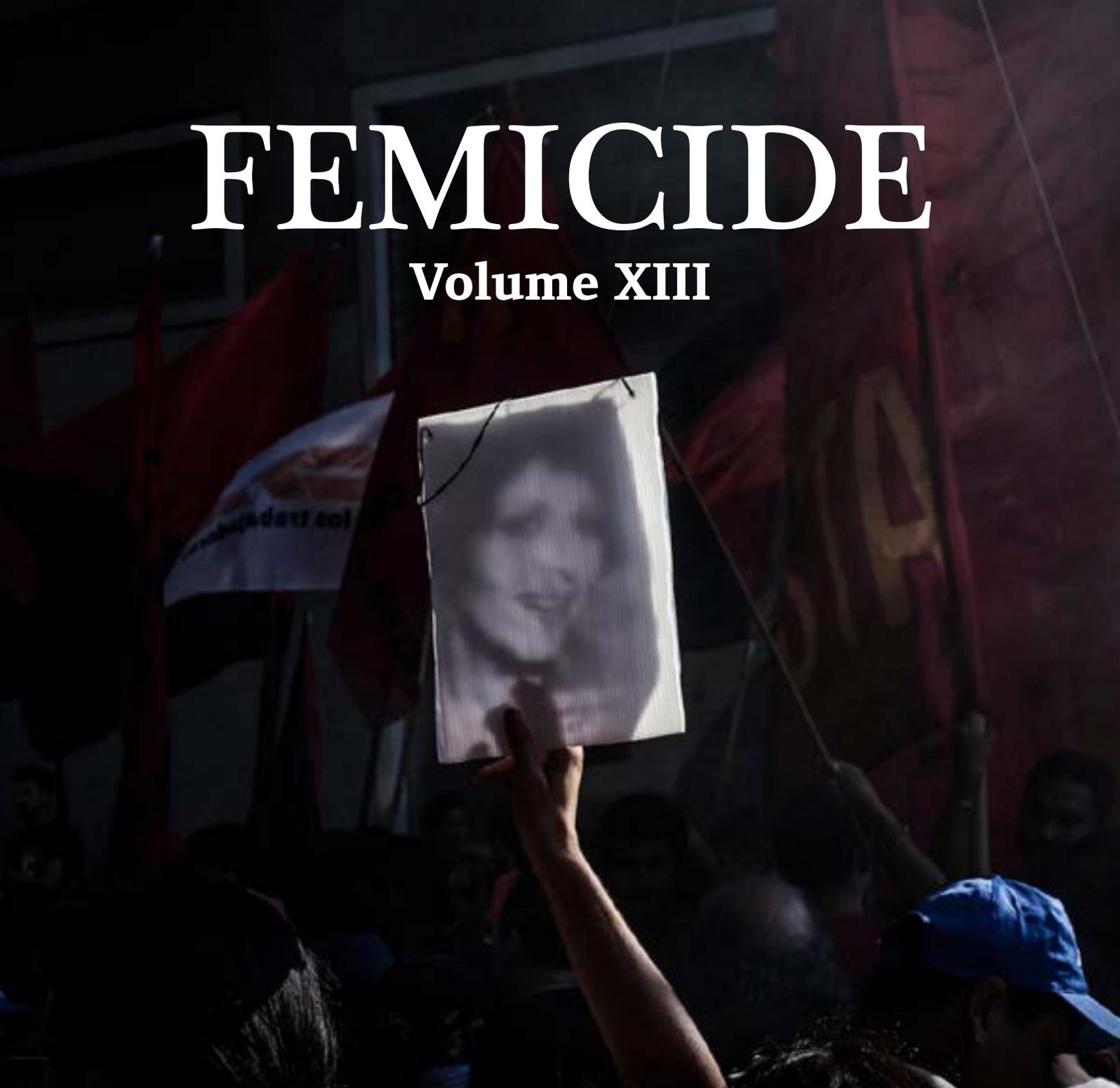


# FEMICIDE

Volume XIII



## Collecting Data on Femicide



亞太家庭組織  
OFAP

Organization of the Families of Asia and the Pacific



KAREN E. BURKE  
RESEARCH  
FOUNDATION  
Science for Health

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# **FEMICIDE**

**Collecting Data on Femicide**  
**Volume XIII**

# CONTRIBUTION FROM THE UN SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES (UN SRVAW)

Dr. Dubravka Šimonović

*Definition: Femicide is gender related killing of women and girls because of their sex and/or gender, because they are women and girls. It constitutes gender-based violence against women and girls and is a human rights violation.*<sup>1</sup>

Femicide or the gender related killing of women and girls constitutes gender-based violence against women and a human rights violation.

For prevention of femicide there is a clear need for a common and action oriented United Nations (UN) position and compatible regional strategies on femicide that should be part of system wide UN strategy on prevention of violence against women.

Currently different States at the national level are using different terms: “femicide” or “gender related killing of women and girls” or “homicide of women killed by intimate partners or family members” or “homicide”. There are differences between gender neutral criminal justice systems and data collection systems; the majority of systems are gender neutral and are predominantly using the term “homicide” (Europe and other regions) while the Latin American countries (16 countries) use the gender specific term “femicide” and have specific provisions in their criminal law criminalizing “femicide” or “feminicide”. They have criminalized “femicide” or “feminicide” as a specific gender motivated homicide crime and they count as femicide of women only court prosecuted criminal cases, which is usually lower than all gender related killings of women under the UNODC and UN SRVAW categories, since many do not reach court prosecution or are qualified as homicide at the national level. On the other hand many States that use the term “homicide” for all intentional killings do not collect specific data for gender related killing of women and girls

by their husbands, partners or family members or do not collect homicide data that are inclusive of relationship between the victim and the perpetrator and they do not have specific data on intimate partner homicide that is revealing in most States that have such data that out of 10 persons killed more than eight are women.

The UN SRVAW Dubravka Simonovic is using the term femicide or gender related killing of women and girls as synonymous with the understanding that terminology and differences between criminal justice systems should not present an obstacle for specific administrative data collection on femicide or gender related killings of women and girls that could also done under the term “intimate partner homicide” and “family related homicide”. States should decide which term they will use at the national level but should collect specific data on femicide or gender related killing of women and girls, having in mind developments at the international level and need for comparable data collection:

1. UN General Assembly 2013 resolutions on “Taking action against gender-related killing of women and girls (A/Res/68/191)<sup>2</sup> and 2015 (/A/Res/70/176)<sup>3</sup> adopted by consensus.
2. In 2015, the UN Secretary-General General Assembly report: Action against gender-relating killing of women and girls (A/70/93)<sup>4</sup>.

<sup>1</sup> A/71/398Thematic focus: modalities for the establishment of femicide or gender-related killings watch , page 10

<sup>2</sup> A/RES/68/191Taking action against gender-related killing of women and girls , [https://www.unodc.org/documents/commissions/CCPCJ/Crime\\_Resolutions/2010-2019/2013/General\\_Assembly/A-RES-68-191.pdf](https://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/2010-2019/2013/General_Assembly/A-RES-68-191.pdf)

<sup>3</sup> A/Res/70/176.Taking action against gender-related killing of women and girls, <https://undocs.org/en/A/RES/70/176>

<sup>4</sup> A/70/93 of 16 June 2015<https://documents-dds-ny.un.org/doc/UNDOC/GEN/V15/043/26/PDF/V1504326.pdf?OpenElement>

3. The UN Special Rapporteur on Violence against Women, its causes and consequences presented (Rashida Manjjo) her 2012 report on gender-related killings of women.<sup>5</sup>
4. In 2015 the UN Special Rapporteur on Violence against Women, its causes and consequences, Dubravka Šimonović started the Femicide Watch initiative and started to use term femicide or gender related killings of women synonymously. The SRVAW called all States to establish a “femicide watch” or femicide observatory and focus on prevention of Femicide.”<sup>6</sup> She proposed collection of data on the number of femicides or cases of gender-related killings of women, disaggregated by age and ethnicity of victims, and the sex of the perpetrators, and indicating the relationship between the perpetrator and the victim or victims and its publication every year on the International day for the Elimination of Violence against Women (25 November).
5. In 2016 the SRVAW presented the Report to the UN General Assembly on Modalities for the establishment of femicides/gender-related killings watch (A/71/398)<sup>7</sup> and proposed:
  - States should systematically collect disaggregate data on femicide under two broad categories, which could include subcategories in line with their national realities, namely, intimate partner femicide or family-related femicide, based on a relationship between the victim and the perpetrator, and other femicides (83.b).
  - There should be a flexible model for the establishment of a national femicide watch. Non-governmental organizations or NHRI could establish their own femicide watch. Femicide watches should analyze femicide cases in order to determine shortcomings and recommend preventive legislative and other measures.
6. In 2016 Joint call by UN Rapporteur on Violence against Women and all other global and regional mechanisms to end femicide and gender-based violence and establish of Femicide watch.<sup>8</sup>
7. In 2017 SRVAW started to call States and other stakeholders to send to the mandate information on number of femicide or gender related killings of women and on preventive mechanisms established.<sup>9</sup> A second UN SRVAW call was issued in November 2019.
8. The UNODC report of 2018 on Gender-related killing of women and girls<sup>10</sup> using the indicator “female victims of homicide perpetrated by intimate partners or other family members.” This indicator provides a concept that covers most gender-related killings of women, is comparable and can be aggregated at the global level.”<sup>11</sup>
9. Report of the Beijing+25 /Regional Review Meeting of the ECE, October 2019 recommendation 31(i): “All countries should establish multidisciplinary national bodies such as “Femicide Watch” with the aim to actively work on prevention of femicide or gender-related killing of women”.<sup>12</sup>

5 A/HRC/20/16/Add.4 [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add4\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add4_en.pdf)

6 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16796&LangID=E>

7 Modalities for the establishment of femicides/gender-related killings watch /71/398)://www.un.org/ga/

8 <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20911&LangID=E>

9 In 2017 SRVAW received submissions from: 22 States Australia, Austria, Azerbaijan, Canada, Colombia, Costa Rica, Croatia, Ecuador, El Salvador, France, Georgia, Guatemala, Italy, Mexico, Nicaragua, Portugal, Qatar, Slovenia, Spain, Sweden, Switzerland, Turkey. Also a number of NGOs sent their submissions (like Domine Croatia, NGOs UK, Women’s Enabled International), as well as academic institutions (like Durhan University, Monash University) and regional monitoring mechanism under the Belen do para Convention / MESECVI, and they were published on the mandate’s website in 2017.://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/CallForFemicide.aspx

10 [https://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18\\_Gender related killing of women and girls](https://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18_Gender%20related%20killing%20of%20women%20and%20girls)

11 Ibid page 8

12 para 31 i) of the Report of the Beijing+25 Regional Review Meeting /AC.48/2019/2) [http://www.unece.org/fileadmin/DAM/RCM\\_Website/RCM\\_10.12.2019\\_Vienna/](http://www.unece.org/fileadmin/DAM/RCM_Website/RCM_10.12.2019_Vienna/)

## **UN SRVAW calls for femicide prevention action**

1. Improve collection and reporting on comparable administrative data on femicide or gender related killing of women and girls as integral part of violence against women data.
2. Collect administrative data on femicide or gender related killing of women under the comparable categories: (1) intimate partner femicide or intimate partner gender related killing of women (2) family related femicide or family gender related killing of women (both based on relationships between the perpetrator and victim) and (3) other femicide; make it public and report to the SRVAW, UNODC and other independent monitoring expert mechanisms: the EDVAW Platform.
3. Support the establishment of the Femicide rate indicator under the SDG Goal 5 target 2.
4. Establish Femicide Watch or Observatory models for prevention of femicide through interdisciplinary national mechanisms and/or civil society, academic institution and NHRIs.
5. Develop methodology for analysis of femicide cases using an international human right framework and national laws like the Domestic Violence Law, the Criminal law, the Criminal procedure law and other relevant laws and regulations.
6. Analysis of cases should include review of the case management and risk assessment by different sectors that are providing services (health, social service, police, prosecution) and coordination of preventive measures related to service capacity, including interaction of victims and perpetrators with different services and institutions in charge of acting in such cases, the number of calls /reports of violence against women made to police, issuance of number of protection orders issued, length of time for their issuance, breach of protection orders, placement in the shelter or safe house and availability of places in shelter.
7. Analysis of cases should include review of court cases on femicide, the decisions made, and the sentences imposed on perpetrators.

# FOREWORD

Helen Hemblade and Helena Gabriel, Editors of *FEMICIDE*

November 2020

Even in times of huge uncertainty, the FEMICIDE team seems to be more dynamic and committed than ever. No one remained unaffected by the consequences of the worldwide COVID-19 pandemic. For each and every one of our FEMICIDE members, COVID-19 brought various and often severe personal challenges. We all had to adopt to new conditions without warning. And still, we were able to achieve meaningful things - our commitment is unstoppable. Some of these include: a COVID-19 reading list on violence against women in times of the current pandemic on our Global Femicide Watch Platform; a video series, with statements on the definition of femicide and the importance of collecting data on femicide from all around the world, on our UNSA Vienna social media channels and, last but not least, the publication at hand, the thirteenth volume of our FEMICIDE publication series.

FEMICIDE XIII provides a collection of relevant articles on the importance of data collection on femicide. A topic that, regrettably, seems to be more crucial than ever, as the rising numbers of cases of violence against women and femicide during the COVID-19 pandemic have shown.

And we can assure you, in the name of the FEMICIDE movement, we will not stop speaking up, joining forces and providing solutions until we see change!

A huge thank you to everyone who continues to contribute and support our publication. If you would like to engage and get active yourself – be it as author, peer reviewer, proof reader, activist artist or part of our editorial team – we are happy to hear from you at [femicide@unsavienna.org](mailto:femicide@unsavienna.org).

We wish you an eye opening and inspiring read!

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# PART I

## Important Statements

**“Women themselves have the right to live in dignity, in freedom from want and freedom from fear.”**

**Kofi Annan, 7th Secretary-General of the UN, 2005**

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

**Yury Fedotov, Executive Director, UN Office on Drugs and Crime, 25 November 2019**

Violence against women and girls is a human rights violation that remains all too pervasive in every part of the world. Too often, it goes unreported and unpunished, sometimes with deadly consequences.

Nearly 60 per cent of all female homicide victims around the world die at the hands of intimate partners or family members, according to research by the United Nations Office on Drugs and Crime (UNODC). Such murders are part of a pattern, representing the lethal culmination of gender-related abuse and violence. Along this continuum of violence, aggression takes many forms, including that of online bullying and harassment, relationship abuse and rape as a weapon of war.

We can end the violence by strengthening prevention and stopping the impunity. Concerted, coordinated and integrated action by the health, social services, police and justice sectors is needed to ensure that targeted support is available to all. UNODC has joined forces with our UN partners to develop and roll out women-centred prevention strategies and an essential services package for women and girls subject to violence.

An important key to dismantling the structural conditions which play a role in enabling gender-based violence lies in early education, which can help boys break the cycle of negative gender stereotypes that fuel aggressive behaviour.

UNODC also works with governments to develop effective crime prevention and criminal justice responses to violence against women through guidelines and education in the areas of policing, legal medicine and prosecution. More women in law enforcement, particularly in decision-making roles, and a focus on gender-sensitive approaches must be part of the solution.

Ending violence against women is a matter of justice. It is a commitment to equality and peace, and a pledge to save lives. On this International Day for the Elimination of Violence against Women, and during the 16 Days of Activism which follow, let us stand together against rape and all gender-related violence.

# **ORANGE AFRICA: FIGHT SEXUAL AND GENDER-BASED VIOLENCE AGAINST REFUGEES, RETURNEES AND INTERNALLY DISPLACED PERSONS”**

**H.E. Moussa Faki Mahamat, Chairperson of the African Union Commission, 25 November 2019**

Today, 25<sup>th</sup> November marks the beginning of the 16 Days of Activism Campaign Against Gender-Based Violence. In solidarity with the global theme, and in line with the AU theme of the year, the AU has decided to put a spotlight on sexual violence against refugees, returnees and internally-displaced women and girls with a theme “Orange Africa: Fight Sexual, and Gender-Based Violence Against Refugees, Returnees and Internally Displaced Persons”.

The persistence of sexual violence against women and children, especially refugees, returnees and internally displaced persons is gross violation of human rights and an intolerable crime, whether in times of peace or war.

And as I highlighted at the Global Gender Summit, currently underway and hosted for the first time in Africa in Kigali, Rwanda, all and any violence against women and girls is unjustifiable to all conscience and an affront to all culture and all religions. Every voice counts to make sure that all our societies condemn and punish such acts, and ensure that all women and girls are safe in their

homes, their communities, and especially when they are in harm’s way during armed conflict.

It is in this regard that today, as we start the 16 Days of Activism Campaign Against Gender-Based Violence, I call on all AU Member States to take decisive action to strengthen legislative and accountability measures to bring justice for survivors and make sure that perpetrators face the might of the law. Member States should also support survivors to rebuild their lives through the provision of social protection services, including quality health care, public services and sustainable infrastructure.

I also urge all stakeholders to support and Member State work towards concrete actions to fulfil our common commitments toward gender equality and women’s empowerment.

I stand in solidarity with all survivors of sexual violence and urge every African in the continent and the diaspora to add their voice to demand an end to this plague against our common humanity.

# JOINT STATEMENT ON PROMOTING THE WOMEN, PEACE AND SECURITY AGENDA AT THE ASEAN REGIONAL FORUM

**Foreign Ministers of the Association of South East Asian Nations (ASEAN) Regional Forum (ARF), 2 August 2019**

WE, the Foreign Ministers of the Association of South East Asian Nations (ASEAN) Regional Forum (ARF), namely Australia, Bangladesh, Brunei Darussalam, Cambodia, Canada, China, Democratic People's Republic of Korea, India, Indonesia, Japan, Lao PDR, Malaysia, Mongolia, Myanmar, New Zealand, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Russia, Singapore, Sri Lanka, Thailand, Timor-Leste, United States, Viet Nam and the High Representative of the European Union, on the occasion of the 26th ASEAN Regional Forum:

CONCERNED by the increasing threats to regional stability and prosperity posed by armed conflicts, and the increasing numbers of refugees and other displaced persons, particularly women and children;

RECOGNIZING that women's participation in peace and security decision-making leads to resilience against violence and more sustainable peace and security outcomes; the need to increase and promote women's representation and meaningful participation in peace operations, peace processes, post-conflict reconstruction, civilian protection, and military deployments; and that integrating a gender perspective increases the capability of missions and processes;

UNDERSTANDING that peace and security are pre-requisites for the achievement of prosperity and sustainable development;

ACKNOWLEDGING the Women, Peace and Security agenda, which recognizes the disproportionate impact of armed conflict on women and girls, the increased occurrence of all forms of violence against women and girls, including but not limited to sexual violence, trafficking in persons, and exploitation prior to, during, and after armed conflict; and emphasizes the importance of women's equal, full and meaningful participation at all stages of peace processes given their necessary role in the prevention and resolution of armed conflict, peacebuilding, and peacekeeping, as embodied in relevant United

Nations Security Council resolutions.

RECALLING the UN Convention on the Elimination of all Forms of Discrimination Against Women, the Convention on the Rights of the Child, the Declaration on the Elimination of Violence Against Women (Vienna Declaration), the Beijing Declaration and Platform for Action, and the 2030 Agenda on Sustainable Development, in particular the intersection of Sustainable Development Goal (SDG) 5 and SDG 16.

BUILDING on the regional commitments, as applicable, to the Women, Peace and Security agenda as expressed in the Declaration on the Elimination of Violence Against Women in the ASEAN Region (2004); the Declaration on the Elimination of Violence against Women and Elimination of Violence Against Children in ASEAN (2013); the ASEAN Regional Plan of Action on the Elimination of Violence against Women (2015); the Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children (2010); the ASEAN Declaration on Culture of Prevention for a Peaceful, Inclusive, Resilient, Healthy and Harmonious Society (2017); the ASEAN Declaration on the Gender-Responsive Implementation of the ASEAN Community Vision 2025 and Sustainable Development Goals (2017); and the Joint Statement on Promoting Women, Peace and Security in ASEAN (2017).

HEREBY ENDEAVOUR TO COMMIT, IN THE SPIRIT OF SOLIDARITY, TO MAKING PROGRESS ON WOMEN, PEACE AND SECURITY AGENDA IN THE FOLLOWING WAYS:

1. INCREASE the meaningful participation of women, including women's civil society organisations and networks implementing the Women, Peace and Security agenda, in the prevention, management, and resolution of armed conflict, and post-conflict peace building reconstruction and rehabilitation.

2. BUILD the capacity of women as peace builders, including as mediators and negotiators at the international, regional, national, and community levels as appropriate; in particular, through the promotion of the role of women as essential voices and active participants in society.
3. ENGAGE men and boys in support of women's empowerment within the broader Women, Peace and Security agenda, and to further engage with the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) in accordance with its mandate as launched during the ASEAN HeForShe Campaign on 30 November 2017.
4. PREVENT, respond to, and end all forms of violence, sexual exploitation and abuse perpetrated in armed conflict situations, particularly against civilians, including women and girls.
5. SUPPORT the role of women in promoting a culture of peace that educates and empowers all people; prevents armed conflicts; promotes the rule of law, and sustains peace through approaches that are comprehensive, cross-sectoral, and integrated.
6. MEET the specific needs of women and girls in humanitarian settings, including the provision of the full range of accessible and affordable medical, legal, educational, psychosocial, housing, and livelihood services, in accordance with applicable laws and policies.
7. CONTINUE to promote gender equality and the empowerment of women and girls as a way to address causes of armed conflicts, such as poverty; discrimination; social injustice; and the economic and/or social exclusion of persons and communities vulnerable to and at risk of instability and terrorism.
8. STRIVE TO PROTECT the rights of women and girls during and after armed conflict, including from discrimination and social exclusion by fostering a culture of inclusion.
9. STRENGTHEN the capacity of peacekeeping operations to advance the Women, Peace and Security agenda, including by increasing deployment and meaningful participation of women at all levels, and incorporating the Women, Peace and Security agenda into the relevant planning and implementation of operations.
10. LEVERAGE ASEAN-led mechanisms and development partners to support the implementation of global commitments in advancing the Women, Peace and Security agenda to better support the empowerment of women and girls in the prevention and resolution of armed conflict, and post-conflict peacebuilding.
11. ENCOURAGE political leadership to promote a greater balance in representation of women and men, and the integration of a gender perspective into the workings of our respective international security efforts addressing armed conflict.
12. RAISE awareness of the Women, Peace and Security agenda among policy-makers as well as the general public, and encourage inter-governmental discussions on issues of critical importance to the Women, Peace and Security agenda so as to share policy experiences, lessons learned and best practices, and identify ways of cooperation.
13. PROMOTE women's meaningful participation in all processes of prevention, management and resolution of armed conflicts and decision-making, and strengthen gender equality.
14. ENCOURAGE the adoption of national policies, national action plans, and efforts of regional frameworks aimed at raising public awareness of women's rights and the importance of their role and participation in peace processes, the resolution and prevention of armed conflict, and peacebuilding.
15. SUPPORT research, training, and sharing of gender-sensitive and disaggregated information within the ARF related to peace operations and/or stabilization initiatives, based upon a solid gender analysis and an integrated gender perspective to encourage best practices on matters of the Women, Peace and Security agenda.
16. TASK ARF Experts and Eminent Persons (EEPs) to provide recommendations regarding the Women, Peace and Security agenda within relevant ARF workplans, programs and processes, including inter-sessional meetings, workshops and other activities when relevant.

# COUNCIL OF EUROPE LEADERS NOTE SUCCESS OF ISTANBUL CONVENTION, BUT WARN OF CHALLENGES AHEAD

**Council of Europe Secretary General Marija Pejčinović Burić, France's European Affairs State Secretary Amélie de Montchalin, on behalf of the Presidency of the Committee of Ministers, and Parliamentary Assembly President Liliane Maury Pasquier, 25 November 2019**

On the [International Day for the Elimination of Violence Against Women](#), our thoughts are with the victims of domestic violence and other forms of gender-based violence. Far too many women are still dying at the hands of their partner or former partner. And as their lives are destroyed, their families are left to deal with grief and loss.

Against this backdrop, we should also take this occasion to highlight the extraordinary success of the [Istanbul Convention](#): The Council of Europe Convention on preventing and combating violence against women and domestic violence.

Five years ago, the treaty entered into force. Today, it has 34 states parties, 11 signatory states including the EU. That two non-member states request accession proves its worldwide appeal.

Monitoring by the Group of Experts on Action against Violence against Women and Domestic Violence ([GREVIO](#)) has made the convention an effective tool, by promoting co-operation with governments to ensure that national legislation reflects the standards of the convention. This week, for example, GREVIO published its [first report on France](#), which, like other states that have ratified the Istanbul Convention, has made a clear political choice: violence should be understood not as a private matter, but as criminal behaviour for which authorities should ensure that there is no impunity. France, which currently holds the Presidency of the Council of Europe's Committee of Ministers, has put particular emphasis on the important role that police play in stopping violence against women. The French government has undertaken a campaign against sexism, which can lead to violence. And France has encouraged further accession to the convention by countries that are not members of the Council of Europe. Several third countries have already expressed their interest in adhering to the Istanbul Convention.

Since its entry into force for an increasing number of states, publicly-funded shelters and 24/7 specialised helplines that refer women to counselling services are being set up where none had existed before. Judges, prosecutors and other legal experts are receiving specialised training to improve women's access to protection and justice. Laws are changing for the better. Rape, for example, is being defined more by lack of consent, rather than by just proof of force. Where such changes have happened, we have seen conviction rates and reporting of violence increasing, as women are less afraid, and they trust the authorities more. Such positive indicators are cause for celebration.

But this is also a moment to focus on challenges lying ahead. We must thwart a recent backlash against women's rights by engaging in constructive dialogue about the benefits that the Istanbul Convention brings to women in states that ratify it. We must combat the fake news and wrong reports about the Istanbul Convention and highlight the positive contribution of this Convention to gender equality and human rights overall. We must solve problems that are emerging as common issues from GREVIO reports, including difficulties in collecting comprehensive data and a lack of adequate protection for victims of domestic violence and their children. We must also tackle the root causes of such violence, including sexism. Indeed, we urge all member States to implement the landmark 2019 [Committee of Ministers recommendation on preventing and combating sexism](#) as we hope this can help change perceptions and behaviour that can lead to violence.

The success that we have so far is due also to efforts by parliamentarians who promote the treaty in their countries and help to dispel misconceptions about it. This year, our Parliamentary Assembly adopted a [resolution](#) to reaffirm its firm support for the Convention and to step up co-operation with GREVIO, and a [resolution](#) on Promoting

parliaments free of sexism and sexual harassment. The President of the Parliamentary Assembly also launched, as a reaction to the results of a [study on Sexism, harassment and violence against women parliamentarians in Europe](#), the [#NotInMyParliament](#) initiative to counter sexism, harassment and violence against women in parliaments across Europe.

There is a long way to go, and it is crucial that the Istanbul Convention is not only ratified but also fully implemented. To successfully face new challenges, we must all reaffirm our support for the Istanbul Convention and the monitoring work of GREVIO. In doing so, we can ensure that women enjoy that most fundamental of human rights: the right to live a life free from violence.

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

European Union, 28 November 2019

On 25th November, we marked the International Day for the Elimination of Violence against Women. This also marked the beginning of 16 days of activism in addressing violence against women, this year focusing on rape.

On this occasion, we reaffirm our long lasting commitment to ending violence against women and girls. We would also like to recall that in 2017, the Council of the European Union adopted its decisions to sign the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). When it comes to our global commitment, we highlight the joint EU-UN Spotlight Initiative, launched in 2017, which targets sexual and gender-based violence, addressing female trafficking, domestic violence, and femicide. This project demonstrates that it can be highly effective to work in partnerships and we call on all partners to join the EU-UN Spotlight initiative.

Violence against women and girls continues to be a serious obstacle to achieving equality, development, peace as well as an obstacle to the fulfillment of women's and girls' full enjoyment of human rights. The SDGs – and the aim to leave no one behind - cannot be achieved without putting an end to this violence. The issue of rape and all types of violence against women and girls is of outmost concern to all of us on a personal, national and on an international level.

Far too often perpetrators of rape go unreported or unpunished. For women to report in the first place requires a great deal of resilience to re-live the attack, a certain amount of knowledge of where to go, and a degree of confidence in the responsiveness of the services sought. Adding to this issue is the fact that victims of rape risk facing strong stigmas and victim blaming when reporting sexual assault. This causes significant impunity for perpetrators.

We must put an end to stigma, victim blaming and impunity. Perpetrators of rape must be held accountable. By prosecuting sexual violence cases, we recognize these acts as crimes and send a strong message of zero-tolerance. Progress requires that we tackle the institutional and structural barriers related to this issue. The police and judicial institutions, and the broader security sector, need to be equipped with the right tools to be able to protect victims of rape. Enforcement of laws addressing violence against women and more women in law enforcement are two important measures that have proven to make an effective difference.

Rape is an issue both in times of peace and throughout the conflict cycle and has been used as a weapon of war and oppression throughout history. It has been used to degrade women and their communities as well as for ethnic cleansing and genocide. It traumatizes persons, families and populations and suppresses voice, agency and participation. Sexual violence impedes sustainable peace and security, social cohesion and economic development, and therefore prevention of rape and sexual violence in conflict must remain a priority for the OSCE and its comprehensive security framework.

No further generations should struggle to cope with the scars caused by such actions. We are pleased that we adopted a Ministerial Council Decision on Preventing and Combatting Violence against Women in 2018. This decision provides a collective commitment to address the shocking prevalence of gender-based violence against women and girls that continues to persist. Not only does this impair enjoyment of human rights, but it also prevents women from reaching and contributing their full potential, and, as evidence shows, an increased prevalence of such violence is an early warning of conflict and emergency situations. The Milan Decision also recognises the importance of engaging men and boys in addressing the root causes of gender inequality and violence as well

as raising awareness about the impact of negative attitudes, behaviours and gender stereotypes. We also wish to recall the Ministerial Council Decision No. 14/04 on the 2004 OSCE Action Plan for the Promotion of Gender Equality and Ministerial Council Decisions No. 15/05 and No. 7/14. In this respect, we highlight the OSCE's MenEngage and the Women Ambassadors network for their efforts in raising awareness on women's rights and in promoting gender equality.

Implementation remains the key challenge for the full elimination of violence against women and girls. To bridge the implementation gap more efforts for collecting data and establishing

efficient monitoring mechanisms are essential. We reiterate our support for the OSCE-led survey on Well-being and Safety of Women and its findings, and we encourage all participating States to follow up on its recommendations.

The EU encourages participating States to collectively continue to build on, and strengthen, the principles and commitments that are already in place. It is completely unacceptable that most incidents of conflict and non-conflict related sexual violence, including rape, are not brought to justice. Together we must continue taking practical steps towards the effective elimination of all types of gender based and sexual violence.

# END RAPE – AN INTOLERABLE COST TO SOCIETY

Phumzil Mlambo-Ngcuka, Executive Director UN Women, 25 November 2019

If I could have one wish granted, it might well be a total end to rape. That means a significant weapon of war gone from the arsenal of conflict, the absence of a daily risk assessment for girls and women in public and private spaces, the removal of a violent assertion of power, and a far-reaching shift for our society.

Rape isn't an isolated brief act. It damages flesh and reverberates in memory. It can have life changing, unchosen results—a pregnancy or a transmitted disease. Its long-lasting, devastating effects reach others: family, friends, partners and colleagues. In both conflict and in peace it shapes women's decisions to move from communities through fear of attack or the stigma for survivors. Women and girls fleeing their homes as refugees also risk unsafe transport and insecure living conditions that can lack locked doors, adequate lighting and proper sanitation facilities. Girls married as children in search of increased security at home or in refugee camps can get caught up in legitimized conditions of rape, with little recourse for those wishing to escape, such as shelter and safe accommodation.

In the vast majority of countries, adolescent girls are most at risk of sexual violence from a current or former husband, partner or boyfriend. As we know from our work on other forms of violence, home is not a safe place for millions of women and girls.

Almost universally, most perpetrators of rape go unreported or unpunished. For women to report in the first place requires a great deal of resilience to re-live the attack, a certain amount of knowledge of where to go, and a degree of confidence in the responsiveness of the services sought – if indeed there are services available to go to. In many countries, women know that they are overwhelmingly more likely to be blamed than believed when they report sexual assault, and they have to cope with an unwarranted sense of shame.

The result of these aspects is a stifling of women's voices around rape, significant under-reporting and continuing impunity for perpetrators. Research shows that only a small fraction of adolescent girls who experience forced sex seek professional help. And less than 10 per cent of women who did seek help after experiencing violence contacted the police.

One positive step to increase accountability is to make rape universally illegal. Currently more than half of all countries do not yet have laws that explicitly criminalize marital rape or that are based on the principle of consent. Along with criminalizing rape, we need to get much, much better at putting the victim at the centre of response and holding rapists to account. This means strengthening the capacity of law enforcement officials to investigate these crimes and supporting survivors through the criminal justice process, with access to legal aid, police and justice services as well as health and social services, especially for women who are most marginalized.

Having more women in police forces and training them adequately is a crucial first step in ensuring that survivors begin to trust again and feel that their complaint is being taken seriously at every stage of what can be a complex process. Progress also requires that we successfully tackle the many institutional and structural barriers, patriarchal systems and negative stereotyping around gender that exist in security, police and judicial institutions, as they do in other institutions.

Those who use rape as a weapon know just how powerfully it traumatizes and how it suppresses voice and agency. This is an intolerable cost to society. No further generations must struggle to cope with a legacy of violation.

We are Generation Equality and we will end rape!

# INTENSIFY ACTION TO ELIMINATE VIOLENCE AGAINST WOMEN

Dr Poonam Khetrpal Singh, WHO Regional Director for South-East Asia, 25 November 2019

Violence against women is a serious threat to women's health and well-being. Globally, an estimated 35.6% of all women experience physical and/or sexual intimate partner or non-partner violence in their lifetime. In the WHO South-East Asia Region, the figure is almost five percentage points higher, at 40.2% of all women. Violence against women can significantly impact mental health, leading to anxiety disorders, depression, substance abuse and suicide. All forms of violence against women, including rape, can cause adverse sexual and reproductive health outcomes such as sexually transmitted infections, unwanted pregnancy, low birth weight and prematurity.

The health sector has a key role in responding to violence against women and informing the quest to eliminate it. Health workers are likely to be the first professional contact of survivors of physical and/or sexual intimate partner or non-partner violence. Ensuring appropriate post-violence care is accessible to all women and girls, including adolescents, is an important part of achieving universal health coverage, which is one of the Region's eight Flagship Priorities. WHO is working with Member States in the Region to fully implement WHO's global plan on addressing interpersonal violence, in particular against women and girls. WHO is also supporting Member States to make full use of the WHO-co-developed RESPECT women framework for preventing violence against women, which several UN agencies and development partners launched earlier this year.

As a first step, health systems should adopt standard, gender-sensitive guidelines and protocols on the provision of post-violence care. All health facilities and health workers should have the capacity to implement them. Services for injuries and sexual and reproductive health are crucial, as is mental health support. WHO's clinical

guidelines on responding to intimate partner violence and sexual assault are an important resource for health workers at all levels. Region-wide, they should be fully leveraged, including as part of pre-service and in-service training.

It is imperative that health systems have clear procedures for identifying and documenting cases of violence against women. Surveillance of the problem is key to better understanding its prevalence, especially among different groups of women. That in turn informs cross-sector prevention efforts such as behavioral change campaigns, economic empowerment initiatives or legal and justice reforms. Research and evidence-building is crucial to designing locally appropriate, high-impact preventive interventions.

To advocate for intensified action at the highest levels, the health sector should join forces with other sectors that prevent or respond to violence against women. High-level political buy-in will help secure the resources needed to increase awareness and modify behaviors. It will also help empower women's organizations working at the grassroots, in addition to building society-wide coalitions that can address the problem at its source.

In the wake of the Nairobi Summit earlier this month, which marked 25 years since the UN's landmark International Conference on Population and Development, global momentum to empower women and advance gender equality is at a premium. The WHO South-East Asia Region is no exception. WHO reiterates its continued support to Member States to ensure health systems have the capacity to effectively respond to violence against women and can inform action to prevent it. Women's rights are human rights. Together we must intensify action to eliminate violence against women and girls.

# COMMONWEALTH TEAMS UP WITH ‘NO MORE’ INITIATIVE TO REDUCE VIOLENCE AGAINST WOMEN AND GIRLS

**The Commonwealth of Nations, 25 November 2019**

The Commonwealth has announced a new partnership designed to reduce domestic violence in member countries.

Today, Secretary-General Patricia Scotland signed a memorandum of understanding with the NO MORE Foundation which is a global movement of 1,400 allied organisations and 40 international chapters working together to stop and prevent domestic violence and sexual assault.

The two parties have agreed to work together to implement initiatives that work on the prevention of domestic violence and sexual abuse as part of wider efforts to achieve the 2030 sustainable development goals.

According to the World Health Organisation, one in three women worldwide has been a victim of sexual and/or physical violence in their lifetime, making it a leading cause of death in women and girls. Reports suggest the abuse remains largely unreported due to impunity, silence, stigma, fear and shame.

The Secretary-General said: “We must say NO MORE to violence against women and girls in both words and action. It affects everyone: women, men, children, persons with disabilities and people from sexual and gender minorities. It means we must involve and sensitise everyone to support vulnerable individuals, protect survivors of violence and bring perpetrators to justice. We

must do everything we can to ensure every child in our home and our community grows up in a safe environment. This is the only way to fulfil our Sustainable Development Goal commitments.”

The partnership is designed to help member countries record accurate data on the prevalence of violence, deliver grassroots projects, train community leaders, educate bystanders’ responses and provide awareness resources.

NO MORE Global Executive Director Pamela Zaballa said: “NO MORE is proud to partner with the Commonwealth and grateful to have this tremendous opportunity to help end domestic violence in the 53 member countries. We are looking forward to engaging a wide array of governmental, business, human rights and community leaders in this initiative. Together, we can dramatically increase awareness and action to prevent violence and meet the 2030 sustainable development goals.”

The partnership was announced at an event hosted at Commonwealth headquarters in London, to mark International Day for the Elimination of Violence Against Women.

Officials from high commissions, businesses, human rights groups and women’s rights organisations participated at the launch of the initiative.

# CONFRONTING FEMICIDE – THE REALITY OF INTIMATE PARTNER VIOLENCE

UN Women, 13 November 2019

UN Women extends its sympathy to the family of Jennifer Schlecht, murdered, along with her daughter, by her husband a few days ago. As for so many women, home had become a deeply unsafe place. As for so many women, no neighbour suspected the risks of her situation and the threat her husband had become, in part because a characteristic of such abuse is often the control exerted over public appearances.

Domestic violence can be very hard to detect and even harder to deal with, providing seemingly impossible choices for women trying to navigate unequal power relations and avoid further abuse. Women often face increased threats of violence to themselves, their children, and other family members when they are planning to leave, after they have left violent relationships, or if they alert others to their situation.

It is a real danger, borne out by global statistics. In 2017, an [estimated](#) 58 per cent of female victims of murder were killed by an intimate partner or member of their own family, amounting to 137 women every day. Yet, [research](#) shows that less than 40 per cent of the women who experience violence seek help of any sort. Among women who do, most look to family and friends. Less

than 10 per cent of those women sought help by appealing to the police or other formal institutions and mechanisms, such as health services. More than 140 countries have passed laws on domestic violence, but illegality is not stopping its practice.

Domestic violence has previously been considered private and not a matter for state interference, however it is now recognized globally as an important area for intervention by law enforcement, health and other social services. The murder of women by their intimate partners is the most severe form of violence, which is often part of a continuum of other forms of violence experienced by women in intimate relationships in every country in the world, from every social category and level of education. Ms. Schlecht, for example, worked for the United Nations in the field of family planning and humanitarian response.

We must get better at preventing violence from occurring in the first place and in supporting the women and girls who experience it. Those responses must prioritize the safety of women and girls and hold perpetrators to account for their actions. Above all, as societies, we have to recognize and adjust the unequal power relations that feed and permit these behaviours.

# STOP VIOLENCE AGAINST WOMEN

European Commission and the High Representative Federica Mogherini, 22 November 2019

“Violence against women and girls is violence against the whole humankind, and should have no place in Europe or elsewhere in the world. But we all know that despite our commitment, we are still far from winning this challenge.

Violence against women happens anywhere, there is no safe place, not even at home. On the contrary. Women are targeted at home as well as in their workplace, in schools and universities, on the street, in displacement and migration, and increasingly online through cyber violence and hate speech.

The scale of the problem stays alarming: One in three women in Europe has experienced physical and/or sexual violence. Nearly all victims of trafficking for sexual exploitation within the EU are women and girls.

In developing countries, one in every three girls is married before reaching the age of 18. There are at least 200 million women and girls who have undergone female genital mutilation, which is still performed in around 30 countries.

It is our responsibility as the EU and international community, to keep our commitment to preventing, openly rejecting and condemning all acts of violence against women and girls.

It is our duty also to support and protect the victims by creating a safe environment for them to report the crimes committed against them.

The EU is committed to keep working tirelessly with our partners to strengthen legal frameworks and institutions, supporting development and education, improving services for survivors, addressing the root causes of violence, promoting women empowerment.

But ending violence against women and girls requires a firm commitment not only at institutional level. It requires a broad involvement of international organisations, of NGOs, of the civil society at large. And most of all of men.

So our goal stays clear: eliminate violence against women and girls. The EU will stay at the forefront of this international mobilisation to defend the rights of every woman and every girl to live free and safe. We do it for our future and for our present because women are the pillar of just, open, developed and democratic societies, and nothing should deprive them of the freedom to play their role freely and safely.”

The European Union has put substantial measures in place to end such violence, including:

- The EU’s Victims’ Rights Directive ensures more and better rights for victims of crimes and specialised support for victims of sexual or gender-based violence.
- The Commission is in the process of concluding the EU accession to the Istanbul Convention of the Council of Europe on preventing and combating violence against women and domestic violence.
- The Rights, Equality and Citizenship Programme helps tackle violence against women and children through funding grassroots projects focusing on prevention of gender-based violence, supporting victims and women and girls at risk, training of professionals and capacity building of services.

The EU is also tackling violence against women outside of the EU:

- Over the last two years, we have supported more than 1.5 million women and girls by providing services for protection and care related to female genital mutilation. Prevention efforts are having a positive impact: some 3,000 communities, representing 8.5 million people, have publicly announced that they are abandoning this practice.
- On child marriage, the EU has undertaken a series of initiatives designed to change attitudes and practices regarding girls’ rights, reaching over 1.6 million people.

## Background

Violence against women and girls is a widespread and devastating human rights violation that takes place across the globe. WHO estimates that one third of women and girls worldwide experience violence at some point in their lives. The numbers may only be the tip of the iceberg, as this type of violence remains largely unreported due to the silence, stigma and shame surrounding it. As a result, many perpetrators remain unpunished.

In addition to the initiatives mentioned, the EU has put in place the Victims' Rights Directive, which ensures more and better rights to victims of all crimes. Under these rules, the most vulnerable victims such as victims of sexual violence, victims of gender-based violence and victims of violence in close relations, have access to specialised support services. Such support includes access to shelters for victims in need of a safe place and targeted and integrated support including trauma support and counselling. The European Commission is closely monitoring the implementation of this Directive in the Member States and has taken action against those Member States who have not fully or correctly transposed EU rules.

Furthermore, the EU recognises trafficking in human beings as violence against women and girls, and this dimension continues to be a focus of key actions in the context of the EU legal and policy framework, under the horizontal mandate of the EU anti-trafficking Coordinator (Overview 2012-2016 and [2017-2018](#)).

Moreover, today, the European Institute for Gender Equality (EIGE) is publishing a new [risk assessment guide for the police](#), to help law enforcement authorities and health sectors to better work together to prevent repeated acts of intimate partner violence and save lives.

As a priority in its External Action, the European Commission is working on concluding the EU accession to the Council of Europe's Convention on preventing and combatting violence against women and domestic violence, the first instrument in Europe to set legally binding standards to prevent violence against women and domestic violence, protect its victims and punish perpetrators. It is the obligation of the State to fully address this type of violence in all its forms and to take the necessary measures of prevention, protection and prosecution. In partnership with the United Nations, the EU launched the [Spotlight Initiative](#), a global, multi-year initiative focused on eliminating all forms of violence against women and girls. With an unprecedented initial investment of €500 million, we are protecting and giving voice to those women and girls who have been silenced by their societies and now want to speak up. During 2017 and 2018, it is estimated that the EU allocated more than €62 million in humanitarian aid for the prevention of and response to sexual and gender-based violence worldwide under its protection and health programming.

Finally, the European Commission will be lighting up its headquarters in Brussels, the Berlaymont building, in orange on the night of Monday 25 November to show its support for combatting violence against women.

# PART II

## Collecting Data on Femicide

**“If we are to fight discrimination and injustice against women we must start from the home for if a woman cannot be safe in her own house then she cannot be expected to feel safe anywhere.”**

**Aysha Taryam, Author, 2018**

# CANADIAN FEMICIDE OBSERVATORY FOR JUSTICE & ACCOUNTABILITY



Myrna Dawson, Professor of Sociology, University of Guelph, Canada

## Preface

*On April 18-19, 2020, in Nova Scotia, Canada, a lone male, armed with multiple guns, went on a rampage, sparked in part by misogyny, killing at least 13 women and 9 men across multiple rural communities. The result was one of the deadliest mass killings in Canada’s recent memory. Although details have been painstakingly slow to be released, it is clear that at least some of these killings are femicide. Yet police releases, media reports and public discussions that followed the killings have so far not referred to this fact. This situation underscores what many of us know: every country, including Canada, needs a femicide watch or observatory to highlight the sexual aspects of violence experienced by women and girls as well as the sex/gender motivations and indicators frequently at play when women and girls are killed by men, locally and globally. Official narratives surrounding the killings of women and girls – whether a single female victim, multiple female victims, or a combination of female and male victims – often obscures that these are often, and typically, femicides. Simply put, the women and girls were killed because they were women and girls. Therefore, the lives of women and girls*



*continue to be put at risk because the sex-based or gendered elements involved in their killings are often ignored or, if known, are not acknowledged. As a result, the necessary data to develop effective prevention initiatives are not collected or, if available, are not accessible to those actively working to prevent violence against women and girls. Femicide watches or observatories can contribute significantly to addressing these gaps, but only if there is a greater social understanding of femicide as well as the political will and commitment to develop appropriate prevention initiatives. Femicide watches/observatories can work at ensuring this occurs globally.*

## Introduction

One woman or girl is killed every 2.5 days in Canada, mostly by men – a figure that has changed little over four decades – and a woman is murdered by her male partner once a week. The risk of femicide for women and girls is not evenly distributed, however; for example, the number of missing and murdered Indigenous women and girls has been described as “one of Canada’s most shameful realities”.<sup>1</sup> The Canadian Femicide

Observatory for Justice and Accountability (CFOJA) was launched on Dec. 6, 2017 – Canada’s National Day of Remembrance and Action for Violence Against Women.<sup>2</sup> Its primary goals are to establish a visible, national focus on femicide

1 See <https://www.equaltimes.org/what-will-it-take-for-canada-to?lang=en#.Xo51FXIpDIW> and *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* at <https://www.mmiwg-ffada.ca/final-report/>.

2 On December 6, 1989, when a lone gunman entered École Polytechnique at the Université of Montréal, Quebec, with the intent to kill women, blaming them for his failure to gain entrance to the engineering program. The male separated students by gender and yelled, “You’re all a bunch of feminists, and I hate feminists!” before firing at the women. Since then, every year on this day, Canadians come together to honour the victims of what is commonly become referred to as the ‘Montreal Massacre’ as well as other femicide victims. For more information, see: <https://www.femicideinCanada.ca/about/history/montreal>.

and its prevention in Canada and to contribute to a growing global dialogue and social movement to address gender-related killings of women and girls (Dawson et al. 2019a).

A bilingual initiative, the CFOJA builds on over two decades of femicide research in Canada<sup>3</sup> and responds to the ongoing call from the United Nations Special Rapporteur on Violence Against Women for countries to establish femicide watches/observatories (ACUNS 2017a). The core objectives of the CFOJA are: (1) to track cases of femicide as they occur in Canada and retrospectively while remembering each woman and girl; (2) to examine social and state responses (e.g. the media and the criminal justice system) that may exacerbate the marginalization and vulnerability of women and girls; and, (3) to facilitate the exchange of information, reliable data and current knowledge to advance legislative, policy and program change on femicide prevention from the local to the global. A key component of the third objective is to increase public and professional education and awareness about what it means to say that a woman or girl was killed because of her sex/gender<sup>4</sup> - the definition of femicide.

The CFOJA begins its work each year by tracking all women and girls killed as a starting point and, then, works to more clearly identify those killings that are considered femicide and to explain why, describing common gender-related motives and indicators (Sarmiento et al. 2014). Drawing from the first two *#CallItFemicide* reports (Dawson et

al. 2019a; Dawson et al. 2019b), key trends and patterns in femicide in Canada are described below before turning to ongoing data challenges and research priorities.

## A Snapshot of Femicide in Canada

In the first two years of its research (2018-2019), the CFOJA documented the killings of 298 women and girls.<sup>5</sup> On average, then, one woman or girl is killed by violence somewhere in Canada every 2.5 days. The CFOJA also documents cases retrospectively and, in its 2019 report, described patterns from a four-year period (2016-2019). Recognizing that some deaths remain unknown, at minimum, 543 women and girls were killed by violence in a total of 456 incidents for which 535 accused/offenders<sup>6</sup> were identified. Focusing on deaths that more closely align with the most common definition of femicide – females killed by males – there were 396 cases resulting in the deaths of 431 women and girls. Drawing from these data, the key patterns described below parallel many findings documented by the voluminous body of research on femicide that has been generated over many decades.<sup>7</sup>

- **Age:** Women aged 25-54 years continue to be significantly overrepresented as victims of femicide (23%) compared to their representation in the population (13%). In addition, women aged 65 years and older appear to be emerging as a potential at-risk group for femicide, a research priority which will be discussed further below.
- **Relationship:** As documented internationally (UNODC 2018), female victims in Canada continue to be killed most often by male partners, followed by male family members.

3 In 1989, eight women working in the violence against women sector who had experienced the killing of one of the women they were trying to help formed the Women We Honour Action Committee and launched the first femicide study of its kind in Canada. Occurring in two stages, the study covered the period 1974-1994, documenting the femicides of 1,206 women aged 15 and older from official records (Crawford & Gartner 1992; Crawford et al. 1997; Gartner et al. 1999). The study continues today and has been expanded nationally by the author of this article whose was involved in the earlier project and whose ongoing research serves as the foundation of the CFOJA (e.g. for most recent publication, see Dawson 2016; or see: <https://www.femicideincanada.ca/about/history/women>).

4 Definitions of femicide vary; however, historically and most often today, femicide captures the killing of females by males, also representing most of the femicides documented by the CFOJA.

5 At time of each report's publication, there were 148 killings in 2018 and 136 in 2019. However, numbers for each year continue to increase as cases are tracked, investigations unfold and new information becomes available.

6 Given the longer time period examined, many accused have now been convicted; thus, we use 'accused/offender.'

7 Key highlights from each report are provided, but further details are available in the reports themselves and related infographics. The links are provided at the end of the article. For more resources and femicide research, see: <https://www.femicideincanada.ca/library>.

For example, during the four-year period, 53 percent of women were killed by current or former male partners and another 22 percent were killed by male family members, together comprising three-quarters of the killings (75%).

- *Race/ethnicity:* As documented most recently by the National Inquiry into Missing and Murdered Indigenous Women and Girls (2019), the CFOJA demonstrates that Indigenous women and girls continue to be significantly overrepresented as victims of femicide. It is becoming increasingly difficult to document whether femicide victims were Indigenous (e.g. First Nations, Métis and Inuit); however, the 2018 report documented that at least 36 percent of the victims were Indigenous, despite representing only about five percent of the Canadian population. Beyond Indigenous status, the risk of other racialized women cannot be accurately documented. Data challenges documenting the risk of femicide for Indigenous and other racialized women are discussed further below.
- *Geography:* The highest rates of killing of women and girls were documented in the northern region of Canada (i.e. the three territories) and in regions with higher rural populations (i.e. the Prairie provinces and Nova Scotia). For example, 29 percent of all women and girls were killed in rural, remote or northern areas (i.e. populations less than 10,000) whereas only 16 percent of the population in Canada lives in such areas (Beattie et al. 2018). When small towns were included (population between 10,000-50,000), the proportion of women and girls killed in non-urban regions increased to 42 percent. Northern Canada and the more rural Prairie provinces also have higher proportions of Indigenous populations who are at greater risk of violence overall, but specifically Indigenous women and girls as discussed above.
- *Method of killing:* While information is still missing in a high proportion of cases, when method of killing was known, shooting (32%) was the most common method used to kill women and girls, followed closely by stabbing (28%). The presence of firearms increased

further when focusing on women and girls killed in non-urban areas.

### *Understanding sex/gender-related motives and indicators*

A key goal of the CFOJA is to increase public and professional education and awareness about what is meant by femicide – the killing of women and girls *because* they are women and girls. One key mechanism for doing so is by describing sex/gender-related motives or indicators (SGRMIs) accompanied by illustrative case examples. Broadly speaking, SGRMIs are characteristics that signify whether and how the killings were rooted in the perpetrators' misogynist attitudes, perceptions of traditional gender roles, and/or community- and societal-level acceptance of, or support for, violence against women and girls (Sarmiento et al. 2014). Such characteristics are typically not known early in an investigation which is why the CFOJA tracks all killings of women and girls as a starting point, tracking each killing from its initial discovery through to the police investigation and court outcome if the accused/offender did not die by suicide.

Because this research is in its infancy and investigations remain ongoing in most cases, it is not yet possible to examine with any accuracy the type and frequency of SGRMIs present in the killings of women and girls documented in Canada. As a result, it is also too early to determine the proportion of cases that can be accurately classified as a femicide. Until this information becomes available, the CFOJA uses case illustrations to increase public and professional understandings about what SGRMIs are and how they might be present in the contexts surrounding femicide. The goal is to demonstrate that SGRMIs are rarely evident in the killings of men, regardless of whether the perpetrator is a male or female and, as such, these characteristics are what make a killing a femicide. However, it is anticipated that, due to data challenges discussed below, even tentative conclusions about the presence of SGRMIs may not ever be possible for some cases.

To date, using current case examples, the following SGRMIs have been featured in the *#CallItFemicide* reports: previous violence perpetrated against the victim or other women/girls, coercive-controlling

behaviours, actual/pending separation, victim refused to establish/re-establish relationship, oppression/ domination over life decisions of the woman/girl, prior threats to hurt/kill, victim pregnant, sexual violence, mutilation, excessive violence, forcible confinement, disappearance, disposal/abandonment of body of woman/girl, connection to human trafficking/group/cultural practices, and misogyny.

### **Femicide Data: Quality and Challenges**

Femicide data remain difficult to access and collect, particularly in some world regions and/or for some groups of women and girls. It is also a growing challenge to get even basic information beyond sex, gender, age, date, location, cause of death and, if an accused is identified, sometimes the victim-perpetrator relationship (Walby et al. 2017). In many countries, these basic data are the best-case scenario, usually collected by government agencies and not easily accessible by researchers, advocates, service providers, or violence prevention organizations – in short, those directly concerned with preventing such violence. Even when such data are available or accessible, they are often limited in scope, particularly for determining whether the case was a femicide.

Despite growing awareness about the gender-related characteristics of male violence against women and girls, coupled with advances in technology and digital data, it is getting more difficult to access and collect reliable and valid data, at least in Canada, but likely globally as well. In response, violence prevention researchers, advocates and activists are becoming increasingly reliant on publicly accessible sources (e.g. media and court documents) in lieu of more ‘official’ data that are hard to access or do not provide information that adequately informs femicide prevention (Dawson et al. 2019a). However, publicly-available data are becoming less reliable because those who record and report this information are increasingly withholding basic facts – names, sex, gender, relationship, method of killing and so on. As such, in addition to ongoing difficulties capturing more complex victim or perpetrator characteristics, basic information that has typically been provided, at least by the media, is now increasingly withheld.

Given the above, a crucial question is: if we cannot document femicide in a reliable and valid manner, what is the hope of ever documenting, consistently and accurately, other forms of violence against women and girls and gender-based violence? It is the goal of the CFOJA to continue to highlight the challenges around accessing and collecting information on femicide and to underscore the need for femicide watches/observatories globally to address core gaps in data that prevent the development of informed prevention initiatives. To illustrate these gaps further, a Canadian example is provided below. It is anticipated that other similarly-situated countries – and those seen to have the ‘best-case scenario’ when it comes to femicide data – will face parallel challenges.

The killing of women and girls (and men and boys) is included as a core focus of data collection by Statistic Canada’s Homicide Survey. However, despite the fact that women and girls face the most danger from men they know – male partners and family members – there are few variables that specifically capture core information on a consistent basis that could inform prevention initiatives (e.g. prior violence in the relationship by male partners, prior police contacts or court orders, other system contacts, the presence of children and stepchildren, custody and access disputes and so on). The variable ‘history of family violence’ was added to the Homicide Survey in 1991 but is limited in various ways. First, it focuses on family violence more broadly as acts that occur between family members (e.g. spousal abuse, child or parent battering).<sup>8</sup> Second, it also does not capture the direction of the violence, meaning the accused or the victim may have perpetrated the violence or both parties against each other. Third, if there were multiple victims, it is also only necessary for the accused to have been previously violent against one family member – and perhaps not the victim of the killing – for the incident to be coded as having a history of family violence. Finally, this variable is not used for homicides that occurred between dating partners (Burczycka and Conroy, 2018). While information on prior criminal convictions is collected for both victims

<sup>8</sup> See: [http://www23.statcan.gc.ca/imdb/p3Instr.pl?Function=getInstrumentList&Item\\_Id=1209041&UL=1V&](http://www23.statcan.gc.ca/imdb/p3Instr.pl?Function=getInstrumentList&Item_Id=1209041&UL=1V&)

and accused, there is no way to determine if these were domestic violence-related given that there is no such offence in the *Canadian Criminal Code*. Therefore, even though prior violence by the perpetrator against the victim is one of the most common SGRMIs for femicide, the Homicide Survey is not able to consistently capture this information as currently designed.<sup>9</sup>

The Homicide Survey also does not collect case-based information on the criminal justice processing of a killing that can link characteristics of the victims, accused or incidents to the sanctions imposed. Beyond the initial charge laid – which often changes – outcomes of the court process – if the offender did not die by suicide – are not consistently recorded anywhere in Canada (e.g. conviction, sentence length, acquittal due to ‘not criminally responsible by reason of mental disorder’). In fact, it is well recognized that little attention is given to variation in official responses to crime across Canadian jurisdictions and globally, despite recognition that courts operate in distinct environments that impact how cases are processed and disposed (Roberts 1999; Tonry 2007; Ulmer 2012). Despite these limitations, data produced by Statistics Canada are arguably better than many other countries, even if similarly lacking when it comes to documenting gender-related killings of women and girls.

Efforts to address these gaps, focusing on the most common type of femicide – intimate partner femicide – is a growing number of domestic violence death review committees which originated in the United States in the 1990s and now exist in six countries, including Canada (Dawson 2017). Depending on time and resources available, some of these review initiatives can access a variety of data sources to triangulate information, sometimes producing a more complete picture of the femicide at least as it occurs between intimate partners. Further, in cases of intimate partner femicide-suicides which may not be subject to as detailed an investigation by police given there will be no criminal proceedings, these review initiatives may also be the only mechanism that comprehensively investigates femicides that end with the

perpetrator’s suicide. While several countries currently have domestic violence death review committees, not all do, and even those countries with existing review teams do not have them in all states/provinces, which is the situation in Canada as well, creating data inequities. In addition, the number of cases and the materials reviewed, as well as the voices heard and the stakeholders and experts represented at the table, are also variable across jurisdictions (Sheehy 2017).

A greater limitation for understanding femicides, however, is that the goal of these committees, is to examine primarily intimate partner femicide/homicide and, while some teams do include children killed in the context of domestic violence and third-party collateral victims, many femicides are still not be captured. For example, there are few in-depth examinations of women killed by strangers, friends, or acquaintances and/or in other contexts (e.g. gang involvement, sex trade workers, human trafficking, organized crime) unless somehow linked to domestic violence. This is particularly concerning in Canada because some research has shown that Indigenous women and girls are often killed by male acquaintances and strangers, more likely than non-Indigenous women and girls (Legal Strategy Coalition on Violence Against Indigenous Women 2018; NWAC 2010). These femicides would fall outside the mandate of most, if not all, domestic violence death review initiatives.

Finally, like Statistics Canada’s Homicide Survey, the focus of domestic violence review initiatives is the events leading up to the intimate partner femicide with no attention to social and legal responses to the killing after it occurs. Therefore, while their prevention focus is crucial, and can contribute significantly to enhancing safety for those experiencing intimate partner, family and domestic violence, the reviews themselves do not address justice and accountability aspects which are a core component of prevention.

These data gaps, and specifically the lack of focus on non-intimate femicides and the investigations, prosecutions, and convictions of femicide perpetrators globally have been noted by the United Nations Special Rapporteur on Violence Against Women who has continued to

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9 For other limitations, see Dawson et al. (2019a).

call on countries, including Canada, to improve data collection on femicide. Recent international work has identified strategies that can be applied within and across different countries to improve the availability, collection and monitoring of femicide data (Vives-Cases et al. 2016). These strategies include “political will, technical specific requirements and the involvement of different agencies—governments, mass media, police bodies, courts and professionals, who are in charge of identifying, registering and monitoring” (Vives-Cases et al., 2016: 34). Priority clusters of actions were also identified within this range of strategies. According to experts’ assessment, institutional national databases were the most relevant, but data extracted from media coverage of femicide was rated most feasible. This approach has been adopted as a first step by the CFOJA; however, more innovative, collaborative, multi-sectoral approaches are required if the relevant and appropriate data for effective femicide prevention are ever to be collected. These data are particularly crucial to inform more effective social and state responses needed to address the higher risk of femicide faced by some groups of women and girls in Canada – and globally – as discussed next.

### **Current and Emerging Research Priorities**

Various current and emerging research priorities have been identified by the CFOJA in its first two years of research, most of which have been highlighted by other researchers nationally and internationally. Below, these priorities are briefly introduced and, while presented separately, they show how intersecting social identities can also compound the risk of femicide for some women and girls. This underscores the importance of adopting an intersectional lens as we move forward in developing more nuanced and informed femicide prevention initiatives. The priorities identified are not exhaustive; rather they are meant to serve as a starting point for future research, drawing from the Canadian context.

#### *Femicide and the intimacy discount*

Intimacy is arguably the greatest risk factor for women and girls, consistent over time and across cultures (UNODC 2018). This has remained so despite significant efforts targeting intimate

partner violence against women by men in the past three decades and resulting in many social and legal transformations. The ongoing risk of intimacy for women and girls is largely due to an inability to address negative and damaging attitudes, beliefs and stereotypes at the individual and societal level about intimate relationships and about women’s and men’s roles in those relationships (Sarmiento et al. 2014). The ongoing legacy of entrenched stereotypes – coupled with the ongoing belief that intimate partner violence is ‘private’, ‘normal’ and ‘unpredictable’ – creates an environment ripe for such violence for whom women bear the largest burden. More efforts to comprehensively document such attitudes, beliefs and stereotypes is crucial, particularly when held by professionals who work in sectors responding to male violence against women and girls. Negative and problematic attitudes, beliefs and stereotypes cannot be changed if we do not know what they are, who continues to hold them, and why. In Canada, such research systematically examining these questions is virtually non-existent.

#### *Risk of femicide for Indigenous and racialized women and girls*

It is well recognized that capturing the race and ethnicity of those involved in crime and violence is fraught with difficulties because information is often missing, recorded inaccurately or used irresponsibly (Owusu-Bempah & Wortley 2014). When approached carefully and responsibly, however, such information may be useful for informing policy and prevention initiatives, and particularly those that target femicide. In Canada, historical and ongoing impacts of colonization, systemic discrimination, poverty, and other inequalities have contributed to Indigenous populations in general being overrepresented as victims of violent crime. However, while Indigeneity has been a long-standing focus of national crime and justice statistics, it is recognized that data quality is often low (Owusu-Bempah & Wortley 2014; Thompson 2014).

Efforts to document the violence experienced by Indigenous women and girls have increased in recent years, largely due to work by Indigenous women and feminist grassroots initiatives (Amnesty International 2004; NWAC 2010), but there is

still much work to be done to consistently and accurately document their absolute and relative risk of violence. In addition, the ongoing impunity for perpetrators also continues to be well-documented anecdotally (MMIWG Inquiry 2019). However, there remains an absence of systematic data and research on state responses to femicide overall, and specifically to killings of Indigenous women and girls (Dawson 2016; MMIWG Inquiry 2019). Consistent with findings from the MMIWG Inquiry, CFOJA data for 2018 and 2019 demonstrate that little appears to be changing for Indigenous women and girls as they continue to be overrepresented as victims compared to other women and girls. However, the picture remains incomplete due to the high proportion of missing data.

If data is lacking for Indigenous women and girls, it is virtually non-existent for other racialized women and girls. This gap in knowledge may be due to early restrictions placed on collecting data on race/ethnicity in Canada and/or the difficulty in finding data sources that reliably capture this information (Thompson 2014). In recent years, the challenges that immigrant/refugee women face when they experience intimate partner or domestic violence specifically, including cultural or language barriers, has increasingly been documented (Alaggia et al. 2009; Rossiter et al. 2018). This may enhance their risk of femicide, particularly by male partners, if they are unable to get the help they need. With growing immigrant/refugee populations, in Canada and globally, it is crucial to better understand the numerous barriers these women and girls face when disclosing victimization to access services and supports as well as how social and state actors respond when they do.

Given the need to understand the greater risks of femicide for Indigenous women and girls or the additional barriers faced by racialized women and girls experiencing violence, the lack of reliable and valid data is concerning. Key questions going forward are whether these data are being collected, by whom, and how accurate they are as well as how these data are being used to inform femicide and violence prevention. If these data are not being consistently collected, we need to ask why. Until we have some answers, the actual risk of femicide for Indigenous and other racialized women and girls remains obscured and

their ongoing marginalization and vulnerability is exacerbated. And, if we cannot determine how to collect accurate data about their deaths, even greater challenges are faced when gathering vital data for the larger group of women and girls who experience non-lethal forms of male violence.

#### *Women and girls living in non-urban regions*

Research has begun to establish the importance of place in the study of violence, including intimate partner violence (Dawson et al. 2018; DeKeseredy & Schwartz 2009; Gallup-Black 2005; Jennings & Piquero 2008; Peek-Asa et al. 2011; Weisheit et al. 2006) and femicide, in particular (Beyer et al. 2015; Gillespie & Reckdenwald 2015; Sinauer et al. 1999). Recent research by the CFOJA and others has demonstrated that non-urban women and girls continue to be overrepresented as victims of femicide. Therefore, there is a pressing need to examine how the killing of women and girls in Canada and globally varies across geographic regions and how the circumstances surrounding their deaths are distinct from women and girls killed in urban areas.

Only recently have researchers begun to systematically examine variations in urban and rural homicide, but there is already significant evidence that the characteristics and context of killings differ depending on where the killing occurred (Hunnicuttt 2007). For example, some research identifies unique factors that increase the risk of lethality for women living in non-urban communities experiencing intimate partner violence including, but not limited to, a lack of access to services and supports, few to no transportation options, rural gun culture, and difficulty maintaining privacy and confidentiality (Dawson 2010; Dawson et al. 2018; Pruitt 2008; MMIWG Inquiry 2019). This situation is not new in Canada. In a 2008 Senate report on rural poverty in Canada, family violence in rural Canada was identified as one of two pressing crime-related issues that required federal government attention and “inadequate access to services” was identified as a key factor contributing to this ongoing problem (Senate Canada 2008: 239).

## *Femicide of Older Women*

In Canada and globally, older women are an emerging research priority (ACUNS 2017b) which is becoming more urgent as many populations worldwide continue to age. The CFOJA demonstrated that, in 2018, women aged 65 years and older were slightly underrepresented as victims (16%) compared to their representation in the general population (18%). However, 2019 data showed that women aged 65 and older are now slightly overrepresented as victims and, in fact, were the largest age group of victims (20%), representing one out of every five women killed that year. Although violence and abuse against older women is common worldwide, it has received little attention to date and it is currently one of the most widespread, but unpunished crimes, affecting older women across all groups and nations (ACUNS 2017b). In part, the risk of violence faced by older women stems from the fact that they live longer than men and, as a result, are more likely to live alone or with a single caregiver, increasing their vulnerability. Furthermore, research has shown that older women who experienced physical or psychological abuse were more likely to report more physical and mental health conditions than similarly aged women who had not experienced abuse (e.g. Fisher & Regan 2006).

Focusing on femicide, specifically, research shows the majority of older women are killed by intimate male partners or other family members, often sons (Allen et al. 2018; Bows 2018; Dawson 2017; Krienert & Walsh 2009; Sutton & Dawson 2017). This is consistent with patterns identified by the CFOJA. Because older women are most often killed by a close relative, femicides tend to occur within the victims' home, a finding that is not true of older male homicide victims (Krienert & Walsh 2009). In addition, risk factors such as caregiver burnout and a history of domestic violence may increase the risk of homicide among older women (Canetto & Hollenshead 2001; Malphurs & Cohen 2005). Given that older populations are increasing rapidly in many countries, more focused research and violence prevention initiatives are needed to effectively target this group of women.

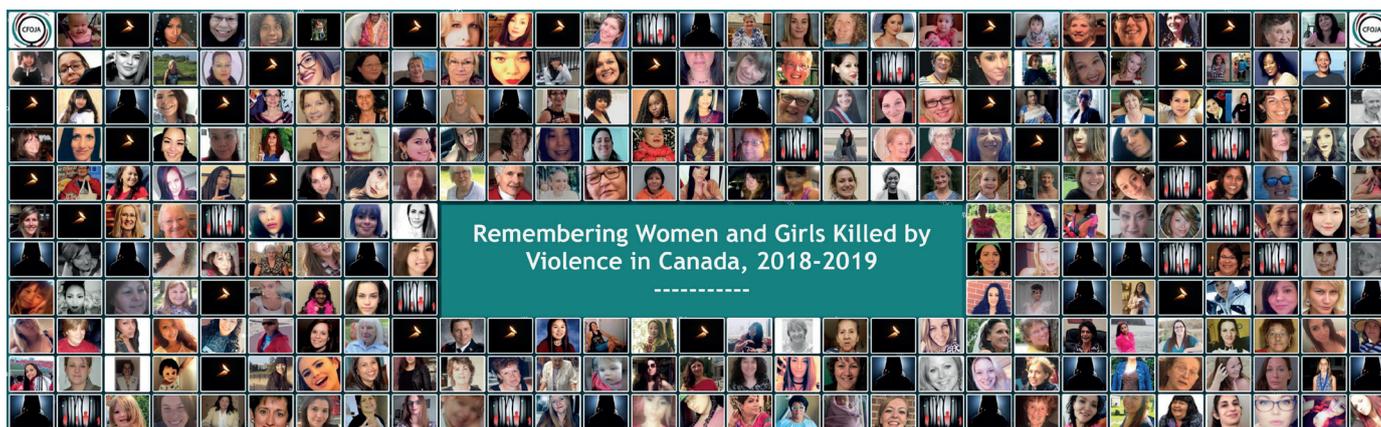
## *Women and girls with disabilities*

Few, if any, studies have examined disabilities as a risk factor for femicide. However, focusing on non-lethal violence, a recent Statistics Canada (2014) publication underscored the growing recognition of the extent, nature, and prevalence of gender-based and disability-based violence for women with disabilities (Cotter 2018), consistent with international trends (Dowse et al. 2016). Furthermore, it is recognized that violence for women and girls with disabilities cuts across both private and domestic settings to public settings such as state or institutional facilities (Canadian Association for Community Living 2017). Studies have also demonstrated that women with disabilities are more likely to experience violence at the hands of an intimate partner compared to able-bodied women (Ballan 2017; Cotter 2018) as well as violence perpetrated by non-intimate partners, including family members, caretakers, service providers and strangers (Ballan 2017).

Women with disabilities also have been shown to stay in situations of abuse longer due to physical and financial dependence (Ballan 2017) as well as barriers imposed by perpetrators, lack of physical access to service organizations and inaccessible information (Thiara et al. 2012). All factors can act to increase their risk of femicide. These increased risks are supported by ableist attitudes that portray women with disabilities as weak, or pitiful, as well as over or under sexualized. The abuse is sometimes also justified by intimate partners, family members and other caregivers as a normal reaction to burden of care they perceive the woman imposed on them (Odette & Rajan 2013). It is essential to recognize the gender- and disability-specific forms of violence that women and girls with disabilities experience in order to tailor services and resources that address their needs and protect their lives.

## **Conclusion**

Efforts by the CFOJA to bring a visible and national focus to femicide in Canada has drawn attention to the frequency with which it occurs, arguably more than common public perceptions. Documenting femicides as they occur, and retrospectively, at the national level has also shown what groups



of women and girls are most at risk and where, identifying priorities for research and prevention efforts. Ongoing and future research by the CFOJA is multi-faceted, including: (1) research on how to more clearly define and measure the 'sex and gender-related motives or indicators' for femicide; (2) continuing to retrospectively document women and girls killed by violence in earlier years to better assess trends over time; (3) documenting media constructions of femicide, including the identification of the dominant stereotypes relied upon; and (4) examining sanctions for perpetrators, including how 'access to justice' varies by the social identities of those involved (e.g. Indigenous vs. non-Indigenous) as well as by geographic region (e.g. rural vs. urban). The CFOJA will also continue to be involved in social and education activism through traditional forms of media and social media.

### 2019 Report and Infographics

#CallItFemicide: <https://femicideincanada.ca/callitfemicide2019.pdf>

Updated infographic: [https://femicideincanada.ca/CallItFemicide\\_2019\\_Update.pdf](https://femicideincanada.ca/CallItFemicide_2019_Update.pdf)

#Cestunfémicide: <https://femicideincanada.ca/cestunf%C3%A9micide2019.pdf>

Infographie mise à jour : <https://femicideincanada.ca/cestunf%C3%A9micide-update.pdf>

### 2018 Report

#CallItFemicide: <https://femicideincanada.ca/callitfemicide.pdf>

#Cestunfémicide: <https://femicideincanada.ca/Cestunf%C3%A9micide.pdf>

For more information, please visit: [www.femicideincanada.ca](http://www.femicideincanada.ca) or follow @CAN\_Femicide.

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# A TALE OF TWO COUNTRIES: CHALLENGES OF COLLECTING FEMICIDE DATA



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*“We talk about how many women were raped last year, not about how many men raped women. We talk about how many girls in a school district were harassed last year, not about how many boys harassed girls...” - Jackson Katz (2013)*

Femicide (i.e., gender-based murder of women) stands on an equal footing with all types of crime in not discriminating between countries. The only difference is that in some countries, it is more prevalent in comparison with others (see, generally, Strengthening understanding..., 2008). Canada and India are no exception, but the difference is that femicide is less common in Canada than in India. However, regardless of its incident rate, femicide is an unacceptable social reality that needs urgent attention from all the stakeholders.

In this article, we will use Canada and India as ‘case studies’ to discuss some of the challenges in trying to collect reliable and valid data on femicide as well as identify some recommendations that can/might help reduce the ‘dark figure’ of the actual number of femicide cases and how to improve the reliability of data collection of femicide. Because, without reliable and valid data, one cannot adequately inform prevention and intervention practices or policies to combat femicide.

## Country overviews

Today the subject of violence against women by men is no longer the ‘silent elephant in the room’ that no one talks about. Whether it be Canada or India, violence against women has and continues to receive increased attention. However, it is ironic that it was not until after the signing of the United Nations (UN) *Declaration on the Elimination of Violence Against Women* in December 1993 that attention to femicide began to capture the attention of scholars and law-

makers.<sup>1</sup> The additional impetus towards raising the awareness of femicide came in 2017 when the UN Crime Commission launched the Femicide Watch Platform prototype (see <http://femicide-watch.org/>). Finally, this journal marks one of the first dedicated publications to focus exclusively on femicide.

## Femicide in Canada

In Canada, there is no shortage of reports, academic studies, or vested interest groups (e.g., Canadian Women’s Foundation (CWF); YWCA (Young Women’s Christian Association); Canadian Council for Refugees, etc.) who provide varying data on violence against women. For example, on their 2019 website, the CWF reports that:

- Approximately every six days, a woman in Canada is killed by her intimate (male) partner.
- There is no province or territory where a case of femicide has not been officially recorded.
- 67% of Canadians know a woman who has experienced physical or sexual abuse.
- Indigenous women are killed at six times the rate of non-Indigenous women.
- Only 5% of sexual assaults were reported to police in 2014.
- 82% of those under 18 who experience sexual assault are girls.
- Canadians collectively spend \$7.4 billion (approx. \$3.55 billion US) to deal with the aftermath of spousal violence alone.

<sup>1</sup> The Declaration is seen to be complementary and to strengthen the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women.

Despite what appears to be an abundance of data on violence against women and girls in Canada, until 2018, the only other national survey (i.e., Violence Against Women Survey - VAWS) on violence against women was conducted in 1993. The study found that almost half of the 12,000 female respondents (18 years of age or older) reported having experienced at least one incident of violence since the age of 16. In most of the cases, the perpetrators of the violence were males who were known to them. Despite this alarming finding, the only other national survey of violence against women occurred during the 1999 General Social Survey, which asked respondents about such related issues as fear of victimization, stalking, sexual assault, and spousal violence (see Sinha, 2013). However, since 2001-2002, the federal government has conducted annual surveys on family violence. Although the surveys represent a step in the right direction, the range of the reviews does not capture the full spectrum of the scale and scope of femicide.

In 2018, replying to police-reported data, Conroy (2018) found that while physical assaults against girls and women declined between 2009 and 2017, sexual violence increased. However, as noted by the CWF and several other studies, despite the increasing openness and awareness towards gender-based violence, the 'dark figure' (i.e., unreported rate) is still significant. It remains one of the biggest challenges to collecting data on femicide (see Smith, 1994; Sinha, 2013).

Nevertheless, Canadian-based data on femicide can provide various insights, primarily through high-profile cases, data on its nature and prevalence remain scarce. Part of the challenge lies in the fact that femicide has, and is, addressed in a variety of contexts. For example, femicide is categorized as intimate partner violence, stranger violence, rape and other sexual violence, and honor and dowry practices (see India below). In Canada, for example, in 1983 (under Bill C-127), sexual assault and rape were reclassified in the *Criminal Code* (sections 271-272) into three levels of sexual assault (i.e., sexual assault, aggravated sexual assault, and sexual assault with a weapon). Several other sections in the *Criminal Code* also cover other forms of sexual assault, but none of the *Criminal Code* offences speaks directing to

femicide. For example, it is virtually impossible to find any use or reference to such offences as uxoricide, sororicide, prolicide, among other forms of (gender) relational killings. Therefore, trying to collect any official data on femicide in Canada is very difficult.<sup>2</sup>

Additionally, there are some of the more nuanced incidents of violence against Canadian women, which pose additional hurdles in the data collection, interpretation, and accuracy of the data. For example, there are cases of women who are murdered as a result of their association with gang activity. For example, a recent news story revealed that in British Columbia alone (a province on the west coast of Canada), between 2016 and 2017, seventeen females had been killed in gang-related violence (Kane and Smart, 2019). What is not known is how many, if any, of the killings were gender-motivated. Similarly, some women are murdered or assaulted during political violence. Sharlach (2000), in her study of genocide in Bangladesh, the Former Yugoslavia, and Rwanda, reports rape was widely used as political 'weapons' to not only cause physical harm but to crush the morale of the country. However, as Sharlach goes on to observe, the 1948 *Convention on the Prevention and Punishment of the Crime of Genocide* does not explicitly state that sexual violence is a crime of genocide. Consequently, these crimes go mostly unrecorded and, aside from several scholarly reports, go unnoticed.

### **Femicide in India**

Femicide is deeply rooted in Indian society. Femicide is attributed to illiteracy, poverty, patriarchy, and misogyny. In fact, on January 22<sup>nd</sup>, 2015, Indian Prime Minister N. Modi called upon the Indian people to celebrate "the life of a girl child." Included in his vision of 'Beti Bachao, Beti Padhao' (caring for the girl child), Modi supported and urged all Indian fathers to take "Selfie with daughter" (Beti Bachao..., 2015). The call went viral not only in India but around the world.

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2 For additional information on femicide in Canada see the Canadian Femicide Observatory for Justice and Accountability at <https://femicideincanada.ca/welcome>

In India, femicide is mostly about attempts to gain the patriarchal politics of wealth and its ownership. Throughout most of India, there are varied forms of discrimination against women based on culture and tradition, which are exacerbated when mixed with superstitious beliefs. According to various UN reports, India has the world's highest incident rate of female infanticide. The problems were first documented during the 18<sup>th</sup> century British census when a considerable discrepancy between girls and boys was recorded. The difference was attributed to certain Hindu practices, such as Sati Pratha, the use of a dowry, and the Vedic importance of having a son over a daughter.

Since India's mainstream patriarchal society has long favoured the protection of a male child over a female child, the issue of female infanticide remains a largely neglected issue. The gender ratio discrepancy was further confirmed by the fact that today India is the global epicentre for female infanticide. According to the 2019 UN Statistics in World Population Prospectus report, India has only 930 females per thousand males. Furthermore, based on a government report on sex ratio at birth by Niti Aayog (2013-2015), the information is even more astonishing. The report shows that there were only 900 females per 1000 males in the country. This represents a ratio that has dropped even further from the previous iteration of the population census report of 2011, which showed 943 females per thousand males.

Given the unique plight of women in India, the study of femicide needs to be examined within the context of all crimes against women. This includes crimes against women in the family, crimes against women in the community, crimes against women perpetrated by the state, and a crime against women in transnational spaces. As per government regulations, the National Crime Reports Bureau (NCRB) maintains records of all formally recognized crimes against women/girls. There have been, for example, 3.59 lakh cases of crime against women in 2017 (most recent statistics) compared to 3.38 lakh in 2016. Cruelty by husband heir relatives accounts for 27.0 percent of the crimes against women. Assault of women with intent to outrage her modesty comprise 21.7 percent, followed by kidnapping and abduction of women with 20.5 percent, while rape was 7 percent of the officially reported cases.

Not only for femicide cases, but all crimes against women in India are on the rise. According to the 2017 NCRB Report on Crime Statistics, there has been an increase of about 16 percent in crime against women in India since 2012. The range of crimes is broad. The crimes include such crimes as rape, sexual harassment, acid attacks, domestic violence, femicides and other barbaric customary practices such as honour killings. In 2018, a Thomson Reuters Foundation survey of 550 experts on women issues found that India was ranked as the most dangerous nation for sexual violence against women, as well as human trafficking for domestic work, forced labour, forced marriage, sexual slavery, amongst other reasons. India was also declared as the most dangerous country in the world where cultural traditions place women as risk of gender-motivated crimes such as acid attacks, female genital mutilation, child marriage and physical abuse.

The Indian government has recently undertaken several initiatives to curb the incident rate of femicide and crimes against women, in general. For example, the government has introduced new legislation to prevent crimes against women, such as the Domestic Violence Act, the Dowry Prohibition Act, etc. United Nation Population Fund Report (2011) suggest that the gender-based termination of pregnancy has surged after the inception of scientific techniques to determine the gender of a child. According to the later report, there have been 10 million sex-selective abortion from 1980 to 2010. Although originally intended to help detect if the fetus had any genetic disorders or chromosomal abnormalities and the fact that the Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act (2003) was introduced to prevent the misuse the diagnostic techniques, the techniques is being used as an instrument of femicide. Unfortunately, there is no reliable statistics available on true nature and extent to which the technique is used to commit femicide. This is seen as a significant gap in the official data that needs to be addressed if India is going to effectively combat femicide.

At this point, it is unclear how India might be able to collect reliable and valid data on femicide. Despite the various measures taken to improve data collection and ensure the safety of women

and girls, it is reasonable to assume that the 'dark figure' is far more significant than what is officially reported. Notwithstanding the previous comment, there have been several attempts to improve the quality of data collection. Still, such efforts have proven to be mostly futile as there appears to be a lack of (collective) political will. This has been reflected in several in the fact that the NCRB report on crimes against women for 2017 was not released until 2019. Furthermore, there are very few nationally or regionally funded studies on the issue of femicide, further suggesting a bias by official government funding agencies.

The availability of reliable and valid data on femicide (let alone crimes against women) remains a complex, a controversial, and sensitive issue in India. As a result, India has a significant challenge on its hand concerning the implementation of the existing legislative framework to uproot such practices from the grass-root level. However efficient, the government alone cannot address the femicide issue. To bring about a change, all stakeholders must make efforts and that individual citizens understand the magnitude and effects of the problem. For this to work, there not only has to be a change in the public mindset, but it will also require a paradigm shift among politicians and perhaps increased international pressure on India to ensure that the appropriate and necessary data is collected. In so doing, such data can then be used to properly inform policies and actions can be taken to protect women and girls from acts of femicide.

### **Lessons learned from a 'tale of two countries'**

In addition to the various categories of femicide, the definitional challenges (see Weil, Corradi, & Naudi, 2018; DeKeseredy & Schwartz, 2011) pose a range of methodological variances in the collection and interpretation of data. For example, depending on the theoretical perspective used to explain violence against women, DeKeseredy and Schwartz (2011) question: "whether researchers' definitions and theories are sensitive to their subjective experiences" (p. 16). In the social sciences, it is a well-established fact that unless you can collect reliable and valid data than any effort to explain, describe, understand, or predict how to respond to an issue such as femicide, then you risk making an ill-informed (policy) decision.

Accurate measurement of femicide is paramount to any ability to address the issue effectively. However, as most of the readers know, we are not saying anything new. For example, Schrottelle and Meshkova (2018), in their review of European countries, found that data collection on femicide was typically reliant on national crime statistics which aside from being incomplete (i.e., dark figure), are also not comparable. Simple things, as noted above, such as the definition of the crime, the modes of data collection, and the recording of data are not comparable or consistent. Furthermore, as is the case in both Canada and India, official crime statistics do not record the motives underlying the gender-based crime, let alone the relationship between the victims and offenders.

Additionally, neither country has a standardized data collection system for recording incidents of femicide. There is high heterogeneity, although police and official crime statistics are the primary sources of femicide data. Other sources across both countries include informal population-based studies to incomplete (categorically) sex-crime related offences, review of media articles and postings, and in a few cases, studies that access hospital records. While some of the other data can be disaggregated by gender and examined qualitatively to discern the victim-perpetrator relationship such procedures are far from ideal, let alone reliable or generalizable to different settings.

### **Recommendations for improved data collection**

It is clear from the two 'case' studies and other studies (see Strengthening understanding..., 2008) that there is a need for more accurate data and statistics on femicide if we are going to truly understand (i.e., documenting & exposing) the nature, pattern, and extent of femicide, and the evidence-informed knowledge necessary for prevention and intervention.

As it is beyond the scope of this article to provide a detailed list of suggestions, we offer several critical points for consideration. Most of these points also align with those put forth by COST (European Cooperation in Science and Technology).

1. International cooperation: As a global crime, the international community should collaborate “in a coalition to avoid doubling activities” (Weil et al., 2018, p. 49).
2. Methodological consideration: There is an ongoing (urgent) need to collect data on femicide, including population-based studies; analysis of service records; homicide, police, hospital, court, and mortuary statistics; domestic fatality reviews; verbal autopsies; and evaluation of newspaper articles.
3. Improve definition: If a universal definition of femicide can be agreed upon, then it will be easier to not only collect data but also engage in national and international comparisons.
4. Data sources: Explore the use of qualitative and quantitative data sources in femicide. Such data can/should be collected on all regional national and international levels and across a range of primary and secondary sources.

In addition to improving and standardizing any data collection strategies regarding femicide, it is necessary to address gender inequalities and the entrenched negative attitudes and stereotypes that continue to exist towards girls and women in both countries. Further research is needed to (better) understand the underlying factors that contribute to female victimization – femicide.

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# THE NEED FOR A FEMICIDE OBSERVATORY IN LATIN AMERICA



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The Latin American region has one of the highest rates of femicide in the world. Twelve women and girls in the region are killed every day because of their gender. Every two hours, a woman dies in Latin America for the simple fact of being a woman. It is considered one of the most dangerous places in the world for a female (Economic Commission for Latin America and the Caribbean, 2018). Despite the high prevalence of femicide in Latin America, most countries have no comprehensive mechanism to effectively collect data on femicide. This chapter examines the challenges of collecting data on femicide in Latin America and recommends the establishment of a regional surveillance or a monitoring system, in the form of a Femicide Observatory, to collect uniform and consistent statistics throughout the region.

The Latin American countries comprise those countries in which Romance languages are spoken by the majority of the population. The countries include (in Central and South America) Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela. Latin American countries also include Cuba, Dominican Republic, and Puerto Rico.

## Conceptual Framework

In Latin America, the terms *femicide* and *feminicide* are used. The term femicide was first used by Russell and van de Ven (1976) who stated that the word femicide was introduced because “we must realize that a lot of homicide is in fact femicide. We must recognize the sexual politics of murder” (p. 144). Caputi and Russell (1998) view femicides as the most extreme form of terrorism against women that is motivated by hatred, contempt, pleasure, or a sense of ownership. In 1998, Jacquelyn Campbell and Carol Runyan refined the term femicide by suggesting that all killings of women, regardless of motive or perpetrator status should be considered femicide. The term *feminicide* is used in Latin America to describe an extreme form of violence

against women and also to highlight the social, judicial, and political context which normalizes the crime (Economic Commission for Latin America and the Caribbean, 2014). The term feminicide, is, therefore, used to emphasize “a structural focus on the state as a gendered institution complicit in this violence” (García-DelMoral, 2018, p. 936). Feminicide is viewed as the murder of women by men but it also includes “an analysis of the response or non-response of the State to murders of women” (Widyono; 2009; p. 10). It is seen as a crime which is tolerated by many Latin American governments which do not vigorously investigate nor hold the murderers accountable for their actions (Widyono; 2009). Countries such as Chile, Costa Rica, Guatemala, Honduras, Nicaragua and Panama use the term “femicide”, and El Salvador, Mexico, Peru and the Plurinational State of Bolivia use the term “feminicide.” Other countries label the crime of female homicide as “aggravated homicide due to gender (Economic Commission for Latin America and the Caribbean, 2019a, n.p.).

## Extent of Femicide

According to the United Nations Office on Drugs and Crime (UNODC), an average of 137 women across the world are killed by a partner or family member every day. The statistics provided by UNODC indicate that more than half of the 87,000 women murdered (50,000) in 2017 were killed by a partner or a family member. This figure translates to 1.3 per every 100,000 women. The largest number of women who were killed in 2017 worldwide by an intimate partner or a family member was in Asia (20,000), Africa (19,000), Europe (3,000), and Oceania (300). However, when the rate of femicide for 2017 worldwide is examined, the highest rate was in Africa at 3.1 per 100,000, followed by the Americas (1.6), Oceania (1.3), Asia (0.9) and Europe at 0.7 (United Nations Office on Drugs and Crime, 2019).

The Fourth Femicide census of the United Kingdom reported that over half (61%) of the women killed by men in the UK in 2018 were killed by a current

or former partner. This information was based on person who were charged or convicted of homicide (BBC News, 2020). In 2018, several countries in Europe reported an increase in the number of femicide cases. These countries included Germany with 147 cases, France with 121 and Italy with 121 (Statista, 2020). In 2016, Malta had the highest rate of homicides of women in Europe at 0.92 per 100,000 women, followed by Iceland (0.61) and Croatia with 0.51 (McCarthy, 2018). In 2003, Spain, began recording the number of femicide cases and by June 2019 it recorded its 1,000th murder of a woman by a partner (Blunt, 2019).

During the year 2017 and 2018, there were 15.2 murders for every 100,000 adult women in South Africa (Wilkinson, 2019). In 2016 Jamaica had a rate of 15.5 per 100,000 for “female interpersonal violence death” followed by Lesotho (15.4), South Africa (12.5) Guinea-Bissau (11.1) and Haiti with 10.6 (Wilkinson, 2019).

#### *Extent of Femicide in Latin America*

Through its Gender Equality Observatory for Latin America and the Caribbean, the United Nations’ Economic Commission for Latin America and the Caribbean (ECLAC) has been collecting data on femicide in the region for several years. It reported 2,795 femicides in Latin America and the Caribbean in 2017. El Salvador had the highest rate with a rate of 10.2 femicides per 100,000 women, followed by Honduras with 5.8 femicides, Guatemala with 2.6, the Dominican Republic with 2.3 and Bolivia with 2.0. Venezuela, Panama and Peru were the only countries in the region with rates below 1.0 (Economic Commission for Latin America and the Caribbean, 2018). In 2019, ECLAC reported that there were 3,529 victims of femicide in 25 Latin American and Caribbean countries. The data for 2018 were similar to those of 2017: the countries with the highest rates of femicide (or feminicide) in Latin America were El Salvador (6.8), Honduras (5.1), Bolivia (2.3), Guatemala (2.0) and the Dominican Republic (1.9). Other countries with rates above 1 included Dominican Republic (1.9), Paraguay (1.7), Uruguay (1.7) Mexico (1.4) and Ecuador (1.3). All the other countries, Costa Rica, Panama, Peru, and Venezuela had a rate of 1.0 or below 1.0 per 100,000 women (Economic Commission for Latin America and the Caribbean, 2019a).

Apart from the statistics compiled by ECLAC, many of the countries collect national data on the extent of femicide in their countries as shown in Table 1 below. It shows that Mexico (81), Brazil (68), Colombia (50), Guatemala (41) and Venezuela had the highest number of femicides for 2019. It is also important to note that the statistics were reported by different organizations/agencies in the region.

In Latin America, one of the most the profound effects of the home quarantine due to the Coronavirus (COVID-19) pandemic has been an increase in violence against women. Several Latin American countries are experiencing a rise in the number of femicides during the quarantine. Data from Argentina indicate that from March 20 to April 10, there were 49 femicides; this means that the murder of a woman took place every 24 hours. Fifty percent (56%) of the perpetrators were partners or ex-partners, while in 89% of the cases, the victim knew their aggressor (Prusa, Nice, & Soledad, 2020; Wadhwa, 2020). During the first week of the quarantine, there were 3 femicides in Bolivia. In the first month of the quarantine, 4 femicides were reported in Chile (Wadhwa, 2020). In Columbia 19 femicides occurred during the quarantine (from March 24 to April 14). As a matter of fact, 3 females were murdered on the first day of the quarantine. A man killed his wife, her sister and mother inside their home (Wadhwa, 2020; Parkinson, 2020). According to a women’s right organization, in Mexico an astounding number of 163 femicides occurred between March 16 and April 14 during the quarantine (Wadhwa, 2020). Peru’s Ministry of Women and Vulnerable Populations (MIMP) reported that 7 feminicides occurred during the quarantine and social isolation of March 16 and April 15 (LATIN AMERICA NEWS DISPATCH, 2020). The Feminist Network against Gender-Based Violence reported that there were 21 femicides in El Salvador between March 21 and May 14 of the quarantine (Guzmán, 2020). The incidents listed above indicate how dangerous Latin America is for females, especially in a time of crisis.

#### **Challenges of collecting Data on Femicide**

Collecting accurate statistics on femicide in Latin American countries is challenging, mainly because in most of the countries in the region, there is an

**Table 1: Latin American Countries Reported Femicides (2019)**

Countries	Date	Number of femicides / average per month	Reporting Agency/Organization
Argentina	By July 2019	195 (Average of 27 monthly)	Observatory of Gender Violence “Now they See us”
Bolivar	August, 2019	81 (Average of 10 femicides monthly)	Special Force for the Fight Against Violence (FELCV)
Brazil	As of February 2019	126 (Average of 68 femicides monthly)	Inter-American Commission on Human Rights (IACHR)
Chile	2019	45 (Average of 4 femicides monthly)	Official statistics
Colombia	Until May 2019	248 (Average of 50 femicides monthly)	Colombia Femicide Observatory
Costa Rica	As of August 6, 2019	8 (Average of 1 femicide monthly)	Observatory of gender Violence against Women and Access to Justice
Ecuador	January to August 8, 2019	82 (Average of 10 femicides monthly)	Latin American Association for Alternative Development (Village)
El Salvador	As of May 2019	120 Average of 20 femicide monthly	National Civil Police of El Salvador
Guatemala	By June 2019	243 (average of 41 femicides monthly)	National Institute of Forensic Sciences (Inacif)
Honduras	August 2019	60 (Average of 7 femicides monthly)	Center for Women’s Studies-Honduras (CEDM-H)
Mexico	2019	976 (Average of 81 femicides monthly)	Executive Secretariat of the National System of Public Safety (SESNSP)
Mexico	48 days since 2020	265 (Average of 5 femicides daily)	Executive Secretariat of the National Public Security System
Nicaragua	By August 2019	44 (Average of five femicides monthly)	Catholic Group, Right to Life
Panama	As of July 2019	12 (Average of two femicides monthly)	Public Ministry
Paraguay	First half of 2019	19 (Average of three femicides monthly)	Observatory of the Ministry of Women
Peru	By June 2019	84 (Average of 14 femicides monthly)	Ministry of Women and Vulnerable Populations (MIMP).
Uruguay	2019	14 (Average of one femicide monthly)	Organization Women in Black
Venezuela	January to July 2019	262 (Average of 37 femicides monthly)	Venezuelan Association for Alternative Sex-Ed

Source: LatinAmerican Post (2019, August 24). These are the numbers of femicides in Latin America. Table created by authors.

inconsistency of the legal definition of femicide, inconsistencies in the collection of the statistics, and mislabeling of femicide as homicide.

#### *Inconsistency in Legal Framework*

Several of the countries in Latin America have incorporated the crime of femicide into their criminal codes. Eighteen countries in the region

have either passed laws making femicide a crime or incorporated gender-based homicide of women as a separate crime in their criminal codes (Infosegura, 2019; Economic Commission for Latin America and the Caribbean, 2019b). In Chile, Ecuador, Guatemala, Honduras, Nicaragua, Panama, Bolivia, Brazil, Colombia, Costa Rica, El Salvador, Mexico, and Peru, femicide is codified as a crime. In Argentina and Venezuela, the

crime is considered aggravated homicide, and the Dominican Republic still has no specific criminal category for gender-based violence (Global Americans, 2020). However, these laws differ in their approach to the crime of femicide. The legal definition varies from a broad definition to one that is applied only to intimate partners. The Chilean and Costa Rican laws define femicide within the context of a relationship as a relative or an intimate partner. In 2012, Argentina incorporated the word *Femicida* (murderer of women) in its criminal code, as an aggravated type of homicide perpetrated against women by a man. Nicaragua defines femicide as a specific gender crime and expanded the legal definition to include economic and psychological violence against women (Neumann, 2017). In Colombia, the killing of a woman for simply being a woman or for how she expresses her gender identity or sexual orientation is considered a femicide. As a matter of fact, three years after passing a femicide law in 2015, Columbia prosecuted the murder of a transgender woman as femicide (NBCNews, 2018; Acevedo, 2018). Initially, Chile's femicide law was restricted largely to the murder of live-in partners or spouses. However, in January 2020, the Chilean government expanded the definition of femicide to include the killing of non-married partners and increased the penalties for the homicide of pregnant women and minors. This law is called Gabriela's Law, named for Gabriela Alcaino, who was murdered by her boyfriend (Reuters, 2020). This lack of consistent, regional prescribed legal definitions results in the misidentification and mischaracterization of femicide cases as general homicides. Consequently, most cases of femicide are underreported. This severely underestimates the true extent of femicide in the region (Gender Equality Observatory for Latin America countries and the Caribbean, 2019b).

### *Inconsistencies in the Collection of the Statistics*

The collection of accurate and standardized data is essential for assessing the nature and extent of femicides in each country as well as implementing preventive measures against femicides. In Latin America, however, each country has its own data collection procedures. In addition, the statistics on femicides are generated by different countries' institutions, such as the police, forensics institutes,

ministries of the interior or public security and academic institutions (Brazil and Honduras). In 15 countries, the police, public security institutions, forensics institutes, ministries of the interior are responsible for producing official data on femicides. In seven Latin American countries, the public prosecutor's office and the attorney general's office are responsible for femicide records, in three countries the statistical institutes generate the statistics, in two countries the judiciary, and in one country the Ministry of Women's Affairs. In some countries of the region, femicide figures are produced by more than one institution (Economic Commission for Latin America and the Caribbean, 2019b).

### **Femicide Observatory in Latin American**

There are a few countries in Latin America that created formal entities to collect national data on femicides. Mexico has established the National Citizen Observatory on Femicide which is an alliance of 49 human rights organizations from 22 Mexican states and is considered the largest "Observatory" on the femicide/feminicide in the Latin American region. The Public Ministry of Peru has developed a femicide registry that records intimate femicide and non-intimate femicide in Peru (Global Americans, 2020). Argentina has also created the *Femicide Registry of the Argentina Justice – Registro de Femicidios de la Justicia Argentina* – and the national government formed the Registry, Systematization, and Tracking Unit for Femicides and homicides aggravated by gender (Claros, 2015). The Economic Commission for Latin America and the Caribbean (2019b) has proposed the development of femicide registration system for Latin America and the Caribbean to improve the collection of data on femicide.

It is quite evident that the present approach to collect statistics on femicide in Latin America is not harmonized. The inconsistencies and weaknesses in the collection of data on femicide in that region are barriers to investigations of femicide, the development of meaningful prevention programs and strategies, and successful research, activism, and advocacy. Comprehensive statistics are necessary for the surveillance of trends in femicides that can improve the understanding of the nature and extent of femicide in the region.

What is therefore needed is a regional observatory on femicide in Latin America which standardizes the collection of statistics in the region.

The following recommendations/guidelines will form the framework for the establishment of the Observatory which will generate consistent, credible, and comparable data on femicide in Latin America.

- a) There needs to be a common definition or terminology for femicide. This may require the amendment of some of the existing femicide legislation in Latin America countries so that a common definition can be determined. This uniformity will result in comparable statistics among the countries in Latin America.
- b) There should also be standardized guidelines for identifying intimate femicide and non-intimate femicides, including femicides by strangers. It will also be necessary to establish standardized classifications of various forms of femicide.
- c) The statistics on femicide should be systematically collected from multiple sources including police, mortuaries, fatality reviews, survivors' interviews and other credible sources. In addition, standardized procedures for the collection of the data should be established in every Latin American country and the information on femicide should be submitted regularly to the Observatory for publication (Widyono, 2009).
- d) The information to be collected should include the sociodemographic information of the victim, the incident report (location, date, weapon used etc.), details of the cause of death, and motives for the femicide. The sociodemographic information of perpetrator and the victim-perpetrator relationship should also be included, when available.
- e) The standardized and uniformed collection of these statistics, when compiled, can be used to compare trends in femicide, over a period of time, in the different countries in Latin America. The statistics can also be used to determine risk factors for femicide victimization (Widyono, 2009).

The specific purposes of the Observatory will be to:

- a) collect, integrate, and store accurate and reliable information about femicides in Latin America. This data should be aggregated by gender of victim and offender, age of victim and offender, the victim-offender relationship, the nature of the victimization and context of the femicide (if available). This information will form the foundation for a surveillance system.
- b) gather data from multiple stakeholders and sources to provide a holistic and comprehensive picture of femicide in Latin America.
- c) develop a common standardized definition of femicide. This will also include standardized indicators of different forms/contexts of femicide, using a multidimensional and multifaceted approach. In addition, it will collect qualitative data about femicide.
- d) conduct data analyses to identify risk factors for femicide and patterns and trends over time. Such information should be used for the creation of effective intervention and prevention strategies.
- e) disseminate information to the stakeholders and the general public. The goal is influence public policy with a gender perspective so that evidence-based, effective and targeted interventions can be created to address the problem of femicide.
- f) recommend how the data collected could be used for crime prevention strategies.
- g) evaluate ongoing anti-femicide strategies by Latin American governments and non-governments actors and experts in their quest to prevent femicide.

This proposed regional Observatory will coordinate all the activities outlined above, thereby creating a uniformed approach for the collection and dissemination of data on femicide in Latin America countries.

## Conclusion

Femicide is one of the most prevalent forms of gender-based violence in the Latin America. An

understanding of this phenomenon requires reliable, comprehensive and comparable data that will measure the nature, extent and scope of the problem. The collection of such data will be the basis of targeted responses and prevention of femicide. This chapter recommends a number of strategies that will improve the quality of the data collection on femicide if Latin American countries work together to establish a regional Observatory on femicide.

All of the strategies recommended in the chapter are vital for the establishment of a Femicide Observatory in Latin America. In addition, the multisectoral approach to data collection on femicide will provide critical information for the designing of intervention and prevention programs against femicide. Information collected by the Observatory will contribute to increased public awareness of femicide, raise the visibility of femicide, and form the basis of successful advocacy efforts.

Gender-based violence, such as femicide, is not the priority of every government in Latin America but many Latin American countries have made some legislative strides with regarding to femicide. However, legislative reform is not enough to address the crime of femicide in the absence of comprehensive, creditable and reliable data. The successful establishment of a Femicide Observatory for the collection of data in Latin America to measure femicide and inform the shaping of public policy is vital and this will require the commitment (socially, financially and politically) of all the governments in region. It is therefore, imperative, to convince all the governments in the region of the urgent need for a Femicide Observatory in Latin America.

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# THE FEMICIDE PROBLEM IN TURKEY

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DOUBLE  
BLIND PEER  
REVIEWED

Violence against women, in all its types, explicitly portrays an abuse of human rights. One of the most dangerous problems all around the world is femicide - an act of killing women because of their gender. It not only impairs the individual rights of women, but it also negatively affects the general well-being of a society.

In Turkey, femicide is a current socio-cultural and political problem, which culminates day by day into high rates. Despite the juristic and legal regulations which should help to prevent violence against women, femicide in Turkey has still not stopped. Collecting relevant data on femicide is challenging for femicide observatories because the data systems of police and government and also the systems of medical organizations often do not provide satisfactory information about the relationship or (gender-related) motives of victim and perpetrator. Another important aspect is that domestic violence is not seen as a problem for society.<sup>1</sup> All women must stand up for their rights and feel empowered in their decisions in order to fight normative, male-power structures which produce gender biased norms and stereotypes and harm the representation of women. Although women have to fight for gender equality, it is clear that this can only be achieved if empowerment, education, solidarity, participation and activism play a decisive role in all areas of life:

*"In order for women to attain equal rights, there is a long struggle ahead of us, which requires perseverance. If we do our best at the moment without any delays to save women's lives, we can fight for our rights in the future in solidarity with our sisters whose lives we saved."<sup>2</sup>*

This article aims to present the femicide observatory platform "We Will Stop Femicide Platform" in Turkey and outlines its function, activities, proposed solutions and developed measures. Likewise, the general data of femicide in Turkey will be examined in more detail and an attempt will be made to research different types and definitions.

## 1. Definition and different types of femicide

The gender-based term "femicide" was first used by the feminist author Diana Russell in 1976 and it was accepted as an alternative to the term "homicide".<sup>3</sup> Russell defined "femicide" as:

*"Femicide applies to all forms of sexist killing that is motivated by a sense of entitlement to or superiority over women, by pleasure or sadistic desires toward them, or by an assumption of ownership of women."<sup>4</sup>*

1 Diner, Çağla / Toktaş, Şule, "Women's Shelters in Turkey. A Qualitative Study on Shortcomings of Policy Making and Implementation", in: *Violence Against Women*, vol. 19, 2013, p.351.

2 10 Soruda Kadın Cinayetlerini Durduracağız Platformu, <http://kadincinayetleriniurduracagiz.net/hakkimizda>, last access on: 02.04.2020. Original quote: "Kadınların eşit haklara kavuşması için önümüzde azim gerektiren uzun bir mücadele var. Şu anda kadınların hayatını kurtarmak için elimizden gelenin en iyisini yaparsak, hayatını kurtardığımız kız kardeşlerimizle dayanışma içinde gelecekte haklarımız için savaşabiliriz."

3 Roth, Françoise / Villa, Alejandro Valencia, *Latin American Model Protocol for the investigation of gender-related killings of women (femicide /feminicide)*, 2015, <https://lac.unwomen.org/en/digiteca/publicaciones/2014/10/modelo-de-protocolo>, p.13, last access on: 27.03.2020.

4 Russell, Diana E.H. / Harmes, Roberta A., *Femicide in Global Perspective*, New York: Teachers College Press 2001, p. 77-78.

It should be mentioned that femicide is understood as the murder of women because of their gender, regardless of commitment in the family, in a domestic partnership, in an interpersonal relationship, by anyone in the family.<sup>5</sup>

For a better understanding of this article, the following is a classification and explanation of different types of femicide. Only the most common types of femicide in Turkish context were chosen, so it is possible not to go beyond the extent of the article:

- **Intimate femicide:** The relationship or intimate connection are the main motives for the perpetrator (husband, partner, ex-husband, ex-partner, lover etc.). This term describes also the situation where a man kills a woman who refuses to be in an intimate (sexual or emotional) relationship with him.
- **Non-intimate femicide:** Involves the killing of a woman by someone with whom she did not share an intimate partner relationship.
- **Culturally-framed femicide:** This type of femicide describes the killing of a woman who is framed within a particular cultural context such as “honour”-based femicide or dowry-related femicide.
  - **“Honour”-based femicide:** Involves the killing of a woman because the perpetrator believed that her behavior is dishonorable (choice of partner as inappropriate, inappropriate clothing, premarital sex or even the thought/belief that premarital sex had occurred). From the perspective of the perpetrator it is believed that the honour of the family is restored, when the woman is killed.
  - **Dowry-related femicides:** A dowry is a cultural tradition and the bride’s family provides money and/or property to the groom’s family. When a larger amount of dowry is requested and the demands and promises are not fulfilled, then a male person (husband or sometimes in-laws) kills the bride.

5 Cf. Roth, Françoise / Villa, Alejandro Valencia 2015, p.13.

- **Racist femicide:** The killing of a woman because of her ethnic or racial origins or her genetic features.
- **Transphobic femicide:** The killing of a transgender or transphobic woman because of her transsexual/gender identity.
- **Femicide in the context of prostitution:** The killing of a woman who is participated in what is referred to as sex work or prostitution. Reasons for this type of femicide are patriarchy and stigmatization by society.<sup>6</sup>

## 2. Turkey’s femicide problem

As already mentioned, femicide is still a big problem in Turkey, which is denied by the authorities. In fact, statistics show that current preventive measures are far from sufficient. According to the data of “We Will Stop Femicide Platform” collected from media institutions and shared information from affected family members, it is noted, that there has been a significant increase in the rate of femicide in Turkey: 328 women in 2016, 409 women in 2017, 440 women in 2018 and 474 women in 2019 were victims of femicide. A main task of the “We Will Stop Femicide Platform” is to record, to edit and to publish reliable data and further information regarding femicide for their monthly publication. On their official website all femicide cases in Turkey are listed.

The fact, that in 2018, the Ministry of Internal Affairs published data about femicide, shows that this phenomenon was acknowledged by using the term “femicide” for the first time. One year later - again for the first time - the Ministry of Internal Affairs and the Ministry of Family, Labor and Social Services, the Ministry of Justice and Gendarmerie and the Cost Guard Academy jointly published data about femicide and verified the increase in femicide and violence against women.<sup>7</sup>

6 Ersoy, Gökhan / Toprak, Sadık, “Femicide in Turkey between 2000 and 2010”, in: *plos one*, vol. 12 no.8, 2017, <https://doi.org/10.1371/journal.pone.0182409>, last access: 01.04.2020.

7 2019 Report of We Will End Femicide Platform, <http://kadincinayetlerinidurduracagiz.net/veriler/2890/2019-report-of-we-will-end-femicide-platform>, last access on: 30.03.2020.

When we think about the numbers approved in the report about femicide (2019) by the “We Will Stop Femicide Platform”, it becomes clear that 474 women were killed in 2019: 134 women were murdered by their husband, 25 women were murdered by their ex-husband, 51 women by men they were together with, 8 of them by whom they were formerly in a relationship and 29 women were murdered by their uncle, father in law or other male relatives. Unfortunately, these are not all brutal facts about femicide: 19 women were murdered by acquaintance, 15 by their father, 13 by their brother, 25 by their son or neighbour and 155 women were murdered by people they did not know. The location of these killings and violent acts from men can be determined as follows: Women were mostly killed in their own homes (292 women) but also in the street (52 women), in the car (9 women), in a shop (3 women), in an entertainment area (2 women), in a hospital (2 women), in the workplace (6 women), in a café (1 woman), in a school (1 woman), in a hotel (5 women), in a park (5 women) and in another public area (1 woman). The bodies of 31 women were found in areas such as: lakes, ponds, irrigation canals, rivers, streams, riverside, seaside and beach. Thirty two of them were killed or found dead in areas such as: woods, forest, pasture, picnic areas or garden.<sup>8</sup>

Femicide will be an important problem with its changing dimensions for Turkish society unless it is determined why women are killed, by whom women are killed, unless fair trials are made, unless murderers do not receive deterrent punishments and unless the implementation of preventive measures are not accomplished in rapid development.

The current report from “We Will Stop Femicide Platform” (February 2020) shows that 22 women were killed by men and 12 women were found death suspiciously. Also, 15 women were killed because they wanted to make a decision about their own life, they wanted to leave their partners,

they did not accept marriage proposals and also women with state-controlled protection were killed by men.<sup>9</sup>

In 2012, Turkey became the first country to ratify the Istanbul Convention, a Council of Europe agreement on preventing violence against women and domestic violence. In the same year, Turkey’s law no. 6284<sup>10</sup> was enacted pursuant to the Istanbul Convention’s obligations to eliminate violence against women. This law aims to protect and to develop measures to assist women. Under the current government the data of femicide rates are unavailable to the public, which is a problem for citizens who should be sensitized and mobilized for this problematic issue. Many critics say that the policies of the government are responsible for the growing number of murders and assaults against women.<sup>11</sup> Although Turkey managed to implement the Istanbul Convention, the patriarchy system and the male-dominated mentality are one of the main reasons why women cannot be accepted as individuals who do not want to be killed because of their gender.<sup>12</sup> What should be done is quite obvious: The Istanbul Agreement should be fully enforced to stop femicide in Turkey. Violence against women cannot be reduced by hiding it. Gender-based violence must be stopped because it affects and is able to encapsulate both victim and society in a negative way.

### 3. Femicide Observatory in Turkey: “We Will Stop Femicide Platform”

A femicide observatory operates within a broader context concerning the collection and analysis

8 2019 Report of We Will End Femicide Platform, <http://kadincinayetlerinidurduracagiz.net/veriler/2890/2019-report-of-we-will-end-femicide-platform>, last access on: 30.03.2020.

9 2020 February Report of “We Will End Femicide Platform”, <http://kadincinayetlerinidurduracagiz.net/veriler/2897/2020-february-report-of-we-will-end-femicide-platform>, last access on: 30.03.2020.

10 “Law for Protection of Family and Prevention of Violence Against Women No. 6284”

11 Güneş, Ayşe, “Legal Implications of Turkey’s Accessions to the Istanbul Convention by Enacting and Refining Its Laws on Violence Against Women”, in: *Women and Criminal Justice*, 2019, <https://doi.org/10.1080/08974454.2019.1697792>, last access on: 30.03.2020.

12 Azor, Solange, “Turkey’s Femicide Problem”, in: *Middle East*, Harvard Political Review, 2015, <https://harvardpolitics.com/world/turkeys-femicide-problem/>, last access on: 30.03.2020.

of data on violence against women. Especially gender statistics are very important, because then it is possible to design, support and implement public policies which aim to prevent, punish and eliminate femicide.<sup>13</sup> These main tasks and aspects of a femicide observatory can be transferred to the “We Will Stop Femicide Platform” in Turkey, which manages a systematic collection and analysis of data for monitor all forms of violence against women. Every time a woman is killed, other women who are defying the male dominance and the patriarchal system, are affected and moved.

The “We Will Stop Femicide Platform” is calling for a better protection for women. This platform strives for counting and tracking all femicide cases in Turkey. For a long time, both the government and the Turkish justice system have pretended not to realize and perceive the problem. The number of registered murders of women in Turkey are provided by the “We Will Stop Femicide Platform”, so the internet/social media community and women’s rights groups put pressure on the government and judiciary. It is believed that the public pressure will reach social transformations and will affect the procedures of state representatives.

The “We Will Stop Femicide Platform” is authorized to encourage the production of studies and research on the evolution, types and modalities of femicide. For the objectives and measures to be achieved, the civil society is invited to participate, cooperate, collaborate and create a data broadcasting network. It is an advantage when this database is updated constantly and is open to the public. Research centers, academic institutions, civil society organizations and representatives should work together to support the implementation and promotion of public debates. Moreover, analyzing of database for developing and supporting strategies helps to change and deconstruct the social patterns, discourses and gender stereotypes.<sup>14</sup>

### *The Platform’s Activities*

The activity fields include law, press, social media, graphic design, donations and financial support. The Platform’s priority is to provide legal assistance to women who want to be safe from violence. It requires the government and the authorities to duty in order to implement the Istanbul Convention and the law no. 6284, organizes and plans workshops to inform women of their rights, transacts press works and supports social awareness. Another important activity is the involvement in the femicide cases with lawyers and representatives and also fighting for rights of families of the murdered women.<sup>15</sup>

However, the platform invites the Ministry of Family and Social Policies to adopt their demands and measures and to get involved in the cases in favor of women who demand justice. The “We Will Stop Femicide Platform” works for the solution of the legal problems and participated in the establishing and discussion of the “Law for Protection of Family and Prevention of Violence Against Women No. 6284”. Furthermore, it cooperates with the Turkish justice by exposing the truth about the “doubtful death” cases, which were treated as “suicides” and later they were closed. In this way, the platform encourages the local courts and The Court of Appeals to make precedential decisions in the cases regarding women’s protection, sexual assault and femicide. The femicide observatory platform believes that it is important to monitor and update data, provide reliable and objective information, measures and research for fighting femicide. Finally, the recommendations and preventive measures of “We Will Stop Femicide Platform” are presented:

- All political authorities and parties must condemn and take a stand against femicide.
- The Istanbul Convention and the protection law no. 6284 should be implemented successfully and efficiently.
- Adding an accepting an additional clause to the Turkish Penal Code regarding “aggravated life imprisonment”.

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13 Femicide Report: Femicide Observatory, 2017, [http://www.dpn.gob.ar/documentos/Observatorio\\_Femicidios\\_-\\_Femicide\\_Report\\_2017.pdf](http://www.dpn.gob.ar/documentos/Observatorio_Femicidios_-_Femicide_Report_2017.pdf), last access on: 01.04.2020.

14 10 Soruda Kadın Cinayetlerini Durduracağız Platformu, <http://kadincinayetlerinidurduracagiz.net/hakkimizda>, last access on: 02.04.2020.

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15 For the court cases followed all over Turkey, please check <http://kadincinayetlerinidurduracagiz.net>.

- A Ministry of Women should be founded.
- The “We Will Stop Femicide Platform” demands a new constitution in which gender and sexual orientation equality are in high priority.<sup>16</sup>

For more information about femicide and the Istanbul Convention in general, please check the official website of UN Women.<sup>17</sup> UN Women regularly publishes statements about confronting femicide and the brutal reality of violence against women. There are also solutions about passing and implementing effective laws and policies (The Istanbul Convention).

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# WHY WE NEED FEMICIDE OBSERVATORIES IN INDIA

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Despite numerous harrowing stories covered by the media on a daily basis, it is still a challenge to actually understand the extent of violence against women and girls (VAWG). A vital instrument in the fight of VAWG is reliable and up-to-date information and statistics. In India, these numbers are especially important for an in-depth analysis of the occurrence of this heinous crime across the regions, economic strata and social structures of the country. The need for a femicide watch or observatory was first emphasized on a global platform by the UN Special Rapporteur, Dr. Dubravka Simonovic on 25 November, 2015.<sup>[1]</sup> Dr. Simonovic focused on how since homicide cases do not include information between the victim and criminal, femicide cases are hidden in female homicide cases.

There is a need for a multidisciplinary national mechanism such as a 'Femicide Watch', 'Gender-Related Killing of Women Watch' or an 'Observatory on Femicide' whose establishment would need a coordinated effort between the State, NGOs, independent human rights institutions, academia, and other stakeholders of this field.<sup>[2]</sup> Only such an organized manner of data collection and analysis will be able to properly and accurately identify the number of victims of VAWG and the number of femicides occurring periodically. In 1990, Nobel Prize winning economist, Dr. Amartya Sen, claimed that nearly 100 million women were 'missing' in the world, with almost 40 million in India alone.<sup>[3]</sup> In 2011, according to the United Nations Population Fund a record of more than 117 million women were 'missing' in South Asia.<sup>[4]</sup> In December 2006, Rita Banerji initiated 'The 50 Million Missing Campaign' to raise awareness about the disappearance of women and girls of India in a span of a century<sup>[5]</sup>. This disconcerting figure, by Ms. Banerji, is an estimate based on an analysis of three generations, observing the systematic extermination of India's girls and women through forced abortions and female foeticide, female infanticides, dowry murders and other acts of gender related violence that lead to femicide in India.

## Statistics of India

Femicide covers a wide range of gender related murder such as foeticide, infanticide, intimate partner femicide and India-specific cases such as dowry marriage femicides and 'honor-killings'.

There are three main sources available to understand the prevalence of femicide in India. These three sources use different survey methodologies and criteria and are conducted over different time periods.

- The decennial Census of India
- The annual report by India's National Crime Records Bureau (NCRB)
- The National Family Health Survey (NFHS) conducted by the Ministry of Health and Family Welfare, Government of India conducted in 1992-93, 1998-99, 2005-06 and 2015-16

## The Economic Survey (based on NFHS)

India made headlines in 2018 when the Economic Survey 2017-18 was presented at parliament featuring a pink cover page. This report focused on India's gender demographics and the development of the role of women over the past 10-15 years. The analysis was based on the Demographic and Health Survey (DHS) datasets from 1980 to 2016 and the National Family Health Survey (NFHS). The report stated, at least twice, the existence of an estimated 63 million 'missing' women in India. It further stated that more than 2 million women, across all age groups, go missing every year.<sup>[6]</sup> The number of missing women given by the Government of India is even higher than the estimate recorded by Ms. Banerji's missing girl campaign (50 million). The huge difference in numbers (approximately 13 million) demonstrates lack of accurate data, highlighting urgent need for a femicide observatory. This discrepancy is also caused due to a lack of uniformity in data collection and guesstimate statistics based on different sources.

## The Census of India

Table 1

Census Report in Year	Females Per 1000 Males (Child Sex Ratio)
1961	976
1971	964
1981	962
1991	945
2001	927
2011	919

Over the past few decades, the Census of India has been recording the number of female births to 1000 male births. From table 1, there is a clear indication of a negative trend in the CSR with a significant drop in the past few decades. Further analysis of the census data reveals state wise CSR and rural vs. urban area CSR. Dr. P Arokiasamy, professor of development studies at Mumbai's International Institute for Population Studies, who has studied gender differentials in child mortality in India, stated that the ratio of infant mortality rate "...has got progressively worse since the 1970s in India. Higher female mortality from age 1 onwards clearly indicated sustained discrimination."<sup>[7]</sup>

According to the latest Census of India 2011, among infants who are less than a year old, boys outnumber girls by about 900,000. But by six years, the difference increases to nearly 7 million. There is also a significant drop in the sex ratio throughout childhood, pubescent and adulthood. The sex ratio of girls to boys in the age group of seven to 15 is 911 girls per 1,000 boys. Furthermore, for the age group of 14-18, the 2011 Census data reflects an additional difference of 7.7 million between the boys' and girls' population.<sup>[8]</sup> These numbers are indicative of the fact that sex selective abortion and female infanticide are a prominent problem in India. What is interesting and troubling to note in the 2011 Census is that rural areas tend to have a better CSR compared to the urban areas. Similarly, the 2001 Census showed that the most literate districts, which would also be those with greatest access to technology, had much worse CSRs than the least literate.<sup>[9]</sup>

## Foeticide and Female Infanticide

The 20<sup>th</sup> issue (2018) of India's Ministry of Statistics and Programme Implementation claims that there are 918 females to 1000 males in the age-group 0-6 years. The primary cause of female infanticide is malnutrition, starvation and lack of access to health facilities for the girl child. One of India's shocking statistics under female foeticide showed that in 2019, over a six-month period, not a single girl was born in 132 villages in the northern Indian state of Uttarakhand, according to local authorities. Official data revealed that of the 216 children born in these villages, not even one was female.<sup>[10]</sup>

According to the Economic Survey 2017-18 mentioned above, there are an estimated 21 million 'unwanted' girls who often become victims of female infanticide.<sup>[11]</sup> In India, the under-five mortality rate is higher among girls than boys, with a 40% higher chance that a girl, more likely than a boy, will die between the ages of 1 and 5. According to the CRY, female infanticide and foeticide has increased over the past few decades.<sup>[12]</sup> Furthermore, CRY states that 1 out of every 6 girls does not live to see her 15th birthday; every sixth girl child's death is due to gender discrimination; female mortality exceeds male mortality in 224 of 402 districts in India. Former Women and Child Development Minister, Maneka Gandhi, said that 2,000 girls are killed every day in the country which she considered "shameful."

A study published by Lancet in 2018 estimates that the excess female under-5 mortality rate (U5MR) for India's 35 states and union territories and 640 districts accounts for an estimated 239,000 deaths per year, which would be about 2.4 million over a decade, not including pre-natal deaths.<sup>[13]</sup>

## Maternal Mortality

Another leading cause of femicide is maternal mortality. According to UNICEF's 2007 report 'The State of the World's Children'<sup>[14]</sup>, one in every 43 women is at risk of maternal death in South Asia. The Prenatal Diagnostic Techniques Act 1994, which outlaws sex determination leading to abortion, and the provisions of the Medical Termination of Pregnancy Act, which prohibits sex-selective abortions, are not being enforced and

are instead routinely violated in India. The United Nations states that 50,000 women die during pregnancy and childbirth in India.<sup>[15]</sup> However according to the Institute for Health Metrics and Evaluation (IHME), the figure is 71,792.<sup>[16]</sup> Such discrepancies in statistics are also difficult challenges to overcome.

Another statistic and study that emerged of the past two decades linked the death of 1.8 million girl children directly to domestic violence committed against their mothers. There was a positive correlation between spousal violence against wives and the increased risk of death among female children below the age of five. It is important to note that this increase in spousal violence against the mothers did not have an impact on the mortality rate of boy children below the age of five.<sup>[17]</sup>

### The National Crime Records Bureau

Another government source for VAWG and female homicide data is the annual report by the National Crime Records Bureau (NCRB). The figures pertaining to number of suicides in 2018 state that though the number of male victims were more than females in all means of suicide except those who committed suicides by ‘Fire/Self-immolation’ where the share of female victims was more (3,809 out of 5,950). The proportion of female victims was higher in ‘Marriage Related Issues’ specifically in ‘Dowry Related Issues’, and ‘Impotency/Infertility’.

In 2014 alone, 8455 dowry deaths were reported by India’s National Crime Records Bureau. Many dowry-related deaths occur via suicide where young women, no longer able to bear the harassment and torture, commit suicide by hanging, ingesting poison, or by fire. Often, femicide is disguised as suicide when the fire is set by her husband or husband’s family, known as ‘bride burning’. According to a study done by The Lancet from

2000-03, at least 106,000 women were killed by fires in their homes in India in one year.<sup>[18] [19]</sup>

In 2018, the NCRB recorded a total of (including all genders) 30,450 murders in India. Out of these, the following table shows the number of deaths which occurred due to VAWG<sup>[20]</sup>:

There were also 93 registered cases under the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act. Over the past 10-15 years, the trend that can be observed via the annual report by the NCRB, is that India is a victim of 3 female homicides per year per 100,000 female population of which one in three female homicides is directly related to dowry deaths.<sup>[21]</sup> The NCRB statistics from the years 2009-2014 report a significant increase of 65.8% in crimes against women in India.

### Government and Other Initiatives

The first law enacted to counter femicide is section 498A of the Indian Penal Code, 1860, which states that the woman’s husband or relative of the husband subjecting her to cruelty shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to a fine. Two laws deal with pre-natal sex determination and abortion: the Medical Termination of Pregnancy Act, 1971, and the Pre Natal Diagnostic Act, 1994, which was amended as the Pre-Conception and Pre-Natal Diagnostic Technique (PCPNDT) Act in 2002. In 2005, the Domestic Violence Act was enacted. Also, in 2005, the ‘Janani Suraksha Yojana’ (Mother’s Protection Programme) was launched by the government to reduce maternal and infant mortality by promoting institutional delivery. In 2009, an initiative called the Nanda Devi Girl Child Scheme was implemented and directed towards families living below the poverty line in India’s northern state of Uttarakhand.<sup>[22]</sup> The National Plan of Action exclusively for the girl child (1991-

Table 2

Type of Homicide (2018)	Section of the Indian Penal Code	Number of Deaths
Dowry Deaths	304B	7,621
Cases of Miscarriage, Infanticide, Foeticide and Abandonment	315 and 316	1,872
Honor Killing	300	30

2000) was formulated in 1992 for the “Survival, Protection and Development of the Girl Children”.<sup>[23]</sup>

One of the most important programmes launched in 2015 was ‘Beti Bachao, Beti Padoos’ (Save the Girl, Educate the Girl). The aim of this scheme is to specifically improve the CSR in 100 districts. Another objective is to prevent gender selective elimination through targeted intervention focusing on implementation of all existing laws. Along with this, the Sukanya Samridhi Yojna (Girl Child Prosperity) scheme was also launched in 2015, according to which girl children below 10 years will have bank accounts with more interest and income tax benefits.

There have been numerous government initiatives and schemes as well as campaigns and proactive actions taken by NGOs and other human rights organizations. However, as long as there exists a lack of reliable data on femicide, there will be a gap in understanding the effectiveness of such initiatives. The need of the hour is a dedicated study of the change in female demography and how it is linked to femicide and VAWG.

To tackle some of these problems, the ‘Beti Bachao, Beti Padoos’ campaign plans to implement important tools such as establishing public boards that note the CSR of every neighbourhood, on a monthly basis, thereby forcing members of communities to be watchful of and accountable to each other. These particularly must be set up in urban, middle- and upper-class areas in coordination with police and legal cells for effective action. Another task of the campaign must be the compulsory registration of all births and deaths of girl children.<sup>[24]</sup>

One such project is GENDER (Gender Equity and Demography Research) Project, a collaborative research initiative between the International Institute for Population Sciences (IIPS) in Mumbai and the UCSD Center on Gender Equity and Health (GEH) in San Diego and is funded by the Bill and Melinda Gates Foundation. In its official description, this initiative is said to be designed to apply advanced statistical and data science methodologies to gender data with the goal of guiding understanding of gender inequities in

health and development and informing potential solutions to address those inequities.<sup>[25]</sup> The researchers use the National Family Health Survey, as well as other nationally and sub-nationally representative data in India. The latest research paper available by GENDER is on reproductive, maternal and child health services in India and Adolescent Sexual Violence in India.<sup>[26]</sup>

Despite the availability of generalized data by the Census of India, the NCRB and the NFHS and other sources mentioned in this report, there is a lack of cohesiveness required to get a clear picture of the current situation of femicide in India. This underlines the need for a more specific structure aimed at gathering relevant data concerning femicide. The role of a dedicated femicide and VAWG observatory thus becomes crucial not only to gather data independently but also to reconcile data obtained from different sources in a systematic manner. By providing more accurate and well-analyzed data, such an observatory has the potential to become an important tool to help the government, policymakers and civil society in fighting femicide effectively.

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# COMPARING FEM(IN)ICIDE: THE PERILS OF TURNING DATA INTO ACTION



Saide Mobayed

This paper questions the relationship between datasets on fem(in)icide and highlights the complexities of rendering it comparable across time and spaces. Theoretically, it contributes to the sociology of knowledge as it offers a reflexive critique of the practices that create objectified forms of knowledge. Knowledge is conceived not just as an ‘abstract social “construct” [but], specifically a social *product*, generated by and embodied in particular forms of work’ (Connell et al. 2017: 24). The role of numbers in the shape of data, statistics or indicators are understood as ‘part and parcel’ of the object of study they seek to describe (Bigo et al. 2019; Bruno et al 2016; Desrosières 2002, Foucault 1968, 1978, Hacking 1980; Uprichard 2012; Ruppert 2019). This means that categories, concepts and patterns transmute along with the numbers used to represent them. The argument is divided into three sections, the first of which explores the theoretical conceptualisations and quantifications of fem(in)icide. It questions to what extent the problems of quantifying fem(in)icide are an epiphenomenon of its variance in definitions. The second section grapples with empirical ‘global’, ‘regional’ and ‘national’ efforts to compare fem(in)icide across time and spaces. By zooming in on Mexico as a case study, the paper highlights the complexities of generating comparable data on fem(in)icide due to distinct differences in context. The danger in reducing fem(in)icide to ‘intimate-femicide’ is highlighted as this leaves certain bodies outside of the ‘global’ logics of quantification. As an alternative, the paper’s final section stresses the need to embrace multiplicity through reflexivity in knowledge production. Given the rapid acceleration of digital technologies and data collection methods, it suggests how future studies could strongly benefit from looking into alternative ways of collecting data on fem(in)icide if our aim is to understand further the contextual particularities of this heinous phenomena.

## 1. Conceptualising frictions

*While [femicide] has drawn attention to special ways in which women are selectively targeted, the definition has progressively become diluted and confused.*

—Alvazzi del Frate, *When the victim is a woman*, 2011

The conceptual frictions between ‘femicide’ in English and ‘*feminicidio*’ in Spanish go beyond mere translations. The vast majority of research papers and articles, reports, transnational documents, dissertations, books and so on, address these differences to some extent (Corradi et al. 2016; Fregoso and Bejarano 2010; Howe and Alaattinoglu 2019; Toledo Vásquez 2009; Weil, Corradi, and Naudi 2018; UN Women 2014; UNODC 2015, 2018). Given that violence is conditioned by and bound to particular contexts it is crucially important to (re)cognise the situatedness of knowledge. However, and as the concepts of femicide/*feminicidio*/the gender-related killing of women fluctuate between bodies of knowledge and communities of practice, these particularities get diluted for the sake of creating a homogeneous (or ‘global’) picture. As Bueno-Hansen (2019) argues, generalisations of the circumstances that result in fem(in)icide ‘tend to gloss over complex details, weakening the international coherence of the campaign, making it necessary to ground its usage at every analytical level, from international to regional to national’ (2010: 308).

‘Femicide’ was publicly enunciated for the first time by Diana Russell at the International Tribunal on Crimes Against Women, held in Brussels in 1976. She defined it then as ‘the killing of females by males because they are females’. Twenty years later, due to the alarming escalation of the systematic violent murders of women at the border

city of Ciudad Juárez<sup>1</sup>, the concept was repoliticised into *'feminicidio'*. 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 these violent crimes against women. Digging deeper into these tensions and frictions is important as it might give us a good insight into the subsequent practices of quantification that resulted from the introduction of this political concept not only into the legal, penal, criminological and statistical realm but also into a further 'global' comparison.

In line with this argument is Silvana Fumega, who writes '[...] in the case of femicide specifically, there are often differences between judicial, prosecutorial, and statistical institutions of the state. In other words, the same database can admit different interpretations from different public and civil society organisations in different moments, with different additional sources of data, or in line with different definitions of femicide' (2019). She reads this, however, as a strength since it triggers a dialogue across sectors. I agree with this view and further stress the impact that definitions have yielded on quantification practices.

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1 By this I refer to 'las muertas de Juárez' (the death women of Ciudad Juárez): in the mid-nineties hundreds of young women were abducted from the public space to then be sexually abused, battered, killed and disposed of in the desert of Chihuahua. Many of them (approximately one third according to Julia-Monárrez Fregoso) worked at the maquiladoras, 'American-owned transnational factories' (Arriola 2010: 25). Up until today what happened in Juárez remains a puzzle that can only be put together when we look at the a) complex global political economy (e.g. the neoliberal politics of the NAFTA free trade agreement; the incursion of female labour markets ); b) a patriarchal and misogynistic culture rooted in historical and political factors; c) the geographic setting of a rapidly changing desertic 'city' at the border between Mexico and the United States; d) the geopolitical financial flow of drug trade. Up until today the crimes are unsolved. However, Gaspar de Alba and Guzmán recount some of the following 'hypothesis' that have been pointed out: '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).

However, the epistemological debate concerning the conceptualisation of fem(in)icide is not what concerns this paper. Nevertheless, and for the sake of the discussion, I believe it is important to share the definition of fem(in)icide I find most comprehensive:

'Building on the generic definition of "femicide" as "the murder of women and girls because they are female" (Russell 2001), we define "feminicide" as the murders of women and girls founded on a gender power structure. Second, **feminicide is gender-based violence that is both public and private, implicating both the state (directly or indirectly) and individual perpetrators (private or state actors); this encompasses systematic, widespread, and everyday interpersonal violence.** Third, **feminicide is systemic violence rooted in social, political, economic, and cultural inequalities.** In this sense, the focus of our analysis is not just on gender but also on the intersection of gender dynamics with the cruelties of racism and economic injustices in local as well as global contexts. Finally, our framing of the concept follows Lagarde's critical human rights formulation of feminicide as a "crime against humanity"' (Fregoso and Bejarano 2010: 5).

After establishing the frictions that result from trying to define something so complex as the killing of a woman due to her 'gender', the next sections will engage with the logics of quantification, as a methodological practice where power and knowledge are mutually constitutive of one another. The need to use data on violence against women and girls (VAWG) in general and fem(in)icide in particular to 'trigger action' is discussed. Thereafter, I grapple with empirical 'global', 'regional' and 'national' efforts to compare fem(in)icide across time and spaces. The specific case of Mexico is zoomed in on to gain a closer insight into the challenges of comparing fem(in)icide at the national level.

## 2. Quantifying those frictions

*Data are themselves part and parcel of that changing object of study. Quantitative data are always and necessarily manifestations of the process involved in describing a changing object of study; data do not exist in a vacuum independent of our knowledge any more than the objects they represent.*

—Emma Uprichard, *Dirty Data: longitudinal classification systems*, 2012

Quantifying is a method, an act of measuring, judging, valuing, ordering, prioritising, (re)cognising. Quantifying not only describes but, perhaps more bluntly, produces the reality it aims to understand. Quantifying is a *technical* and *social* practice. ‘It is *technical* in that it involves measurements and *social* in that it involves agreement and convention, hence the now classic equation whereby *to quantify = to agree + to measure*’ (Desrosières and Kott 2005 in Bruno et al., 2016: 4). In this sense, practices of quantification involve a complex interaction between human expertise and material disposition (in the shape of tools, machines, and so on).

The work of Desrosières et al. depends on the one hand, technical (pragmatic, empirical) knowledge and, on the other hand, conceptual (categorical) taxonomies of what needs to be counted. Paying special attention to the methodologies behind quantification can be useful for understanding the power dynamics which are embedded in the unequal global political economy. The question is: to what extent can these comparisons be made on a regional, national or ‘global’ level?

### 2.1. Turning ‘data into action’

*A serious obstacle to progress is the inadequate and uneven data on various forms of violence against women and on how they affect different groups of women. The lack of data to evaluate the measures taken impedes informed analysis and policymaking, which are critical to developing the most effective responses.*

—UNGA, *In-depth study on all forms of violence against women*, 2006

The trope of ‘turning data into action’ has become ubiquitous these days<sup>2</sup> and the field of violence against women and girls (VAWG) is no exception. A transnational consensus concerning the need to generate data on this matter is unquestionable, as the quote above suggests. From sexual harassment

to fem(in)icide, we need to understand the scope extent of violence in order to generate effective policies and programmes. Yet, the consensus regarding *how* to quantify and with *which* parameters to use is far from being met.

This has been my particular research interest during the last three years. I have closely studied how fem(in)icide is conceptually resignified as it travels across time and space: from Diana Russell’s ‘femicide’ in 1976, to ‘*feminicidios*’ in México during the nineties, to the current ‘gender-related killing of women’ (UNODC 2015, 2018), and ‘intimate femicide’ (Walklate et al. 2019). I am intrigued by how fem(in)icide is being quantified and the perils of transnationally comparing such data.

### 2.2. Which data and what actions? Quantifying frictions across tiers: from global and regional to national

The need to collect ‘globally’ comparable data on all forms of violence against girls (VAWG) was stressed in the 2006 United Nations Secretary General’s *In-depth study on all forms of violence against women* (VAW) (). This study triggered a wide array of policies and practices destined to generate data and statistics on VAWG. Fem(in)icide was directly addressed in this document as a ‘form of violence against women in the community’<sup>3</sup> (UNGA 2006: 127) and as a form of VAW that is under-documented (UNGA 2006: 223-225). Since then, the emergence and development of statistics on fem(in)icide has been exponential. Notable examples include the *In-depth study on all forms of violence against women* and UNODC’s 2019 *Global Study on Homicide: Gender-related killing of women and girls*.

What counts and who counts it matters at every scale of the analysis. Although the definition of fem(in)icide involves the killing of women from ‘both the state (directly or indirectly) and individual perpetrators (private or state actors)’ (Fregoso and Bejarano 2010: 5), UNODC’s 2018 study reduces it to ‘female victims of homicide perpetrated by intimate partners or family members [...] ‘given severe limitations in terms of data availability’ (UNODC 2018: 10, 12). This means that even

2 This has exacerbated with the use of Big Data.

3 The case of Juárez is mentioned in this section, which shows its transnational relevance and influence.

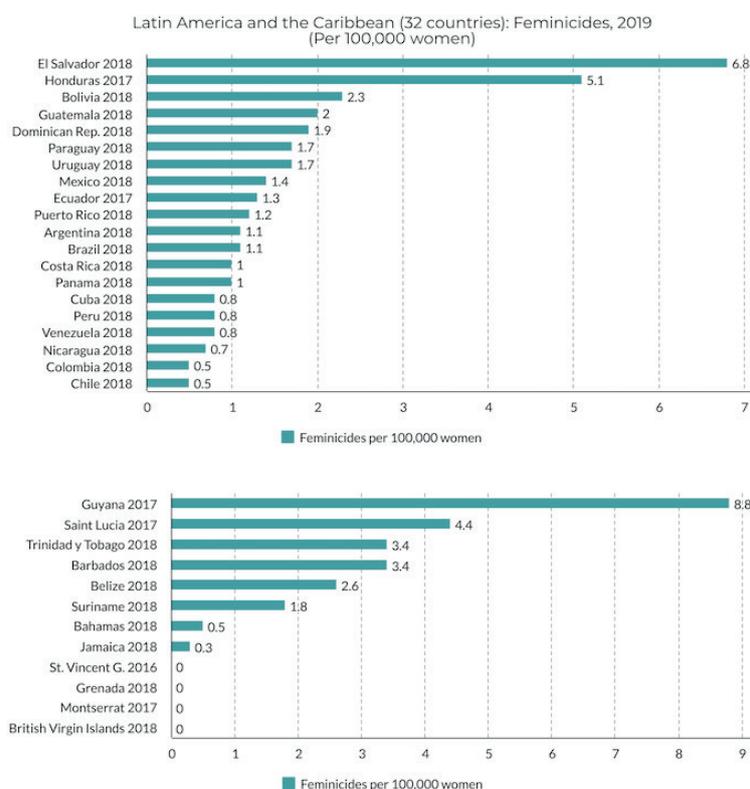
though 87,000 women were included in their report, these numbers belong to states which have a relatively stable statistical system that allows for the victim and perpetrator relationship to be reported.

This, however, is not the case in Mexico. In spite of having a strong statistical institution (INEGI), impunity and opacity hinder the inclusion of other variables to better understand homicides. More on this will be addressed in the next section, where the case of Mexico will be zoomed in on to strengthen the argument about the relevance of the contextual particularities when we seek to compare fem(in)icide. Framing fem(in)icide ‘globally’ relies on methods of comparison which ‘call relations of interdependence, connection, and disjunction into being’ (Choy 2012: 12). The idea of the ‘global’—and its comparison in data collection—becomes an important vector to think about the frictions of scale, position, perspective and/or depth (Lury 2018).

By the time UNODC’s document was published in 2018—and up until today—Latin America remains the only region with specific legislations designed

to criminalise fem(in)icide.<sup>4</sup> This is important since legal implementation normally precedes and/or accompanies official efforts in data collection. The Gender Equality Observatory for Latin America and the Caribbean from the Economic Commission for Latin America and the Caribbean (ECLAC) offers the most comprehensive overview of the region. Their regional femicide indicator ‘corresponds to the annual total of gender-based killings of women. According to national laws, it is referred to as femicide, feminicide, or aggravated homicide due to gender’ (ECLAC 2019). The indicator started to expand in 2009 to include data from countries which quantified women killed by their current or former partners (Venezuela, Costa Rica, Colombia and Guatemala). The Gender Equality Observatory for LAC currently has official data from 34 countries with regard to three indicators: intentional homicide of women, femicide and intimate femicide.

Data from its most recent report, in 2019, compares numbers from 16 Latin American countries from 2019 and nine Caribbean countries



**Figure 1. Fem(in)icide rates in Latin America and the Caribbean in 2019**  
 Source: ECLAC, Gender Equality Observatory for Latin America and the Caribbean, on the basis of official sources

4 With a total of 18 countries (UNODC: 57-62).

from 2018, some of which only collect data from killings committed by the victim's current or former partner (ECLAC 2019)<sup>5</sup>. Figure 1 shows the results in absolute numbers and rates per 100,000 women. Based on their results, the Caribbean seems to have the worst-off situation with Guyana at the head (8.8), followed by Saint Lucia (4.4), Trinidad and Tobago (3.4) and Barbados (3.4). In Latin America, El Salvador (6.8), Honduras (5.1), Bolivia (2.3), and Guatemala (2.0) have the highest rates per 100,000 women.

It is important to mention the caveats the ECLAC observes when presenting these data. First, they acknowledge that 'regional averages cannot be calculated owing to the heterogeneity of national data sources and methodologies' (ECLAC 2019). This means that, in spite of the legal and statistical national efforts to collect data on fem(in)icide for over 10 years we are still unable to fully grasp its regional extent. They further recognise other complexities in comparing data collection between countries since figures are produced by more than one institution (which, in many cases, are not standardised); some do not consider all killings of women by their current or former partners to be femicides; only a minority of countries document gender-related killings of transsexual women or female sex workers as femicides; there is insufficient updating of records (some do it yearly and their approaches widely vary); other victim's characteristics (i.e. race, ethnicity, sexual identity or orientation, education level or place of residence) are not recorded (ECLAC 2019: 4).

The regional comparison of fem(in)icide, exemplified with the case of Latin America, shows how logics of quantification are often bound to a spatial condition of (re)production. Adding a longitudinal analysis complicates this further. As Uprichard suggests, we need to re-think how longitudinal quantitative research explores the qualitative and quantitative changes within each classification. 'Capturing trajectories' poses a big challenge when we try to bring together datasets that span across different timeframes. To capture the trajectory of fem(in)icide as a statistical

5 Bahamas, Barbados, Belize, Chile, Colombia, Grenada, Jamaica, Nicaragua, Puerto Rico and Suriname.

category requires paying closer attention to the methodological issues related to longitudinal social research (Uprichard 2012). This is particularly challenging when we are valuing or measuring categories that existed—in this case, the intentional violent killing of women—but were not labelled as fem(in)icide. Zooming in on the particularities and experiences of the Mexican context will serve as a poignant example of this.

### 2.3. *Scattered data and dislocated actions: Mexico and the challenges of quantifying fem(in)icide*

In Mexico, two bodies of knowledge produce statistics on sex-disaggregated homicides: the National Institute of Statistics and Geography<sup>6</sup> (INEGI) and the Executive Secretariat of the Public Security National System<sup>7</sup> (SESNSP), from the Secretariat of Public Security (SSP). The former publishes its reports yearly and it is based on administrative records (i.e. 'alleged homicides' death certificates). The latter presents a monthly report of crime incidence, which includes fem(in)icide. It is important to stress the particularities of the Mexican political system. Being a federal presidential constitutional republic, it renders independence to its 32 states under a central federal government. This means that each state has its own penal code with their own ways of typifying crimes. Fem(in)icide is no exception, evidencing different ways of defining and therefore quantifying fem(in)icide. This poses spatial and longitudinal frictions when comparisons are made.

For instance, if we only look at the SESNSP's data—and render numbers as the main drivers of our argument—we could safely say that fem(in)icides in Mexico have more than doubled from 411 in 2015 to 983 in 2019. Implying that fem(in)icide has risen so dramatically in recent years, as many news reports infer<sup>8</sup>, ignores the historical

6 Instituto Nacional de Estadística y Geografía.

7 Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública.

8 El Financiero. 2019. 'Feminicidios en México crecen 111% en los últimos 4 años'. Available at: <https://elfinanciero.com.mx/nacional/111-mas-feminicidios-en-mexico-en-los-ultimos-4-anos>.

contingency that precedes the categorical making of those numbers. Even though Mexico introduced *feminicidio* in its federal penal code in 2012, it was not until the end of 2017 that all 32 states collected data on this matter<sup>9</sup>. The bigger the scale of comparison, the more complex the process of aligning methods and methodologies becomes. In addition, in 2015, the National System for Public Security (SESNSP) implemented a new methodology to quantify the crime incidence rate. This means that the way in which crimes were typified, categorised and counted differ before and after this year.<sup>10</sup>

A focus on fem(in)icides in 2017, the same year that was analysed for UNODC's *Global Study on Homicide: Gender-related killing of women and girls*, shows a disparity in the data. The SESNSP reported 741 women victims of fem(in)icide<sup>11</sup> with

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9 Chihuahua, the state which saw the waves of fem(in)icides in Ciudad Juárez, was the last one to do so.

10 In 2015 the SESNSP underwent a series of highly important changes in their methodology ('Tool for the Registration, Classification and Reporting of Crimes and Victims' (Instrumento para el Registro, Clasificación y Reporte de los Delitos de las Víctimas CNSP/38/15)) with the objective of expanding the disaggregation of crime categories and specifying the criminal information. This means that 20% of the crimes that were classified as 'Others' have either their own category now or where expanded in this new methodology. Relevant for violence against women and girls are: *feminicidio*, gender violence (*violencia de género*), family violence (*violencia familiar*), breach of family assistance obligations (*incumplimiento de obligaciones de asistencia familiar*), sexual abuse (*abuso sexual*), corruption of minors (*corrupción de menores*), sexual harassment (*acoso y hostigamiento sexual*), human trafficking (*trata de personas*). Regarding the '*feminicidio*' category, it is important to mention that the SESNSP defines it as 'the criminal conduct committed by someone who deprives the life of woman based on her gender'. The SESNSP understands as 'gender-based reasons' a list of nine specific circumstances (SESNSP 2018). For more please go to: [http://secretariadoejecutivo.gob.mx/docs/pdfs/nueva-metodologia/Lineamientos\\_registro\\_feminicidio\\_CNPI\\_aprobada\\_5MZO2018.pdf](http://secretariadoejecutivo.gob.mx/docs/pdfs/nueva-metodologia/Lineamientos_registro_feminicidio_CNPI_aprobada_5MZO2018.pdf)

11 It is important to notice that yearly numbers vary according to the National System for Public Security (SESNSP) publications, which are published every month. The most recent one (from April 2020) shows 741 women victims of '*feminicidio*' in Mexico in 2017 while, the document published in February 2019 states that there were 736 '*feminicidios*' and the one from January 2018 shows a total of 671. This exemplifies the not only the constant readjustments of the data but also the efforts of the SESNSP to keep up to date.

the INEGI recording 3,430 women being killed that year. This means that not all female homicides are categorised under fem(in)icide. Numbers differ further if we take into consideration the 2,205 intentionally murdered women documented by María Salguero, a digital activist who produces her own data on fem(in)icide based on media reports. Salguero argued that from those 2,205, at least 1,159 should be categorised as fem(in)icide in 2017 (Carranza et al. 2018), 55% more than what the SESNSP accounts. Neither the SESNSP nor INEGI's official records are quantified in UNODC's study since they do not specify the relationship between the victim and the perpetrator or the motive of the killing. Salguero's database does and thus renders a deeper insight into the reasons behind and patterns of the killings.

Can we understand behavioural patterns in the killing of women in Mexico across time and between states if legal and statistical categories are constantly shifting and fluctuating? A remarkable report from *Data Cívica*, an NGO which focuses on producing data for human rights, offers an insightful approximation to this answer. In their *Claves para entender y prevenir los asesinatos de mujeres en México* (Keys to understand and prevent the killing of women in Mexico) (2019), they analyse, precisely, what has changed and what remains the same in terms of the intentional killing of women. Interestingly, they decided to use INEGI's sex disaggregated homicide rates published instead of the SESNSP's fem(in)icide data to compare and contrast patterns of violence across time. *Data Cívica* explains that, in spite of having a General Law on Women's Access to a Life Free of Violence<sup>12</sup> (LGAMVLV), enacted in 2007— which Article 21 directly deals with '*femicide violence*'<sup>13</sup>— the 33 penal codes in Mexico define '*feminicidio*' differently. Some, for example, do not include impunity as a key variable to typify the

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12 Ley General de Acceso de las Mujeres a una Vida Libre de Violencia (LGAMVLV).

13 '*Femicide violence* is the most extreme form of gender violence against women, produced by the violation of their human rights in public and private spheres and formed by the set of misogynist actions that can lead to the impunity of society and the State and culminate in homicide and other forms of violent death of women' (General Law on Women's Access to a Life Free of Violence 2007).

killing as a *femicide*, as Article 21 suggests. Also, the ‘gender-related motives’ are not the same. If we add to these legal definitions, disputes over the ways in which each state’s attorney and prosecutor offices classify the intentional killing of women another layer of complication is added.

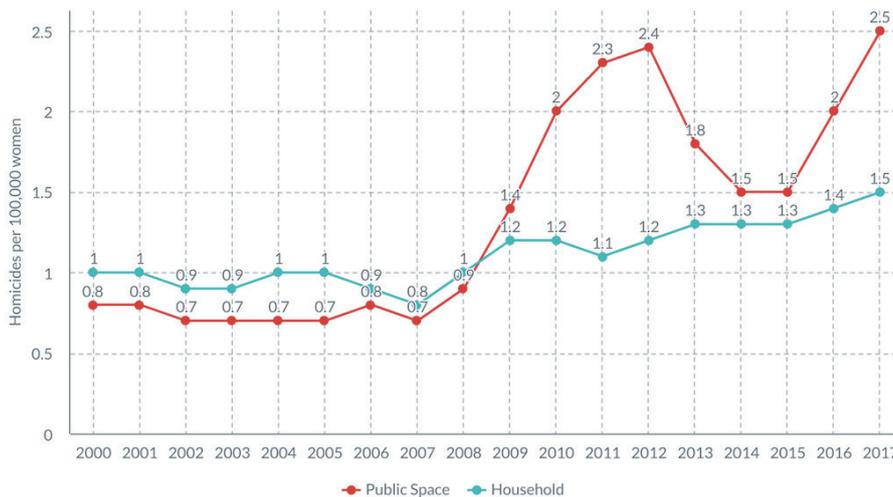
Furthermore, neither the INEGI nor the SESNSP include relevant variables to facilitate the classification of violence, such as: previous family violence complaints, record of kinship between the victim and the alleged aggressor, whether or not the victim spoke an indigenous language, the victim’s sexual orientation and gender identity, immigration status, whether or not they have a disability, where the body was found (not where the murder occurs), the number of the perpetrators, signs of aggressions prior to the murder and many other important elements.

Notwithstanding these limitations, their results provide strong evidence that patterns of what has varied and what has not. Contrary to the ‘global’ trend which suggests that fem(in)icides occur mostly inside the household, the last ten years have shown a distinctly different logic in Mexico. Figure 2 presents the differences across time in women’s homicides. While there is a slight variation

women and men in the public space has doubled<sup>14</sup>. The explanation is both political and contextual. In 2007 the former Mexican president Felipe Calderon, together with the U.S. government, launched a ‘War on drugs’, which immersed the country in a wave of rampant violence. María Salguero, in her recent work on fem(in)icide maps shows this pattern more clearly and there seems to be a distinct geographical correlation between increased rates of fem(in)icide and the activity of cartel groups.

As Figure 2 clearly shows, after 2007 violence exacerbated reaching its peak in 2012. Taken all together, the data analysed by *Data Cívica* provides evidence that the use of firearms to kill women has widely increased both in the public and the private sphere from 0.7 per 100,000 women in 2007 to 2.7 in 2017, an increase of 258.7% (*Data Cívica* 2019: 34). This has been the case for men as well. Nevertheless, and as Figure 3 reveals, other causes of death, such as choking or suffocation and those committed with a sharp instrument (*arma blanca*) are still more prevalent in the killing of women than the killing of men.

The results from *Data Cívica’s* report yield some interesting findings and shed light on the complexities of quantifying fem(in)icide across



**Figure 2. Homicide rates per 100,000 women in Mexico according to location (2000-2017)**  
 Source: *Data Cívica* (2019) based on INEGI homicide rates (2000-2017) and CONAPO

in the killing of women in their households between 2000 and 2017, there is a significant increase in those committed in public spaces. The killing of

14 More men die than women. This is unquestionable. However, women are killed in different ways and these patterns of variation across time have changed as well, which is the focus of this paper.

time and space. First, that women in Mexico face a double risk when it comes to ‘femicidal violence’: they are unsafe both at home and in the streets. While the intimate femicide is widely recognised, fem(in)icides perpetrated by strangers on the streets seems to have less impact in the global agora.

One possible cause of this is the lack of resources available to provide access to justice and accountability of particular contexts. The frictions of comparing data between countries is not only methodological. It is alleged that in Mexico, nine out

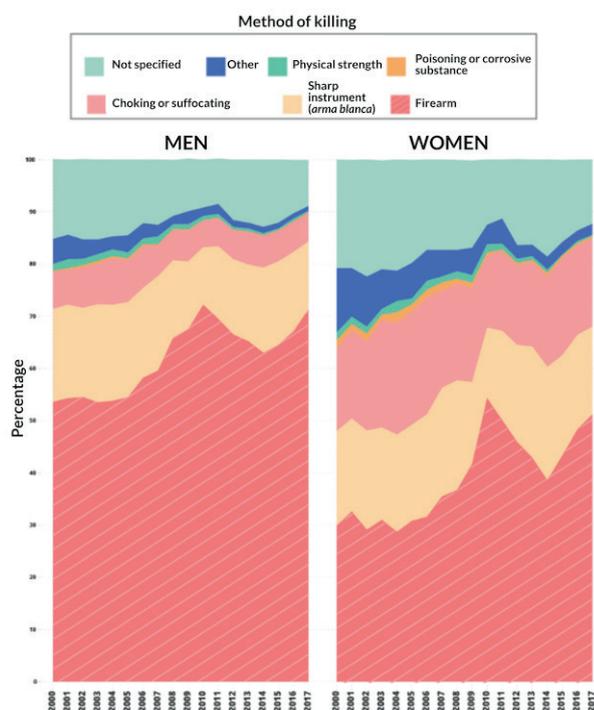


Figure 3. Percentage of homicides in Mexico based on the method of killing and sex of the victim (2000-2017)

Source: Data Cívica (2019) based on INEGI homicide rates (2000-2017) and CONAPO

of ten homicides go unpunished, an impunity rate of 89%. Weak institutions, the lack of political will, a shortage of human, financial and technological resources, complex bureaucratic frameworks and the lack of transparency and accountability all play a role in the problems of quantification and in establishing which bodies count and which not in Mexico. The question here is not necessarily which ‘global realities’ are turned into numbers but rather how and under what conditions render these bodies visible.

### 3. Moving forward: Reflexivity in data collection and the need to (re)cognise alternative ways of collecting data

From the 2006 *In-depth study on all forms of violence against women* to 2018 UNODC’s *Global Study on Homicide: Gender-related killing of women and girls* the need to generate comparable data on fem(in)icide is unquestionable. Based on content analysis of global, regional and Mexican data on fem(in)icide, this paper has shown how practices of quantifying it vary greatly from one setting to another. When the case of Mexico is positioned vis-à-vis a regional or global scale, we realise how specific contextual particularities, such as the increase of VAWG in the public space, get overlooked. These frictions are clear not only when we dig into the conceptual differences between femicide and *feminicidio* but even more so when we look into the numbers produced.

In this sense, the general picture emerging from the data analysis is that specificities get diluted as fem(in)icide is rendered ‘comparable’ across time and spaces. As Merry argues, ‘the process of translating the buzzing confusion of social life into neat categories that can be tabulated or defined risks *distorting its complexity*’ (2016: 3). Therefore, the translation of a ‘global’ or ‘regional reality’ into concepts, indicators and numbers, involves an inevitable distortion. When these divergent concepts, indicators and numbers are equated, ‘they are inevitably stripped of their context, history and meaning’ (Merry 2016: 3).

Acknowledging this complexity and given that there is no infrastructure to build an alternative body of knowledge which independently collects data on fem(in)icide<sup>15</sup> with a flexible yet robust methodology yet, I suggest two possibilities to address these entanglements. The first one is ethical, as it sheds a light on reflexivity as a crucial

15 The UN Special Rapporteur on Violence against Women and Girls, Dr Dubravka Šimonović, has been calling for the establishment of ‘Femicide Watches’ with a ‘flexible methodology that would be workable for all States to assist them in establishing [it] as a separate mechanism or mechanisms attached to existing national mechanisms attached to existing national mechanisms or observatories on violence against women’ (UNGA 2016: 11).

element of feminist research ethic. This has been widely discussed in sociological literature (Ackerly and True 2008; Bourdieu 1990, 2004; Bourdieu and Wacquant 1992; Wooglar 1991) but has rarely permeated other epistemologies in knowledge production, such as international and non-governmental organisations. Rather than providing an overview of what reflexivity is, I will make use of the set of questioning practices Ackerly and True (2008) put forward as feminist research ethics.

As mentioned along this paper, (re)producing reality into numbers entails an articulation of power and knowledge behind the ways in which meanings are enacted. Informed by a critical feminist perspective, Ackerly and True's take on reflexivity begins by asking how we can 'study power and identify ways to mitigate its abuse in the real world when [...] researchers also participate in the powerful projection of knowledge in this world' (2008: 694) and how our own subjectivities affect both researchers and the processes themselves? In order to respond to these questions, they stress the commitment to inquiry about how we inquire. In this sense, our research ethics need to be attentive to:

1. the power of knowledge: research processes reproduce power differences. Recognising that there are different ways of knowing 'each opening and foreclosing certain understandings of what it means to know and to contribute to shared knowledge' (2008: 695) enhances research practices. In this regard, moving beyond the 'intimate femicide' category might visibilise that other forms of fem(in)icide are also prevalent in certain settings.
2. boundaries, marginalization and silences: this relates to the need to pay attention and to interrogate what we include or exclude from our research process: 'we should, therefore, examine the function of boundaries and consider their effects on what is important for us to study and how we can study it' (2008: 697). This is particularly important when producing data on sensitive information, such as fem(in)icide. Being weary of contexts with a high rate of impunity, which often marginalizes certain types of poor peripheral bodies, is key to staying reflexive in our research.

3. relationships and their power differentials: remaining attentive to the interconnections with others that inform and nourish our research. As the authors point out: 'being attentive to relationships in our research means recognizing not only the power dynamics among research subjects (organizations or individuals) and the relationships of power in which they are embedded, but also between the researcher and their research subjects or between researchers' (2008: 698). Triggering dialogues about positionality and/or intersectionality amongst our peers, colleagues on these issues becomes a valuable pathway for reflexivity as well.
4. the situatedness of the researchers: this echoes to Donna Haraway's situated knowledges in the sense that objectivity is only possible if we 'take responsibility both for our necessary situatedness, and for the recognition that we are located in and produced by sets of partial connections' (1988: 69). This is important when we deal with any form of 'global' knowledge as it requires bodies in specific settings and translations in languages that might not be our own. Being aware of our own positionality is a form of self-reflexivity which is attentive to dynamics of power.

The second and final suggestion, which is the subject of my current PhD dissertation, is concerned with **the incorporation of alternative practices of knowledge production in the makings of fem(in)icide data**. Digital technologies have opened access to new ways of generating data beyond official statistics. Data activists—a term coined by Gutiérrez and Milán (2015)—from Mexico to Turkey and Australia are using different digital technologies and infrastructures as methods and vehicles to build their own datasets. This data often contains more precise patterns and categories which helps to generate a more sophisticated understanding of the violence women endure in specific settings. Looking into these practices not only allows us to include more local narratives as the scale of comparison broadens but also strengthens the reflexivity in our research.

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# PART III

## Women in Organised Crime

**“Violence ends up defeating itself. It creates bitterness in the survivors and brutality in the destroyers.”**

**Nusrat, ....., 2019**

# **GANGS, VIOLENCE AND THE ROLE OF WOMEN AND GIRLS: EMERGING THEMES AND POLICY AND PROGRAMME OPTIONS DRAWN FROM INTERVIEWS WITH FEMALE GANG MEMBERS IN CAPE TOWN**

**Mark Shaw and Luke Lee Skywalker, The Global Initiative Against Transnational Organized Crime, March 2017**

## **Introduction**

The focus of this Policy Note is specifically on the role of women and girls in gangs as an opportunity to examine whether a more “gendered” response to the phenomenon of gangsterism could have success. The case study for the research was the gangs of Cape Town, a city not only with a historical problem of gangs, but one where recent trends have showed a dramatic upswing in violence, both within and between gangs. Cape Town was chosen largely because it offered the possibility, through the network of the Global Initiative and its links to the University of Cape Town, for interviewing female gang members in a way that would have been difficult to achieve elsewhere.

Cape Town now displays violence - at a level of 60 homicides per 100,000 residents for 2015/16 – that is consistent with many cities in Latin and Central America that have had longstanding challenges with gangs. In Cape Town, violence is closely linked to changes within the city’s drug economy in marginalised areas, and the introduction of a flood of firearms (ironically many from police stores) from 2010. This has exacerbated conflict between gangs and increased the ability of smaller and new gangs – who have obtained access to weapons – to both enter and expand their drug operations. The result is a fluid and violent environment, although this is generally confined to previously marginalised so-called ‘coloured’ or mixed race areas of the city. It goes without saying, however, that the human cost and suffering has been enormous, with some parts of the city having homicide rates of over 100 deaths per 100,000 people with innocent bystanders, including children, often caught in the crossfire (see Shaw and Kriegler 2016).

While the nature of gangsterism in Cape Town has been analysed in a variety of academic studies

(see most recently Pinnock 2016), a focus on women and girls within the gangs has largely been missing. Studies where female gang members are interviewed are also relatively rare. That is partly because of the difficulties of accessing female gang members, given that male members act as “gatekeepers” and that gang culture more generally prevents gang members from engaging easily and openly with outsiders.

The Policy Note briefly outlines the methodology used to approach and interview female gang members. It then summarises the core themes that emerged from the discussions with the girls and women. Finally, building on this analysis, it provides a framework for developing a policy response as well as ideas for programme interventions.

## **Talking to female gang members**

Accessing people involved in illicit or socially unacceptable activities is challenging. Trust must be built, appropriate intermediaries found, and individuals identified that are willing to be interviewed. This is a time consuming process and one where not all interviews yield the same amount or quality of data.

Following this general approach, female gang members were accessed across Cape Town’s multiple gangs. These contacts were initiated by an experienced researcher with excellent and neutral connections to the gangs. Nevertheless, there were numerous difficulties identifying and accessing female gang members, both to protect the security of those being interviewed, but also that of the interviewers. Work continued over a two-month period in March and April 2016. Individual women and wider sets of contacts in the gang world were used to identify women who were prepared to talk to outside researchers.

The anonymity of the interview subjects was guaranteed and the vast majority of women declined to have the interview recorded. The scope of the interviews was also limited by the ethical requirement not to directly discuss crimes in which the subjects had been engaged, but not convicted for. Children below eighteen years of age were not interviewed given statutory requirements in South Africa that parental consent is required in such cases. To fill this gap, women that were interviewed were asked to report on their childhoods.

The research eventually drew on interviews with over 30 individual female gang members, with several individuals being interviewed twice. The interviews were often difficult to organise – female gang members had to be separated out from their male counterparts and a place with comparative privacy being found – but also because of the difficulties of ensuring a frank discussion about their past and the nature of life within the gang. The interviews were conducted as free flowing discussions guided by a set of common questions.

Given that there is no clear idea of how many female gang members are active in Cape Town, these interviews do not necessarily constitute a representative sample. However, some effort was made to ensure that women from multiple different gangs were interviewed. The results thus provide a unique qualitative insight into the backgrounds, life stories, lifestyles and life chances of women in Cape Town's gang milieu. An appendix to this Policy Note provides sketches of ten of the interviews to provide some insight into the nature of the history and background of individual women and girls.

The purpose of the Policy Note is to stimulate more discussion around policy options targeted at female gang members. That is not to deny that many of these may equally apply to male gangsters. Nevertheless, a study of the life stories of female gang members suggests several focussed interventions that may have applicability to the specific realities faced by women enmeshed in gangs and gang culture, and highlight a vulnerable group that has largely been overlooked.

## 7 Themes emerging from the interviews

While the interviews covered a wide array of topics, including some more general discussion as a way to build trust, a number of themes emerged from all of the interviews. The most important of these are as follows:

### 1. *Women and girls seek “belonging” within gangs*

Interviews highlighted again and again that girls and young women enter the milieu of gangs because it provides a place of “belonging” in otherwise fractured and violent communities. The gang in this sense, in the words of several interviewees, “became family”, even if internal gang politics and actions were often themselves violent and unpredictable.

“Becoming family” in contexts where gangs are powerful forms of social and community organisation brings two other benefits: resources and security. Impressionable young women who join gangs can access new clothes, jewellery, the cars of their boyfriends and gang bosses, and much that they could not afford they remained unconnected and at home. Critically too, in places where gangs hold so much sway and violent power and capacity, not joining a gang “makes you far more vulnerable, than joining one”. Gangs provide protection and, at least in the short-term, some have few options but to join.

The critical point here is that female gang members are not coerced to join gangs. They do so, for the most part willingly, in a similar fashion to their male counterparts. One big difference however is that the route to gang membership for girls and young women is often the result of developing a romantic relationship with a gang member.

### 2. *Sex is a common currency in gang interactions involving women*

The common currency of the engagement between female gang members and other members of the gang is “sexual”. While it could perhaps be too crude to argue that “sex is exchanged” for membership and belonging, sex provides a direct utility for female gang members to offer – or to be

forced to provide. Tales of rape and sexual abuse within the gangs were depressingly common across all the interviews. This is not to suggest that women and girls in gang environments are only victims – many concede that they joined gangs for the benefits that could be obtained and also that they offered sexual favours in part to obtain these – but that girls and young women were particularly vulnerable to sexual abuse in gang environments.

Relationships with mid-level and more senior gang members provide a point of access to the gang milieu. Initial sexual encounters, many of which constitute forms of coerced sexual activity, are critical rights of passage for many young women making their way into gang networks. Some male gang members provide long-term protection and coverage for their female partners, even though these relationships are seldom if ever monogamous and in most cases are often abusive and violent. Several women reported that they were initially prostituted by the gang.

Alcohol and drug use are all too frequent a reference point when discussing sexual engagements with multiple gang members and with the resulting pregnancies. Women barter their bodies to secure wider membership and/or acceptance in the gang, but at the same time are also targeted for sexual violence. In a limited number of cases, however, male partners protect “their women” from the wider abuse possible from other gang members. In such a scenario, vulnerable young women who are members of gangs, but do not have “good protection” are highly likely to suffer extended abuse.

### *3. Female gang members have a history of abuse (and are quite literally giving birth to a new generation of gang members)*

As outlined above, sexual abuse, rape and gender-based violence are common within the Cape gangs. But, many of the women interviewed indicated that this was not something new. Given that the interviews sought to determine the details of their early lives, most interviewees reported sexual abuse within the Gangs, violence and the role of women and girls: Emerging themes and policy and programme options family, “by uncles” (a generic term for people associated to the family),

or others. The experience of sexual abuse within the gang was often a continuation of sexual abuse in the family.

Ironically, joining the gang, as stated above, offered opportunities to “belong” that were not available from dysfunctional families. What seems clear is that young women were often attracted to the same violent, abusive and unreliable men that had shaped their own child and young adulthoods. Sexual violence appears to be the norm and even in some cases where women reported to the police, they were turned away or verbally abused by the very authorities from whom they sought recourse.

Sadly, numerous interviews reported that unwanted children, often from different fathers, were the result of multiple sexual liaisons. These youngsters themselves were either exposed to the milieu of the gang from early on, or were removed from their mothers by the authorities, their overall future uncertain. In both cases, their development was unlikely to take place within a loving and protective family environment.

### *4. Female gang participants become enmeshed in gangs and are often under considerable control and surveillance*

Female gang members are easily drawn into the world of gangsterism. How girls join gangs varies from a conscious decision in order to acquire greater status or belonging, to one where individuals literally drift into gang life, in part because of where and how they grew up. In some neighbourhoods, young women report, it may in fact be easier to join a gang than to resist doing so. Young women are not naive as to the activities of gangs; in part it is the excitement and (illegal) resources that attract them. Equally however, since gangs are such a strong presence in some communities, joining may also be the path of least resistance, and one with immediate rewards.

Scarring and gang identification tattoos in visible places – sometimes the face, neck or upper chest – ensures that gang membership is literally “carried with you”. That makes getting a job in the formal sector or easy acceptance back into mainstream community life outside of gang areas difficult to achieve. As the interviews suggest, the “marking”

of female members with tattoos and cuts often takes place when they are drunk or “drugged up” and not fully aware of the consequences, including the health dangers of doing so. While this applies also to men, women appear more vulnerable to being “marked” without their consent.

Assuming that many female gang members are actively looking for alternatives to leave the gang is not borne out by the interviews – this is the exception rather than the rule. Being drawn into gang life, and being marked by it physically, psychologically and from substance abuse, means few other opportunities are available. When they are, young women report that they found ordinary jobs, in the retail sector for example, boring and poorly paid. Such jobs seemed only useful on the instruction of the gang for purposes of shoplifting or fraud.

Finally, as the difficulty of obtaining interviews attested, female gang members are seldom alone. They accompany their male partners and counterparts, are confined to houses in some cases, and have surprisingly little independence of movement. That reduces the chances of providing alternatives spaces and opportunities to counter gang culture. In interviews many expressed fear that “their boyfriends” would not like what they were saying, and in several cases male gangsters hung around close to the interviews to “protect their women”.

#### *5. Female gang members participate in criminal and violent acts*

The notion, common in some of the descriptions of female gang members, that they are only vulnerable and exploited members of gangs, and not themselves active participants in violent gang crime, is contradicted by the interviews. Amongst other crimes, women reported involvement in robberies, drug dealing and murder. In the case of the latter, women sometimes acted as “lures” to draw individual members of opposing gangs so that they could be killed. In a number of cases women themselves did the killing.

Although closely watched themselves, women report being used to collect “intelligence” not only on other gangs, but on wider income generating

activities, such as extortion, robbery and fraud. In some cases women commit crimes because it is reported that the police are unlikely to believe that a “women would have done that”. In some cases women provide sexual services to the police to prevent their own arrest or that of other gang members.

While women may not always be on the front end of “gang wars”, they generally suffer the consequences. Gang wars result in a fluidity in gang organisation with serious implications for individual women reliant on one or a few key gang members for ensuring that they are not subjected to violence. When boyfriends and protectors are killed the result may be that women who are linked to them are vulnerable to wider sexual abuse and violence within the gang – as well as potentially outside of it.

#### *6. Women and girls while being members and confidants of male gangsters are largely excluded from leadership positions*

Many gang leaders in Cape Town have either a community or wider public profile. None of them are women. Despite a concerted effort to identify gang leaders who were female, there is no evidence that in any of the most prominent gangs women occupy senior leadership roles. In a few instances in smaller and lower level all-women gangs, this is the case, but such structures are often relatively temporary and do not compete, for example, in the violent contestations around drug turf.

Interestingly, however, two interviewees (both included in the Appendix) reported that they were responsible for maintaining the gang’s finances, clearly a role that demands a level of trust with the bosses. One woman in particular who performed this role seemed to have risen to a position of some prominence. For the moment, however, at least in the Cape gangs, this appears to be the exception rather than rule.

Interviews with women gang leaders suggest that the system remains structured around, and controlled by, male gangsters. While women perform the various roles that are outlined above, the system remains patriarchal, and women are largely unable to enter the leadership hierarchy.

That does not mean that individual women are unable to influence the decision-making of gang bosses, but it seems clear from those we interviewed that they are excluded from the most important decisions taken by gangs. There may of course be exceptions to this general rule but our interviews provided no evidence that young women were systematically called upon for their advice or could influence important decisions such as when to engage in violence.

For women participants then, the gangs in Cape Town provide “places of belonging”, but those resemble the reality of life of most women living on the Cape Flats outside of the influence of gangs: an environment where males make the most important decisions and retain the greatest influence. This does not mean that individual women in the system lack agency, only that the system of gangs remains a male dominated hierarchy and that their influence is constrained.

#### *7. Female gang members often suffer (sexual) abuse by the criminal justice system*

While it is not possible to ascertain the exact extent of this phenomenon, female gang members in interviews point to consistent patterns of abuse when they come into contact with the criminal justice system. This often includes the provision of sexual services for favours. In several cases when women gang members approached police to report cases of rape, they were turned away, or further abused.

Female gang members appear particularly vulnerable within the justice system. Removed from the gang milieu, girl and women gang members are seldom dealt respectfully by the police and justice officials more widely. It appears difficult for them to report cases of crimes of sexual abuse against gang members and male justice officials often appear to act in sexually predatory ways. This may in part be an established behaviour given that gangs, as was reported earlier, sometimes themselves offer up female members to provide sexual services to placate police. In prison, female gang members report that they are asked to provide sexual services to correctional officials.

Female gang members therefore are seen as

available, marginalised (thus unlikely to be believed) and therefore easy to abuse, with few consequences for the officials involved.

Several of the female gangsters interviewed served prison sentences. Prison provided both an escape from the street culture of gangs, but also a deeper step into the world of the gangs on release. A prison sentence means that the chances of obtaining a job become negligible and in some cases removes the wider social and community scaffolding (families and children in particular) that prompt women to leave gangs.

These seven themes provide some insight into the recruitment, life and abuse faced by female gang members. It should be emphasised here that many of the women that were interviewed are extremely difficult to talk with, often angry at “the system” and the inequality they strongly perceive, or are regular abusers of drugs and alcohol. Programming in the area is highly challenging and the notion that the women concerned are only innocent victims eager and willing to participate in gang prevention and reintegration programmes should be quickly dispensed with. That does not of course mean that programming is not possible, only that after the process of interviews, it is clear how difficult this is, and that it must be clearly thought through. The following section provides an overview of some of the alternatives in this regard.

#### **Towards a policy framework for programming**

The interviews did not specifically question the girls and women about what external interventions might assist them to exit gangs and gang culture. Indeed, many of the interviewees showed a deep scepticism to outside attempts to solve the problems of the gangs, including the specific challenges faced by women. A few women suggested by implication that “do-gooder” attempts to try and resolve problems that were built on deep levels of inequality and marginalisation were doomed to fail. At the same time, in every interview, participants expressed a regret for some of their behaviour and had a clear sense that their lives could have been something else – and perhaps something better. In most cases though, particularly younger women, could not see how they could extract themselves from the

gangs, and in any event many did not express a need for doing so.

It was older women who on reaching their thirties became more conscious that the period that they had spent within the gangs had been “wasted time”. One of these women, who had broken away from the gang in which she had been a member, allowed us to film her as she recounted her story. This video (provided with the report), indicates a dawning realisation on her part that she needed to extricate herself from her gang. She did so with the assistance and support of local church leaders but the prerequisite seemed to be her own recognition that the gangs offered her no future. She also expressed a strong desire to reconnect to her children who had been taken from her. Her own health had been ruined by excessive alcohol and drug consumption and unsafe sexual practices: she died of HIV/AIDS a few months after the interview was filmed.

Drawing on the interview material and discussions with a range of community and other stakeholders present in gang areas, a range of possible areas of programmatic action are suggested below. It should be noted that these are focussed specifically at the issue of curbing the involvement of girls and women in gangs and gang culture, although some of the suggestions have wider applicability for all participants in gang activities. Clearly, a comprehensive package of responses are required, and so focussing on only one or two of the suggestions below would not be sufficient. These would be required to be part of a broader package of responses.

Given this, the recommended sets of actions are divided into three categories:

- More immediate and specific actions that seek to provide channels, opportunities and points of contact for women seeking to exit gangs;
- Medium-term interventions to prevent recruitment into gangs in the first place; and,
- Longer-term programmes that concentrate on changing structural conditions that push girls and young women into gangsterism.

The relationship between the three response levels is illustrated in the figure below.

### **Short-term: Providing “pathways” to exit**

The initial step to leave the gang is fraught with danger for individual women. They may be threatened or suffer physical violence. Developing such “pathways” requires a neutral space where women can be engaged and the first steps taken to begin to extricate them from the gang milieu. “Pathways” are therefore about opportunity and the identification of young girls and women, both as gang members, but also as individuals who wish to exit the gang environment. “Pathways” by their nature are short-term, an initial step, that must be followed by other interventions.

#### *1. Reduce surveillance that male gang members have of female gang members*

As indicated, one of the challenges of interviewing female gang members is that there is a high degree of surveillance of their lives. This greatly reduces the possibility for girls and young women to make contact with outsiders who could provide a “bridge” to another life. The same of course also applies to young men (see Pinnock 2016, pp. 282- 296), although the experience of conducting interviews with both men and woman gang members does suggest that the latter find it more difficult to operate independently of the gang once they are clearly affiliated. One of the reasons for this (ironically given that this is also a form of internal protection) is that boyfriends in the gang are highly controlling of their girlfriends or of girls in the gang more generally.

Young girls are therefore often “trapped” in gang areas that are marginalised and disconnected from the wider city. Young women are acutely aware of the isolation that living in gang areas brings and few venture outside. Planning and economic development alternatives must in the longer-term seek to break down such divisions introducing flows of positive traffic into previously isolated areas.

In the short term however, identifying activities that might provide such a “bridge” to exit gangsterism must be context specific. This might include a range of activities from community style events that are specific for women- only to girls-only sport fixtures, but targeted at gang areas. It has been

suggested that programmes by outside bodies (local government, churches or non-government organisations) that are unthreatening to male gangsters and which are seen as “feminine” would provide a useful way to ensure “privacy”. Thus, despite the stereotypical and gender reinforcing nature of projects that focus on make-up or beauty treatments, they might provide a possibility to bring women together in ways that would exclude men.

2. *Identify girls/young women that are abused and/or looking for a pathway out of gangsterism*

While general awareness raising through art, theatre, lectures and associated activities may play a role in promoting alternatives, the identification of individual girls and women to target and provide more specific options may in fact be a more productive approach. In the course of the “bridge” activities outlined above, and in context where male gang surveillance is reduced, women who are ready or willing to seek a life outside of the gang environment. Discussions with women involved with gangs suggest that one place where (if they are ready to exit) effective contacts and onwards referrals may be made, and where there is some privacy, is in hospital casualty stations.

Sadly, given that they have already lived much of their productive life within a gang environment, those seeking to exit gangs may often be older women. They may be looking to leave for a number of reasons, including that they are facing competition from younger women entering the gang, that they are eager to connect with their children, and that they are no longer attracted, and indeed may be highly disgusted by the context in which they live; recognising that they have missed out on developing more productive lives. In several interviews this was mentioned as “the lost years”.

One response in this regard may also be to build a more effective picture of the girls and women involved in gangs. Currently, even their overall number is uncertain, and there has been no attempt to, for example, build a database of female gang members and their backgrounds. This should not be for purposes of law enforcement but to

identify patterns as well as individuals who can be assisted.

3. *Work with the police and justice system to end abuse when female gang members report crime (particularly sexual abuse) and immediately provide alternative “pathways”*

Female gang members who have suffered violence at the hands of male gangsters, including their boyfriends, may be eager to exit or to report these crimes to the police. Yet, as indicated, the interviews suggested multiple occasions when female gang members had reported cases of rape or sexual abuse to the police, but were either turned away and/or verbally and physically abused.

It is imperative to develop viable “pathways” for female gang members who report abuse or rape to the police. This includes ensuring sympathetic and fair treatment and providing appropriate levels of protection. Just as the symbolic act of being abused by the police when trying to report a crime hardens women to the belief that the system as a whole is stacked against them, and that they have no alternatives to life in the gang, so a professional and caring response may provide the motivation for exiting gangsterism. The police for their part should avoid using the reporting of crime by female gang members as a way to recruit informants within the gangs.

Female gang members are often damaged individuals who show little trust for outsiders. They often look and act aggressively and police officers may stereotype them as troublemakers almost immediately when they report crime. It is worthwhile therefore attempting to ensure a single point of contact for female gang members attempting to report to the police. If only a few cases are successful, in protecting the women involved, word will spread that the system (or at least parts of it) does care.

4. *The isolation that prison provides should be used to provide exit routes*

The interviews suggest that prison does bring a degree of isolation to female gangsters. Prison gangs, and their culture, while powerful systems of organisation in male prisons, are less strong in

female facilities. Several women who had been imprisoned spoke of the time that prison provided for them to reflect. At the same time, however, female gangsters were also subject to abuse in prison from staff, including sexual abuse. (This of course applies to other women too.) It should be an absolute priority to end violence, including rape, from staff against female prisoners. Unless this is done, this system will not be viewed as an alternative to a life in the gang. As the interviews attest, female gang members do not make a distinction between the government system and the gang system: both are abusive and the gang system at least provides resources and a degree of protection.

While prison must and cannot be seen as an alternative to gangsterism, it may however be a place – given that many female gang members spend time in prison – where more effective approaches can be made to women gang members and alternative “pathways” provided. Yet, there are few if any programmes targeting female gang members in prison. This is an opportunity for developing viable programming responses.

### **Medium term: Preventing recruitment**

If providing “pathways” outside of gangsterism is a step to reaching out to women already enmeshed in its networks, preventing recruitment of young women in the first place must be a priority. Interventions in this area are partly aimed at replacing the sense of belonging that gangs provide, but also at raising the awareness of the dangers of substance abuse and unsafe sexual practices. Critically too it must focus on positive female role models and building better relations with the police – more specifically female police officers.

#### *1. Provide “systems of belonging” for girls at school in gang areas*

As suggested by female gang members, gangs are able to recruit and retain membership because they replace families and other systems of belonging in fractured communities. Programme responses that seek to provide a sense of belonging to girls and young women would reduce one of the key motivations for joining gangs.

Creating such systems of “belonging” would require investment in a variety of programmes and activities in marginalised areas, including sports, youth groups, crafts and educational projects. Such activities need to begin to include girls as early as possible, ensuring that positive social circles and networks are built.

As far as possible they must target young women vulnerable to developing relationships with gangs. Such vulnerabilities may be a feature of geography (living in a gang dominated area), family (the presence of abuse or links to gangs), or behaviour (having a gang member as a boyfriend).

#### *2. Focus on drug demand reduction and sexual awareness education*

Drugs, alcohol and sex are constant themes that emerge from the interviews as being a closely connected triangle that enmeshes girls and young women into the gang milieu. A significant proportion of sexual abuse takes place when both victims and perpetrators are under the influence of drugs and/or alcohol. Older women in particular were acutely aware of the dangers of alcohol and drug abuse. In contrast, young women in the interviews were largely oblivious to the dangers, and if they were aware of them they did not register it as a great concern. Doing drugs, drinking heavily and engaging in unsafe sexual practices were considered normal parts of everyday life within the gang.

What is required is a concerted effort to reach young girls in particular to highlight the dangers of substance abuse and unsafe sexual practices. The use of social media, and more targeted ways of reaching girls vulnerable to recruitment into gangs is required.

#### *3. Promote positive female role models drawn from communities where gangs are present, including ex-gang members*

As the summary of the interviews suggests, the social frame of reference for young girls who are vulnerable to recruitment into gangs largely excludes any positive female role models. It is critically important for girls to see success stories of women from gang areas. The constant narrative

in the interviews is of a system stacked against individual girls – there are no options but to join the gangs and the “system” (the police and the authorities in general) is often seen as worse than the gangs themselves.

One of the challenges here, interviews with community leaders suggest, is that those who succeed quickly leave gang areas, further alienating those who remain from wider society. Establishing a system of mentors for girls and young women is one possibility here, as is the use of specially trained female police officers who act as both contact points and mentors for girls vulnerable to gang recruitment, or already within the gangs themselves.

#### *4. Build positive relations with the police – including female police officers – at schools*

The various interview summaries suggest the wide divide that exists between the police and gangsters. The police are seen as exploitative, corrupt and abusive. For girl gangsters the police appear to be a source of significant levels of sexual violence. Levels of trust are low and most interviewees viewed the police as part of the problem and not the solution. One immediate way to improve these relations is to build better ways in which girls can engage with the police. This includes better oversight and training of the police generally, but could also include more specific interventions such as trained female police officers tasked with seeking out and engaging with girls in gangs (or those vulnerable to recruitment).

It should also be noted that the police may sometimes target female gang members to act as informers, precisely because they are also vulnerable to police action themselves. While this may be a necessary evil, our experience is that the recruitment of informers by the police is seldom a process where the individual welfare of girls is carefully considered. While beyond the scope of this paper, this is an area that requires review.

Providing more positive relations with the police will greatly outweigh any benefits that are achieved by arresting and imprisoning young women in a context where further abuse is likely. In that sense the young women interviewed are entirely right:

the police are part of the problem. Breaking the cycle of violence and reducing vulnerability of girls to recruitment in gangs must begin with a change in the way policing is conducted with the focus, no matter how difficult, of developing relationships of trust with vulnerable young girls in gang afflicted communities.

#### **Long term: Changing structural conditions and providing alternatives**

Gangs, gang culture and the role of women within them, cannot be confronted without a broader response that addresses the structural and other inequalities that give rise to them. In this sense, the “system” as described by women in the interviews must be changed, both from the perspective of criminal justice responses, but also from the very earliest interventions related to early childhood development, and breaking the cycles of violence within the family (for a more detailed discussion see Adams 2011).

##### *1. Develop effective care for the children of female gang members*

While the development of more effective measures to ensure childcare in gang afflicted communities has been highlighted most recently in the context of Cape Town by Don Pinnock (2016), this is critically important for the children of female gangsters themselves. Providing effective care outside of the influence of the gang milieu is one important way in which the generational cycle of recruitment can be broken. As indicated above too, and while great care needs to be taken in this respect, linking up with “lost children” often appears to be the motivation for older women seeking to exit from the gangs.

##### *2. Reduce gender-based violence within families and communities*

The accounts of young women caught between the vortex of gang membership and the police suggest the degree to which levels of gender-based violence is self-reinforcing. Young women who are involved in gangs have invariably been seriously and serially abused by the men they have grown up with. As they grow older, paradoxically, they seek security in environments and with other men who

have many of the same characteristics. Reducing violence in the home in marginalised areas is thus an important outcome if women's vulnerability to recruitment into gangs, and resulting violence, is to be reduced. Without effective interventions in this regard the cycle of violence and gang recruitment is unlikely to be broken.

While the results may not be immediate, programmatic responses include a combination of, amongst others, awareness raising, education, effective referrals and protection of victims and witnesses, and the prosecution of suspected offenders.

### *3. Introduce accessible and effective drug treatment facilities in gang areas*

As is illustrated by the interviews, substance abuse remains a defining feature of gang existence. Providing for systems of drug treatment is an important way of focussing on reducing the harm of drug use. It also provides a useful way in which young women can be provided with "pathways" out of gang affiliation. Yet, drug treatment remains underfunded and not easily accessible for many in marginalised communities.

### *4. Provide employment alternatives for young female gangsters*

While the interviews do suggest that young female gang members find the jobs that they are likely to get as "boring", and leave them soon after, the argument for ensuring employment remains a powerful one. Holding down a job can provide focus and direction and importantly too, provides a way to remove women from gang areas for much of the day. In addition, it also allows young women to see and experience a wider world outside of the marginalised gang afflicted areas in which they might otherwise be confined.

One of the challenges of employment is that for women who have been active gang members for some years, problems of substance abuse and tattoos and scarring, particularly on the face, greatly reduce their chances of employment. (For that reason the removal of tattoos might also be a useful programmatic intervention.) The lesson

for effective responses is that for employment to be successful as an alternative to gangsterism it must be a possibility as early as possible. Five or ten years within a gang environment, as some interviewees dolefully reported, are likely to make all but the most resilient young women unemployable.

## **Conclusion**

The gangs of Cape Town, and the violence associated with them, are a product of deep-rooted structural inequalities and a criminal justice system – as reported by the very victims and perpetrators who come into contact with it – that damages and creates conflict perhaps more than it resolves it. Girls and young women are pulled into gangs through their lives and exposure in areas where gangs provide the principal forms of social organisation for young people. Other alternatives are few and where they exist they are either not sustained or lack the "glamour" and resources that gangs provide.

Yet the consequences for women who become trapped within gangs and gang culture are severe. They are often unable to adapt to ordinary patterns of life and are increasingly unemployable, even if they were eager to seek a job in the formal economy. The result is a litany of lost lives and a reinforcing of a "cycle of gangsterism and violence" as the young children they bear are themselves vulnerable to being drawn into gang life. Violence in the home is strongly reinforcing, creating patterns of abuse that for many women last a lifetime. In this scenario women often seek out and form relationships with the very men who subject them to violence.

While such relations of violence and abuse also applies of course to women outside of gangs, the gang environment provides a "hothouse" where multiple men with histories of violence and abuse are present, and so women gang members are arguably more vulnerable than if they were living outside of gang structures and allegiances.

The pyramid of suggested interventions highlights the degree to which responding to gangs from a gender perspective remains challenging. It also suggests that any strategy must be long-term

in nature and must confront the driving factors, and cycle of violence and exclusion, that ensure gang recruitment. Nevertheless, and as a primary objective, in the short term any programmatic response must offer “pathways” for women to exit gangs. That requires, as in the case of male counterparts, breaking the surveillance and network that women become embedded in and coaxing them into a new life. The formal systems of the criminal justice process have been notorious, in the words of the women themselves, of being not a source of resolution but a source of abuse and further violence. This is a cycle too that must be broken.

In the medium term it is essential to make girls less vulnerable to recruitment both by removing them from gang networks, reducing relationships with known gang members, and increasing their own knowledge of the damage caused and the alternatives. In the longer-term is the prerequisite

is to shift the structural conditions that give rise to gangsterism and to put in place responses, such as drug dependence treatment, that shift the balance in favour of those seeking to exit. Women see the “the system” as stacked against them. Changing that balance must be the ultimate aim of all policy and programme interventions.

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# ORGANIZED CRIME AND WOMEN

Michael Platzer, Co-Chair of Coalition of Faith-Based Organizations

OPINION  
PIECE

In organized crime settings, women and girls can be victims and perpetrators. While women usually work at the lowest levels of drug trafficking as cultivators, smugglers, distributors, and sellers, they can also be organizers of networks, financial managers, accountants, and even the heads of cartels (Carey). While some women can be forced or tricked into prostitution, others choose sex work from the available employment options (Kempadoo). Some brothel owners and managers of trafficked women are often former prostitutes themselves.

In gangs women are usually the tattooed often sexually abused girlfriends, but they also participate themselves in burglaries and robberies, conceal the weapon as well as stolen goods which they then seek to unload for the gang (Miller). They serve as messengers to gangsters in prison and “run the business” while boyfriends are on the run or in prison. In the Italian Mafia, daughters have inherited positions from their parents (Fiandaca). Women are making up greater proportions of prosecuted and jailed persons in many countries (Walmsley). In some cities, girls now form their own gangs, for self-protection but also to indulge in violent crimes for the thrill of doing evil. Drug addiction is a significant factor in female victimhood but also for “crazy” behaviour.

Many scholars have argued that female violence is the result of patriarchy and structural systems in society (Maghsoudi). There are fewer opportunities for women for education and legitimate employment. Those arrested for crimes are mainly from the poorest segments of society. For some, there is no realistic option but to go along with the gangs given that their surroundings are so criminogenic. The reality is that many young women become pregnant without marriage and seek the protection of membership in a gang. It is said that many join a gang for friendship and to be part of a “family” as their own is dysfunctional anyway.

Nonetheless, even if a woman joins a gang or takes part in criminal activity, she is still expected to take care of the children, cook, wash the clothes, and maintain a rudimentary household. In Colombia, the female coca cultivators have banded together to ensure education for their children, health facilities, and community development (DeJusticia). In India, gangs of women have protested against violence against women and have themselves beaten domestic abusers and even police who do not arrest violators. Films have made heroines of female gang leaders who fight corruption and injustice and provide money to the poor.

## **Queen of the Pacific - “Mother of all Snakeheads” - Raffaello D’Alterio**

Sandra Avila Beltran is a Mexican woman whose family’s lengthy history in drug trafficking allowed her to rise to the top of the Guadalajara cartel, smuggling cocaine from Colombia along the west coast of Mexico to the United States. She was arrested in 2007, served several years in Mexican prisons in relative comfort, was extradited to and tried in the USA, returned to Mexico to face additional charges of money laundering but was released early in 2015. Two TV series, a Spanish version “La Reina del Sur” starring Kate del Castillo and a US series entitled “Queen of the South” with Alicia Braga portray a fictitious Avila. She herself disavowed the authenticity of the films which omitted the corruption of the politicians (to pay “a million dollars is nothing”) and the police; she mocked the futility of drug prohibition and blamed the government for the violence. Upon her release from prison, she described to a journalist her clandestine birthday party in the mountains (organized by the popular band “Los Tucanes de Tijuana”) which was attended by narcos, politicians, military brass and police commanders. In prison, Avila’s “guests” were escorted by obsequious guards to her cell where her three maids served food, alcohol and cigarettes. She wore expensive custom clothing, adorned with

jewels, and four-inch high-heel shoes. In jail, she had a radio and avidly followed the news. Her analysis of drug trafficking in Mexico and the USA was that it is a business, like providing alcohol during the Prohibition, and if the government was really interested in eradicating drug violence, one had to attack poverty.

Since her release, she has been giving interviews and attempting to recover her 15 homes, 30 sports cars, and estimated 300 luxury jewels. She remains loyal to “El Chapo” Guzman who escaped from prison and other associates from the past (Gutierrez).

### **Sister Ping**

Cheng Chui Ping, known to her beneficiaries as Sister Ping, ran a successful human smuggling operation between Hong Kong and New York City for decades. To the authorities, Ping was the mother of all “snakeheads” (human smugglers), a ruthless businesswoman who smuggled thousands of Chinese people into the United States, amassing millions in profits, taking advantage of desperate migrants. Reportedly, she had tortured or raped those could or would not pay. However, it was only when the “Golden Venture,” a rusty freighter loaded with 300 immigrants, ran aground on Long Island in 1993 that her smuggling operation was uncovered (UNODC, 2019).

Rather than one transnational organization being responsible for smuggling individuals from point A to Europe or the USA, the more usual operation is a series of “travel agencies” assisting the migrants across the diverse borders along the route. While young men are usually the guides across barren landscapes, women often provide the bus tickets, meals or shelter. For a migrant, it thus pays to have the addresses and telephone numbers of women to go to for assistance in a strange city. As Mexican women, as citizens, can cross the US border to visit relatives in the twin cities along the border, they can easily make arrangements for those in their care. It is believed that many of the smuggling operations of smaller groups and families are arranged by the women on the Mexican–US border (Sanchez). In fact, more and more women and unaccompanied minors are being caught on southwest frontier.

### **Raffaella D’Alterio**

Raffaella is only one example of wives, mothers, girlfriends and sisters who took over the roles of their husbands, sons, brothers, and boyfriends in the Camorra, the Italian Mafia, while the latter were in prison. Raffaella who was the daughter of a Camorra boss was married to Nicola Planese. She took over leadership of the organization around Naples when Nicola was arrested in 2002. However, she refused to relinquish power when he was freed and had him killed, after a bloody feud between their different adherents. She remained the leader of the organization for a decade until 2012, when the Italian Carabinieri arrested her together with 65 of her associates, and confiscated property valued at 10 million euros. The court brought over 70 criminal counts against them, including criminal association, extortion, drug trafficking and illicit arms possession.

There are four major mafia-type groups in Italy: the Neapolitan Camorra, Sicilian Mafia, the Calabrian ‘Ndrangheta”, and the Puglese Sacra Corona Unita. As the Mafia are secret societies with membership restricted to men, the role of women is said to vary. Often it is convenient for women “to know nothing” so that assets, such as homes or legitimate businesses cannot be seized by the police or female family members be arrested. In reality, women provide indispensable support. Many females associated with the Mafia perform many non-violent functions as messengers, spies, decoys, reporting on police movements, organizing transportation, hiding weapons or proceeds of crimes, acting as accountants, money laundering, running legitimate businesses, managing brothels, and providing shelter, meals, and other “wifely” duties. They, in effect, provide the administrative backbone of the Mafia (Fiandaca).

### **Women of the Yakuza**

Although women in Japan once played important roles in the feudal Edo era in organized gambling (they were loan sharks and had their own crew of enforcers) and documented cases of “onna-oyabun” (female godmothers) do exist for the years before and after World War II in the black markets, it is today believed that women bosses in the Japanese mafia today are largely a myth

(Albanese). Fumiko Taoka, trusted advisor and wife of Kazuo, the “godfather of godfathers” did take over as head of 13,346 gangsters in 1980s, while he was in prison. In Tokyo, Yoshiko Matsuda replaced her husband Giichi, after a violent period of intergang warfare, when he landed in jail. “The Yakuza Wives” was a popular TV series in Japan. However, as the novels, films, and dramatic portrayals of women in crime are works of fiction (except some well-known terrorists) the reality of women in organized crime is both harsh and humiliating (Tendo).

Yakuza gangsters like to be seen with young pretty fawning women, as these give them a certain status, just as the possession of a fancy car does. Usually the women are bar girls, late night hostesses, or simple prostitutes. They are described as “Burakumin” - dropouts and misfits. Most come from lower economic strata, a world of poverty, parental neglect, single mother households, or face discrimination as a minority group, like the Koreans in Japan.

### **Girl Gangs**

There are tales of women in Brazilian, Columbian, Nigerian, Romanian, Bulgarian, South African, Thai, and Vietnamese criminal associations involved in drug smuggling and human trafficking. The only hard data is the clear trend that incarceration of females is rising in almost all countries—some criminologists link this to feminism and the women’s liberation movement (Steffensmeier). But what is new are the rise of girl gangs in Central America, the United States, United Kingdom, and South Africa.

### **El Salvador**

Girls are increasingly joining gangs in order to protect themselves and their loved ones, as fully fledged members (as girlfriends or by force) or as loosely affiliated helpers (mothers and sisters, who cook for the gangs). Sometimes, in certain neighbourhoods it is almost a requirement to affiliate. El Salvador and Mexico have the highest rates of femicides often connected to gang warfare (Markham). But the police have also launched indiscriminate violent crackdowns on drug gangs and neighbourhoods. Mothers have

hidden their sons, their weapons, and contraband while sisters and girlfriends can more easily slip through police blocks with drugs and pick up bi-weekly “protection” payments. Some girls have been “initiated” into the gang by enduring a severe beating or being raped. Others have joined gradually as they started hanging out with the “cool kids” and selling drugs to friends.

### **Female Traffickers**

According to UNODC, “Surprisingly, in 30% of the countries which provided information on the gender of traffickers, women make up the largest proportion of traffickers....in Europe, for example, women make up a larger share of those convicted for human trafficking offenses.” It may be true that women are the most visible and the easiest to arrest if they are escorting young girls across borders or maintaining bordellos or safe houses for the trafficked women. It has been suggested that women fleeing political, community, or domestic violence will seek out other women to smuggle themselves in smaller groups across international borders (Arsovka). It is true that the category of women and children as refugees has increased dramatically in recent years. Trustworthiness is a major factor when any person chooses her smuggler. Post arrival orientation and practical assistance are also important reasons for the selection of a “travel agency.” Smuggled persons often seek to get into national or ethnic communities in the “promised lands”. Therefore, community recommendations and advice are important for the reputations of smuggling organizations.

### **Los Angeles-New York-Miami-Toronto**

These Latin American women join their compatriots in the “Barrios” of the major North American cities. Some work as unlicensed house cleaners, as nannies for children and caring for the elderly, picking vegetables and fruit, in restaurants and hotels, but others find employment in the illegal industries (gambling, prostitution, extortion) of the gangs. There are thousands of Mexican, El Salvadoran, Honduran, Guatemalan, Puerto Rican, Jamaican, Dominican Republic, Trinidadian, Brazilian, Cuban, Nigerian, Chinese, Vietnamese, Russian, Albanian, Ukrainian, Balkan,

and Romanian criminal associations in Canada and the USA, as well as in the UK and the rest of Europe. Often these ethnic communities are very difficult for law enforcement to penetrate because of the dialects and the street language of the gangs. Women join these associations voluntarily, because their boyfriends or brothers are members, or for protection in dangerous neighbourhoods.

### South Africa

Although the motivations and situation of girls in Lagos, Nairobi, and other big cities in Africa to join and to form gangs may be different from the interviewed girls in Cape Town (Shaw and Skywalker, 2017) there appears to be a communality of drivers of women's recruitment into organized crime worldwide: 1) Feeling of belonging and family which was missing from their often violent and dysfunctional family 2) Protection-security in often a dangerous environment, 3) Resources (money, clothes, jewelry, access to cars, a roof over your head) 4) "The path of least resistance"/ drug dependency and 5) Unemployment in the licit economy (better than being a cleaner or dishwasher).

Other criminologists have pointed to "cultural criminality", a youth culture which romanticizes gangsters, structural discrimination against an ethnic or racial group, a world of anxiety, economic insecurity, victimization, but also self-awareness. As there may be no simple explanation covering all girls who will join a gang, there are as many for leaving the gang: death or injury of a loved one, imprisonment, sickness (HIV/AIDS), motherhood, simple aging, and empowerment. There are many good programmes rehabilitating former female gang members but just as many as those who are willing to be helped (educated, given skill training, and childcare training) others retain their calculated cynical views, resume their life of crime and return to their status and standing in the group.

### Girl Gangs

The rise of gangs headed by females, however, is a new phenomenon. Vietnamese girls in LA may be allied to boy gangs but also conduct their operations— burglaries, "home invasions",

warfare with other gangs (Los Angeles Times). Girls in gangs in the UK even film themselves fighting other others - including jumping on someone's head (Martina Cole). It may be these "hard" unrepentant attitudes which lead to high recidivism rates for minor crimes and drug charges. Many girls are heavily tattooed and proud of their alleged "deeds."

Of course, the situation and position of women in criminal gangs varies from country to country. It may be true that as women attain greater freedoms and positions in society, they will take advantage of the opportunities available to them, particularly in white collar crimes (Adler). Sadly, however, for the most part they are secondary players in organized crime and remain its brutalized victims in sex trafficking and for femicide.

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# STATEMENT BY COLIN CRAIG

Colin Craig, United Nations Office on Drugs and Crime, SHERLOC Focal Point

Thank you to Her Excellency the Ambassador for Mexico for the introduction and thank you to Ourania Roditi of the United Nations Studies Association Vienna for organizing this event and inviting me to speak today.

My presentation today will be on gender, women and organized crime and I'd like to begin by asking you all what you think of when you picture a victim of organized crime? More specifically, what do you think of when you picture a victim of trafficking in persons?

If you ask the same question of Google's image search and look at the images shown in the search results, it is clear that our ideas of who a victim of trafficking in persons is and what they look like are informed by a number of stereotypes and caricatures. Trafficking in persons is primarily represented as a crime affecting women, and trafficking in persons is often equated with sex trafficking. In reality, trafficking in persons involves numerous forms of exploitation, not only sexual exploitation, and affects both women and men.

Now, what do you think of when you think of a member of an organized criminal group? Perhaps Al Capone, Pablo Escobar, El Chapo or Don Corleone. The images we associate with perpetrators of organized crime are also gendered images, largely being images of men. Depictions of women involved in organized crime commonly define women by their relations to male actors, often portraying women as the exotic, submissive lovers of male crime lords.

The real case study of Cheng Chui Ping, also known as "Sister Ping", runs contrary to some of these stereotypes. Sister Ping operated a ring which smuggled migrants from China to the US between 1980 and 2000. Passengers were transported along dangerous routes and in inhumane conditions. In some cases, passengers were imprisoned upon arrival if they could not pay their smuggling fees. Ten passengers died when one of her smuggling ventures, the 'Golden Venture' ran aground off the coast of New York City in June 1993. In 1998, another of her ships capsized off the coast of

Guatemala, killing 14 passengers.

In 2005, Sister Ping was sentenced in the US to 35 years' imprisonment for migrant smuggling, hostage taking, trafficking in ransom proceeds and money laundering. In 2014, she died of pancreatic cancer in a US prison. After she died, however, she was celebrated as a hero among many Chinese immigrants to the US for her role in bringing them to the country.

The reason for discussing the Sister Ping case is not to try to argue that most organized crime is in fact committed by women. This is untrue as studies indicate that men continue to represent the majority of participants in organized crime.<sup>1</sup> However, looking at cases that do not conform to popular stereotypes of the gender roles of perpetrators or victims of organized crime, such as the case of Sister Ping, encourages us to look at organized crime through a more gender-conscious lens and to avoid falling into lazy stereotypes about the respective roles of men and women. These stereotypes do not reflect the diversity of actors involved in organized crime and can have long-lasting, detrimental consequences.

Stereotypes of women as being only victims or passive participants in organized crime deny agency to female actors. Likewise, not taking into account that men and boys can be – and are – victims of organized crime fails to take into account male experiences. Indeed, organized crime has profoundly different impacts on women and men, because they face different risks and are victimized in different ways. They also experience the criminal justice system differently.

At the same time, a gendered analysis of Sister Ping case would not be complete without noting that, as the leader of the organized criminal group, Sister Ping is not representative of the majority of

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<sup>1</sup> See, for example, UNODC, *Global Report on Trafficking in Persons 2018* (2018) 35–37; UNODC, *Global Study on Homicide 2019* (2019) 23.

female participants in organized crime. In most cases, women are involved in organized crime at lower levels in the hierarchy than men, performing more dangerous work and being more likely to be caught. Their lower position in the hierarchy means that female participants in organized crime often lack the insider knowledge of the functioning and membership of organized criminal groups necessary to negotiate reduced sentences with prosecuting authorities.

The benefit of studying gender and organized crime is ultimately better policy outcomes for everyone. Without properly understanding gendered dimensions of organized crime, we cannot comprehend what drives organized crime and we will be unable to build the comprehensive response necessary to combat it. To give only one example, numerous studies document the phenomenon by which female victims of sex trafficking become

involved in trafficking themselves. How can we seek to understand this aspect of women's experiences as victims of trafficking if we are blind to female participation in trafficking?

To promote the study of gender and organized crime, UNODC has produced a [teaching module on gender and organized crime](#) for use by university lecturers to incorporate a gendered perspective into their teaching of organized crime. Additionally, to help build the knowledge base on gender and organized crime, UNODC has recently launched a number of gender-related keywords for its public [SHERLOC databases](#). These keywords will enable SHERLOC users to browse legislation, case law, national strategies and literature concerning the nexus between organized crime and terrorism.

Thank you all for your attendance today.

# THE ROLE OF WOMEN IN ORGANISED CRIME – AN UNEXPLORED PHENOMENON

Citlalin Castañeda de la Mora<sup>1</sup>, United Nations Office on Drugs and Crime, Organized Crime and Illicit Trafficking Branch

I want to thank the United Nations Studies Association in Vienna for the invitation to participate in this expert meeting that aims to explore the role of women inside the complex and multifaceted phenomena of organised crime.

I would like to suggest that, as a point of departure, the phenomena of organised crime can be understood as if it was a living organism. One that is composed of distinct interconnected structures that co-exist in specific dynamic arrangements.<sup>2</sup> In other words, what I am suggesting is that we embrace this complexity and take a system-wide perspective in our analysis.

In doing so, we stand a better chance of reaching intersectional approaches, that have been recognised as part of a suitable theoretical framework for gender-based analysis. As Audre Lorde mentioned: “There is no such thing as a single-issue struggle because we do not live single-issue lives.”

Intersectionality, is what will allow us to move away from objectified and reductionist outlooks to women’s experiences inside the organized crime phenomena.<sup>3</sup>

Let us not forget that women, until quite recently have been relatively silent about their own experiences.<sup>4</sup>

Why is it that we know so little about women in organized crime?

The response has to do with the inherent features that make organized crime what it is: A clandestine, dangerous and (usually) violent phenomena.

These three elements make it extremely difficult for anyone outside the criminal rings to gain access to the empirical information that would be required to assess the complexity and magnitude of organized crime and the women who are part of its world.

Information regarding perpetrators, victims and modus operandi is occulted deliberately throughout an intricated net of “pacts of silence.”

Those who breach any of these pacts, intentionally or not will most likely become the target of brutal acts of violence. Organized crime remains an almost impenetrable phenomena due, precisely, to the deterrent effect of the violence that is exercised against those who uncover or reveal information.

That being the case, information, including, “hard data” (that is, information such as numbers or facts that can be proved) on the women and girls inside the criminal environments remain scarce.

Perhaps as a result of this, researchers are now using more “soft data”, which is, unlike hard data, a kind of information that is susceptible to interpretation and opinions, such as that collected via surveys and interviews.<sup>5</sup>

1 The views expressed herein are those of the author and do not necessarily reflect the views of the United Nations

2 Vester, Frederic; *The Art of Interconnected Thinking*. Tools and concepts for a new approach to tackling complexity, Page. 26

3 “Intersectionality refers to the way in which multiple forms of discrimination – based on gender, race, sexuality, disability and class, etc. – overlap and interact with one another to shape how different individuals and groups experience discrimination.” Definition from the Gender and Development Network.

4 Henderson, Hazel, *Paradigms in Progress*. Life Beyond Economics, 1995.

5 Hard Data vs. Soft Data by Objectivity | Jun 3, 2015 | Industrial IoT |

In this regard, the [E4J Module No. 15: Gender and Organized Crime](#)<sup>6</sup> sheds light on the subjective factors that drive women into organized crime: We know that a woman may join organized crime to support herself and her family amidst structural lack of opportunities (like employment or education).

A woman may also join an organised criminal group to access resources that she would otherwise be unable to afford. A woman may also join organised crime simply because she has no other choice or faces broader structural violence. She is, in other words, forced to join in what is known as “the path of least resistance” (joining is easier than resisting).

We also know that many women convicted for their participation in organized crime have long histories of emotional, physical and sexual abuse, in addition to having struggled with substance abuse, endured harassment and discrimination.

Similarly, the UNODC Office in Colombia recently launched the publication entitled: *Caracterización de condiciones socioeconómicas de mujeres relacionadas con problemas de drogas. Las mujeres privadas de la libertad por delitos de drogas.*<sup>7</sup>

This material presents the findings of 2058 surveys carried out among women deprived of their liberty for drug-related offences. The methodology employed in the preparation of this study followed a rigorous gender and rights-based approach, digging into the reality of the women, their families, their contexts, their past experiences, their aspirations.

In this regard, I want to note that, “soft data”, is very useful to gain insights into variables that are not measurable. Think, for example, of how to measure the following determinant factors

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6 E4J Module 15: Gender and Organized Crime, available at: <https://www.unodc.org/e4j/en/organized-crime/module-15/key-issues/gender-and-organized-crime.html>

7 UNODC, *Caracterización de condiciones socioeconómicas de mujeres relacionadas con problemas de drogas. Las mujeres privadas de la libertad por delitos de drogas.* [https://www.unodc.org/documents/colombia/2019/Octubre/Estudio\\_Las\\_mujeres\\_Privadas\\_de\\_la\\_Libertad\\_por\\_Delitos\\_de\\_Drogas.pdf](https://www.unodc.org/documents/colombia/2019/Octubre/Estudio_Las_mujeres_Privadas_de_la_Libertad_por_Delitos_de_Drogas.pdf)

in one woman’s life: harassment, violence, discrimination, trauma, the symbiotic -and often unique- relationship between a woman and her environment. Hence, the importance of collecting and analysing “soft data” that can uncover the interactions and interconnections that render the real dynamics of a system visible.

Ideally, both hard and soft data should be used to comprehend the realities that women face within the complex and multi-layered phenomena of organized crime.

I would like to move on now to the next part of my presentation, where I will be looking at the cases of women who have personally experienced the organized crime phenomena. On one hand, I will refer to the case of a mother raising children in a cartel-ridden municipality. On the other hand -and in clear contrast- I will present the cases of women who have participated, in different capacities, in criminal activities.

### **Soledad, a mother of two**

Let me start by presenting the case of Soledad, Sol. A Mexican mother of two, who in 2016, took her life and that of her two children.

Sol was raising her children, 7-year-old Alberto and 14-year-old Oscar, in a Cartel-ridden municipality, where at least 13 different gangs and several clandestine methamphetamine laboratories operate.

Soledad knew well the risks that Alberto and Oscar faced, while she was away working long hours, but her wages would not allow her to afford a better future for her sons.

Sol was a single mother and took the decision to kill her two boys and herself by gas inhalation. She did so, while her kids were sleeping inside the house, with a rent she could barely pay.

Sol had no role whatsoever in any of the organized criminal groups operating around her. She was a female spectator inside an environment full of dangers against what she loved the most, her children.

## Different forms of participation: From leaders to unwilling participants

In contrast to Soledad's case, whose life was indirectly, but dramatically, shaped by the phenomenon of organized crime, I will now move to the cases of women who have been participants in organized criminal group. As we will see, the extent of a woman's participation in an organized group varies from case to case.

First, we have the well-known cases of those women who have "successfully" led organized criminal groups. For example: Griselda Blanco,<sup>8</sup> Cheng Chiu Ping ("Sister Ping")<sup>9</sup> and Sandra Ávila ("The Queen of the Pacific").

Second, we have the cases of those women who perform multiple roles across an entire spectrum of actions that include: guarding arsenal, transporting arms, moving, selling, preparing or producing drugs, gathering intelligence on rivals, acting as spies and messengers, cultivating (coca bush or cannabis plant).

As it is often the case, these women and girls are led on a path to organized crime, as a result of an environment that makes them be early exposed and surrounded by criminal activity. Many women also joined criminal groups to seek the protection from rival criminal groups in nearby neighborhoods.

As we all know, women and girls are "less suspicious to the authorities" and are less likely to be pulled over or randomly stopped, questioned and searched. This has led to women being utilized as "mules" to transport drugs and weapons.

Third, we have the case of women who become the romantic partners of members of criminal groups

and whose participation in criminal activities remain unclear. In some cases, no evidence is found of romantic partners being tied to any criminal activity, such as in the case of Laura Zuniga, who was cleared by a judge, due to lack of evidence. Laura had been arrested, along with seven men who allegedly carried US\$53,000 in cash, two AR-15 rifles, three handguns, 633 cartridges of different calibers and 16 cellphones. Laura claimed she was on her way to a party and was unaware of her romantic partner's illicit activities.

## Conclusions

The study of the role of women in organized crime requires gender-based intersectional approaches that consider the long-standing structural conditions that women face, in addition to the economic, social and personal factors that shape the lives of all women.

The limited hard data on the role of women in organized crime could be, at least for now, alleviated by the soft data that becomes available from the human stories of women whose life have been, drastically impacted by the organized crime phenomena.

The study of the role of women in organized crime requires a new way of looking at things, considering the overall interconnectedness that arises between a woman and the environment.

I thank you for your attention.

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8 To learn more about this case, visit the SHERLOC Case Law Database: [https://sherloc.unodc.org/cld/case-law-doc/drugcrimetype/usa/1988/united\\_states\\_v\\_blanco.html?lng=en&tmpl=sherloc](https://sherloc.unodc.org/cld/case-law-doc/drugcrimetype/usa/1988/united_states_v_blanco.html?lng=en&tmpl=sherloc)

9 To learn more about this case, visit the SHERLOC Case Law Database: [https://sherloc.unodc.org/cld/case-law-doc/moneylaunderingcrimetype/usa/2008/united\\_states\\_of\\_america\\_v\\_cheng\\_chui\\_ping\\_aka\\_sister\\_ping.html?lng=en&tmpl=sherloc](https://sherloc.unodc.org/cld/case-law-doc/moneylaunderingcrimetype/usa/2008/united_states_of_america_v_cheng_chui_ping_aka_sister_ping.html?lng=en&tmpl=sherloc)

## “THE ROLE OF WOMEN IN ORGANISED CRIME”, LEFÖ-IBF

This statement deals with the topic “Women in Organised Crime” from the point of view of LEFÖ, a migrant women's organisation with a long-time experience in supporting women victims of trafficking. LEFÖ was founded in 1985 and quickly developed into a counselling centre for migrant women with different needs and of different origin. From the very beginning analysing and publicly communicating the links between the individual situation and struggles of women who migrated because of various reasons and the interrelation with the broader situation of the status of women and states policies have always been a central aspect of our work. Hence LEFÖ has gained a deep insight into the role of women in different societies and also in organised crime specifically in trafficking, learning also from the shared experiences of women who were clients and analysing together the conditions that led to their situation.

To be clear about the role of women in organised crime, we were in contact with, these women still mainly were victims of criminal acts, especially if we talk about organised crime. Unsurprisingly as victim protection and support organisation we experience and perceive women in organised crime in our daily work mainly as victims. Perpetrators - especially in the context of organised crime - are mainly male.

When I use the term victim here, I always use it in a context of legal interpretation as opposed to the term perpetrator. A woman who suffers abuse, exploitation and violence in a criminal act at that moment is victim of this crime, but never is comprehensively defined by this experience. It's vital to highlight this fact for the sake of fostering and acknowledging the possibilities of these women to act and make decisions for themselves - even within the experience of being victimised, but of course also in overcoming it and getting on with their life afterwards. So at the same time it's vital to clearly name the fact that women still become victims, but it's crucial not to stop at this point. It would mean deriving women of their options to develop and to limit their personalities to this experience in their lives, however overwhelming it might have been. To limit women to their - of course

very harmful as well as significant - experience as victims would mean to in a way keep them within these narrow borders and thus victimise them again.

Being limited in their options anyway also happens to women very often before they become victims of organised crime. Becoming a victim of trafficking is based on vulnerability - either general or situational. And women in most societies in this world still are more vulnerable to being exploited because of their weaker position and status in society, because of their lack of access to power, because of not being in a position of decision making - but being the ones who are expected to care for their families, children, older relatives, when they are no longer able to live independently or in need of money. Also women are still very frequently all over the world victims of domestic violence over the course of their life time, also weakening them and making them more vulnerable to further violence, trafficking being one form of it.

We are daily experiencing the struggle of our clients to come to terms with expectations of the society, their families, friends, neighbours, village communities, to care for others and quickly earn money to send it, rather than first of all recovering and finding out, what it would be they themselves actually want. It's often very hard for them to believe in themselves, to gain some self-esteem and self-confidence, to be allowed to make decisions for their own life and not put the blame for what happened to them on themselves again.

If we analyse the situations of women we got to know and who shared part of the circumstances of their previous life with us we find out that very often women had to face a situation of discrimination grounded in their position in society being a woman. Some of our clients for instance told us they had to leave school at an early age because of the lack of money in their family and because the family had to decide if their brothers would be able to continue their education. Quite often this led to the young girls already having to bear responsibility to earn money and not being able to continue their own education, sometimes even

their families encouraging them in taking unsafe offers from distant acquaintances for a job abroad to make money for their family. Or women or girls would be put under pressure to be circumcised or marry much older men or they even suffered sexual violence in the families or were not protected of it and therefore ran away and as a consequence were on their own and vulnerable to offers from strangers which they could not judge. Yet, to flee from a situation of being forced to live a life, you did not choose, has also to be acknowledged as an act of strength and an expression of free will, which takes a lot of courage.

Of course, also other discriminatory aspects besides that one of being a woman often add to the vulnerability, for instance being a member of an ethnic or religious minority, suffering from a disability, having no parents or coming from a dysfunctional family.

I hope these short remarks could give an insight as to the background of women who became victims of trafficking.

However, of course we also see single women partly involved in this criminal business, but mainly as recruiters, sometimes also persons who facilitate the transfer, whereas exploiters are men according to what the victims in our care tell us and what studies / research into the phenomenon show.

Often Trafficking in Women from Nigeria for Sexual Exploitation is mentioned as an exception from this "rule". So let me explain the widely known phenomenon of "Madams" in Nigerian trafficking from our point of view.

A Madam is a - mostly a little older - woman who already has been living in Europe for a while. A younger woman, later the "victim", is in most cases brought to her by other people. Often - at least initially - she is also living in one household with her. The madam is explaining to the victim that she has to work in prostitution to pay off the money owed for bringing her to Europe and putting pressure on her to obey and pay off all the money.

If investigations go beyond this direct relationship and visible exploitation in it - if you look behind this obvious scene and at what is happening at an international level, you quite frequently can also find men organising and facilitating the whole trafficking ring, if we really talk about organised crime on a bigger scale - organising the production of falsified documents, travel routes, organising also very often who then puts further pressure on women, when they don't "function" any more, also organising the preparation of victims by juju procedures and so on. If you look closer you also find links to trafficking in arms and drug trafficking. Madams also quite often are former victims of trafficking who surrendered to the system of trafficking and by their own experience of exploitation have learnt to exploit others - some of them at the same time still working by themselves but diminishing their own debt by getting money also from other women. Some of them already having payed off, but still slightly under pressure to function in the criminal network - they might even perceive themselves as helping other women to live in a richer country and have a better chance in life. I don't claim that they are all only victims and actually harmless - not at all. But very often, they are still under pressure and themselves hand over a lot of the money to people in the background - a lot of women in our care told us, that they saw, that their madam also regularly sent money or handed money over to others, or at least claimed, they had to do so. This does not make their actions correct, of course, but you also should look at this dimension, when it comes to judging the whole system.

Focussing on women as perpetrators because of this now portrayed specificity in trafficking of women from Nigeria however would lead to a distorted image of the role of women in organised crime, here in trafficking in human beings. The position of women in societies has not changed that much yet. There is still a rather long way to go to reach equal rights and equal access to money and power for women. Violence against women is unfortunately widely present in sometimes different forms all around the globe, as was briefly sketched when a few possible scenarios of women prior to being trafficked were mentioned here. So to our mind, single examples of women even if they might be the head of criminal organisations, do not

change the bigger picture of organised crime still being dominated by men - and functioning based on patriarchal structures of power concerning given networks, businesses, access to power and money.

To fight trafficking in women means making an effort to change gender relations on a global scale. And for us, who try to support women who became at one point in their lives victims of trafficking, it also means encouraging and empowering them. However we know that societies very often still do not make it easy and women need to be very strong not to give up and follow their own goals in life. They often have to deal with stigmatization, especially if they were trafficked into the sex industry, sensationalism as a very short lived form of interest in their stories, racism or just the common expectations for what a woman's place in society is. To really make a change is still a challenge and a big task.

# PART IV

## Further Reading and Viewing

**“I am inviting you to step forward, to be seen and to ask yourself:  
If not me, who? If not now, when?”**

**Emma Watson, HeforShe, 2014**

# INTERNET ROMANCE SCAMS: WHY CRIMINAL JUSTICE AGENCIES SHOULD CARE



Dr. Marie-Helen Maras, Associate Professor at John Jay College of Criminal Justice

The Internet and digital technology have transformed the way in which individuals connect, communicate, and form relationships. To make connections with people and find romantic partners, many individuals all over the world now use social networking (e.g., Facebook), dating, and other websites and applications. What these individuals also encounter on these sites, primarily unbeknownst to them, are criminals posing as potential companions on these sites.

Perpetrators of Internet romance scams seek to defraud victims by feigning romantic interests and providing false promises of love and companionship to gain the victims' trust and affection in order to illicitly obtain money, goods, or other services from the victims. Generally, Internet romance scams are considered as resulting in too minor of an impact for criminal justice intervention. Despite popular belief, Internet romance scams cause significant adverse personal, economic, and social consequences, and have been linked to other forms of crime, even serious crime, such as money laundering and drug trafficking.<sup>1</sup>

## The Structure of an Internet Romance Scam

Women of all ages have been targeted by Internet romance scams.<sup>2</sup> The perpetrators set up fake profiles on dating websites and/or social networking sites. The fake personas they create are of people who purportedly work in positions that could be used to explain long absences in communication and inability to travel and/or video call. In fact, a frequently encountered fake profile used in Internet romance scams involves military members on deployment in Iraq, Afghanistan, or other areas. For this reason, the U.S. Army Criminal Investigation Command (CID), and other military and non-governmental organizations, issued a warning to alert the public that scammers were impersonating U.S. soldiers in war zones.<sup>3</sup> In these instances, either the real image of a military member was used in the profile or a modified version of the image (i.e., a different face was superimposed on the image).

After the profile is set up, if and when successful contact is made with the victim (either by the

1 Whitty, M. T. And Buchanan, T. (2016). The online dating romance scam: The psychological impact on victims - both financial and non-financial. *Criminology and Criminal Justice*, 16(2), 176-194; Buchanan, T. and Whitty, M. T. (2013) The online dating romance scam: causes and consequences of victimhood. *Psychology, Crime & Law*, 20(3), 261-283; Wade, A. (2019). Scam alert: romance fraud victims lose £50m. Which? Consumer Rights, News, February 10, 2019, <https://www.which.co.uk/news/2019/02/scam-alert-romance-fraud-victims-lose-50m/>; Better Business Bureau. (2019). Fall in Love – Go to Jail. BBB Report on How Some Romance Fraud Victims Become Money Mules. [https://www.bbb.org/globalassets/local-bbbs/st-louis-mo-142/st\\_louis\\_mo\\_142/studies/fall-in-love-go-to-jail-bbb-report-on-how-some-romance-fraud-victims-become-money-mules-final-02-09-2019.pdf](https://www.bbb.org/globalassets/local-bbbs/st-louis-mo-142/st_louis_mo_142/studies/fall-in-love-go-to-jail-bbb-report-on-how-some-romance-fraud-victims-become-money-mules-final-02-09-2019.pdf).

2 It is important to note that all genders have been targeted by Internet romance scams. Buchanan, T. and Whitty, M. T. (2013) The online dating romance scam: causes and consequences of victimhood. *Psychology, Crime & Law*, 20(3), 261-283; Better Business Bureau. (2019). Fall in Love – Go to Jail. BBB Report on How Some Romance Fraud Victims Become Money Mules. [https://www.bbb.org/globalassets/local-bbbs/st-louis-mo-142/st\\_louis\\_mo\\_142/studies/fall-in-love-go-to-jail-bbb-report-on-how-some-romance-fraud-victims-become-money-mules-final-02-09-2019.pdf](https://www.bbb.org/globalassets/local-bbbs/st-louis-mo-142/st_louis_mo_142/studies/fall-in-love-go-to-jail-bbb-report-on-how-some-romance-fraud-victims-become-money-mules-final-02-09-2019.pdf).

3 U.S. Army Criminal Investigation Command. (n.d.). Online Romance Scam Information. <https://www.cid.army.mil/romancescam.html>; Lange, K. (2019). These Social Media Scams Affect the Military. U.S. Department of Defense, Known Your Military, News, July 31, 2019. <https://www.defense.gov/Explore/News/Article/Article/1921988/these-social-media-scams-affect-the-military/>.

perpetrator's or victim's initiation of the contact), the preparator begins *grooming* the victim by using manipulation tactics to build rapport with the victim and gain the victim's trust.<sup>4</sup> The perpetrators of the Internet romance scam are in constant communication with the victim showering them with love, affection, and support via text, emails, and phone calls.<sup>5</sup> The perpetrators use information the victim posts on dating, social media, and other websites, and the information disclosed by the victim to the perpetrator to feign similar backgrounds, interests, wants, and desires with the victim. Sustained interactions with victim help create a strong emotional attachment to the perpetrator. For this reason, the perpetrators take weeks, months, and even years to develop trust, build rapport, isolate, and cultivate relationships with victims. The ultimate goal of the perpetrators of Internet romance scams is to obtain funds, goods, or other services from the victims, pretending to need emergency financial or other forms of assistance for some pressing reason (e.g., medical reason, fictitious travel, and marriage processing fees) and/or to get victims to engage in another type of criminal activity, even serious crime. As a means to achieve this goal, perpetrators can and have engaged in technology-facilitated gender-based violence (e.g., cyberharassment and image-based sexual abuse) in order to elicit desired responses and reactions from the victims.

### Connections to Serious Crime

Victims may be motivated by love, fear, need for money, or desire for financial compensation to assist the perpetrator of Internet romance scams (i.e., the scammer) in committing crimes.<sup>6</sup>

Specifically, the scammer can “use” the victim as a “mule” to launder money (by moving money through the target's own bank accounts), scam others, and/or deliver drugs, counterfeit products, and/or other illegal goods. Mules may be witting or unwitting participants in these illegal activities.<sup>7</sup> Individuals who are *witting* participants in serious crime knowingly transfer money, goods, or drugs illegally to third parties on behalf of the criminals for a fee. *Unwitting* mules do not know that they are committing illicit activities on behalf of their supposed romantic partners by engaging in transfers of money or goods, and/or providing other services to third parties. An example of an unwitting mule is Sharon Armstrong, a New Zealand citizen who was the victim of an Internet romance scam. The perpetrator of this scam pretended to be a businessman from London, United Kingdom. The perpetrator convinced Sharon to make a stop in Argentina to pick up some paperwork before meeting him in London. While in Argentina, Sharon picked up a suitcase, which she believed contained papers. Unbeknownst to her, the suitcase contained illicit drugs (namely cocaine).<sup>8</sup> When Sharon was searched at the airport in Buenos Aires, authorities found the drugs in a false compartment of the suitcase. She was subsequently arrested and convicted for drug trafficking, serving a prison sentence of two and half years in Argentina.<sup>9</sup>

Other victims of Internet romance scams have received more severe sentences for their roles in serious criminal activities. A case in point is Maria Elvira Pinto Exposto, who was a victim of an Internet romance scam. The perpetrator (fictitious name “Captain Daniel Smith”) impersonated a real-life retired military officer (Stephen Murphy; albeit using a different name, and personal

4 Maras, M.-H. (2016). *Cybercriminology*. New York, NY: Oxford University Press, p. 244.

5 Given that perpetrators use fake images, they do not use live chat when contacting the victim. If a live chat is set up, either the scammer cannot make the call or pretends there are issues with phone, laptop or computer camera and/or internet service.

6 Better Business Bureau. (2019). Fall in Love – Go to Jail. BBB Report on How Some Romance Fraud Victims Become Money Mules. [https://www.bbb.org/globalassets/local-bbbs/st-louis-mo-142/st\\_louis\\_mo\\_142/studies/fall-in-love-go-to-jail-bbb-report-on-how-some-romance-fraud-victims-become-money-mules-final-02-09-2019.pdf](https://www.bbb.org/globalassets/local-bbbs/st-louis-mo-142/st_louis_mo_142/studies/fall-in-love-go-to-jail-bbb-report-on-how-some-romance-fraud-victims-become-money-mules-final-02-09-2019.pdf).

7 Maras, M.-H. (2016). *Cybercriminology*. New York, NY: Oxford University Press, p. 337.

8 Hurley, B. (2011). Kiwi drug mule: I knew about parcel. *New Zealand Herald*, May 1, 2011. [https://www.nzherald.co.nz/news/article.cfm?c\\_id=1&objectid=10722642](https://www.nzherald.co.nz/news/article.cfm?c_id=1&objectid=10722642).

9 Sullivan, R. (2016). Sharon Armstrong spent two years in an Argentinian jail after being caught in an online dating scam. *News.com.au*, June 1, 2016. <https://www.news.com.au/news/sharon-armstrong-spent-two-years-in-an-argentinian-jail-after-being-caught-in-an-online-dating-scam/news-story/200a2a7e68566f203fc76fbf10174a96>.

and professional background) by using real and modified pictures and videos of Stephen.<sup>10</sup> Maria was asked to carry a bag of documents from Shanghai, China to Kuala Lumpur, Malaysia, from a supposed associate of “Captain Daniel Smith.” Maria was arrested at the Malaysian airport after authorities found crystal methamphetamine in the bag and was charged with and convicted for drug trafficking.<sup>11</sup> For her crime, she was sentenced to death.<sup>12</sup> She served “nearly five years in jail and 18 months on death row,” before her conviction was overturned and she was released.<sup>13</sup>

### Internet Romance Scams Matter

Perpetrators of Internet romance scams are not just engaging in fraud, they are engaging in and/or

facilitating money laundering, drug trafficking, and other forms of serious crime. These perpetrators are cyberpredators – they use the Internet and digital technology to groom, exploit, and prey upon individuals’ desire for companionship and love. The consequences of Internet romance scams can be quite severe – beyond the obvious psychological and economic adverse impacts to the victims (e.g., diminished self-esteem and trust in others, loss of savings or income, etc.). Victims of these scams may also face legal consequences in the form of criminal charges and imprisonment if they wittingly or unwittingly assist, facilitate and/or commit a crime. For these reasons, Internet romance scams are serious crimes and warrant the attention of criminal justice authorities.

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10 McPhee, S. (2019). ‘Captain Daniel Smith doesn’t exist’: Woman who faced hanging in Malaysia freed, home in Sydney. News.com.au, November 29, 2019. <https://www.news.com.au/national/nsw-act/news/captain-daniel-smith-doesnt-exist-woman-who-faced-hanging-in-malaysia-freed-home-in-sydney/news-story/9ae4dabf962f6c097bdbe672d50791ee>.

11 Drug trafficking is considered a capital offense in Malaysia with a mandatory death sentence for those convicted of this crime in Malaysia. Eltagouri, M. (2018). A trip to meet her online boyfriend in Shanghai ended in drug charges. And now a death sentence. *The Washington Post*, May 24, 2018. <https://www.washingtonpost.com/news/worldviews/wp/2018/05/24/a-grandmother-claims-she-unknowingly-smuggled-meth-through-malaysia-shes-now-sentenced-to-death/>.

12 Ellis-Peterson, H. (2018). Australian woman sentenced to death for drug offences in Malaysia. *The Guardian*, May 24, 2018. <https://www.theguardian.com/world/2018/may/24/australian-woman-sentenced-to-death-for-drug-offences-in-malaysia>.

13 Doherty, B. (2019). Sydney woman Maria Exposto has drug conviction and death sentence overturned in Malaysia. *The Guardian*, November 25, 2019. <https://www.theguardian.com/world/2019/nov/26/sydney-woman-maria-exposto-has-drug-conviction-and-death-sentence-overturned-ingv-malaysia>.

# DEVELOPING A NORMATIVE STANDARD: ACKNOWLEDGING NON-STATE TORTURERS' ACTS INFLICT FEMICIDAL RISKS



Jeanne Sarson and Linda MacDonald, Co-founders Persons Against Non-State Torture (NST), Human Rights Defenders

Societal investigation of femicides—of the killing of women and girls—exposes complex patterns of beliefs and situations that blend into violent acts whereby women and girls are specifically targeted and killed, predominately by men. Intimate partner femicide, for instance, is understood as a relational pattern of violence situated in the domestic sphere, in the home, as a weapon of control and oppression, whereas armed conflict femicide is viewed as situated in the public sphere, in a battle field, as an atrocious weapon of war. The Canadian Femicide Observatory for Justice and Accountability (CFOJA) lists these femicides plus 12 other forms.

We suggest CFOJA's list of 14 forms of femicides will continue to evolve as beliefs of misogyny against women and misopedia towards the girl child accommodate perpetrator's violent femicidal acts. Given that worldwide 91 percent of men and 86 percent of women indicate having at least one clear bias against women's and girls' equality, with almost 30 percent of individuals believing a man's beating of his spouse is justifiable.<sup>1</sup> This widespread bias against women's and girls' equality is increasing in some countries, indicating a rising backlash.<sup>2</sup> This raises concerns that the otherization of women and girls already suffering additional vulnerabilities—the consequences of victimizations, marginalization, stigmatization, and social exclusion—will occur or deepen. Their resulting powerlessness may increase their femicidal risks.

Exposing femicidal gaps can contribute to combating femicide globally.<sup>3</sup> To help protect vulnerable girls and women this paper discusses normative gaps that fail to recognize acts perpetrators' commit that inflict femicidal risks—that is, this paper proposes it is necessary to acknowledge that some perpetrators do not directly kill a girl or woman, rather they commit acts that can cause the death of a girl or woman hours, days, or months later. Perpetrators' violent actions must be named as inflicting risks that can lead to femicide. If these risks are identified, femicide may be prevented. However, if a girl or woman dies as a result of a perpetrator's violent acts that are understood to inflict a femicidal risk her death needs to be considered femicide. We present story-telling of women's experiential ordeals to specifically examine this question: Do women's experiential story-telling shed insights into their femicidal risks when explaining the acts perpetrators inflicted in the context of non-State torture (NST) victimization committed in the domestic private sphere?

## Experiential Story-Telling: Exposing Femicidal Risks

Experiential story-telling of victimization ordeals exposes normative gaps whereby the deaths of girls and women can be missed, not understood, or not identified as femicides. Developing a normative standard that identifies or names inflicted femicidal risks so that informed and preventive interventions develop is essential. From this perspective we begin by naming non-State torturers' specific acts of asphyxiation torture that could result in femicidal deaths and be unidentified as such. The ordeals of two women are shared. They survived non-fatal drowning or waterboarding and non-

1 UNDP. (2020). Human development perspectives Tackling social norms A game changer for gender inequalities. New York, NY: United Nations Development Programme. [http://hdr.undp.org/sites/default/files/hd\\_perspectives\\_gsni.pdf](http://hdr.undp.org/sites/default/files/hd_perspectives_gsni.pdf)

2 Ibid.

3 Hemblade, H., & Platzer, M. (2017). Preface. Femicide Establishing a Femicide Watch in Every Country Volume VII, 1.

fatal suffocation or dry asphyxiation victimizations. Both of these asphyxiation ordeals are considered acts of torture.<sup>4</sup> Their story-telling is then followed by two women who disclose how family-based non-State torturers subjected them to conditioned suicidal-femicide ordeals.

### *Asphyxiation torture*

Asphyxiation torture means that a person's breathing or oxygen intake is restricted. There are generally three ways this can occur, such as when there is: (1) external obstruction of their mouth, nose, or to the back of their throat, (2) compression of their neck blood vessels or their trachea, or (3) pressure or weight on their chest that restricts their functional capacity to breathe.<sup>5</sup> Shared are two women's experiential stories of surviving asphyxiation torture that involved the external obstruction of their capacity to breathe. We begin by introducing Lynn's relational story-telling of domestic violence that progressed from being domestic assaults to needing to be recognized and named as acts of NST. Because NST is a distinct and specific form of violence that is inflicted with such destructive dehumanizing gravity so as to differentiate it from other forms of domestic assaults perpetrated in the domestic private sphere.<sup>6</sup> Lynn describes the asphyxiation NST ordeal of non-fatal drowning or waterboarding torture she survived. Following Lynn is the story of Linda Cline who unknowingly suffered repeated acts of non-fatal suffocation or dry asphyxiation torture inflicted by her husband.

### *Lynn: Non-fatal drowning or waterboarding torture<sup>7</sup>*

Lynn was in her mid-twenties when she met Ben in the summer of 1974. The night before their wedding, Lynn said Ben grabbed the gold chain hanging around her neck, twisting it so tight he choked her. Ben apologized. "I believed him," Lynn said. However, Ben's cycle of domestic violence escalated. Lynn described how Ben called her derogatory names, shoved, hit, and punched her, and blackened her eye. "I made excuses to cover-up for Ben's violent behaviour to conceal my physical and dignity wounds," Lynn said. This was "my dance with silence, shame, and self-blame."

Agreeing to Ben's suggestion they leave her hometown in the province of Nova Scotia to fly to another Canadian province, Lynn explained:

As the plane cruised down the tarmac towards the Toronto airport terminal my excitement turned to confusion and disbelief, then to fear as Ben grabbed my wrist muttering, 'Don't say a thing bitch or you'll be sorry.' In shock, I looked at Ben to see a veil of darkness and deadness sweep into and over his eyes. I'll never forget his look; what I saw in his eyes terrified me. Ben, keeping control of me, was greeted by two men who surrounded me. Clamping their fists over my arms they manoeuvred me to a car where a third man sat behind the wheel...Ben pushed me into the back seat...I was a stranger being driven to an unknown city. Parking behind a house Ben, the driver, and the other two men pushed and shoved me through the backdoor, up a dimly lit set of stairs, throwing me into another room, where I would remain their captive. Without realizing it, I had become Ben's captive, his hostage, his property—a saleable renewable resource. They'd each taken their turn at gang raping me, not Ben though, he'd disappeared. They said, 'Now you belong to us, bitch.' When they finished gang raping me I felt utterly destroyed! That

4 Ibid.

5 Beynon, J. (2012). "Not waving, drowning". *Asphyxia and torture: the myth of simulated drowning and other forms of torture*. *Journal on Rehabilitation of Torture Victims and Prevention of Torture*, 22(Suppl 1), 25-9.

6 UN Human Rights Council. (2010). Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak. [A/HRC/13/39/Add.5]. <https://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-39.pdf>

7 Sarson, J., & MacDonald, L. (2009 winter). Defining torture by non-state actors in the Canadian private sphere. *First Light*, 29-33.

day I became a faceless piece of meat...I was never called Lynn again.<sup>8</sup>

Lynn escaped after four and a half years of captivity, torture, and sexualized human trafficking victimizations.<sup>9</sup> With the freedom to unsilence her story, Lynn wondered “How many times can a person almost die? when;

Ben used to put me in the tub, face down, dunking me under water, yanking on my hair to pull me up, and then holding me down again. I’m hearing his voice echoing in my right ear mostly, counting, ‘one...two...three...four...five...six...seven...eight...nine...ten. Bitch.’ He’d go on and on. ‘If you’re still alive bitch I might plug-in the radio and throw it into the water’” (personal communications, 2000).

Lynn’s life-threatening non-fatal drowning or waterboarding torture ordeal is a form of asphyxiation torture which impairs oxygen intake. Non-fatal drowning is a complex process whereby the person becomes exhausted in their struggle to survive.<sup>10</sup> Holding their breath their body experiences a rising carbon dioxide level; they can inhale and ingest the liquid they are submerged in. Coughing, vomiting, and losing consciousness, respiratory failure, cardiac arrest, and death can occur.<sup>11</sup> When this process is interrupted as Lynn’s was, this becomes non-fatal drowning. Severe pain and suffering occurs as a person struggles to survive when subjected to water-boarding asphyxiation torture victimization; the risk of dying is ever present. However, the risk of dying can be on-going. Death could occur later if, for instance, a woman so tortured develops pneumonia<sup>12</sup> as a

consequence of inhaling the liquid she is submerged in. This is known as aspiration pneumonia. Such perpetrators need to be held responsible for committing NST non-fatal drowning asphyxiation acts that inflict a femicidal risk that can result in a woman’s or girl’s death.

Non-State torture or NST is the term that identifies acts of torture committed by torturers who are private individuals or groups. For Lynn, and Linda whose story follows, their torturers were their husbands. For Lynn the torturers also included her husband’s three criminal friends plus the men buyers who tortured her. Beynon’s article referred to asphyxiation torture perpetrated by State actors meaning police, military and other government employees; however, the asphyxiation torture acts perpetrated against Lynn and Linda were the same and must be similarly acknowledged.<sup>13</sup> When women report suffering domestic assaults the violence may amount to NST ordeals. If so, it needs to be recognized they may be at risk of being subjected to femicidal acts committed in the context of NST victimization perpetrated in the domestic private sphere.

*Linda Cline<sup>14</sup>: Non-fatal suffocation or dry asphyxiation torture*

Linda, who was blind and diabetic, lived in the U.S. state of Michigan. She was married to a former paramedic. Unknown by Linda, her spouse repeatedly overdosed her with insulin, placing her into a coma. He then tied her up, positioning her in lingerie, and videotaped himself repeatedly placing a plastic bag over her head.<sup>15</sup> When her face turned blue and her hands turned black he repetitively resuscitated her to satisfy his sexualized

8 Ibid.

9 Sarson, J., & MacDonald, L. (2019). “A difficult client”: Lynn’s story of captivity, non-state torture, and human trafficking by her husband. *International Journal of Advanced Nursing Education and Research*, 4(3), 107-124.

10 Beynon, J. (2012). “Not waving, drowning”. *Asphyxia and torture: The myth of simulated drowning and other forms of torture. Journal on Rehabilitation of Torture Victims and Prevention of Torture*, 22(Suppl 1), 25-9.

11 Ibid.

12 Dignity - Danish Institute Against Torture. (n.d.). Waterboarding. <https://dignity.dk/en/dignitys-work/health-team/torture-methods/waterboarding/>

13 Jones, J., Sarson, J., & MacDonald, L. (2018). How non-state torture is gendered and invisibilized: Canada’s non-compliance with the committee against torture’s recommendations. In Center for Human Rights & Humanitarian Law Anti-Torture Initiative, *Gender Perspectives on Torture: Law and Practice* (pp. 33-56). Washington, DC.

14 Langley, S. (2005). Linda Cline testifies in first day of trial. *Huron Daily Tribune*. <https://www.michigansthumb.com/news/article/Linda-Cline-testifies-in-first-day-of-trial-7308660.php>

15 Cass City Chronicle. (2005, February 22). Cline sentenced to 25 to 40 years. p. 1.

torture pleasures.<sup>16</sup> Linda’s NST victimization was discovered by a friend who, when visiting Linda, spotting a digital camera asked Linda if she could look at the photos.

Dry asphyxiation torture refers to acts whereby a plastic bag or a hood is placed over a person’s head. The Danish Institute Against Torture says this leaves little or no visible indicator of victimization on the person’s body.<sup>17</sup> Linda’s violent non-fatal suffocation asphyxiation torture ordeal could have turned fatal. Like Lynn, if Linda had died her cause of death if proven ought to be identified as a consequence of femicidal acts committed in the context of NST victimization perpetrated in the domestic private sphere.

16 Simon, M. (n.d.). Man repeatedly put his wife into coma, choked her for sexual pleasure. Court TV August 4.

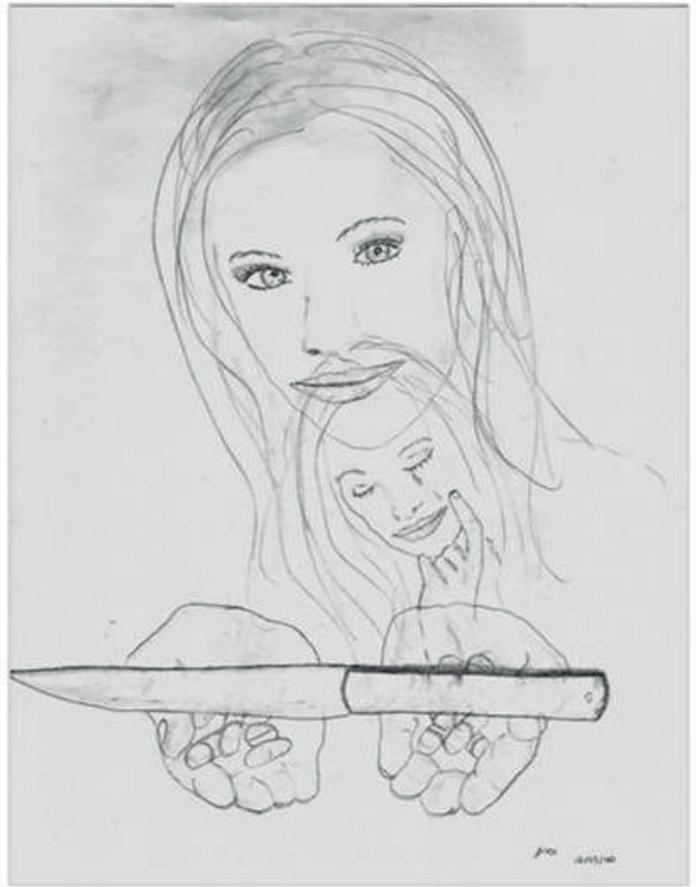


“Desperate”

17 Dignity - Danish Institute Against Torture. (n. d.). Torture by asphyxiation (dry). <https://dignity.dk/en/dignitys-work/health-team/torture-methods/torture-by-asphyxiation/>

### *NST Suicidal-femicide Conditioning*

Suicidal-femicide conditioning perpetrated in the context of NST victimization is a femicidal risk and a normative gap that requires correcting by specifically naming it. Such an experiential ordeal was described by a woman retelling her story of being born into a NST human trafficking family system that psychologically conditioned her to die by suicide if she ever told on the family.<sup>18</sup> Consequently, any time she tried to tell during her healing work she struggled to prevent acting upon her immediate suicidal-femicidal conditioning response (personal communication, 2018). If she had died her death would, no doubt, have been attributed to her own actions versus to the torturers’ suicidal-femicide conditioning tactic intentionally inflicted to ‘guarantee’ they would forever escape detection. This stark reality was known because the woman was supported in her need to tell of her NST experiential victimization ordeals, to successfully engage in her recovery efforts. Informed interventions can



“Life or Death”

18 Sarson, J. & MacDonald, L. (2018). Suicidal-femicide conditioning: A tactic of family-based non-state torturers and traffickers of a daughter. *Femicide Volume X*, 85-87.

develop as a consequence of listening to women's experiential story-telling. It is essential to develop a normative standard that identifies or names a non-State torturer's psychological tactic of inflicting conditioned suicidal-femicide responses when committed in the context of NST victimization perpetrated in the domestic private sphere. This is an act of caring that upholds a woman's dignity and respect for her human rights as a person of worth.

As noted, there is great value in experiential story-telling, such as occurred in the previous paragraphs that described specific forms of femicide risks. Experiential story-telling exposes reality, for instance, children and youth from four Canadian Maritime First Nations communities were supported to give visual 'voice' using art to tell what their pain and hurt looked like. In 2016, twenty-two of their art pieces were exhibited by Toronto's Sick Kids hospital.<sup>19</sup> Sharing their art expressions of pain and hurt offered insights in that the children drew what their emotional pain felt like not what their pain looked like. Likewise, Alex, also described, as the previous woman did, being born into a NST human trafficking family system.<sup>20</sup> She too used art to explain her pain and hurt—what it looked like and felt like. Two drawings, shown in figure 1, entitled, "Desperate" and "Life or Death" illustrate how her NST victimizations led her to Self-cut and to consider taking her life to end her pain and suffering. On further disclosure Alex explained her father forcedly 'taught' her to practice killing herself including by saying to her "the only way he would be proud of me is if I killed myself" (personal communication, October 7, 2018). Several male professionals, Alex said, also told her to kill herself. Alex's drawings and her experiential story-telling expose the stark reality of conditioned suicide-femicide, validating the previous woman's similar disclosure. Responsibility must be placed on non-State torturers contextualizing further the

conditioned suicidal-femicide risk perpetrated in the domestic private sphere.

### **Normative Gaps in Identifying Femicidal Victimization Risks: Preventive Interventions**

1. *Femicidal acts perpetrated in the context of NST victimization.* Identifying then fixing normative gaps means, firstly, developing the familiarity of naming NST as a distinct form of domestic violence, differentiating it from domestic assaults.<sup>21,22</sup> Secondly, it requires developing insights into the modus operandi of non-State torturers,<sup>23</sup> who may inflict acts of asphyxiation torture or the torture tactic of a conditioned suicidal-femicide response in the women and girls they torture. Thirdly, when normative femicidal gaps are identified this opens the opportunity for transformative development of a normative standard such as advancing NST victimization-traumatization informed care so women and girls can be supported in their work of recovering.<sup>24</sup> For instance, gaining comprehension a woman may be struggling with a conditioned suicidal-femicide response means applicable skilled interventions are created to help her dissolve such a suicidal risk so she can heal. And fourthly, when socio-legal and educational preventive interventions develop women and girls can learn about femicidal violence and

19 Roussy, K. (2016, November 20). Indigenous children, stoic about their pain, are drawn out with art. CBC News. <https://www.cbc.ca/news/health/aboriginal-youth-art-pain-hurt-healing-1.3852646>

20 Lane, A., & Holodak, R. G. Jr. (2016). Brief to: The House of Commons standing committee on justice and human rights in view of its study of Bill C-242 and act to amend the criminal code (inflicting torture). <https://www.ourcommons.ca/Content/Committee/421/JUST/Brief/BR8406577/br-external/LaneAlexandra-e.pdf>

21 Sarson, J., & MacDonald, L. (2019). "A difficult client": Lynn's story of captivity, non-state torture, and human trafficking by her husband. *International Journal of Advanced Nursing Education and Research*, 4(3), 107-124. [DOI:10.21742/IJANER.2019.4.3.13](https://doi.org/10.21742/IJANER.2019.4.3.13)

22 Sarson, J., & MacDonald, L. (2018). Having non-state torture recognized by the UN and member states as an infringement of woman's human rights is imperative. *Canadian Woman Studies/Les Cahiers de la Femme*, 33(1.2), 143-155.

23 Jones, J., Sarson, J., & MacDonald, L. (2018). How non-state torture is gendered and invisibilized: Canada's non-compliance with the committee against torture's recommendations. In, Center for Human Rights & Humanitarian Law Anti-Torture Initiative, *Gender Perspectives on Torture: Law and Practice* (33-56). Washington, DC.

24 Sarson, J., Gordon, E., & MacDonald, L. (2019). Family-based non-state torturers who traffic their daughters: Praxis principles and healing epiphanies. In J. Winterdyk, & J. Jones, (Eds.), *The Palgrave International Handbook of Human Trafficking*. Cham, CH: Palgrave MacMillan.

be encouraged to act quickly to seek safety realizing they are at femicidal risk.

Referring back to the experiential NST asphyxiation ordeals of non-fatal drowning and non-fatal suffocation committed in the domestic private sphere, requires developing knowledge of the classic signs that indicate asphyxiation femicidal acts were inflicted. This includes knowing the signs of petechiae—round red spots of bleeding marks in the eyelids, eyes, face, lips, mucous membranes, behind the ears, on the neck, and on the chest.<sup>25</sup> In dry asphyxiation there can be bleeding from the ears or nose, acute or chronic respiratory problems, loss of consciousness, brain damage, chronic difficulties in understanding issues, and death.<sup>26</sup> Knowing of the existence of normative femicidal gaps may draw attention to uncovering and intervening to other forms of unacknowledged, unnamed, and under-researched violent femicidal risks.

2. *NST victimization-traumatization informed care.* Responding to women who have survived NST femicidal acts requires initiating a caring framework that specifically incorporates knowledge about NST victimization and recovery. For instance, it means understanding that a girl or woman survived because she—her body—may have spontaneously developed survival responses such as dissociative responses. When she was able to escape or exit violent NST relationships her survival responses such as chronically dissociating can become troublesome thus require healing. We name such survival responses post traumatic stress responses (PTSR), versus telling her she is disordered by labeling her as suffering a post traumatic stress disorder (PTSD).<sup>27</sup> Incorporating PTSR into NST victimization-

traumatization informed care helps organize healing by focusing on the responses that are initially most troublesome. And by naming both a girl's or woman's victimization and their consequential traumatization helps validate she was firstly victimized. It validates she survived a life-threatening crime—it validates others committed a dehumanizing NST crime against her person and it was not her fault. To recover a woman or girl may first need to tell and detail the victimizing NST crime suffered, to be heard and acknowledged before being able to work on healing her consequential traumatic responses. Such as gradually learning to undo her sense of not being allowed to question issues, to becoming emotionally comfortable as a person to ask questions knowing she will be okay.<sup>28</sup>

3. *Criminal or penal codes.* Law is required to cover acts of torture perpetrated by non-State actors in the domestic private sphere, and to establish legal awareness of NST acts that create femicidal risks. A lack of such a law is frequently a normative legal gap in many countries including in Canada. As Michigan State Senator John Espinoza stated when reflecting on Linda Cline's victimization, "How can you not have a law that would protect people from torture?"<sup>29,30</sup> Although Linda Cline's asphyxiation NST victimization did not lead to her death, it could have and been missed as femicide. Linda Cline's victimization led to torture being criminalized in the *Michigan Penal Code*. The law is applicable to every person under section 750.85. It reads:<sup>31</sup>

25 Beynon, J. (2012). "Not waving, drowning". Asphyxia and torture: The myth of simulated drowning and other forms of torture. *Journal on Rehabilitation of Torture Victims and Prevention of Torture*, 22(Suppl 1), 25-9.

26 Dignity - Danish Institute Against Torture. (n.d.). *Torture by asphyxiation (dry)*. <https://dignity.dk/en/dignitys-work/health-team/torture-methods/torture-by-asphyxiation/>

27 Sarson, J., & MacDonald, L. (2019). Non-state torture human trafficking family systems: Coming out alive –Normalizing women's survival responses. *Justice*, 34(3), 11-15.

28 Sarson, J., Gordon, E., & MacDonald, L. (2019). Family-based non-state torturers who traffic their daughters: Praxis principles and healing epiphanies. In J. Winterdyk, & J. Jones, (Eds.), *The Palgrave International Handbook of Human Trafficking*. Cham, CH: Palgrave MacMillan.

29 Simon, M. (n.d.). Man repeatedly put his wife into coma, choked her for sexual pleasure. *Court TV* August 4.

30 *gopouse.com*. (2006). Anti-torture bill signed into law (MI). <http://www.freerepublic.com/focus/f-news/1551252/posts>

31 Michigan Legislature. (2020). *Section 750.85 Torture; felony; penalty; definitions; element of crime; other laws*. [https://www.legislature.mi.gov/\(S\(xmwifzrhznjk15rk5s0f1mp\)\)/mileg.aspx?page=getObject&objectName=mc1-750-85&highlight=750.85%20AND%20torture](https://www.legislature.mi.gov/(S(xmwifzrhznjk15rk5s0f1mp))/mileg.aspx?page=getObject&objectName=mc1-750-85&highlight=750.85%20AND%20torture)

A person who, with the intent to cause cruel or extreme physical or mental pain and suffering, inflicts great bodily injury or severe mental pain or suffering upon another person within his or her custody or physical control commits torture and is guilty of a felony punishable by imprisonment for life or any term of years.

Without such a law social knowledge of NST and accompanying femicidal risks are seen not to exist, women and girls so victimized are invisibilized, no relevant data is collected, and knowledgeable NST victimization-traumatization informed care will not openly develop. When a nation's legal system's practices do not guarantee non-discriminatory legal protection "justice for women is undermined" (p. 6).<sup>32</sup> Additionally, the due diligence of States parties to respect, protect, and fulfil the human right of women's and girls' equality under Article 5 of the United Nations Universal Declaration of Human Rights, which states no one shall be subjected to torture, is discriminatorily negated. If an applicable law on torture—NST—is present, assessing whether it is being used non-discriminatorily when NST crimes are perpetrated against women and girls is required.

4. *International human rights.* Presently women and girls do not have access to an internationally legally binding treaty that specifically facilitates their ability to hold State parties accountable for their due diligence responsibilities to eliminate all forms of violence perpetrated against women and girls. Tackling this normative gap, Rashida Manjoo, a previous United Nations Special Rapporteur on violence against women, its causes and consequences, said, "It is time to adopt a comprehensive international convention on violence against women at the UN level."<sup>33</sup>

A position reinforced when members of the non-governmental organization, Graduate Women International (GWI), presented a statement at the High-Level Segment of the 37th Human Rights Council.<sup>34,35</sup> To reach this aim a diverse coalition of women's rights advocates—individuals and organizations in 128 countries—began to work.<sup>36</sup> Releasing its first-ever *Safer Sooner Report*, discussing the need for such a global legally binding treaty.<sup>37</sup> This report discusses that individuals from 50 countries with expertise in 16 areas of violence against women and girls formed special committees to work on suggesting definitions and drafting treaty language. NST and femicide were included in the report as forms of violence that women and girls suffer.

## Closure

Sharing and or unsilencing women's and girls' experiential stories illustrates the extent by which normative gaps of femicidal acts coated in misopedia and misogyny beliefs, attitudes, and violent actions have settled invisibly into the global patriarchal culture. Listening to and never forgetting their stories demands considering that girls and women may have endured and survived asphyxiation tortures and or may be suffering conditioned suicidal-femicide responses. Both produce risks for femicide when committed in the context of NST victimization perpetrated in the domestic private sphere.

Naming acts of NST violence that lead to the risks of femicide requires exposing the stark reality of women's and girls' lives—there can be no apologies for engaging in such caring and disclosing

32 UN Women, IDLO, World Bank, & Task Force on Justice. (2019). *Justice for women High-level group report Executive summary*. <https://reliefweb.int/report/world/justice-women-high-level-group-report-executive-summary-and-key-messages-march-2019>

33 UN Women. (2012). *Needed: specific international legally binding instrument on violence against women*. New York, NY: Author. <https://www.unwomen.org/en/news/stories/2012/11/needed-specific-international-legally-binding-instrument-on-violence-against-women>

34 Graduate Women International. (2018, February 7). GWI at the United Nations. *GWI Update*. <https://graduatewomen.org/wp-content/uploads/2018/02/7-February-Update.pdf>

35 Graduate Women International. (2018, February 7). *Human Rights Council – March – Jeanne Sarson* [Vimeo]. <https://vimeo.com/264580610>

36 See: [everywoman.org/who-we-are/](http://everywoman.org/who-we-are/)

37 Hamilton, M. (Ed) (2020). *Safer sooner toward a global binding norm to end violence against women and girls*. <https://everywoman.org/wp-content/uploads/2020/02/Safer-Sooner-Report-Final.pdf>

conversations.<sup>38</sup> Lynn voiced being in her “dance with silence, shame, and self-blame”; societal knowledge and attitudes must no longer condemn women to be so unjustly and painfully burdened. Placing a name that identifies and creates a normative standard whereby non-State torturers’ acts that inflict femicidal risks are acknowledged is an expression of respect for the dignity and human rights equality of women and girls. It upholds their “right to life, liberty and security of person,” as stated in Article 3 of the United Nations Universal Declaration of Human Rights and their right not to be subjected to torture which is also in the Declaration as Article 5.

### Authors

Jeanne Sarson and Linda MacDonald have backgrounds in public and community-based nursing, are human right defenders, and independent scholars with many published works

dedicated to exposing non-State torture (NST) victimization committed in the domestic private sphere. Their work began in Nova Scotia, Canada, in 1993, when a woman sought their help to exit and recover from family-based NST victimization. Creating their website – [www.nonstatetorture.org](http://www.nonstatetorture.org) – brought mainly women’s voices from Canada, the U.S., the UK, Western Europe, Australia, New Zealand, the Philippines, and Israel. Propelling them into global activism to have NST upheld as a specific human right violations; they have participated, since 2004, in panels at the UN in New York, Vienna, and Geneva, and presented their work locally and internationally. “A Difficult Client”: Lynn’s Story of Captivity, Non-State Torture, and Human Trafficking by Her Husband, is their latest publication in the *International Journal of Advanced Nursing Education and Research*.

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38 Sarson, J., & MacDonald, L. (2019). We make no apologies for explaining non-state torture (NST) inflicted in sexualized exploitation, in prostitution & in pornography. Paris, FR: Fondation Scelles. <https://www.fondationscelles.org/en/news/274-we-make-no-apologies-for-explaining-non-state-torture-nst-inflicted-in-sexualized-exploitation-in-prostitution-in-pornography>

## FURTHER READING AND VIEWING

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**“Gender-motivated killings of women occur everywhere, in every country and culture of the world. It is an issue of universal human rights and inherent human dignity that concerns us all, involves us all, and requires concerted and urgent action from all of us. [...] And one thing is certain: Preventing all forms of violence against women requires the engagement of all segments of society, and especially men and boys as partners in gender equality and respectful relationships.”**

MICHELLE BACHELET ON “GENDER-MOTIVATED KILLINGS OF WOMEN, INCLUDING FEMICIDE”:  
SPEECH BY MICHELLE BACHELET, EXECUTIVE DIRECTOR OF UN WOMEN ON “GENDER-MOTIVATED  
KILLINGS OF WOMEN, INCLUDING FEMICIDE” AT A CSW57 SIDE EVENT ON 8 MARCH, 2013

**“Alongside the constant fact of men killing women, societal norms, structures and attitudes serve to minimize, normalize and indeed naturalize male violence against women and women’s subordinate social status.”**

FILIA, ANNUAL REPORT ON UK FEMICIDES FOR 2018

**“Achieving gender equality is about disrupting the status quo – not negotiating it.”**

PHUMZILE MLAMBO-NGCUKA, EXECUTIVE DIRECTOR, UN WOMEN, 2019