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**Submission to the Special Rapporteur on violence against women,
its causes and consequences**
**To inform the Special Rapporteur's Report to be presented to the
47th session of the Human Rights Council**

The above-named organization herein responds to the call for input regarding progress made on the Special Rapporteur's call for a Femicide Watch Initiative,¹ which would function as a repository to drive to evidence-based policies and strategies for the prevention of femicide, through the collection of comparable data on femicide rates at the national, regional and global level. Accordingly, the Special Rapporteur has called for information regarding measures set up by individual states to collect such data.

In light of this call, the above-named organization and other concerned stakeholders are compelled to point out that noble as the Special Rapporteur's intentions are, the call for a Femicide Watch Initiative is predicated on the recording and collecting of femicide related data – which cannot be accurate or reliable **without a precise, limited definition of what femicide is**. Words constrain our perceptions and experiences and represent an ambivalent, but powerful tool that we use in language to build our thoughts and describe the world. Defining a social

problem in a certain way leads to a specific possible solution, which is dependent on the way the problem is defined, which makes it imperative that Femicide is *properly* defined, in order to collect proper data on the same.

In the original report establishing the Femicide Watch Initiative², the Special Rapporteur has defined femicide, or the gender-related killing of women, using the definition from the Annual Thematic Report of the former Special Rapporteur, Rashida Manjoo in 2012. Moreover, the report, according to its own footnote 5, uses the terms “femicide” and “gender-related killing” interchangeably. The use of the phrase ‘gender-related killings of women’ is traced back to this 2012 Annual Thematic Report, who which coined the phrase to isolate a sub-group of killing of women that are is characterized by factors different from

¹ *Call for inputs – Report on femicide*, Office of the High Commissioner for Human Rights.

² Report of the Special Rapporteur on Violence against women, its causes and consequences to the United Nations General Assembly, *Seventy First Session, A/71/398* 23rd September 2016, paras 25-32.



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homicide³ However, while the description and explanations used in the 2012 report attempt to *distinguish* the killing of women from regular homicide, a conceptual confusion arises in how femicide itself, is defined and therefore identified.

In the 2012 Thematic Report, reference is made to the fact that the term ‘femicide’ is a term that reappeared in the 1970s as part of the struggle of the women in the feminist movement to name their own experiences and create a form of resistance to this fatal form of violence.

Any word has a particular etymology. Some words express a political purpose. The originator of the femicide concept is American feminist Diana H. Russell who, in 1976 at the first International Tribunal on Crimes against Women stated: “I chose the new term femicide to refer to the killing of females by males because they are female”.⁴ As recognized by the report, Femicide was *first defined as* —the murders of women by men motivated by hatred, contempt, pleasure or a sense of ownership of women.⁵ Subsequently, it was defined as —the misogynist killing of women by men.⁶ The definition was expanded to go beyond that of misogynist killings, to all forms of sexist killings which would include those killings by men motivated by the socially constructed right to do so, their superiority over females, pleasure or sadistic desires towards women, or the assumption of ownership over women.⁷ The World Health Organization defines femicide as being generally understood to involve intentional murder of women because they are women.⁸

The 2012 report recognizes that many killings of women that are not merely homicides have been described by other misleading terms that removes the context surrounding the killing of women – such as ‘crimes of passion’, ‘crimes of honour’ etc., and how that serves to obscure the way in which systemic violence against women for being women thrives. It is imperative therefore that the Femicide Watch Initiative, in its stated goal of improving data collection, not only looks beyond other descriptions such as ‘crimes of passion’ to the misogyny beneath and also uses precise definitions and descriptors that recognize the underlying source behind the extra-ordinary killings of women. The underlying source is their existence as female. The current definition and phrasing surrounding the term ‘femicide’ does not do so and introduces a conceptual confusion. The conceptual and

³ Report of the Special Rapporteur on Violence against women, its causes and consequences to the Human Rights Council, Twentieth Session **A/HRC/20/16** 23 May 2012, paras 14-19.

⁴ Russell, D.E.H. (2011) *The origin and importance of the term femicide*, www.dianarussell.com/origin_of_femicide.html

⁵ Caputi, J. and D. Russell (1990) —*Femicide: Speaking the unspeakable*. Ms.: The World of Women, 1(2).

⁶ Radford, J. and D. Russell (eds.) (1992) “Femicide: The Politics of Woman Killing”, New York: Twayne.

⁷ Harmes, R. and D. Russell (eds.) (2001) —*Femicide in Global Perspective*”, New York: Teachers College Press.

⁸ *Understanding and Addressing Violence Against Women* World Health organization and Pan American Health Organization.



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terminological confusion is not improved by the Vienna Declaration on Femicide⁹ which describes femicide as the “killing of women and girls because of their gender, which can take many forms...” but does not focus on, or attempt to isolate the common element that signifies femicide.

DEFINITIONS IN UNITED NATIONS DOCUMENTS CONFLATE SEX AND GENDER:

UN Women’s Gender Equality Glossary defines sex and gender as follows:

Sex as the physical and biological characteristics that distinguish males and females.¹⁰

Gender refers to “the roles, behaviors, activities, and attributes that a given society at a given time considers appropriate for men and women. In addition to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, gender also refers to the relations between women and those between men..... Gender determines what is expected, allowed and valued in a woman or a man in a given context.”¹¹

This is a vitally important distinction. Femicide, and the entire range of killings recognized as falling within the definitional boundaries of femicide, often recognize the imposition or expectation of *gendered behaviour itself* as an element in the violence. That gender behaviour, i.e. the roles, behaviors, activities, and attributes that a given society at a given time considers appropriate for men and women, is *itself* an element in femicide is **recognized**¹² in the Report establishing the Femicide Watch Initiative, wherein it makes reference to the 1995 thematic report on violence in the family to the Commission on Human Rights,¹³ which highlighted that “the dominance of a familial ideology entrenched women’s roles as wives and mothers and impeded them from gaining access to non-traditional roles and exposed women who did not fit within or ascribe to traditional sex roles to gender-based hate crimes.”¹⁴

⁹ *Femicide: A global issue that demands action*, Vienna, Academic Council on the United Nations System (ACUNS) 26 November 2012.

¹⁰ *Gender Equality Glossary*, UN Women Training Centre

¹¹ *Gender Equality Glossary*, UN Women Training Centre

¹² Report of the Special Rapporteur on Violence against women, its causes and consequences to the United Nations General Assembly, *Seventy First Session, A/71/398* 23rd September 2016, paras 25-32.

¹³ Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 1995/85 to the Commission on Human Rights, Economic and Social Council, *Fifty Fifth Session*, 10 March 1999 E/CN.4/1999/68

¹⁴ *Ibid* para 9



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Writers grappling with this issue have recognized that a working definition of femicide should be the starting point for everything. Once we know how to define the ‘problem’, it should lead us to and enable us to see a solution, within the realities and socio-cultural contexts. However, this cannot be achieved if the definition fails to identify, and signify in the definition, a diagnosis of the root cause of the violence against women, *as being actuated by them being women*.

The definition of femicide used by the Rapporteur in the 2012 report described it in terms of a sub-set of homicide, that “such killings are not isolated incidents that arise suddenly and unexpectedly, but represent the ultimate act of violence which is experienced in a continuum of violence. Women subjected to continuous violence and living under conditions of gender-based discrimination and threat are always on —death row, always in fear of execution.” These killings, the Report mentions, can be active or direct, with defined perpetrators, but they can also be passive or indirect. The direct category includes: killings as a result of intimate-partner violence; sorcery/witchcraft-related killings; honour-related killings; armed conflict-related killings; dowry-related killings; gender identity- and sexual orientation-related killings; and ethnic- and indigenous identity-related killings. The indirect category, the Report suggested would include deaths due to poorly conducted or clandestine abortions; maternal mortality; deaths from harmful practices; deaths linked to human trafficking, drug dealing and organized crime; the death of girls or women from simple neglect, through starvation or ill-treatment; and deliberate acts or omissions by the State

The attempt to define femicide by reference to a list of acts, as enumerated above, also illustrates the problem with this definition. While most or all of these will have a sex-based component, the listing approach does not serve to delineate a common factor that can distinguish a killing from homicide to femicide. One or more of the types of killings on the list may also be subject to challenge as amounting to femicide – for ex - ethnic- and indigenous identity-related killings, which may more properly be described as race or identity motivated than by the sex of the victim. While an understanding of other factors that may further endanger women and girls should be accounted for (such as race, class, ethnicity, religion, tribal identity etc.) to have a useful collection of data about femicide, the definition of femicide as used in the Femicide Watch Initiative should be capable of a limited bounded definition, wherein the acts considered as femicide can be identified by a common factor pertaining to women and girls – that is the state of them being female sexed bodies.

This definitional confusion is not helped by the definition used in the Report establishing the Femicide Watch Initiative, which consistently circumscribes describes Femicide as being ‘gender-related killings of women and girls’ with little guidance as to how ‘gender-related’ is

to be understood in attempting to identify Femicide. Without this essential clarity in the determinative element of the definition, collection of data, or lobbying for a mechanism to collect such data risks collapsing under over-broad and non-usable criterion. As gender is merely the social attributes of men and women, does the phrase 'gender-related killings' include killings for non-conformity with gender itself? Is the imposition of such attributes and roles to women, and punishment for deviation to be considered as a 'gender related killing'. We would argue that this is essential.

Sadly, this linguistic and therefore conceptual confusion continues even in scholarly attempts to clear up the definitional fog surrounding the term 'femicide'.¹⁵ As reviewing literature recalls, the COST Action IS1206 on 'Femicide across Europe' sought to clarify and set up a definition of femicide that would be used to talk about this terrible fact: women and girls die, because they are murdered and suffer intentional aggressions leading to their deaths. However, a consensus definition could not be agreed upon. Subsequently, in 2017 the European Institute for Gender Equality (EIGE) put forward two definitions: one drawn from the Vienna Declaration of the Academic Council on the United Nations System as stated above, and a statistical one that limits femicide to intimate partner femicide and deaths of women as a result of some harmful practices. The latter definition limited itself to defining femicide as the killing of a woman by an intimate partner and death of a woman as a result of practice that is harmful to women. Accordingly the researchers involved in trying to come up with a unified, consensus definition were only able to distil, as they reported, two key elements - its *gender* dimension and the acknowledgement that it can take various forms across the world. This articulation however, does not help – as gender, also understood as sex role stereotypes, is in itself a form of oppression and discrimination against women. What does that imply for defining femicide as killings with a gender dimension?

However, the relevant and common aspect, indeed the root of all of the types of killings that are being included within the definition of femicide, is not its 'gender dimension' but rather the sex of the class of victims – i.e., the female sex. All of the various *types* of killings that are sought to be considered as femicide, as well as the motivations behind them are intricately and indelibly connected to the particularity of the female sexed body. Some of these, particularly those considered as 'crimes of honour / passion', or deaths due to female genital mutilation are directly a result of the twisted notions regarding 'female virginity' and the restrictions imposed on female sexuality. As recognized by the UN's own Glossary, sex -

¹⁵ Grzyb, M., Naudi, M., & Marcuello-Servós, C. (2018). Femicide definitions. In Weil S., Corradi Co, and Naudi, M. (Eds.), *Femicide across Europe: Theory, research and prevention* (pp. 17-32). Bristol: Bristol University Press.



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which refers to the differences between males and females, is described by terms such as female humans, girls, or women. Since all of the killings that are proposed to be dealt with as part of the Femicide Watch Initiative involve killings that are a direct result of the oppression of the female sexed bodies of girls and women, the definition of femicide itself should clearly express that, about sex being the root cause of killings of women and girls, *because they are women and girls*.

The idea of femicide was introduced by the feminist movement in order to politicize and challenge male violence against women. From the very beginning, it accounted for a range of specific forms of lethal violence against women, such as, for example, so-called honour killings and killings of prostitutes. With the passing of time, however, the definition has become progressively diluted and confused, broadened by some authors to any killing of a woman and thus divested of its political connotation.¹⁶ This is neither useful nor desirable to help prevent the killing of women and girls on the basis of their sex, and needs to be remedied with a proper, functioning definition that recognizes the ways in which 'femicide' differs from other homicides. Its essence is that it is the killing of women and girls because of their sex, as an expression of the performance of sex-stereo-typed roles for both men and women and in the enforcement of those roles by the dominant male class.

¹⁶ Alvazzi del Frate, A. (2011) 'When the victim is a woman', in GD (Geneva Declaration) Secretariat, Global burden of armed violence 2011: Lethal encounters, Cambridge: Cambridge University Press, pp 113–44, www.genevadeclaration.org/fileadmin/docs/GBAV2/GBAV2011_CH4.pdf



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