

TWO

Femicide definitions

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The hard sciences are successful because they deal with
the soft problems;
the soft sciences are struggling because they deal with
the hard problems
(*Heinz Von Foerster's Theorem Number Two*)

Introduction

Words constrain our perceptions and experiences. Our language builds our thoughts and is a powerful tool to describe the world. The words used in language represent an ambivalent tool that we can use to express our own perceptions, emotions and thoughts, and at the same time, they determine our experiences and social imaginary (cf. Castoriadis, 1975), using a previously established corpus of meanings and order. We can, however, do things and transform the world using language as a tool. Defining a social problem in a certain way leads to a *specific* possible solution, which is dependent on the way the problem is defined. Furthermore, we have to acknowledge that the perspective of those that pose the problem (such as individuals, groups, communities and so

on) is affected by their view of the social system within which they perceive the problem (Foerster, 2003).

A central task of the COST Action IS1206 on 'Femicide across Europe' was 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. This fact, which is a social and global human problem, requires significant special attention. It is a scourge that demands action. Where there is a lack of acknowledgement of the problem, there cannot be a clear and convincing political and social solution. However, everything is clear once it is understood. Inside this COST Action, and also outside of this network, it is relevant to grasp the challenge initiated more than four decades ago by Diana E. Russell, who used the term femicide for the first time in 1976, during the first International Tribunal on Crimes against Women. We need to arrive at a consensus to describe this complex, polyhedral and culturally dependent murder (Russell, 2011). A consensual approach facilitates action and joint efforts to describe, report, prevent and eradicate.

In recognition of the debate over the use of the term femicide and the difficulties in establishing a common agreed-upon definition, all the members of the network were given the task of coming up with an agreed definition of femicide and discussing the important issues pertaining to defining femicide. First, we focused on an overview of the history of defining femicide and the subsequent development in the field. Second, we took into consideration distinct femicide types (with attention given to victim-offender relationship, victim and offender characteristics, and event characteristics) and their impact on definitions. And third, we addressed methodological issues pertaining to defining femicide.

Working Group 1 on definitions of femicide, set up by the COST Action, held two exclusive meetings where we invited distinguished researchers as guest speakers on femicide from

various corners of the world. The first meeting was held in Jerusalem, Israel, in October 2013, when we welcomed presentations from Jacquelyn Campbell on 'Femicide and fatality from intimate partner violence', Naeemah Abrahams on 'Defining femicide in South Africa', and Rebecca and Russell Dobash on 'Female homicide victimization by men in the United Kingdom'. During the second meeting in Hafnarfjörður, Iceland, in September 2014, Janet P. Stamatel spoke on 'Building concepts and definitions regarding femicide', Capitolina Díaz on 'International definitions of femicide', and Michael Platzer lectured on the project 'Femicide: A global issue that demands action'. Furthermore, during the annual conferences in Lisbon in March 2014, Zaragoza in March 2015, Ljubljana in May 2016 and the final conference in Malta in March 2017, there were relevant presentations and discussions on definitions. It was clear that appropriately defining the term was critical to the work of the other COST Action working groups on prevention, data collection and culture, but first and foremost it was critical to all of us to enable us to conduct any research on the issue. So in Working Group 1 on definitions, the focus was on the following four questions:

1. What is femicide?
2. Does femicide include girls as well as women?
3. Does femicide include infanticide?
4. Is femicide the murder of women because they are women, or is femicide simply a non-gendered homicide (of any woman)?

Conceptualizing

Any word has a particular etymology. Some words bring forth a political purpose. This is the case here. In this section, we will discuss some achievements in identifying the most important definitions of femicide, deciding why these definitions are relevant and whether the different definitions imply different

notions of femicide. 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” (Russell, 2011). Though the word femicide was already known in the Anglo-Saxon world, Russell added critical political meaning to it and placed it within a broader feminist politics framework. Subsequently, Russell refined the concept as a ‘misogynist killing of women by men’ and an extreme manifestation of sexual violence – an addition suggested by Liz Kelly that highlights the gendered nature of forms of violence against women and focuses on the man’s desire for power, dominance and control (Radford, 1992: 3–4). Kelly (1988) proposed that an essential element of the femicide concept is framing it as a form of sexual violence and an extreme form of violence in the continuum of sexual violence against women.

Very close, though not identical, is the concept of *feminicidio* developed by Mexican anthropologist and feminist Marcela Lagarde y de los Ríos and common in Latin America. Inspired by works of Russell and Radford (1992), Lagarde (2008) coined the term *feminicidio* in the early 1990s. It was translated from the English ‘femicide’ to describe and provide a theoretical framework for the dramatic rise in extreme violence against women and killings of women in Mexico, and particularly in Ciudad Juarez. She developed *feminicidio* in a more contextual way and added impunity as a critical element, that is, a failure of state authorities to prosecute and punish perpetrators. Nevertheless, Latin American legislations use both words interchangeably: femicide and femicide (Grzyb and Hernandez, 2015). Such a conceptualization makes femicide/feminicide a state crime tolerated by public institutions and officials, a form of gender-based discrimination, and grounds for international accountability of states for human rights violations

(Corte Interamericana de Derechos Humanos, 2009).¹ For example, in Mexico, the General Law on Women's Access to a Life Free of Violence (2007) defines femicidal violence as '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 a set of misogynist actions that can lead to the impunity of society and the State and culminate in the homicide and other forms of violent death of women' (article 21) (UNODC, 2014: 52).

It is noteworthy that the framing of violence against women as the obligation of a state to prevent the crime also prevails in Europe, as reaffirmed in the Istanbul Convention (2011). The Council of Europe Convention on preventing and combating violence against women and domestic violence is based on the understanding that *violence against women is a form of gender-based violence that is committed against women because they are women*. It is the obligation of the state to address it fully in all its forms and to take measures to prevent violence against women, protect its victims and prosecute the perpetrators. Failure to do so would make such violence the responsibility of the state. The convention leaves no doubt: there can be no real equality between women and men if women experience gender-based violence on a large scale and state agencies and institutions turn a blind eye.

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

¹ The so-called Campo Algodonero case of Inter-American Court of Human Rights from 16 November 2009: Claudia Ivette González, Esmeralda Herrera Monreal y Laura Berenice Ramos Monárrez (Casos 12.496, 12.497 y 12.498) contra los Estados Unidos Mexicanos.

has become progressively diluted and confused, broadened by some authors to any killing of a woman and thus divested of its political connotation (Alvazzi, 2011). This widening and depoliticization of the concept occurred in part as a result of a growing research interest in violence against women, in order to facilitate comparative studies across countries. It was also, however, due to its political and legal recognition in many countries. Measuring femicide is extremely challenging due to a number of reasons (Bloom, 2008: 147). Even if the homicide is recorded in criminal records, often there is no information regarding possible motive, how it took place or the gender of the victim and/or perpetrator.

United Nations documents define femicide/feminicide as the gender-related killing of women that can take many forms (intimate partner femicide, killings of women due to accusations of sorcery/witchcraft, so-called honour killings, killings in the context of armed conflict, dowry-related killings, killings of aboriginal and indigenous women, killings as a result of sexual orientation or gender identity and so on), and recognize its scarce reporting and prosecuting by official authorities (UN General Assembly, 2012: 6–7; UNODC, 2014: 52). Finally, the Vienna Declaration on Femicide describes femicide as the killing of women and girls because of their gender, which can take the form of, *inter alia*:

- the murder of women as a result of domestic violence/intimate partner violence;
- the torture and misogynist slaying of women;
- killing of women and girls in the name of so-called ‘honour’;
- targeted killing of women and girls in the context of armed conflict;
- dowry-related killings of women and girls;
- killing of women and girls because of their sexual orientation and gender identity;

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- the killing of aboriginal and indigenous women and girls because of their gender;
- female infanticide and gender-based sex selection foeticide;
- genital mutilation related femicide;
- accusations of witchcraft;
- other femicides connected with gangs, organized crime, drug dealers, human trafficking and the proliferation of small arms. (Laurent et al, 2013: 4)

In 2017 the European Institute for Gender Equality (EIGE) put forward two definitions: a general one, which is drawn from the Vienna Declaration of the Academic Council on the United Nations System (ACUNS) stated above, and a statistical one that limits femicide to intimate partner femicide and deaths of women as a result of some harmful practices.² It seems thus that key elements of the notion of femicide are its gender dimension

² Source: EIGE's (2017) Gender Equality Glossary definition of femicide:

'The term femicide means the killing of women and girls on account of their gender, perpetrated or tolerated by both private and public actors. It covers, inter alia, the murder of a woman as a result of intimate partner violence, the torture and misogynistic slaying of women, the killing of women and girls in the name of so-called honour and other harmful-practice-related killings, the targeted killing of women and girls in the context of armed conflict, and cases of femicide connected with gangs, organised crime, drug dealers and trafficking in women and girls.'

Developed definition of femicide for statistical purposes:

'The killing of a woman by an intimate partner and death of a woman as a result of practice that is harmful to women. Intimate partner is understood as former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.' (<http://eige.europa.eu/rdc/thesaurus/terms/1128>)

and the acknowledgement that it can take various forms across the world.

After reviewing texts and definitions of homicide, the following questions remained or were raised: (a) Is femicide to be considered an extreme form of violence against women? (b) Is femicide a gender-based killing? (c) Is femicide only a killing of women by men? (d) Is femicide to be considered only in cases of intentional killings of women? (e) Is femicide only when women are killed in the context of intimate partner violence? (f) Does the term femicide also include girls? (g) Can gender-based prenatal sex selection, also known as 'son preference', count as femicide? Despite their apparent banality and repeatability, these questions are important, because in order to be able to compare and analyse data on femicide, there must be clarity as to what is being counted. On the other hand, the questions can also be considered irrelevant, since women die regardless of the definition that is placed on the act. In the end, what is of utmost importance is that 'We want our counting to count for women!'

During the annual conference of the COST Action IS1206 held in March 2015 at the University of Zaragoza, we collected contributions from other working groups relevant to our work. Working Group 2 on reporting supported the definition of femicide as killings of females because they are female. From the perspective of data collection, however, the importance of beginning with a broader definition and separate categories was pointed out. They maintained that this would allow us to move forward to a deeper analysis, as the motives and details of the cases are often unknown, either in statistics or in other information systems. Thus, the following was suggested for pragmatic reasons. In the first step, all killings of women on national and international levels should be counted as possible cases of femicide. In the second step, specific categories of cases that are often counted, and where it is known that gender and gender relationships play a relevant role, should be extracted: for example, intimate partner killings (as one of the most common

forms), killings in the context of sexual violence, sex-based abortions, so-called honour-related killings, hate crimes against LGBTIQ people,³ as well as against women and girls. In most countries it will be possible to count intimate partner violence at least as an extra category. In the third step, other cases of killings of women and girls should be further investigated in order to demonstrate whether or not gender might play a relevant role; here case studies on the basis of newspaper reporting, court and police information, and further qualitative studies could be helpful. This information should also be recorded in systematic databases to be built up within monitoring systems.

Working Group 3 on culture elaborated in a more nuanced way on the culture/gender and femicide link. The exchange within the group began by discussing the meaning of culture, and an agreement was reached that in this context it includes social norms, gender roles, and the ideas of femininity and masculinity. It then asked: 'How does murder come to happen in a specific culture?' While there was an understanding that 'culture' is sometimes used to legitimate murder and to justify honour killings, it was noted that care must be taken not to essentialize various communities. This means that we must go 'beyond culture'. This is especially important because often when culture is the topic, it may shift to the idea of 'migrant culture', or minority culture, although all communities, whether majority or minority, also have cultures (including social norms and gender roles) that need to be taken into account. Additionally, there must be an awareness of the discourse on multiculturalism, and the debate on migration, integration and rights, as it may impact on how femicide in the context of culture is explained. Most definitions of femicide include women killed by men or women, because they are women. It was noted that not only men kill women, but also mothers or aunts or grandmothers who reproduce the patriarchal system in which they have been

³ Lesbian, bisexual, trans, intersex and queer.

immersed, and, as a result, there have been cases where women kill female babies or young girls. This means that restricting the definition of femicide to only women killed by men would not be appropriate. In conclusion, Working Group 3 argued that the definition of culture is multidimensional along different layers. In relation to femicide, one must look at the emic (insider) and etic (outsider) perspectives in intercultural situations and transnational contexts.

Working Group 4 on prevention stated that a complete definition of femicide in terms of its prevention would take into consideration different levels of prevention: primary, secondary, tertiary and quaternary. The real prevention of femicide has to be based on all of these levels, since carrying out an intervention only when there is clear risk, and the perceived posed threats are high, is insufficient. Prevention of femicide has to deepen its roots into a much broader framework, as it is acknowledged that even in most evolved and democratic countries, with well-intentioned policies, legislation and services, women are still killed as a consequence of male-dominated culture (whether overtly so or covertly). A clear agenda that addresses femicide, and more broadly, violence against women, has to address all parties at all four levels of prevention. The quaternary level of prevention, and therefore its definition, should also take into account the needs of victims after the apparent end of the risk. In this regard, there was an acceptance of Russell's (Radford and Russell, 1992) definition based on the opinion that femicide has culturally rooted origins in a masculinist and misogynist context.

Definitions and beyond

A clear and operational definition of femicide is important. But that in itself does not solve the problem. In policy-making terms, the target is to tackle and stop the violent deaths of women and girls everywhere. Since femicide is an extreme manifestation of violence against women, according to the authors of this

chapter, all provisions of the Istanbul Convention regarding policy responses shall apply to combating femicide. The Istanbul Convention calls for integrated policies and data collection (chapter II). Furthermore, the Istanbul Convention requires that one or more official bodies (in every state) is designated or established to be responsible for the coordination of the collection of data, analysis and dissemination of its results. This data must include data on femicide.

The same body shall also to be responsible for the implementation, monitoring and evaluation of policies and measures to prevent and combat the various forms of violence against women and domestic violence. Once again, this must specifically include prevention of and combating femicide. Moreover, the convention obliges states to allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence against women and domestic violence, including those carried out by nongovernmental organizations and civil society. A coordinated approach helps in the collation of data. This is especially important since currently data on violence against women and domestic violence is not easily available at a national level in most European countries. Data on femicide is even more difficult to acquire, and therefore requires action to be taken by all countries that have ratified the convention to ensure that such data becomes available. Consensus on a clear and practical definition is fundamental in order to produce clear data, which is also necessary for the monitoring system to work. Furthermore, a clear and practical definition is also needed for awareness-raising, which is a piece of the puzzle that is necessary in order to create policies to prevent the violent death of women and girls everywhere.

Recommendations to policy makers can be provided at three levels: the European level (EU and Council of Europe), the national level (central or federal governments) and the local level (city councils and municipalities). Each of these authorities

shape policies and coordinate institutions relevant in combating violence against women and gender equality enforcement. Recommendations may include:

- drafts of special legislations based on a clear and comprehensive femicide definition;
- sharing and implementing evidence-based best practices;
- improved methodologies for dealing with cases of femicide;
- practices for improved coordination among services;
- new services;
- provisions to impede impunities across borders.

Conclusions

A working definition of femicide should be the starting point for everything. Once we know how to define the ‘problem’, it should lead us and enable us to see a solution, within our context. In order to do so we need to build a system of data collection. Once we have the data it will be possible to show society and policy makers the magnitude of the problem (raise awareness), to convince them to tackle it on a policy level and to work towards prevention. A clear data collection and observation system is essential to raise awareness – to persuade, show and prove that femicide is a tangible problem that concerns all of us. It has to help us provide a clear picture of what is happening, to enable us to create and implement evidence-based policies and practice, and then to monitor and evaluate.

Foerster (2003) claims that even if we do not have an agreed specific definition of femicide, what remains important at the end of the day is how we deal with it. We need to reclaim Diane Russell’s political definition of femicide: simply put, a woman is killed because of her gender. By claiming the word ‘femicide’ in its original political meaning, we make it possible to acknowledge that patriarchy, and the resultant gender inequality

that pervasively continues to exist, are at the root of the problem. Juan Manuel Iranzo puts it like this:

Femicide: the killing of a woman because some man or men, although occasionally also some women who accept men's values, has or have sentenced her to death adducing whatever reasons, motives or causes, but nonetheless actually and ultimately because he or they believe she has defied (the words they often use are 'offended' or 'insulted') patriarchal order (in their words 'honourable' societies) beyond what her judge (often but not always the same person who kills her) is prepared to tolerate without retaliating in that way. (Iranzo, 2015: 1)

So it would appear that two 'forms' of definition are required, both intricately connected and necessary. At the base of our work and permeating throughout our work we need to maintain the clear political meaning of the word femicide – for without it we will go astray. But alongside it we need to agree what 'counting' data (quantitative and qualitative) is essential, for without it we cannot persuade, demonstrate and convince policy makers and legislators to create the services we require to prevent and combat this most extreme form of violence against women and girls.

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