



"Settings with particularly high femicide rates also exhibit high levels of tolerance of violence against women; moreover, their criminal justice systems tend to be inefficient and lack the resources - or political will - needed to fully investigate and prosecute femicide cases." *Photo: Alvazzi del Frate*

FEMICIDE

QUICK FACTS

- Roughly 66,000 women are violently killed around the world each year, accounting for approximately one fifth of intentional homicides.
- Southern Africa is ranked one of the five regions in the world with the highest rates of femicide.
- The Vienna Declaration on Femicide/ Gender-related killings of women and girls was adopted at the Commission on Crime Prevention and Criminal Justice (CCPCJ) 2013.
- A study by the Faculty of Humanities and Social Sciences in Namibia revealed that nine out of ten men in prison for femicide and rape stated that they committed the crime under the influence of alcohol; eight out of ten of them were single.
- A national study on femicide in South Africa estimated that a woman is killed by her intimate partner every six hours.
- The South African female homicide rate is six times higher than the global average. Half of all murdered women are killed by an intimate partner.
- A study in Zimbabwe found that of the 42 cases of femicide involving women older than 50, most of the women had been accused of witchcraft by male relatives prior to the killing.

Introduction

The recent world-famous case of Oscar Pistorius getting a five year sentence for shooting his girlfriend Reeva Steenkamp on Valentine's Day has put the issue of femicide back under the spotlight. Found guilty of homicide, but not murder, the lenient sentence by a black female judge Thokozile Masipa sent shockwaves around South Africa. Millions condemned this "getting away with murder" on social media. In late 2014, the state announced it would appeal the judge's decision.



This brief focuses on femicide in Southern Africa and places it in a global context. It focuses on research findings that indicate policy deficiencies and provides recommendations with respect to policies and best practices to deal with the regional scourge of gender-related killings and violence against women.

Key terms and definitions

Femicide: Femicide is generally understood to involve intentional murder of women because they are women, but broader definitions include any killings of women or girls. It is also known as **female homicide**

Intimate femicide: killing of a woman by an intimate partner (current and ex-husband/boyfriend/same sex partner)

Non intimate femicide: killing of a woman by a non-partner (stranger/acquaintance/family member)

Suspected rape homicide: evidence of rape present (forensic and/or police)

Intimate suicide: perpetrator suicide following the murder of intimate partner

Global context

Femicide is the most extreme manifestation of violence against women and girls. While it is not a new phenomenon it is one that is drawing attention worldwide due to the alarming increase. So far, data on femicide has been highly unreliable. The estimated numbers of women who have been victims of femicide vary accordingly. The greatest concern related to femicide is that intentional murder of women continues to be accepted, tolerated or justified with impunity. Roughly 66,000 women are violently killed

around the world each year, accounting for approximately one fifth of intentional homicides. In countries where violence is widespread, the rate of victimisation of women reaches levels far above the average risk of domestic violence.

The Commission on Crime Prevention and Criminal Justice (CCPCJ) adopted the Vienna Declaration on Femicide/Gender-related killings of women and girls in 2013. 20 countries and the European Union voted for the resolution.

VIENNA DECLARATION ON FEMICIDE We, the participants of the Vienna Symposium on Femicide, held on 26 November 2012 at the United Nations Office at Vienna, Alarmed by the fact that femicide is increasing all over the world and often remains unpunished, which not only intensifies the subordination and powerlessness of women and girls, but also sends the negative message to society that violence against females may be both acceptable and inevitable, Recognising that femicide is the killing of women and girls because of their gender, which can take the form of, *inter alia*: 1) the murder of women as a result of domestic violence/intimate partner violence; 2) the torture and misogynist slaying of women 3) killing of women and girls in the name of "honour"; 4) targeted killing of women and girls in the context of armed conflict; 5) dowry-related killings of women and girls; 6) killing of women and girls because of their sexual orientation and gender identity; 7) the killing of aboriginal and indigenous women and girls because of their gender; 8) female infanticide and gender-based sex selection foeticide; 9) genital mutilation related femicide; 10) accusations of witchcraft and 11) other femicides connected with gangs, organized crime, drug dealers, human trafficking, and the proliferation of small arms, Emphasizing that traditions and culture cannot be used as justifications for the violation of women's human rights, in particular the right to life and the right to be free from violence, Recognizing that femicide requires efforts on all levels of society to achieve its eradication, Reaffirming

the commitment to work together towards putting an end to femicide, in full compliance with national and international legal instruments, Recalling the Human Rights Council's Resolution on Accelerating Efforts to Eliminate all Forms of Violence against Women: Remedies for Women Who Have Been Subjected to Violence (A/HRC/20/L.10), which welcomed the recent report of the Special Rapporteur on gender-related killings, and invited Member States to submit relevant information and remedies, Taking note of the General Assembly's Model Strategies and Practical Measures on the Elimination of Violence Against Women in the Field of Crime Prevention and Criminal Justice (A/RES/65/228, Annex), and the research presented on the killing of women by the United Nations Office on Drugs and Crime (Global Study on Homicide 2011), 1. Urge Member States, in respect of their due diligence obligation to protect women as well as to prevent and prosecute femicide, to undertake institutional initiatives to improve the prevention of femicide and the provision of legal protection, remedies and reparation to women survivors of violence against women, in accordance with international treaties and to consider adopting and implementing legislation to investigate, prosecute, punish and redress femicide in line with the effective experience of some countries. The Vienna Declaration on Femicide can also be signed online: <http://www.ipetitions.com/petition/vienna-declaration-on-femicide/>

From: Femicide: A Global Issue That Demands Action

Femicide in Southern Africa

Southern Africa is ranked one of the five regions in the world with the highest rates of femicide. Four out of five regions with the highest homicide rates are also at the top

of the femicide ranking. These are, in descending order, Southern Africa, South America, the Caribbean, and Central America.¹

¹ Small Arms Survey Research Notes, 14. (2012). www.smallarmssurvey.org/fileadmin/docs/.../SAS-Research-Note-14.pdf



Women in South Africa prepare to take back the night during the 16 Days of Activism.

Photo: Gender Links gallery

Lifetime prevalence rates of violence against women are at 89% in Zambia, 86% in Lesotho, 68% in Zimbabwe, 67% in Botswana, 50% in South Africa and 24% in Mauritius.²

In **Botswana**, the media has played a major role in creating awareness about intimate femicide, commonly known as “passion killings”. The Gender Links GBV Baseline study (2012) notes that intimate femicide increased by 122% between 2003 and 2011. In Botswana, 68% of perpetrators received a sentence of less than 6 years for killing their partner. Suicide is 12 times as likely to have been attempted by a woman who is subject to abuse than by one who is not.³

In March 6, 2014 the President of **Namibia** Hifikepunye Pohamba called for a national day of prayer due to the alarming rates of intimate partner femicides in the country. The call came after a young woman had been brutally murdered by her boyfriend a few days prior, bringing the number of intimate partner femicides to 16 from January to March.⁴ Calling these femicides “passion killings” diminished the grave crime being committed on women in

Namibia with relative impunity. A study by the Faculty of Humanities and Social Sciences sociology students revealed that nine out of ten men in prison for femicide and rape stated that they committed the crime under the influence of alcohol, eight out of ten of them were single. The perpetrators reported jealousy, infidelity, pregnancy and accusations of witch craft as reasons for killing their partners.⁵

A national study on femicide in **South Africa** based on data from 1999 and published in 2004 estimated that a woman is killed by her intimate partner every six hours. Of the cases in which relationship status could be established, about half of the women were killed by an intimate partner. Furthermore, a racial analysis indicates that women of colour are disproportionately affected by such killings.⁶

A 2012 femicide study using data collected in 2009 .The results were published in 2012 and a comparison with the 1999 results indicated a slight decrease in homicides overall and of female homicides but that intimate partner femicide rates decreased at a lower rate. This comparison of two studies indicates minimal progress in reducing violence

² Robinson K.V. 2014. International: Post 2015- Voice, choice and control for all! <http://www.genderlinks.org.za/article/international-post-2015-voice-choice-and-control-for-all-2014-03-07>

³ Machisa, M. & Dorp, R.V. (2012). The Gender Based Violence Indicators Study Botswana. South Africa: Gender Links.

⁴ Nunuhe, M. (2014). “National Prayer Day. New Era, Namibia” <http://www.newera.com.na/2014/03/06/national-prayer-day/>

⁵ Haidula, T. (2014). “Money main cause of killings - research” in The Namibian (online publication).

http://www.namibian.com.na/index.php?archive_id=127420&page_type=archive_story_detail&page=1

⁶ Matthews S. et. al. (2004). “Every six hours a woman is killed by her intimate partner”: A national study of Female Homicide in South Africa. MRC Policy Brief.

⁷ Abrahams N. et.al. (2012). “Every eight hours: intimate femicide in South Africa 10 years later!” MRC. Policy Brief.

⁸ Institute for Security Studies (2014). “South Africa’s Official Crime Statistics”. <http://africacheck.org/factsheets/factsheet-south-africas-official-crime-statistics-for-201314/#sthash.baZIOG8n.dpuf>

⁹ Jewkes, R. et.al. (2009). “Preventing rape and violence in South Africa: Call for leadership in a new agenda for action.” MRC Policy Brief.

against women and femicide.⁷ International research indicates that femicide is highest in places where there are high levels of violence overall and where violence is tolerated and insufficiently punished. South Africa has high levels of violence with a murder rate about five times higher than the 2013 global average of 6 murders per 100,000. Using Statistics South Africa's 2013 midyear estimates, the murder rate in 2013/14 was 32.2 per 100,000, up from 31.1 in 2012/13.⁸ This means that the current interventions, the justice system and poverty reduction strategies are not addressing the problem of violence.

The South African female homicide rate is six times higher than the global average, and half of all murdered women are killed by an intimate partner. Intimate partner violence generally is a widespread problem in South Africa. Research studies estimate that over half of women have experienced intimate partner violence and a quarter of men admit to perpetration.⁹ Preventing intimate partner violence and intimate femicide poses important challenges, and research is crucial in terms of understanding

the scope of the problem, the factors involved in femicide and the intersectionality of these factors.



South Africa Case Study: Excerpt from “Pistorius and a script of injustice”



Oscar Pistorius shot dead Reeva Steenkamp on Valentine's Day 2013.

Photo: BBC News

The world is abuzz after Judge Thokozile Masipa found Oscar Pistorius not guilty of premeditated murder, but instead guilty of culpable homicide. This judgement renders Pistorius' actions merely negligent, closer to a mishap than a murder. Many, including Steenkamp's family, the National Prosecuting Authority and the ANC Women's League believe her judgement is a miscarriage of justice. The NPA and the state appealed the conviction after his sentencing on 13 October.

In the minds of many, Masipa has erred. Women and gender activists are especially disappointed, and rightfully so. However, we cannot and should not expect that because

Judge Masipa is a black woman that she should have found him guilty on more counts. If we do, we fall trap to, and perpetuate the very racial prejudice and sexism we are desperately trying to dismantle. For Masipa, her judgement is based on the evidence presented to her as prescribed by South African law.

Masipa's judgment is nevertheless frustratingly perplexing. She found him guilty of discharging a firearm in public, arguing that whether intentional or not, he was responsible and should have known better since he was trained in handling guns. However, she did not apply the same logic when she found him not guilty of murder. Intruder or Steenkamp behind the door, he shot four bullets through it, knowing full well what those bullets would do. Masipa thus believes that he didn't mean to kill Steenkamp, he just meant to defend himself from an 'intruder' hiding in his locked bathroom. Again, she did not apply that logic when he was cleared of illegal possession of ammunition, because he quite simply did not mean to possess the ammunition in his possession.

What is most disappointing about her judgement is, not only will he serve 15 years or less, but because he is not guilty of murder, his actions are not recognised as an escalation of domestic abuse that culminated in another case of femicide.

By Katherine V. Robinson, Gender Links

¹⁰ Manjoo, R. (2012). "Report of the Special Rapporteur on violence against women, its causes and consequences" (online publication), www.ohchr.org/documents/issues/women/a.hrc.20.16_en.pdf

¹¹ Musasa Project Report, (2013). archive.kubatana.net/docs/gen/mp_gathering_against_gbv_100715.pdf site accessed November 2014.

A study in **Zimbabwe** found that of the 42 cases of femicide involving women older than 50, most of the women had been accused of witchcraft by male relatives prior to the killing.¹⁰ (UN Rapporteur report, 2012). Research conducted by The Zimbabwe Women Resource Centre and Network (ZWRN) highlighted that in Zimbabwe, domestic violence accounts for more than 60% of murder cases that go through the high court in Harare.¹¹ Femicide is a problem in Zimbabwe, where the context is that of high levels of domestic violence and child abuse.

What needs to be done?

Comprehensive government led national action plan to prevent violence: Intervention programmes in Southern Africa have, for the most part been ineffective. National governments need to take the lead in formulating comprehensive national action plans involving all sectors of society (civil society, private sector and religious groups) and all ministries of government to address the root causes of violence as evidenced by researcher. Poverty, increasing inequality, social and economic disenfranchisement, poor education, health disparities, deficiencies and corruption in the criminal justice system are areas that governments need to scrutinise and address by committing resources for improvement, oversight and continuous monitoring to ensure that there is a reduction in levels of violence in the region.

Research-based participatory intervention and education programme: Prevention efforts should target attitudes, beliefs and behaviours that condone or perpetuate violence as part of national violence prevention strategies. This can be done through awareness-raising actions, community mobilisation efforts that include active bystander training, educational programmes and this includes involving ministries of education to create age appropriate gender studies curricula from primary to secondary school level. Sex and sexuality education and education on healthy relationships is necessary. Support for children and young people who are exposed to violence is critical as is parent education on the effects of violence on children.

Law enforcement and femicide prevention: Police forces require effective training, education and sensitisation in appropriate ways to deal with victims of domestic violence and sexual assault. Early effective intervention by law enforcement and other support agencies is essential to prevent femicide. Police forces must have the capacity to support women's assessment of the risk they face; provide appropriate and effective protection measures; enforce restraining orders; and refer women to social services, including shelters and safe houses. Police must be monitored and continuously assessed in terms of how they treat victims of violence and sexual assault in order to encourage the public to report crimes. Police monitoring to ensure rigorous investigation, evidence gathering and accurate recording procedures must take place in order for cases to be brought to court to be prosecuted.



Women in Zimbabwe wave their placards in protest against GBV. Photo: Archive.kubatana.net

Femicide as a specific crime: Femicide should be defined as a specific crime. All countries need comprehensive legal frameworks that create an environment for women and girls to live free of violence and typify femicide as a specific crime. Laws must be implemented, so that cases are diligently investigated, perpetrators brought to trial and conviction and sentencing must be commensurate with the heinous crime. Governments need to invest in training and technical assistance to the police and forensics departments to improve data collection and analysis of murders of women. This also involves follow up and monitoring to ensure that the training is effective and is being implemented. Standardising procedures for investigating femicide through the development of a protocol for the investigation of gender-based killings of women is also critical.

Next steps

As 2015 approaches, the global debate is focused on the Post 2015 agenda, and the need to strengthen gender provisions within that. The gender critique of the MDG's is that they take a functionalist, basic needs approach to gender equality, side stepping core issues like GBV. The watchwords of those campaigning for a strong gender agenda post 2015 is "voice, choice and control".¹²



So far six SADC countries have conducted baseline studies on VAW, but there is need for agreed indicators standardised across all SADC countries. This is a critical step that will enable uniform measurement of the numerous complicated factors interacting to cause violence against women and thereby create effective, rights-based solutions to the issue of violence against women and femicide in the region.

¹² SADC Gender Protocol 2014 Barometer <http://www.genderlinks.org.za/page/sadc-research>

- All SADC governments need to undertake comprehensive GBV baseline studies and use the findings to strengthen their national action plans.
- Escalate and intensify the campaign to end GBV in communities.
- Legislators need to implement comprehensive laws on GBV.
- Capacity building is required to improve on GBV programme monitoring and evaluation.
- Government services need to be coordinated for greater efficiency and effectiveness.
- There is a need for increased awareness on GBV strategies, services, responses and prevention.
- Public education campaigns must be grounded in participatory and communications for social change techniques.
- Men must participate in GBV prevention campaigns and work with women's organisations.
- Government services need to be coordinated for greater efficiency and effectiveness.



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9 Derrick Avenue
Cyrildene, 2198
Johannesburg, South Africa



Phone: 27 (11) 622 2877
Fax: 27 (11) 622 4732
Website: www.genderlinks.org.za