



FEMICIDE

Critical Perspectives

OUTLINE



- A short introduction
- Is Femicide a Problem?
- Homicide Trends
- Explanations
- Should Femicide be assigned particular relevance?



WHAT IS FEMICIDE?

- Diana Russell
- „Femicide in Global Perspective. New York: Teachers College Press. 2001“
- Femicide is
 - *the killing of females by males because they are female*
- Homicide is
 - *The killing of men by human beings because they are men?*
 - *The killing of human beings by human beings because they are human beings?*



IS FEMICIDE A PROBLEM?

- “Violence against women is a global health problem of epidemic proportions”
- It is estimated that around 35% of women suffer violence in their lifetime, the most common violence type perpetrated by intimate partners
- However, victimization surveys say that men are far more often victims of robbery, assault, violence in general
- Assumption: femicide results from escalating domestic, intimate partner violence
- Endorsed by the Council of Europe and the European Union



ISTANBUL CONVENTION

- Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, Istanbul, 11. 5. 2011
- Obligation to criminalize certain conduct (the convention does not use the word „femicide“)
 - Domestic violence, rape, stalking
 - Genital mutilation, forced marriage
- Culture, custom, religion, tradition or “honour” shall not be regarded as justification for violence against women (honour killing)



ISTANBUL CONVENTION AND PROTECTION OF VICTIMS

- Appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation
- Barring and restraining orders (including electronic monitoring)
- Victim-witness protection (particular focus on child witnesses and including information on release of perpetrators)
 - Testimony through video-links
- Legal aid



MONITORING THE IMPLEMENTATION OF THE ISTANBUL CONVENTION

- Monitoring through GREVIO
(Group of experts on action against violence against women and domestic violence)
- 10 – 15 members, gender and geographical balance, multidisciplinary expertise
- Task: country visits, assessment of the implementation of the convention, country reports



ISTANBUL CONVENTION AND PREVENTION

- Risk assessment and risk management
- Risk assessment tools and prediction
- Can femicide be predicted?
- Who is at risk?
- Risk factors
 - Pending or actual separation, unemployment of perpetrator, prior domestic violence, death threats, availability of guns etc.
- How can risks be managed?
 - Protecting the victim
 - Restraining perpetrators



FEMICIDE AND THE EUROPEAN COURT OF HUMAN RIGHTS

- Istanbul Convention reflects jurisprudence of the ECHR
- Art. 2 ECHR (right to life) requests
 - Effective investigation and prosecution of homicide
 - Effective protection against and prevention of lethal violence

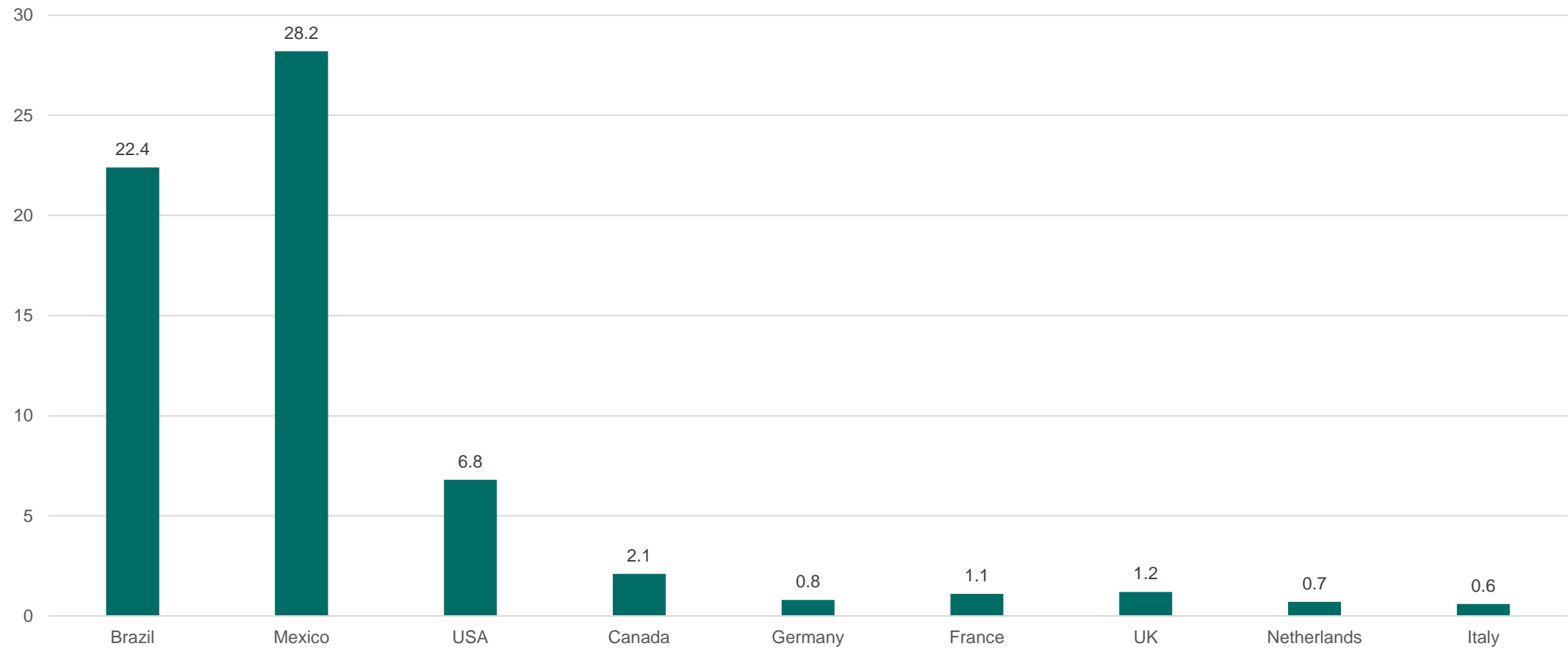


EUROPEAN UNION

- Proposal for a Directive of the EU 8. 3. 2022 on combating violence against women and domestic violence
- The concept of femicide is introduced
- Gender-based violence, that is directed against a woman or a girl because she is a woman or a girl or that affects women or girls disproportionately
 - *Repression*
 - *Protection*
 - *Prevention*

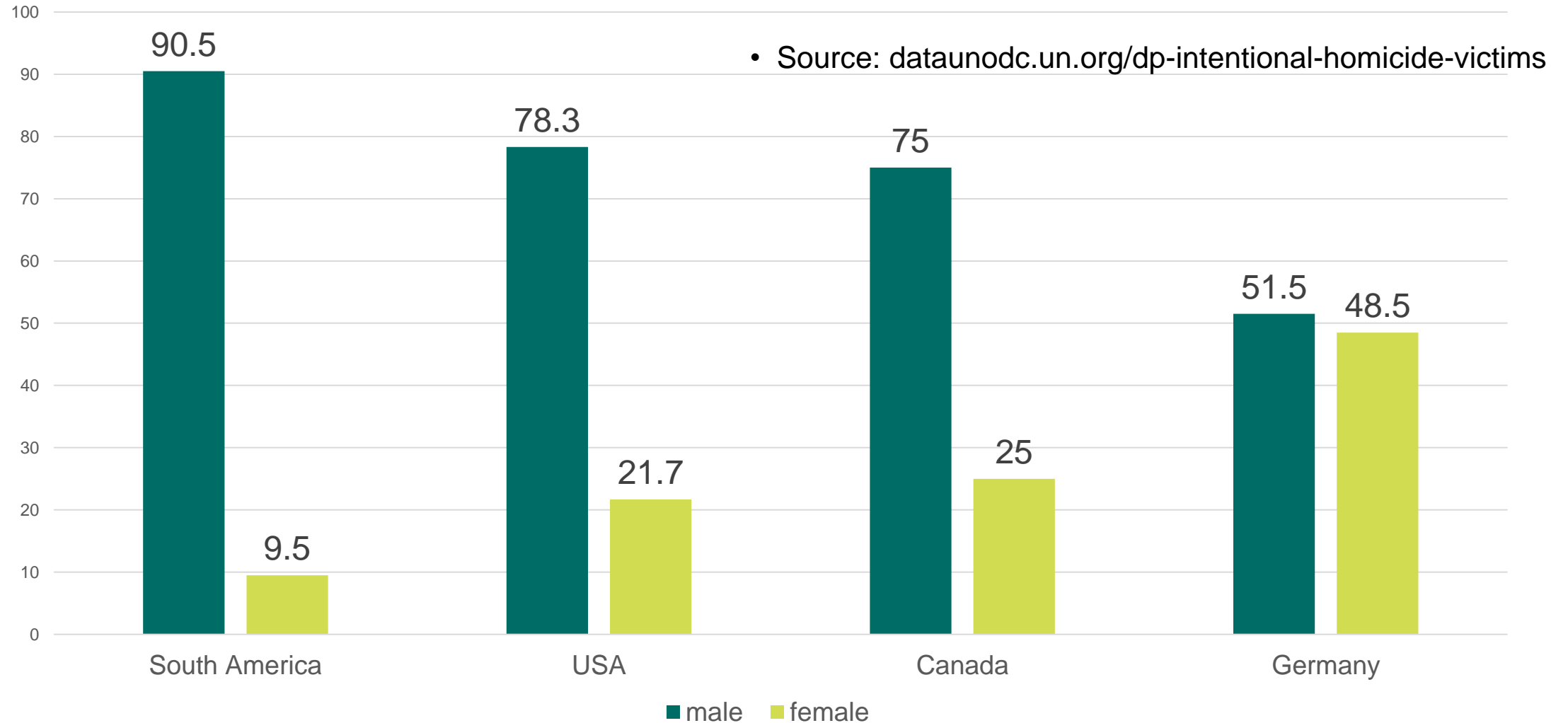


HOMICIDE RATES 2021



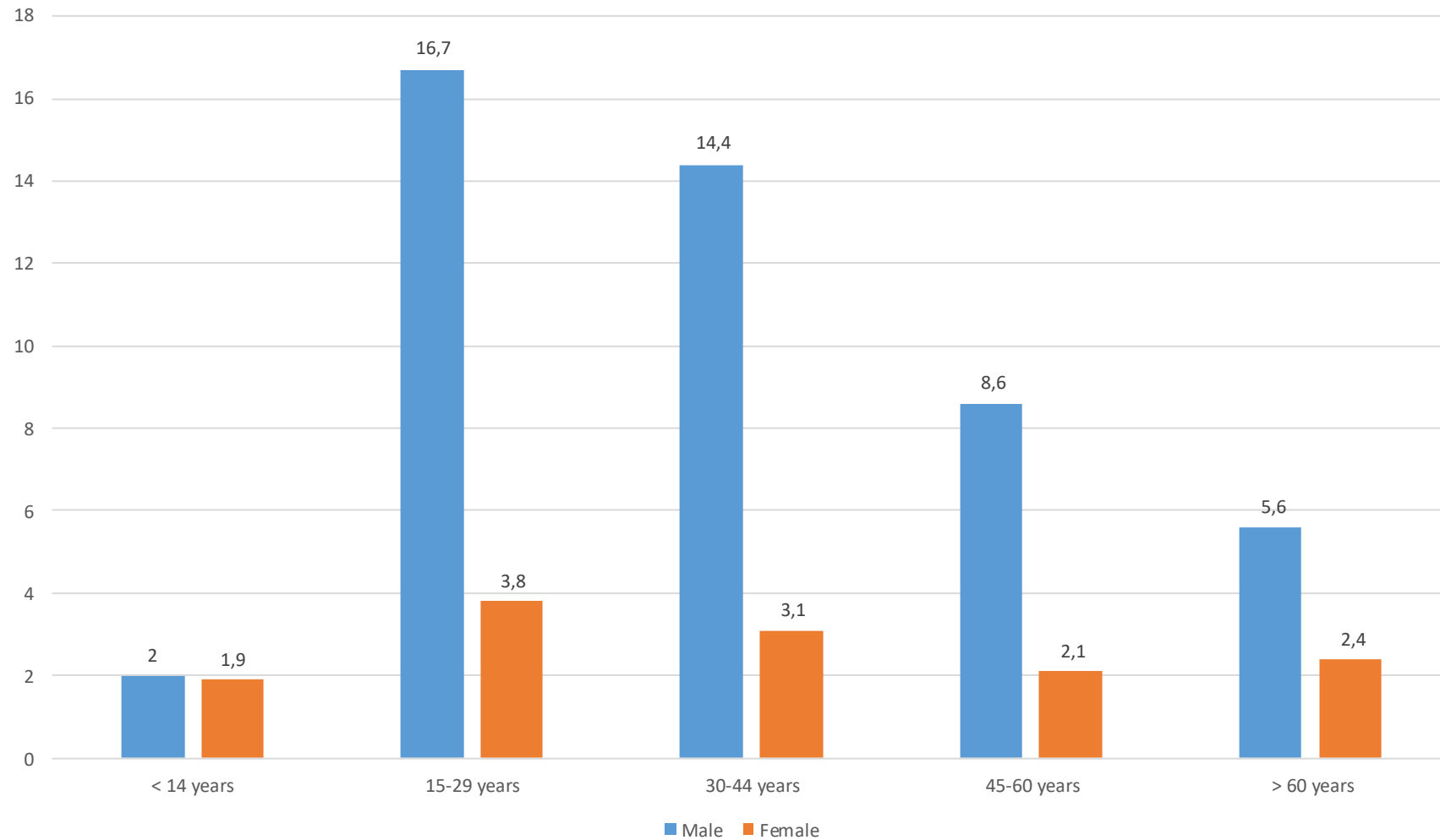


MALE AND FEMALE VICTIMS OF (COMPLETED) HOMICIDE (%) 2021

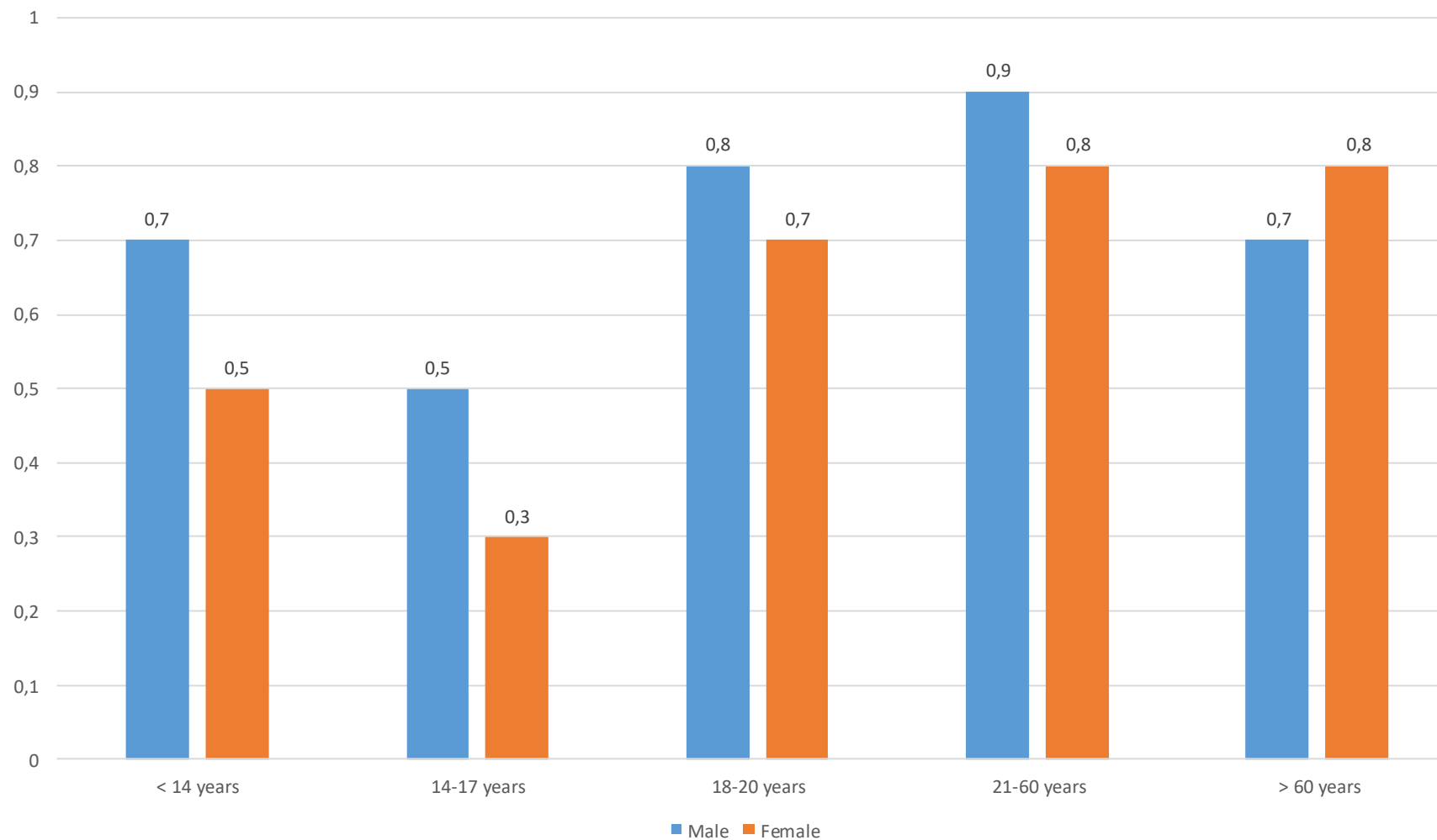




HOMICIDE RATES IN DIFFERENT AGE GROUPS GLOBAL



HOMICIDE / 100.000 GERMANY



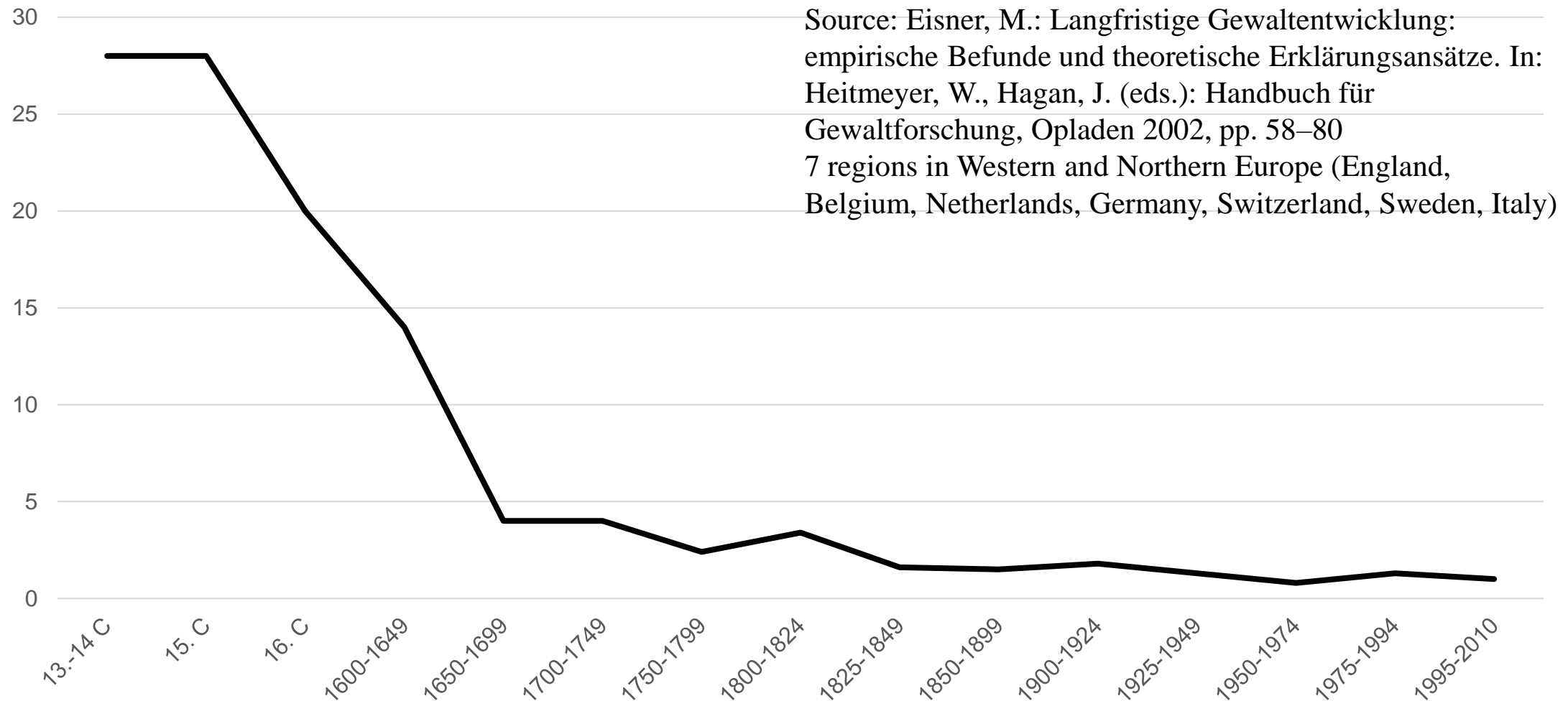


KILLING IN INTIMATE RELATIONSHIPS

- Approx. two thirds of female victims of homicide are killed by a former or current intimate partner
- Approx. one fifth of male victims of homicide are killed by a former or current partner
- Most victims of homicide are killed by a male perpetrator



A HISTORY OF LETHAL VIOLENCE IN EUROPE





OBSERVATIONS

- Lethal violence dropped significantly in Europe during a period of some 700 years
- Focus should be placed on the 16th/17th centuries
- What happened in the 16th/17th centuries?

A PROCESS OF CIVILIZATION (ELIAS)



- Monopolization of force
 - Military and police
 - Development of a system of civil service (including judiciary and justice systems)
- Courtly life
 - Civilized behavior (polite behavior)
 - Self control and restrictions on emotions
 - Emotions are banned from the public space (and public executions)
- Changes in systems of discipline
 - Schools and education
 - Industrial labour
- Strengthening of self control starting in higher classes and trickling down (top down and spillover)
 - Explains the particular focus on „dangerous classes“ in the 18th and 19th centuries



SHOULD FEMICIDE BE ASSIGNED PARTICULAR RELEVANCE?

- From a criminal law doctrine perspective, we do not need particular concepts within the concept of homicide/murder
- In general, motives are not legitimate grounds to enhance punishment
- Globally, men suffer disproportionately from lethal violence (young men from disadvantaged neighbourhoods etc.)
- Women suffer disproportionately from domestic lethal violence (which, however, accounts for a small proportion only of lethal violence)
- In Europe (and parts of Asia), killing in public spaces disappeared and concentrates today in private spaces
- This in fact produces an equal distribution of homicide along gender