

FEMICIDE

Volume IX

Femicide, State Accountability and Punishment



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RESEARCH
FOUNDATION
Science for Health



ISBN: 978-3-200-03012-1

Published by the Academic Council on the United Nations System (ACUNS) Vienna Liaison Office

Email: info@acunsvienna.org

Web: www.acuns.org /www.acunsvienna.org

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Ninth Edition

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This publication was made possible by the generous financial contribution of the Karen E. Burke Foundation and the Organisation of the Families of Asia and the Pacific (OFAP).

The Academic Council on the United Nations System (ACUNS) is a non-governmental organisation that stimulates, supports and disseminates research on the United Nations, other international organisations and issues of global governance. ACUNS also promotes dialogue, regional cooperation and cultural exchange between academics, practitioners, civil society and students. The ACUNS Vienna Liaison Office has been active since 2007 and focuses primarily on human rights, equal opportunities for youth, death penalty, juvenile justice, femicide and other issues of concern to the Vienna based UN agencies.

The ACUNS Vienna Team would like to express its gratitude to all the sponsors of the two femicide resolutions, in particular to the Permanent Missions of Austria, France, Uruguay, Italy, El Salvador, Kenya, Chile, Finland, Slovenia, Slovakia and Spain; International Women's Rights Action Watch Asia Pacific; Dominicans for Justice and Peace; the Gender Section of the OSCE; Canadian Femicide Observatory for Justice and Accountability; European Femicide Observatory; Women's Aid Ireland and the Spanish Civil Society Observatory, femicidio.net. We are also very proud of our close collaboration with Dr. Dubravka Simonovic, UN Special Rapporteur on Violence Against Women and the UN Office on Drugs and Crime (UNODC).

This publication was made possible by contributions from individuals, non-governmental organisations, and government agencies who have researched femicide, gathered data on gender motivated killings, and set up units to investigate and prosecute these murders. We are grateful to Henrike Landré who has proposed an electronic Femicide Watch Platform, after long consultations with relevant stakeholders. We also express our appreciation to the volunteers who have remained with the anti-femicide campaign and dedicated their time to the cause: Jasmine Adu-Atwere, Mila Kirilova, Ourania Roditi, Márta Ágnes Dunay, Saide Mobayed, Helen Hemblade, Andrada Filip, Heather Wokusch and Mona Zaher.

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FEMICIDE

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Volume IX

PREFACE

A young girl is sold to an old man. A woman is murdered by her family, a retribution for 'immoral' behaviour. A widow is condemned to a life of poverty, her property ripped away by in-laws. A wife is beaten to death by her husband. Young women are kidnapped by armed groups, raped and sold to the highest bidder. Desperate women are trafficked and forced into prostitution.

Extremes of inhumanity? Yes. But these unspeakable crimes were all committed today - as you read this. And each and every day, women are lost, devastated, drowned in a sea of cruelty. Many of these awful acts are outside the territorial control of any government. In some societies, little is done to prevent such crimes, a warped sense of 'tradition' placing violence within the family as beyond the reach of the law. And when governments can and do intervene, a lack of coordination among social services, law enforcement and judiciary can often render efforts ineffectual.

We are in the age of the stem cell miracle, in the midst of an unparalleled technological revolution, at the brink of interplanetary travel. Yet the civilised world still stands by, while horrors against women are perpetrated with impunity.

I place great hope in the work of UN agencies, as well as of the many non-governmental and academic organisations seeking to draw attention to these issues and to develop specific, achievable ways to help address them. Women's organisations worldwide have mobilised to shine the bright light of truth on these problems and on the conditions that give rise to them. Governments are coming together to offer aid, to educate, to craft effective support systems, and to enact meaningful legislation nationally and regulation internationally. I continue to support, and I strongly commend the work of the "Femicide" team. They have been in the vanguard of calling attention to the too-often condoned violence, and contemporary slavery, with which women are victimised.

This issue of **FEMICIDE** deals with state and international responsibility. We all have a national and international obligation to put an end to such atrocities, to prosecute offenders and to lift up the many victims' shattered lives. Governments can and must provide "safe places" for at-risk women and children. As a physician, I am acutely focused on the compelling need for medical treatment, counselling and education. And ultimately, there must be a viable plan for providing women with the possibility of economic self-sufficiency, which in turn can assure independence and the chance of a better future.

Let us act together. It is our duty.

Karen E. Burke, M.D., Ph.D.

New York, US

ACUNS Statement

Session 26 of the Commission on Crime Prevention and Criminal Justice (CCPCJ)

United Nations, Vienna, May 2017

We are extremely honoured to speak on behalf of the Academic Council on the United Nations System, Soroptomist International and OFAP in this august assembly. As most of you know, the Academic Council on the United Nations System has been promoting the establishment of a Femicide Watch in every country. The Special Rapporteur on violence against women, Dr Dubravka Simonovic, has already spoken about the need for such an analysis mechanism for every murder of a female that occurs throughout the world. Yesterday, we launched the prototype of an international electronic platform to exchange information about promising practices, good legislation and information between regions. We have designed this platform together with UNODC, OSCE and the Special Rapporteur. Although ACUNS and the UN Studies Association have established this website, financial funding is necessary to continue its work.

We are extremely concerned about the lack of extra budgetary funds for the UNODC's work on data collection and advocacy against femicide; the fact that member states were not asked to provide information about the situation in their countries worries us. In part, such a platform might facilitate information about laws and efforts to prevent this heinous crime and alleviate the lack of data collection by the UN.

We very much support the inclusion of a gender perspective into the criminal justice systems in line with the Doha Declaration and would like to propose establishment of a separate agenda item on gender mainstreaming with which gender-related killing of women and girls could be an agenda item at the Commission.

We also call for closer cooperation of the UN office of the High Commissioner, UN Women, UNICEF, UNFPA, UNDP and other regional stakeholders in the fight against femicide.

ACUNS has focused on the many forms of femicide: intimate partner violence, sexual selective foeticide, targeting women in war, girls in flight, child marriage, witch craft and gang violence. We were extremely moved by the presence of Lucia Annibali, a femicide survivor, at our High Level Event on Tuesday. In the following volume, we will focus on violence against the older woman - abandonment by their own families, impoverishment and death. Any persons who are interested in contributing to this volume, please contact me.

We have spoken with the Chair of the Commission to ensure an active involvement in the preparation for the next conference in Japan. We look forward to regular meetings with both the staff of UNODC and the bureau of the Commission.

We strongly urge the Commission to consider ways of including the opinions of young people, involving them in the work of the United Nations and maximising their participation in inter-governmental bodies. We would like to ensure that as many academics or experts with knowledge of the themes of the congress be included in pre-conference consultations.

Thank you for your attention.

Helen Hemblade
Editor of FEMICIDE

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62nd Session of the Commission on the Status of Women (CSW)

12 March 2018, GA Hall, New York

Statement by Ms. Dubravka Šimonović, Special Rapporteur on violence against women, its causes and consequences

It is a great honour for me to address you today in my capacity as the United Nations Special Rapporteur on violence against women, its causes and consequences, and to contribute to the discussions of the Commission on the Status of Women (CSW) on the Priority theme on achieving gender equality and the empowerment of rural women and girls and the Review theme on Participation and access of women to the media, and information and communications technologies.

As combating violence against women and girls is a cross-cutting theme, I am glad to address you today by providing information on the mandate's work since last year and upcoming initiatives to combat this pandemic worldwide.

Progress in eradicating gender-based violence against women and girls is visible but slow and inconsistent due to insufficient State response and deeply entrenched stereotypes that make us all tolerate and normalize such violence. Over the course of the country visits that I have conducted I have seen this tolerance and normalization of violence against women as a way of life. Almost all country visits reports conducted by the mandate from 1994 until today reflect grave concern for this issue.

It seems that, nowadays, we are facing a major global change of attitudes and a shift from tolerance and normalization of sexual harassment to its open public rejection and to the removal of perpetrators from their positions because of the unanimous social condemnation of their acts. It all started with the transformative #Metoo movement originated in Hollywood that spread out to other parts of the world.

It is my firm conviction that these powerful few words #Metoo should guide the discussions of this year's session of the Commission. Our challenge now is to find ways and construct the means to support this and similar movements, with the aim of achieving a change that will put a lasting end tolerance of the violence against women.

In this respect, I would like to inform you that on the occasion of the International Women's Day, the UN mandates on women's rights: WGDL, CEDAW and my mandate, issued a joint statement in support of the #Metoo movement calling it "transformative, liberating and empowering" and offered in line with our respective mandates, support for the continuation of this and similar movements worldwide.

I must also draw attention to another important movement "Ni Una menos" or "No one more" against femicide or gender related killings of women, which started in Argentina but spread worldwide. These ground-breaking and transformative movements must be supported in all parts of the world. For this purpose, my mandate called for the collection of comparable data on femicide and the establishment of femicide watch or femicide observatories worldwide. I also suggested the creation of a femicide rate as an indicator of VAW in different States¹.

However, let me recall that there is also the emergence of a raise of pushback movements, such as the one on an alleged "gender ideology". This movement is spreading across some Latin American and some European countries. This and other conservative movements aim at promoting a misinterpretation of the term "gender", labelling it as a "gender ideology" that is disruptive for family. They also oppose any moves to ratify important international and regional women's rights instruments, such as the Istanbul Convention, or the adoption of national laws which protect and promote gender equality.

I firmly believe that we all need to come together and raise our voices in order to promote a constructive, positive and truthful interpretation of the term "gender" as commonly used by the UN and the Beijing Platform of Action and the SDG Agenda that promotes "achieving gender equality" as the universally accepted Goal No 5. To oppose this backlash of regressive movements

¹ http://www.un.org/ga/search/view_doc.asp?symbol=A/71/398&Submit=Search&Lang=E

curtailing women's rights we need to widely promote the new CEDAW General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19. I will also note that my mandate closely collaborated with the CEDAW on its drafting and participated in its adoption and launch by the Committee.

Also, the term gender has been defined in the BPA, the CEDAW GR 25 as well as in GR 19 and 35 where the violence against women is defined as gender based violence against women (GBVAW) while its prohibition was recognized as a principle of customary international law.

By clearly defining "violence against women" as a "gender-based violence against women", (as both DEVAW and the Istanbul Convention do) the General recommendation No. 35 represents a strong instrument against all these regressive movements, since it provides a definition of violence against women as being a "gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately".

The CEDAW GR 35 discusses in detail the actions needed in order to prevent, protect and prosecute gender-based violence against women and girls and provides a roadmap for states to upgrade their National Action Planes on violence against women and intensify efforts in the prevention, prosecution and protection of victims.

Another significant normative achievement was the adoption, in May 2017, by the African Commission on Human and Peoples' Rights, of new Guidelines for Combating Sexual Violence and its Consequences. My mandate was invited to its launch last year in Banjul. The Guidelines offer a commendable set of specific and implementable tools to eradicate sexual violence and also call for the implementation of national action plans.

At the OAS level, the MESECVI adopted the Model law against violence against women in politics on which my mandate was invited to provide comments.

Let me inform you that we just convened an Expert group meeting on violence against women in politics co-organized by UN Women and OHCHR, with the participation of NDI, IPU and all UN and regional independent mechanisms on violence against women

in view of the preparation of the mandate's GA report on this topic. We need to support all movements that are standing against sexual harassment and VAW in politics.

Given the widespread climate of tolerance towards sexual violence, I applaud the UN Secretary General's vow of commitment to ensure that maximum attention is given to this issue and action is taken across the United Nations system to achieve parity and also to tackle sexual harassment and to protect victims through the establishment of the new role of the Victims' Rights Advocate. I stand ready to assist in the development of the necessary guidance in this field, as this is truly unacceptable.

At this opening plenary CSW session I would like to highlight the progress achieved in relation to the mandate's initiative on the development of institutional thematic cooperation between the UN and regional independent mechanisms dealing with violence against women and women's rights. During the last CSW session we started the process by holding a meeting with the UN Secretary General who immediately supported this initiative.

I am very glad that we have present here today representatives of all these UN and regional monitoring mechanisms, namely: the Chair of the CEDAW Committee, the President of GREVIO, the , President of MESECVI, the Chairperson of the African Commission on Human and Peoples' Rights, the President and Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights, and members of the UN Working Group on Discrimination against Women in Law and Practice.

During the session, all mentioned mechanisms will hold consultations in order to discuss and possibly develop a work plan and designate thematic issues for such cooperation. We all share the same goal: prevention and elimination of GBVW .Our platform is focused on the thematic cooperation and joint use of UN and regional instruments against gender based violence against women (such as the CEDAW/ DEVAW/ BPA/ BdP/ Maputo Protocol and Istanbul Convention), with a focus on their more effective implementation.

On Tuesday, we will also hold a High Level Panel on "Institutional Cooperation between Global and Regional Independent Mechanisms dealing with

Violence and Discrimination against Women” at 11:30 am -12:45 am in the Ex-Press Bar, with the participation of the Deputy Secretary General and Director of UN Women, and a Side event on “Fighting violence against women in politics” co-organised with the PM of Switzerland, Croatia and Belgium and the participation of the Permanent Mission of Korea at 1:15pm - 2:30 pm in Conference Room D. In this respect, I would like to thank Switzerland, the Republic of Korea and Spain, that have supported this initiative, and to call all others to support it and to turn it into a sustainable one.

In addition, I hope that this initiative on institutional cooperation of UN and regional mechanisms on VAW will be turned in a sustainable one supported by the regular budget of the UN, and all regional organizations but also by other initiatives such as the EU UN Spotlight. My hope is that in the future this CSW commission would have a forum showcasing all relevant work of the UN and regional independent mechanisms on violence against women and WHR as a part of its regular segment.

I will briefly mention the UN Trust Fund on violence against women report before this Commission, and call for the establishment of cooperation with my mandate as envisaged in the Trust Fund 1994 founding resolution. I wish to call TF donor States and CSW members and observer states to join my call for such cooperation.

Equal and safe participation in and access of women to the media, and information and communications technologies is extremely promising in order to accelerate gender equality and empowerment of women and girls in public and private space, in line with Sustainable Development Goal 5. Yet, this has also generated online violence as a continuum of off line violence against women and also as new forms of violence against women are enabled or facilitated by new technologies.

It is clear that forms of blackmail, threats of sexual assault, unauthorized distribution of intimate images or information (so called revenge porn), surveillance, cyber trolling and stalking, among others, cause serious harm either on line or off line, resulting in women and girls’ withdraw from using the Internet while producing serious impediment for women to live a life from using violence.

My mandate intends to address this important issue in my upcoming thematic report which will be presented to the Human Rights Council in June. A particular focus will be placed on upholding of the right to life free from online Violence against women, in particular concerning young girls at risk of new forms of online violence threats as well as on preventive measures, education and awareness raising programs and the responsibility of States and intermediaries to combat online violence against women and girls.

Last year, I presented my thematic reports to the Human Rights Council and to the General Assembly. In the Human Rights Council Report I addressed the issue of Human rights-based approach to integrated services and protection measures on violence against women, with a focus on shelters and protection orders. Within the report I highlighted that many States tend to perceive the establishment of shelters or support for NGOs running shelters as voluntary commitments and not as part of their human rights obligations.

Also, I have called for the establishment of a global Mandate of the Special Rapporteur on Violence against Women, its Causes and Consequences UN database on shelters and I hope that, given the alarming lack of shelters, especially in rural areas, my call will be reflected in the CSW Agreed Conclusions on the priority theme.

In my GA report on the adequacy of the international framework I also called for the development of a global implementation plan on violence against women and for the Fifth World implementation conference on violence against women. I once again reiterate this call.

It is now in your hands. You have the power to make it happen, you have the power to turn the #metoo and all similar movements into a positive reality for all women and girls.

The Femicide Watch Platform

The Femicide Watch Platform (<http://femicide-watch.org/>) is a joint project of the ACUNS Vienna Femicide Team and the UN Studies Association. It provides selected, high-quality information and own contextualized and connected knowledge on the gender-related killing of women and girls for policy and decision-makers at all levels, actors from the criminal justice system practitioners, civil society activists, academics and individuals concerned with this phenomenon. In general, the platform reflects and responds to the overall need for more targeted, comparable, non-biased, policy-relevant information on this issue.

By offering one central space for key facts and figures, good practices, and our own content on this heinous reality, we aim to trigger better actions and decision-making by all those involved and concerned. In this regard, our main objectives are:

1. To educate, raise awareness and inform about the gender-related killing of women and girls for policy and decision-makers at all levels.
2. To transfer knowledge across regions, borders, levels, disciplines.
3. To add context and meaning.
4. To help identify gaps, blind spots and potentials for concerted action and research.
5. To increase visibility of key actors' multifaceted work.

Since the launch, at the UN Commission on Crime Prevention and Criminal Justice (CCPCJ) session in Vienna in 2017, the Editorial Team has carefully selected and published over 200 posts spanning over 50 countries: official data, landmark documents, research, news, as well as promising practices (data collection efforts, policies and guidelines, etc.). Plus, it has started to produce own content: dossiers on individual gender-related killing of women and girls cases as well as contextualized timelines.

For any inquiries and questions, please contact Dr. Henrike Landré at landre@unstudies.org.

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Visit our prototype platform: <http://femicide-watch.org/>

Follow us on Twitter: <https://twitter.com/FemicideWatch>

PART I

Femicide, State Accountability and Punishment

"For six years I have suffered not only the murder and loss of my daughter...the ordeal of dealing with the authorities and the judicial system only increased my pain because of the impunity and the corruption in these institutions ... "

- Mother of femicide victim, Mariana Lima, Mexico, November 2017

State Obligations and Femicide

Michael Platzer

“Stressing that States have the obligation....to take measures to prevent and investigate acts of violence against women and punish those responsible, no matter who the perpetrators of such crimes are, and to eliminate impunity.”

General Assembly Resolution 70/176

It would seem clear from this resolution, and from similar Resolutions emanating from the Human Rights Council, that the agreed conclusions of the Commission on the Status of Women and the resolutions of the Security Council have all affirmed that every “form of violence against women and violence against women must be prevented, condemned and eliminated.” Yet, in the very same General Assembly Resolution (70/176) - in the preambular paragraphs - deep concern was expressed “that the global prevalence of different manifestations of the gender-related killing of women and girls is reaching alarming proportions” and that the General Assembly is “alarmed by the high level of impunity with regard to gender-related killing of women and girls and the fact that violence against women and girls is among the least prosecuted and punished crimes in the world.”

While the General Assembly recognizes that violence against women and girls persists in every country of the world, and some studies actually indicate that it is increasing, the body only “urges”, “encourages”, “invites” “calls upon” and “requests” specific actions in its operative paragraphs.

The latest Human Rights Council Resolution(A/HRC/35/L.15) calls upon States to “take immediate and effective action to prevent violence”, inter alia, by “addressing the root cause of gender inequality, gender stereotypes and negative social norms, attitudes, and behaviours, and socio-economic drivers of violence, and unequal power relations such as patriarchal norms that view women and girls as subordinate to men and boys and that normalize, condone, or perpetuate discrimination and violence against women and girls.”

States are also called to “hold persons in positions of authority, such as teachers, religious leaders, traditional authorities, politicians, and law enforcement officials, accountable for not complying with and/or upholding laws and regulations relating to violence against women and girls, in order to prevent and respond to such

violence in a gender-sensitive manner, to end impunity and to avoid the abuse of power leading to violence against women and girls and the re-victimization of victims/survivors of such violence.”

The problem remains that these hortatory statements and even the specific guidance are not legally binding, as they would be in treaties. In fact, the Convention on the Elimination of All Forms of Discrimination against Women does not explicitly have a provision on gender-based violence against women. However, the Committee on the Elimination of Discrimination against Women (CEDAW) has interpreted that violence against women constitutes gender-based discrimination (recommendation No.19). States parties have not challenged the validity of this interpretation. In fact, the recommendation has been frequently referenced by States, civil society organizations, other stakeholders, and in the procedures established in the Optional Protocol to examine compliance with the Convention.

Many civil society organizations, however, support a new stand-alone treaty specifically dealing with violence against women, which should be comprehensive and legally binding. Such a “hard law instrument should be specific and outline state obligations, with a separate monitoring body. The “respect, protect, fulfil” obligations of States should be clearly spelled out. There is a need for specific language to highlight the responsibility of States for actions of non-State actors, particularly in relation to domestic violence.

The issues of reparations, services to survivors, and financing of the shelters and prevention measures should be explicitly referenced. It is not enough to prosecute perpetrators, but the survivors’ and relatives’ trauma experiences should also be cared for. In addition, sufficient resources need to be allocated for prevention, raising awareness, and NGO’s activities. (“Adequacy of the International Legal Framework on Violence Against Women” Report of the Special Rapporteur, A/72/134; paras 42-55)

While there may not be “hard law” at an international level, jurisprudence appears to be evolving regarding a due diligence standard expected of Member States (report of the Special Rapporteur on violence against women, “Due Diligence Standard as a tool for the elimination of Violence against Women” E/CN.4/2006/61).

The Committee on the Elimination of Discrimination held in two cases, Goeckce (deceased) versus Austria and Yildirim (deceased) versus Austria, that the state failed in its due diligence obligations. Both victims were murdered by their husbands following years of brutal abuse; reports had been made to the police and protection orders issued but due to lack of coordination among the agencies, the men were never detained. It was made clear that passing laws was not enough and an effective prevention structure needed to be put in place.

In the case of Opuz versus Turkey, the European Court of Human Rights decided that Turkey was in breach of the Convention for the Protection of Human Rights for failing to protect the applicant and her mother from the violent attacks of the father against his spouse which resulted in murder of the mother.

The Inter-American Court of Human Rights decided, in *Caso Gonzalez y Otras versus Mexico*, that the federal State violated the rights of three women who had disappeared, been tortured, and murdered by unknown perpetrators in the city of Juarez. It ordered reparations and establishment of the rule of law in this province.

In another landmark ruling, the Supreme Court of Mexico ordered the reopening of the investigation into the suspicious suicide of a woman “from the perspective of femicide or the murder of a woman by a man for reasons relating to her gender”. The Court held that it was the “duty of investigative bodies to investigate every violent death of a woman, to determine whether or not this is a case of femicide”.

Regional Treaties

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women not only provides explicit provisions but also jurisprudence: at the regional level (Inter-American Court) and at the national level, judgements have reaffirmed that governments have a clear obligation

to prosecute perpetrators and to establish effective systems to prevent the murder of women and gender-biased violence against women. National legislation provides extra penalties for “aggravating circumstances”, for persons committing crimes based on misogyny or hatred of women (or specific women, a spouse or partner). In some jurisdictions, such crimes can be interpreted as “race hatred” and therefore receive double sanctions. Activists and legal scholars have argued that this actualized hatred of women should be treated as a crime against a “genus”, in other words “genocide” either utilizing the existing Genocide Convention or establishing a new convention against “Femicide”.

Many countries in Latin America (Argentina, Brazil, Chile, Ecuador, Guatemala, Mexico, and Uruguay) have specifically criminalized forms of gender-related killing as “femicide” or “feminicide”. In some of these countries, these “super” murders must be committed against a spouse, partner, or ex.

Other countries have held that murder is murder and should be investigated with due diligence, prosecuted rigorously, and prevented to the maximum extent possible. “The right to life” is enshrined in the UN Charter and the Human Rights treaties.

In a response to a questionnaire, circulated by UNODC, member states answered that they had domestic violence legislation against rape, stalking, acid attacks, slavery, forced marriage, female genital mutilation, sexual intercourse with a child, infanticide, and killing an unborn child in act of birth (most pre-term selective abortions are of girls). But remedies, reparations, compensation, and protective services remain unclear.

What is a Member State required to do to stop femicides and to assist survivors or children of a murdered mother? Most jurists say that first of all there must be awareness of the problem. Therefore, statistics and analysis are vital. In response, there should be a strategy and operational plans to tackle the problem. Special units or specialized expertise within the police, prosecution services, and courts demonstrate a political will to do something about violence against women. The amount of financial resources and trained personnel allocated is another indication. Proactive coordination between social services, law enforcement, and the court system is important. Shelters and long-term safe housing

for women fleeing an abusive relationship and the funding of non-governmental organizations providing services to abused women are also demonstrations of commitments to protecting women. Concrete guidelines for front-line services, websites regarding partner violence, hotlines, brochures to inform about the possibilities of support, and awareness-raising in the community are examples of good practice.

Victimology can be helpful as well as comprehensive prevention programmes focusing on special groups such as migrants, trafficked persons, indigenous groups and women affected by harmful traditional practices. Studies about the availability of guns and the relation of alcohol to extreme violence against women may suggest wider policy changes.

Sudden loss of income and living accommodation, the stress of additional children or dependent parents, severe sicknesses, lack of social acceptance, and mental illnesses can be triggers for violence. To understand how poverty, poor prospects, a lack of self-esteem, a violent neighbourhood, and post-war trauma affect violent behaviour, there is a need to examine underlying conditions. Empowering women is essentially an effective protective mechanism, but for some insecure men it is a challenge to their “manhood.” The culture of “machismo” has a direct relation to femicide. In the end, cultural changes may be necessary.

Because the situation in each country is different and the resources to prevent, investigate and prosecute are different in each country, the Special Rapporteur and the UN Office on Drugs and Crime have taken the approach to focus on positive examples of “national measures taken to prevent, investigate, prosecute, and punish gender-related killings of women and girls” (E/CN.15/2014/CRP.4).

After analysing information received from Member States, the Secretariat has listed the establishment of special units or specialized expertise within the police, prosecution, and court; the training of criminal justice officials in charge of investigation and prosecution; inter-agency coordination and cooperation with other relevant actors; and mechanisms to learn from past experience. Under “Prevention and other operational measures”, UNODC has established public information and awareness raising, victim protection and assistance, measures against trafficking in women

and children, and efforts to fight against harmful traditional practices. Of course, laws, domestic policy frameworks and gathering statistics were also considered important.

The Special Rapporteur has devoted an entire report (A/HRC/35/30) under the “due diligence” obligation for States to provide for shelters and protection orders. In some States, there are no shelters, in others, only daily shelters, while very few countries provide safe long-term housing options for women who have been threatened with violence or actually beaten by a former partner.

Protection orders are haphazard: violations often carry no criminal penalty, and are not part of an integrated approach to support services. The SRAW is very clear that States should establish a legal framework for protection services working together with the police, prosecutors, the judiciary, social services, healthcare professionals and NGOs.

States should allocate adequate financial and human resource for the running of shelters, including those operated by non-governmental organizations. Police officers, judges, social workers and medical professionals should be trained to be aware of ongoing violence and be able to carry out an assessment of the lethality risk, assess the danger of repeated battery, and risk of reprisals. States should establish around-the-clock national toll-free telephone helplines and transport services to pick up women in danger.

The Special Rapporteur makes very specific recommendation to States to establish secure shelters, provide easily obtainable efficient protection orders, and that family members or relevant professionals should be allowed to make applications for a protection order. The Special Rapporteur recognizes that undocumented migrant women who are particularly vulnerable to violence perpetrated by abusive employers, husbands or other relative should be eligible for the same services as citizens. No one should be brought into “protective custody” by placing them into a jail. Facilities should be such that children can be cared for, as well.

As there is no international monitoring mechanism except the infrequent country reviews by CEDAW and the occasional in-country visits by the Special Rapporteur, she has called for the establishment of

national femicide watches or observatories. States should also systematically collect disaggregated data under two categories: intimate partner femicides and other femicides.

As no country is perfect in dealing with femicide—incidents of partner killings continue to occur everywhere—the United Nations organizations concerned with violence against women have come together and developed an essential services package. This represents a unique cooperation between UN-Women, UNFPA, WHO, UNDP and UNODC. The organizations say that “it aims to fill the gap between obligations made at the international level and country level activity.” It is written in a matter of fact style, describing best or ideal practices. It covers physical and sexual violence, female genital mutilation, abuses resulting from allegations of witchcraft, “honour” killings, female infanticide, and structural violence against women. The emphasis is on coordination of essential service and national/local level guidelines. Tools and resources are provided. As the killing of women is considered “the last stop” in the continuum of violence suffered by women, all the modules are relevant in developing comprehensive strategies to combat femicide.

The Module 3: The section on justice and policing repeats much of what is in the Updated Model Strategies and Practical Measures on the Elimination of Violence Against Women in the Field of Crime Prevention and Criminal Justice (General Assembly Resolution 65/457, Annex). The “package” draws upon the Agreed Conclusions adopted by the Commission on the Status of Women at its 57th session emphasizing multi-sectoral coordination, empowering women and taking into account women’s perspective, and a victim/survivor approach. What is new is the human rights approach.

From the principle that States must exercise due diligence in the areas of prevention, protection, prosecution, punishment, and provision of redress, a human rights approach calls for treating women with respect, and with the highest attainable standards of health, social, justice, and policing services. As gender inequality is a root cause of violence, strong leadership is necessary to implement the essential foundational elements to change attitudes and end discrimination.

We have thus come full circle. The only international agreement that is accepted by all Member State is the Convention Against Discrimination, which has a monitoring mechanism willing to look at femicide patterns. The new package has a checklist of what are considered essential services – accessibility, appropriateness, individualized protection and support programmes. Data collection about the relationship between perpetrator and victim will hopefully lead to better designed and more effective intervention and protection schemes.

From the beginnings, 50 years ago, when feminists and criminologists started drawing attention to the specific problems of violence against women, much has occurred. Regional treaties and national legislation specifying the crime of femicide have come into force. Lists of best practices have been published and international exchanges organized.

A global knowledge hub to prevent and eliminate the gender-related killing of women and girls (femicide) has been established by the Academic Council on the United Nations System. The Special Rapporteur has called for a Femicide Watch so that women’s organizations and other institutions can measure the progress made in each country. At the international level, the UN Office on Drugs and Crime will continue to collect disaggregated data on murders. Particularly, in the context of the Sustainable Development Goals, it will in fact measure whether progress toward the elimination of violence will have been made by 2030.

Resources

- “Due Diligence Standard as a Tool for the Elimination of Violence Against Women” Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk. E/CN.4/2006/61, 20 January 2006
- Secretary-General’s In-Depth Study on Violence Against Women. A/61/122/Add. 1
- “UNODC and the Protection of Human Rights”, Position Paper 2012 and UNODC Reference Guide
- Open-ended Intergovernmental Expert Group Meeting, November 2014, Bangkok, E/CN.15/2015/16
- “National Measures taken to prevent, investigate, prosecute and punish gender-related killings of women and girls”, best practices of 33 States compiled by UNODC, E/CN.15/20014/CRP. 4

- “Adequacy of the International legal framework on violence against women” Report of the Special Rapporteur. A/72/ 134 Chapter A- Views from global and regional mechanisms, Chapter B-Views from civil society, Chapter C- Special Rapporteur’s perspective. Conclusions and recommendations
- Report of the Special Rapporteur on violence against women, its causes, and consequences, Dubravka Simonovic. A/71/398 Chapter III-Debate surrounding the adequacy of the legal framework on violence against women; Chapter IV – Call for the establishment of a femicide watch A/71/398
- Closing the gap in international human rights law: lessons from three regional human rights systems on legal standards and practices regarding violence against women A/70/209
- Essential Services Package for Women and Girls Subject to Violence: Core Elements and Quality Guidelines (UN-Women, UNFPA, WHO, UNDP, UNODC) Module 3-Justice and Policing, Module 4- Social Services, Module 5-Governance of Coordination (2018)
- Report of the Special Rapporteur on violence against women, its causes, and consequences, Dubravka Simonovic, Chapter III – Human rights based approach to integrated services and protection measures: focus on shelters and protection orders; Chapter IV- Specific recommendations to States, General recommendations to UN-Women and other relevant stakeholders (A/HRC/35/30)

Mission to Sudan A/32/42/Add.1 and Add.4
 Mission to South Africa. A/HRC/32/42/ Add.2 and Add. 5
 Mission to Georgia A/HRC/32/42/Add.3
 Mission to Honduras A/HRC/27/ Add.1
 Mission to the United Kingdom A/HRC/ 27 /Add.2
 Mission to Afghanistan A/HRC/27/ Add. 3

Resolutions

A/RES/68/191- Taking Action against gender-related killing of women and girls

A/RES/70/176 –Taking Action against gender-related killing of women and girls

A/HRC/RES/32/19 Accelerating efforts to eliminate violence against women: preventing and responding to violence against women and girls, including indigenous

A/HRC/RES/69/147 Intensification of efforts to eliminate all forms of violence against women and girls Outcome Document “Elimination and Prevention of all Forms of Violence Against Women and Girls” 57th Session of the Commission on the Status of Women (E/2013/27)

Country Visits (by Special Rapporteur)

Missions to Israel/Palestine A/HRC/35/30 Add.1 and Add.2

Mission to Argentina A/35/30/Add.3

Femicide in Canada: Accountability and Punishment

Myrna Dawson

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Introduction

There has been growing attention to social and state responses to femicide in the past decade (Laurent et al., 2013; Nowak, 2012). As a result, the lack of systematic, evidence-based information on state accountability and/or the punishment of femicide perpetrators has become glaringly obvious in most countries. Evidence-based data are sparse, in part, because simply documenting the number of women and girls killed, by whom, what relationship they shared with the perpetrators, and which cases can be classified as femicide has been a challenge in most world regions.

Therefore, recording how states subsequently respond to this type of violence and the punishments that result has not been the primary focus of research and data collection efforts. However, understanding state accountability in responding to femicide, including the punishment of perpetrators, is crucial when determining the impact of (a) increased efforts to implement legislation and policy, and (b) the rise in specialized police and prosecution units in some countries to target what many argue is the impunity for such perpetrators.

It is recognized that those who are tasked with imposing the law must recognize the seriousness of violence against women if they are to respond effectively. However, the dearth of reliable data that documents how states are actually responding on the ground is hindering the ability to move beyond legislative and policy initiatives. Moreover, understanding how some femicide victims and their deaths may be discounted by the state because of who they were and where, how and by whom they were killed is of paramount concern.

All women and girls – no matter their social locations or identities – should have equitable access to justice in life and in death. To understand whether this is currently the case, better information is required

about whether and how femicide perpetrators are made accountable by states, including those states that may be contributing to this ongoing violence by inadequately responding, if at all, to the killing of women and girls.

Highlighting key findings from a long-term, ongoing research project that examines criminal justice responses to femicide¹ (Dawson, 2016), this article traces the early beginnings of this feminist-inspired research to the recent establishment of the Canadian Femicide Observatory for Justice and Accountability (CFOJA). The ongoing research focus is on the role of intimacy in legal responses to violence. More recent research has begun to interrogate how other characteristics of victims, their killers, or the context surrounding the femicide can lead to varying social and state responses.

A key concern is the treatment of Indigenous women and girls in Canada because inadequate state responses and historical and current impacts of colonization have contributed to their high femicide risk (NWCAC, 2010). In fact, a 2013 investigation by the Inter-American Commission on Human Rights concluded that a national action plan was required to address the roots of the problem (IACHR, 2014). A national inquiry into missing and murdered Indigenous women and girls has been ongoing for the past two years, the effectiveness of which remains to be seen.

Why examine the role of intimacy in state responses to femicide?

Until recently, the role of intimacy in law's response to violence was arguably one of the most ignored relationships while, at the same time, widely contested among social science and legal researchers.

¹ Femicide is defined in this study as the killings of all women and girls, by both male and female perpetrators, for ease of discussion and because there continue to be ongoing debates about the appropriate definitional parameters for classifying the killing of a female as a femicide.

Chart 1: Homicide rates by sex of victim, 1975 to 2015, Canada

Rate per million population



Rates are calculated per 1,000,000 population using revised population estimates from Statistics Canada, Demography Division. Source data originates from Chart 8 of Women and the Criminal Justice System, <https://www.statcan.gc.ca/pub/89-503-x/2015001/article/14785/c-g/c-g11-eng.htm>

Notes: There may be a small number of homicides in a given year's total that occurred in previous years. Homicides are counted according to the year in which they are reported to Statistics Canada. Excludes 7 homicide victims whose sex was reported as unknown.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey, 1975 to 2015.

Today, the role of intimacy in law remains unclear because of the lack of available data and because intimacy is often conflated with gender – or what it means to be a woman – when the law responds to violence perpetrated by men against women. Regardless, it is largely recognized that, historically, intimacy has served to mitigate the seriousness of men's violence against women. Simply put, if a man victimizes a woman with whom he was, or had been, in a relationship, the law's response is typically more lenient than if there had been no prior relationship (Dawson 2004a, 2004b; Rapaport, 1994).

Arguably, policymakers in Canada have recognized this fact because, in 1996, the federal government passed Bill C-41 which included a statutory statement stipulating that an offender who abuses a spouse or child may be subject to harsher penalties. As such, judges are now to consider the existence of a spousal relationship between an offender and his/her victim as an aggravating factor at sentencing.²

² Early in 2018, the Canadian government introduced Bill C-75 which is meant to provide significant reforms to Canada's criminal justice system. The Bill received its first reading on March 29, 2018 and includes various reforms targeting responses to domestic violence and, once again, identifies intimacy as an aggravating factor at sentencing [<http://www.parl.ca/DocumentViewer/en/42-1/bill/C-75/first-reading>].

This was a significant change in Canada given that, previously, penal laws made no mention of the relationship between a victim and an accused or what that relationship should mean in criminal law (Grant et al., 1998).

This situation is not unique, however, with few countries clarifying the role of intimacy in law, even though intimacy most often poses the greatest danger to women and girls.

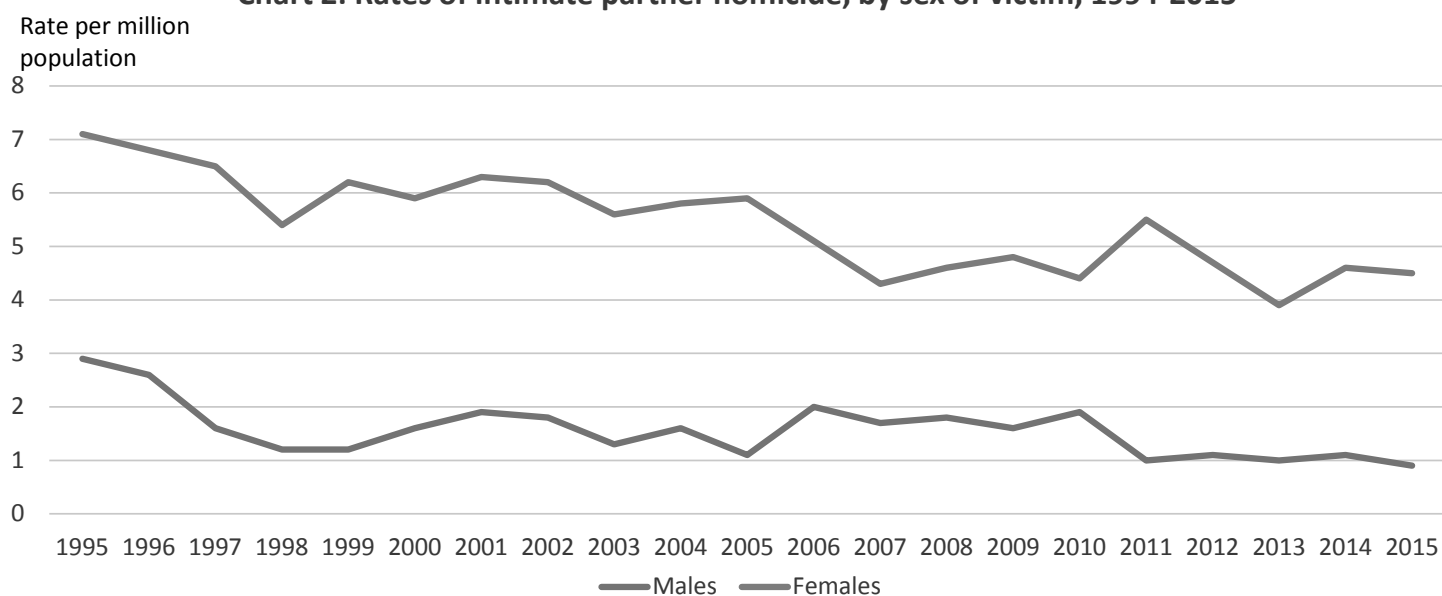
Following a brief description of femicide in the Canadian context, research findings from one jurisdiction are highlighted, and the path traced from the beginnings of this research to the subsequent launch of the CFOJA which focuses specifically on femicide, accountability and punishment.

Femicide in Canada

There are no official national data on femicide³ in Canada; however, in 2015, police reported 604 homicide victims (1.68 per 100,000 population) of which about 29 percent or 173 were female homicide victims (David, 2017). The highest rate of femicide was reported for females aged 18 to 24, followed closely by females aged 25 to 34 (David, 2017).

³ The term 'female homicide victims' is adopted by Statistics Canada's Homicide Survey from which these data were drawn.

Chart 2: Rates of intimate partner homicide, by sex of victim, 1994-2015



Rates are calculated per 1,000,000 population aged 15 years and over using revised population estimates from Statistics Canada, Demography Division. Original source data is based on Chart 9 of *Women and the Criminal Justice System*, <https://www.statcan.gc.ca/pub/89-503-x/2015001/article/14785/c-g/c-g11-eng.htm>

Notes: There may be a small number of homicides in a given year's total that occurred in previous years. Homicides are counted according to the year in which they are reported to Statistics Canada. Excludes homicide victims whose sex was reported as unknown. Intimate partners include current and former same-sex and opposite-sex spouses, common-law partners, dating partners, and other intimate relationships.

Source: Statistics Canada, Canadian Centre for Justice Statistics, *Homicide Survey, 1994 to 2015*.

Canada's rate of femicide is significantly lower than other countries; however, in 2013, Canada had the fifth highest homicide rate (1.44 per 100,000) among 17 similarly-situated countries (Cotter, 2014: 3)⁴.

The ratio of female-to-male victims has remained relatively stable from 1975 to 2015 (see Chart 1), ranging from a high of 38 percent in 1981 to a low of 24 percent in 2008. Although homicide rates are generally higher for males than females, females remain at a much higher risk of homicide by male intimate partners, similar to many other countries (Stöckl et al., 2013). In 2015, in Canada, the rate at which women were killed by an intimate partner was more than five times the rate for men (see Chart 2). There has been a downward trend in rates of intimate partner homicide from 1975-2015, decreasing about 37 percent for female victims, but more than 69 percent for male victims.

The greater decline for males is perceived as a paradox of sorts given that most legislative and policy changes in recent decades were targeted at intimate partner violence by men against women. The more significant

⁴ The Conference Board of Canada identified similar countries by selecting those identified as 'high income' by the World Bank with a total population of more than one million, larger than 10,000 square kilometres, and a higher-than-the-mean average real income per capita.

decline for men suggests that resources may provide women with alternatives to lethal violence when living with abuse (Browne & Williams, 1993; Dawson et al., 2009; Dugan et al., 1999, 2003).

In 2015, close to one half (48%) of all solved femicides were committed by an intimate partner. Family members (except parents) were perpetrators in 22 percent of cases, followed by casual acquaintances (14%), parents (6%), strangers (6%), and criminal acquaintances (3%). In contrast, males were most often killed by casual acquaintances (45%), criminal acquaintances (16%), or strangers (16%).

A smaller percentage of incidents involving male victims were committed by family members (14%), parents (5%), or intimate partners (4%). Both female and male victims are killed primarily by male perpetrators; however, the motivations and circumstances in which women and men are killed differ significantly, underscoring the relevance of the term 'femicide'.

In 2015, approximately 16 percent of femicides remained unsolved compared to 29 percent of male homicides, representing a significant increase since

Number of homicides

Chart 3: Number of female homicides by Aboriginal Identity, Canada, 1980-2015



Note: Source data originates from Chart 11 of *Women and the Criminal Justice System*, <https://www.statcan.gc.ca/pub/89-503-x/2015001/article/14785/c-g/c-g11-eng.htm>

Source: Statistics Canada, Canadian Centre for Justice Statistics, *Homicide Survey, 1980 to 2015*.

data collection began in 1961 when about five percent of femicides and six percent of male homicides were unsolved. On average, killings involving intimate partners or family members are solved more quickly than those involving perpetrators and victims sharing more distant relationships (see also Trussler, 2010).

Internationally, the risk of femicide is unevenly distributed across groups. In Canada, Indigenous women are at elevated risk of femicide.⁵

Based on 15 years of homicide survey data (2001-2015), femicide rates for Indigenous females were approximately six times higher (48.2 per million population) than rates for non-Indigenous females (8.2 per million population).

Other research suggests that Indigenous women are 12 times more likely to be murdered or missing than

any other women in Canada and 16 times more likely than White women (Peters, 2017).

This over-representation has been observed across the country, although to varying degrees. In contrast to overall declining trends, the number of femicides involving Indigenous females has remained stable or increased in the 36-year period from 1980 to 2015, but their proportion of total femicide victims has changed (see Chart 3).

In 1980, Indigenous females accounted for nine percent of all femicides, rising to 24 percent in 2015. In addition, in 2015, about 17 percent of Indigenous femicide victims and 18 percent of non-Indigenous femicide victims were recorded as missing at the time the femicide became known to police. In a national overview, the Royal Canadian Mounted Police (RCMP) (2013) estimated that, between 1980 and 2012, about 1,200 Indigenous women and girls were missing or

⁵ 'Aboriginal' is used in the tables because this is the term currently used by Statistics Canada Homicide Survey.

murdered – a situation that is, as noted above, the subject of an ongoing national inquiry.

Intimacy and punishment: Femicide in Ontario, 1974-2013

Like global patterns, femicide is most often perpetrated in Canada by current or former male partners – a phenomenon referred to as intimate femicide or intimate partner femicide.⁶

In response to a series of such killings in Ontario, Canada's most populous province, a group of eight women who worked in shelters for abused women and had worked with or been friends of women who were killed by male partners met in 1989 to share their experiences and emotional support (Gartner, Dawson, & Crawford, 1999).

Naming themselves, the Women We Honour Action Committee, they set out to learn more about intimate femicide by documenting the incidences and describing the characteristics and circumstances of their deaths. Occurring in two stages, the study covered the period 1974-1994 and documented the femicides of 1,206 women aged 15 and older from official records (e.g. coroner's files, police and Crown attorney records) (Gartner et al., 1999). Of the 1,120 cases in which the killers were identified, 705 or 63 percent were current or former male partners.

Today, ongoing data collection has been completed up to 2013. During this period, 2,700 femicides have been documented in Ontario with research ongoing (Dawson, 2017a, 2017b, 2016a, 2016b, 2012, 2006, 2005, 2004a, 2004b, 2003; Dawson & Sutton 2017; Dawson & Carrigan 2017).

The scope of research questions being examined is growing; however, femicide and punishment has remained a core focus. Two key questions have been central: does intimacy matter and, if so, why?

Overall, findings largely underscore that men who kill their female partners - wives, girlfriends, lovers – benefit from an intimacy discount compared to men who kill women who were not their intimate partners. Simply put, this means that their punishments appear to be less severe than men who kill women with whom they have not shared a relationship. The intimacy discount appears to also benefit, to some extent,

⁶ The term intimate femicide is used here because it is most commonly used in the Canadian context given that this was the term adopted by the first study to focus on this phenomenon in Canada.

men who kill their mothers, sisters, daughters, aunts and so on. The evolution of these findings to date are discussed in more detail.⁷

Intimacy as a continuum

Conceptualizing intimacy as a continuum, one study compared criminal justice outcomes for five victim-defendant relationships – intimate partners, family members (not spouses), friends, acquaintances and strangers (see Dawson, 2004a, 2004b).

The main hypothesis was that cases involving intimate partners – those seen as having the highest degree of intimacy – would be treated more leniently by the courts.

The study focused on 1,003 homicides that were handled through the adult criminal justice system in Toronto, Ontario during a 23-year period (1974-1996). Results showed that intimacy affected criminal justice responses to violence, but its impact depended on the decision-making stage and the relationship type. Controlling for various legal and extra-legal factors, compared to defendants who killed strangers:

- *Initial charge:* Defendants closest to their victims – intimate partners – were less likely to be charged with first-degree murder.⁸
- *Mode of conviction:* Intimate partner killers were less likely to have their cases resolved at trial and more likely to enter guilty pleas.
- *Length of sentence:* Defendants who shared the closest relationships with victims – intimate partners, family members – received shorter sentences.

The above findings – providing partial support for criminal justice leniency for those who shared the closest relationships – appeared to diminish over time, a point returned to below.

The cost of 'lost' intimacy

Recognizing that the degree of intimacy between intimate partners can also vary along with the characteristics of violence (Dawson & Gartner, 1998), a subsequent study examined whether the state of an intimate partner relationship played a role in

⁷ It is not possible to do justice to the full spectrum of theoretical and empirical findings from the series of publications focusing on the role of intimacy in law in this one article; therefore, readers are encouraged to review the full results in the sources as noted throughout.

⁸ In Canada, Section 222(4) of the Criminal Code of Canada includes three types of culpable homicide: murder (first- and second-degree), manslaughter and infanticide.

Table 1: Bivariate Associations for Type of Homicide and Criminal Justice Outcomes for Three Time Periods, Toronto, 1974-2002

	Year case entered court					
	1974-1983		1984-1996		1997-2002	
	(N=402)		(N=533)		(N=108)	
	Intimate	Non-intimate	Intimate	Non-intimate	Intimate	Non-intimate
Criminal Justice Outcome						
1 st -degree murder charge	26%	35%	40%	50%	50%	36%
Case sent to trial	61%	65%	46%	53%	55%	55%
Guilty at trial	48%	53%	78%	66%	82%	62%
Convicted	68%	69%	90%*	80%	90%*	74%
Murder conviction	21%**	39%	50%*	38%	67%	45%
Sentence length	6 years*	8 years	10 years	9 years	12 years	10 years

Note: *p<.05 **p<.01

determining law's response to violence (see Dawson 2003).

Specifically, the question was, were male defendants who killed female partners who were attempting to leave the relationship or had already left treated more severely than male defendants who killed current female partners? This analysis focused on intimate femicide cases dealt with by the courts in Toronto from 1974-1996 (N=144). Consistent with work by Rapaport (1994), results showed that relationship state was associated with punishment severity at sentencing: male offenders who killed female partners from whom they were, or about to be, separated, received sentences that were about two years longer than defendants who killed current partners.

Introducing intimacy as an aggravating factor

More recent research examines the introduction of intimacy as an aggravating factor in the 1996 legislation (see Dawson 2012). Focusing on an expanded study period (1974-2002) in Toronto, this study compared criminal justice outcomes for cases involving both female- and male-perpetrated intimate partner homicides with all other relationships.

Table 1 shows that those who killed intimate partners were still more likely to have their cases resolved by plea compared to other killers, although less so than previously documented⁹.

When cases went to trial, however, defendants who killed intimate partners were now more likely to be found guilty than those who killed other victims – a difference that was not evident in earlier years.

When examining conviction severity, intimate partner homicides resolved in the early period were less likely to result in murder convictions than non-intimate partner homicides – a difference that was no longer evident in the latter period. Finally, intimacy no longer appeared to lead to differential sentences as it had during the shorter study period (1974-1996). These new findings might be explained by the effects of time and the introduction of intimacy as an aggravating factor, but concrete conclusions require further study.

A specific focus on femicide

In the most recent analysis (Dawson 2016a), expanding the focus to the province of Ontario and examining femicide cases only, the intimacy discount remains evident as follows: (1) intimate and familial femicide were less likely to result in first-degree murder charges; (2) familial, but not intimate, femicide were less likely to result in murder convictions compared to stranger femicide; and (3) intimate and familial femicide were more likely to result in shorter sentences compared to stranger femicide (see Table 2). However, similar to findings above, the study documented changes over time in how the courts responded to femicide overall. For example, overall, first-degree murder charges and murder convictions were less likely to occur in femicide cases in the early period compared to the most recent period, suggesting increasing levels of punishment over time.

Femicide cases disposed in the early and middle periods resulted in significantly shorter sentences than cases

⁹ Bivariate associations shown here for illustrative and descriptive purposes. Multivariate results available in Dawson 2012.

Table 2: Descriptive patterns for court outcomes by femicide subtype, Ontario, 1974-2013 (N=1,381)

Variables	Intimate Partner		Other Family		Other Known		Stranger		Total	
	%	N	%	N	%	N	%	N	%	N
	(58%; 801)		(15%; 206)		(18%; 242)		(10%; 132)		(N=1,381)	
First-degree charge	48	382	43	89	55	134	65	86	50	691
Likelihood of conviction	96	681	94	174	93	199	86	113	94	1167
Murder conviction	57	387	44	76	66	132	66	74	57	669
Sentence (in years)	14		13		15		17.5		13.5	

disposed in the more recent period, again suggesting increasing accountability¹⁰.

Why might intimacy matter?

Referred to above as the ‘intimacy discount’, defendants who killed women with whom they shared closer relationships continue to be subject to lighter punishments than those who shared more distant relationships despite legislative and policy changes meant to improve social and legal responses. While some progress is evident, the question remains, why does intimacy continue to matter?

I argue elsewhere that intimacy matters in law because of entrenched stereotypes that continue to resonate in the legal and public domain (e.g. ‘crimes of passion’, victim provocation) (Dawson, 2006, 2016b). Just as Hagan and O’Donnell (1987) argued about gender over three decades ago, stereotypes about intimacy are so common in our everyday world and in everyday court interactions that they are part of conventional and sociological wisdom. However, there is no solid base of empirical evidence that supports the validity of such stereotypes or contributes to an understanding of their role in law.

These stereotypes, typically negative and generated by problematic attitudes and beliefs about gender roles and acceptable types of violence, also unfairly disadvantage some groups of women, depending upon their varying social locations and/or identities (e.g. Indigeneity, race/ethnicity, class, sexualities, age, disabilities, and so on).

¹⁰ It could be argued that what appears to be increasingly punitive sanctions for femicide may simply be a product of increasing punitiveness overall. Focusing on the middle and recent period, a similar analysis was conducted determining sentence length for male victims (not shown here). There was also an increase in sentence severity for male victims although the relationship was not as strong.

Challenges and priorities to understanding femicide, accountability and punishment

The above research on the role of intimacy in legal responses to femicide and homicide helps to illustrate the value in systematically collecting reliable and detailed information on the criminal justice processing of violence against women. Such efforts are not meant to prioritize criminal justice mechanisms as the primary mode of femicide prevention, but rather to underscore that understanding patterns in punishments can help to identify and challenge problematic attitudes and stereotypes held by those who investigate and respond to femicides and other forms of violence against women. Arguably, it is such attitudes that can act to prevent real societal changes from legislative and policy initiatives. There are two key challenges to moving forward, discussed next, framed as priorities for research and prevention.

The first challenge/priority to understanding state responses to femicide is the need to develop more innovative ways to identify and collect systematic, detailed and reliable data. Traditional data sources (e.g. coroner, police and court data) often come with limited information and the mandate for collecting data is not research.

More importantly, these data are also often inaccessible to researchers. Criminal justice actors are the gatekeepers to such data and are frequently reluctant to partner with researchers despite the potential value of such collaborations for improving social and legal responses to violence.

As a result, researchers are increasingly seeking alternate or complementary data sources, particularly more public forms of information such as media coverage and court records given their increased accessibility in the digital age.

However, these data also come with limitations (e.g. not all cases are reported, what is reported may not capture all relevant information) and, therefore, partnerships and collaborations between state and research institutions will be necessary to move forward. The second challenge/priority is the need to better identify and define reliable and valid indicators of law's response to femicide; for example, when assessing stereotypes about intimacy and violence, how does one measure premeditation or victim provocation? When broadening the scope of possible stereotypes, how one measures Indigeneity, race/ethnicity, class, sexuality and so on also becomes more important. Assuming this information is available – which it is often not – reliable and consistent measures will need to be identified. At the very least, understanding what we mean by femicide and what acts are captured by this term is crucial, but continues to be debated (Dawson & Carrigan 2017; Mujica & Tuesta 2014).

Researchers' and court actors' goals are not the same and may even be at odds. Addressing these and other challenges requires increased collaborations among feminists, social scientists, legal scholars, court and state actors. Community mobilization and grassroots efforts can also play a valuable role, particularly if resources are available to help facilitate their efforts. Regardless of how achieved, understanding how the law's symbolic – and real – response might be contributing to femicide risk, particularly for vulnerable and/or marginalized groups of women and girls is paramount and requires more innovative and collaborative efforts. The Canadian Femicide Observatory for Justice and Accountability (CFOJA), launched in December 2017, provides one example of how this might occur.

The Canadian Femicide Observatory for Justice and Accountability

In early 2017, as the above Ontario-based research on femicide was being rolled out nationally, the Special Rapporteur on violence against women, its causes and consequences called for submissions that documented promising practices, already in existence, on data collection and prevention of femicides or gender-related killings of women.

I responded to this call given that, for the past two decades in my work on femicide in Ontario, I had developed a process for data collection, expanded and enhanced the tools used to collect data, continued to respond to the challenges of accessing official data sources and the issue of missing information, and

identified other types of data that could fill the gap or complement official data when available.

Throughout, the specific focus had been on punishment and accountability and the resulting Ontario femicide/homicide database has grown to include about 7,000 homicide cases, 2,700 of which are femicides. Prior to this call, in 2015, the Special Rapporteur had also begun to call on countries to establish a femicide watch or observatory to collect, analyze and review data on femicide.

These ongoing efforts paralleled the national roll-out of my research as well as the increasing frustration by many with the inadequate social and state responses to femicide in our country, particularly for some women and girls. Indeed, growing attention to the situation of missing and murdered Indigenous women and girls in Canada underscored that no country is free from this type of violence and that not all women and girls have equitable access to justice in life or in death. The CFOJA and its website were officially launched on December 6, 2017, Canada's National Day of Remembrance and Action on Violence Against Women, representing new, collective efforts to address social and state accountability for femicide¹¹.

The goals of the feminist-led CFOJA are multi-faceted but focus specifically on documenting social and state responses to femicide in Canada to bring visible and national attention to the issue.

A key prevention goal is to highlight how negative attitudes, beliefs and stereotypes towards women and girls helps to perpetuate and maintain violence against women in its varying forms, including femicide.

The CFOJA recognizes the importance of varying social identities, beyond gender, that impact the treatment of female victims by society. As such, its growing expert advisory panel brings multiple expertise that captures feminist, and more importantly, intersectional perspectives to highlight social and state responses to femicide. It adopts the ecological perspective that recognizes that no single factor can explain femicide, but that factors at varying levels of society work in combination to decrease or increase femicide risk.

The subsequent belief, of course, is that prevention must also occur at multiple levels and the CFOJA focuses on identifying and challenging how societal

¹¹ For more information, visit www.femicideincanada.ca, email cfoja@uoguelph.ca, or follow on Twitter at @CAN_Femicide or on Facebook CAN. Femicide.

and community attitudes, beliefs and stereotypes work to perpetuate and maintain all forms of violence against women.

The CFOJA is undertaking several initial activities focusing on responses to femicide after it occurs to recognize how broader societal contexts facilitate femicide. First, to capture the larger context, it will identify legislation, policies and practices in social and state responses to femicide with two goals in mind: (1) to examine whether different parts of the country have more or fewer resources to respond to violence against women; and (2) to assess how these resources may still perpetuate and maintain social structures and gender inequalities conducive to the perpetration of femicide. The CFOJA will also examine how legislations, policies and programs address (or fail to address) vulnerable and marginalized groups of women and girls including, but not exclusively, Indigenous women, immigrant and refugee women, older women, disabled women and so on.

Second, the CFOJA will identify stereotypes and biases that underpin social and state responses. Focusing on the media as one type of social response and the courts as representative of the legal response, the CFOJA will examine and challenge how varying social identities, including those of intimate partners, are constructed by social and state actors when responding to femicides. In addition, recognizing that justice often varies by geography, it will also examine how social and state responses vary across the country (e.g. by region, urban/rural location).

Finally, the CFOJA will facilitate the exchange of information, reliable data, and current knowledge to advance legislative, policy and program change to enhance the prevention of femicide in Canada.

To do so, it will: (1) monitor emerging issues and trends related to femicide specifically and violence against women more generally; (2) provide user-friendly, reliable information, resources and research on femicide; and (3) act as a knowledge broker for researchers, professionals, policy-makers, the media and the public. In short, it will serve as a web-based research and information centre which aims to conduct, mobilize, exchange and promote research and knowledge to prevent femicide and other forms of gender-based killings in Canada. This is the first time there has been a single location to mobilize knowledge and action for femicide victims in Canada.

Many remain skeptical about the willingness of criminal justice or state actors to seriously address the problem

of violence against women, including femicide. Others recognize that 'law in practice' is often much different than what is, or has been, legislated. Traditional ideologies or stereotypes may continue to downplay the seriousness of some violence for some groups of victims.

Documented improvements in the court's response to femicide may be explained, in part, by increasing punitiveness in Canadian sentencing overall rather than due to the impact of specific legislative and policy responses. Alternatively, some of this improvement may be due to increased legislative and policy attention to femicide, particularly intimate femicide, and other forms of violence against women more generally. However, much more nuanced and systematic research is required before we can answer the above questions adequately.

Collecting information is a challenge and missing information is a common problem, not unique to Canada. Regardless, understanding how state and social responses might contribute to risk for femicide overall, and for certain groups of women and girls, is paramount and requires more innovative and collaborative efforts. Increased collaboration and prioritization of community mobilization are core goals of the CFOJA in its effort to better understand responses to femicide. Legislation and policy represent symbolic efforts to address perceived problems, but it is law and policy in practice that requires research attention if we are to ensure equitable access to justice for all women and girls.

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European Observatory on Femicide and Other Initiatives in Europe

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In January 2018, the European Observatory on Femicide (EOF) was launched at the University of Malta within the Department of Gender Studies at the Faculty for Social Wellbeing. The EOF is the first observatory in Europe aimed at femicide prevention through the collection and analysis of data. Killing of women is a unique phenomenon that stems from women being forced into a lower social status on the gender hierarchy. This distinction creates the need for separate research that informs strategies for saving women's lives¹.

The EOF is initially based on the results of the former COST Action on Femicide across Europe² and recognizes past and ongoing efforts of women's NGOs, governments, and other institutions to prevent and combat femicide and other forms of violence against women (VAW). Setting up the EOF involves building upon the COST Action and with thoughtful consideration of existing initiatives (such as intergovernmental agencies and monitoring bodies) to ensure collaboration and synergies, and an approach that provides something unique and innovative.

The EOF is run by a scientific coordinator and a research officer, both of whom are supported by an advisory board composed of international experts. The structure includes thematic research groups and country groups for data collection and analysis, as well as partnerships with stakeholders. One of the thematic groups deals with setting up a database and methods of country-level data collection and analysis.

EOF History: COST Action on Femicide

The establishment of the EOF results from the COST³ Action IS 1206 on Femicide across Europe (2013-2016) involving researchers from Europe and Israel engaging with the topic of femicide and the areas of definitions,

¹ See 2016 and 2016 reports of the UK Femicide Census, which focuses its research on femicide, while the European Homicide Monitor (EHM) analyzes the killings of women and men. The EHM segregates killings into categories such as criminal setting or familial setting, while the UK Femicide Census looks at relevant categories, but from the perspective of women, such as killing in the context of prostitution/pornography or killings with a sexual context.

² More information on the COST Action in the next section.

³ COST stands for European Cooperation in Science and Technology.

reporting, culture and prevention in the form of working groups.

The Action also uncovered opportunities and challenges with data availability on femicide in each country.⁴

The working group on definitions looked into the history of defining femicide, types of femicide and the methodological issues arising from developing a definition. Femicide is a powerful term in that it relays homicide from the perspective of women's experience. It is politically charged and refers to misogynistic killing of women by men, or killing of women because they are women. Femicides occur in a variety of contexts such as intimate partner killings, 'honour' based killings, armed conflict murder of women, killings related to sexual identity, and in the context of sexual crimes. Official statistics are not likely to reveal gendered contexts or motives. This makes femicide difficult to measure and also presents a challenge of staying true to the political cause. At the same time, femicides must be counted. The working group set the way forward by deciding on the definition⁵ 'the killing of females because they are females'⁶ and collecting information on all killings where it is known that gender played a role, with remaining cases being further investigated.

The working group on reporting began by comparing available country-level data. The working group also compared femicide rates to non-lethal forms of VAW, the gender equality index, homicide rates in general and the countries' socioeconomic situation to find patterns and correlations.⁷

⁴ The countries include Austria, Croatia, Cyprus, Denmark, France, Georgia, Germany, Greece, Iceland, Ireland, Israel, Italy, Lithuania, Macedonia, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovenia, Spain, Sweden, Turkey, United Kingdom.

⁵ It was deemed important that the definition serve data collection in order to provide information for awareness about the phenomenon, which could be fed into policies and translated into practice, as this is where prevention happens.

⁶ This includes women killed by men and by women.

⁷ Sources for the working group included the European Homicide Monitor, European Institute for Gender Equality, United Nations Office on Drugs and Crime, Eurostat, Geneva Convention on Small Arms, the Sophia Institute, national criminological data and empirical studies, and unofficial data in form of news reporting. Any unofficial data sources should ideally be verified with data from the police and justice system.

Some of the findings included that in countries with systematic data collection, gender disaggregation existed and in some countries, intimate partner homicide information was available. Investigating other gendered motives in killings of women is more difficult and requires official data requests, and finding ways to complement the data with information about prior violence and institutional interventions. The working group also considered the possibility of the EOF joining available data collection systems and activities or integrating into existing national/international efforts, especially to support the monitoring of the Istanbul Convention, where states are required to report the number of cases resulting in women's deaths.

The working group on culture noted that Europe is ethnically and culturally complex. An analysis of country case studies showed that: femicide is often a consequence of domestic violence; the presence of patriarchy in protective systems (e.g. legal systems) has adverse effect on women's help seeking; and societies are generally influenced by ideals of male domination. Issues of family 'honour' are common in different European cultures, although this lessens with rise of individualism.

The working group on prevention noted that prevention of femicide needs to be targeted at primary, secondary, tertiary and quaternary levels, and that prevention of femicide is directly related to preventing other forms of VAW. Effectiveness of some preventive methods (e.g. education) is difficult to measure and at other levels (e.g. institutional) prevention involves protection measures for victims and punishment for perpetrators, although some women may not benefit as they never reach out to institutions. Prevention is broad and not sufficiently addressed. There are no studies in Europe that can really answer the question of what works to prevent femicide. For this reason, fatality reviews⁸ were recommended.

The project culminated in a final conference, which took place at the University of Malta in March 2017, where the Action's members called upon the same University to host the EOF. The initial blue print for the EOF was presented at the conference.

Comparative Data on Femicide and Homicide

In recent years, the European Institute for Gender Equality (EIGE), Eurostat, and the United Nations Office on Drugs and Crime (UNODC) have dedicated their

⁸ Reviews can provide a picture of recurrent factors related to the individual, the social context, and circumstances that precipitated the events that led to the murder. Some factors, needs or vulnerabilities can be recurrent and are important to look into.

resources to enabling European and international data comparability of femicide and homicide.

In recent years, EIGE has focused its research on VAW and femicide in line with its mandate to support the European Union (EU) in its priority to eradicate gender-based violence against women. EIGE's work has included the development of a Gender Equality Index,⁹ scoring gender equality in the EU and progress in the area of VAW.¹⁰ For this reason, EIGE has focused its efforts on mapping administrative data availability, creating definitions and indicators¹¹ for data collection on intimate partner violence, rape, and femicide to ensure comparative data in the EU.

Eurostat is also responsible for collecting and generating gender statistics including disaggregated data on intentional homicide victims in the EU.

Another agency working on crime data comparability and homicide is the UNODC. In 2015, the Office published a report on International Classification of Crime for Statistical Purposes in order to measure changes in crime levels, observe state responses, and evaluate policies. In 2013, the UNODC published its Global Study on Homicide, where data on intimate partner/family homicides was presented, showing that of all women killed globally,¹² 47% were killed in that context.

Observatories on VAW, Femicide and Homicide¹³

The European Observatory on Femicide (EOF) joins other observatories in European countries and elsewhere that focus on VAW and/or femicide.

These include the Canadian Femicide Observatory for Justice and Accountability, the Danish National Observatory on Violence, the Finnish Homicide Monitor (FHM), the European Homicide Monitor (EHM),

⁹ The core domains of EIGE's Gender Equality Index include Money, Knowledge, Work, Time, Power, Health.

¹⁰ For more information on what is included in the Gender Equality Index domain of VAW, see: <http://eige.europa.eu/rdc/eige-publications/gender-equality-index-2017-violence-against-women>

¹¹ The indicators developed are meant to be populated/measured mainly through police and justice sectors.

¹² UNODC presented data from 4 countries in Africa, 14 countries in the Americas, 9 countries in Asia, 21 countries in Europe, and 3 countries in Oceania.

¹³ The authors of the article recognize that all existing observatories and data initiatives could not be named in this text. For example, in Spain, in addition to the government run observatory, a women's NGO named Femicidio (<http://femicidio.net/>) collects and disseminates information about femicide.

the French Observatory on Violence against Women, the Portuguese National Observatory on Gender and Violence, the Spanish Observatory against Domestic and Gender-based Violence, the European Women's Lobby (EWL) Observatory on Violence against Women and the UK Femicide Census. In Turkey, a national observatory is set to open at the Istanbul Medeniyet University.¹⁴ Additionally in 2017, the ACUNS Vienna Femicide Team and the UN Studies Association launched the Femicide Watch Platform, improving awareness-raising on femicide around the world, giving key information, and sharing promising practices.

The establishment of initiatives date back to 1997 and continues through to today. Older initiatives have also grown into newer ones: the EHM that encompasses Finland, the Netherlands, and Sweden originated from the FHM. The Homicide Monitors collect and analyse data on killings of women and men. The EHM shows that comparative data is possible.

All of the observatories constitute research initiatives, with some also disseminating information about campaigns or creating visual products¹⁵ of their own to educate the public about VAW. Each structure is unique but some commonalities among them can be noted. Many of them also or solely address femicides.¹⁶ The observatories on VAW collect information on different forms of violence (e.g., rape, sexual harassment in the workplace) as is the case in France and Portugal.¹⁷ The EWL observatory has put forth research on various topics that is of comparative value, including country specific information on legislation, data, and services related to rape.

Connecting to International Obligations

The Canadian Femicide Observatory, as others, makes references to answering international calls to address VAW as the motive for its founding, recalling the Beijing Platform for Action 1995 or more recent calls by the

UN Special Rapporteur on Violence against Women, its causes and consequences, Dubravka Šimonović, to establish 'watches' that document gender-related killings of women. The Danish Observatory sees its work as living up to national and international obligations.

Collaboration and Joining of Expertise

The observatories bring together people and groups as diversity leads to stronger initiatives and broader access to data sources. The Women's Council in Denmark that runs the observatory is itself a network of 45 organizations and the actual observatory consists of 23 members that all work with different issues including domestic violence, masculinities and prostitution, among others. The Canadian observatory lists a group of more than 30 experts. In Portugal, the observatory is located at the New University of Lisbon and integrates researchers from all faculties as well as international experts. In Spain, the observatory is integrated within various government institutions.¹⁸

Aims and Objectives

The aims of the observatories vary depending on their geographic reach, mandate or scope of research. The Finnish observatory aims to inform policy and prevent homicide by understanding its causes. In Denmark, the goal is to share and exchange experiences to inform action against VAW. In Portugal, the research is meant to deepen knowledge on VAW, from social, cultural, historical and psychosocial perspectives. The Spanish observatory collects data and conducts fatality reviews and is geared towards monitoring the implementation of GBV legislation. In the UK, the goal is to identify patterns and circumstances, knowledge of which can reduce femicide in the future. The title of the Canadian observatory hints at promoting accountability by monitoring social and state responses, since attitudes and actions of individuals, groups, institutions, and governments are responsible for femicide.

On the European level, the EHM aims for comparability and expanding the data collection throughout Europe, while the EWL focuses on identifying burning and emerging issues with the goal to improve support for victims.

14 Personal Communication with S. Buran. February 2018: The Turkish Observatory on Femicide will be established in the Women's Rights Unit under the Human Rights Research Center at the Istanbul Medeniyet University.

15 See: <https://www.womensaid.org.uk/what-we-do/campaigning-and-influencing/femicide-census/femicide-stories>. The UK Femicide Census has created a series of videos showing the stories and perspectives of people who lost family members to femicide.

16 This includes observatories in Canada, Finland, France, Spain, United Kingdom, and the European Homicide Monitor.

17 The Portuguese Observatory has conducted research on Female Genital Mutilation (FGM), as well as supporting the development of an action plan on preventing and combating domestic and gender violence in Lisbon.

18 The institutions include: General Council of the Judiciary, Ministry of Justice, Ministry of Health, Social Services and Equality, Ministry of the Interior, State Prosecutor General, Autonomous regions with authority transferred to Courts, General Council of the Spanish Bar Association, and the General Council of Spanish Notaries.

Choosing the focus

Observatories on femicide have a difficult task in defining femicide and determining the types of femicides to focus on.

The UK Femicide Census defines femicide as the killing of women because they are women, while acknowledging that some definitions also include girls. The UK observatory counts only women's deaths at the hands of men. The Canadian observatory defines femicide as the killing of women and girls primarily by men. The definition is admittedly looser in order to accommodate varying provincial definitions.

For counting femicides and homicides, definitions are important and decisions have to be made on the sub-types or contexts that are to be included. The EHM focuses on deaths that result from intentional criminal acts, excluding certain involuntary offences. While women are most often killed by their intimate partners, both the UK and Canadian observatories shine a light on types and contexts in femicides: dowry, 'honour', or FGM related, resulting from human trafficking, sexual violence, sex work/prostitution/pornography, 'mercy killing', rejected advances, financial gain, organized crime, racism, transphobia, or the killing of elderly women, or symbolic woman femicide.¹⁹

Data Sources Are Key to Prevention

Diverse data sources and targeted data variables are key to exploring the causes of killings. The FHM database gathers information from chief investigators of homicide that covers 90 variables, including relationship, motives and warning signs. In the UK, the data is gathered from a variety of sources²⁰ and includes relationship, method of killing and context. Media sources tend only to focus on certain types of victims and murders, and so the information must be supplemented.

A 2007 report from the Danish observatory included data from police, services and emergency departments. The Canadian observatory focuses its data collection on information related to accountability and justice,²¹ noting the relevance of social responses and attitudes as playing a significant role in prevention. The key to prevention can be found in individual, relationship, community and societal levels, and hence all levels should be explored.

19 Meaning that the man performing the killing wanted to kill any woman.

20 This includes information from public authorities, but also media reporting, among others.

21 For example, perpetrators who commit femicide in urban versus rural areas can be held to different account by the local justice systems.

Data gathering is challenging however, and the UK observatory notes that while unofficial data can be filled with bias and is subject to data cleaning,²² official data may be difficult to get, when public authorities resist its release. The FHM and EHM appear to be institutionalized efforts that involve agreements between research bodies and the police.²³ Despite the cooperation, unsolved cases result in data shortage (e.g. information about the perpetrator), which can also hinder the carrying out of meaningful analysis. To add to the challenges, maintaining a database is itself an ongoing process that includes development and collection of data, quality assurance and issues related to access.

Despite the challenges, the existing initiatives already suggest certain findings. The UK Femicide Census data shows that women involved in prostitution are most likely to be killed by clients, as well as that women killed by partners are most often killed in the first year following separation. A significant portion of femicides involve migrant women and women above 66 years of age also appear to be at greater risk, showing certain vulnerabilities related to marginalization. Women are not only killed in their homes, but also workplaces, and when there are collateral victims like children or when pregnant women are killed, women are not only robbed of their lives and bonds with their children; children also lose their lives. Information such as this can be seen to indicate a clear policy direction.

Disseminating Information

The observatories' work is documented on the internet and in publications. Annual, multi-year or thematic reports are ways used to disseminate findings. Summaries of key findings are useful as are exemplified in the publications of the UK Femicide Census and the EHM.

Other products include online graphs or tables, videos or links to news feeds and social media. The Femicide Watch Platform disseminates a variety of types of information related to femicide from around the world.²⁴

The website also links to news about femicides, enabling viewers to read about femicide from perspectives

22 Based on a conference presentation by K. Ingala Smith on 1 March 2018. Launch of the European Observatory on Femicide at the University of Malta.

23 The FHM data collection is based on an agreement between the Institute of Criminology and Legal Policy (University of Helsinki) and the National Police Board and the Police College Research Unit.

24 For example, the information relates to Afghanistan, Turkey, Italy, Latin America, India.

other than research/academic. An article showing the perspective of a mother losing her daughter asks what happens inside a home after a femicide.

Observations and Conclusions: Setting up the EOF

The EOF is a unique and ambitious endeavour that will require for the new organization to situate itself within the existing global, European and national efforts. This includes forming partnerships and/or working alongside EIGE, Eurostat, UNODC, and to contribute to and make good use of the efforts of existing observatories and monitoring bodies. This would include aligning EOF definitions and indicators with existing ones.

Based on the review of the work, the EOF has the potential to access existing data sources, while creating its own in the form of country groups. Such sharing of data and expertise can greatly contribute to saving women's lives. The EOF equally takes note of efforts within the EU to harmonize data collection and improve its availability and comparability. Furthermore, the Observatory aligns itself with international calls to address femicide by monitoring it with the aim of prevention.

One of the first decisions for the EOF includes its aims. The overarching principle is the Observatory's existence for the service of prevention, ensuring that all its activities serve this purpose. Recognizing the various levels of prevention from individuals to society, data collection and analysis should aim to cultivate wellbeing and safety for women as well as social change. Therefore, the focus on data collection goes beyond administrative data to capture qualitative aspects.

The EOF can build on the work on definitions and data collection from the results of the COST Action – to begin by looking broadly at women's killings and then narrowing in on types of femicides. Working with a definition also entails choosing a stance on handling unsolved or suspicious deaths or cases of missing women. A pilot project that includes a few countries would be an effective exercise in getting started. In terms of a database, the data fields can be closely aligned with existing initiatives to avoid duplicating work, whilst further elaborating additional variables pertinent to femicide.

Data sources are equally important and the EOF will strive towards diversity²⁵ and inclusiveness as well as innovation in order to overcome barriers to the

²⁵ The goal is to ensure that data can be collected from diverse sources, so that certain types of femicides and victims are not overlooked (e.g., race, ethnicity, sexual orientation, poverty, any other status).

availability of official data. Aside from setting up country groups, data sharing agreements can be utilised along with diversifying sources of data. This requires addressing issues related to data quality.

At the same time the EOF aims to protect data privacy while overcoming limited access. Whilst certain types of data should be guarded by procedures which limit access, responsible and fair release of data can also be seen as a sign of state accountability. When databases are overly limited in terms of access and only a handful of people make decisions regarding the content of reports and key findings, the potential of the data to serve education and prevention can get lost. Without broader access, emergence of diverse perspectives could be hindered, and so calling for greater accessibility and making its own data accessible in ways that are responsible will be important to the EOF.

The way data is communicated is imperative. Decisions regarding annual or multi-year reporting²⁶ must be made, as both serve prevention differently. It can be argued that reviewing a smaller number of cases annually generates in-depth knowledge, while certain trends, patterns or issues can only emerge from data over time. The EOF has chosen to operate as an academic and activist endeavour, meaning that reaching policy makers and the general public are of equal importance, making the sharing of news and social media presence relevant. The aim is to create a collective consciousness and political will to improve the quality of women's lives and to save women's lives, by touching the minds and the hearts of people, which cannot be done solely by publishing research reports.

²⁶ For example, the UK Femicide Census has so far released annual reports, while the EHM conducted research on data from 2003-2006.

Femicide, Judicial Proceedings and the Culture of Impunity in Ecuador

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A Critical Reflection on Impunity in the Latin American Region

A major concern for the Academic Council on the United Nations System (ACUNS) is the tolerance and justification of crimes for which impunity continues to be the norm rather than the exception¹. Although it is a common assumption that in modern democratic societies the purpose of the law is to establish normative standards, maintain order, and protect the liberties and rights of all individuals, the implementation of the rule of law is ultimately mediated by a sum of external factors. With varying influence, these conditions—which we will address in this article—allow for significant gaps between the theoretical ideal prescribed by the law and the reality citizens' experience in their everyday lives. When States practice a pattern of non-compliance with their obligations under international human rights law, a climate of impunity is an almost inevitable consequence. This is characterised not only by the absence of justice for victims of gender-based violence, but also the reinforcement of gender inequality. Analysing impunity in the context of femicide is therefore a complex task that requires moving beyond a narrow legal scope. To linguistically capture the issue of impunity and make visible the explicit role of States within it, Mexican scholar Marcela Lagarde proposes the alternative term “feminicidio” (*feminicide*), thereby extending the original meaning of femicide as to include the responsibility of the State in the reproduction of the crime². Today, the social phenomenon femicide cannot be examined without the application of a human rights-based approach that holds States to account.

Non-compliance with human rights standards and the persistence of internalised patriarchal norms within

1 Laurent, C., Platzer, M. y Idomir, M. (2013). *Femicide A Global Issue that Demands Action*. Vienna: Academic Council on the United Nations System (ACUNS) Vienna Liaison Office.

2 Lagarde, M. (2006). Del feminicidio al feminicidio. *Desde el jardín de Freud: Revista de psicoanálisis*, 6, 216-225.

societies appear to be the pillars that feed into the reproduction of the senseless deaths of women.

In the words of Monárrez: “The two founding cornerstones of the nation-state have collapsed. The territory is a battlefield controlled by organised and everyday crime; political power is disjointed and the discourse of the national, as well as State and municipal elite, demonstrate that death will continue”.³

For Latin America, this metaphorical description is not too far from reality, as it is the region that hosts the worldwide highest femicide rates. Fourteen Latin American countries have typified the crime in their national legislation⁴. Whilst this is certainly a step in the right direction, the question remains whether it is sufficient action. When examining official data on femicide collected by the Observatory on Gender Equality in Latin America and the Caribbean (CEPAL), we find that 1,831 women became a victim of femicide or feminicidio in sixteen countries in 2016, yet most of these crimes never achieved justice⁵. Hence, the objective of this article is to reflect on the causes and manifestations of impunity in cases of femicide in the Latin American region. Drawing upon the example of Ecuador, we will present data gathered on the specific country situation from both a theoretical and empirical perspective.

From Normative Efforts to Actual Data: The Case of Ecuador

Besides being a long-standing member to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Inter-American Convention on the Prevention, Punishment

3 Monárrez, J. E. (2012). Violencia extrema y existencia precaria en ciudad Juárez. *Frontera Norte*, 24, 191-199, p.197.

4 Munevar, D. I. (2018). Delitos de feminicidio y feminicidio en países de América Latina. *RBSD - Revista Brasileira de Sociologia do Direito*, 5, 46-72.

5 Observatorio de Igualdad de Género de América Latina y el Caribe de la CEPAL. *Feminicidio*. Available at: <<https://oig.cepal.org/es/indicadores/feminicidio>> Accessed 29 March 2018.

and Eradication of Violence against Women (Belem do Para Convention), Ecuador has made crucial progress on the development of legislations and political action plans with the objective to eradicate violence against women, including femicide, in recent years.

In August 2014, the Comprehensive Organic Penal Code (COIP)⁶ came into force, which, for the first time in the country's history, defined (the motives of) the perpetrator as a "[...] person who, as a result of power relations, exercises any type of violence which kills a woman because she is a woman or for another reason related to her gender" (article 141). The following article (142) further elaborates the aggravating circumstances associated with the crime: "1) the intention of having sought to establish or re-establish a relationship of intimacy with the victim; 2) the existence of current or past relationships that can be characterised as family, co-living, intimacy, courtship, friendship, companionship, work, school or similar on the basis of trust, subordination or superiority; 3) the crime is committed in the presence of daughters, sons or any other relative of the victim; and 4) the body of the victim is exposed or left in a public place". Complementarily to this, the National Plan for Good Living (2013-2017)⁷—part of the legacy of former President Rafael Correa—explicitly mentions the eradication of violence against women under objective six which aims to "consolidate the transformation of justice and strengthen comprehensive security mechanisms with strict respect for human rights".

Point 6.7 specifically emphasises the need to "facilitate access to justice by expanding the reach of specialised services in order to reduce impunity and guarantee sanctions and follow-up investigations".

Lastly, in February 2018, the Organic Integrated Law to Prevent and Eradicate Violence against Women⁸ came into force. Undoubtedly, this legal instrument represents a normative cornerstone since it lays the ground for a differentiation between intra-family and gender-based violence (an important distinction with regard to questions of jurisdiction and applicable penalties). Normative changes are also notable in political discourse.

After decades of silence, current President Lenin Moreno has spoken out in support of the eradication of

the crime, stating, "we cannot justify more deaths [...] we cannot allow that in Ecuador one woman dies every four days due to *machista* irrationality [...] let us not be accomplices of a crime"⁹. However, governmental recognition of impunity as a widespread issue has little practical impact when the law¹⁰ only refers to impunity on two occasions, none of these addressing matters of prosecution. Thus, normative advances in Ecuador seem questionable regarding their feasibility and prospect for changing the rising trend of women dying at the hands of violent men. When it comes to specific figures, the Ecuadorian Ecumenical Commission of Human Rights (CEDHU) registered 446 femicides between 2011 and 2014 (before COIP entered into force) which implies an average of 110 cases annually¹¹.

According to data from the Office of the Attorney General of the Republic of Ecuador, between the period from August 2014 to August 2015 (after the entry into force of the Comprehensive Organic Penal Code on August 10, 2014), the number of female homicides recorded was of 188; as few as 45 of which were classified as femicides, representing a mere 24%. Moreover, the report affirms that, by February 2016, only 18 cases resulted in a criminal conviction¹². In total, the CEDHU analysed 48 judicial sentences of violent and intentional deaths of women that had occurred in 2015, out of which 42 were convictions, while the remaining six were acquittals that included either dismissals or clearances. It found that 18 deaths fit the category of femicide, which represent no more than 37.5%.

The report justified this percentage on the basis that role power relations had not been documented in the investigation processes¹³. The low percentage of female homicides categorised as femicides is surprising. One possible explanation, however, is that in their defence strategies lawyers may attempt to circumvent the application of the term femicide in order to avoid aggravated circumstances which could result in longer prison sentences for the defendant.

9 El Universo (24 December 2017) Lenin Moreno: No podemos permitir que en Ecuador una mujer muera cada 4 días. Available at: <<https://www.eluniverso.com/noticias/2017/11/24/nota/6495865/lenin-moreno-no-podemos-permitir-que-ecuador-mujer-muera-cada-4>> Accessed 29 March 2018

10 Organic Integrated Law to Prevent and Eradicate Violence against Women (2018).

11 Fernández, L. (2017). *La Respuesta Judicial del Femicidio en Ecuador. Análisis de sentencias judiciales de muertes ocurridas en el 2015*. Quito: Comisión Ecuménica de Derechos Humanos.

12 Dirección Nacional de Política Criminal (2016). *Femicidio. Análisis penológico. 2014-2015*. Quito: Fiscalía General del Estado de Ecuador.

13 *ibid*

6 http://www.justicia.gob.ec/wp-content/uploads/2014/05/c%C3%B3digo_org%C3%A1nico_integral_penal_-_coip_ed._sdn-mjdhc.pdf

7 <http://ftp.eeq.com.ec/upload/informacionPublica/2013/PLAN-NACIONAL-PARA-EL-BUEN-VIVIR-2013-2017.pdf>

8 <http://www.igualdadgenero.gob.ec/wp-content/uploads/2018/02/REGISTRO-OFICIAL-LEY-ORGA%CC%81NICA-INTEGRAL-PARA-PREVENIR-Y-ERRADICAR-LA-VIOLENCIA-CONTRA-LAS-MUJERES.pdf>

If this is, in fact, a widespread practice, then it would certainly place Ecuador in an ambiguous territory in favour of impunity. Building upon this train of thought, the CEDHU's report concludes that "in cases in which the defendant is cleared (dismissal or acquittal), a lack of adequate fiscal investigation is observed which could allow for probative evidence for the defendant's guilt". However, the obligation of the public prosecution department should not be limited to a comprehensive investigation on the basis of due diligence principles, but also apply a gender perspective that considers underlying power relations¹⁴.

Field research carried out in Ecuador on the situation of violence against women and femicide represents an important element towards fulfilling this article's aim to undercover notions of impunity in this country. In the book "*Estrellas en el Cielo — Femicidio y Violencia contra la Mujer en el Altiplano Ecuatoriano*" (Stars in the Sky—Femicide and Violence against Women in the Ecuadorian Highlands)¹⁵, Boira and Rivera gathered testimonies from both relatives of murdered women as well as survivors.

Many of these testimonies share a common dissatisfaction with the results of criminal proceedings, criticising mistakes in the police and judicial investigation processes, and conveying ambivalent opinions on the actions of the various organs of the State apparatus (e.g. police, judges, prosecutors and lawyers).

Particularly striking is that research subjects describe malpractices which—in certain cases—could be considered incidents of prevarication under criminal law, that is, when a public official in the exercise of his/her mandate makes a conscious decision to deliberately fail the duties and obligations inherent to his/her public function (e.g. false judgments). Several testimonies also make reference to cases of bribery—either directly and indirectly—accusing Ecuadorian State authorities of money laundering, witness buying or extrajudicial arrangements to reduce the conviction sentences of the aggressors¹⁶.

14 *ibid*, p. 117.

15 Boira, S., Carbajosa, P. & Méndez, R. (2015). Fear, conformity and silence. Intimate partner violence in rural areas of Ecuador. *Psychosocial Intervention*, 25, 9–17; Boira, S., Tomas-Aragones, L. & Rivera, N. (2017). Intimate Partner Violence and Femicide in Ecuador. *Qualitative Sociology Review* 13, 30–47; Boira, S. & Rivera, N. (2016). *Estrellas en el cielo. Femicidio y violencia contra la mujer en el altiplano ecuatoriano*. Ibarra, Ecuador: Centauro Agencia Gráfica. Retrieved from: <http://repositorio.utn.edu.ec/handle/123456789/6922>

16 *ibid*, p. 284.

The investigation further identifies additional factors related to the prevalence of impunity for the crime of femicide in Ecuador. For example, in some cases the alleged perpetrators were high-ranked public officials and/or belonged to upper-class social circles. Hence, trial processes might have had negative implications on either the individual themselves, the institution as a whole, or both. Since this is to be avoided at all costs, malpractices become a preferred course of action as opposed to the legally correct fulfilment of one's public mandate.

Inadequate or insufficient responses of public servants may also influence the outcome of the judicial process. These influence factors become apparent in two directions: first, due to weak institutional capacities (e.g. unprofessional handling of evidence, lack of proactivity on behalf of public servants, deficient technical reports) or the potential impact of a gender bias held by State authorities involved in the process (e.g. a lack of understanding or conscious rejection of power relations underlying the murder, a justification for femicides as "crimes of passion" or a restitution of family honour, victim-blaming).

Finally, the economic capacity of the victim's relatives is an often overlooked factor that impacts upon the level of impunity granted to men guilty of the crime of femicide.

The findings of this investigation show that actions taken by State authorities (such as the Public Prosecutor's Office or the Public Defender's Office) are—by large—not enough to guarantee the realisation of women's rights in practice.

Instead, relatives of the victim must often assume personal economic burdens; costs which easily become obstacles to the efficient proceedings of trials. This type of situation becomes particularly critical in cases where the victim's family does not have the financial means, yet the aggressor's family does and heavily invests in his defence. Whereas in theory the access to legal representation free of charge is possible in most cases, the reality paints a different picture wherein hiring a public defender does not guarantee the same level of success as requesting the aid of costly lawyers. We can thus conclude that an asymmetric legal setting represents the norm rather than the exception in Ecuador.

Conclusions

In spite of the fact that we have observed a number of improvements with respect to new domestic legislation on femicide, the political will to end the culture of impunity in Latin America is largely absent. The consequence of governmental refusal to commit to the United Nations' agenda to move from words to action¹⁷ is that progressive laws disappear in a limbo of bureaucratic regulatory frameworks.

The challenge thus remains to close the disparity between numerous international treaties and domestic practices regarding the elimination of gender-based violence and sustainable prevention of femicide.

As reiterated by the Inter-American Commission on Human Rights, the most problematic aspect of impunity concerns gaps and irregularities in the investigation of cases of gender-based violence, deficiencies in the prosecution and punishment phases, bureaucratic or financial barriers faced by victims (or their representatives) when seeking access to judicial protection bodies, as well as structural obstacles within the judiciary.

In line with these findings, this article argues that in many cases impunity is a direct consequence of a margin of manoeuvre, which creates possibilities for State officials to apply a gender bias without any adverse effects.

The case of Ecuador shows that impunity derives in three distinct forms: a) from the failure of State authorities from all branches of power to fulfil the principle of due diligence (i.e. omission or negligence of the law); b) as a consequence of weak governance and fragile State structures; c) as a result of a lack of socio-economic resources which locates the victim or their family members at disadvantage with respect to the possibility to take actions of denunciation.

Moving on, we can then identify elements that can be considered critical to assessing how impunity in Ecuador operates. The first of these refers to the omnipresence of patriarchal power structures; an environment in which State representatives as human individuals are socialised, often creating an internalised gender bias which is reflected in the outcome of court proceedings on femicides. Beyond the legal sphere, these attitudes and prejudices towards women interplay with the intermediate structures of the State and its administration departments. This is to say that ambiguous grey areas are created across all sectors of

17 WHO (2006). *Ending violence against women. From words to action*. New York: United Nations.

governance. In this sense, we observe two intervening conditions aiding the perpetuation of impunity: a) a lack of visibility¹⁸ and b) the absence of reliable femicide statistics. For one, the fact that violence against women continues to be considered a private matter of the home rather than a grave human rights violation by a large part of Ecuadorian society results in the social legitimisation of political misconduct. Coupled with the non-availability of reliable data due to both political unwillingness and institutional capacity issues, the magnitude of the problem is concealed which poses a severe obstacle to the development of strategies in the fight against impunity.

A comprehensive political strategy should thus move beyond legislation as to include urgent action on all levels of society. In other words, the delegitimisation of femicide as anything but a human rights violation is Ecuador's best chance to end notions of State complicity and break a vicious cycle of violence against women.

As a final comment, we would like to point out that although our reflection is centred on a single-case study, we are certain that the analysis can be extended beyond Ecuador as States in close proximity may share similar patterns of social norms and conflict. The analysis of Ecuador is thus intended to help unveil deficits in governance and propose measures to combat the culture of impunity, which surrounds a large proportion of femicide cases in Latin America.

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18 For a thorough analysis on visibility issues associated with femicide, see: Weil, S. (2016). Making femicide visible. *Current Sociology. Special Issue on Femicide*, 1-14.

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The Causes of Femicide in Latin America: A Gap in Legislation, Representation or Accountability?

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Violence against women (thereinafter VAW) has been recognised as an increasing problem in today's society: it is a violation of human rights, a social problem, a public health problem and a barrier to economic development for countries (Bott, Guedes, Goodwin & Mendoza, 2013: 5). Femicide is the most extreme expression of VAW, the "killing of women by men motivated by hate, contempt, pleasure or the assumption of ownership of women" (Russell, 2008: 2), and encompasses any homicide of women committed on the basis of gender discrimination.

Eliminating all forms of violence and discrimination against women and girls everywhere is one of the targets set by the international community in the Sustainable Development Agenda, and to be achieved by 2030. According to the World Health Organization (WHO) report "Global and regional estimates of VAW", if the Western Europe region has a prevalence of intimate partner violence of 19.3%, the Latin America region has significantly higher rates: 40.63% in the Andean area, 29.51% in Central Latin America, and 23.68% in Southern Latin America (WHO, 2013: 47). Femicide is also a global problem, as rates are high in countries as different as the Russian Federation, South Africa, Guyana, Azerbaijan and the Bahamas (Alvazzi, 2011: 3). According to the same survey however, the Latin American region is again the most heavily affected by femicide, as more than half of the countries with the highest femicide rate are part of South America, Central America and the Caribbean (2011: 1).

Because of such high femicide rates, and as a response to internal and external pressure, Latin American countries started to take action against violence and discrimination against women in the second half of the 1990s. These actions followed the two most important international conventions for protection of women's rights: the Convention on the Elimination of All Forms of Discrimination against Women (thereinafter CEDAW), adopted in 1979 by the UN General Assembly, and the Inter-American Convention on the Prevention, Punishment, and Eradication of VAW approved in

1994 by the Organization of American States (thereinafter Convention of Belém do Pará).

Since then, Latin American countries went through a process of increasing legislation and regulation of crimes against women. The process entailed two generations of legislation which provided a more comprehensive, multidimensional, and multi sectoral approach to fighting gender-based crime through increase and expansion of regulation (Garita, 2011: 11). The second generation started around 2005, and mainly consisted on the implementation of laws which classified [typified] gender-based homicide as a separate and more serious criminal offence called specifically "femicide". The international community, as well as women's and human rights movements have celebrated this milestone, expecting that the number of femicides would drop as a consequence of the legislation.

However, while in some cases the femicide rate decreased, in others it increased-and in yet others it initially decreased only to increase again. Indeed, there is high variation in the number of femicides among countries that have classified [typified] the criminal offence and have engaged in campaigns to raise popular awareness against gender-based violence.

This paper tries to understand why femicide rates have not responded homogeneously to the adoption of such laws, and more specifically, it aims at finding the factors that are related to the rise and fall of femicide numbers. This quantitative research is conducted using Linear Regression Analysis, in order to find the relationship between femicide rate and the factors influential for it.

In a nutshell, by looking at the rates of femicides in 14 Latin American countries over the period 2000-2014, I find that the level of rule of law as well as the proportion of seats held by women in national parliaments matter for predicting the number of femicides in a country. Furthermore, I find that contrary to expectations, the classification [typification] of the crime, minimum and maximum mandatory sentencing, level of female education and public expenditures on education and health do not matter when analysing rates of femicide.

This study fills a gap in the literature by bringing together feminist and sociological theories and applying them to the Latin American reality. It also evaluates, through a comparative regional perspective, the situation of extreme violence against women and the existing advances on femicide in the evolving fields of legislation and human development in the region. In what follows, I first explain the concept and frame the issue of femicide in Latin America, then I review the two main approaches in the literature used to understand the fight against extreme gender violence. In the fourth section I formulate the hypothesis and illustrate the methodology. In the following fifth and sixth sections, I respectively define the variables used and I illustrate the results, reviewing and comparing what has been accomplished in each country. Finally, I conclude by overviewing the research process and summarizing the main findings.

Femicide and Violence Against Women

Femicide in Latin America: Femicidio and Feminicidio

The arrival of the concept in Latin America was welcomed by feminists. When translating it into Spanish, the term underwent an interesting formal and theoretical modification, which aimed at a better understanding of the Latin American reality. The Mexican feminist activist Marcela Lagarde decided to use the neologism *feminicidio* instead of translating it literally to the Spanish *femicidio*, to add the element of impunity, institutional violence and lack of due diligence by Latin America toward women. (Lagarde, 2006: 223)¹.

In order to understand femicide we need to consider the context of VAW. Indeed, femicide is in most cases the “end of a continuum of violence against women, set against general patterns of discrimination against women and tolerated impunity of perpetrators” (UNHRC, 2012a: 10)

Violence can be categorized according to its nature (Physical, Sexual, Psychological, Deprivation) and the perpetrator (Self-directed, Interpersonal, Collective) (Krug et al., 2002: 7).

Interpersonal violence is the most common type of VAW and it is subcategorized into Family, Intimate Partner Violence, and Community Violence. Family and Intimate Partner Violence is inflicted “between family members and intimate partners, usually, though not

¹ However, because of the fast spread and popularization of the word thanks to the media and the feminist movement, there is a general confusion and inconsistency in its use, and the word *feminicidio* is often misplaced to indicate any woman killing (Lagarde, 2008: 218)

exclusively, taking place in the home” and femicide has been found to be in most cases its lethal result (Krug et al., 2002: 6). A global study on intimate partner violence confirmed that women are up to 6 times more affected than men by “intimate partner homicide” (respectively 38,6% vs 6.3%), and that the region of the Americas 40,5% ranked only second after South East Asia (58,8%) (Stöckl H et al., 2013: 862). Finally, Community Violence is violence “between individuals who are unrelated, who may or may not know each other and generally takes place outside the home” and includes rape or sexual assault by strangers, and violence in institutional settings (WHO, 2002: 6).

Types of Femicide

In Latin America, the four main categories identified and agreed by most authors are: intimate femicide, non-intimate femicide, sexual femicide and accidental femicide.

Intimate femicide is the one committed by a man with whom the victim had or used to have an intimate relationship, a family relationship, or a domestic partnership (Carcedo, 2000: 14). Non-intimate femicide includes those committed by a man who neither has an intimate or family relationship with the victim, nor a domestic partnership (ibid). The killer might be a friend, an acquaintance or a stranger, and sexual violation often concurs with this type of femicide (Carcedo, 2000: 19). Accidental femicide includes the killing of any woman who tried to intervene or was caught in the femicide action (Carcedo, 2000: 14; Monárrez, 2009). Finally, sexual femicides are murders preceded by sexual abuse and torture (WHO, 2012: 3).

Socio-ecological Theories

Socioecological theories are important because they depart from the understanding that VAW is not only? the result of singular individual, sociocultural or situational factors but posit instead the outcome of the multidimensional interplay among all of them.

The Ecological Model is the sociological framework used nowadays by international organizations to understand the causes of crime and VAW. It has also been applied to understand Intimate partner violence (Heise, 1998; Krug et al., 2002) and femicide (WHO, 2012).

The specific factors identified by the ecological model for femicide are prior intimate partner abuse, threats to kill with a weapon, forcing sexual intercourse with a

partner, problematic alcohol use and drug use, mental health problems; no mandated arrest for violation of restraining orders related to intimate partner violence, no legislation restricting access to firearms for perpetrators of intimate partner violence, low number of women in elected government and reductions in government social spending on areas such as health and education (WHO, 2012: 4).

The comprehensive and multidimensional approach taken by the Ecological Method is confirmed by scientific investigations on mortality in the field of public health. Arias (2008: 125) claimed that violent deaths by homicides are avoidable, as demonstrated by industrialized countries which have notably reduced homicides by preventive public policies aimed at reducing social inequalities through control of their social, cultural and economic determinants (2008: 83). UN Women (n.d.) draws from all the aforementioned theories and bases its policy making on the causes identified through the Ecological framework. In addition to all the variables previously cited, the UN entity also identifies as risk factors disparity between men and women in education and employment, lack of safe spaces for women and girls, and low level of awareness among health and justice service providers (n.d.). According to its focus on women's empowerment, UN Women emphasizes low women's participation in decision making as a risk factor (2013: 35).

Hypotheses

Femicide Regulation

Legislating a crime should provide a legal tool that allows women to access protection and ask authorities for help when they are subject to violence (Carcedo, 2010: 425-426).

Feminists theories sustain that the first step towards ending extreme violence against women is understanding that femicide has different causes from homicide and therefore must be classified [typified as a crime itself.

The recognition [typification] of the crime in national legislation would help by providing adequate institutional tools for the gathering and analysis of information, such as building sex-disaggregated databases on murder which would allow a deeper comprehension of its mechanisms, and therefore to develop a targeted and effective policy (ibid: 117).

Legislation [Typification] would also act as "stigmatization", and according to Carcedo (2012;

2010: 115) would reduce the number of femicides by increasing the penalty with respect to homicide sentences and by preventing it being classified as a "crime of passion" (Carcedo: 2010: 91-92, 118) and for this reason absolved and normalized. However, national femicide regulations differ in some specific features such as classification [typification] of femicide, severity of punishment, punishment of authorities' negligence, and the inclusion of diversification in the crime scene between the public place² and the private sphere. These factors are hypothesized to be directly influential with regards to femicide trends (Garita, 2011).

In what follows I explain each of my hypotheses and how I measure the variables involved.

Hypothesis 1: "In countries where femicide regulation has been adopted, we should find a decrease in the number of femicides" However, laws vary in their severity: while some countries are very severe, allowing the death penalty to be used in these circumstances, some other countries only allow for a maximum of 25 years for femicide.

Thus, because there are many differences in the content of femicide regulations for each country, I hypothesize that variation in the number of femicide may depend only on particular features of the law. Therefore, in order to measure if there are specific features that are significantly determinant, I develop more specific hypotheses in relation to the characteristics of the law:

Subhypothesis 1

"If the femicide is regulated as a separate criminal offence, it provides public consciousness and awareness, and the femicide rate should decrease"³

Subhypothesis 2

"if the punishment is more severe, potential murderers are discouraged, and the femicide rate should decrease"

2 The penal code does not only refer to killings as intimate partner violence solely, but also includes killings in the context of both private and public spheres.

3 A possible problem related to the classification [typification] process is that what was previously classified as a homicide is now recorded as femicide, therefore in the short term increasing the number of femicides. Likewise, the rise in knowledge and awareness of the crime generally leads to rise of reports and consequently mislead the perception of femicide recurrence. There are critical studies which focus on the construction of sex disaggregated indicators (Castro & Riquer, 2003), and argue that claims of increasing rates of femicide are unfounded given that Latin American countries do not have the capacity of building databases that assess gender motivation (Tuesta & Mujica, 2014: 2).

Subhypothesis 3

“If public authorities can be punished because of negligence, public authorities are discouraged from discriminating against women or exonerating victimizers, potential lawbreakers are discouraged, and the femicide rate should decrease”

Impunity

Impunity was defined by the Commission of Human Rights as “the impossibility, de jure or de facto, of bringing the perpetrators of violations to account (whether in criminal, civil, administrative or disciplinary proceedings) since they are not subject to any inquiry that might lead to them being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims.” (UNCHR, 2005). In cases of gender related killings of women, impunity is the result of institutional weakness whose symptoms are a lack of respect for the rule of law, corruption and poor administration of justice (UNHRC, 2012b: 27).

As I previously mentioned, feminist Latin American theories claim impunity to be a significant catalyst of extreme violence against women, one of the main causes of perpetuation of VAW.

Furthermore, statistical reports by UN Women estimated that in 2014 that levels of impunity in the Latin American region reached in some countries a 98 percent of all reported femicides (UN Human Rights [UNHR], 2015), and the Special Rapporteur on Violence against Women OHCHR estimated a 95 percent impunity rate for sexual violence and femicide in Honduras (UNHR, 2014).

Hypothesis 2: “In countries where impunity is high, the femicide rate should be high”

Subhypothesis 1

“In countries where the rule of law is low, impunity is high and femicide rate should be high”

Subhypothesis 2

“In countries where control of corruption is low, impunity is high and femicide rate should be high”

Gender Inequality

According to the ecological model, there are many factors which influence the probability of suffering violence or extreme violence. Such factors represent the level of gender inequality (such as achievements of women in the field of education, economic empowerment, human development, political representation) and the states’ political will directed to

fight VAW through public policies (such as provision of public services needed for women’s protection and empowerment). The importance of such factors is evaluated by looking if variation among them corresponds to variation in femicide rates.

Hypothesis 3: “In countries where gender inequality has improved, the femicide rate should be lower”⁴

More specifically, in order to consider the multidimensionality of these dependent variables, the following Subhypothesis on the impact of gender inequality (1,2,3) are evaluated separately

Subhypothesis 1

“If the number of women increases in the national parliament, the femicide rate should decrease”

Subhypothesis 2

“If university school enrollment of females increases, the femicide rate should decrease”

Subhypothesis 3

“If the percentage of female labour force participation increases, the femicide rate should decrease”

Variables and Method

Overall, the investigation includes the years between 2000 and 2014. It is important to mention, that in the analysis I only included the countries from Latin America for which I was able to find clear information on the femicide rate.

Of the 21 countries considered, only 14 (Argentina, Bolivia, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru, and Uruguay) had statistical information on number of femicides⁵. A limit to this study is the exclusion of Brazil and Mexico. In fact, however these countries are major contributors to the problem and major generators of legislation on femicide, they could not be included due to a lack of databases or records at national level.

Dependent Variable

Femicide rate

The dependent variable used in this study is Femicide Rate per 100,000 female population, and was

4 Recent studies (Brysk & Mehta, 2017) on the effects of economic development on gender insecurity demonstrate that variables such as income inequality, unequal representation of women in politics, corruption, (...), political violence and autocracy are associated with more women’s physical insecurity.

5 Countries not included are: Brazil, Colombia, Cuba, Haiti, Mexico, Puerto Rico, Venezuela.

calculated yearly for each country. Femicide Rate per 100,000 female population was calculated by taking as nominator the absolute number of femicides multiplied by 100,000 and taking as denominator the corresponding yearly female population. ⁶

The main challenge concerned the reliability of data on femicide. At country level, the problem was the lack of statistical sex disaggregated data, reliable records of victims and of circumstances of death, which are fundamental to separate femicides from female deaths. However international recommendations and femicide laws encouraging the building of femicide databases have been passed only in the last decade, while women and human rights' organizations, as well as academic investigations have been collecting information on femicides since the end of the 1990s.

Availability of information among the cases considered was quite heterogeneous. While the 7 countries left out had no specific data on femicide at all, some had intermittent information available for short periods to time (4-6 years). Finally, countries from Central America, provided consistent information.

Data was collected from primary and secondary sources (for more information see Annex I at the end of the paper). Primary Sources providing official data have been governmental institutions such as national police and institutes of forensic medicine. Since data on femicide for many countries was often not divulged directly, secondary sources were also consulted: academic papers, reports and newsletters of ONGs and IGOs. Academic papers usually focused on a single country. Finally, much data was provided by women's organizations which gathered information from news agencies, national and local newspapers, follow up of cases in the media, analysis of official data from different sources and developing their databases.

Independent Variables

National Laws on Femicide

Independent variable of Hypothesis 1

Amongst the original sample of 21 countries comprising Central and South America, 15 have included in their penal codes some sort of differentiation for gender-related women homicide/femicide, either classifying

[typifying] femicide (femicidio/feminicidio) as a separate criminal offence, including the crime as a type of parricide/ homicide, or as an aggravating circumstances of homicide (Oficina Regional para América Central & ONU Mujeres [OACNUDH & ONU Mujeres], 2014: 141). Within the first category, up to December 30, 2014, 11 countries have included Femicide as a separate criminal offence into their penal code. Chile, Costa Rica, Ecuador, Guatemala, Honduras, Nicaragua, and Panama typified it as "femicidio", while Bolivia, El Salvador, Mexico and Peru as "feminicidio". Then there are the countries which have included femicide as a type or as an aggravating circumstance of the crime "homicide", regarding of weather they also typified femicide or not. These countries are Argentina, Colombia, Puerto Rico and Venezuela. It can be observed that the more recent femicide regulations are more complete, and they involve a wider range of modus operandi (OACNUDH & ONU Mujeres, 2014: 142)

In order compare the differences in between national legislations, the relevant features of the laws were disaggregated and coded. Finally, three features that where highlighted as important in the literature were chosen: classification [typification] as a separate criminal offence, severity of punishment in years and punishment of government negligence.

The indicators chosen for the analysis are the ones that locate and reflect the main differences considered significant among national regulation on femicide.

Indicators:

1) Classification [typification] as a separate criminal offence or as aggravated homicide/parricide: I created a dichotomous variable where 1 indicates that the country has classified [typified] the crime as a separate offence or as aggravated circumstance of homicide. According to Carcedo (2010: 115-117), classification [typification] of femicide creates a tool against the crime and against impunity, which involves specific mechanisms and policies to prevent, investigate and fight gender-related extreme violence. Also, it should prevent the crime to be categorized as "crime of passion", whose punishment is considerably less harsh than that of homicide Carcedo (ibid: 91-92).

2) Harshness of the law: was measured by maximum years of imprisonment provided by femicide regulations by coding the higher number of years provided by the femicide regulation. In fact, punishment for gender-related homicide is overall higher than that for homicide. Longer years of imprisonment or life

⁶ However many investigations used as denominator Female Homicide Rate, this hasn't been possible due to the lack of sex disaggregated data on Intentional Female Homicide Victims provided by the UNODC.

sentence are expected to deter men from committing femicide. Maximum years of imprisonment ranged from 25 to 60 years maximum. While Nicaragua was the lowest (25 years), Argentina, Chile and Peru included Life sentence.

3) Punishment of negligence of public authorities by imprisonment, fine or disqualification: this clause was enclosed by some countries in their femicide legislation, as a consequence of the high levels of impunity in Latin America. Also, it is aimed at fighting the bias and discrimination that prevent women from accessing justice. It was coded 1 when the law provided some kind of punishment for negligence, 0 when it was not.

Impunity

Independent variable of Hypothesis 2

The indicators used for representing impunity are rule of law and control of corruption.

However the World Justice Program, a project that aims at measuring all aspects of the rule of law globally, provided a very specific indicator which estimated effectiveness of criminal justice, the data was unavailable for a great part of the time period analyzed.

Indicators:

Rule of law and control of corruption are two of the Worldwide Governance Indicators of World Bank. Their score may vary between -2.5 and 2.5, where higher values correspond to better outcomes.

1) Rule of law: “captured perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence” (Rule of law, n.d.). Its component include: violent crime, fairness of judicial process, speediness of judicial process, confidence in the police force, confidence in the judicial system, and law and order.

2) Control of corruption: “captured perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as “capture” of the state by elites and private interests.” (Control of corruption, n.d.). Some of the variables included by this indicator are corruption among public officials, irregular payments in judicial decisions, frequency of corruption among public institutions: legal system/judiciary, public.

Gender Inequality

Independent Variable of Hypothesis 3

The source for these indicators is The World Bank Group. However specific indicators provided by UNDP such as the gender inequality index and gender development index would have been ideal, they were useless for the analysis because they were incomplete. I therefore selected indicators which reflected the achievements of men and women in such fields.

Indicators:

The indicators considered in order to measure gender inequality are the following:

1) Proportion of seats held by women in national parliaments: is the percentage of women in parliament chambers. It is a relevant factor because women generally favor policies and institutional reforms toward gender equality (UN Women, 2013: 35).

2) Gross enrollment ratio in tertiary education for females: is the total female enrollment in tertiary education, regardless of age, expressed as a percentage of the total female population of the five-year age group following on from secondary school leaving.

3) Female percentage of total labour force: is the percentage of females of all economically active population from age 15.

Empirical Analysis

Back to the research question: why, despite the growing regulation on violence against women (Garita, 2011: 11), haven't femicide rates consistently dropped in the countries studied? Why, even though Latin American countries have implemented comprehensive, integral legislation providing preventive strategies and national plans to improve public services aimed at the protection and empowerment of women, haven't femicide rates kept diminishing in response? According to the hypotheses developed, the possible answers were three: femicides rates haven't varied proportionately and homogeneously among Latin America because (1) national regulations of countries in which femicide rate decreased had some important feature that others didn't provide; (2) some countries had lower levels of impunity and higher levels of rule of law, which positively deterred crime; (3) some countries had improved their levels of gender inequality, VAW risk factors were diminished by preventive public policies in significant fields.

The quantitative analysis of the binary, categorical, and ordinal data collected was conducted through linear regression analysis. Regression analysis allowed us to explore the relationship between the dependent variable femicide rate per 100,000 female population

and 9 independent variables, unveiling the strength of the relationship linking each explanatory variable with the dependent variable (Johnson & Reynolds, 2008: 477).

Significance and correlation between the dependent and independent variable was revealed by a P-values smaller than the significant standard Level 0,05, meaning a 95% or more probability that the independent variable is proportionally (positive coefficient) or inversely (negative coefficient) related to the femicide rate.

Results were drawn by running a variety of models in which the dependent variable femicide rate per 100,000 female populations was regressed on different combinations of independent variables, in order to understand which variables were significant in explaining femicide rates. Overall, and in agreement with some of my hypotheses, the variables that proved highly significant were rule of law and proportion of seats held by women in national parliaments.

With respect to the first hypothesis, the results showed no correlation whatsoever between existence of any type of national laws with femicide. Models 1, 2 and 7 in Table 1 above show that the existence of femicide regulation, either classification [typification] of femicide as a separate criminal offence or as circumstance of aggravation of homicide do not predict femicide. That is, femicide rates do not decrease as a consequence of the establishment of new regulation. These results confirmed the initial observation according to which femicide rates did not seem to have decreased consistently nor lastingly among Latin American countries since implementation of regulation.

Likewise, none of the individual features of femicide regulation showed to be significant to the variation of femicide rates. This means that whether a criminal offence named "femicide" was integrated to the penal code or not (Model 3), whether 25 years or life sentence was the highest penalty given (Model 2, 3, 4, 8), and whether negligent and discriminative public authorities were punished by the law (Model 3, 4, 8), femicide rates still weren't affected by it. In fact, all the mentioned variables had very high P-values which exceeded the 0,05 significant standard level, ranging among 0,2 to 0,9.

On the contrary, rule of law strongly confirmed the hypothesis 2 as its P-value ranged among the different models (4, 5, 7, 8) respectively 0,003, 0,004 and twice 0,007 with a stable negative coefficient. Therefore, the

relationship between rule of law and femicide rate is inverse: the lower the level of rule of law, the higher the rate of femicide per 100,000 female population. This result is very important because, no matter the different combination among variables, rule of law was always significant in predicting femicide rates. Given the widespread agreement within Latin American feminist literature, and its compatibility with statistical data provided by global reports on violence and crime underlining the region's problem with impunity, a high rule of law, and femicide rate was expected.

The variable control of corruption, representing another component of impunity, was used individually because of its correlation with rule of law. In Model 6, in fact, it can be observed how control of corruption is as well inversely correlated to femicide rate (P-value 0,047), meaning that femicide rates are found to increase when the corruption is not kept under control.

Moving on to gender inequality, only one indicator of the three considered representing gender inequality proved to be significant in predicting femicide rates. Proportion of seats held by women in parliament had a P-value ranging between 0,005 and 0,006 (Model 7,8) and a stable negative coefficient confirming an inverse relationship meaning that a higher number of women in parliament corresponded to smaller the number of femicides.

However feminist literature explaining the causes of femicide focuses more on the structural causes of gender inequality, and sociological theories on VAW do not place among risk factors low percentage of women in parliament, the importance of women representation in decision making bodies is a regular argument supported by women's organizations.

The following two indicators used to represent gender inequality in the fields of labour and education, in spite of being considered very relevant by sociological theories, did not show correlation to femicide rate. In fact, female percentage of total labour force, however it proved to be at the threshold of statistical significance ($p=0,5$) in both models 7 and 8 with a P-value of 0,055 and 0,056, but could not be included among the significant variables found. Similarly and again unexpectedly, variation in enrollment in tertiary education for females didn't show any significance towards variation in femicide rates (P-values ranging among 0,171 and 0,657 in Models 7 and 8).

Table 1. Regression analysis. Models 1-8 Ordinary Least Squares (OLS)

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7	Model 8
Existence of femicide regulation	- 0 , 2 7 (1,20)	0 , 4 1 (2,64)					1 , 0 5 (1,31)	
Femicide separate criminal offence			2,24 (1,97)					
Maximum of years penalty		-0,19 (0,60)	-0,31 (0,31)	-0,29 (0,36)				0,06 (0,36)
Punishment of negligence			0,05 (1,46)	0,24 (1,37)				1,59 (1,33)
Rule of law				-2,43*** (0,87)	-2,15*** (0,77)		-2,77*** (0,88)	-2,74*** (0,93)
Control of corruption						-1,64** (0,81)		
Women in parliament							-0,14*** (0,05)	-0,16*** (0,05)
Enrollment in tertiary education for females							0,01 (0,02)	0,01 (0,02)
Female % of labour force							-0,30* (0,15)	-0,31* (0,16)
Constant	4,21 (0,56)	4,28 (0,58)	4,13 (0,57)	2,64 (0,83)	3,01 (0,68)	3,67 (0,60)	16,77 (5,68)	17,53 (5,84)
Observations	82	80	80	72	74	74	74	72

Note: the dependent variable for Models 1-8 is Femicide Rate per 100.000 female population. Standard errors in parenthesis.

**** p < 0,01, ** p<0,05, * p<0,1*

Source: Own elaboration.

As a conclusion, it can be observed that among the variables which showed correlation to femicide rate, namely rule of law, control of corruption and women's representation in national parliaments, the first two demonstrate how impunity is, in Latin America, the main cause behind perpetuation of extreme gender violence. The third correlation proved the significance of Women's representation in Parliaments as deterrent to femicides for being promoters of gender equality. However, in light of previous findings which demonstrated "how a higher percentage of women in parliament proved to be a deterrent to corruption" (Swamy, Knack, Lee, & Azfar, 2001: 1), this last variable might be also considered as significant to femicide for its power to lower corruption, and consequently, femicide rate.

Finally, the lack of correlation of important variables such as the importance of education and that of economic independence with women's own security, might be due to having chosen specific factors such

as enrolment rate in tertiary education instead of, for example, estimated years of schooling for females.

Conclusion

In this study, I have illustrated the problem of extreme gender violence in Latin America with the aim to distinguish the causes behind variation in femicide rates. I started by defining the difference between femicide and women homicide, and by explaining the history of the concept.

Then, I mentioned the importance that the term acquired in Latin America as a political response to institutional violence and impunity, and how this movement, together with international organizations for human's rights, achieved the implementation into national legislation of laws criminalizing [typifying] femicide by an increasing number of countries. After reviewing feminist literature and that referring to the ecological model, I illustrated their position on

the causes of femicide: while the first one claimed structural gender inequality and impunity to be the main cause of the perpetuation of extreme gender violence, the latter argued that it is a problem that needs to be addressed at multiple levels.

On this basis I formulated three hypotheses aimed at explaining the most important factors influencing femicide trends in Latin American countries: particular features of regulation, impunity and gender inequality. Finally, I illustrated the results obtained through linear regression analysis, that is that the variables that proved significant to variation in femicide rate were levels of rule of law, low levels of control of corruption, and percentage of seats held by women in national parliaments. I conclude by clarifying that, however prioritizing the fight against impunity is necessary to end extreme gender violence, that does not mean that legislation and regulation aimed at the protection and empowerment of women should not be implemented, but simply that in the region of Latin America, until impunity is fought, positive efforts may be neutralized.

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Annex 1

Country	Femicide Sources
Argentina	La casa del encuentro (2008-2014)
Bolivia	Centro de Información y Desarrollo de la Mujer (2009-2013) Defensoría del Pueblo (2014)
Brazil	
Chile	Gobierno de Chile Servicio Nacional de la Mujer (2008-2014)
Colombia	
Costa Rica	Instituto Nacional de la Mujer de Costa Rica (2000-2009) García Bueno, M. P. (2014) (2011) Instituto Nacional de la Mujer de Costa Rica (2014)
Cuba	
Dominican Republic	Procuraduría General de La República Dominicana (2005-2012) García Bueno, M. P. (2014)(2011-2013)
Ecuador	Comisión Ecuaménica de Derechos Humanos (2010-2013)
El Salvador	Organización de Mujeres Salvadoreñas (2000-2014)
Guatemala	Grupo Guatemalteco de mujeres (2000-2009, 2011-2013)
Haiti	
Honduras	Observatorio de la Violencia del Instituto Universitario en Democracia, Paz y Seguridad (2005-2012)
Mexico	
Nicaragua	Red de Mujeres contra la violencia (2004-2014)
Panama	Observatorio Panameño contra la Violencia de Género (2009-2013)
Paraguay	Urbano, C. (2010) (2005-2007, 2010)
Peru	Mujica, J. & Tuesta, D.(2012) (2004-2011) Ministerio de la Mujer y las Poblaciones Vulnerables (2012-2014)
Puerto Rico	
Uruguay	Observatorio de Criminalidad del Ministerio de Interior (2009) as cited by Urbano, C. (2010)
Venezuela	

Paper Rights

Ana Pecova, Executive Director of EQUIS Justice for Women

María is a 24 year-old Mayan woman, who lives in extreme poverty in a rural community in Yucatán state. She has a psycho-social disorder. In 2012 she was raped by a man with close ties to her family and became pregnant. Accompanied by her mother, María filed charges against her rapist. The local prosecutor never issued a restraining order, and her rapist continued to spend time around her. A year later, María was raped again by the same man, and again became pregnant. The local prosecutor not only refused to accept responsibility, but also rejected a second attempt at filing charges, alleging that María had a romantic relationship with her rapist. The judge who heard the case concluded that María “let herself be raped” because her “mental retardation” did not allow her to distinguish “between right and wrong.” With the help of social organizations, the case is now under review. Meanwhile, María has spent four years searching in vain for justice.

Ximena is a Spanish woman. In 2004, she married a Mexican man and gave birth to a son. Several years later, the couple decided to divorce. In the custody hearing, the judge ruled against her, arguing that Ximena did not follow traditional family values. For the judge, Ximena did not fulfill the role of a “Mexican mother” and did not understand, as Mexicans do, the concepts of love, solidarity, and family. A circuit court judge who reviewed an appeal upheld the original decision granting custody to the father, based on the argument that it was best for a son to be raised by his father. Ximena has spent more than two years incommunicado from her child.

Lack of access to justice affects thousands of women in Mexico, and each case is different depending on social, economic, and cultural variables. Women face long, slow, inefficient processes involving prosecutors, attorneys, and judges who operate on the basis of stigmas and prejudices and systematically fail to incorporate the perspective of gender in their work. All of these factors contribute to the revictimization of women and make their access to justice virtually nonexistent.

Derechos de Papel

María es una mujer indígena, maya, de 24 años, que vive en condiciones de extrema pobreza en una comunidad rural en Yucatán. Es una persona con una discapacidad psicosocial. En 2012 María fue violada por un hombre cercano a su familia y la violación resultó en un embarazo. Acompañada por su madre María presentó una denuncia en contra de su violador. El ministerio público nunca emitió una orden de protección, por lo que el violador permaneció en su inmediata cercanía. Un año más tarde María fue violada otra vez por el mismo hombre, y otra vez quedó embarazada. El ministerio público no sólo rechazó cualquier responsabilidad, sino se negó —se niega— a levantar una segunda denuncia acusando a María de mantener una relación amorosa con el violador. El juez penal que atendió el caso concluyó que María se “dejó violar” por su “retraso mental”, el cual no le permite distinguir entre “lo bueno y lo malo”. Con ayuda de organizaciones de la sociedad civil el caso está en revisión. Mientras tanto María lleva cuatro años buscando la justicia sin ningún resultado.

Ximena es una mujer española. En 2004 se casó con un mexicano y tuvieron un hijo. Varios años después decidieron separarse. En el juicio de guarda y custodia el juez falló en su contra, utilizando el argumento de que Ximena no sigue los valores tradicionales de la familia. Para el juez, Ximena no cumple con el rol de “madre mexicana” y no entiende, como los mexicanos, los conceptos de amor, solidaridad y familia. El juez de distrito que revisó el amparo reiteró el fallo original, otorgándole la custodia al padre bajo el argumento de que es mejor para el niño criarse con su padre porque ambos son hombres. Ximena lleva más de dos años sin saber nada de su hijo.

La falta de acceso a la justicia afecta a miles de mujeres en México, y a cada una lo hace de forma distinta, dependiendo de su realidad social, económica y/o cultural. Las mujeres enfrentan procesos lentos, largos e ineficientes que involucran a policías, ministerios públicos, defensores de oficio y jueces que operan con base en estigmas y prejuicios y que fallan sistemáticamente en incorporar la perspectiva de género a su trabajo.

These institutional failures also affect men, obviously, but what the previous examples seek to demonstrate is that women nevertheless face repeated obstacles related to the fact that they are women, regardless of their age, class, education, or origin. That is why violence against women is gender violence: because the fact they are women—with all that implies in this society—they are in a vulnerable and disadvantaged position that erodes their ability to enjoy their full legal rights.

In a country where seven women are killed each day, and four of every ten have experienced domestic violence, there are only 150,000 official complaints each year for the legally-defined types of gender violence. Of those complaints, only 11 percent result in investigations, and only 2.4 percent result in convictions. One of the principle reasons that so few complaints are filed is the general distrust of institutions. Distrust that, of course, seems justified when one examines the operation of the current system of justice. Rather than requiring women to file reports when the deck is stacked against them, it is essential that we change the system so that doing so is not so difficult.

If it is true that women in Mexico are now granted full legal rights, that is a privilege that they only enjoy on paper, not in practice. The country has a fairly comprehensive constitutional code that, thanks to the human rights reform of 2011, is also grounded in international human rights law, covering not only international treaties, but also sentences, recommendations, and reports. It has been seven years since the Interamerican Court of Human Rights ruled in *González et al. v. Mexico*, better known as the *Campo Algodonero* (Cotton Field) case, finding that by international standards Mexico had seriously failed in its efforts to prevent, investigate, and punish cases of violence against women.

Shortly after the *Campo Algodonero* ruling came IACHR rulings in the cases of Inés Fernández and Valentina Rosendo, two indigenous women who suffered serious human rights violations, including sexual torture, at the hands of the Mexican military. At the national level there have also been emblematic rulings, such as the Supreme Court ruling in favor of Mariana Lima in 2015. These rulings have been paradigmatic and important. But such rulings are not the endpoint of the process. Rather, they are the beginning of a critical phase that must guarantee that the harm is repaired. They must open the way for actions that seek to address

Todos estos son factores que revictimizan a las mujeres y hacen que su acceso a la justicia sea virtualmente nulo. Las fallas institucionales también afectan a los hombres, por supuesto; lo que los ejemplos antes mencionados buscan ilustrar es que las mujeres, sin embargo, enfrentan seguidos obstáculos relacionados con el hecho de que son mujeres, sin importar su edad, origen, educación o clase social. Por eso la violencia en contra de las mujeres es de género: porque por el hecho de ser mujeres —y todo lo que ello implica en esta sociedad— se ven en una situación de vulnerabilidad o desventaja que termina por mermar el disfrute de sus derechos.

En un país en el que siete mujeres mueren diario y cuatro de cada 10 han vivido violencia a manos de sus parejas, sólo se presentan unas 150 mil denuncias al año en contra de alguno de los tipos de violencia tipificados por el orden jurídico. De dichas denuncias sólo 11% resultan en averiguaciones previas y sólo 2.4% de éstas reciben sentencias condenatorias. Uno de los principales motivos detrás de las pocas denuncias es la desconfianza en las instituciones. Desconfianza, por supuesto, que se justifica cuando se analiza cómo opera el sistema de justicia actual. Antes de exigirle a las mujeres denunciar cuando tienen todo en su contra, lo fundamental es cambiar al sistema para que eso ya no les resulte tan costoso.

Si bien las mujeres en México somos titulares ya de todos los derechos reconocidos por el orden jurídico, este reconocimiento se queda en el papel y no se traduce aún en un ejercicio efectivo. Contamos con un marco constitucional bastante completo, el cual, gracias a la reforma de derechos humanos de 2011, también se nutre del derecho internacional de los derechos humanos —que abarca no sólo tratados internacionales, sino sentencias, recomendaciones e informes—. Han pasado siete años desde que la Corte Interamericana de Derechos Humanos se pronunció en el caso *González y otras vs. México*, mejor conocido como *Campo Algodonero*, señalando en el ámbito internacional que México falla gravemente en los esfuerzos para prevenir, investigar y sancionar los casos de violencia contra las mujeres.

Poco después de *Campo Algodonero* llegaron las sentencias de Inés Fernández y Valentina Rosendo, dos mujeres indígenas que sufrieron violaciones graves de derechos humanos e incluso tortura sexual en manos de miembros del ejército mexicano. A nivel nacional también contamos con sentencias emblemáticas, como

the same conditions that enabled the violations of those women's rights. That is to say, violence must be prevented. For this to happen, nevertheless, the country needs institutions that carry through and implement the rulings.

If we look at our current reality, it is impossible to avoid the impression that little has changed since those emblematic rulings were issued. Gender violence continues to mark our daily existence. Is this because nothing has changed? Because after those rulings, nothing more was done? No.

The Mexican state has invested, over the past 10 years, enormous amounts of resources—both human and material—to combat discrimination and promote gender equality. I would venture that this investment surpasses any in history. In the public sector, the state has opened a considerable number of units, committees, and organizations that seek to promote a gender perspective in public life, and the budget for this grows year after year (for example, the National Institute for Women, *Inmujeres*, was budgeted 198 million pesos at its creation in 2001, and received 801 million pesos in 2013). “Gender equality” is now incorporated in the National Development Plan and has been maintained as an absolute priority for the past three presidential administrations. Under the umbrella of gender equality, the resources destined to addressing violence are substantial.

Incorporating a gender perspective in public life and in the work of government institutions is, without a doubt, essential to promoting meaningful equality. But once the official strategy is analyzed closely, it appears to lack a clear vision.

The judiciary, for example, has taken important steps to incorporate a gender perspective in its work. In 2013, the Supreme Court created the Protocol to Judge with a Gender Perspective, a judicial tool that seeks to support judges in the task of delivering justice with a gender perspective, in line with the highest national and international standards. Three years later, the Protocol has been cited in a minimal number of cases. Rather than becoming a tool that helped create awareness about the factors that place women in disadvantaged situations, the gender perspective is often perceived as a threat to the principal of “impartiality” on the part of the judges. It is believed that using the Protocol's methodology implies, in some form, altering the legal practice and going beyond what is allowed. The training courses that have been provided on the subject have been few, brief, and inconsistent, and they have become an excuse for not applying a gender

la de Mariana Lima, resuelta por la Suprema Corte de Justicia en 2015.

Estas sentencias son paradigmáticas e importantes. Pero las sentencias no son el punto final del proceso. Más bien son el inicio de una fase crítica que busca garantizar la reparación del daño, abriendo el paso a una serie de oportunidades para impulsar acciones que buscan atender las condiciones mismas que llevaron a esas violaciones de los derechos de las mujeres. Esto es, previniendo la violencia. Para que ello ocurra, sin embargo, se requieren de instituciones que le den seguimiento e implementen las sentencias.

Si vemos nuestra realidad no podemos evitar la sensación de que poco ha cambiado desde que se emitieron todos estos fallos emblemáticos. La violencia de género sigue marcando nuestra cotidianidad. ¿Esto se debe a que nada ha pasado? Que, después de las sentencias, ¿no se hizo nada más? No.

El Estado mexicano ha invertido, durante los últimos 10 años, enormes recursos, tanto humanos como materiales, para combatir la discriminación y promover la igualdad de género. Me atrevería a afirmar que esta inversión rebasa a cualquier otra de la historia. En el sector público se está abriendo un número considerable de unidades, comités u órganos que se encargan de promover la perspectiva de género en la vida pública, con presupuestos que parecen crecer año con año (como el del Instituto Nacional de las Mujeres, *Inmujeres*, que creció de 198 millones de pesos en 2001, cuando fue creado, a 801 millones de pesos en 2013). La “igualdad de género” ya está incorporada en el Plan Nacional de Desarrollo y ha sido manejada como prioridad absoluta para las tres últimas administraciones del gobierno. Dentro del paraguas de la igualdad de género los recursos que se destinan a la violencia son sustanciosos.

Incorporar la perspectiva de género en la vida pública y el trabajo de las instituciones es sin duda esencial para promover la igualdad sustantiva. Pero una vez que se analiza a detalle la estrategia estatal, ésta parece carecer de claridad.

El Poder Judicial, por ejemplo, ha tomado importantes pasos para incorporar la perspectiva de género en su trabajo. En 2013 la Suprema Corte de Justicia de la Nación impulsó el Protocolo para Juzgar con Perspectiva de Género, una herramienta judicial que busca apoyar a las y los juzgadores en la tarea de impartir justicia con perspectiva de género, adecuándose a los más altos estándares nacionales e internacionales.

Tres años después, el Protocolo ha sido citado en un número mínimo de sentencias. En lugar de ser una

perspective in the delivery of justice. On more than a few occasions, it has been said that “we do not know what gender perspective is, but we are being trained on it.

Demanding a full accounting from the judicial system is difficult without access to the rulings. And, as the report “Diagnostic concerning access to rulings” published by EQUIS Justice for Women, not a single state judiciary has fulfilled its obligations regarding transparency on the issue, as rulings remain difficult to access despite being public documents. Parallel to the Protocol, the Mexican Association of Justice Providers (AMIJ) has promoted a plan to introduce gender perspectives in the justice system through the creation of Gender Units in the country’s courts that would function as institutional mechanisms to create strategies for promoting gender equality. Ideally, the Gender Units would have an important role not only in eliminating discrimination within the judicial system, but also within the process of delivering justice.

The results of a national review of the situation in the Gender Units undertaken by EQUIS Justice for Women through freedom of information requests demonstrate that the implementation of this policy has struggled to deliver the promised results.

Three years after the plan was launched, all the courts have some mechanism, typically a committee or commission that manages issues of gender, but only eight courts have a formally constituted Gender Unit. The difference between the mechanisms and the formal units is that the latter enjoy a degree of autonomy that allows them to undertake meaningful activities. Moreover, many of the mechanisms that seek to promote a gender perspective are buried deep within the complex judicial structure, something that limits their potential and effectiveness. In many cases, those in charge of them have a year or less of experience with gender and women’s rights issues. There are mechanisms that do not have their own budgets, and are therefore unable to launch any type of initiative. Only seven of the 32 mechanisms have an operating plan and none has tools to monitor and evaluate the impact of their work.

The judicial system is not the only one that has struggled to implement practices to eliminate discrimination against women and improve their access to justice. One policy designed to respond to the obstacles

herramienta que ayude a la mejor comprensión de los factores del contexto que colocan a las mujeres en situaciones de desventaja, la perspectiva de género a menudo se percibe como un riesgo al principio de “imparcialidad” por parte de las y los juzgadores. Se cree que utilizar esta metodología implica de alguna manera alterar la “litis” e ir más allá de lo que se les tiene permitido. Los cursos de capacitación que se les da en la materia por lo general son pocos, breves e inconsistentes, y se han convertido en una excusa para no aplicar la perspectiva de género en la impartición de justicia. No han sido pocas las veces que hemos oído “no sabemos qué es perspectiva de género, pero nos estamos capacitando en la materia”.

Exigir rendición de cuentas al Poder Judicial sobre los resultados de estos esfuerzos es difícil si no se tiene acceso a las sentencias. Como lo confirma el “Diagnóstico de situación sobre acceso a sentencias” de EQUIS Justicia para las Mujeres, ningún Poder Judicial estatal cumple con sus obligaciones de transparencia en cuanto acceso a sentencias, a pesar de que éstas son documentos públicos.

En paralelo al Protocolo, desde la Asociación Mexicana de Impartidores de Justicia (AMIJ) se ha promovido el pacto para la introducción de la perspectiva de género en los órganos de impartición de justicia en México, el cual contempla la creación de Unidades de Género en los tribunales del país como mecanismos institucionales que impulsen estrategias para promover la igualdad de género dentro del sistema judicial. Idealmente, las Unidades de Género tendrían un papel importante no sólo en la eliminación de la discriminación dentro del Poder Judicial, sino también en la impartición de justicia. Los resultados del monitoreo nacional de la situación que guardan las Unidades de Género en los Tribunales Superiores de Justicia en los 32 estados realizado por EQUIS Justicia para las Mujeres, a través de solicitudes de acceso a la información, comprueban que la implementación de esta política difícilmente va a dar los resultados esperados.

A tres años de que se impulsó el pacto, todos los tribunales cuentan con algún mecanismo, normalmente un comité o comisión que trabaja temas de género, pero sólo ocho tribunales cuentan con una Unidad de Género formalmente constituida. La diferencia entre los mecanismos y las unidades formalmente constituidas estriba en la autonomía, la cual se traduce en capacidad para impulsar acciones sustantivas.

Asimismo, muchos de estos mecanismos que buscan promover la perspectiva de género están profundamente enterrados dentro de la compleja

faced by women who are survivors of violence are the Justice Centers for Women. The centers were created in 2011 under the aegis of the National Commission to Prevent and Eradicate Violence Against Women (CONAVIM) and seek to concentrate all the services a woman survivor would need under the same roof. The model has the potential to promote cross-sector and interdisciplinary work, both between government agencies and civil society, and to offer a specialized, sensitive, professional attention to women.

Nevertheless, the implementation of this policy is currently facing various challenges. First, its financing comes from two distinct, and not necessarily linked, sources within the Interior Ministry (Segob). Therefore, any attempt to demand an accounting of the impact of the policy is destined to fail. It is Segob that defines the success of the objectives, mostly based on the criteria of whether the physical space of the center is constructed, and not necessarily relative to its impact on the lives of women. The 27 centers that currently exist in 20 states all operate under distinct models and structures. Their operations face the same challenges of professionalization of personnel, as their staff members have not necessarily been trained to address the needs of women who have suffered violence. The staff continue to have the same deficiencies they had before joining the center.

And at the same time as we are trying to consolidate these Justice Centers, the federal government is launching a new policy called Ciudad Mujer (City of Women) that effectively duplicates many of the functions already filled by the centers, in particular their role in providing access to justice. And the new policy originated in the Development Ministry (Sedesol), which is not specialized in women's issues, and has now moved—along with former Sedesol director Rosario Robles, to the Ministry of Agrarian, Land, and Urban Development (SEDATU). The new policy is welfare-oriented and does not necessarily respond to the actual needs of women in the regions where these “cities” are being opened.

What is more, there is a third program, the Pink Room that is also run by SEDATU and works under the hypothesis that much of the violence occurs due to the lack of space in homes and that what is necessary is the creation of a “safe space” where women can hide with their children. Beginning with the name, the operational stereotypes are evident, and it must

estructura judicial, lo cual limita su potencial y eficiencia. En muchos casos el personal a cargo cuenta con un año o menos de experiencia en género y derechos de las mujeres. Existen mecanismos que no cuentan con presupuesto propio, por lo que no están en posición de impulsar ningún tipo de iniciativas. Sólo siete de 32 mecanismos cuentan con un plan de trabajo y ninguno cuenta con herramientas para monitorear y evaluar el impacto de su trabajo.

El Poder Judicial no es el único que enfrenta retos en la materialización de los esfuerzos para eliminar la discriminación contra las mujeres y mejorar su acceso a la justicia. Una de las políticas de Estado para responder a los obstáculos que enfrentan las mujeres sobrevivientes de violencia para acceder a la justicia son los Centros de Justicia para las Mujeres.

Los centros fueron creados en 2011 bajo la coordinación de la Comisión Nacional para Prevenir y Erradicar la Violencia Contra las Mujeres (CONAVIM), y parten del principio de concentrar bajo el mismo techo todos los servicios que necesita una mujer que ha vivido violencia. Este modelo tiene el potencial de gestionar el trabajo multisectorial y multidisciplinario tanto de agencias gubernamentales como de la sociedad civil para ofrecer una atención especializada, sensible y profesional a las mujeres.

Sin embargo, en la actualidad la implementación de esta política enfrenta varios retos. Primero, se financia y se coordina desde dos espacios distintos, y no necesariamente vinculados al interior de la estructura institucional de la Secretaría de Gobernación (Segob). Por lo mismo, cualquier esfuerzo de exigir rendición de cuentas sobre el impacto de esta política está destinado al fracaso.

Desde la Segob se plantea el éxito de estas metas bajo criterios mayormente dedicados a la construcción del espacio físico de los centros, y no necesariamente en relación al impacto en la vida de las mujeres. Los 27 centros que actualmente existen en 20 estados de la República operan todos bajo modelos y lineamientos distintos. En su operación los Centros de Justicia para las Mujeres enfrentan los mismos retos en relación a la profesionalización de su personal, que no necesariamente ha sido sensibilizado y formado para atender las necesidades de las mujeres que han vivido violencia. El personal trae consigo las mismas deficiencias que tenía antes de unirse al centro.

Pero mientras tratamos de consolidar estos Centros de Justicia, el gobierno federal está impulsando una nueva política llamada Ciudad Mujer, que prácticamente duplica muchas de las funciones que ya cumplen los

be noted that a “safe space” in itself is not the right solution to this sort of problem.

This analysis of the numerous efforts that have been made to combat gender-based violence reveals the importance of improving how public policies are designed. They cannot continue to be formulated behind the closed doors of government offices.

We all—the government, academics, civil society—have a role to play in ending the phenomenon of violence against women. But above all, we also have the responsibility to create channels for listening and including in the formulation of policy the voices of women, particularly those who have experienced violence. The design of policies must, furthermore, be accompanied by evaluation mechanisms that follow, monitor, and assess the institutional efforts. The solution is not necessarily the creation of “new” laws and policies, but in assuring that those that already exist function adequately. It is necessary to stop the trend toward “propose but not implement.” If we do not, Mexico will continue to be a country where laws and institutions are meaningless. A place where rights only exist on paper.

Originally published in “Nexos” magazine, June 2016¹.
*Translation by Michael Lettieri, Trans-Border Institute*².

centros, en particular respecto a la provisión de acceso a la justicia. Y esta nueva política la impulsó en un inicio la Secretaría de Desarrollo Social (Sedesol), que no está especializada en problemas que aquejan a las mujeres, y ahora pasó, junto con Rosario Robles, a la Secretaría de Desarrollo Agrario, Territorial y Urbano (SEDATU). Esta nueva política es asistencialista, y no necesariamente responde a las necesidades reales de las mujeres de las regiones donde se abren estas “ciudades”.

Y, por si fuera poco, existe un tercer programa, el Cuarto Rosa, que también se impulsa desde la SEDATU y trabaja bajo la tesis de que mucha de la violencia ocurre por la falta de espacio en las viviendas y lo que debe hacerse es crear un “lugar seguro” donde las mujeres se puedan esconder con sus hijos. Desde el nombre se ve un gran estereotipo, y a esto hay que sumarle que un “lugar seguro”, así, sin más, no es la solución correcta a este tipo de problemas.

Un análisis de los múltiples esfuerzos que se han realizado para combatir la violencia de género que sufren las mujeres revela la importancia de mejorar los procesos de diseño de políticas públicas. Éstas no se pueden seguir formulando desde la opacidad de las oficinas gubernamentales.

Todos tenemos un papel que jugar para acabar con el fenómeno de la violencia contra las mujeres: el gobierno, la academia y la sociedad civil. Pero ante todo tenemos la responsabilidad de establecer canales para oír e incluir en el diseño de programas y política la voz de las mujeres, especialmente la de las que han vivido violencia. El diseño de las políticas tiene, además, que venir acompañado por mecanismos de seguimiento, monitoreo y evaluación de los esfuerzos institucionales. La solución no necesariamente está en la creación de “nuevas” leyes y políticas, sino en asegurarse de que las que existan funcionen adecuadamente. Es necesario detener la tendencia de “formular, pero no implementar”. De lo contrario, seguiremos siendo el país de las instituciones y leyes sin sentido. De los derechos de papel.

En 2017 Ana Pecova ganó el “Premio Nacional de Periodismo” en México por este artículo.

Publicada originalmente en la revista “Nexos”, Junio 2016¹.

1 Available at: <https://www.nexos.com.mx/?p=28495>

2 Available at: <http://sites.sandiego.edu/tbi-foe/2016/11/02/paper-rights-ana-pecova-nexos/>

1 Disponible en: <https://www.nexos.com.mx/?p=28495>.

Mariana Lima's Femicide Sentence: A Transnational Perspective

Saide Mobayed

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Violence Against Women in Latin America, a Global Standpoint

In spite of the incredible global progress the last forty years have shown on framing women's rights as human rights, violence against women (VAW) is far from being tackled—particularly in Latin America.

A 2013 report of the World Health Organization revealed that seven out of ten countries with the world's highest female murder rates are located in this region (WHO 2015). Only in Mexico seven women are murdered every day (UNWOMEN 2013).

Paradoxically, transnational normative frameworks—which have emerged and mobilized throughout the United Nations System, supranational institutions, nation-states and feminist transnational advocacy networks (TANs)—addressing VAW have been widely (re)produced and institutionally implemented in the region. In this regard, Mexico has been a prominent country, particularly after the Inter-American Court of Human Rights issued in 2009 the "Case of González et al. ("Cotton Field") sentence"¹,

1 Since 1993 in Ciudad Juárez Women were abducted from the public sphere to then be battered and disposed of in the desert of Chihuahua. As Gaspar de Alba and Guzmán point out: "Between 1993 and 2008, more than five hundred poor Mexican women [...] were violently slain in Ciudad Juárez [...] their bodies were found strangled, mutilated, dismembered, raped, stabbed, torched, or so badly beaten, disfigured or decomposed that the remains have never been identified" (2010: 3). Up to today the crimes are still unsolved. However, the following theories behind the murders have been posited: "serial killers; satanic cults; snuff films, organ harvesting; white slavery; the Egyptian chemist "mastermind" (arrested in 1995); *Los Rebeldes* (local gang arrested in 1996); *Los Choferes* (band of bus drivers arrested in 1999); corrupt Mexican police; well-protected sons of rich families; cartel killings; the victims were leading double lives as prostitutes; the victims dressed provocatively in short dresses and high heels; unemployed men resentful of women getting jobs" (Gaspar de Alba and Guzmán 2010: 67). The "Case of González et al. ("Cotton Field") sentence" particularly refers to the violent murders of Esmeralda Herrera, Laura Berenice and Claudia Ivette González, whose death bodies were found in a cotton field. It legitimized the role of the transnational advocacy networks that leveraged the case and represented the families of the victims: "National Association of Democratic Lawyers (ANAD, *Asociación Nacional de Abogados Democráticos A.C.*); the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM, *Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer*); Citizen Network for Non-Violence and Human Dignity (*Red Ciudadana de No Violencia y por la Dignidad Humana*); Center for Women's Integral Development (CEDIMAC, *Centro para el Desarrollo Integral de la Mujer A.C.*)" (Medina Rosas 2010:15).

where the Mexican state was held accountable for the femicides² committed in Ciudad Juárez, located at the border between Mexico and the United States.

The "Cotton Field" sentence is a keystone for achieving justice on violence against women at a global scale. For the first time since the violent murders of women in Ciudad Juárez started to escalate in 1993³, a supranational institution used normative frameworks on violence against women (VAW)—such as the Convention Belém do Pará—to legally condemn and prosecute a nation-state.

It set the normative parameters not only in Mexico, but also across the region and the world. However, although the Mexican State has implemented several mechanisms, which are in line with international normative frameworks on VAW⁴

2 Due to the epistemological differences amongst latitudes both words ("femicide / feminicide") are included in order to avoid the current tensions between significant and signified that the concept(s) already entail. The latest report of the United Nations Special Rapporteur on Violence Against Women defines "femicide, or gender-related killing of women, as the killing of women because of their sex and/or gender. It constitutes the most extreme form of violence against women and the most violent manifestation of discrimination against women and their inequality" (United Nations General Assembly 2016).

3 Since 1993 in Ciudad Juárez Women were abducted from the public sphere to then be battered and disposed of in the desert of Chihuahua. As Gaspar de Alba and Guzmán point out: "Between 1993 and 2008, more than five hundred poor Mexican women [...] were violently slain in Ciudad Juárez [...] their bodies were found strangled, mutilated, dismembered, raped, stabbed, torched, or so badly beaten, disfigured or decomposed that the remains have never been identified" (2010: 3). Up to today the crimes are still unsolved. However, the following theories behind the murders have been posited: "serial killers; satanic cults; snuff films, organ harvesting; white slavery; the Egyptian chemist "mastermind" (arrested in 1995); *Los Rebeldes* (local gang arrested in 1996); *Los Choferes* (band of bus drivers arrested in 1999); corrupt Mexican police; well-protected sons of rich families; cartel killings; the victims were leading double lives as prostitutes; the victims dressed provocatively in short dresses and high heels; unemployed men resentful of women getting jobs" (Gaspar de Alba and Guzmán 2010: 67).

4 Such as the National Commission to Prevent and Eradicate Violence, put in practice in 2009; the Integrated System of Statistics about Violence Against Women (SIEVM), designed in 2015; the Comprehensive Program to Prevent, Address, Punish and Eradicate Violence against Women, developed between 2014 to 2018; the Statistics about Violence Against Women (SIEVM); the Comprehensive Program to Prevent, Address, Punish and Eradicate Violence against Women (2014-2018), and so on.

66 percent of women in Mexico are victims of violence⁵. Furthermore, it was until 2015 that Mexico's Federal Supreme Court prosecuted the first case under "*feminicidio*".

The present article reconstructs this story taking as point of departure a transnational perspective, which will be touched upon in the first part of the article. In this sense, the case is not seen as an isolated success story, but as a result of the global interconnection of normative frameworks addressed to stop and to make VAW accountable. Thereafter, I will introduce and contextualize Mariana Lima's femicide/feminicide case. Finally, I will emphasize the relevance of analysing violence against women throughout the extensive interplay of international, national and local tiers, in order to understand why and how the specific case of Mariana Lima reached justice.

Conceptualizing the Transnational

Processes of transnationalization are assumed as those that create "new understanding of the meanings and interrelatedness of global, national and local spheres" (Zwingel 2012: 121). Each of those levels consists of actions and views taken by various actors across different sectors. Within the transnationalization of normative frameworks aimed at preventing and eradicating violence against women (VAW)—which emerged as a discursive concept during the eighties and expanded during the nineties—the concept of femicide/feminicide has played a key role in addressing VAW at an international, regional, national and local level.

"Femicide" was publicly enunciated for the first time by Diana Russell at the International Tribunal on Crimes Against Women, held in Brussels in 1976⁶. Almost twenty years later, due to the alarming escalation of the systematic violent murders of women in the border city of Ciudad Juárez, the concept repoliticized into "feminicide" (*feminicidio*).

5 INEGI, "Encuesta Nacional sobre la Dinámica de las Relaciones en los Hogares".

6 Although most of the research on the origins of femicide suggests this moment as the genesis, other sources have pointed out that this concept has been used since the nineteenth century to refer to female murders. For instance, *The Student's Pocket Law Lexicon; or, Dictionary of Jurisprudence* already includes a definition of 'femicide' as "the killing of women" (1882: 113). For more, please also refer to: Corry, John. (1801). *A Satirical View of London at the Commencement of the Nineteenth Century, by an Observer*. Edinburgh and McNish, William. (1827). *The confessions of an unexecuted femicide*, Glasgow.

The importance of this place-based epistemological conception (from "femicide" to "feminicide") lies in the fact that, in the Mexican context, the state played an important role by omitting, neglecting, and even colluding in violent crimes against women.

The Latin-American setting opened an entirely new chapter for addressing "the most extreme manifestation of violence against women" (UNGA 2012: 4) at a transnational scale. This was brought to the international fore by the emergence of transnational advocacy networks (TANs), responsible for introducing and framing the femicide/feminicide variable into the global equation on violence against women. Formulated by Keck and Sikkink (1999), TANs are defined as "those actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchange of information and services" (Keck and Sikkink 1999: 89).

In this respect, the focus on violence has been a fruitful entry point to push women's rights forward, facilitating the argumentation of a transnational movement by making particular manifestations of violence visible (Ertürk 2008). Based on this scenario, the General Assembly of the United Nations expressed "a pressing need to create and adopt new concepts and strategies to address the phenomenon" (UNGA 2012: 6).

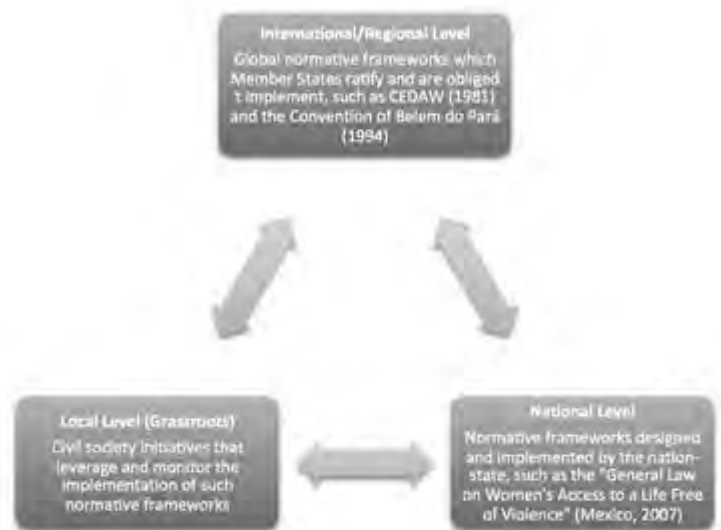


Figure 1: The Transnational Interplay

3. Who was Mariana Lima?

On June 29th 2010 Mariana Lima was 29 years old, had a young daughter, and was about to become a lawyer. That day her lifeless body—covered with scratches and bruises—was "found" by her husband, Julio Cesar

Ballinas (a judiciary policeman, with previous records of abuse and violence against Lima), who claimed his wife had committed suicide.

Due to impunity and patriarchal power structures deeply embedded in Mexico's justice system, Lima's case was framed as such: suicide, in spite of convincing evidence—not only in her body, but also the testimonies of close relatives who stated that she had denounced her husband's emotional and physical abuses—that it was actually Ballinas the one that had murdered her.

From that day onwards, Irene Buendía, Lima's mother, started a quagmire that took her five years to finally reach justice for her daughter. In 2015, for the first time in the national history, the Supreme Court of Justice re-opened Lima's "suicide" case and framed it under "*feminicidio*", with the following groundbreaking impacts:

- The inclusion of a gender perspective and due diligence (set in the "Cotton Field" sentence⁷).
- The sanction of the public servants who incurred into the irregularities that obstructed the case access to justice.
- The reparation of damage caused by the respective authorities.
- The transformation of cultural patterns, from within the justice system, throughout the promotion of education and training of personnel that works with justice's administration.

4. Mariana Lima's Femicide Sentence: The Transnational Perspective

However, Irene Buendía was not alone. It was with the support of a wide array of transnational human rights institutions, together with strong grassroots mobilizations, that her daughter's sentence was reopened. Hence, it is precisely where this case requires a transnational lens. The achievement of justice was carried with the intense leverage of the National Citizens Observatory on Femicide (*Observatorio Ciudadano Nacional del Femicidio* (OCNF)), which mobilized the case with the use of international, regional and national normative frameworks on VAW. Furthermore, the case

⁷ A highly relevant attainment achieved with the "Cotton Field" sentence was the Court's consolidation of the "concepts and methodology of employing a gender perspective in legal interpretation. It also confirmed that gender is an essential consideration in evaluating the actions that States must take to repair damages and comply with their obligations". Medina Rosas, Andrea. (2010). "Cotton Field: Proposals for Analysis and Monitoring of the "Cotton Field" case sentence, regarding human rights violations committed by the Mexican State". Red Mesa Mujeres and CLADEM, pp. 5.

was directly supported by the UN Trust Fund to End Violence against Women (managed by UN Women).

Conclusion

The United Nations Decade for Women (1975-1985) opened an entirely new chapter in which transnational feminist movements (TFMs) challenged and transformed the "power relations in unjust and inequitable global, regional, and national systems" (Baksh and Harcourt 2015: 9) using the human-rights regime as a platform. Here, violence against women (VAW) "has been a viable entry point to advance women's human rights as it has made particular manifestations of violence visible while at the same time, [...] facilitated the argumentation of a transnational movement" (Ertürk 2008a: 27).

It was particularly because of the TFMs that global norms about violence against women became rapidly disseminated. Within the Mexican context, this was highly relevant to focalize the attention of the violent killings of women happening at the border. In this scenario, the concept of "*feminicidio*" was instrumentally adapted to the legal and the penal system due to the "growing international and domestic pressures, which is a typical reaction of norm-violating governments in early stages of the socialization of norms process" (Risse et al. 1999: 12).

Without this context, under the eyes of the law in Mexico, Marina Lima would have committed suicide. In this brief article I framed Lima's femicide sentence, which opened an entirely new parameter for prosecuting women's violent murders in Mexico, within a transnational perspective. This would not have been possible without years of leveraging the concept(s) of femicide/femicide from local to international levels (and viceversa).

Rather than seeing these interactions as vertical (either from the bottom-up or the top-down) it is important to read them as unidirectional lines that move across levels and that does create an impact amongst nation-state's legal frameworks (as seen in Figure 1). Therefore, using a transnational perspective - together with understanding how global processes are shaping women's access to justice - becomes an important tool particularly for civil society. This reading allows a new narrative for claiming State's accountability, with the use of their obligations (mainly in the form of ratifications) with the international community.

Finally, it is necessary to acknowledge the relentless struggle of family members in Mexico whose women and girls have been murdered and justice has been denied: the ordeal does not end with the killing, but with what comes afterwards. They confront thousands of obstacles—especially because of impunity’s omnipresence in absolutely every institutional sphere—but they do not give up. It is because of the activism of mothers, such as Irene Buendía, that the figure of femicide/feminicide has permeated legal normative frameworks and managed to, at least, bring us hope that violence against woman will not be abided anymore.

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PART II

November 2017 ACUNS Symposium on Femicide and Abuse of the Older Woman

The United Nations in Vienna, Austria

1.1 Panel on Criminal Justice

1.1.1 Opening remarks by Jean-Luc Lemahieu, Director, Policy Analysis and Public Affairs, UNODC

Expressing gratitude to the Permanent Missions of Norway, Italy, Slovenia, Argentina, Belarus, Spain and Thailand; next to the Organization for the Families of Asia and the Pacific (OFAP), Soroptimist International, the NGO Committee on Ageing Vienna, the NGO Committee on the Status of Women in Vienna, and the Academic Council on the United Nations (ACUNS) for organizing this event on “**Violence against elderly women**” on the today’s occasion of **International Day for the Elimination of Violence Against Women**.

Allow me to start reading the message of our Executive Director, USG Yury Fedotov, on the occasion of today’s International Day for the Elimination of Violence against Women:

‘Women and girls across the world continue to confront ferocious violence, discrimination, harassment and even murder. For these victims, living in every country and drawn from every section of society, life is often filled with despair and misery. The scars of violence are not always visible. Brutal force and power applied in the pursuit of abuse, exploitation and gratification create deep psychological wounds. We must do everything possible to help the victims of this crime, which is so often committed in places of false sanctuary such as homes.

UNODC plays a crucial role: we support national efforts to prevent and end this crime, help develop global standards and work to provide much-needed support and protection to victims and survivors.

We are also undertaking research and analysis to understand why women and girls are dying at the hands of their husbands, intimate partners and near relatives.

The 2030 Agenda for Sustainable Development, under Goals 5 and 16, is leading the way by calling on the world to eliminate violence against women and girls, and achieve reductions in all forms of violence and related death rates.

On the International Day for the Elimination of Violence against women, I want the women and girls suffering this vile crime to know that they are not alone. The UN Office on Drugs and Crime pledges it will continue to work with its many UN partners, Member States, civil society and academia to deliver a crucial message to the women and girls of the world: you are not forgotten.’

Ladies and gentlemen, important in both messages of the UN Secretary General, Antonio Guterres, and USG Fedotov is the reference to the 2030 Agenda for Sustainable Development. UNODC work in this area is guided by the belief that violence against women represents a violation of dignity, safety, and human rights. According to our research (Global Study on Homicide 2013), the atrocity of murdering women and girls is still continued – and this in large numbers by those people women should have been able to trust. In 2012, at least 43,000 women were killed by their intimate partners or family members.

UNODC is currently working on the third edition of its Global Study on Homicide, which will shed further light on existing trends and available data on homicide of females by intimate partners and family members. This of course only represents a small share of the total number of femicides committed globally. The concept note of this meeting correctly points out to other categories of vulnerability towards elder women, such as divorce without support in place, lack of access to medical care, or the multiple war widows. However, because of existing challenges and limitations in collecting comparable gender-disaggregated data at the global level, UNODC has been using the proxy of homicide with regard to femicide.

We hope to identify in the future the age groups most at risk of intimate partner and family related homicide at the global level. For instance, several Member States, particularly from Latin America, have started to collect gender-disaggregated data which will be useful to gain a more accurate picture and point prevention more accurately towards especially these groups of females most at risk.

Focusing on the elderly population, indeed, ageing is one of the “mega-trends” that are likely to condition the prospects for achieving the 2030 Agenda and its Sustainable Development Goals.

In 2017, there are an estimated 900 million people aged 60 or over in the world, a population that is growing faster than all younger age groups. Over the next few decades, the increase in the numbers of older persons is almost inevitable, with a projection to reach 2 billion in 2050.

Revealing are the WHO statistics that about 1 in 6 older people experienced some form of abuse in 2016. Discrimination and abuse in old age is rarely based on old age alone. More often, it connects to multiple factors, complicated further by the cumulative impact of a lifetime of discrimination and abuse. It is against these realities that the international

community put in place instruments and mechanisms to address challenges faced by elderly people. Among these instruments are, first, the 2002 Madrid International Plan of Action (MIPAA) on ageing will come familiar to you, paying particular attention to elderly women, acknowledging that “Older women face greater risk of physical and psychological abuse due to discriminatory societal attitudes and the non-realization of the human rights of women. Some harmful traditional practices and customs result in abuse and violence directed at older women, often exacerbated by poverty and lack of access to legal protection.”

In its second review and appraisal of the Madrid International Plan of Action on Ageing, undertaken in 2012, violence and abuse against older persons has been identified by Member States as one of the key areas for further action. As a result, the General Assembly pronounced 15 June as World Elder Abuse Awareness Day (WEAAD). The theme for the 2017 WEAAD was “Understand and End Financial Abuse of Older People.”

Secondly, in December 2010, the Open-Ended Working Group on Ageing was established by the General Assembly resolution 65/182. Its work is to consider the existing international framework of human rights of older persons and identify possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures. The eight working session of the Working Group took place in July 2017 in New York and was attended by numerous NGOs representatives.

Third, in May 2014, the Human Rights Council appointed Ms. Rosa Kornfeld-Matte as the first Independent Expert on the enjoyment of all human rights by older persons (HROP), to examine and report on a thematic or country-specific perspective in all parts of the world. Ladies and gentlemen, as the Executive Director said in one of his remarks recently, we must acknowledge that, just as no society is immune from these violent acts against women, we are all part of the solution. No woman or young girl must be allowed to feel isolated or in danger. This means promoting inclusive societies that not only provide women with much needed security, but also offers them opportunity, equality and prosperity.

UNODC is working to unravel the gender bias that has been woven into many legislations and criminal justice systems and which perpetuates impunity for these violent acts. Our work encourages all those in the

criminal justice system to respect and protect women and girls and to view domestic violence as a serious crime.

Last but not least, I would also like to commend the efforts made by civil society organizations to tackle femicide. The Academic Council on the UN System has launched a Femicide Watch Platform prototype at the last session of the Crime Commission. It is envisaged to offer one central space for key facts and figures, relevant documents, and selected good practices, aiming to trigger more targeted actions and decision-making by relevant stakeholders. The platform is currently available online and has over 100 selected postings.

To end this injustice against women and girls, and elderly women specifically, the spirit of partnership as we witness today will be required to change laws, change perceptions and change behaviours.

There simply is no alternative or way back, only a way forward to get to the ultimate 2030 Agenda goal that ‘nobody is to be left behind’ and to build better, just and inclusive societies.

1.1.2 Statement by H.E. Bente Angell-Hansen, Ambassador of Norway to the International Organizations in Vienna

I am grateful and happy that Norway is one of the countries co-sponsoring this timely event, and sincerely thank ACUNS for bringing violence against elderly women in focus. I am also grateful to be invited to chair this important meeting.

More often than not, elderly women do not figure in the statistics. They are excluded from studies as if they are no longer women. They are forgotten, even by the statisticians. They are invisible. Furthermore, research shows that lonely elderly women are more vulnerable. Yet, the dynamics that drive violence against women are not necessarily determined by age. Yesterday the UN Secretary General, Guterres, stated that: “Violence against women is fundamentally about power. It will only end when gender equality and the full empowerment of women is a reality.” He is right. Powerlessness can be a strong determinant for vulnerability to violence, be it children, the youth, women, elderly, the poor, those enslaved – the list is long. The point is that they are all vulnerable to being denied their basic human rights as they are reflected in the Charter of the United Nations and the Declaration on Human Rights. I have a pink version of the Charter given to me by colleagues in the UNODC. It gives me the

opportunity to thank good colleagues in the UNODC for their commitment to improving the plight of women and girls! Ageing creates vulnerabilities regardless of sex. However, more so for women because of their longevity. We also see that they may be subject to multiple forms of discrimination. The sometimes extreme vulnerability of widows has been documented in many countries. They no longer enjoy the status and protection of their husbands.

As people live longer, we need to give increased attention to the elderly and to their human rights. This holds particularly true when it comes to violence against them. We regularly read grueling stories about such violence. Violence against elderly women is committed in all countries, both domestic violence and in caring homes. They are at varying degrees of risk to become victims of horrific forms of violence, even murder.

We need more research to understand the main drivers that determine such violence, while recognizing that these may differ between countries and regions. Such research can help use develop the most effective strategies and tools to prevent and counter violence against elderly women.

A study conducted in the European Union shows that loneliness was a significant predictor of abuse, and that women who were retired had a higher probability of suffering abuse compared to those who were still working. According to the European Union Agency for Fundamental Rights, FRA, located in Vienna, one in three women has experienced violence since the age of 15. This violence can be seen as linked to structural inequalities between men and women in many aspects of life.

I believe that such structural inequalities constitute the main drivers for violence against elderly women all over the world. We need a holistic approach to address these challenges and we need to protect the victims and bring the perpetrators to justice. Most of all we need to work on the mindsets of people in a manner that promotes respect for the elderly and the prevention of such horrible crimes.

1.1.3. Statement by Claudia Baroni, Drug Control and Crime Prevention Officer, UNODC Justice Section

At the outset of my remarks, I wish to sincerely thank the organizers of this event, the Academic Council on the United Nations System (ACUNS), the Permanent

Missions of Argentina, Belarus, Italy, Norway, Slovenia, Spain and Thailand, Soroptimist International, the NGO Committee on Ageing in Vienna, the NGO Committee on the Status of Women in Vienna and the Organization of the Families of Asia and Pacific.

These November Symposiums have become an important, significant tradition of the Vienna international community. A tradition which is the testimony not only of the relevance of the topic of violence against women, in all its forms and manifestations, including the most violent one, i.e. gender-related killing of women and girls (or “femicide”), but also of the engagement and commitment of the local international community in addressing one of the most serious and widespread violations of human rights.

Violence against women can include physical, sexual, psychological and economic abuse and it is widespread, systemic and culturally entrenched.

According to a 2013 global review prepared by the World Health Organization, 35% of women worldwide have experienced physical and/or sexual intimate partner violence or non-partner sexual violence. Violence against women is not confined to a specific region or country. Likewise, violence against women cuts across boundaries of ethnicity, nationality, religion, culture, wealth and – more importantly for today’s Symposium, age.

Although in the majority of cases, younger women are still at more risk of violence, elderly women are increasingly subjected to different forms and types of violence. At least – nowadays - there is a stronger awareness and recognition of this phenomenon.

The world population is ageing and this development affects – of course at different rates and with a different impact - both developed and developing countries.

In 2015, women accounted for 54% of the global population aged 60 years or more and 61 per cent of the global population aged 80 years or more and - as indicated earlier on by my colleague, Jean-Luc Lemahieu – the number of people over 60 is expected to grow significantly in the next years¹.

The gendered nature of ageing reveals that women tend to live longer than men and that more older women than men live alone.

As indicated in the *General recommendation No. 27 on older women and protection of their human rights*², “...this unprecedented demographic ageing,

¹ GR No. 27 on older women and protection of their human rights (para. 4 – 7)

² GR No. 27 on older women and protection of their human rights (para. 6)

owing to the improvement of living standards, basic health-care systems as well as declines in fertility and rising longevity, can be considered as a success of development efforts and is set to continue, making the twenty-first century the century of ageing”.

But those changes in population structures have profound human rights implications and increase the urgency of addressing the discrimination experienced by older women in a more comprehensive and systematic manner.

Both men and women experience discrimination based on old age, but older women experience ageing differently. The impact of gender inequalities throughout their lifespan is exacerbated in old age and it is often based on deep-rooted cultural and social norms. The discrimination that older women experience is often a result of unfair resource allocation, maltreatment, neglect and limited access to basic services³.

Research that has been conducted on violence against women in older age shows that older women are subjected to various forms of violence such as neglect, physical abuse, sexual abuse, financial abuse or harmful traditional practices and widowhood rites.

Violence occurs in multiple, often-intersecting forms by varying perpetrators, including intimate partners or spouses, family members, caregivers, or members of their community.

In her report submitted to the Human Rights Council in 2012, the former Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, indicated that in some countries of Africa, Asia and the Pacific Islands the killing of women accused of sorcery/witchcraft had been reported as a significantly increasing phenomenon⁴.

She underlined how the pattern of violations includes violent murders, physical mutilation, displacement, kidnapping and disappearances of girls and women and she recognized that older women are more vulnerable to sorcery-related femicide due to their economic dependence on others, or the property rights that they hold—and which younger members of the family want to inherit

She also stressed that women accused of witchcraft are often violently driven from their communities and forced to take refuge in so-called “witch camps”. Furthermore, many widows are subjected to property-related violence, including violent evictions and loss

of inheritance; and are subjected to sexual abuse and harassment by relatives.

In Western countries, violence against women may take the form of economic and psychological abuse, social exclusion, abuse or physical, sexual and emotional violence in places which should actually be devoted to their care such hospices and elderly people care houses.

However, while manifestations, prevalence and causes for violence against older women differ between regions, there are many similarities.

Common denominators are the socio-political and economic disempowerment of older women, a disregard for equal enjoyment of their human rights, insufficient access to justice and their particular vulnerability.

As acknowledged by the **2002 World Assembly on Ageing**, older women face a greater risk of physical and psychological abuse and violence directed at older women is often exacerbated by poverty and lack of access to legal protection. This problem is bound to grow, given global demographic trends.

While different forms and manifestations of violence against women are increasingly recognized, older women are too often excluded from the global development discourse.

They have been absent in studies of violence against women and there has lacked debate on the circumstances and special needs of older women victims of abuse.

As Member States have recently reaffirmed with the adoption of the 2030 Development Agenda, it is of utmost importance “that no one will be left behind” and “to reach the furthest behind first” including those groups of women which are particularly vulnerable to violence, as elderly women are.

The sad truth is that violence against these women is widespread, yet largely hidden and unknown.

According to the 2014 UNODC’s Global status report on violence prevention, prepared jointly with UNDP and WHO, only 17 per cent of 133 countries reported any survey data on elder abuse in 2014. Only 34 per cent have services in place that can investigate cases of elder abuse and only 59 per cent have laws to prevent elder abuse. Also, the Commission on the Status of Women (CSW) in its fifty-ninth session of March 2015 signalled that of 131 government reports on violence against women, only 13 recognised that older women were also at risk of violence. In the area of data collection and analysis, more accurate and consistent statistics are therefore crucial

³ GR No. 27 on older women and protection of their human rights (para. 11)

⁴ A/HRC/20/16.

to better understand and more effectively respond to violence against older women.

As you know, UNODC supports international and national efforts to improve and compare crime and criminal justice data, including in the area of violence against women, and – hopefully – the Office will be in the position to strengthen and better tailor its work to collect and analyse data specifically related to violence against older women .

The Updated Model Strategies on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, adopted in 2010 by the General Assembly⁵ and which represent the normative basis and framework for the UNODC work to assist countries in preventing and responding to violence against women and girls, recognize that some special groups of women are particularly vulnerable to violence and that such groups include elderly women and widowed.

The Updated Model Strategies recognize that such vulnerable groups of women require special attention, intervention and protection in the development of crime prevention and criminal justice responses to violence against women.

In its specific role to support crime prevention and criminal justice responses, UNODC has years of experience in contributing to comprehensive responses to address all forms of violence against women.

UNODC advocates that a strong, fair and humane criminal justice system is a key element of a multi-sectoral approach that is needed to address the persistent impunity for violence against women, including elderly women.

UNODC is assisting many countries in different regions to more effectively prevent, investigate and prosecute violence against women and to protect and support victims. A focus on the specific needs of those women who are particularly vulnerable to violence is crucial in our work, which includes support to criminal law and policy reform, as well as capacity building for police, prosecutors, judges, legal aid providers and other relevant institutions.

In particular, in order to better and more effectively prevent and respond to violence against elderly women, countries - with the assistance and support of UNODC - should consider adopting the following crime prevention and criminal justice measures:

- Revising and amending discriminatory legislation, laws and policies including in the area of family law, property law and inheritance law
- Develop and implement specific protocols to investigate, prosecute and punish violence against elderly women and ensure accountability for perpetrators
- Developing ad hoc training and capacity building programmes for key criminal justice officials, particularly police and prosecutors (risk assessments/victims interview);
- Develop specific victims protection and assistance services and programmes that take into consideration the peculiarities, the needs and vulnerabilities of elderly women Strengthen access to justice to elderly women
- Develop specific protocols for doctors, health staff and social workers operating in hospices and “care houses” for elderly people.

Of course those legal, institutional measures should be complemented by measures and initiatives aimed at changing the cultural, social norms that promote and condone violence against elderly women as well as at ensuring their social and economic empowerment.

In concluding, UNODC stands ready to use existing platforms – such as the UN Women/UNDP/UNFPA/UNODC *Joint Programme on Essential services for women and girls subject to violence* - to ensure that women who are particularly vulnerable to violence are not left behind. We look forward to continue supporting Member States in their efforts to put an end to violence against women and we aim to further strengthen our partnership with other UN entities and our collaboration with civil society.

Together we can help governments and practitioners to take concrete action to prevent and respond to violence against elderly women in line with international standards, norms and good practices.

1.1.4 Statement by Maximilian Edelbacher, ACUNS Vienna Liaison Office

I am a police practicer, a former police practicer. When I was active, I was confronted very often with crime against elderly people.

The most important case, maybe a lot of Austrians will remember, was the case of killing in the hospital of Lainz, where about 340 suspicious cases of death had to be investigated. 38 cases ended up in the court procedure.

⁵ General Assembly resolution 65/228, annex.

Today I am still working with the Austrian Association of criminal investigators and as I am a retired person, I am primarily active in prevention activities. So, maybe each month we visit groups of retired people or young people and we try to build awareness in the younger and older persons on: how is the crime situation? How can you prevent crime? How can you reduce crime activities or the tension to be criminal?

This is a very interesting part and because I have so much practical experience. In 1991 I met the academic side of this area and I became a little bit international. Still I have contact to the University of Vienna, to two American universities, to the University of Turku and we are a small group of practitioners and experts. Two professors each, from the Balkan area, the Scandinavian area and from Italy and three Americans and this is the basis for this book. The book comes out next year and deals with crime against elderly. Basically it's called **"Trends in Criminality"** so it does not only cover the problem of elderly women but it covers the problem of the elder generation.

To be honest it was not my idea, but it was the idea of professor Helmut Kury a very famous criminologist and psychologist, who gave a talk three years ago in Berlin. I was a representative of the Austrian Association of Criminal Investigators and when I listened to his speech I saw this is very important even for our society in small Austria and we tried to gather a group. Professor Hörl for example, he is a very good friend of mine, he will speak later on and he is helping and supporting this idea with other academics to fill in my weakness.

I have the practical experience but not the academic knowledge and I think to build awareness and to sensitize all groups of our society is so important. From the practical side, let me speak about one problem. When we were confronted with crime against elderly people the main problem was, that elderly people could not remember, what had happened, how much damage happened to them and it was very difficult for the police investigators to get exact information, in order to investigate the offenders. This is the main problem. Because of old age and because of the weakness of elderly people. This is a very problematic but a very practical problem we were confronted with and as we are all become older, it still will continue.

1.1.5 Statement by Gertrude Brinek, Ombudswoman, Austrian Ombudsman Board

My name is Gertrude Brinek and I am one of the three members of the Austrian Ombudsmen Board (AOB). I

would like to thank you very much for inviting me to come and speak at this event on such a relevant topic. The importance of today as the International Day for the Elimination of Violence against Women could not be better acknowledged and celebrated than by discussing issues women deal with on an everyday basis, especially in such turbulent times. In my speech, I would like to address three central issues which are often overlooked when speaking of women's rights issues: old-age homes, old-age poverty of women and legal guardianship.

When addressing these important issues, I am speaking not only as Ombudswoman, but also from the perspective of the AOB's mandate of National Preventive Mechanism (NPM) within the framework of OPCAT (the UN Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment). In order to protect the human rights of particularly vulnerable groups even more effectively, the NPM monitors institutions where people are – or can be – deprived or restricted in their personal liberty. Six commissions conduct monitoring tasks featuring unannounced visits, talking confidentially with the individuals living in the institutions, as well as accessing documents.

In this regard, our commissions also visit old-age homes where there are often structural problems. Since the Austrian population is aging and more and more people with dementia and disabilities require care, caregivers are often understaffed and therefore overburdened. This is one of the reasons caregivers sometimes mistreat the residents of old-age homes, for example, by neglecting them, heavily sedating them and in some cases even by torturing them. Unfortunately, it is often elderly women who are affected by this since they reach a higher age than men. Oftentimes women in old age homes are appointed legal guardians who take advantage of their position of power by restricting the affected person's finances. This form of financial mistreatment can result in old age poverty of the affected person, which brings me to the second topic I would like to talk about.

Old age poverty of women is a problem deeply rooted in society. Even though much has changed over the last few decades regarding gender equality, traditional gender roles persist in societies all over the world even today. Men are often seen as the financial providers and women as those who primarily take care of their children. Similarly, women oftentimes act as caregivers for elderly, sick or disabled people, which is an extra

burden that leads them to drop out of working life. Consequently, when it comes to care, women come off badly since they lack the financial means to insist on their rights in court. This is something I will come back to at a later point in my speech.

The persistence of traditional gender roles and with it the persisting income gap between men and women result in a disadvantage for women not only in gainful employment, but also in retirement. Among the EU countries, Austria places with one of the highest wage gaps with over 21,7%. This unbalanced distribution of money continues in retirement, since women's pensions are a lot lower than those of men. As of December 2016, the average pension in Austria was 904 Euros for women and 1.468 Euros for men, which means that on average, men earn more than 500 Euros more than women during retirement.

The traditional agreement on the division of labour entails that the man engages in gainful employment while the woman stays at home with the children, but that the earnings are divided equally. However, if the couple splits up it is the woman who remains without a claim to a pension. There are methods of preventing this from happening. One of them is called pension splitting, which is when the working parent signs over half of their pension payment to the parent staying with the children for a certain amount of years. Although this was introduced in Austria in 2005 and can be done on a voluntary basis, very few Austrian families make use of this service (until 2016 there were only about 500 of these petitions).

What we must realize is that women are caught in a sort of trap when asked to choose if they want to continue working or take care of their children. These are not two equally rewarding options in terms of financial security. There are income disadvantages for women both in gainful employment and in retirement, no matter whether they stay home with their children or not. The compensation payments (*Ausgleichszulage*) provided for by the Austrian state to guarantee a minimum pension are too low to efficiently prevent old-age poverty.

Another cause of old-age poverty for all people, which I have already shortly addressed, is when **legal guardians**, appointed by court for a variety of reasons, take advantage of their access to someone's finances. Oftentimes, they restrict financial resources of the person they are supposed to legally represent to a minimum, sometimes even denying the affected persons money for their daily needs and necessary errands, or even pocketing some of this money for

themselves. Legal guardianship can become a big problem when the legal guardians take advantage of their position of power by neglecting the persons who are assigned to them in many ways. But before getting into this topic, let me explain the situation of legal guardianship in Austria.

In Austria, approximately 60.000 people are limited in decisions concerning their own life, either to a great extent or completely. In the last few years, this number has steadily risen, even though the revised version of the law regarding legal guardianship in 2006 intended the contrary result. Legal guardians are appointed, replaced and removed by court order under specific circumstances. Decisions of the independent courts can only be reviewed by judicial appeal.

Consequently, even though the Austrian Ombudsman Board has received a steadily increasing number of complaints regarding legal guardianship over the last few years (239 in 2016), it is unable to interfere in these court decisions or provide legal advice in these matters. Instead, the Ombudsman Board is obliged to refer affected persons with such concerns to the competent specialized court section.

This, however, does not mean that the Ombudsman Board will stand by and do nothing. Due to the alarming number of complaints brought to us on this issue, I made it my personal priority to initiate discussions with experts in this field in 2015. The aim was to reform the current law regarding legal guardianship, which, to give away some good news already now, is going to happen very soon... but more about that later.

The countless complaints reported to the AOB describe how legal guardianship represents a form of violence when legal guardians take advantage of their position of power. Relatives of affected persons often complain that they have no standing before the court and therefore no right to file a petition in case of a concern about how an affected person is treated by their legal guardian. Others complain that the legal guardian who was assigned to them by court when they were hospitalized continues to manage their legal and financial affairs in a very restrictive way even after they are able to take care of themselves again.

Further complaints refer to inadequate care and information provided by legal guardians or their insistence on placing affected persons in care facilities even though they would prefer to be cared for in their own homes and could afford this kind of service. Other shocking complaints refer to legal guardians selling the affected persons' real estate for their personal gain. Sometimes so-called "legal guardian law firms" which

exceed the prescribed number of 25 legal guardianships are the cause of negligence in this regard.

In 2015, I actively started to raise the issue of a reform of the law regarding legal guardianship at discussion forums and conferences with relevant organizations. This helped to raise the public awareness on this issue for more autonomy and independence even when people need assistance. Consequently, a working group for the reform of the law regarding legal guardianship was formed at the Federal Ministry of Justice, in which the AOB also took an active part.

The Austrian Ombudsman Board's continued efforts to reform the law regarding legal guardianship, which from now on will be called **Adults Protection Act** (*Erwachsenenschutzgesetz* in German), finally proved successful. The new act focuses primarily on the will and need of the affected persons instead of focusing on legal incapacitation. It therefore supports and encourages more empowerment of every individual and only provides assistance when absolutely necessary. Furthermore, the affected person's relatives will receive more rights. This second Adult Protection Law was discussed in parliament before coming to its final stage. I am happy to say that its implementation and entry into force is planned for 1 July 2018. The AOB hopes to therewith achieve a strong reduction of complaints regarding legal guardianship. 5

Now coming back to the central topic of this symposium "Violence against women", I would like to mention that the Austrian Ombudsman Board, in cooperation with the Medical University of Vienna and the Association of Austrian Women's Shelters, has recently been involved in a lecture series and publishing of a book under the name **One out of Five** (*Eine von Fünf* in German). This lecture series intends to point out that one out of five women living in Austria is affected by physical or sexual violence in her lifetime. The lecture series held in December of this year conveys step by step actions for leaving a violent relationship. It is only by raising the awareness of more people to this issue that a change can happen, which is why this is such an important project against violence against women of all ages.

Even with these small successes, our work of improving the situation for women in this world is never done. Violence against elderly women remains a widespread phenomenon which must be addressed to raise a wider awareness of this issue. Then, we must fight against it with legal measures, initiatives and, most of all, insistence. It is our job to protect those who are unable to protect themselves. I hope you will join me on this journey towards justice for women of all ages.

1.1.6 Statement by Martina Gredler, Chair, NGO Committee on the Status of Women, Vienna

I am very thankful to Michael Platzer to have invited me to speak here. Probably because I mentioned that I am working every week in eight care homes in Vienna and the surrounding of Vienna. I have quite an experience in seeing the difficulties in these homes to treat people.

I would first begin by saying, that very often violence is also applied to men in this surrounding. So, a lot of what I am saying is not a gender specific issue, but it applies to everyone.

Unfortunately I must say, the first level of problem is the level within the families. When you have a family member, who becomes very difficult in living together with, suffering from dementia, alzheimer, brain damage, or whatever. Not only this person has a problem, but the whole family has a problem, because suddenly the whole life of a family is changing. You have responsibilities, that you didn't have beforehand, you have a timetable to follow which is not your choice. But treating your family member, and sometimes the people taking care of your family member, one cannot stand the pressure one has to undergo. That means violence sometimes is only the result of being unable to really manage the whole situation, and you have to keep that in mind. You are not beating your mother because you like to do so, but primarily because you can't communicate, you can't find a solution to the problem.

This is the first step we have to look into. How can we, on the family level, help people and give them a little rest, how can we allow them to have a vacation without letting them leave someone behind they wouldn't like to leave behind. Violence is not the solution but violence is in this situation very often the sign of being unable to manage the situation.

So, this means that in those cases we have to find other solutions. The solution to bring the family member to a care home is very often the only way out of it. In the care homes we have the problem, that when these people cannot communicate very exactly what their needs are. There comes up the question, who is deciding when their legal guardianship is going to be introduced to these persons. That means I often see a person entering these homes and no one takes care of them. They are not able to make decisions because they don't realise in which medical situation they are. Me on the other side, as a medical doctor and dentist I

would like to have someone to talk to about this person and to talk about the treatment and how far we can go. So, this is one side of the coin, that the legal guardianship is not an automatic thing that has to be checked every year, or so. It's more or less depending on the people in these nursing homes, whenever they say to a court or to a judge, you have to come over and we have to find a solution. This is one thing. The difficulties on the other hand, for instance it is forbidden to bond people during their treatment. When you have people shaking and you need someone to hold their arm or their head, or whatever. What I like is, when members of the family come and do that themselves so that they understand that we are not torturing that person, but we are doing something that that person needs, but this person is not able to realise that they shouldn't shake, or they can even not stop shaking. On one hand it is forbidden to bond the people, on the other hand sometimes we need to do something.

Then we have people screaming all day long. What do you do with people screaming all day long when you have 30 people in your group? You have to find solutions for that too. You are not allowed in Austria to give medicine to calm them down, but 29 others are suffering from the situation. What do you do? These situations are very difficult for people working in those homes. It is difficult to make decisions, because they are always dancing on a volcano. You don't know whether you should now ask someone from the legal guardianship to come over and you are very happy if they are willing to come over.

You have talked about the legal guardianship for groups of 500 people they have to take care of. When you call them, they couldn't care less of what the specific problem is. So it is always difficult to get an answer. Some of the legal guardians are very, very nice. They come over, they take decisions, they are always there. They are there at 6 o'clock at night, or at 22 if you need them. The big institution after 12 o'clock, they have the answering machine saying please call the next day. So, what can you do about that? We have to find good solutions and we don't have the good solutions, yet. It's always a case to case analysis you have to make.

Segregated data are fine, academic views are fine, but it is always the individual, who needs to be surrounded by a very good care facility.

On the other hand, I would like to give an example of what you can do as an NGO. Soroptimist International has made the observation in one African country that widows, as soon as they become widows lose all their properties, lose all their rights, lose their home, lose

their land and everything. We have been informed that even a lot of older women are starving, because the family don't take care of them and throw them out of their surrounding. So my organisation started to create a village for widows. A village for widows as a refuge possibility, for those who are left behind. This gave them a safe surrounding. They are producing themselves what they need to survive. That means they are active in agriculture, they are doing little manufacture products, which they are selling in the next town and with that surrounding they are self-sufficient. What we did is to give them the starting budget to build homes, to build special ateliers and so on. Now they can live a normal live and they don't have to starve any longer.

So this is an example, for what NGOs on a very very grassroots level can do, in order to safeguard all the women of being maltreated by their family or their surrounding or even starving and this is what I am going to end with.

Also from the side of UNODC you should look into specific projects. We have specifically in my committee, the CSW committee in the NGO, a lot of small projects around the world, where we give shelter to women, who face violence and cannot defend themselves.

1.1.7 Statement by Malka Genahovski, SW, Director of the WIZO Center for Treatment and Prevention of Violence in the Family, Jerusalem, Israel

I am excited and honored to be here today for this important conference, which deals with an issue, that is usually ignored or denied. As I speak you will notice photographs in the background, I will talk about them later.

The subject of violence against elderly women is not far from us, but it still receives little attention. Violence does not disappear with age, instead it only worsens and becomes more dangerous. We know that the physical decline makes elderly women more vulnerable and less able to defend themselves. However, society continues to turn a blind eye against older women. People simply do not want to believe, that violence exists among our elderlies. Professionals also tend to turn a blind eye. Family and friends deny it exists. Even the women themselves don't know how to deal with their situation, so they don't and then they can't leave it. They are an invisible population. Denial and blindness regarding domestic violence with elderly women occur in different areas. Due to the limit of time that I have, I will go through them briefly.

As far as the women is concerned, education and family values thought her never to break up a family. Plus, her self-esteem after years of being a victim of abuse and in addition the feeling that there are no options, after so many years, prevent her from change, including leaving her partner. She feels shame and anger at herself, for staying for such a long time. Add to that the fact that with more age, she is more lonely, helpless and dependent on others. Even when a woman considers making a change, there are not enough options available, and each option that is offered seems worse than her original situation.

Regarding the children. They oppose the separation of their parents and oppose exposure of the family secret. They do not believe that the situation can change. Their position is: if you were able to wait this long, you can carry on this way. The children were exposed to domestic violence in their childhood and are angry at their parents for not breaking up before. They fear that their parents will become a burden and that they will need to look after them. Also, they do not want to be caught in the middle of the violence between their parents. So, why in the younger years the woman did nothing to leave the cycle of violence for the sake of the children? In older years she also doesn't leave because of the children.

When it comes to doctors: Doctors are focused on their active condition and do not see the signs of violence. For example, if a thirty year old woman comes in repeatedly with bruises and claims she fell, the doctor will become suspicious of violence. If a 70 year old woman comes to him with the same condition, the doctor will assume, it is because she has problem with balance, a typical issue of the elderly.

Now the police: When a woman comes to file a complaint against her violent partner, the policemen often find it difficult to enforce the law. After all, to him, the couple could be his grandparents. The policemen usually does not issue a restraining order, because he thinks, how can I do this to an old man who may be sick and not have a place to go.

Let's look how the change in the couples dynamic affects societies view. Often the roles between the partners switch. The violent man may become sick and dependent and the woman becomes his caregiver. The abuse continues, but the outside views him as weak and dependent and her as strong, so that they cannot believe that she is a victim. When a woman becomes sick and dependent on her husband, for care, she lives the life of captivity, the abuse and control over her life continues and the woman will not discuss the violence

she suffers because she fears her husband will stop caring for her. The relatives and friends can't believe that he abuses her, because he looks as if he is devoted to her well-being and care.

Younger women are more exposed to public than older women, at schools, at work and at social events. There are fewer opportunities to assess and identify the domestic violence with the elderly.

There are only few solutions available for women who wish to leave their violent home. Because of physical ageing and health concerns. In addition the state has fewer sources and professional experts to support elderly women. This situation ultimately traps the women in their violent relationship.

We must raise awareness regarding this dangerous phenomena and train professionals as caregivers, who support the elderly population. We must provide these professionals with tools to develop systems of solutions that will help these women including suitable facilities, shelters and housing solutions, as well as facilities for men who are under a restraining order.

It is important to develop a risk assessment tool, that takes into consideration their age and etcetera. It is also important to develop and divide treatment programs which address these problems. There is no doubt, that women and men, who undergo treatment can change their way of dealing with the situation and that is why it is so important to be aware and see the problem.

And now, to conclude, I would like to say a few words about the pictures you just saw. These pictures were created and taken by women between the age of 70-87, who suffered from domestic violence for many years and joined the photo therapeutic group at our centre. Together with our clients we decided to raise public awareness regarding this issue, through an exhibition of the photographs, in order to spread the message, that there is another way to live. The exhibition was also displayed at the Israeli President's residence and at the Israeli Parliament and gained much publicity. To quote the women from the photo therapeutic group in a letter they wrote to the visitor of the exhibition: "Once you see the exhibition you see us."

1.1.8 Statement by Aisha K. Gill, Professor of Criminology, Member of COST, University of Roehampton, UK

I just want to convey my thanks to Jasmine, Andrada and Professor Michael as well, from ACUNS, for inviting me here today. It's a tremendous honor for me, primarily because I grew up in environments

were there was domestic violence and my mum was a victim. So I never ever thought that, one I would get an education and two that I would end up at the United Nations delivering a paper on this subject, so it really is a tremendous honor and privilege.

I am aware of the time, so I will be as succinct as possible. Of course over the last four decades there have been both increasing global awareness of violence against women and girls and more criminal justice measures and other interventions aimed at preventing it. Indeed this increased awareness can be attributed largely to the activism of feminists who have fought for the right of women to be free from violence in the home and beyond. These feminists have exposed the patriarchal gendering of the public private binary and the limits of the concepts of rights particularly as deployed in political and legal life.

While recent critics of feminism have characterized the concept of intersectionality as a theoretical privilege reserved for those feminists in power, feminism has always recognized the role of forms of power and importantly the interplay between them. For example, feminist thinking has helped to uncover both the notions of heteronormativity often inherent in discourses on gender and the way socio-economic status cannot only be a source of oppression but also a privilege reserved for certain women at the expense of others. Here I am referring to the work of Dawkin and Patricia Collins and others.

Equally important are race and nationality and how these affect experiences of oppression and inequality both within and between different groups. This understanding has led some feminists to pinpoint the issues of violence which affect black minority ethnic refugee women and girls disproportionately are often treated as separate, as a form of violence of women and girls in general. Furthermore, particular groups of women and girls are often overlooked in terms of policy making and an oversight, that leads to insufficient information and data about women as a large and diverse group. Therefore, there is not a good data including black minority ethnic refugee women, those with amendments to health needs, those with insecure immigration status, those with disabilities, including learning disabilities, all the women and girls who are within or girls who are within looked after by institutions. And in that study by female asylum seekers undertaken by Women for Refugee Women, found that 67% of those refused asylum have been made destitute and that 16% of those female refugees had experienced sexual violence while in this impoverished

state. Although it remains true, that international human rights law allows states to differentiate between citizens and non-citizens in certain policy areas, including those related to immigration control. Differentiation between citizen and non-citizens should not apply in relation to the enjoyment of rights as a whole or to enable your rights, such as a right to life, or to be free from torture or call inhuman degrading treatment.

And this brings me to the issue of elder abuse, safeguarding vulnerable adults. I think it is important to contextualize, when we are talking about violence against elder abuse, that we frame it within the wide discourse of gender based violence. Although violence in families have been a consistent theme throughout the literature, the awareness of elders treatment has been exceptionally slow in rising to the point of understanding and prevention, particularly compared to child abuse and domestic violence. Elder abuse is defined as:

As intentional actions that cause harm or create serious risk of harm, whether or not harm is intended. And I think some of the panelists have alluded to that in their examples.

Of course in terms of unintended and intended harm, this can also occur in the context of caregivers or other persons, who stand in a trust trust type of relationship. Can it be or can it not be a failure of a caregiver to satisfy the basic needs or to protect the elder from harm. Cause that's what we are talking about, we are actually talking about harm and abuse. Of course these definitions include two key points, that an older person has suffered injury, deprivation or a necessary danger and that another person or persons, particularly we look at violence in diverse communities that there might be multiple perpetrators in extended families. Again in terms of context of relationships of trust, may be responsible for causing or failing to prevent the harm. And of course many researchers have emphasized the individual and interpersonal attributes. And of course popular explanations in terms of elder abuse again alluded to by previous speakers, in terms of victim vulnerability, dependency, especially in relation to financial support, perpetrators psychological state, substance abuse, the intersections of substance abuse and how that might impact, the status of victims surviving in question, in terms of their relatives status, for example, family situation, family dynamics and socio cultural context, social isolation and other stressful life events. Like bereavement, loss, conflict, war and so on.

Although there are also other risk factors, such as poverty, age, sexism, racism, family violence history and rapid changes in norms of values and shifting family patterns in the age that we are in. Still a lot more needs to be done to understand the context contours and consequences of elder abuse.

In the UK the number of elder people is at the rise significantly over the next 30 years and there is cause for concern. Significantly. Particularly in terms of suggested figures of 1,6 + Million victims of elder abuse by 2050. So, obviously we need to be doing much more in terms of naming, challenging and putting into prevention intervention structures to insure that we attempt to as activist academics human rights defenders to respond to this problem.

For example, in terms of another area that is a significant concern is around persecutions. Very few cases of elder abuse reach the courts and of course services may suggest to argue that this is because most of the people do not want to prosecute, and it's true that in some situations it is not always in the victims interest to prosecute and that they may not want to do so. However, that is equally true for domestic violence, rape and so on. Of course there should be a commitment from the criminal justice system to proceed with a prosecution and that is indeed criteria of the public interest and of the evidential threshold. Of course a lack of conviction is a cause of concern, because this is a panel on criminal justice on interventions. The work of Fitz Gerold from Action on Elder Abuse suggest that the reality is that indeed older people are reluctant to prosecute. And this does raise concerns around what needs to be done in terms of punitive responses what kind of messages are being sent out if there isn't a prosecution successful interventions. And of course when we look around the world and we are the United Nations recent studies have attempted to expand our knowledge about elder abuse in diverse communities, in Asian communities, African, Chinese, Japanese, Italian, Indian and so on, but there are many many gaps. There is still a lot of work to be done in terms of quantitative and qualitative studies that better define concept and the concept of elder abuse and call for variations in the construct and definition of elder abuse and its related subtypes. And of course, when we look at elder abuse one also should not ignore the cultural explorations in terms of need to identify the barriers to reporting. So, notions of shame, honour, all impact on calling that abuse out and then communities and families responding to it.

Of course there is a need to understand the prevalence, incidence, risk factors, protective factors and consequences, because elder abuse costs, costs lives at so many different levels.

So therefore I make a pledge here call for better data collection, understanding of cultural norms and cultural expectations in relation to the perception, determinants and impacts of elder abuse in different racial ethnic communities. And therefore an interdisciplinary approach to promoting elder abuse awareness in a cultural appropriate way at local, national and international levels. Because as previous panellists have said. We all have a responsibility. It's everybody's business. And that means stepping up in terms of providing uniformed and coordinated responses at local, national, international level in order to preserve and protect human rights of vulnerable and diverse ageing populations.

So this brings me to prevention. Of course, the greatest gap in knowledge lies in the area of prevention in terms of providing a more comparative analysis around this kind of form of abuse. Looking at, collecting data, so we get a sense of, how much is this costing. I think that that is important in terms of action in terms of prevention. Of course the special rapporteur of violence against women and girls couldn't be here today. I would have loved to have met her myself. But in her speech on page three of her handout she states, that it's important, that all cases of violence against women must be effectively investigated and perpetrated or prosecuted without impunity.

And this brings me to my final point. Which is the role of law and criminal justice. The concept of law is an important one, that is an effective tool to enable individuals to enforce their rights for nation states to be held accountable for their actions and or inactions. International law is in means by which nation states are held accountant by other nation states and individuals. These obligations are binding through their adoption or ratification by the community of nations. International law can and therefore does play an important role in what Rashida Manjoo the previous special UN rapporteur on violence against women says around transformative positive change for women and girls across the globe. And in this context there is a core to address the normative gap to international law in showing that a legally binding international norms on eliminating violence against women and girls both exists and is enforced and that is absolutely key in terms of a commitment to eradicating all forms of gender based violence, including elder abuse.

And of course at a time when many governments around the world are retreating from the obligations and commitments to the promotion and protection of women's human rights, law and policy makers must recognize and address the underlying causes of gender related violence and deal with the symptoms. Internationally addressing individual institutional and structural causes and consequences of gendered violence, basically does require a fundamental shift in the response required in laws, policies, programs get towards combating gender based violence and abuse. And of course such programs are often financially supported by governments from the global north through international development funds, yet these same governments are not explicit about addressing similar abuses domestically.

So if we are to move towards a strategy of eradicating violence against all women across the whole life cycle the structural inequalities which perpetuate must be addressed alongside the strengthening of any relevant normative frameworks for the promotion and protection of human rights. Moreover, why the solutions are necessary, including necessary access to safe crisis accommodation, long term housing and supportive services specialist counselling and therapeutic interventions, which are culturally appropriate. Education and training and employment opportunities, as well as fairer emigration and welfare systems and this applies for all vulnerable groups, including elderly individuals across all stratas.

1.2. Panel on Preventive and Support Measures

1.2.1 Statement by H.E. Pilar Saborío de Rocafort, Ambassador, Permanent Representative of Costa Rica to International Organizations in Vienna

I would like to thank ACUNS and the other sponsors for inviting me to chair this panel and I first would like to apologize that I had to miss the previous discussion, because I was actually co-hosting) a luncheon for the International Gender Champions Initiative⁶, which is an initiative actually, that the more people join it, the better, particularly those of you, that work in the public sector. It's an initiative that promotes in fact, gender parity in, for example, when there are members of a panel. In my case, for example, I am fully aware of gender, but yet at the same time, when I am invited

⁶ <https://www.genderchampions.com/>

to chair a panel, usually what I think about is: is this of interest for my country? do I have the time and can I make a positive contribution? Do I know anything about the subject? But you know the gender composition of the panel, usually is not something that enters my mind, well, it didn't until I became aware and so again I invite you to look it up. There is a website, just look it up: Gender Champions Initiative and it is quite interesting.

So, now I am going back to the topic of today, I think it is quite important, that this panel or the symposium itself actually focuses on extreme violence against all the women worldwide. These persons are to my mind double vulnerable. They are vulnerable because they are women and they are also vulnerable because they are old. So this is a key-issue. It is important, therefore, that you know, that we discuss the topic, that we start discussing preventive measures, as to manage or avoid the abuse of elderly women. Also at the same time, how to discuss, how to help and treat the victims of such violence?

So, it is important to bring together members of member states, of international organizations, NGOs and experts of civil society to discuss and emphasize the political and the social responsibilities to combat these crimes. Because we have to remember that this problem is not confined to only certain countries, it is wide spread. So, therefore, I think it will be very useful to listen to our panels, in terms of you know prevention and support measures to learn what works and what doesn't. To discuss best practices, that can be adopted and adapted to different geographical and cultural contexts and we need to hear voices from a wide variety of backgrounds. I am actually happy to learn from reading the bios of our panelists that they are indeed a varied group of professionals, whose expertise I believe will enrich the discussion that we are going to have now. However, I have to say there is something that slightly worries me here and it's not in terms of the panel. It is that, looking around the room, I see mostly female faces and remember, gender is not just about women, although usually you know, we tend to put more emphasis on them because of current and past discrimination, but gender is about both and the relationship between both. And how in fact discrimination is not only detrimental to the group that is mostly discriminated, but also to all of us, at the household level, at the regional level, at the national level and at the international level. So, that's something I would like you to keep in mind. It would have been very good to see more men around the room.

But without, you know, further I do, I would like to introduce María Luz Melon, who is the current Minister Counsellor at the Mission of Argentina to the International Organizations in Vienna and she is head of the Nuclear Affairs section.

She has over 17 years of experience as a diplomat in both national and regional organisation and she has a long CV of quite a few achievements. I've known you for a couple of years, but I am really impressed. I was already impressed by your personality, but I am really, really impressed by your CV. I think from her long list of achievements we can rescue among importantly the fact that she was vice chair of the UN Commission for the Status of Women in the 55th session from 2010- 2011. We will start with you and we will listen to the intervention and from that I will introduce the rest of the panelists as we go along and I apologize if I repeat myself, because I wasn't here earlier on. So I don't know if some of the things that I might say, were mentioned earlier on.

1.2.2 Statement by María Luz Melon, Minister, Representative of the Permanent Mission of Argentina

Between 2015 and 2030 -the target date for the Sustainable Development Goals- the number of older persons worldwide is set to increase by 56 per cent — from 901 million to more than 1.400 million. By 2030, the number of people aged 60 and above will exceed that of young people aged 15 to 24. Clearly, gaining a better handle of the issues that affect older persons and how to ensure that every person can have full access to his or her rights throughout their entire life is a pressing issue globally. Also, the feminization of older age is an increasing phenomenon, no less in Argentina where in 2010 over 14% of the population was over 60 years of age, as informed by the latest national census. . Of these, 4.1 million people are over 65, and well over half of them are women – 2.4 million.

These raises a valid concern, since the lives of many of these women still reflect outdated patriarchal models that have already been revised and rejected. It is easy to understand that the quality of life of each woman reflects to a large extent the life she has enjoyed, including in many cases where that life was lived under a discriminatory or oppressive framework that naturalized unacceptable violence.

The current international instruments that exist for the protection of older persons and, specifically, older women, both contribute to a better understanding of the issues that affect older women and create a

broader discussion that allows for the break-down of barriers and stereotypes that today are still preventing many older women access to their basic rights.

This discussion is no doubt mobilized and made possible through the extraordinarily active work by women organizations at each national level, which have been able to influence the international fora and gradually create effective and positive changes. Once the international instruments are in place, governments need not only to ratify them but to put them into practice, working together with women's and other organizations who again are key to make sure they are promptly and materially implemented at the national and local level.

In the Americas, the Convención Interamericana sobre la Protección de los Derechos Humanos de las Personas Mayores is the result of many years of debate and efforts by civil society organizations allied to countries like Argentina, persuaded that the rights of older persons require a further layer of specialized protection that what is currently offered in international human rights instruments at large. Argentina was among the first countries to sign and ratify the Convention, which entered into force in January 2017. That means that the national and local Courts of countries like Argentina will be able to begin to apply the provisions of this Convention, together with national legislation, when deciding cases affecting the human rights of older women and men.

Important work in this regard is done at the United Nations, within the Open-Ended Working Group that Argentina has chaired since its first session in 2011. The level of participation of civil society, academia and national human rights institutions in this forum, hand in hand with diplomats and government officials, is quite unprecedented. In its eighth session in 2017, one of the main focus was precisely violence, abuse and neglect. Not only Member States and the Latin American Regional Conference but also organizations such as HelpAge International and AGE Platform Europe were able to present papers and discuss the key concerns. A total of 105 papers were presented for the 4-day meeting, confirming the current momentum and interest in providing better legal and political solutions to the issue of the human rights of older persons and resolve the unfair situations that many older men and women face both in developing and developed countries.

Here follow some interesting data and information as reflected in the report by Argentina to that meeting,

as well as statistical information published by the Observatory for Violence against Women.

Argentina legislated on violence against women in all settings in 2009, with the enactment of Law 26485, and entrusted the national mechanism for the advancement of women with the coordination of policies to implement its provisions at the national level.

Gender parity is a priority for Argentina's government. A very concrete example of this is the fact that this mechanism -formerly the National Council of Women- was strengthened and prioritized in 2017, becoming the National Institute of Women (INAM). This means a higher standing within the institutions of government coupled with a sharp budget increase of 485% between 2016 and 2017. This is a decision that was made in response to the demands of our society, the women's movement in Argentina as well as in dialogue with several international bodies such as CEDAW.

In the fight to eradicate violence against older women, information is key to overcome prejudice and stereotypes. In Argentina, INAM created the Observatory on Violence against Women, which has an important and vigilant role in this respect.

Argentina today has a 24hs hotline accessible at national level through a simplified calling number 144 that puts the public in contact with an interdisciplinary team including lawyers, psychologists and social workers specializing in the field. It also allows the public to access a comprehensive database of over 7300 institutions throughout the country. This is complemented as well with a network of Focal Points in each of the Argentinean provinces, which are in a position to offer immediate assistance in high-risk situations. Cases that are deemed to require it also receive a systematic follow-up by the interdisciplinary team.

This is only one of the measures that have been strengthened under the new 2017-2019 National Action Plan on Violence against Women, together with a National Network of Homes for the comprehensive protection of women in situations of violence, which is currently being revised to ensure physical accessibility for women with disability, as well as the initiative against Violence in the Media, the Federal Committee against Women Trafficking, among many others.

The 144 line began operation in 2013, building on previous programmes that had more limited reach, and was publicized and incorporated quite successfully by the public, to the extent that it is now receiving around

30.000 calls a month, not only to report emergencies but also to receive counseling and information on gender-based violence.

Allow me to share some of the statistics from the latest quarter⁷:

Though the line receives reports on all forms of gender-based violence Of the total number of calls, a majority over 99% of the calls refer to women –. Between 7 and 8% of them are regarding cases of violence against women older than 60.

Reports of violence against older women are made by the victim herself in the same proportion as of the general population, around 70%. This speaks to agency and against some stereotypes of older persons as “out of touch” or dependent on others. Only in the bracket over 80 years of age this is reverted, and the number of cases reported by family members are the majority.

We know violence against women often take multiple forms simultaneously, and some forms are more pronounced in the case of older women: Over 95% of women report psychological violence; and 60% of the cases report physical violence; over 30% report economic violence; and around 3.5% of the reports refer to sexual violence. If we analyze types of violence in subsets of ages, we see that sexual violence is highest for women 60-75, and economic violence is highest in women 90-99.

These percentages are in all cases less than 10 points away from the averages for women of all ages: slightly higher for psychological violence, and moderately lower for physical and sexual violence.

An overwhelming majority of the cases refer to domestic settings, around 98%. Cases of violence in the workplace and institutional violence are nevertheless also reported regularly.

Ageing is a lifetime process that begins at birth. As we build more stable, developed and socially responsible societies, life expectancy grows and we experience the phenomenon of ageing population. This might have started on the more developed regions and countries but it is now a growing phenomenon throughout the globe, and certainly in Latin America. The category

⁷ Information is based on 10.679 calls to line 144 reporting new cases, 5806 on existing cases, and 5363 calls asking for information, from a total of over 100.000 in July-September 2017

of “older person” that starts at 60 or 65 years of age is, therefore, a social construct and a resource to approach a complex and multifaceted issue. As any categorization, it can be reductionist. Nevertheless, men and women over 60 can see an abrupt change in their enjoyment of the most basic human rights, the result of a combination of factors, including inadequate public policies based on outdated stereotypes, limited legal protection or increased vulnerability. The availability of relevant and updated information is a key component in the development of efficient policies that respect human rights of older persons, as is the ability of institutions to work openly and establish a dialogue with civil society organizations.

1.2.3 Statement by Josef Hörl, University of Vienna, Institute of Sociology

Legal and social interventions: Do they matter? is the title of my presentation. And I will provide three examples from my home country, Austria. Domestic and institutional abuse are likely to have different dynamics, causes, and outcomes, and are best addressed separately. So I will speak about two examples for interventions and their unintended consequences in community settings and one example concerning institutional settings.

At first, let me give you an overview what do we know about risk factors in community settings and we have here five points where we have substantial evidence from many studies that they are risk factors in the first place. So let me shortly have a few remarks for each of them. First, empirical studies indicate that a shared living situation is a major risk factor for elder abuse. There are increased opportunities for contact—and thus conflict and tension—in a shared living arrangement, e.g. an elderly couple. Second, higher rates of physical abuse in patients with dementia.

There is a high rate of disruptive and aggressive behaviours of patients, which are a major cause of stress to carers, and which can provoke them to retaliate. Carers, who might be old and frail themselves, can also be victims of assault by demented persons. Third, social isolation has been identified as characteristic of families in which elder abuse occurs. Victims are more likely to be isolated from friends and relatives (besides the perpetrator) or mobile services. Social isolation can increase family stress. Furthermore, behaviours that are illegitimate tend to be hidden. Fourth, there is agreement that pathological characteristics of perpetrators, contribute to elder abuse, particularly

mental illness (e.g. depression) and alcohol misuse. Finally, people who commit elder abuse tend to be heavily dependent on the person they are mistreating. Attempts especially by adult offspring to obtain financial resources from the victim.

I want to present one solution to end violent behaviour, especially among couples. There are so-called removal laws which we have in some countries. Austria was one of the first countries where the so-called Protection Act against Domestic Violence is in force, namely since 1997. In the meantime, there are similar bills introduced in Switzerland, Germany and many other countries.

The fundamental idea of the legislation is to ensure that victims of domestic violence should receive protection against violence, and they should have the possibility to stay in their own home. The Domestic Violence Act features highly extended police power. Eviction and barring orders by the police are imposed for a duration of two weeks or – under certain preconditions – four weeks or even longer. Of course, victims are mostly in younger age brackets: younger and middle-aged women in the first place.

The idea of banning the perpetrator from the home, even if he is the owner, can prevent further violence. And the idea proved to be quite effective. There is a check-up by the police.

It is important to note that the number of elderly victims is growing. Elderly victims provide a special challenge for law enforcement because elderly couples may exhibit violent behaviour but at the same time not so few couples are involved in a long-standing and mutual helping or caregiving relationship as well. An eviction order leads then to a gap in necessary caregiving tasks. Many police officers don't impose this law very easily. Notwithstanding that the Protection against Domestic Violence Act is in force, the traditional instrument of “dispute settlement” is still available. Officers talk to the conflicting parties, seeking to appease them and to mediate between victim and perpetrator. This method is applied especially by police officers in rural areas.

Second best solution to protect female victims of domestic violence are women's shelters. However, there are obstacles to the admission of elderly women to shelters. Because shelters have not been adjusted for frail clients. The staff lacks specific training in interactions with older people and shelters are conceived as temporary solutions. So the reintegration of older women into a private housing environment appears difficult. And furthermore, many older women wish to keep contact with their adult children

or grandchildren. Here, we have a problem since the addresses have to be kept secret and visits appear problematic. Finally, mixed-age shelters usually include little children. So this type of housing isn't always convenient having in mind the increased need for rest on the part of the elderly.

In institutional settings, resident-to-resident and resident-to-personnel violence is an everyday experience. Nursing homes are not at all an idyllic place, especially nursing home staff is confronted with aggressive behaviours like yelling, hitting or spitting. I would like to talk about a special case that is the sexual harassment of female staff. This phenomenon has received little attention from researchers. I don't know any empirical study on scientific basis, but there can't be a doubt that such behaviour occurs quite frequently. Sexual harassment is a difficult issue everywhere but especially problematic in the care area, because nurses and therapists, are in regular, physical contact with the residents and this close contact can lead to inappropriate behaviour.

As far as I know from interviews most nursing staff members have experienced episodes in which a resident acts out in an inappropriate manner. Often, the hypersexual behaviour is due to the resident having a condition such as Alzheimer's disease. Residents may not understand that their actions are inappropriate. However, this mental condition does not shield nursing home employers from liability. Under the Equal Treatment Act they are responsible for providing a workplace free of sexual harassment, regardless of whether the harassment is perpetrated by a resident who is under legal guardianship.

Of course, a nursing home is somewhat constrained in how it can respond to complaints of sexual harassment by residents. I do not know a single case where the management did take legal steps. Rather, the management seeks to find more or less efficient intra-organisational solutions. Understandably, they want to keep a good reputation and not to foul their own nest. So it is kept a secret.

1.2.4 Statement by Gert Lang, Austrian Health Promotion Foundation

Legal and social interventions do they matter? Is my title. It's the title of my presentation and I will provide three examples from my home country Austria, but I know that the underlying problems are worldwide. Since domestic and institutional abuse is very different, has very different dynamics, causes and outcomes,

they are addressed separately. So, two examples for interventions and their unintended consequences in community settings, are from community settings and domestic settings and one example concerns institutional settings.

So, but at first let me give you an overview. What do we know about risk factors in community settings? And here we have five points, where we have substantial evidence for many studies, that there are five main risk factors. So, let me shortly have a few remarks to each of them.

So the first one is shared living situation. So we have many studies indicating that a shared living situation is a major risk factor for elderlies. Of course, there are increased opportunities for contact and that is for conflict and tension. The elderly couple living together and having maybe a bad marriage is a good example for this.

Second one: physical abuse on persons with dementia. There we have higher ratio in this situation of persons with dementia. Because obviously there is a higher ratio of disruptive and aggressive behaviour of people under cognitive impediments. And these impediments and the resulting behaviour are a major cause of stress to carers. We have heard this in the panel before. And this irrational and erratic behaviour can provoke stress and can provoke the caregivers to retaliate. On the other side, carers, who might be old and fragile themselves can also be victims of assault by persons with dementia. There is much evidence on that.

Third point, social isolation. Social isolation has been identified as characteristic of families in which elder abuse occurs. It's the same with domestic violence against women and children, that's the same situation. Victims are more likely to be isolated from friends and relatives, besides the perpetrator of course. They are isolated from mobile services and the result is, that social isolation can increase family stress. Furthermore, obviously behaviours that are illegitimately tend to be hidden.

Fourth, pathological characteristics of perpetrators. There is also a widespread agreement, that pathological characteristics of perpetrators contribute to elder abuse. Particularly mental illness, for instance depression and drug abuse, especially alcohol misuse. Finally the dependency on the person that is abused. People who commit elder abuse tend to be heavily dependent on the person they are mistreating. So, the main example is the desperate offspring, who is dependent on the financial resources of the older person. And because they are dependent, there may

be blame and guilt and they tend to be violent. So, we have three other points, I won't dwell on that there is only inconclusive evidence, there is no evidence, that functional impairment in context that dementia is responsible and it's also not true at least as far as we know, that the old persons dependency on the caregiver provokes violent behaviour.

Now, I want to present one solution, to end violent behaviour, especially among couples. There are so called removal laws, which we have in some countries. In Austria was one of the first countries where the so called "Protection Act Against Domestic Violence"⁸ is enforced, since 1997.

In the meantime there were similar bills introduced in Switzerland, Germany and many, many other countries. The fundamental idea of the legislation is to ensure that victims of domestic violence should receive protection against violence and they should have the possibility to stay in their own home.

This act, the Domestic Violence Act, features highly extended police power, eviction and barring orders by the police are imposed for a duration of two weeks or under certain preconditions for four weeks or even longer. Of course, victims are mostly in younger age brackets, younger and middle aged women in the first place. But we have a growing number of elderly victims. Now, the idea is that barring the perpetrator from the home, even if he is the owner, can prevent further violence and the idea proved to be very effective. To the surprise of many people. There is also a check-up by the police, after a certain time, if the law is being enforced. It is important to note, as I have said before, that the number of elderly victims is growing.

Elderly victims provide a special challenge for the law enforcement, because elderly couples exhibit violent behaviour, but at the same time not so few couples are involved in a long standing and mutual helping or caregiving relationship as well. An eviction order, leads then to a gap in necessary caregiving tasks. So, many police officers do not impose this law easily. Notwithstanding, that the Protection Against Domestic Violence Act is in force, the traditional instrument of so called **dispute settlement** is still available. That means, officers talk to the conflicting parties seeking to appease them and to mediate between victim and perpetrator. This method, but its not really legal, so it's a grey zone. It is applied especially by police officers in rural areas, in remote hamlets, little villages, where

everyone knows each other and it is very difficult to provide a shelter for the evicted husband.

Now, second example, eviction barring is the best way to prevent elder abuse or abuse family violence. The second best solution to protect female victims of domestic violence are women shelters.

There are worldwide institutions, in Austria there are around 40 or 50 of them. Now, but again the question, are there obstacles to the admission of elderly women to shelters? Because shelters normally are not adjusted for fragile clients, the staff lacks specific training in interactions with older people and shelters are conceived as temporary solutions.

So, the reintegration of older women into a private housing environment appears to be very very difficult. And furthermore, many older women wish to keep contact with their children or grandchildren and there we have the problem. The addresses of the shelters have to be kept secret and so visits are problematic.

And finally mixed age shelters usually include little children and mixed generational housing is a blessing only if you have grandchildren, but not if children from other people are in the house. As you may know, it's a sorry state, but that it is.

Now I come to my last point and this is from the institutional arena and its maybe a little surprising point. It concerns actual harassment in nursing homes. Now, in institutional settings, resident to resident violence and resident to personnel violence is an everyday experience. So, nursing homes are not an idyllic place, I am sorry to say. Especially nursing home staff is confronted with aggressive behaviours like yelling, spitting or hitting.

But I want to talk about a special case, namely sexual harassment of female staff. Now, this phenomenon has received little attention from researchers. I do not know any empirical studies that deal on a scientific basis with this problem. But there cannot be a doubt that such behaviour occurs quite frequently. Now, sexual harassment is a difficult issue everywhere. But especially problematic in the care area, because nurses, but also therapists are in regular physical contact with residents and these close physical contacts can lead to inappropriate behaviour. I have said it before, as far as I know and I have had many conversations with staff in nursing homes. Most nursing staff members have experienced episodes in which a resident acts out in such an inappropriate manner. Often of course, the hyper sexual behaviour is due to the resident having a condition such as alzheimer's disease. residents may not understand that their actions are inappropriate,

8 https://www.interventionsstelle-wien.at/downloads/gewaltschutzfolder_eng.pdf

that's the one side. But the other side is, that this mental condition does not shield the nursing home employers from liability. Under the Equal Treatment Act in Austria and we have similar acts in almost every industrialized country. Under this act, employers are responsible to provide a workplace free of sexual harassment, regardless of whether the harassment is perpetrated by a resident, who is for instance under a legal guardianship, which is often the case. Of course a nursing home is somewhat constraint in how it can respond to complaints of sexual harassment by residents.

What should they do? I do not know a single case, where the management did take legal steps. Although, there is specialized agency in Austria dealing with and collecting such cases and bringing them to the court if necessary. Rather, the management seeks to find more or less efficient intra-organizational solutions, or they do nothing at all. Leaving it to the staff as kind of a professional risk factor. Understandably from the viewpoint of the nursing homes they want to keep the good reputation of their institution. They do not want to give the fault to their own nest. What they need the least is a scandal. So, it is kept a secret, there is a wall of silence, silence is golden and nobody knows, except those who are under attacks.

I know from a case, just to end this, where a female staff member had to keep herself in a closed office for many hours because nobody could help her. So, and I asked her: why didn't you call the police? But she didn't have any intention to do that because she thought, this is a problem I have to solve by myself. And this is not very satisfying I think.

1.2.5 Statement by Birgitt Haller, Director, Institute of Conflict Research

I am referring to a Daphne project of the EC, called "Intimate Partner Violence against older women" (<http://ipvow.org/en/>)

I would like to focus both on quantitative research by questioning support organisations and on qualitative research as we did interviews with women victims of partner violence. In most cases victims are just an object of research and this is why we wanted to give them a voice in this project and why I want to focus on these interviews.

The ten women interviewed were in the age of 62 up to 88 years. So they were born during World War II or shortly afterwards. One of the striking differences compared to younger women is the definition of

violence which the older ones use. When we asked them when violence had begun, two women dated the first violent incidents about 25 years after the wedding or with the period following retirement, after around 40 years of marriage.

It turned out that they did not understand verbal abuse, denigration, humiliation and tight-fistedness as violence. For older women violence often means only serious violence, regarding the aggressive and controlling conduct of their partners as "normal", "usual", "that's the way things used to be". Verbal abuse and even slaps in the face were not particularly worthy of mentioning.

It is the same with the so-called marital obligations. Most of the women answered the question if they were raped in their marriage in the negative. But when they continued they did not talk about consensual sex. narrow definition of violence – related problem: traditional view of gender roles and acceptance of the gender hierarchy do not open up options for action to be taken. More often it leads to submission, which is one of the two conflict-resolution models we found.

Submissiveness means to accept the man's sovereignty over the woman. The women have the role of the loving partner who is responsible for the well-being of the family and family harmony. All the problems within the family are attributed to the failure and fault of the woman.

The women interviewed tried to avoid everything that could trigger violence. Such strategies are to give in when there is a dispute, not to object or contradict; not to answer the telephone oneself so that he won't get jealous; to make sure that the children are already sleeping when he comes home. But in the long run they could not "hide" and avoid violence.

The other strategy is self-assertiveness. Three groups of self-assertiveness can be seen in the interviews: the creation of a personal space, trying to have an impact on the behaviour of the aggressor and the separation or attempts to bring about a separation.

Such a free space can be a private room, a separate bedroom or just setting up the beds separately in the same bedroom. This can also mean to participate in seniors' groups, to take courses, leaving the house and having time for myself.

A few women had attempted to convince their partner of the need to change his behaviour properly. This included advising him to consult a psychiatrist or a men's counselling office – but none of these suggestions were followed up consequently.

Finally, some of the interviewed women decided to divorce or to separate. This was mostly prepared over a longer period of time, one of the interviewees for example contacted a housing company secretly, all the written correspondence went through the address of a female friend. Another woman registered at a retirement home without her husband knowing about it. Separation often initiated by actual fear of being killed. Six out of the ten women reported one to two attempts at escaping the violent partner. Eight of them managed to do so. Why was it so difficult?

Not surprisingly the interviewees mentioned most frequently economic reasons. Most of them had interrupted their work for a lengthy period in order to raise a family and they expected that their partners would not pay alimony for them. Other reasons were that they wanted a 'right family' for their children (even if their father was aggressive towards them). And last, but not least they were afraid of what the family and the neighbours would say.

Finally, looking at preventive and support measures, it was surprising for us to hear from both the interviewed women and experts, how little is needed to offer specialized support to older women victims.

In general, the support services available for older women at present seem to be sufficient, but the organisations involved stress state that they would generally need more time (and hence financial) resources to provide optimum assistance. The experts as well as the female victims of violence criticise the lack of adequate and affordable lodging/ dwelling possibilities for victims and their assailants, however. (problem: older women do not want to go to a women's shelter, no experiences with such a form of living)

What is missing is training of specialists in the health sector. Especially with regard to medical doctors, it was frustrating that they either have very little knowledge of domestic violence and how to recognize it or are reluctant to get involved in "private matters". Not state of the art, contradiction to Violence Protection Act

And what is very much needed is better cooperation between all the organisations involved as well as the establishment of a case management system could enable people to be helped more effectively and economically in many cases.

Finally, a prerequisite for the empowerment of victims of violence is that they achieve economic autonomy and that they know about their rights. Therefore, brochure developed in the EU project to support older victims. And a second brochure: information for police

when intervening in favour of an older woman/ against an older perpetrator

1.2.6 Statement by Nerea Novo, Spanish civil society observatory feminicidio.net

First of all, I would like to thank the ACUNS team for the organization of this event. Also, the rest of the panel for sharing their knowledge with us and for their strong compromise with the feminist fight against violence. In particular, violence against elderly women has sometimes been overlooked and we want to make sure you all know your efforts today and everyday are very much appreciated.

That is why we appreciate the efforts from the United Nations in order to extend financing an attention to these kind of projects, but it is clearly not enough. Specially, from a statistical point of view, there is a lot of work to be done and reviewed.

With our resources and capacities we have been able to document cases of femicide and other types of murder of women in Spain since 2010. Our database includes more than 50 fields per case and it allows us to deeply analyse the specificities of the different types.

The most common and well-known type of femicide is the intimate femicide. Half of the femicides in the world are intimate femicides, some of them are the culmination of a continuum of violence by the perpetrator and it definitely has its own specificities. Nothing that can be compared with a non-intimate femicide committed by a stranger with the motive of a sexual assault.

That is why we will never get tired of stressing how important it is to let the data tell us how violence against women is manifested instead of forcing the data to fit into our preconceived ideas of what gender-based violence is.

When you take into account every murder of women by men in Spain and study the cases, specially the relationship between victim and victimizer and the motive, you are able to see this map: six types of femicide and seven other types of murder.

Almost nine out of ten women murdered were victims of femicide and half of them are intimate femicides: 390 cases from 2010 to 2016, although only 354 were officially recognised.

In Spain not only the official data is not taking into account other types of femicide: it has ignored 10% of the cases in seven years since 2010 and in 2016 it reached the 20% of the victims with 56 intimate

femicides and only 44 included in the official register. Spain, where also only 20% of the formal complaints of gender violence end up condemning the perpetrator.

This statistical deficits are not allowing the public to analyse how violence is perpetrated, for example, against elderly women, with very particular characteristics:

Women are 55,7% of the population over 60 years old and their life expectancy is 4,44 years more than among men. However, the poverty risk rate is half of point more among women and their medium pension is 412,7€ less. The gender-gap is pretty clear.

And with this characteristics, elderly women in Spain are being murdered in a specific way. The result is a different map:

Again, the most common type is intimate femicide. However, in this case it is the 37% of the 175 cases, not half of them, as in the general population.

If we take a look, for example, at family femicides, those committed by other family members, it triples the numbers: 30% of the women were victims of family femicides.

There is also a quite high rate of murder by robbery: while among the entire female population only 7,5% of the cases were this type, among elderly women is 18%. Because elderly women are less likely to be killed in an intimate femicide, it is specially urgent for us to take action in this direction by recognising, studying and condemning all types of violence against women.

Among the differences we have identified, elderly women are less likely to be killed by a former partner: 31% of the cases were perpetrated by the current partner and 6% by a former partner.

The second relationship with more cases would be the son, all of them cases in which the perpetrator killed his mother but not his father.

It is also worrying that, because of the amount of murders by robbery, there is a lot of strangers and unidentified victimizers: 14 each.

Among other relationships, as you can see, we have cases of neighbours, caregivers, former sons-in-law, grandsons, nephews...

Among the motives, the robbery is the one with more cases: those of murder by robbery and some other types, specially family femicides, in which the perpetrator had an economic motivation for the crime. Discussions tend to be the motive of those victimizers committing intimate femicides, but also the forth more common type: continuum of violence.

We strongly recommend you all to read the entire paper on the publication, as well as to keep in touch for the final launch of our new online tool, where all this data will be publicly available for those interested in a deeper understanding of how violence against women takes place in Spain.

Seven years ago this project was born on a November 25th with a clear mission: document and denounce violence against women in Spain.

Next year, you will be able to reach online our data, updated every day, and interact with all these graphics. This is just one of our reports: more than 15 will be available on 2018.

Specially designed for territorial analysis, we have emphasised the analysis of the data by type of femicidio or murder.

This revolutionary work is only available thanks to the voluntary work of many people, to which we owe infinite gratitude.

We are proud to say we have been considered one of the best practices documenting femicides in the world. We believe this is just the beginning of an, unfortunately, very necessary task. Please, support civil society against VAW. Help us keep doing our best with our goal: Ni Una Menos

PART III

Further Reading

"Men tell us not to take a morbid interest in these atrocities. The epitome of triviality is alleged to be a curiosity about 'the latest rape and the latest murder.' The murder and mutilation of a woman is not considered a political crime. Men tell us that they cannot be blamed for what a few maniacs do. Yet the very process of denying the political content of the terror helps to perpetuate it, keeps us weak, vulnerable, and fearful."

- *Diana E. H. Russell, 1976*

Towards a Uniform Approach to Data Collection: EIGE's Femicide Definition and Indicator

European Institute for Gender Equality (EIGE)

The work in this paper was coordinated by Sofia Jamal. Other contributors were Jurgita Pečiūrienė, Anke Gittenaer and Diogo Costa.

This paper briefly presents the main results of EIGE's 2017 report 'Terminology and indicators for data collection: rape, femicide and intimate partner violence'. For more detailed information, see full report, available at <http://eige.europa.eu/rdc/eige-publications/terminology-and-indicators-data-collection-rape-femicide-and-intimate-partner-violence-report>

Gender-based violence against women is defined as all violence that is directed against a woman because she is a woman, or that affects women disproportionately¹. It is deeply rooted in, and a manifestation of power unbalances in society that promote an unequal status of men and women, and cause serious harms to women in all aspects of life. The most brutal manifestation of gender-based violence is femicide, which can be broadly described as the killing of a woman because she is a woman².

It is estimated that women account for 71% of the deaths connected with intimate partner relationships, in the European Union³. However, femicide encompasses much more than the killing by an intimate partner or a family member, including also other forms of gender-motivated killing of women, such as the torture and misogynistic slaying of women, the targeted killing of women in the context of armed conflicts, or in the name of so-called 'honour', deaths connected to harmful practices such as female genital mutilation, unsafe abortions, or even deaths connected to gangs, organised crime, drug dealing and trafficking of women. Thus, it is a highly complex phenomenon. Furthermore, the killing of women is also one of the more criminalised forms of gender-based violence in the European Union. However, to date, femicide *per se* is not defined at European Union level, neither in any of the Member States, which leads to a lack of comparable data.

Data collection on violence against women

There are several sources through which data on violence against women can be obtained. EIGE's

work has focused mainly on administrative data, i.e., 'statistics and information gathered from organisations that come into contact with either victims and/or perpetrators of gender-based violence'⁴.

The police and the judiciary are the best positioned to provide data in terms of availability, quality and comparability, in the field of violence against women⁵. The Victims' Rights Directive⁶ and the Istanbul Convention⁷ require Member States to collect administrative data on violence against women, this data, combined with survey data, allows for a better understanding of the phenomenon, as well as the monitoring of efforts to combat it, provided that data collected is reliable and comparable.

EIGE has contributed, since 2013, to the improvement of data collection on violence against women across the European Union, as a way to increase knowledge of the reality and to improve policies to combat it. EIGE has mapped administrative data sources on violence against women in all 28 Member States⁸, and created an online mapping tool displaying sources, variables and identified gaps. With the creation of the Gender Statistics Database⁹, a thematic area of gender-based violence was launched, where EIGE presents country-by-country administrative data sources, as well as available data (non-comparable) and respective metadata.

4 EIGE (2014).

5 EIGE (2016).

6 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

7 Council of Europe (2011).

8 For more information on administrative data sources on gender-based violence in the European Union, see <http://eige.europa.eu/gender-based-violence/administrative-data-sources>

9 EIGE's Gender Statistics Database collates, analyses and disseminates reliable and comparable data on, inter alia, violence against women, and is available at <http://eige.europa.eu/gender-statistics/dgs>.

1 Council of Europe (2011).

2 World Health Organization (2012).

3 According to a DAPHNE project coordinated by Société civile Psytel (2010).

EIGE has also collected good practices on administrative data collection across Member States' national systems¹⁰.

More recently, EIGE developed definitions for statistical purposes of rape, intimate partner violence and femicide, as well as corresponding indicators¹¹, and conducted a feasibility study to assess Member States' capacity to populate them. The work on the definition and indicator on femicide will be described in more detail in the next section.

Data on femicide

Currently, there is no prescribed and consensual definition of femicide in the European Union, nor in other international institutions and instruments. For example, femicide is not included in the Istanbul Convention; neither in any of the European Union Member States' legislations. Therefore, data on femicide is currently obtained through a proxy, i.e., through an interpretation of data on homicide and its available breakdowns, namely sex of the victim, relationship between victim and perpetrator and motivation (gender-based). However, not all these disaggregation are available in all Member States. While some Member States have data on homicide with breakdowns for sex of the victim and relationship between victim and perpetrator available, many do not have the latter breakdown, and in others, there is not enough information available to identify cases of femicide.

EIGE identified two major challenges regarding data collection on femicide: firstly, there is variability across Member States in terms of nature and availability of data on femicide, both regarding type of data available and years covered; secondly, Member States collect data on intentional homicide including the sex of the victim, but most don't integrate gender aspects of killing in their definitions. Furthermore, there are differences between legal definitions of the offences, and between statistical definitions, which represents what is measured by the data.

Thus, data is not yet comparable and important femicide information that could inform policy-making and knowledge of the phenomenon is missing.

¹⁰ For more information on EIGE's work on gender-based violence, see <http://eige.europa.eu/gender-based-violence>. Specifically on data collection, see <http://eige.europa.eu/gender-based-violence/data-collection>

¹¹ EIGE (2017).

Therefore, EIGE envisioned a 4-step plan to support Member States in improving data collection on femicide. EIGE would start by developing a definition for statistical purposes, in order to allow for comparability. Then, a corresponding indicator would be developed and proposed. Then, EIGE would present metadata and conduct a feasibility study to test Member States' capacity to populate the indicator, and lastly, ongoing support to Member States in providing comparable data on femicide would be ensured. Steps 1 through 3 were already implemented and are described in the present paper.

Development of a uniform definition and indicator of femicide

Within other possible forms of femicide, as described above, EIGE started by focusing intimate femicide (femicide by an intimate partner) and developed a uniform definition that can be used for statistical purposes, as well as an indicator to measure the extent of femicide across Europe. These are important tools that will allow for a better understanding of the phenomenon and to better monitor efforts to combat it. They also aim to support Member States in their data collection.

The process of developing a uniform definition for statistical purposes follows a 3-step methodology, including the compiling of elements present in all Member States' definitions, the cross-checking of these elements with measurability, which is done using both administrative data sources and survey-based sources, and finally the fine-tuning of the definition based on experts' feedback, Istanbul Convention and the International classification of crimes for statistical purposes.

The figure on the next page shows different components of femicide in Member States. For example, while 24 Member States include intentionality in the killing as a component of femicide, only 7 Member States include the fact that it consists of a murder of a partner, and only 5 Member States go as far as to consider it the death of women following intimate partner violence.

After this process, EIGE developed a uniform definition of femicide by an intimate partner: 'The killing of a woman by an intimate partner and death of a woman as a result of a practice that is harmful to women. Intimate partner is understood as a former or current spouse or partner, whether or not the perpetrator

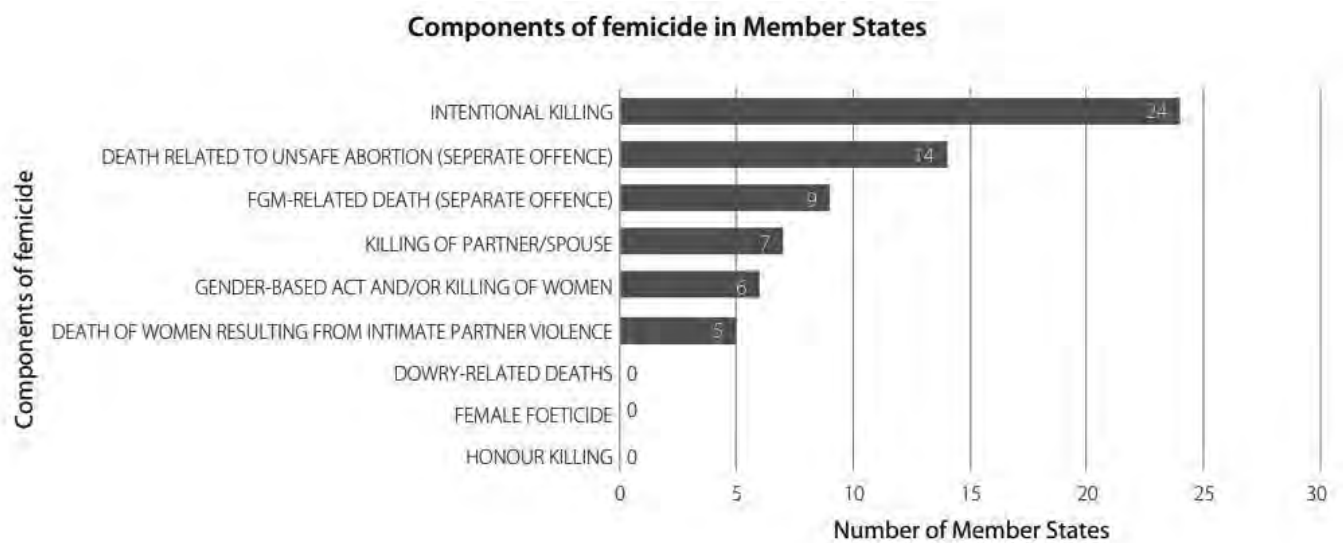


Figure 1 - Components of femicide in Member States (EIGE, 2017).

shares or has shared the same residence with the victim'. Accordingly, an indicator was developed to allow for the measurement of femicide, in the context of intimate relationships, through administrative data sources, namely, police and the judiciary: 'Women victims of intimate femicide aged 18 and over committed by an intimate partner, as a share of women victims of homicide aged 18 and over'. For the development of the femicide indicator, EIGE used 5 criteria: relevance¹², measurability¹³, specificity¹⁴, complementarity¹⁵ and validity¹⁶. The age threshold was set at 18 because there is more harmonisation in the threshold for adults than for other ages, across Member States (Eurostat, 2016).

In 2017, EIGE ran a feasibility study, to test Member States' feasibility to populate EIGE's indicator on intimate partner violence, including the indicator on intimate femicide. The study was conducted in all 28

12 Whether the indicator is in line with European policy (European Union and Council of Europe) and relevant to stakeholders (EIGE, 2017).

13 Whether the indicator can be populated by available data (including whether the data source uses a definition that approximately matches that used for the indicator). (EIGE, 2017).

14 Whether the indicator provides data on a clearly defined incident and does not overlap with other indicators. (EIGE, 2017).

15 Whether the indicator complements existing indicators: (1) indicators for which European Union-level data compilation processes have already been implemented by Eurostat– United Nations Office on Drugs and Crime; (2) indicators for which coordinated data consolidation processes from administrative sources across the EU are not yet in place (e.g. indicators suggested by the United Nations Statistical Commission, Council of Europe indicators on domestic violence); (3) indicators measuring the effectiveness of policies combating violence against women, such as indicators on policies, legislation and social services. Whether the indicators and their metadata complement the data consolidation by Eurostat– United Nations Office on Drugs and Crime. (EIGE, 2017).

16 Whether the indicator is validated by experts and stakeholders. (EIGE, 2017).

Member States and for this indicator it focused data collected by the police. The results show that 17 Member States can already fully populate the indicator with exact data, 4 Member States can populate the indicator with approximate data, and 7 Member States cannot populate the indicator. As next steps, EIGE will support Member States to fully populate the indicator.

Recommendations

In order to address gaps in data collection, specifically on femicide, across the European Union, EIGE also developed tailored recommendations for the European Union and for Member States, to further support the improvement of data availability and comparability:

Recommendations for the European Union

Develop a legal act on a data compilation system – this would allow for the strengthening of the mandatory data collection framework and for Eurostat to compile data from Member States on femicide;

Adopt harmonised definitions and indicators for coordinated data collection – the adoption of the proposed definition and indicator would improve the comparability of data on femicide;

Include violence against women in future European statistical policies – this would strengthen the efforts of Eurostat in consolidating data with disaggregated information on violence against women, including femicide;

Adding a gender dimension to crime statistics – disaggregating data by sex of the victim and relationship between victim and perpetrator would highlight the gender nature of certain forms of violence and, consequently, impact policies on victims' rights;

Support the development of specific ICCS codes for femicide - The International Classification of Crimes for Statistical Purposes (ICCS) currently addresses femicide within the tags 'Intentional homicide' and 'Attempted Intentional homicide'. Including a specific tag and definition for femicide (with sub-categories of 'Intentional femicide', 'Attempted intentional femicide' and 'Non-intentional femicide') would improve the visibility of femicide data in international statistics;

Include additional offences related to femicide in data compilation – currently, Eurostat does not compile data on femicide. Data is extrapolated through a proxy - intentional homicide - taking into account sex of victim and perpetrator. Including additional current criminal offences, such as illegal foeticide (ICCS code 0106) and other acts leading to death or intending to cause death (ICCS code 0109) would provide more complete information;

Improve health data on causes of death - Eurostat compiles and publishes data on causes of death according to the International Statistical Classification of Diseases and Related Health Problems (ICD-10). Current codes already promise comparable data collection on femicide, however, monitoring is needed to ensure proper implementation.

Recommendations for Member States

Modify categories of victim–perpetrator relationship - collecting data disaggregated by the relationship between victim and perpetrator would allow for the identification of intimate partner relationships (i.e., former or current spouse, or partner, whether or not the perpetrator shares or has shared the same residence with the victim) and, consequently, cases of femicide;

Provide separate data on the specific age group: '18 years and over' – data on victim's age is already available in most Member States, but not statistically processed. This would improve comparability of data for 'adults', as defined by most Member States;

Align national data collection with the ICCS system – this would more easily allow Eurostat to collect data and ensure data harmonisation. Regarding femicide, as well as other forms of gender-based violence, national statistical offices should use correspondence tables that cross national data codes with ICCS categories;

Develop integrated IT systems – replacement of paper-based records for electronic data management systems would allow for improvements in data accuracy, reliability and comparability as well as integration of EU-wide initiatives on data exchange and management.

Conclusions

Data comparability is key to a deeper understanding of reported violence against women and to monitor and assess efforts to combat it. In order to achieve it, coordinated and consistent approaches to data collection are needed. EIGE's developed definition and indicator provide uniform tools that support the European Union and Member States to improve data collection processes and to better inform policies and practices aiming to combat femicide, and gender-based violence in general.

In the future, EIGE will continue to support Member States in meeting their monitoring requirements and improving data collection processes. More specifically, in the next few years, EIGE will work on a definition of femicide for statistical purposes, not limited to intimate partner relationships, as well as the respective indicator, and will assess Member States' capacity to populate the new indicator. Furthermore, EIGE will support Member States' efforts to populate the current indicator.

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- EIGE's website:
- Administrative data sources: <http://eige.europa.eu/gender-based-violence/administrative-data-sources>
- Data collection: <http://eige.europa.eu/gender-based-violence/data-collection>
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Domestic Violence in the Russian Federation: A Grim Reality

Yashodhana Raj

40 Women Die Everyday

A popular Russian saying is, “if he beats you, he loves you.” In Russia, femicide often results from domestic violence where 14,000 women die annually from injuries inflicted by husbands or other male relatives.¹ However, the Russian Federation lacks comprehensive laws or action plans to prevent or control domestic violence. According to the UN Special Rapporteur on Violence against Women in 2006, almost 50 draft versions of laws and bills were submitted to the State Duma, but to no avail. There is no specific law on domestic violence in Russia, nor is there any civil domestic violence law that protects the victims. Such a situation puts domestic violence victims to a great disadvantage in seeking justice or getting protection from the abusers. Up to 36,000 women face violence in their homes every day.²

In the Law of the Russian Federation, the primary source concerning criminal offenses is the Russian Criminal Code. However, in the entire penal code there is not a single provision that explicitly provides for punishment for domestic violence, nor is there any provision to prevent VAW. Cases of domestic violence have to be registered under the more general category of crimes covered by Article 112 (intentional infliction of moderate harm); Article 115 (intentional infliction of minor harm) Article 116 (battery); Article 117 (torture); Article 119 (threat of murder or infliction of grave injury health).³ Russia is a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which prohibits VAW and establishes such violence as a form of discrimination and violation of human rights. However, according to the United Nations CEDAW Committee of 2013, Russia has done little on the matter, as the Special Rapporteur’s 2006 report also points out.

1 Statistics released by the Russian Ministry of Internal Affairs

2 “Russia: Bill to Decriminalize Domestic Violence.” *Human Rights Watch*, 9 Feb. 2017, www.hrw.org/news/2017/01/23/russia-bill-decriminalize-domestic-violence.

3 *The Criminal Code of the Russian Federation*, President of the Russian Federation, Boris Yeltsin, visalink-russia.com/criminal-code-russian-federation.html.

The Culture of Domestic Violence

“My husband tried to strangle me. He left me unconscious and thought he had killed me,” Veronika*⁴, 38, says. “He told me that he has the right to do whatever he wants because he is the master.”

This is just one of the women Stacey Dooley met while making her documentary, “Russia’s War On Women” in which she documented the hapless state of affairs of Russian women and how deep-rooted domestic violence is⁵.

One of the major problems in combating this issue is the lack of information. At present, the Russian Government has no system for collecting credible data on the number of domestic violence committed, reported to the concerned authorities, investigated, prosecuted, or convicted. The government also makes it very difficult for NGOs and journalists to meet victims, collect data and get an accurate picture.

The Russian “Foreign Agent” Law, introduced in 2012, targets any NGO receiving international funding. Moreover, this NGOs are under intense scrutiny and face increased barriers and interventions by the Russian Ministry of Internal Affairs (MIA). Although in 2014 the MIA admitted that 25% of the registered murders were related to domestic violence, in 2008, statistics related to this same concern—and released by the same Ministry—, stated that 65% of all homicides were related to domestic violence. This skewed numbers and the refusal to acknowledge the crime to a further extent perpetuates the Russian culture of acceptability of domestic violence. Additionally, it is relevant to mention the role of traditionalism linked to this issue, which is strongly endorsed by the Orthodox Church.

4 Name has been changed

5 Dooley, Stacey. “Russia’s War on Women.” *BBC IPlayer*, BBC, www.bbc.co.uk/iplayer/episode/p05vb22n/stacey-dooley-investigates-russias-war-on-women.

Yet 600,000⁶ women suffer from domestic violence annually with more than 95% of abuses going unreported as women normalize this violence and see it as routine or expected. The police often don't register the complaint as their view on domestic violence is framed as an internal family matter, forcing the victims to return to their abusers, often in fear of their lives. Out of the victims who do approach the police and are able to register a complaint, only 3% manage to get a criminal conviction of any kind; the remaining of the cases are dismissed due to technical reasons.⁷

“The Slapping Law”

To add to the misery of these women, a new legislation in Russia, approved by the State Duma on January 25 2017, decriminalized domestic violence by demoting it to an administrative offense. The advocate for this amendment was Senator Yelena Mizulina who publicly stated that women “don't take offense when they see a man beat his wife” and believes that the Russian law should support traditional family values. The bill passed with 385 votes in favor to three votes against the amendment and was signed into a law by President Putin on February 8, 2017.

This amendment is termed “the slapping law” by critics. Under this law, a first-time offender, if found guilty, may suffer a penalty of a fine up to \$500 or 15 days in jail. Criminal charges could only be placed if the abuser commits more than one battery per year or if the injury leads to broken bones or concussions. The law also paves the way to “private prosecution” where it is the responsibility of the victim to collect evidence if she wants to start the case.

“He heard it on the radio. He told me, ‘Now I can hit you by law’, I was horribly scared, but he thought it was funny”, Maria*⁸, 35, told Amie Ferris-Rotman from ELLE who has examined the adverse consequences of this law for women⁹.

According to the Mayor of Yekaterinburg, the fourth largest city in Russia, the introduction of this law has

6 “The Silent Nightmare of Domestic Violence in Russia.” BBC News, BBC, 1 Mar. 2013, www.bbc.com/news/world-europe-21474931.

7 Gentleman, Amelia. “Breaking the Taboo: the Moscow Women Taking a Stand against Domestic Violence.” *The Guardian*, Guardian News and Media, 10 June 2015, www.theguardian.com/cities/2015/jun/10/moscow-domestic-violence-problem-russia.

8 Name has been changed

9 Ferris-Rotman, Amie, and Joel Van Houdt. “If He Beats You, He Loves You.” *ELLE*, ELLE, 21 Mar. 2018, www.elle.com/uk/life-and-culture/longform/a40924/russia-domestic-violence-victims-fight-for-their-lives/.

already led to dramatic increase in the reporting of domestic violence with 350 incidents happening on a daily basis, compared to 150 reported before the amendment¹⁰.

Apparently, the Russian women are destined to live with domestic violence unless they muster courage to question the “traditional values” and challenge the gender-biased system.

10 “Russia: Bill to Decriminalize Domestic Violence.” *Human Rights Watch*, 9 Feb. 2017, www.hrw.org/news/2017/01/23/russia-bill-decriminalize-domestic-violence.



[...] the victim belongs to a vulnerable group, she is a woman, and because of that, the following should be considered: not all people respond equally to the same situation [...]; this type of demand shows a strong gender discrimination, anchored in the past, which then leads to double victimization and, because of this, people who suffer this type of abuse do not dare to denounce, generating more impunity [...].

—Fragment of a sentence that included a gender perspective. It was dictated by a judge from the criminal court of Monclova, Coahuila. The judge attended UNODC’s Mexico training for incorporating gender and human rights perspectives into the administration of justice for eradicating violence against women. This training provided the theoretical and methodological tools necessary for the integration of a gender dimension to, consequently, guarantee women’s access to justice.

Gender, Violence, and Justice in Mexico

Violence against women is a multidimensional, structural and multi-causal problem. In Mexico, according to the National Survey on the Dynamics of Household Relations (ENDIREH, INEGI 2016) 66.1% of women aged 15 years old and above have been victims of at least one incident of violence in their lives. In January 2018 alone, the Executive Secretariat of the National Public Security System (SESNSP) registered 272 women victims of gender-based murders in the country. Gender-based violence is present in both the public and the private sphere; manifesting in domestic violence, armed conflicts and war crimes, human trafficking, domestic violence, etc. It is a serious violation of human rights and infringes women’s dignity, security and their right to a life free of violence.

The Gender and Justice Project—UNODC Mexico

The United Nations Office on Drugs and Crime (UNODC) is the specialized agency of the United Nations that offers technical assistance for the strengthening of crime prevention strategies and the responses of the criminal justice system in the fight against illicit drugs, crime and terrorism. As an integral part of this mandate, UNODC supports states in the eradication of gender-based violence to guarantee women’s access to justice, as well as in the development of legislation that adequately protects their rights in accordance with international and regional standards. Additionally, UNODC reinforces the institutional capacities of the criminal and judicial system through specialized training programs.

In Mexico, since 2013, UNODC’s *Gender and Justice Project* has been providing technical assistance to strengthen states’ capacity to prevent, investigate, sanction, and eradicate violence against women. Furthermore, the project designs, develops and implements various actions—seminars, workshops, diagnoses, protocols, capacity building, prevention models and communication campaigns—to address specific problems related to violence against women in accordance with the needs and the context of each State, specifically in those where the Gender Violence Alert (AVGM) has been declared.

The Gender and Justice Project: Four Main Priorities

1. Generation of quality data and information for decision-making in subnational governments:

- Diagnosis of femicide violence.
- Diagnosis of the situation and rights of imprisoned women, with their children.
- Geo-referenced map of violence against women.
- Diagnosis of risk factors and conditions for human trafficking from a gender perspective.
- Diagnosis of gender-based violence in the media.

2. Capacity building to enhance awareness and guarantee prevention and sanction of gender-based crimes:

- Certificate Course on: “Criminal Investigations with Gender Mainstreaming and a Human-Rights approach”
- Specialized Seminar for Judicial personnel: “Gender Mainstreaming in Sentencing”.
- Specialized workshops for prison personnel on: “Human Rights of Women Deprived of Liberty and the Bangkok Rules”.
- Specialized workshops for health sector personnel responsible for providing psychological, medical and social assistance to victims of gender-based violence.

3. Strengthening of normative and programmatic frameworks on security and justice:

- Reform to the Law on Women’s Access to a Life Free of Violence in the State of Coahuila.
- Law on Equality between Women and Men in the State of Coahuila.
- Proposed Reform to the “Regulations to the Human Trafficking Bill”, and to the “Regulation of the Law to Prevent, Address and Eradicate Human Trafficking and Victims’ Protection and Assistance” in the State of Durango.
- Reform to the Law to Prevent, Address and Eradicate Human Trafficking and Victims Assistance in the State of Coahuila.
- State Public Policy Program for the Prevention, Attention, Punishment and Eradication of Violence Against Women in the State of Nuevo León.
- State Public Policy Program of Professionalization on Violence Against Women for Public Servants in the State of Nuevo León

4. Prevention of violence against women and associated risks:

- “Building Roads”: the implementation of an comprehensive model for the prevention of risk behaviours in adolescents aged 10 to 14 through family strengthening.
- Diagnosis of sexist, non-inclusive and discriminatory language in the media.

Generated Outcomes

Trained Personnel					
954	1200	289	410	516	430
Healthcare personnel specialized in the treatment of women victims of GBV	State Police Officers	Prison Officers	Judges	Prosecutors, Criminal and Forensic Investigators	Civil Society Activists and Human Rights Defenders

Documents Produced					
4	8	4	11	2	2
Laws/State Regulations	Public Policy Programs and Strategies	Protocols for Criminal Investigations and Forensics	Diagnoses	Prevention and Intervention Models	Institutional Guidelines

For more information:

Oficina de las Naciones Unidas contra la Droga y el Delito (UNODC) en México: <https://www.unodc.org/mexicoandcentralamerica/es/index.html>

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The Architecture of Femicide: The State, Inequalities, and Everyday Gender Violence in Honduras

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Femicide: A global Phenomenon?

https://eu.boell.org/sites/default/files/mexico_lima.pdf

The long road to justice, prosecuting femicide in Mexico

<http://lac.unwomen.org/en/noticias-y-eventos-articles/2017/11/feature-prosecuting-femicide-in-mexico>

Impunity encourages femicides

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Impunity and multisided violence in the lives of Latin American women: El Salvador in comparative perspective

<http://journals.sagepub.com/doi/abs/10.1177/0011392116640474>

International: femicide and the scales of injustice

<http://genderlinks.org.za/news-and-opinion/international-femicide-and-the-scales-of-injustice-2014-12-02/>

Subverting Justice: Socio-Legal Determinants of Impunity for Violence against Women in Guatemala

<http://www.mdpi.com/2075-471X/5/3/31>

Ending impunity for femicide across Latin America

<http://www.ohchr.org/EN/NewsEvents/Pages/EndingImpunityLAC.aspx>

The growing epidemic of femicide and impunity

<https://www.globalcitizen.org/de/content/growing-epidemic-of-femicide-and-impunity/>

No More Killings! Women Respond to Femicides in Central America

https://www.jstor.org/stable/20461179?seq=1#page_scan_tab_contents

Strengthening Understanding of Femicide - Using research to galvanize action and accountability

https://www.path.org/publications/files/GVR_femicide_rpt.pdf

From Commitment to Action: Policies to End Violence Against Women in Latin America and the Caribbean

<http://nzz-files-prod.s3-website-eu-west-1.amazonaws.com/2018/3/9/3d65bf7f-b343-4834-851a-4c8b7c405d02.pdf>

Report on older women in situations of violence. National Institute of Women (INAM), National Observatory on Violence against Women (Spanish only), 2016

<http://www.cnm.gob.ar/ovcm/INAM-InformePersonasAdultasMayores2016.pdf>

Line 144. Statistical Report for Third Quarter 2017. National Institute of Women (INAM), National Observatory on Violence against Women (Spanish only), 2017

<http://www.cnm.gob.ar/recursos/144InformeTercerTrimestre%202017.pdf>

Suggested Viewing

The Femicide Crisis in the State of Mexico

Vice

<https://www.youtube.com/watch?v=UB69VbhmUk>

Breaking the Silence | Documentaries and Reports

Paula Rodriguez Sickert

<https://www.youtube.com/watch?v=j1ZrLWpP1Bs>

On the Edge

Steev Hise

<http://political.detritus.net/juarez/>

It's a Girl

Evan Grae Davis

<http://www.itsagirlmovie.com/>

One in Three: Breaking Brazil's domestic violence cycle

Al Jazeera

<https://www.aljazeera.com/programmes/women-make-change/2015/09/150921120805489.html>

It's a Man's World

Al Jazeera

<https://www.aljazeera.com/programmes/rewind/2016/12/man-world-rape-cambodia-161212122925546.html>

Battered and Bruised

Al Jazeera

<https://www.aljazeera.com/programmes/101east/2012/07/20127993138559279.html>

Behind Closed Doors: Domestic Violence in Australia

Al Jazeera

<https://www.aljazeera.com/programmes/101east/2016/01/closed-doors-domestic-violence-australia-160126135505728.html>

Private Violence

Cynthia Hill

https://www.imdb.com/title/tt3382636/?ref_=ttpl_pl_tt

"Eradicating gender-based violence against women and girls is visible but slow and inconsistent due to insufficient state response and deeply entrenched stereotypes that make us all tolerate and normalize such violence."

- Dubravka Simonovic, UN Special Rapporteur on violence against women, its causes and consequences

"Violence against women and girls is one of the greatest injustices of our time, which crosses all borders, generations, nationalities and communities. It deeply touches our hearts and our minds. And it is a serious barrier to any society's full development potential."

- Neven Mimica, European Commissioner for International Cooperation and Development, 2017

"Ending violence against women and girls is possible. There are proven solutions for supporting and empowering survivors to stop the reoccurrence of this violence. Laws and policies are powerful tools to punish perpetrators, provide justice and services, and end impunity ... everyone has a role in it."

- UN Women, 2017