

**Report of the Special Rapporteur on violence against women, A/HRC/20/16, 23 May 2012**

*III. GENDER-RELATED KILLINGS OF WOMEN*

14. In this report, the Special Rapporteur addresses the topic of gender-related killings of women whether they occur in the family or the community or are perpetrated or condoned by the State. Globally, the prevalence of different manifestations of such killings is increasing, and a lack of accountability for such crimes is the norm. Terms such as femicide, feminicide, honour killings and crimes of passion, among others, have been used to define such killings.

15. Rather than a new form of violence, gender-related killings are the extreme manifestation of existing forms of violence against women. Such killings are not isolated incidents that arise suddenly and unexpectedly, but are rather 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". This results in the inability to live, and is a major part of the death process when the lethal act finally occurs. Rather than serving isolated or individual purposes, such violence follows institutional logic "to delineate and sustain hierarchical social relations of race, gender, sexuality and class and, thereby, to perpetuate the inequality of marginalized communities".

16. The killings 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 includes: deaths due to poorly conducted or clandestine abortions; maternal mortality; deaths from harmful practices; deaths linked to human trafficking, drug dealing, organized crime and gang- related activities; the death of girls or women from simple neglect, through starvation or ill- treatment; and deliberate acts or omissions by the State.

17. The discrimination and violence that is reflected in gender-related killings of women can be understood as multiple concentric circles, each intersecting with the other. These circles include structural, institutional, interpersonal and individual factors. The structural factors include macrolevel social, economic and political systems; institutional factors include formal and informal social networks and institutions; interpersonal factors include personal relationships between partners, among family members and within the community; and individual factors include personality and individual capacities to respond to violence.

18. Thus an understanding of gender-related killings requires taking into account the political, social and economic contexts within which it takes place, including the responses of men to women's empowerment; the political, legal and societal reaction to such killings; the principle of the continuum of violence; and patterns of structural discrimination and inequality that continue to form part of the reality of women's lives. It is also important to disaggregate data by factors such as race, ethnicity, education,

sexual orientation and economic status, among others, to establish systemic patterns that exacerbate existing vulnerabilities.

### *III. GENDER-RELATED KILLINGS OF WOMEN*

#### A. Conceptual evolution of terms

26. Despite the increasing attention paid to the killings of women, there is little consistency in the normative frameworks used by researchers and service providers. Some scholars propose that a framework which includes the theoretical, political, operative and judicial aspects is useful, as it enables the recognition of multiple intersections of class, ethnicity, race, age, disability, migration, occupation, sexual orientation and gender identity, among others, in the killings of women.

#### 4. Killings in the context of armed conflict

53. The Special Rapporteur on the situation of human rights defenders has stated that women human rights defenders, who challenge oppressive governments and policies, are more at risk of suffering violence and other violations. While reclaiming their rights or the rights of their communities, they are perceived as challenging accepted socio-cultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation, and the role and status of women in society. The mission report on Colombia by the Special Rapporteur on the situation of human rights defenders highlights the killings of several women human rights defenders and the gravity of the violence, persecution and sexual torture in these murders.

55. In the 45-year-old civil war in Colombia, women community leaders and women fighting for their rights are the main targets of gender-related killings. These women are especially vulnerable if they promote land rights and the rights of the most marginalized groups, such as indigenous people, ethnic and religious minorities, trade unionists, and lesbian, gay, bisexual and transgender individuals. The Special Rapporteur on extrajudicial, summary or arbitrary executions has confirmed that defenders of women's rights are significant targets of unlawful killings by both Colombian State forces and illegal armed groups. The gender-specific intimidation of women defenders includes the targeting of their children and families, as a way to manipulate their roles as mothers, thereby exerting additional pressure on them to stop their human rights work.

#### 8. Killings as a result of sexual orientation and gender identity

71. Gender-based killing due to sexual orientation and gender identity is a phenomenon that has been recently, albeit insufficiently, documented. Although limited statistics are available, civil society reports suggest that violence, motivated by hatred and prejudice based on sexual orientation and gender identity, is a daily reality for many. It is "characterized by levels of serious physical violence that in some cases exceed those present in other types of hate crimes". Lesbian, gay, bisexual, transsexual, transgender, intersex and queer persons (LGBTIQ), and also activists working in this sector, are targeted because they do not conform to stereotypes of gender sexuality and/or identity, thus becoming victims of homophobic crimes.

72. Manifestations of violence, such as abuse of police power, sexual violence in prisons and murders fuelled by hate, as well as several kinds of discrimination, persist. As academics have noted, there is a paradox in the advancement in the protection of individuals' sexual rights on the one hand, and the increasing escalation of homophobic crimes on the other. In this sense, LGBTIQ persons, including women, are especially vulnerable to many kinds of violent crime, from killings in private homes to killings in public spaces known as "social cleansing", extortion by blackmailers who threaten to reveal their identity to the public, and abuse from officials, especially the police, who sometimes arrest them.

73. In the case of South Africa, the recent murders of Black lesbian women demonstrates the multiple and intersecting factors that have led to an escalation in homophobic attacks, despite progressive constitutional provisions preventing discrimination on the basis of, among others, race, gender and sexual orientation.

74. The Human Rights Council has expressed its concern about the increasing violence and killings of lesbian, gay, bisexual and transgender persons and the impunity surrounding these crimes. More recently, the Council passed a groundbreaking resolution on human rights violations based on sexual orientation and gender identity.

75. The Inter-American Commission on Human Rights has held several hearings in the last three years regarding the situation of violence and discrimination against sexual minorities in some countries of the Caribbean and Central and South America. In these countries, civil society organizations have expressed their concern regarding increasing incidents of homophobic crimes.

76. Reports of homicides of "trans" people reflect that 93 murders were recorded in the first half of 2010. Another project has revealed that between January 2008 and September 2011 there were 681 reports of murdered "trans" people in 50 countries.

#### *IV. INTERNATIONAL AND NATIONAL DEVELOPMENTS*

##### *A. International human rights law and jurisprudence*

93. The Committee against Torture has stated that the definition of torture includes the principle of non-discrimination on any grounds, including gender, sexual orientation and transgender identity. Thus, States are obliged to protect certain minority or marginalized individuals or populations especially at risk of torture, and should ensure such protection by fully prosecuting and punishing all acts of violence and abuse and ensuring implementation of other positive measures of prevention and protection. The Human Rights Council, in its resolution 17/19, requested the United Nations High Commissioner for Human Rights to present a study documenting discriminatory laws and practices and acts of violence against individuals based on sexual orientation and gender identity.