this respect, mullahs may present certain religious arguments in a way that reinforces or justifies what they consider as the appropriate social norms and traditions in Afghanistan. Experts, in contrast, note that Islam supports the active role of women in society, acknowledging that they should not be confined to the home.

Such denigration by religious leaders in mosques or other public locations runs the risks of further endangering women’s safety. There is a high probability that some individuals might feel authorised and empowered to intimidate or harm women, including members of their own families if they do not stay home.

Conservative religious thinking is also used to reinforce gender perceptions that limit the ability of women to perform a role within society. Women in high-profile positions in public institutions, including at the provincial level, are particularly subjected to criticisms. A mullah indicated to UNAMA that:

*“Women should not work and be in charge of key government department positions, as women are more delicate in terms of feelings and are more sentimental than men. Therefore, they cannot perform as competently as men. There is a religious teaching that says: ‘no nation whose leader is a woman will be salvaged’.”*

The full text can be downloaded from [https://unama.unmissions.org/sites/default/files/vaw-english\\_1.pdf](https://unama.unmissions.org/sites/default/files/vaw-english_1.pdf).

23 Interview with UNAMA Human Rights.

24 UNAMA Human Rights interview with head of a women’s NGO

25 Interview with provincial council member, Herat.

# SECURITY COUNCIL URGES RECOMMITMENT TO WOMEN, PEACE, SECURITY AGENDA, UNANIMOUSLY ADOPTING RESOLUTION 2492 (2019)

## 8649th Meeting

29 October 2019

The Security Council unanimously adopted resolution 2492 (2019) today, urging States to recommit themselves to its women, peace and security agenda — now approaching its twentieth anniversary — including by creating safe environments for women leaders, peacebuilders, human rights defenders and political actors around the globe.

By terms of the resolution, the 15member Council encouraged Member States to fully implement all provisions of its resolutions on women, peace and security — including the initial resolution 1325 (2000).

Also by the text, the Council urged countries supporting peace processes to facilitate the full, equal and meaningful participation of women, including at the earliest stages. It also asked States to address threats, harassment, violence and hate speech, and to remain committed to increasing the number of civilian and uniformed women in peacekeeping operations.

Council members also heard several briefings, including from the senior United Nations official responsible for gender equality and empowerment of women, the African Union Chairperson's Special Envoy on Women, Peace and Security, and leaders of civil society organizations representing African women.

Delivering opening remarks, Secretary General António Guterres said change is coming at a pace too slow for the women and girls whose lives depend on it. Nearly two decades after the adoption of the landmark resolution 1325 (2000), they still face exclusion from peace and political processes, as attacks against women human rights defenders increase. Only a tiny percentage of peacebuilding aid goes to women's organizations,

he noted. "But despite this grim litany, we will not give up," he vowed.

Briefing members, Phumzile Mlambo-Ngcuka, Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UNWomen), declared: "Progress is too slow, political will is not strong enough and pushback against the needs and interests of women is threatening the progress made." Calling upon States to heed the calls of women and close the gaps between their words and actions, she said violent misogyny is on the rise and political violence is targeting women at record levels, as sexual violence remains a weapon of war and terror. Meanwhile, "we still live in a world that tolerates and excuses women's continued exclusion from peace and political processes and institutions," she said.

Bineta Diop, Special Envoy of the Chairperson of the African Union Commission on Women, Peace and Security, pointed out that violence against women continues unabated and includes the use of women and girls as suicide bombers, as seen in the Sahel and Lake Chad Basin regions. Outlining the crucial mediation role being played by women on the continent, she said the Network of African Women in Conflict Prevention and Mediation — commonly known as FemWiseAfrica — was established for that purpose.

Alaa Salah of the NGO Working Group on Women, Peace and Security spotlighted women's important role in her native Sudan — including their opposition to colonial rule and their recent struggle against the dictatorship of former President Omar alBashir — while pointing out that women have largely been sidelined from the formal political process in the months following the revolution. Accounting for 70 per cent of Sudan's most recent protests,

women were teargassed, threatened, assaulted and jailed without charge or due process, she recalled.

Lina Ekomo, speaking for FemWise-Africa and the African Women Leaders Network, recounted the persistent efforts of women in the Central African Republic to gain inclusion in that country's peace process. The absence of women participating meaningfully in the process enabled perpetrators of genderbased violence to win and hold leadership positions, she said, adding that victims of abuse have been abandoned as civilians live in fear of abduction. She called for women to participate in the 2020 and 2021 elections and for the routing of aid through civil society groups rather than unreliable institutions.

Speaking after the resolution's adoption, the representative of the United States noted that the resolution refers to previous Council texts containing references to sexual and reproductive health and rights, as well as to the safe termination of pregnancy, which the United States cannot support. The text also falls short of throwing the Council's full weight behind those women putting their lives on the line every day as peacekeepers.

The United Kingdom's representative, however, described the text as the "the final push" needed to advance the women, peace and security agenda. While welcoming its focus on establishing safe spaces and increasing funding, she also expressed disappointment that its language on human rights defenders is not more ambitious, and that it was not able to better spotlight the important role of civil society. "They are the ones on the front line and they need greater recognition and support," she pointed out.

The Russian Federation's representative acknowledged the need for National Action Plans, while emphasizing that adopting them merely to satisfy reporting requirements does not provide an assessment of national actions. He went on to stress that women themselves must participate at all levels of peacemaking in order to make real change. He also pointed out the text's focus on human rights, underlining that such questions are the purview of other organs.

Poland's representative said new tracking confirms that women's participation in peace talks is not increasing fast enough. Among other things, she said, women are often viewed as more honest brokers, are more likely to advocate for accountability and services for survivors of sexual and genderbased violence and are wellplaced to detect early signs of radicalization.

Jordan's representative said that, although men have long been considered the only relevant actors in armed conflict and in conflict resolution, women are greatly affected and involved as relatives, caretakers, politicians, human rights defenders and combatants. Their engagement must be enhanced, not only in "soft" preventive diplomacy, but also at the core of peace processes, she stressed.

Namibia's representative was among delegates who cited statistics revealing that peace agreements that women are involved in negotiating are 35 per cent more likely to last for at least 15 years. "This number alone should encourage parties to ensure that women must be part of the conversation," he said, adding that Namibian women are among personnel deployed to three major United Nations peace operations in Africa.

Naledi Pandor, South Africa's Minister for International Relations and Cooperation, and Council President for October, spoke in her national capacity, saying the high percentage of women in her country's national defence force has enabled it to deploy more women to the front lines of conflict as a troop contributor. However, women's participation in peace processes continues to be undermined, she said, emphasizing the critical need to increase their involvement in both uniformed and civilian components of peacekeeping operations, invest in women as peacebuilders, protect their human rights and advance accountability for heinous crimes such as sexual violence.

France's representative noted that recent erosions, as well as an unacceptable questioning of women's rights, have cast doubt on the progress of the women, peace and security agenda. He described the resolution adopted today as an opportunity to

press forward rather than simply “treading water” on the rights of women.

Also speaking were Cabinet Ministers from Germany (also on behalf of the Group of Friends of the African Women’s Leaders Network), Norway (on behalf of the Nordic countries), Sweden, Guatemala, Liberia and the Republic of Korea.

Others included representatives of China, Belgium, Dominican Republic, Kuwait, Indonesia, Côte d’Ivoire, Peru, Equatorial Guinea, Georgia, Japan, Switzerland, Latvia, Ireland, Hungary, Thailand, Netherlands, Uruguay, Slovenia, Armenia, Pakistan, Kazakhstan, Italy, Luxembourg, Colombia, Australia, Albania, Canada (also on behalf of a group of 56 Member States), Lithuania, Argentina, Viet Nam, United Arab Emirates, Brazil, Austria, Egypt and Qatar, as well as the European Union and the Organization for Security and Cooperation in Europe (OSCE).

The full summary of the meeting can be read on <https://www.un.org/press/en/2019/sc13998.doc.htm>.

# POLITICAL INFLUENCE IN JUSTICE DISPENSATION: EVIDENCE FROM INDIA AND THE WAY FORWARD

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## The Unnao Tragedy

In July 2019, a car carrying a 19-year-old rape survivor named “Unnao,” (after the town where the event took place in the northern state of Uttar Pradesh) her lawyer and two aunts were allegedly hit head-on by a truck, leaving the girl and her lawyer critically injured and both aunts dead (Gettleman, Kumar, & Raj, 2019). The incident was not an isolated hit-and-run; earlier in the year, the girl had accused an influential politician of rape. Popularly referred to as the ‘Unnao rape case,’ the story epitomizes the political-criminal nexus operating in India and illustrates the pitiable plight of victims caught up in this nefarious network (Trivedi, 2019).

The case in question began in 2017 with the alleged rape of the 17-year-old victim by a four-time elected member of the state legislative assembly (Press Trust of India, 2019a). After the police refused to act on her complaint, ‘Unnao’ attempted to self-immolate, and her father was taken into police custody where he was allegedly tortured and killed. The police filed a countersuit against Unnao and her family and continuously harassed them (Press Trust of India, 2019a). Despite this, ‘Unnao’s’ arrest some ten months after the initial allegation, Unnao and her family continued to write letters saying they were being threatened by the accused and feared for their lives. The situation would all culminate in the allegedly fabricated accident, perceived as a deliberate attempt by the accused to kill the witnesses (Gettleman et al., 2019).

The seemingly deliberate delays in legal action and alleged murder conspiracies against Unnao’s entire family were signs that local police are prone to succumbing to political pressure (Press Trust of India, 2019b). According to the renowned Indian journalist Purnima Tripathi (2019): “the brazen and

audacious way in which the police have shielded [...] the MLA accused in the Unnao rape case and failed to protect the victim may suggest a collapse of the policing machinery in the State.” Prakash Singh, former Director-General of the Police (DPG) at Uttar Pradesh shared similar sentiments, expressing awe at the degree of the conspiracy:

“the sequence of events and the delay in the case make one thing clear, that there was clear collusion of the police system with petty political leaders to deny justice to a rape victim. However, kowtowing to an MLA, right from the thana (police station) to the DGP level, is something I find surprising” (Tripathi, 2019).

## Sexual Exploitation of Indian Women and Political Influences

The Unnao case is neither an isolated instance of sexual exploitation of girls and women by Indian politicians nor of the failure of the criminal justice machinery. Instead, the extreme tragedy of the case serves to illustrate the relative negligence and nepotism by the police to effectively investigating and prosecuting such incidents. There are several instances across Indian party lines and across the country where political heavyweights have obstructed the criminal justice process and so denied women their fundamental and constitutional right to due process (Bhalerao, 2018). The dilemma of political interference in sex-related crimes is not unique to India. Corey (2017) and Smout (2019) describe similar instances of cover-ups by police and political parties in the UK in offences involving the sexual exploitation of young girls and women.

In most cases, especially in India, the victims come primarily from the poor and marginalized sectors of society. They are highly vulnerable to demands

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of the politicians they seek out in order to improve their economic situation (e.g. finding jobs, getting promotions, availing a government scheme, etc.). Given the power and influence wielded by Indian politicians, such women are easy prey for sexual exploitation (i.e. assault) by these unscrupulous men. It is known that men perpetrate most sexual assaults and typically arise within asymmetrical power dynamics where the perpetrator occupies a more powerful or dominant position to the victim (Department of Justice, 2017). As such, “although the touch may be sexual, the words seductive or intimidating, and the violation physical, when someone rapes, assaults, or harasses, the motivation stems from the perpetrator’s need for dominance and control” (Yonack, 2017). Given the vast disparities that exist in India (e.g. across castes, communities, gender, among other factors), men occupy the dominant position and are thus, at times, prone to coercing, seducing, manipulating and attacking vulnerable women and girls with relative impunity.

What is disconcerting, though not striking, is that these exploited women are primarily disregarded by a criminal justice system mandated to protect them from historically unjust treatment by those in powerful/influential positions.

### **Political Influence and Justice Dispensation**

The British criminologist, Nigel Walker (1969) outlined the objectives of criminal law and criminal justice as being fundamental to the protection of the vulnerable and marginalized sectors of society (i.e. the young, the poor, and/or the feeble-minded). Hence, Walker argued that the justice system should serve to guard the public against abuses and exploitation of their persons or their property. Ideally, a criminal justice system functions to ensure the well-being and safety of all, especially the most vulnerable sectors from uninvited or anti-social acts of violence (Waldron, McElreath, Jensen, Waldron, & Milstein, 2009). The primary agency entrusted with the task of detecting and investigating crimes and bringing the offender(s) to justice is the police.

One of the palpable constraints on policing, which has operated since the early nineteenth century, has been political interference (Walker, 1969). To some extent, political influence is reasonable

for the governance of police management, day-to-day operations, and organizational policies. Such influence is intended to ensure adequate protection of civil rights and liberty, but when officers shirk their statutory duties by turning a blind eye to facilitate a political process or figure, police autonomy and functionality are greatly affected. Meanwhile, the American scholar, Bruce Smith (1933) also maintained that political manipulation and law enforcement seemed always to have been closely associated.

Research in the U.S. has shown that the public generally believes police are “nothing more than adjuncts to political machines, and that police reforms not only improved policing but also attacked the infrastructure of political machines” (Fogelson, 1977). Another study by Mastrofski (1988) examined the factors that mediate the degree and type of interference exerted on police executives. The study suggested that the levels of interference may vary as a result of the personalities of those involved in governance, the political culture, the degree of police bureaucratization, and the community power structure.

From its colonial background, India inherited a system designed to be subordinate to the Crown and used to ruthlessly carry out its commands even when they were not in the public interest (Ministry of Home Affairs, Govt. of India, 1979). After gaining independence in 1947, India was still unable to rise to the opportunity of wiping ‘every tear from every eye’ and serving the millions of people through social responsibility. Politicians saw the influx of people from diverse fields and increased contact between politicians and police executives, which made way for intercession, intervention and interference through *mala fide* objectives that work against the public interest (Ministry of Home Affairs, Govt. of India, 1979). For example, the report observed that:

The involvement of people in political activity brings in its wake anti-social elements who exploit [their] proximity to politicians to gain protection from possible police action under the law. The nexus between unscrupulous elements among politicians and such anti-social elements mainly affect the enforcement of social and economic enactments... Arrest

and enlargement of bail of persons ... and their subsequent prosecution attracts attention.” The Station Police officer is no longer governed by their professional duties and ethics but by the dictates of local party members who thus frequently decide the course of certain criminal activity (Ministry of Home Affairs, Govt. of India, 1979).

The practice of corruption and other misconducts by police and politicians acting in collusion thus continues to flourish in India. Verma and Subramanian (2009) emphasize that citizens are unwilling to go to the police station out of fear that they will be asked for a bribe. Police officers are notorious for this and for conducting improper investigations and even destroying evidence. Such cases naturally flow into a dead-end when the prosecution fails to establish guilt, and the courts acquit the accused for want of adequate evidence, and this compromises the entire criminal justice delivery system.

If investigations into corruption are themselves characterized by nepotism and do not align with the objectives of a fair and just criminal justice system, the citizenry will learn that anything goes if you have the right influence and connections. The integrity of any justice system clearly articulated in the United Nations’ Sustainable Development Goal number 16 (see <https://sustainabledevelopment.un.org/sdg16>). Fortunately, the Supreme Court of India is not entirely blind to the situation. For example, in a 2014 ruling, the Supreme Court remarked that the: “monitoring of criminal investigation is the function of investigating agency ... (and that any) unsolved crimes, unsuccessful prosecutions, unpunished offenders and wrongful convictions bring our criminal justice system in disrepute.” (Furthermore) “when the persons involved in the crime wield political power and influence, the possibility of putting pressure on the investigating agency, which is no more independent in our country, is much more. Ordinary people will be left with the feeling that they can get away with any crime which tarnishes the image not only of the investigating agency but the judicial system. Once the investigation fails, the court will face with a *fait accompli*. A proper and uninfluenced investigation is necessary to bring about the truth (*Shahid Balwa v. Union of India*, 2014).

## The Turbulent Road to Reforms

The administration of Indian criminal justice falls squarely within the domain of the State<sup>2</sup> moreover, to date, little has been done since gaining Independence to improve the situation. The outdated Police Act, 1861 still guides and governs the police system, defining it not as a ‘service’ to the people but as a ‘force’ under the supreme command of the State. Several Commissions and Committees (Malimath, 2003; Status Note on Police Reforms in India, n.d.) have failed to bring about necessary reforms. In 2006, the Supreme Court issued directives (i.e. *Prakash Singh v. Union of India*, 2006) to ensure that police retain functional responsibility while remaining under the supervision of the political executive; political control of police by the political executive is conditioned and kept within its legitimate bounds; internal management systems are fair and transparent; policing efficiencies are increased in terms of their core functions; and most importantly, public complaints are addressed and police accountability enhanced (Seven Steps to Police Reform, 2010). Around the same time, the Police Act Drafting Committee (PADC) submitted its draft Model Police Bill, 2006 complementing the Supreme Court directives (The Model Police Act, 2006). Few States, however, implemented the reforms, while others have yet to initiate the same (Jain & Gupta, 2016). In 2013, the Court again directed the States to provide details of actions taken, concluding that “instead of improving the police functioning and approach, what we have seen is a journey from bad to worse in these seven years” (Prakash, 2013; Press Trust of India, 2019c).

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2 Police is a state subject under List II, Schedule 7 of the Indian Constitution, 1950.

## Summary

The functioning of the Indian criminal justice system paints a grim picture when it comes to protecting women and girls from sexual assault by persons in influential positions. The first and most significant responder to criminal occurrences, the police, have failed to address the needs of the vulnerable classes. The situation further devolves in cases having political ramifications that lead police to deliberately turn a blind eye to pleas for help by victims. The Unnao rape case is an unfortunate example of how far the police-politics nexus can go in India. The only respite has been the judicial intervention from the Supreme Court of India, which has ordered the case transferred out of State as well as compensation and specialized treatments for the victim (Press Trust of India, 2019d, 2019e). There are thousands of Unnaos across the nation, stories of women and girls who have silently suffered rape, assault, harassment at the hands of political bigwigs. Most cases have failed to move beyond investigation, not to mention prosecution before courts. The #Metoo movement is a clear reminder of the outrage felt by women the world over and their firm intention to no longer be silenced. The time is right for immediate reforms to improve the criminal system in India to ensure the autonomy and functionality of police agencies and their accountability to the common masses (Chengappa, 2019). Police as an institution need to be insulated from political interference, and necessary steps towards that end must be expedited.

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# EXCERPT OF ‘TERRIBLY AND TERRIFYING NORMAL – POLITICAL VIOLENCE TARGETING WOMEN’

Dr. Roudabeh Kishi, Melissa Pavlik and Hilary Matfess, The Armed Conflict Location & Event Data Project (ACLED)

Women around the world are facing unprecedented levels of targeted political violence. New data on political violence targeting women collated by the Armed Conflict Location & Event Data Project (ACLED) – in partnership with the Robert Strauss Center for International Security and Law at The University of Texas at Austin – confirm that the threat of political violence towards women has grown, in particular over the past 18 months, and is currently at its highest level recorded since 2018.

These data offer a new tool to track politically motivated attacks on women over time and across countries; address a number of critical gaps left by the constellation of efforts over the years to monitor and assess political gender-based violence; and will also complement the range of essential past and ongoing initiatives.

*‘Terribly and Terrifyingly Normal’*: *Political Violence Targeting Women* introduces the new categorization added to the ACLED dataset and presents the first full analysis of data on political violence targeting women, as well as demonstrations predominantly featuring women. It unpacks key developments in political violence and demonstration activity involving women within the public sphere, ranging from war-time sexual violence and attacks on female politicians, to active repression of women engaged in political processes. It confirms expected patterns previously uncovered: women experience a high level of political violence during war; the report also reveals surprising new trends, including the disproportionate use of intervention and excessive force against demonstrations featuring women.

## Top Trends

***Political violence targeting women is increasing in the short term; there are twice as many such events reported during the first quarter of 2019 than during the first quarter of 2018:***

- Women are frequently targeted where levels of organized violence are high, such as during conventional warfare. This includes groups targeting women in the course of or as a weapon of war, such as the targeting of female civilians by snipers in a contested territory. Both Syria and Somalia are indicative cases.
- However, even where levels of organized violence do not top the charts, women often still face high levels of targeting. This includes actors targeting females outside of conventional conflict, such as attempts by the state to enforce order through repression, or a mob targeting a woman accused of indecency. Burundi and Pakistan are indicative cases.

## ***Political violence targeting women extends beyond sexual violence, which makes up only one-third of all violence targeting women events:***

- Political violence targeting women takes a variety of forms and varies across region and context.
- Sexual violence, abductions/forced disappearances, and mob violence are all proportionally more common in violence targeting women than in political violence in which gender does not drive targeting choices.
- Non-sexual attacks targeting women are the most common form of violence targeting women. These non-sexual attacks -- such as attempted assassinations of female politicians, or repression by state forces -- account for 47% of violence targeting women, while sexual violence accounts for 34%.

## ***Political violence tactics targeting women vary by region:***

- Non-sexual attacks are the predominant way in which women are targeted in the Middle East, accounting for 82% of all events (e.g. in Febru-

ary 2019, pro-Houthi snipers targeted a civilian woman in Al Hudaydah in Yemen).

- Sexual violence is the leading type of violence targeting women in Africa, accounting for 42% of all violence targeting women on the continent (e.g. in April 2018, a Fulani militia raped a woman in Anambra, Nigeria over land issues). Sexual violence is also widespread in South-east Asia, and makes up 36% of all violence targeting women there (e.g. in November 2010, a soldier raped a girl in Shan state, Myanmar).
- Mob violence makes up a third of all violence targeting women in South Asia, reflecting the prominence of mob violence more largely as a feature of the region's conflict landscape (e.g. in March 2019, a mob assaulted a married woman in Assam, India over an illicit affair by pouring kerosene oil on her and attempting to set her ablaze).
- Abductions and forced disappearances are comparatively more common in Africa relative to other regions, where they make up 10% of all political violence targeting women. The Chibok schoolgirls kidnapping by Boko Haram in Nigeria in 2014 is a highly publicized example, spurring the #BringBackOurGirls social media campaign.

#### ***Perpetrators of political violence targeting women also vary across regions:***

- Anonymous armed groups have carried out the largest proportion of violence targeting women from the start of 2018 to the present. Violence against women by unidentified armed groups (UAGs) constitute one-third of such events over that time period.
  - UAGs are the primary perpetrators of this type of violence in Africa, and in Southeastern & Eastern Europe and the Balkans. This points to the importance of capturing violence involving these anonymous agents.

- Of identified and named groups, political militias<sup>1</sup> are responsible for the most violence targeting women in Africa; state forces carry out the largest proportion in the Middle East; and mobs, including those with links to political parties and religious groups, are the primary perpetrators in South Asia.

#### ***Demonstrations featuring women face disproportionate levels of excessive force:***

- Demonstrations featuring women are on the rise; in nearly every region of ACLED coverage, the first quarter of 2019 featured record or near-record high levels of demonstration events featuring women.
  - Demonstrations featuring women entail those in which demonstrators are made up entirely or a majority of women (e.g. a gathering of mothers of prisoners), a women's group (e.g. Women of Zimbabwe Arise [WOZA], the Free Women's Movement [TJA] in Turkey, or the All India Democratic Women's Association [AIDWA]), or around women's rights specifically (e.g. women's reproductive rights, or policies around women's clothing).
- Across all regions, the vast majority of demonstration events (a category that includes non-violent public gatherings and violent demonstrations) featuring women are peaceful protests in which demonstrators do not engage in violence or vandalism and are not met with any intervention, by state forces or otherwise.
- However, higher proportions of demonstration events featuring women are met with excessive force (e.g. live fire) and intervention (e.g. arrests, tear gas) than demonstrations not featuring women, especially in Southeast Asia, the Middle East, and across Africa. This intervention usually comes at the hands of the state.

The new data on political violence targeting women are publicly accessible via ACLED's website -- both through the data export tool as well as a curated data file -- and also via ACLED's API on a weekly

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1 ACLED defines these groups as armed, organized political gangs, often acting on behalf of political elites.

basis, allowing users to monitor these trends in near-real-time for analysis, programming, early warning, advocacy, and more.

If you are an organization collecting information on political violence targeting women, or demonstrations featuring women, and are interested in a partnership with ACLED to help extend coverage of these threats to women further, please reach out to us at [admin@acleddata.com](mailto:admin@acleddata.com).

The full text can be downloaded from [acleddata.com](http://acleddata.com).

## **ABOUT**

The Armed Conflict Location & Event Data Project (ACLED) is a data base on dates, actors, types of violence, locations, and fatalities of reported political violence and protests across the world. Further, ACLED provides a collection of analyses and reports on these matters.

# **PART IV**

## **Data Collection on Femicide**

**“Recognizing the reality and scope of femicides in every single country is the first step to revolutionizing consciousness about the incalculable costs of these lethal manifestations of misogyny.”**

**Diana E. H. Russell, Sociologist and Feminist Author, 2012**

# GOOD STORIES WITH A FOCUS ON FEMICIDE WATCH/OBSERVATORIES

*Dr Dubravka Simonovic, Special Rapporteur on Violence Against Women, Its Causes And Consequences*<sup>1</sup>

This year the mandate of the Special Rapporteur on violence against women celebrates its 25 years anniversary since its establishment in 1994. Over the course of the past years mandate was able to visit significant number of States and to engage in dialogue with governments and civil society, independent institutions but also with individual women victims of violence seeking refuge in shelters or other places and life free from gender based violence against women and girls. In order to pursue the implementation of the international framework on violence against women the mandate started the femicide prevention initiative. This initiative is a crucial contribution towards the achievement of the Sustainable Development Goal on elimination of violence against women and girls and to tackle all the challenges related to States' due diligence obligation to combat and prevent gender-based violence against women.

This initiative is an implementation tool detecting measures needed to prevent violence against women, especially in light of this particular moment in which conservative and push-back views are aiming to undermine the historical achievements of women's rights movements. I deeply believe in the added value of building up strong national women's femicide watches/observatories, which are examples of a "good practice" based on cases and real life stories to change tolerance towards violence against women and girls.

## Background information

Throughout my work at global and regional level, I have seen that femicides or gender related killings of women are not properly addressed including at the national level. Data on femicide are collected under homicide data. **Women and girls account**

**for a smaller share of total homicide (20%) in comparison to men.** However, women are the 82% of the victims of intimate partners homicide, which constitutes the worst form of gender-based violence against women and girls and a grave and systematic human rights violation.<sup>2</sup>

It is for this reason that one of my priorities in the exercise of the mandate is the prevention of femicide and all forms of gender-based violence against women worldwide. More specifically, I believe that comparable data collection and analysis of cases and stories is a key tool to prevent gender-based violence, with a view to collect comprehensive knowledge on its prevention. Collection of data is also required to follow up on the implementation of goal 5 and 16 by the 2030 Sustainable Development Goals Agenda.

Every year since 25 November 2015<sup>3</sup>, speaking ahead the International Day on the Elimination of violence against women, I urged all states to focus on prevention of gender-related killing of women by establishing a 'Femicide Watch', and to publish on each 25 November – International Day on the Elimination of violence against Women – the number of femicides or gender related killing of women per year, disaggregated by age and sex of the perpetrators, as well as the relationship between the perpetrator and the victim or victims. Information concerning the prosecution and punishment of perpetrators should also be collected and published.

Then, in my report to the General Assembly (A/71/398) of 23 September 2016, I renewed my call for the prevention of femicide and recommend

1 Human Rights Commission resolution 1994/45 (1994), and subsequent Human Rights Council resolutions 16/7; 23/25; and 32/19

2 [https://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18\\_Gender-related\\_killing\\_of\\_women\\_and\\_girls.pdf](https://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18_Gender-related_killing_of_women_and_girls.pdf)

3 <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16796&LangID=E&DanaTimeoutCtx=1>

the establishment of femicide watches and/or observatories on gender based-violence against women based on modalities explained in the same report. Such observatories constitute a tool to implement and strengthen preventative measures by identifying possible failures of protection and providing decision makers with more timely and effective evidence on gaps in their legal framework and prevention policies.

In addition to the regular mandated activities, I also launched a platform on cooperation between international and regional independent mechanisms on women's rights, with a view to keep the prevention of gender-based violence and discrimination at the center of national, regional and global efforts.<sup>4</sup> **This Platform, which I consider a best practice in terms of strengthening cooperation among human rights mechanisms, was formally launched at the margins of the 62nd session of the UN Commission on the status of women.** The Platform joined my call upon States to increase their efforts to implement all available global and regional women's human rights instruments and improve the accuracy and reliability of data collection on femicide and all forms of gender-based violence and inequalities.

### Good stories

Following my calls for prevention and submissions of information on femicide, as well as various official country visits I conducted, several States and stakeholders started to implement femicide watch/national observatories on femicide and gender-related killings, in line with modalities expressed in my report A/71/398.

### Official visit to Argentina (14 to 21 November 2016)

A/HRC/35/30/Add.3

Marking my first official visit to the country, on 15 November 2016, the Ombudsman of Argentina created through resolution 00049/16 a Femicide

Observatory<sup>5</sup>, based on the recommendations included in my GA report, within the purpose of gathering, producing, elaborating, systematizing, analysing, and communicating data and information about femicides. More information on Argentina's data collection on femicide is available at:

<https://www.ohchr.org/Documents/Issues/Women/SR/Femicide/Argentina.pdf>

### Canada (13 to 23 April 2018)<sup>6</sup>

During my country visit to Canada, I received some important official general data on violence against women by Statistic Canada's Homicide Survey. However, this data is not systematically updated and lacks of adequate gender lens. While the killing of all women and girls is included as a core focus of data collection for Statistic Canada's Homicide Survey, data are limited (e.g. minimal information on context of crime, history of relationship, prior history of violence, etc.), not easily accessible or user-friendly for broader research, education and awareness, with little focus on justice and accountability. Furthermore, it does not address post-femicide information prevention possibilities including the monitoring of criminal justice and social responses and stereotypes. Both pre- and post-prevention initiatives are crucial and reciprocal.

In light of this observations, I welcomed that there are initial steps and good practices in some provinces for the establishment of observatories on femicides in line with my recommendations. In particular, I welcomed as a good practice the establishment, in 2017, by the Centre for the Study of Social and Legal Responses to Violence at the University of Guelph, of the Canadian Femicide Observatory for Justice and Accountability (CFOJA)<sup>7</sup> in Ontario that tracks femicides and documents social and state responses somewhat in line with my recommendations.

The initiative is being launched in response to my call for action to establish a femicide watch or observatory to collect, analyze and review data on

4 <https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/CooperationGlobalRegionalMechanisms.aspx>

5 <http://www.dpn.gob.ar/observatorio-femicidios.php>

6 <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22981&LangID=E>

7 <https://femicideincanada.ca/home/contact>

femicide and to report annually on November 25. The call reflects increasing attention to femicide, its impacts on women's equality and human rights, and its differential impacts for specific groups of women.

## Croatia

Following my call for concrete actions, in October 2017, the first meeting of the Observatory for comprehensive monitoring, data collection, analysis and reporting on the killings of women - Femicide Watch - was held at the Office of the Ombudsperson for Gender Equality of Croatia. The practice was set up of the police informing the Ombudsperson on every killing of a woman, including a short description and analysis of each case. Furthermore, at the regional level (police administrations) and the national level (General Police Directorate), each and every police procedure is checked in order to determine the causes and motives for the killing and the related risk assessment. A quality and tactics analysis of previous police procedures is also conducted.

In order to gain comprehensive insight into the incidence and connection of risk factors with killings of women, the General Police Directorate conducted a survey entitled "Gender-based Violence – Femicide Watch". This year the **International Day for the Elimination of Violence against Women** was marked by the first public presentation of the findings of this survey. The survey was conducted based on the investigation of each individual case relating to a criminal act against women with lethal consequences committed in 2016 and 2017. The findings presented will be useful to the police, but may also be useful to the governments' partners, in their further planning of preventive activities aimed at the protection of women from the gravest forms of abuse. The survey will continue with an analysis of all the cases of killings of women at the end of each calendar year.

## Official visit to Georgia (15 to 19 February 2016)

A/HRC/32/42/Add.3

On November 25<sup>th</sup>, 2016, in order to fulfill the recommendations of my GA report on modalities for the establishment of femicide watch/observatories, the Public Defender of Georgia declared readiness for creating "the Femicide Monitoring Mechanism" with the support of UN Women office in Georgia. Therefore, Public Defender of Georgia has been monitoring cases of femicide based on a specially developed methodology since 2016. The aim of the monitoring is to analyze each case of gender-related murders of women, murder attempts and actions that pushed women toward attempting or dying by suicide. Additionally, the monitoring helps to identify shortcomings in the victim protection mechanisms in order to improve and further develop them<sup>8</sup>.

In November, 2017, The Public Defender of Georgia (PDO) together with UN Women organized the international conference Femicide Watch - Monitoring Tools and Mechanisms in Tbilisi, Georgia to commemorate the International Day for the Elimination of Violence against Women, observed every 25 November and share the findings of the first monitoring report.

On 15 November 2018, the Public Defender of Georgia, with the support of UN Women, organized another International Conference on Monitoring Femicide for Prevention. Femicide, as a systemic problem and extreme form of violence against women, and its prevention were discussed at the conference together with Argentinian Ombudsman *Juan José Böckel*.

Notwithstanding the fact that Public Defender's reports has revealed gaps and shortcomings on investigation and court level, there are several improvements as a result of the implementation of recommendations on femicide, namely:

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8 Since 2016, two reports on Femicide Monitoring has been published by the Public Defender of Georgia. The reports are available of the following web-site: <http://www.ombudsman.ge/res/docs/2019042316550665275.pdf>; <http://www.ombudsman.ge/res/docs/2019041014350889501.pdf>

1. Since 2017, the Supreme Court started to collect the data on femicide cases;
2. In September 2018, the Ministry of Internal Affairs of Georgia has created the risk assessment tool on VAW/DV<sup>9</sup>;
3. Since 2018, as a result of changes introduced by the Ministry of Internal Affairs of Georgia to the Criminal Code, commission of a crime on the grounds of gender is regarded as an aggravating circumstance when considering punishment in relation to a number of crimes (including murder, action brought to suicide and intentional infliction of serious damage to health)<sup>10</sup>;
4. In 2018, overall, the number of the victims of femicide has been decreased from 14 to 7 women killed by family member. Overall, 22 women have been killed in 2018, compared to 26 women in 2017 and 32 women in 2016.

Notwithstanding these steps, there are some recurring pattern of shortcomings that negatively affect the prevention and investigation of femicide cases, like, the problem of identifying and naming the gender motive in the case, using gender sensitive language during investigation and in the court decisions, taking the history of violence into the account and most importantly, proper qualification of the case.

Therefore, the office of Public Defender continues to work as the femicide monitoring mechanism in the country and works on the report that will analyze and study femicide cases in five-year period (from 2014 to 2019) to better address the improvements and challenges that still exist in the country.

**On 15 November 2018 I issued a second call for submission<sup>11</sup>, following the one of 2015<sup>12</sup>, asking for updated information on current data on femicide and concerning any developments for the establishment of femicide watches at the national level.**

Following my call I received information by 25 states, namely: Argentina, Australia, Austria, Azerbaijan, Canada, Colombia, Costa Rica, Croatia, Ecuador, El Salvador, France, Georgia, Guatemala, Italy, Mexico, Nicaragua, Norway, Portugal, Qatar, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland

**In addition, also CSOs (Domine Croatia , NGOs UK, Women Enabled International) , regional mechanisms (MESECVI) and academic institutions (Durham University; Monash University provided updated information.**

11 <https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/CallForFemicide.aspx>

12 <https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/FemicideWatch.aspx?DanaTimeoutCtx=1>

9 Georgian Police launch new checklist to assess risks in domestic violence incidents: Information available at: <http://eca.unwomen.org/ka/news/stories/2018/07/georgian-police-launch-new-checklist-to-assess-risks-in-domestic-violence-incident>

10 Information available at: <http://www.parliament.ge/en/saparlamento-saqmianoba/komitetebi/iuridiul-sakitxta-komiteti-146/axali-ambebi-iuridiuli/iuridiul-sakitxta-komiteti-sxdoma11.page>

# THE NEED FOR NATIONAL AND INTERNATIONAL DATA COLLECTION SYSTEMS ON FEMICIDE

**Dr. Monika Schröttle, Technical University of Dortmund, Germany**

Femicide – defined as killings of women because they are women – is prevalent all over the world. It is the most extreme form of violence against women and an expression of patriarchal norms of control and misogyny in societies and individuals. Femicides are most often perpetrated by current and former male intimate partners before, during or after separation and in situations where men feel they have lost control over women. Governments worldwide are responsible for preventing femicide (see resolutions on UN level in Patzer 2018, p.13 and European Commission 2011), but they need more scientific knowledge on the extent of the problem, as well as the victim-perpetrator relationships, backgrounds and motives, underlying circumstances and opportunities for early intervention and prevention. Thus, national and international databases are needed, with concrete and comparable case files that make it possible to identify similar and different patterns of these crimes, as well as the points where States, societies or individuals could have intervened successfully to avoid femicides.

As a consortium member of the European Observatory on Femicide (EOF)<sup>1</sup> responsible for the coordination of EOF data collection, and as former working group coordinator on data collection for the EU COST Action on Femicide, I would like to provide some information on the current state of data collection and the further plans for and necessities of coordinated international data collection.

## **Why do we need national and international data on femicide?**

Officially, in most countries the problem of femicide is not visible, not only because it is not named and defined as such, but also because official crime statistics often do not categorise or identify the number of women killed in gendered contexts like

killings by intimate partners and/or in contexts of sexual crimes (Schröttle/Meshkova 2018; Corradi et al. 2018; EIGE 2017; EUROSTAT 2016). This is even the case in several European countries, as current research by the EOF and the EIGE has shown (ibid.).

Collecting specific and differentiated data and information on femicide will make the problem visible and urge governments and international bodies to implement programmes to combat and prevent femicides. Long-term observation and data collection through comparable measurement will enable States and societies to monitor the extent of the problem over time and between countries. This will provide more information on progress, stagnation and the outcome of strategies to prevent femicide.

Initial internal research at a European level has shown that in most countries progress has been achieved regarding a decline in homicides against men (which most often take place in the public sphere), but almost no progress has been made in regard to killing of women (which are often perpetrated by current/former intimate partners and in the private sphere, cf. Schröttle/Meshkova 2018). Thus, further prevention and intervention strategies have to be implemented and monitored long-term through in-depth data collection and research.

## **What kind of data is needed?**

The EOF has developed a strategy, based on the work of the former COST Action on Femicide, to provide scientific research and data collection through:

- a) Quantitative data collection on cases and background information (which is not included in the official crime statistics);
- b) Qualitative in-depth investigation through fatality reviews (to identify possible characteristics, circumstances and factors that might help to understand what happened prior to the killings);

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<sup>1</sup> For more information on the EOF and the former COST Action on Femicide, see: Naudi/Stelmaszek in: ACUNS (2018), pp. 24-28

- c) Development of practical and evidence-based strategies for prevention in cooperation with the support system and policies.

During the three-year work of the COST Action on Femicide it was becoming clear that although official (crime) statistics on femicide have to be improved, more accurate and useful information and data on femicide is also needed. On the one hand, this must be comparable between countries and over time (independently from the current national crime definitions), and on the other hand, it must contain more situational factors and background information than official statistics can provide. We need data and information that is useful for prevention and intervention prior to the crimes.

Several national and international bodies have already started to collect femicide data based on the official crime statistics (like the UNODC Global Study on Femicide 2018), or independently from them (like the EHM or the Femicide Census, to name just two examples).<sup>2</sup> The EOF has developed a framework for collecting data on femicide on a European level that is compatible with other national and international data collection systems.

Concerning the quantitative database, the plan is to collect case-based information on the following topics:

- Victim-perpetrator-relationship (was the perpetrator a current/former intimate partner, a family member or another known or unknown person?);
- Characteristics of victims and perpetrators (age and further demographic and individual information);
- Situational factors (such as time and location of femicide, witnesses, prior stalking, motives, etc.);
- In-depth information on cases perpetrated by current/former intimate partners (such as previous separation and time since separation,

previous history of abuse and threatening behaviour);

- Involvement of the police, the justice system and the support system prior to the femicides (also protection orders, previous convictions, etc.);
- Outcome of proceedings of the justice system (after the killings).

### **How can this data be collected?**

The EOF is going to collect the national data and information through country groups made up of researchers, as well as practitioners from the support system collecting the information on a national basis.

The starting point for the quantitative data collection system is the collection of information on cases reported by the police and the media through press information. The press information provides more background information on the cases than any other source. The national information on cases will be entered into a structured data form by the researchers of the country groups. If possible, some missing information will be gained through the support system or further media reports during the investigation. At a later stage, the results must be re-checked and verified by the police and justice systems in order to ensure valid data. Further information on the outcome of proceedings of the justice system will be entered into the data form at a final stage. Thus, the data collection system is continuously improved and revised, and is therefore a work in progress. Several scientists and organisations have already used this methodology or similar systems and have shown that it works well (cf. overview in: Schröttle/Meshkova 2018 and Corradi et al. 2018).

Through the work of the EOF, national databases will be established on a European level to systematically and consistently collect, evaluate and publish the data on femicide in a comparable way. This data will flow into a European database, and over the years enough cases will be available to investigate several patterns and gain further information that is useful for intervention and prevention.

In parallel, qualitative in-depth investigation will be established through fatality reviews that were

<sup>2</sup> For further examples, see: Schröttle/Meshkova 2018, Corradi et al. 2018, Naudi/Stelmaszek 2018, see also [www.femicide-watch.org](http://www.femicide-watch.org)

methodologically developed by Anna-Constanza Baldry and Maria José Maghalaes.

### **What is the specific contribution of the EOF?**

The European Observatory on Femicide will provide an important contribution to EU as well as non-EU countries' work against femicide. The extent is still great in all countries and it has not yet been possible to mitigate the numbers and solve the general problem of femicide and violence against women, which both stand in the context of unequal gender relationships and hindered gender equality. The EOF will provide a framework, scientific data and relevant information for practitioners and help states to raise awareness and improve strategies to stop and end the killing of women.

As former research by the COST Action on Femicide and the EOF has shown, such a framework for investigation and prevention of femicide is very important and still not available internationally. The tested and improved methodology for monitoring and evidence-based prevention of femicide will be documented within the coming years, and perhaps also become a model for international structured databases in a broader (non-EU) context.

### **Final remarks**

Currently, the EOF is not financed by governments and/or international bodies, and is only sustained by the engagement of individual scientists and single universities on a low-budget basis. For long-term implementation, national governments and EU stakeholders must fund at least the institutional basis and one or two scientists per country.

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# MONITORING, RECORDING, AND MAPPING FEMINICIDE - EXPERIENCES FROM MEXICO AND URUGUAY

Helena Suárez Val, Uruguay, and Sonia Madrigal, Ivonne Ramírez and María Salguero Bañuelos, Mexico

## Introduction

Violence against women is a violation of human rights, and femicide (femicide) – the murders or violent deaths of women due to their gender<sup>1</sup> – is just the tip of the iceberg in a *continuum* of violence<sup>2</sup> linked at various levels to other oppressions based on class, age, race, sex and gender identity, or sexual orientation, among others. In Latin America, femicide is “terrorizing women”<sup>3</sup>, and several countries show an increase in cases against a worldwide drop in homicide rates<sup>4</sup>.

We have seen the constant changes and dilemmas around the definition of femicide/femicide(s) and its typologies<sup>5</sup>. We know, broadly speaking

and given local specificities, that these crimes are a direct or indirect consequence of historical, social-cultural, economic inequalities between men and women. However, the different conceptual frameworks used across the region, by activists as well as legal and judicial systems, added to the resistance or negligence of states, complexify and complicate data collection efforts<sup>6</sup>.

It is in this context, and given the dearth of official data, that in recent years, a series of works mapping, recording, and monitoring of femicide have emerged from activists in Latin America with the aim of denouncing this violence and generate social change<sup>7</sup>. These cartographic works can be understood as feminist data visualizations<sup>8</sup>, embedded in a long genealogy of actions, both digital and not, that have aimed to increase the visibility of femicide in the region to combat it. This obstinate search, geo-location, and publication of data is a political-affective activist response to the apathy and/or complicity of states, and society as a whole, towards femicide.

In this article, four researchers and activists – mappers of femicide in Ciudad Juarez, the State of Mexico, Mexico, and Uruguay<sup>9</sup> – present, in our own voices, our diverse personal and embodied experiences of monitoring, recording, and mapping cases of femicide. Our objective is to reflect on

1 Bernal Sarmiento et al., ‘Modelo de protocolo femicidio/femicidio’; see also Lagarde, ‘Preface: Feminist Keys for Understanding Femicide: Theoretical, Political and Legal Construction’; Segato, Qué es un femicidio: notas para un debate emergente.

2 Bejarano Celaya, ‘El Femicidio Es Sólo La Punta Del Iceberg’.

3 Fregoso and Bejarano, *Terrorizing Women*. “source”: “Google Books”; “event-place”: “Durham; London”; “abstract”: “More than 600 women and girls have been murdered and more than 1,000 have disappeared in the Mexican state of Chihuahua since 1993. Violence against women has increased throughout Mexico and in other countries, including Argentina, Costa Rica, Guatemala, and Peru. Law enforcement officials have often failed or refused to undertake investigations and prosecutions, creating a climate of impunity for perpetrators and denying truth and justice to survivors of violence and victims’ relatives. Terrorizing Women is an impassioned yet rigorously analytical response to the escalation in violence against women in Latin America during the past two decades. It is part of a feminist effort to categorize violence rooted in gendered power structures as a violation of human rights. The analytical framework of femicide is crucial to that effort, as the editors explain in their introduction. They define femicide as gender-based violence that implicates both the state (directly or indirectly

4 UN ECLAC, ‘International Women’s Day 2019’. a route to change that benefits everyone, will we begin to shift the balance\”, UN Secretary-General António Guterres highlights on his message.”; “URL”: “<https://www.cepal.org/en/articles/2019-international-womens-day-2019>”

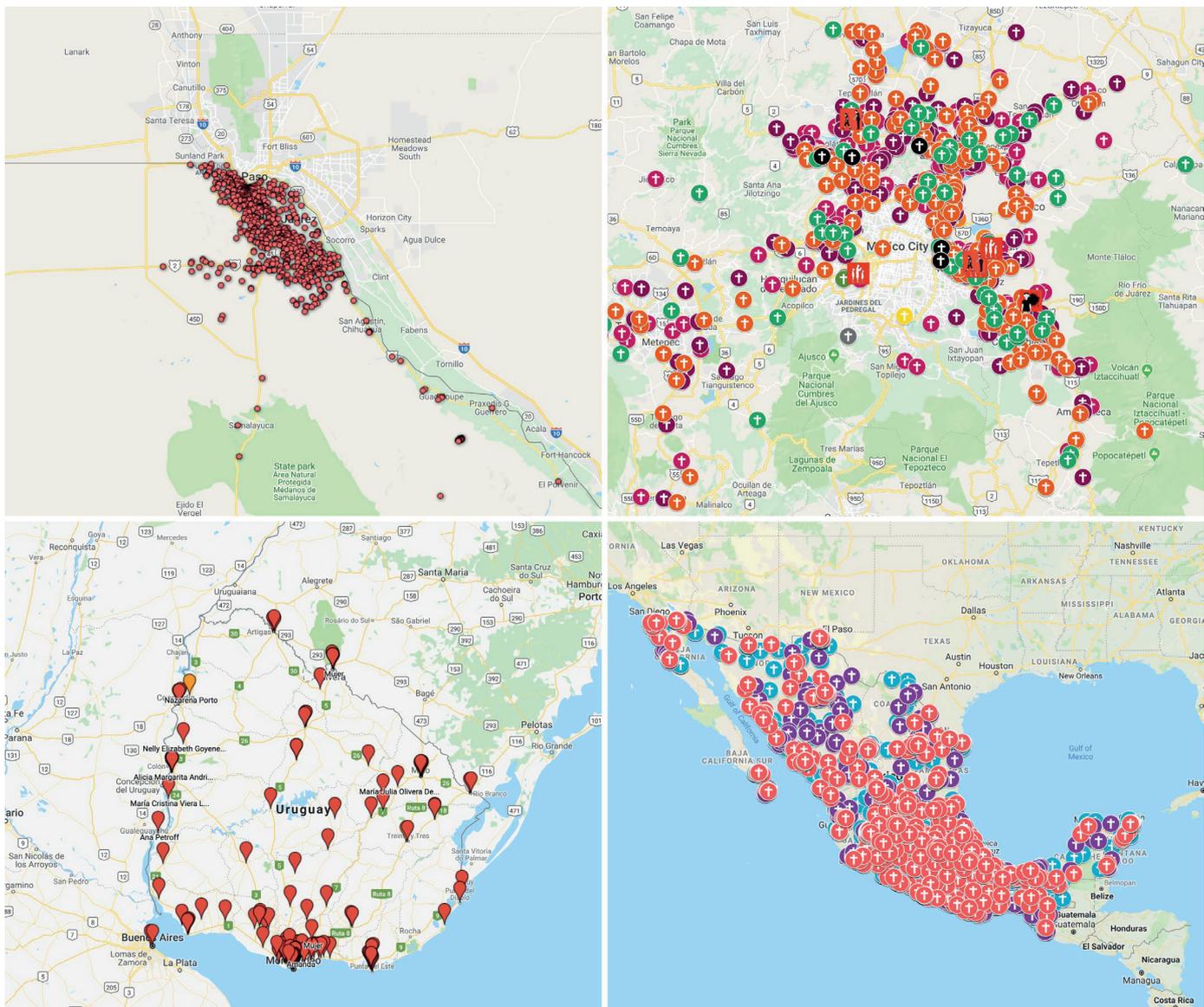
5 see Solyszko Gomes, ‘Femicidio y femicidio’.

6 In some cases there is a “war of figures” between government institutions, social organizations, international organizations, and local and federal authorities (see Tavera Fenollosa, ‘Estadísticas Sobre Violencia de Género: Una Mirada Crítica Desde El Femicidio’.)

7 Examples of femicide monitoring and mapping from Latin America and other parts of the world can be accessed from the websites of the projects presented in this text.

8 D’Ignazio and Klein, ‘Feminist Data Visualization’.

9 It is beyond the scope of this work to describe the different realities of Mexico and Uruguay with respect to femicide. The rates could be compared (1.2 and 1.3 per 100,000 women for 2018 respectively, according to UN ECLAC, ‘Femicide or Femicide’.), but these are just figures.



Mapping feminicides (clockwise from top-left: Ciudad Juárez, Mexico; State of Mexico; Mexico; Uruguay)

the practices of creating these imperfect tools of denunciation and visibility<sup>10</sup>, how feminicide cuts through us, what are the vicissitudes, processes, learnings and questions implicated in these activist artifacts.

### Yo te nombro (I name you)

#### National map of feminicides in Mexico

[mapafemicidios.blogspot.com](http://mapafemicidios.blogspot.com)

The main motivation for the elaboration of this map is to *name* the victims of feminicide. To name

them; they are not just figures. *Yo te nombro* is a national map of feminicides in Mexico. The data are presented as a series of layers that provide information distributed by type of feminicides. The age of the victims, the relationship with the aggressor, the legal situation of the aggressor, the spaces where the bodies are found, and the conditions in which they are found are also shown.

There are no free and open data on feminicides. *Yo te nombro* is made with the obstacle of not having access to official files and records of completed investigations. In order for government agencies to provide data on cases of feminicide, a formal request must be made, triggering a bureaucratic parade that there is no time (because there is no money) to follow. Neither is there willingness from many of those corporations. In any case, official data on their

10 Suárez Val, 'Acerca De'; see also Alvarado García, Young, and Dombrowski, 'On Making Data Actionable'.

own in many cases are deficient. For these reasons, the mapping is done by monitoring the media.

The tabloid press is a useful tool, since it facilitates the narration of the facts, the first impressions of the crime scene, details of what happened. Although this information may be erroneous at the beginning, news items are subsequently corrected, once the press has conducted interviews with victims' families and reviewed prosecutors' communiqués. Thus, the press adapts and updates their information, which will in turn appear on the map.

*Yo te nombro* includes women who are victims of robbery, organized crime and quarrels. In murders of women related to organized crime there are also gender motivations. As outlined in the UN's Latin American Model Protocol for the Investigation of Gender-related Violent Deaths of Women (femicide/feminicide)<sup>11</sup>, feminicide is a phenomenon seen in countries in armed conflict situations, as is the case in Mexico.

Members of organized crime also kill their female partners and these crimes are characterized by the seal of organized crime. There are also cases where they seduce, use, and murder them.

That is why it is important to document all of them.

## **Feminicidio Uruguay**

[femicidiodiouruguay.net](http://femicidiodiouruguay.net)

The *Feminicidio Uruguay* map and database are an unofficial, and most likely incomplete, record of cases of feminicide in Uruguay. The location and other data are interpreted from news items and through feminist theorizations of feminicide/femicide. The project is a continuation of a record started in November 2014, when feminist activists in Uruguay began calling "Feminist Alerts": spontaneous public protests following each case of feminicide<sup>12</sup>.

11 Bernal Sarmiento et al., 'Modelo de protocolo femicidio/feminicidio'.

12 La Internacional Feminista, 'Alertas Feministas'.

For me, recording and visualizing feminicide is a form of *wit(h)nessing*<sup>13</sup>, of being-witness-with the social trauma generated by violence against women. An embodied witnessing that expands beyond "the legal and testimonial meaning of bearing witness to the crime against the other, to *being with* [and] *being beside* the other"<sup>14</sup> – murdered others, others still here, and also others who have fought and continue fighting against violence. An activist act that proposes an aesthetic, ethical encounter where to *be with* and *remember for* those others<sup>15</sup>.

But witnessing is not simple, we cannot always be sure of what we see in front of us. Feminicide data is imperfect and unstable in at least two ways. On the one hand, coming from news items, it is already entangled in media and police discourses<sup>16</sup>, it is second- or third-hand data and reading between the lines is shifting terrain. On the other, the definition of feminicide, already unstable due to coexisting divergent feminist interpretations, is further complicated by the emergence of legal typologies that demarcate the concept through political interests and negotiations, placing activist records in dispute with "official" data on violence<sup>17</sup>. Paraphrasing Pollock<sup>18</sup>, in visualizing cases of feminicide there is a sharing, but there are also risks.

These risks are many: to essentialize and homogenize the category "woman" and, moreover, fixing it in the role of victim; to reinforce the idea of this violence as a "woman's issue", if (male) aggressors are not made visible; the risk of stigmatizing a particular population; of obscuring land struggles or migratory processes when using certain state-territory cartographies; the risk of feeding, with more digital data, the circuits of

13 Ettinger, 'Wit(h)Nessing Trauma and the Matrixial Gaze: From Phantasm to Trauma, from Phallic Structure to Matrixial Sphere'.

14 Pollock, 'Aesthetic Wit(h)Nessing in the Era of Trauma', 831.

15 Pollock, 831.

16 News items are often based on police reports or press releases about cases.

17 see Toledo Vásquez, *Feminicidio*.

18 'Aesthetic Wit(h)Nessing in the Era of Trauma', 831.

communicative capitalism<sup>19</sup>. There is also the affective risk, of quantification, of numbing against the humanity of women, against the pain of their families and loved ones.

On the *Feminicidio Uruguay* site, I wrote that the map is updated, with pain and rage, with each new case<sup>20</sup>. Each marker is an attempt to name and remember the real women behind the data, “to publicly display and avow the loss”<sup>21</sup>. Visualizing data on femicide is an affective politics that, as Anderson<sup>22</sup> writes, is not merely interested in correct representation, but in “tend[ing] to, and enact[ing], different capacities to affect and be affected.” As a feminist activist, I choose to let myself be affected by femicide and *acuerpar* (give body, embody)<sup>23</sup> this affect through mapping, a political act hoping to end violence against women.

### **Ellas tienen nombre (They have a name) Digital mapping of femicides committed in Ciudad Juárez**

[ellastienennombre.org](http://ellastienennombre.org)

A meeting in Ecuador organized by the Colectivo de Geografía Crítica<sup>24</sup> facilitated a physical encounter between activists who monitor and map femicides. Propitiated by Helena, some of us had had a first virtual contact that opened a way to share and exchange experiences around the subject. However, before all of this, many of us were already aware of each other’s mapping works and linked them on our respective project pages.

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19 Dean, ‘Communicative Capitalism: Circulation and the Foreclosure of Politics’.

20 Suárez Val, ‘Acerca De’.

21 Butler, *Frames of War*, 39.

22 ‘Becoming and Being Hopeful: Towards a Theory of Affect’, 749.

23 Cabnal, ‘Lorena Cabnal, feminista comunitaria’.

24 Several mappers of femicide met in Quito, Ecuador, at the Encuentro de Geografías Críticas y Autónomas de América Latina y el Caribe (April 2019) organized by the Colectivo de Geografía Crítica, and shared our experiences at an event titled “More than data: feminist actions on societies, territories and bodies to trace and make femicide visible” (<https://geografiacriticaecuador.org/2019/03/31/encuentro-de-geografias-criticas-y-autonomas/>).

*Ellas tienen nombre*, the digital cartography of femicides committed in Ciudad Juárez, emerged in 2015. Since then, I have been questioning the way in which so many girls and women victims are made visible through the map. The theoretical-methodological part is obviously important because on this depends which information and images are displayed. Although not all murders of girls and women are femicide, or at least not directly, given the conditions and the impunity that the authorities have shamelessly poured into this city (corruption, neglect, contamination of crime scenes, destruction of files, mocking, scapegoating, intimidation, and threats to family members, adulteration of evidence, victim-blaming, denial of femicides, etc.), all cases should first be investigated as femicides until it is ruled out that they are not. This is my position in this project: all murders of girls and women in Ciudad Juárez are femicides until proven otherwise. Though not as bluntly, this is the procedure suggested in the UN’s Model Protocol<sup>25</sup>. This of course is debatable, any decision on such a delicate problem is, especially if these works are conceived as tools to support social and legal strategies, and if we aim to match these political actions with actions at different local levels (national, continental) to achieve perhaps small but concrete impacts.

In this sense, beyond each project’s contribution to the visualization of victims of femicide, meeting with other mappers has opened a space for analytical debate, to socialize politicizing the affects produced by immersing ourselves in issues of extreme misogynistic violence. It may seem like immaterial digital activism, but in reality, this is another strategy of *poner el cuerpo*<sup>26</sup>. In the embodied experience of monitoring-mapping, our corporeality is altered because it is composed of forces or potentials for suffering or being affected (experiencing feelings, sensations and thoughts, passive affects) and potentials to act or affect (imagining, transforming, updating, active affects)<sup>27</sup>. We know that we *do* have an ethical-political

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25 Bernal Sarmiento et al., ‘Modelo de protocolo femicidio/femicidio’.

26 To put your body (on the line), to commit, to be present.

27 Castro and Farina, ‘Hacia un cuerpo de la experiencia en la educación corporal’, 182.

commitment and an enormous responsibility with each decision made in our mapping work. I believe that the small act of naming, everything implicated in the remembrance of women's lives on this map, is a gesture of memory that intensifies the rage and political energy between us<sup>28</sup> facing the horror of the violence that haunts us. An example of this is the alliance that we have formed.

I close with Marta Dillon's<sup>29</sup> complicated, controversial questions, so current and open: how to escape being morbid, how to get away from that paternalism of "giving voice" to those who are no longer there, how will we tell, how do we count the victims, what do we count them for, why do we insist that they be counted, are they counted like we count cattle?<sup>30</sup>

### **La muerte sale por el Oriente (Death comes from the East) Visualization of feminicides in the State of Mexico**

[soniamadrigal.com/lamuertesaleporeloriente](http://soniamadrigal.com/lamuertesaleporeloriente)

Thanks to an encounter in Quito, activists from different latitudes who map feminicide were able to meet. In those days, in addition to showing and explaining our work, it was important to discover that we also needed to share doubts and emotions that arise as we inquire into cases. On the one hand, nurturing ourselves from each other's processes, but also discussing what is beyond the data.

*La muerte sale por el Oriente* is a project that I started in 2014, that speaks about the issue of feminicide in the State of Mexico from my trench, visual arts. To develop it, I was not interested in an exact reconstruction of history (image by image) as if I were simply making a documentary record. I was looking for another approach to counter the pressing and normalized condition of the issue. For this reason, *La muerte sale por el Oriente* is supported on three axes: documentary photography, intervention on the territory, and

mapping of feminicides. I started this last line in 2015, prompted by an article on Facebook about *Ellas tienen nombre*, Ivonne's work. This reading taught me another way and I decided to start mapping cases of feminicide in my area. I thought it would be a way to contribute to making the violence exercised against the women who live here visible, in the State of Mexico.

It was also important to make contact with Ivonne, I wrote to her and we shared some technical ideas, and she put me in touch with other women doing this type of mapping, which is how I met Helena and María. The four of us are now building a virtual support space. Although we each do mapping from different contexts and procedures, it is strengthened and takes on another meaning when it is shared, and other webs of experiences and knowledges are woven.

### **Conclusion**

We have strong challenges in our cartographic works denouncing feminicide, and a debt to all the victims and their families. In virtual and face-to-face meetings between mappers of feminicide, our multiple and intertwined conversations highlighted that despite working separately, we share a collective knowledge: practices, questions and also feelings, that connect (us) to each other and to diverse activists and feminist genealogies of actions to end violence against women. For these reasons, in this text we have put in dialogue our personal and embodied experiences of monitoring, recording, and mapping of feminicide, as a starting point and to invite further reflection.

Mapping feminicides (clockwise from top-left): Ciudad Juárez, Mexico; State of Mexico; Mexico; Uruguay.

### **About the authors**

Sonia Madrigal (Mexico) lives and works in Ciudad Nezahualcóyotl, a big city close to Mexico City. She studied a BSc in Informatics. She began her training as a photographer at FARO de Oriente and FARO Tláhuac. She was part of the Seminario de Producción Fotográfica 2016 del Centro de la Imagen. Her work revolves around sociocultural issues that take place in the metropolitan area of

28 Borzacchiello, 'Pensando en la construcción de archivos feministas en tiempos de violencia: elementos para el análisis', 368.

29 'Justicia de Género Para Una Ciudad Global'

30 I decided to quote this last sentence precisely because of the discomfort, displeasure, and discussion it provokes.

Mexico City (mainly in the East). In 2018, she had the honor of being selected to participate in the XVIII Bienal de Fotografía del Centro de la Imagen. She was a fellow of the Programa Jóvenes Creadores del Fondo Nacional para la Cultura y las Artes (FONCA), generation 2013-2014. She has participated in several exhibitions in Mexico, Chile, Brazil, Peru, Argentina, Italy, Spain and the United States, and her work has been published in different media such as the British newspaper *The Guardian*. Participates in the management of the digital platform *Mal d3 ojo*.

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a journalistic and investigative tool to compare the figures offered by the State.

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# CRIMINAL VERDICTS AS A SOURCE OF INFORMATION FOR COLLECTING DATA ON FEMICIDES – OWN EXPERIENCES AND SOME COMPARISONS TO DATA COLLECTION FROM PRESS REPORTS

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## Introduction

Different UN bodies stress the need for data collection on femicides (e.g. UN 2016). Several agencies around the world have been collecting data on femicides for several years (e.g. Women against Violence Network 2018; Women's Aid/Smith 2018; Femicidio.net 2018; Dawson et al. 2019). While agencies are in the process of being established, others have researched homicides in general (e.g. Granath et al. 2011)<sup>1</sup>. Media reports, investigation files, forensic medical reports or criminal verdicts can be used to obtain information on cases, victims and perpetrators (cf. Granath et al. 2011; Mouzos 2003; Kasselt 2016; Dawson 2016; Hunter/Tyson 2017; Grant 2010). GREVIO, the independent monitoring body for the Istanbul Convention, requests information on the outcome of criminal proceedings with female victims to be included in the country reports (GREVIO 2016: 15).

This paper examines the advantages and disadvantages of data collection on femicides through criminal verdicts. Included are my experiences from data collection on homicides by verdict analysis in Germany for a dissertation and from systematically collecting media reports on homicides against women in Germany between January and March 2017. In this article I will repeatedly make comparisons between data collection via verdict analysis and media reports.

## Description of the research

The dissertation I am currently conducting focuses on Intimate Partner Femicides. I will answer the question whether Intimate Partner Femicides are more severely sanctioned than other homicides against women and men committed by men. For

my quantitative comparative study, I consider all legally binding criminal verdicts of intentionally committed and completed homicides judged under adult criminal law from 2015 to 2017 perpetrated by a man.

In my study I take into account about 90 variables and constructs such as characteristics of victims, cases and perpetrators as well as information on victim-perpetrator relationships and on the prosecution of homicides. Although I collect some variables that can provide information on risk factors and preventive approaches, the focus is concentrated on judicial sanctioning.

## Administrative data on intimate partner femicide

The Police Crime Statistics of Germany (PKS) make it possible to distinguish between completed and attempted homicides. They also include the sex of the victim as well as victim-perpetrator relationships. In 2017, 141 women in Germany were intentionally killed by their intimate partners (BKA 2018). The criminal prosecution statistics provide information on the homicides tried in Germany. However, it is not possible to make statements on the judicial sanctioning of killings of women on the basis of criminal prosecution statistics as it does not contain any information on the sex of the victim and the victim-perpetrator relationship (Statistisches Bundesamt [Federal Statistical Office] 2018).

## Selection mechanisms for verdicts and media coverage

The problem of the dark figure is always an issue in researching homicides and is therefore not discussed in this article. Even after the crime has become known to the police, various reasons can lead to a crime not being judged or not being reported in the press. What are specific selection mechanisms that can occur?

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<sup>1</sup> The list does not claim to be complete.

Some homicides will be missing from an analysis based on criminal convictions. No criminal conviction can be handed down if the suspect commits suicide following the crime, if no suspect could be identified or if there was insufficient evidence to bring charges. In order to also obtain information on such cases, the investigation files would have to be used as a source of data.

Another possible selection mechanism could be that investigations may vary in intensity depending on whether the victim is a woman or not, and thus influence the likelihood of criminal proceedings. Currently, there is no indication that German law enforcement authorities are less thorough in prosecuting killings of females.

Here, a comparison with the data collection on media reports will be made for the first time. In principle, print media can report on all known cases. While the criminal prosecution authorities have a duty to prosecute known crimes, the press can freely decide on what it wants to report. Especially, media reports try to attract the attention of the public in order to increase its own circulation. Since many publishers refer to information from news agencies and to press releases by law enforcement agencies, selection mechanisms may have already occurred. But to what extent do registered homicides become publicly known?

Due to the severity of the crimes and the resulting emotional impact on the public, lethal violence is newsworthy (Kepplinger 2000: 63; Hestermann 2010: 173-176). Especially extraordinary homicides, certain motives or methods of execution are regarded as reportable (Peelo et al. 2004; Buckler/Travis 2005; Paulsen 2003)<sup>2</sup>, whereas intimate partner femicides commonly receive less attention (Sorenson et al. 1998). This could be due to the fact that homicides without previous perpetrator-victim relationship or with random victims are perceived as a greater threat to public safety. Additionally, some types of homicides can temporarily dominate the news (Kepplinger 2000: 60, 75). As a result, it should be

studied whether the establishment of the term femicide can initially have an increasing effect on the reporting of homicides against women and whether that effect decreases after a certain period of time.

In addition to media reports, information can also be obtained from official reports of law enforcement agencies. According to a senior prosecutor's statement regarding his agency's guidelines on press work, many homicides are reported via press releases. However, there is some restraint when it comes to minors or if the suspect committed suicide. The decision to publish a press release is based on several factors.

Lastly, regional courts publish charges with short case descriptions (e.g. Landgericht [Regional Court] Bochum 2019). To my knowledge, there is still no systematic research in Germany on how extensively homicides are covered via media reports and communications from police, prosecutors and courts, and whether systematic bias is present.

In summary, neither verdicts nor press reports can provide information on all homicides. It should also be considered that both serve certain interests or purposes.

### **Obtaining the verdicts**

In order to carry out my research project, I asked the public prosecutor's offices in charge of the cases to send copies of the verdicts instead of the criminal proceeding files. I decided that the considerably greater effort that would have been required in order to receive, manage, view, and return a large number of extensive files would not lead to a significant gain of information compared to verdicts. Since very few verdicts of district courts are published anonymously on the Internet or in legal databases, it was necessary to contact the public prosecutor's offices.

In order to obtain a list of all relevant case numbers, I turned to the Federal Office of Justice, which maintains the Federal Central Criminal Register. The agency gathers all judgments of the criminal courts which obtain legal force. Germany's federal structure made it necessary to obtain approval of

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<sup>2</sup> In the USA only 3-4% of parricides are reported in the media (Heide/Boots 2007: 667).

all 16 ministries of justice. Each has allowed me to contact the prosecution, although their level of support varied. 113 public prosecutors' offices were asked to send the verdicts of the listed proceedings. The Code of Criminal Procedure provides the legal basis for the inspection of records for scientific purposes.

In the data protection concept sent to the public prosecutor's offices, I assured the anonymization of the data and laid out the access to, protection and deletion of personal data. In my opinion, the possibility of sending non-anonymous verdicts to a public employee, who is bound to secrecy, contributes significantly to a high response rate.

The collection phase is still ongoing. The already high response rate cannot be taken for granted. The two public prosecutor's offices which had already definitively refused to send copies of verdicts justified their decision with a very tense personnel situation. Other prosecutors also stressed that this was a task outside their core business they had to carry out in a tense personnel situation. It is conceivable that in the near future the process of requesting files will be simplified by the introduction of electronic records.

In contrast, the availability of newspaper reports or press releases by law enforcement authorities is considerably greater.

### **Reality in verdicts**

The feminist approach to jurisprudence sees "the criminal justice system as a product of social power relations" (Eisenberg/Kölbel 2017: § 8, Rn. 24, translated). Legal enactment, legal interpretation and the application of laws are shaped by power structures (Singelstein 2009: 172f.). Judges as part of a patriarchal system can reproduce stereotypes (Eisenberg/Kölbel 2017: § 8, Rn. 24; Singelstein 2009: 186, 202; Götttsche 2014: 74). The process of lawmaking, legal interpretation and the application of law is still dominated by men.

The verdict is the result of the criminal trial, which can be understood as an interactive process. Different actors contribute information and patterns of interpretation. Who is given more attention and whose contributions are given more

weight depends on a variety of factors. Judges in turn take the information and interpret them again (Eisenberg/Kölbel 2017: § 31, Rn. 9f.). It should be noted here that the victim's interpretations, which are actually important, can no longer be heard directly, but only via third parties or material evidence.

Finally, it should be considered that judges draft their verdicts for a specific purpose. One of their objectives might be to draft a verdict that is unlikely to be overturned on appeal. They will adapt their narrative of the crime to the legal categories they apply. Verdicts, like other documents in criminal proceedings, are therefore not representations of objective realities, but constructions of reality by judges, intended to serve a certain purpose. Like press reports, they are already subjective.

### **Verdict content**

#### *Aspects generally addressed in the verdicts*

The narrative in the verdicts begins with the life of the accused. His childhood, possible addiction problems, illnesses and previous convictions are topics. In the case of intimate partner femicides, previous partnerships and the course of the relationship with the victim are also considered. This is followed by a description of the prehistory of the crime, in which the escalation of the conflict, previous violence and threats play a role, as well as the execution of the crime and the accused's behaviour after the crime. In the case of previous violence, police interventions and possible restraining and protection orders are briefly reported. The level of detail in the narrative can vary significantly.

It can be assumed that only information relevant to the assessment of the crime will be discussed and thus information is selected. In the case of femicides in separation contexts, the Federal Court of Justice considers it necessary to refer to the state of the marriage and the realistic assessment of the continuation of the marriage.<sup>3</sup> Previous violence can also play a role in determining the

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<sup>3</sup> Federal Court of Justice, verdict 3 StR 481/83 of 25 January 1984.

length of the prison term. Therefore, in principle, previous violence can be mentioned in the verdict. But I assume that judges refer to a legal concept of violence, i.e. they focus primarily on physical and sexual violence, death threats as well as stalking, since these are punishable behaviours. The announcement of the homicide in front of the victim or in front of others can also be relevant for assessing if the offence has already been on the perpetrator's mind, which can also be relevant for the determination of criminal liability. The extent to which forms of psychological violence (other than death threats) or controlling behavior are depicted remains unclear. There are, however, verdicts in which judges describe these forms of violence.

In some cases, there are also explicit formulations to the effect that no previous acts of violence between the perpetrator and the victim are known. In other cases, the aspect of previous violence is not addressed at all. It must be decided if whether mentioning previous violence is equivalent to the assumption that no violence occurred or whether all three possibilities – non-mentioning, denial and mentioning of violence – should be considered for the collection of data (cf. Höynck et al. 2015: 43).

In the assessment of evidence, the statements of the accused, the witnesses and the expert witnesses are evaluated. The explanations on culpability, which are usually based on expert testimony, can answer the question how much the accused can be held responsible for his crime. The criminal offence and the punishment are discussed and determined. Once again, the details of the statements vary greatly.

The verdicts are centered on the perpetrator, which can also apply to media reporting (Scharf et al. 1999: 93). While coding, it becomes apparent that in some cases very little information about the victim is known. For example, in about one third of the verdicts not even the age or year of birth of the victim is mentioned.<sup>4</sup> A first preliminary analysis of missing values shows that this mostly applies to non-partner homicides, although the proportion of missing values generally is high. So far,

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4 Data entry and verification is not yet completed.

information on 89 intimate partner femicides has already been coded. In each case it was possible to determine the housing situation of the victim and perpetrator, the duration of the relationship, the duration of separation<sup>5</sup>, and, except for one case, the relationship or separation status<sup>6</sup>.

While collecting newspaper articles for three months I developed the hypothesis that newspapers report more often about the crimes themselves than about their sentencing. But the defendant's guilt is not ascertained until the verdict becomes legally binding. Regarding the criminal response, media reports are only a secondary source where selections and interpretations have already been made, rather than a primary source. In contrast, an elaborate monitoring of criminal trials by journalists or researchers could provide information that cannot be obtained via verdicts. Further research could compare how much information is available in criminal verdicts and media reports or other sources of information and how often information is inconsistent.<sup>7</sup>

### *Motives*

The verdicts reconstruct the subjective motives of the crime as precisely as possible. They are important in deciding whether murder or manslaughter has been committed and in determining the length of imprisonment. However, reconstructing the subjective side of the crime is particularly problematic. It is questionable to what extent perpetrators are aware of motives and emotions while committing the crime and whether they can remember them accurately. Repeated

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5 It should be noted that the durations of the relationship and separation in months is only an approximation. On the one hand the details are partly inaccurate (e.g. "in autumn they became a couple"), on the other hand in the case of long lasting marriages only the wedding date is mentioned without stating the length of the premarital relationship. Similar problems arise when determining the duration of the separation.

6 Here, for example, a distinction is made between whether there was no indication of separation, whether the victim expressed the intent to separate or whether the victim and perpetrator were already separated.

7 An overview of US-American research can be found in Dawson et al. (2019: 67f.). A corresponding study for parricides in South Korea was conducted by Shon and Lee (2016).

interrogations can lead to distorted statements. All statements are made in the role of the accused, so they are often self-serving (cf. Höynck et al. 2015: 43). The detailed explanation of his motives can have a negative effect on the accused and therefore it can be more advantageous for him not to testify. After the first interpretation by the perpetrator a second interpretation by the judges takes place, followed by a possible third interpretation by the researchers.

One of the judge's tasks is the reconstruction of motives. In the case of female partner killings, the question may arise as to whether there is a base motive which leads to a capital murder case. A base motive might be for example if the perpetrator believes that no one but him should "own" the woman.<sup>8</sup> It is of interest how the judges interpret the motives. Some judges stress that the woman's right to live or to lead her life according to her wishes has been denied, or that the woman has been viewed by the perpetrator as possession. Others stress the deep despair and hopelessness of the perpetrator after separation, who, for example, might be afraid of not being able to see his children again. As a result, the judges might convict the perpetrator for manslaughter instead of murder. Here the question arises whether these attribution and interpretation processes can be uncovered and reinterpreted using the available information. Thus, the motives of a crime are interpreted by perpetrators and judges. Although judges are generally used to reconstructing motives, they may interpret them differently than researchers in the field of gender-based violence would.

## Conclusion

Neither criminal verdicts nor newspaper reports nor press releases can be used to obtain information on all homicides.

Criminal verdicts can provide a variety of information on cases and on victims, perpetrators and their relationships. They are the primary source for the criminal response to the crime. The

verdict is perhaps the most detailed and conclusive interpretative outcome of a case. In the end, the verdicts contain a subjective narrative of the life of the perpetrator(s), the prehistory of the crime and how the crime itself took place. Despite the specific construction of reality in verdicts, which is the result of power relations, selection and interpretation processes, verdicts are valuable treasures waiting to be recovered. With the necessary tools provided through government support femicide observatories could recover these more easily.

In the end, as in any research process, the most appropriate method of data collection must be selected depending on the purpose of the research. The challenges to get access to data may vary from country to country. The use of different sources can increase the validity and reliability of the data collected. There is the potential to further optimize data collection in Germany by using machine learning instead of simple search masks to identify relevant information, by developing procedures to merge information from different data sources and by researching the availability of information as well as possible inconsistencies between different data sources.

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<sup>8</sup> Federal Court of Justice, verdict 1 StR 243/52 of 30 September 1952.

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# PART V

## Further Reading and Viewing

**“We realize the importance of our voices only when we are silenced.”**

**Malala Yousafzai, activist for female education, 2013**

# LINDA WITONG: FEMICIDE AND PUNISHMENT IN CALIFORNIA

Interviewed by Helen Hemblade, FEMICIDE Team

*For over 30 years, Linda Witong was a Marin County Deputy District Attorney litigating hundreds of criminal cases and also acting as Felony Expediter before retiring in 2011. Still active in human rights and the protection of women and girls, she is a Research and Advocacy Consultant for Soroptomist International and is engaged in cold case investigations for law enforcement agencies in the Bay Area. She is a member of the Marin County Human Trafficking Coalition, California District Attorneys Association and Homicide Investigators Association. She continues to receive training from the latter two as well as Homeland Security and the FBI. After receiving her Bachelor in Criminology in 1972 from the University of California, Berkeley, she passed the Californian Bar in 1979.*

**Hemblade: As a former prosecutor, how important is the focus on the perpetrator of a femicide and how they are prosecuted?**

**Witong:** It is extremely important to focus on the perpetrator's intent, means and opportunity to commit the crime in proving any homicide. In order to make sure that we can meet our burden of proving any criminal charge beyond a reasonable doubt in California, we turn to the statutes and caselaw that covers that particular crime as well as what is known as Judicial Council of California Criminal Jury Instructions (2019 edition).

In California, homicide refers to the killing of another person, whether lawful or unlawful. A homicide, therefore, includes murder, manslaughter, as well as justifiable killings. Murder is the most aggravated type of homicide. It is always unlawful. In those cases, the defendant commits an act that is committed with malice aforethought and involves killing another person without a lawful excuse or justification. The mental state constituting malice aforethought does not presuppose or require any ill will or hatred. When a defendant 'with wanton disregard for human life, does an act that involves a high degree of probability that it will result in death, he acts with malice aforethought. Both first- and second-degree murder require malice. Under California murder law, Penal Code 187 (a), malice may be express or implied. Express malice means that you specifically intend to kill the victim. Implied malice exists when the killing resulted from an intentional act, the natural consequences of the act are dangerous to human life and the act was deliberately performed with knowledge of the danger to, and with conscious disregard for, human life.

Murder can be charged as first- or second-degree murder. First-degree murder, unless it is a capital case generally carries a sentence of 25 years to life while second-degree murder carries a sentence of 15 years to life. One exception to this involves a conviction which is based on what we call a gender-related hate crime. In those cases, the defendant can face a life sentence without the possibility of parole.

Under California law, there are a number of ways to obtain a conviction for first-degree murder which involves domestic violence. For example, you can proceed on a case as a first-degree murder if the defendant went to someone's house intending to kill the female victim or used a destructive device or explosive to perpetrate a murder. In certain cases, one can also be exposed to the death penalty for what we call a capital murder if the domestic violence homicide involved murdering the victim for financial gain, killing more than one victim at the victim's location (e.g. an in-law or his children), murdering a victim in order to prevent her from testifying as a witness or poisoning the victim. However, while courts can still impose the death penalty as a sentence, California Governor Gavin Newsom on March 12, 2019 announced a temporary moratorium on carrying out executions in the state.

Under California law, an example of where a domestic violence homicide might end up as second degree murder is where the defendant is angry at his estranged wife so he goes to her house and sets fire to her car in the garage intending to scare her. The fire spreads to the house and kills her. Finally, an example of where a domestic violence homicide may involve the lesser crime

of voluntary manslaughter includes where the defendant kills the victim during a sudden quarrel or heat of passion. The classic example cited by older cases is when the defendant was taunted by his wife regarding her infidelities or when he discovered her in bed with another man.

**Hemblade: Regarding your last point on a crime of “passion” or a murder resulting from a “sudden quarrel” being convicted as a second degree murder, is this still something that occurs in the courts?**

Witong: Yes. For example, in 2013 the California Supreme Court in *People vs Beltran*<sup>1</sup> was still dealing with what kind of provocation would suffice to constitute a defense under a heat of passion and reduce a murder to manslaughter in *People vs Beltran*. In that case, the victim had broken up with her boyfriend and obtained a protective order because of the defendant’s violence. On the date of the murder, the defendant entered the victim’s apartment without her permission and a heated argument ensued during which time the victim called the defendant a “f-illegal”, a “nobody” and added that: “I was right. I knew you were going to walk away someday. That’s why I killed your bastard. I got an abortion”. The defendant was shocked as the victim had never mentioned an abortion. The defendant then walked briskly to the kitchen, returned to the living room with a large knife and repeatedly stabbed the victim 17 times as she futilely raised her arms in self-defense. The defendant continued to stab her as she slumped to the floor, then fled taking the knife with him. The victim’s 18 year old son was present during this crime. The defendant fled the jurisdiction but was subsequently arrested six years later and tried for the murder. The defendant claimed that he recalled nothing else after being informed about the abortion until he found himself standing in the living room with a bloody knife.

The jury rejected a verdict for voluntary manslaughter based upon a sudden quarrel or

1 Filed 6/3/13 in the Supreme Court of California THE PEOPLE, Plaintiff and Respondent, S192644 v. Ct.App. 1/4 A124392 TARE NICHOLAS BELTRAN, San Francisco City & County Defendant and Appellant. Super. Ct. Nos. 175503, 203443

heat of passion and found the defendant guilty of second degree murder with the use of a weapon.<sup>2</sup>

**Hemblade: How can prosecutors and lawyers work effectively with non-legal agencies in femicide cases?**

Witong: Femicide, including that of intimate partner violence, can no longer be viewed as “a family matter” to be resolved by the victim’s family in private. It is now being recognized as a social, economic, and public health concern. Violence committed in front of family members, particularly children, can have physical, developmental, and psychological ramifications on those who witness the violence or try to intervene in addition to immediate physical injuries. Witnesses to such violence as well as members of the victim’s family can suffer long-term social and psychological harms such as being fearful or concerned for their safety; developing symptoms of post-traumatic stress disorder; missing school; and finding themselves in need of housing, legal services, and medical care. Children, in particular, who witness intimate partner abuse or the femicide between their parents or caregivers may experience lasting effects on their sense of safety, relationships, and brain development involving long-term physical and behavioral health outcomes, including but not limited to substance abuse, sexually transmitted diseases, heart disease, cancer and emphysema. Children are also at a high risk of becoming victims or abusers as adults.

Every day, prosecutors encounter witnesses or family members who have witnessed either the femicide or events involving abuse and violence which led up to committing such a crime. As a prosecutor and representative of the family members of a victim or witness of a femicide,

2 A divided Court of Appeal concluded the voluntary manslaughter instruction was prejudicially erroneous and reversed the defendant’s conviction however the California Supreme Court reversed the judgement of the Court of Appeal and affirmed the original conviction: “We affirm today the standard for determining heat of passion that we adopted nearly a century ago. Provocation is adequate only when it would render an ordinary person of average disposition liable to act rashly or without due deliberation and reflection, and from this passion rather than from judgement” *Beltran* *ibid* page 28

we have a professional duty as prosecutors, advocates, and legal staff to become well versed in trauma by experts in that field. Prosecutors should acknowledge the trauma domestic violence inflicts upon children or witnesses to the femicide as well as the survivors' families and remain supportive and understanding of their trauma response. Children, witnesses to the femicide or their surviving families are more likely to engage throughout the investigation and court process if trauma-informed practices are implemented. A trauma-informed organization works at all levels, incorporating professional practices, policies, and safe and welcoming environments, to infuse skills, awareness, knowledge of trauma, recovery and resilience.

Prosecutors should also personalize victim interviews by working with other agencies in developing a thorough understanding of the child, witnesses or survivor's family background, including social, economic, and cultural factors. Family members or witnesses to a femicide should also receive comprehensive wraparound support services to help alleviate their psychological, social, and financial fears. Child victims and witnesses should receive immediate medical and mental care which addresses the impact of witnessing domestic violence.

A multidisciplinary approach will not only help ensure that a child, witness or the survivor's family is treated respectfully, compassionately and with dignity but also help secure defendant accountability and community safety. Multidisciplinary collaboration should be prosecutor-led and should include, but not be limited to: law enforcement, judges and court staff, medical and mental health communities, victim and witness services within and outside the prosecutor's office, domestic violence survivors, clergy, probation and parole, corrections, civil attorneys and child welfare services. Together, this multidisciplinary team should engage in developing practices and recommendations to promote a child, witness or surviving family's safety and offender accountability. Prosecutors should also enlist the aid of victim advocates to address the basic needs of children, witnesses to a femicide and their families as addressing health, food, and shelter needs may reduce some of the

their fears and allow for more cooperation. Having victim's advocates review any victim rights with children, witnesses or the victim's family and assist them with the applications and documents necessary for crime victims' compensation may further provide them with the confidence needed to remain cooperative and become more resilient. If a prosecutor's office does not have the financial resources to employ its own team of system-based victim advocates, it should partner with community-based organizations. Community-based victim advocates may provide confidential support services such as transportation services, emergency shelter, crisis intervention and transitional housing.

Victim advocates and prosecutors should also have knowledge of children, witness or surviving family members coping mechanisms, such as drug and alcohol use, and be aware that they may even engage in criminal behavior. Victim advocates and prosecutors should refrain from judging victims and should instead recruit experts in those areas to explain to children, witnesses or surviving family members the consequences this behavior may have on their access to resources, safety and their overall health and help them modify their behavior.

To help children, witnesses or family survivors regain trust in themselves and the justice system, it is imperative that the prosecution process also make sure that these vulnerable groups feel they are being heard. Ensuring only one prosecutor takes them through a case from start to finish also has the potential to show them that he or she does not have to resolve the problem alone and that the justice system can be counted on to help keep him or her safe.

Working together, enforcement agencies, court systems, district attorney's offices, advocacy agencies, healthcare facilities and other experts can promote a sense of safety and mutual respect in all environments that survivors may encounter in the days, months, and years following their traumatic experiences.

**Hemblade: In the US, do you think there is enough research being done on why certain men become serial killers?**

**Witong:** Criminal profilers within the law enforcement community and those engaged in research regarding this topic have produced a wealth of research regarding serial killers in the U.S. However, that research is continually being updated by the opportunity to interview newly discovered serial killers of women such as Samuel Little, who has recently confessed to 93 murders.

**Hemblade: Likewise, do you think there is enough data being collected on why certain individuals commit domestic violence and the patterns of this?**

**Witong:** No. But it is not for the lack of trying. It is still difficult to measure the number of domestic violence incidents accurately as it remains an unreported crime in most cases which occurs behind closed doors within the family unit. Obtaining reliable data on this type of violence is a complex task as the private, intimate context in which domestic violence takes place means that the crimes are usually not directly observed. Taboos, fear and feelings of guilt and shame still account for a high rate of non-responses and of hiding the truth. For example, women or girls are still reluctant or afraid to report such crimes to the police or to other members of the community as they may not even see their environment as being abusive or because of the threat of losing their home, their existing social networks or any financial support if they report such crimes. Assuming that, in some countries, the authorities are even willing to listen to them, victims may also fear being accused of being wholly or partially responsible for what has happened to them during the domestic violence incident by their family, their communities or in the courts. If they do leave this abusive environment, they are often rendered homeless and as such may be even harder to contact and interview regarding the circumstances of their abuse. Another problem in obtaining accurate data is that there is still a lack of consensus regarding the definition of violence or what type of violence is being investigated regarding women or girls within communities, regions or even nations. Civil Society including NGO's and human rights defenders have

continued to point out how difficult it is to draw up international classifications, because the concept of what constitutes violence against women varies greatly from one culture to another.

**Hemblade: During your career, how has the treatment of victims in murder cases shifted?**

**Witong:** I became a DDA in 1979 as I believed then and believe now that someone had to speak for the victims. My "aha moment" occurred one day when I was in the UC School of Criminology in 1972 and working as an intern in Oakland. As I walked down a court hallway, I saw parents huddled together crying over the loss of their child. There was no one there to comfort them, advise them of their victim rights or for that matter to advise them about what the procedure was and would be regarding what would happen to their child's case. I also observed mass shootings even then and wondered what made someone kill people let alone shoot at people who were in a crowded parking lot.

When I started as a DDA, we did not have a lot of victim's rights let alone domestic violence victim advocates, child advocates, sexual assault victim advocates etc. My generation of prosecutors were among those who began to make a career in prosecution as we believed in advancing those rights as well as legislation that recognized victims' rights in general. Our battle involved a lot of "fronts"; it involved not only the movement to change the criminal justice's laws and the perception of crimes involving women and children but to also educate everyone from the judges to the public including jurors AND the media about what the real dynamics were. We have come a long way but still have a lot work to do.

# THE ROLE OF VICTIMS OF FEMICIDE FOR FUTURE POLICY MAKING: THE CASE OF HONOUR BASED VIOLENCE AND KILLING

Clara Knäpper Bohman, Vienna, Austria

Alarming many women are violated and even killed because of “honour” throughout the world every year. Even though the majority of an estimated 5,000 yearly killings are reported in South Asia and the Middle East, there is no continent left untouched by this crime.<sup>1</sup> Honour killings (HK) have risen rapidly in both the US and the EU in the past years.<sup>2</sup>

The increase and spreading of HK is similar to that of an epidemic, both in numbers and geographical terms. Thus, the policy makers ought to rethink the current counter measures to HK in order to combat it more effectively in the future. This article argues that five aspects need to be acknowledged in order to improve the current status.

## 1. Operate under a common definition of femicide and honour related violence

Various definitions circulate within the discourse on both honour based violence (HBV) and femicide. In order to promote a fruitful debate on the topic, it is necessary for all parties to operate under a commonly known understanding of the concept of HK. HK falls under the scope of the broader HBV family, which describes females who are subject to violence exercised by their community for the purpose of restoring the family honour. This honour is put at stake when a woman, whose dignity is connected to “shame”, acts outside of the normatively defined “adequate” female behaviour. When a woman does so, she gambles the male dignity and “honour”. To preserve the “honour” various control mechanisms are put into place, such as for example the deprivation of female sexual autonomy, forced marriage, supervision by family members, punishment in case of divorce (deprivation of custody) etc.<sup>3</sup>

## 2. Recognize the origin of HK

Since HK and HBV are subcategories of femicide<sup>4</sup> and violence against women (VAW) in general, it is important not to get too distracted by the cultural connotation and connection to HBV. Culturally reductionist tendencies are not uncommon within the current political debate, with stakeholders claiming HBV to be the result of specific cultures rather than structural issues. This article argues that such claims distract the policy making from concentrating on the essential root cause – namely the patriarchal structure in general, from which both HK and HBV originate.<sup>5</sup> This does not mean that culture is unimportant - the cultural context does indeed shape the character of HBV and HK. In less individualist countries, where self-fulfillment is inferior to collective, solidarity-based values that impact the bigger family or community, the modalities look different. In western nucleus family constructions, the hurt honour is often just that of one man, the family father, rather than the whole family or community, such as in cultures with a larger amount of family members.<sup>6</sup>

The faux pas of not recognizing the patriarchal structure as a root cause of HBV poses dangerous consequences. When labeling “culture” instead of “patriarchy” as the root cause for HBV, politicians enhance cultural segregation and marginalization of immigrating cultures. By linking HBV to certain cultures, it is implicitly assumed that there is a “right”, “homogenous” culture distinct from HBV, to which immigrating cultures need to adapt. Unsurprisingly, policies built upon such assumptions can only foster assimilation of one culture to another, rather than reciprocal integration.

1 <https://www.amnestyusa.org/the-horror-of-honour-killings-even-in-us/>

2 <http://hbv-awareness.com/statistics-data/>

3 <http://www.natverketmothedersrelateratvald.se/en/>

4 Diana E. H Russell defined Femicide in 1976 as “The killing of females because they are female.

5 Giovannini,1987; Kandiyoti,1987

6 Corradi, Marcuello-Sercos, Weil 2016

Such exclusionary policies have been described as “cultural fundamentalism” within the academic debate. This term describes the replacement of the politically incorrect term “racial differences” with more socially acceptable “culture” and “ethnicity”.<sup>7</sup> Just like the “race debate”, the “culture debate” creates hegemonic value systems, within which other cultures than “the right one” are more likely to be discriminated.<sup>8</sup> HK victim Fadime Sahindal addressed this aspect in a speech before the Swedish Parliament prior to her death. She found her parents to have been subject to such marginalizing migration policies.<sup>9 10 11</sup>

### 3. Recognize HK as societal problem, not only a female issue

As outlined, the victims suffering directly from HK are women. They are targets and “harm-doers” who need to be restricted and surveyed by the community through previously outlined control mechanisms. Although it cannot be contested that women are the primary victims, the outreach of HK affects various parties who are impacted indirectly by the crime. By connecting HBV only to females, there is a risk of reducing HBV’s breath and impact to women only. However, boys, men and other women than the victim are also victims of HK, which makes this crime a people’s disease that should not be feminized to the extent it is done today. Males are forced to operate within the patriarchal cultural code - also labeled “honour/shame code” within the academic debate – and are expected to control or even harm their female family members. Another aspect is the potential partner of the victim. For instance Fadime Sahindal was killed because of a relationship she had to a Swedish man, who also became a central target of the perpetrator, since he contributed to the disruption of the family honour. In order for HBV to be prioritized on the political agenda, it needs to be recognized for what it is - namely an issue impacting all of society, not only females.

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7 Stolcke 1995

8 Alund, 1997

9 Wikan 2003

10 <https://www.roks.se/>

11 Stolcke, 1995

### 4. Bottom up policy making

Another faux pas besides the one just mentioned, is that of top down policy making in the international arena. The making and shaping of international relations and law is to a large extent built upon high level politicians, diplomats and lawmakers views, rather than that of civil society or (in-/direct) victims of HBV or HK.

#### *Expertise from victims and NGOs*

The current definition of “expertise” should be broadened in order to create a less elitist and more inclusive discourse. Expertise ought to be understood as insights not only acquired through academic knowledge, but moreover through real life experiences. This way, victims and other actors involved may share their insights, achieving the attention they deserve. Consequently, policies can be sensitized towards civil society’s needs and influenced by valuable hands-on knowledge. Moreover, political flaws may be recognized and corrected. Due to the threatening character of HBV, it may be difficult to reach out to relatives or people in close relations to victims. Thus, this article suggests for policy makers to cooperate with and include grass roots movements and NGO’s, through which victims of HBV and their relatives are represented.

#### *Preventive action through cooperation with NGO’s*

Besides the insight generated through NGO’s, supporting such organizations play a crucial role when it comes to preventive measures as well. For example, the association for the remembrance of HK victims Pela Atroshi and Fadime Sahindal in Sweden (GAPF) operate according to a “supporter” system. This means that there is an emergency hotline for anyone involved in a HBV-context, to which they can reach out. Supporters will provide information, help and protection to victims. As a result, HBV can be detected in early stages as victims may be helped through such preventive measures. It is of great importance to both support such representative organizations and include them in negotiations.<sup>12</sup>

Concluding, the two outlined aspects make inclusion of NGO’s as well as rethinking the current top down policy making a necessity in order to meet the needs of victims and react adequately to HBV.

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12 <https://gapf.se/>

## 5. Awareness raising and data on HK

In many countries, the media coverage on honour killings remains low. In addition to that, only a few countries have registries with collected data on both femicide and HK. These two observations are problematic for two reasons.

First, it prevents the public from being made aware of the occurrence and impact of HK. Public awareness on HBV is likely to stagnate or decrease if media coverage remains low. The media needs to be more active in the training of reporters regarding how to effectively report on HBV. Even though it might be a fragile and sometimes threatening context to report within, it is necessary that cases of HK receive the attention they deserve. The public awareness remains key to the problem recognition and definition lying at the base of policy making, not to mention the power of civil society and the public with regards to potential pressure they can exert on politicians regarding the prioritization of the topic on the political agenda.

Second, policies are developed on the basis of insufficient information, due to the lack of data and transparency.<sup>13</sup> Countries need to conduct research, collect data and also institutionalize their databases. This includes all relevant information, such as numbers of victims, occurrence, political reactions, legal consequences, frequency of HBV, perpetrators, punitive action etc. In turns, this increases the transparency and knowledge, which are necessities for finding suitable policy responses.<sup>14</sup>

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**“Women who have the courage to speak up, they must be listened to and supported and not be re-victimized by a gender-blind system not fully ready for social change.”**

DUBRAVKA SIMONOVIC, SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN,  
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**“Violence against women is a men’s problem.”**

CYRIL RAMAPHOSA, SOUTH AFRICAN PRESIDENT, 2019

**“Women continue to pay the highest price as a result of gender inequality, discrimination and negative stereotypes. They are also the most likely to be killed by intimate partners and family.”**

YURY FEDOTOV, UNODC EXECUTIVE DIRECTOR, 2018