

**FINAL REPORT FOR THE PERIOD  
JANUARY 1- DECEMBER 31, 2017**

**FEMICIDE  
OBSERVATORY**

**DEFENSOR DEL PUEBLO DE LA NACIÓN  
ARGENTINE OMBUDSMAN**

## **FOREWORD**

Violence against women is not a scourge of modern civilization but a true scourge of humankind from its very beginning. Just as a man loves a woman while at the same time hates her, as long as he be the one who grant her the character of a human person, male dominance is likely to continue as much as the machismo culture. Neither gender parity nor gender identity is recognized by this social pattern. At last, the concept of male-female equality should be first assimilated by society so that the eradication of violence against women will cease to be an abstract concept and become a concrete reality. However, this tale involves a great advantage: the arrival of wrestler women who have began to change the course of these so entrenched patriarchal attitudes.

Juan José Böckel



## **PREAMBLE**

I. The Femicide Observatory established by Resolution DPA N° 000049/2016 of 15 November 2016, aims at collecting, producing, developing, systematizing, analyzing, and communicating data and information on femicides occurred in our country, considered them as criminal acts under the National Criminal Code (NCC), section 80 (11).

***Whoever kills one woman if the criminal act is perpetrated by a man and involves gender-based violence.***

Later, on 21 November 2016, the UN Special Rapporteur on Violence against Women, its Causes and Consequences, Ms. Dubravka Šimonović, issued a statement following her visit to Argentina from 14 to 21 November 2016. She stated therein: *"I welcome the decision of the Ombudsman's Office (Defensoría del Pueblo de la Nación to establish a femicide observatory in line with my recommendations contained in this mandate's report A / 71 / 398."*

Further, on 12 April 2017, Dubravka Šimonović told us that *"... if we want comparable data it would be better to look at the calendar year ... This would be from January 1<sup>st</sup> to December 31<sup>st</sup> of the XXXX year, announced on the November 25<sup>th</sup>, XXXX year. On the 25<sup>th</sup>, the number of femicides will not yet be closed for that year, [but] it could be modified if there were an increase in number until the end of the year."*

Therefore, the abovementioned Resolution DPA N° 00049/16 was modified by Resolution DPA N° 000030/17 of 19 April 2017, whose section 3 states: *"The Observatory will collect the number of femicides per year, from January 1<sup>st</sup> to December 31<sup>st</sup>, and its findings shall be published on November 25<sup>th</sup>. In case of an increase in number of femicides until the end of the year and for definitely yearly closing femicides' data and statistics, new figures shall be published in the early days of January of the following year."*

II. Homicides of transgender persons in our Observatory are still classed as femicides *stricto sensu* in line with our NCC, section 80 (11); see *inter alia*: *"Plaza, Carlos; Del Valle, Juan José, por homicidio agravado"*, Case N° 120,634/15, Trial Chamber III, Court of Justice of Salta, 3/8/16.

However, the Observatory not only collects information related to gender-based homicides of women, but also those violent killings motivated by gender hatred, or sexual orientation, gender identity or gender expression (section 80 (4), NCC).

***Whoever kills someone for pleasure, greed, racial or religious hatred, gender or sexual orientation, gender identity or gender expression.***

Data on intimate homicides arising from couple relationships are also collected, as provided for section 80 (1), NCC.

***Whoever kills any ascendant, descendant, spouse, ex-spouse, or the individual with whom he maintains or has maintained a relationship of couple, with or without cohabitation***

Finally, transverse, indirect or connected homicides are also included in our statistics, i.e., regardless sex or condition, the killing happens to cause suffering to the spouse, ex-spouse

or person with whom he maintains or has maintained a relationship of couple, with or without cohabitation (section 80 (12), NCC).

***Whoever kills someone for the only purpose of causing suffering to an individual with whom he maintains or has maintained a relationship as provided in (1).***

III. Moreover, one should remember that 26,791 Act provided for the amendment of our NCC: section 80, paragraphs (1) and (4) were modified; and paragraphs (11) and (12) were also incorporated into the same section. Confinement or life imprisonments were the punishments stipulated by lawmakers in all cases.

One of our parliamentary Members, Mr. Edmundo Albrieu, during a debate on violence against women (1st Session, 04/18/2012) pointed out that: *"This type of violence which happens almost daily and painfully, finds its most serious and irreparable form in femicides, which result in the women's death, just for being women. Femicides are not new; they emerge at early days of our History. Sciences and women's deaths chronicles revealed many cases occurred in many ways but sharing a common feature: the fact that women were targeted just because they were women. What is new is the theorisation on femicides, considering them as extreme forms of violence against women. As an immediate effect, this has created visibility on this type of violence ... Femicides should be clearly distinguished from homicides in which women are victims. Femicides imply the women's death only for being women, while in other types of homicides, the victim's gender is irrelevant."* Besides, Mr. Albrieu added: *"... studies on the matter clearly classified femicides into three different types: intimate femicides, i.e., murders committed by males with whom the victim maintains or have maintained an intimate or close relationship; non-intimate or public femicides: those in which the male murderer has a non intimate or family relationship with the victim; and collateral or connected femicides, those in which the perpetrator kills people with whom the woman cemented familiar or emotional ties, aiming at punishing or destroying her psychically, taking her as his own."*

In turn, another MP, Mr. Ricardo Gil Lavedra, addressed issues of hatred: giving that killings for racial or religious hatred are homicides extremely more serious than others, *we should say the same on gender-based hate homicides motivated by sexual identity or the gender expression of the victim.*

Clearly, the National Criminal Code amendment (26,791 Act) was intended to strictly punish conducts which involve gender-based killings of women. And in gender-hatred homicides or those caused by reasons of sexual orientation, gender identity or gender expression, the killer shall be punished because the victim, within the context of her sexual identity, is expressing oneself, and the perpetrator refuses, repudiates, rejects or feels repugnance for her.

Briefly, as to freedom to choose one's gender identity, it is affirmed that *"... what the perpetrator does when committing a homicide motivated by hatred, in addition to the killing itself, he is censoring the victim's behaviour, disclosing that there is no right to cross-dressing or, at least, that this choice was not a good option to choose during the perpetrator lifetime ... "*. Thus, gender-based hate homicides or those motivated by sexual orientation by reasons of gender identity or gender expression, *"... could be defined as crimes which*

*arise when victims exercise their right to choose and to decide how to show their sexual identity ...". ("Homicidios por odio como delitos de sometimiento", José Milton Peralta, national University of Córdoba, Argentina, CONICET, in InDret, Revista para el Análisis del Derecho, October 2013).*

## INTRODUCTION

The Femicide Observatory must operate within a broader context concerning the collection and analysis of data on violence against women.

Accordingly, the Argentine Ombudsman underlines the need to build gender statistics in order to design, implement and assess public policies aimed at preventing, punishing and eliminating violence against women.

Then, the UN General Assembly Resolution 63/155 of 18 December 2008: *"Intensification of efforts to eliminate all forms of violence against women"*, urges State members to ensure a systematic collection and analysis of data for monitoring all forms of violence against women, including the involvement of national statistical offices (section 16 (e)).

Consequently, extremely important shall be a population-based statistical survey conducted by the States, capable to measure the incidence and prevalence of violence against women.

In turn, a national plan to strengthen administrative records for statistical purposes must be implemented. That is, the adoption of such measures which ensure it an appropriate design, and improve its accessibility and comprehensiveness, so that information be managed in a more efficient and coordinated manner, allowing the visualization of a critical roadmap of violence and the assessment of the response capacity of public bodies.

Femicides rate is considered as an indicator which shows the poor level for protecting the women's rights and freedoms and the high level of discrimination they face in society.

Whenever a woman is killed, a message is sent towards women who are defying the male dominance system.

In turn, the perpetrators' impunity causes the belief that violence is widely tolerated, so promoting it and also promoting a gender-based social order, which tends to perpetuate women's submission.

Hence, the importance of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, which in section 7 provides for the responsibility to *"act with due diligence to prevent, investigate and punish any violence against women."*

The Special Rapporteur on violence against women, its causes and consequences, Ms. Dubravka Šimonović (A / 71/ 398), in her report addressed femicide, or the gender-based killing of women, as follows: *"In September 2015, the General Assembly adopted the 2030 Agenda for Sustainable Development (Resolution 70/1), which sets out 17 Sustainable Development Goals and 169 targets to be achieved within the coming 15 years. Sustainable Development Goal 5 is to achieve gender equality and empower all women and girls... The implementation of the 2030 Agenda provides a new opportunity to accelerate progress in achieving gender equality, the empowerment of women and girls*

*and the elimination of violence against women through, among other things, improving the collection of data on violence against women in general and femicide in particular. The collection of reliable and comparable data is needed to prevent such violence..."*

Thus, the Argentine Ombudsman Office, as a National Institution of Human Rights, established the "*Programme for Monitoring and Evaluating the 2030 Agenda for Sustainable Development Goals*" on 30 December 2015, looking forward to cooperating closely with the UN and domestic authorities in monitoring and assessing the 17 Sustainable Goals to achieve the effective State's compliance of its 169 targets. Further, the Office has initiated an investigation identified as No. 8311/15, among other 57 ones, in order to learn how the State shall eradicate *all forms of discrimination against all women and girls ... eliminating all forms of violence against all women and girls in public and private areas*, and what measures shall be adopted in order to *approve and strengthen adequate policies and applicable rules to promote gender equality and the empowerment of women and girls at all levels* (Goal 5; targets 5.2 and 5.c.).

We should not forget that Ms. Dubravka Šimonović, in the document mentioned *supra* (A / 71 / 398), recommended: *States should systematically collect relevant disaggregated data on all forms of violence against women, in particular on femicide or the gender-related killing of women, which could include the killing of children in this regard. States should disaggregate data on femicide under two broad categories, which could include subcategories in line with their national realities, namely, intimate partner femicide or family-related femicide, based on a relationship between the victim and the perpetrator, and other femicides*". Besides, femicide watch groups should be established as interdisciplinary platforms, which shall include the Ombudsman, among other bodies.

Notwithstanding specific purposes set out at the time of its establishment, the Femicide Observatory, among other responsibilities, shall be authorized to encourage the production of studies and research on the evolution, types and modalities of violence against women; to invite civil society as a whole to participate, cooperate and collaborate together with the Observatory pursuant to the provisions of 2030 Agenda, Goals 16 and 17; to create a data broadcasting network for the information collected, studies and other Observatory activities, coupled with the charge of maintaining a database, constantly updated and open to the public; to make action-oriented proposals on best integrated public policies with regard to violence against women; and to organize and promote periodic public debates, which involve research centres, academic institutions, civil society organizations and representatives of those national and international public and private entities competent in this area, fostering the exchange of experiences and identifying issues and problems according to the public agenda.

In short, the Femicide Observatory created by the Ombudsman shall invite our civil society to take part on the analysis of published data for developing strategies that will change social patterns, male perceptions and gender stereotypes.

Clearly, a Femicide Observatory shall achieve the following: "*Bringing a name and a face to statistics also highlights the horrendous nature of the crime, the reality of patriarchal violence and the extreme pain and suffering inflicted on women and girls because of their gender.*", in words of the Special Rapporteur on violence against women: (A / HRC / 32 / 42).

## **WORKING METHODOLOGY**

The **Femicide Observatory** created by the Argentine Ombudsman captures information from different online news websites which provide both general information and police reports, at national, provincial and local levels; and also from national and provincial newspapers; news agency services as *Télam* and *DyN*; and *Google* and *Bing* sites. Further, careful investigations and inquiries are daily conducted, by phone or e-mail, in order to collect information from Police Stations, public Prosecutor's Offices and tribunals which are responsible for dealing with the femicides that occur in our country.

### **On victims**

Variables included herein are the following:

#### **Femicide**

- Yes
- Transvestism
- Connected femicides
- No data

#### **Age**

- 0 to 18
- 19 to 30
- 31 to 50
- Over 51

#### **Gender**

- Female
- Trans

#### **Socioeconomic status**

- Low
- Medium
- High
- No data

#### **Connected femicides**

- Female
- Male
- Trans

### **On perpetrators**

Even though there will always be one killer, sometimes perpetrators did not commit their crimes alone, but also aided by women. This information is obtained as the investigation proceeds.

**Age**

- up to 18
- 19 to 30
- 31 to 50
- over 51
- no data

**Socioeconomic status**

- Low
- Medium
- High
- No data

**Employment**

- Worker/Professional
- Unemployed worker
- No data

Employed and unemployed perpetrators are distinguished herein; however, no reference to types of job is included.

**Femicide-Suicides**

- Yes
- No
- Suicide attempt
- No data

**Victim's connection**

- Husband
- Ex-husband
- Intimate partner
- Ex-intimate partner
- Boyfriend
- Ex-boyfriend
- Father
- Stepfather
- Son
- Stepchild
- Brother
- Uncle
- Grandchild
- Known
- Unknown
- Friend
- Lover
- Neighbour

- No data

### **Modalities**

- Stabbed
- Throwing her down from a high place
- Drowned (by submersion)
- Suffocated
- Gun use
- Knifed
- Cut into pieces
- Poisoned
- Strangled
- Beaten to death
- Burned
- Tortured
- Violated
- No data

### **Place of Occurrence**

- Victim's residence
- Perpetrator's residence
- Shared address
- Victim's workplace
- Perpetrator's workplace
- Open field
- River / Stream / Drainage
- Private estate (private house, weekend house, ranch and unoccupied land)
- Public areas
- Jail
- Hotel/Motel
- No data

### **Reporting**

- Yes
- No
- No data

### **Collateral victims**

- Children under 18
- Children over 18
- No collateral victims
- Pregnant
- No age information
- No data

## **Provinces**

- Buenos Aires
- Catamarca
- Chaco
- Chubut
- Córdoba
- Corrientes
- Entre Ríos
- Formosa
- Jujuy
- La Pampa
- La Rioja
- Mendoza
- Misiones
- Neuquén
- Río Negro
- Salta
- San Juan
- San Luis
- Santa Cruz
- Santa Fe
- Santiago del Estero
- Tierra del Fuego
- Tucumán

## **Buenos Aires**

- Capital City
- North area
- West area
- South area

The Province of Buenos Aires is currently divided into 136 districts or municipalities and each one of them covers a large number of urban and rural zones. Consequently, the data collected has been disaggregated by zones (North, South, West and the Capital City (CABA, in Spanish) but the chart only shows those areas where incidents happened.

Source: Government of the Province of Buenos Aires ([www.gba.gob.ar/municipios](http://www.gba.gob.ar/municipios))

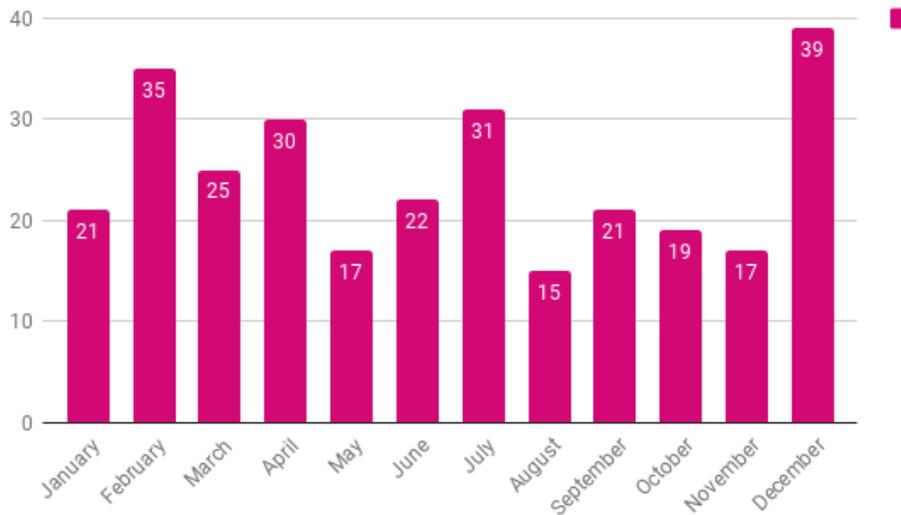
## COLLECTED DATA

Period under review: January 1 - December 31, 2017.

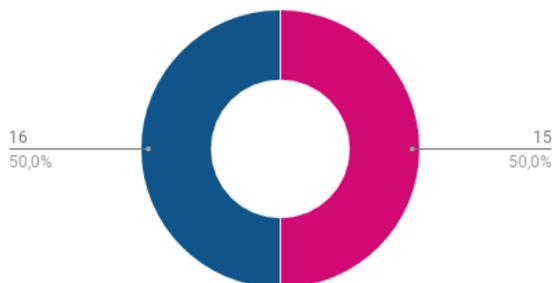
This report includes all cases of murder of women (girls, adolescents and / or adults), and trans people, committed by men, motivated for gender-related reasons and reported as femicides or suspicious deaths, these latter under suspicion of being femicides. Connected femicides are also included.

**292 femicides were reported during this period, including connected femicides (31) and trans-gender homicides (5)**

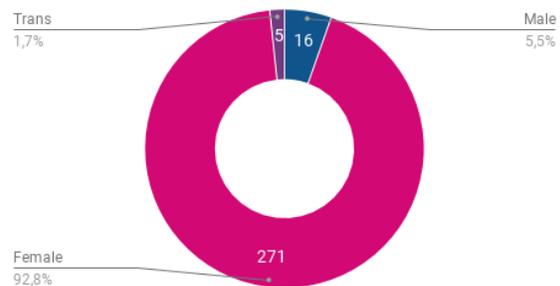
### CASES REPORTED IN 2017



### CONNECTED FEMICIDES

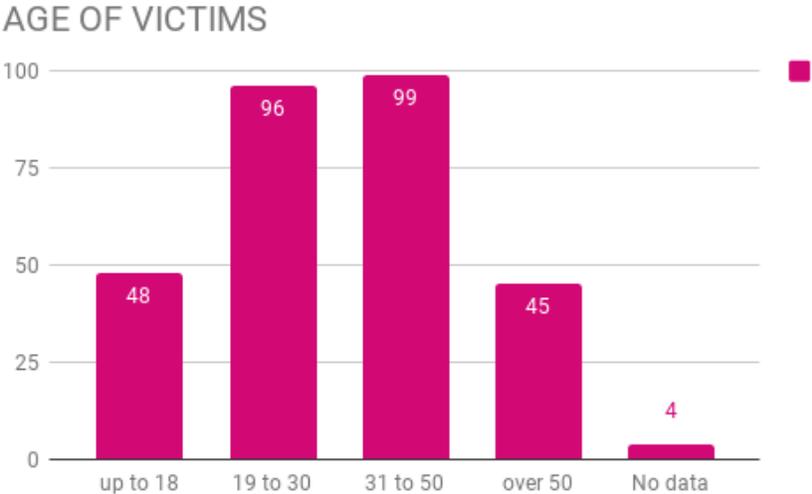


### FEMICIDE VICTIMS (by gender)

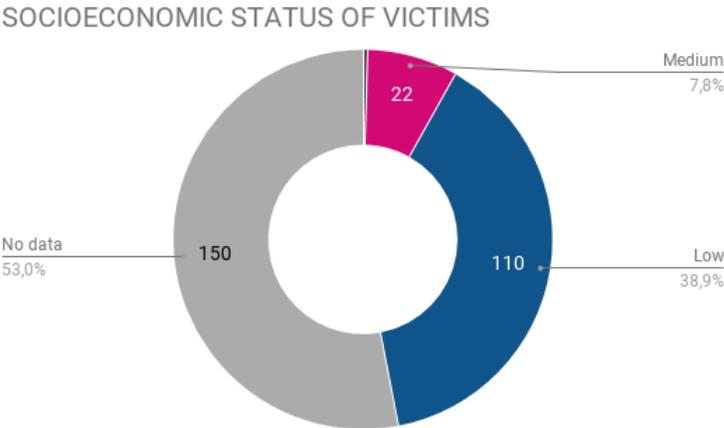


Age of victims. Taking into account ranges set out herein, this chart shows percentages related to the overall number of cases: victims under 18 years old (17%); between 19 and 30 (33%); between 31 and 50 (34%) and women over 50 years old (50%).

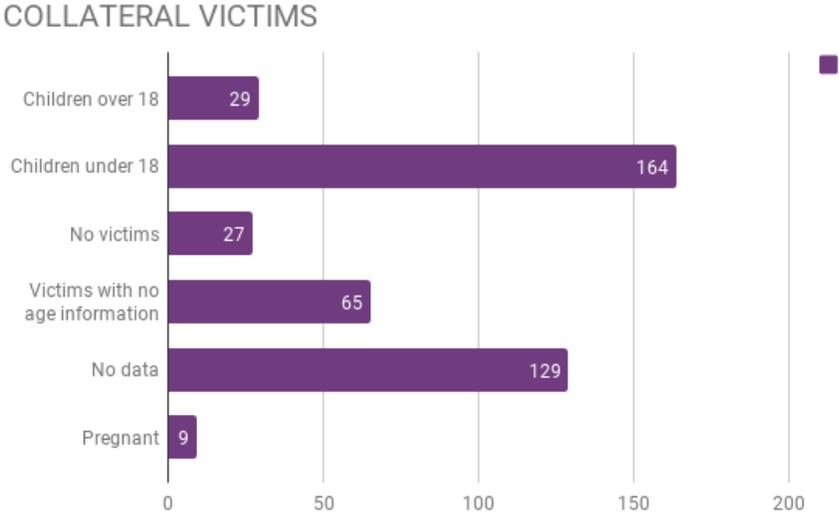
Remarkable the incidence of cases involving very young girls, among which children less than 4 years of age are included.



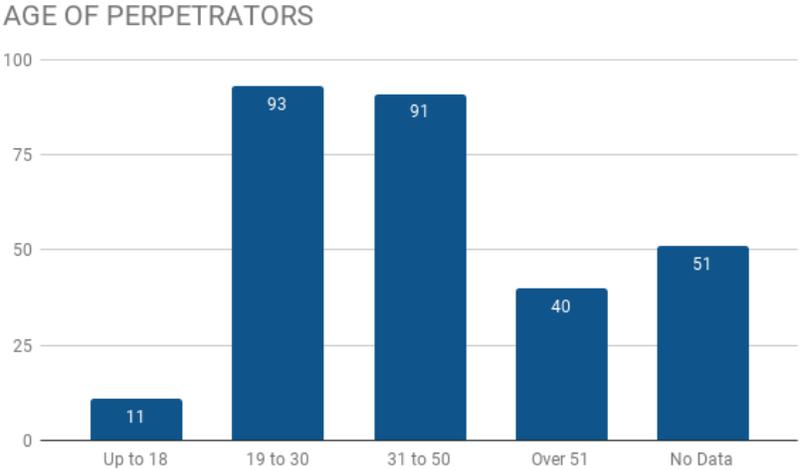
According to the information collected on the socioeconomic status of victims, readings indicate that the predominant socioeconomic status is low.



As to collateral victims, there exist many children and teenagers who are left without their mothers as a consequence of these crimes and, according to our data about 292 femicides, 267 were collateral victims: 164 minors; 65 with no age reference, while no information on other 128 cases.

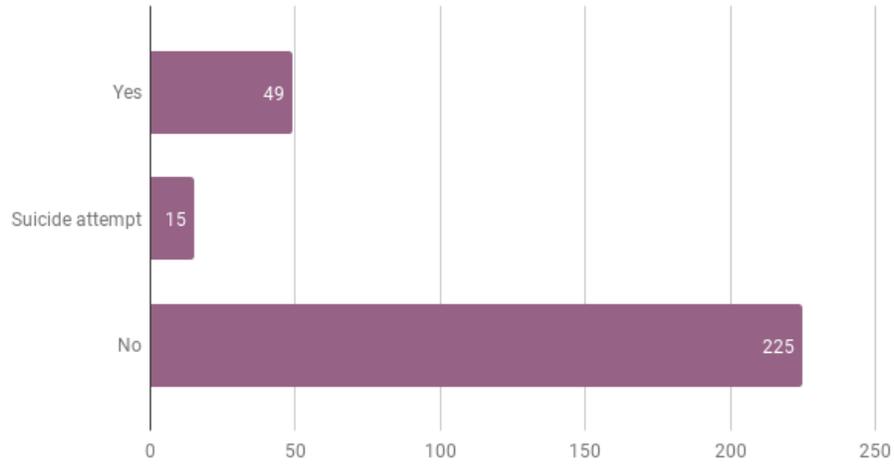


As shows the chart below on the perpetrators 'age, the largest number of femicides is committed by men above 18. However, femicides committed by individuals under 18 have been registered, even though in a low percentage. The existence of perpetrators above 60 years could be verified in a significantly high percentage.



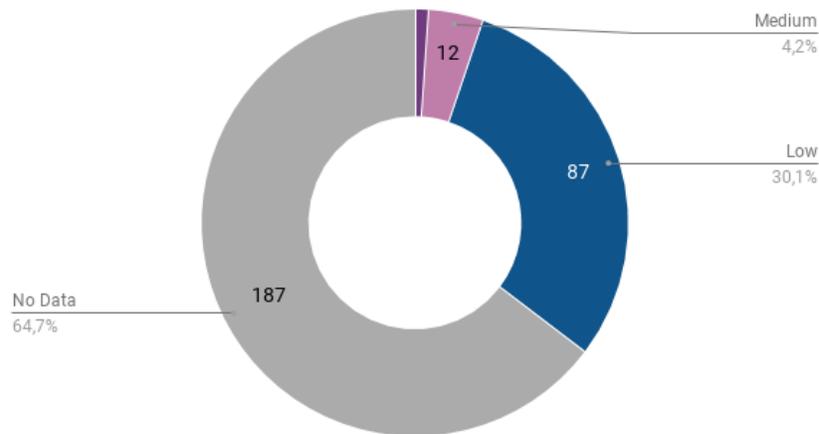
According to our data, 49 perpetrators committed suicide and, 15 attempted suicide.

### SUICIDE PERPETRATORS



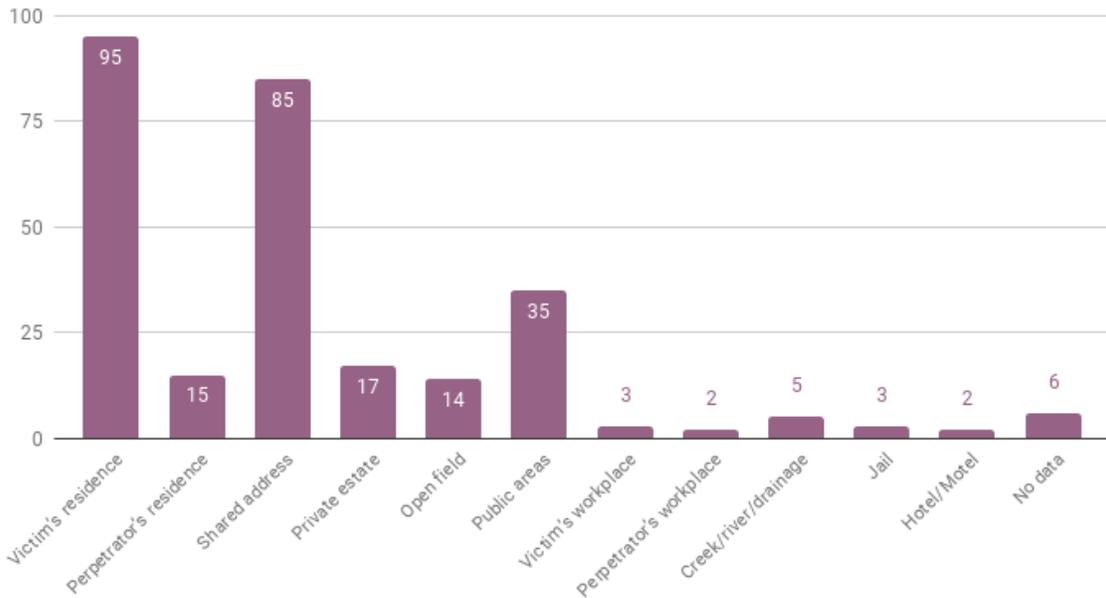
As for the socioeconomic status of perpetrators, it coincides with the prevailing social status of victims, since it is low in a high percentage of total cases.

### SOCIOECONOMIC STATUS OF PERPETRATORS



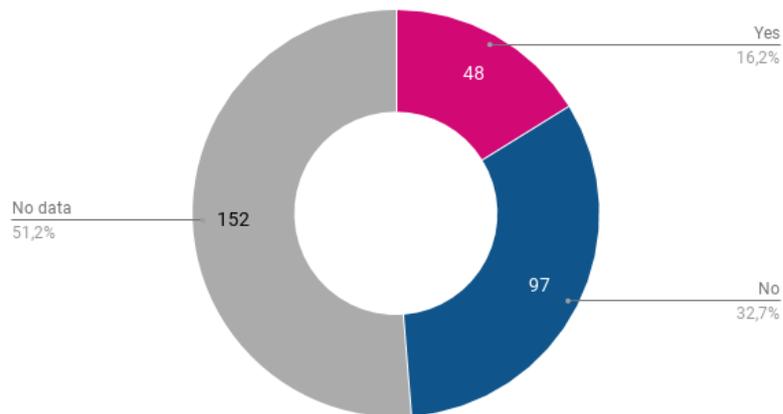
Regarding places of occurrence, the chart shows that the majority of killings happen in victim's family settings, either at her residence or at the house she shares with the perpetrator and, to a lesser extent but no less relevant, crimes usually occur in public areas.

## PLACE OF OCCURRENCE



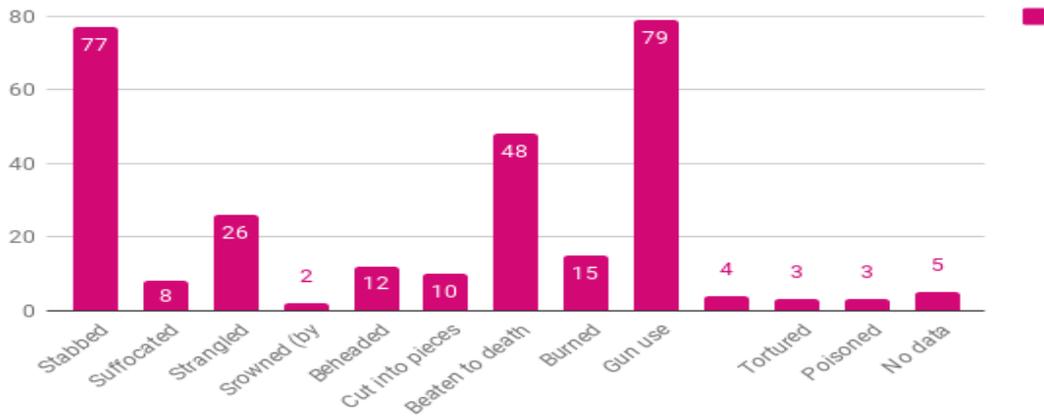
Femicide allegations: the information collected shows that only 16.2% were reported, while no info: 51.2% and no allegations: 32.7%. However, witnesses close to victims confirmed incidents of violence prior to killings.

## ALLEGATIONS



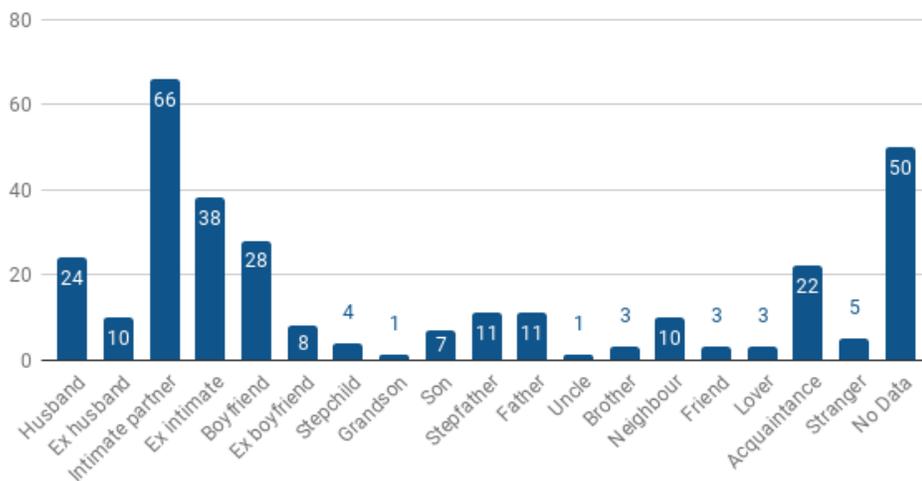
Considering modalities, evidence shows that killings were committed, in the majority of cases, by gun use or by stabbing, while a high percentage of victims were beaten to death or strangled. As a remarkable fact: 16 rapes followed by femicides have been registered.

### MODALITIES

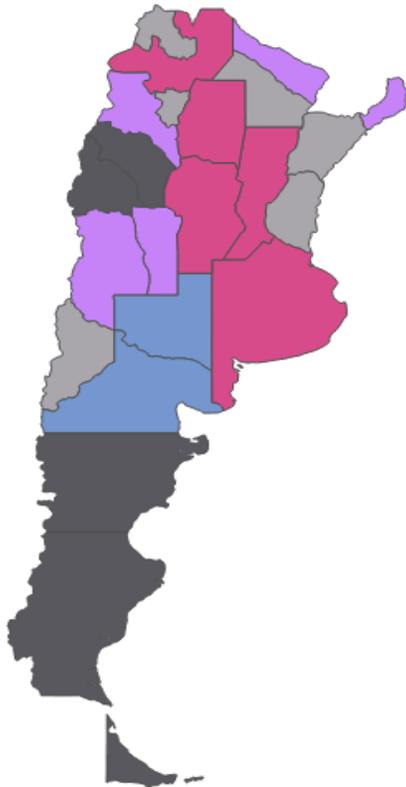


Regarding victim-victimizer bonds, a romantic relationship between these two was confirmed, either as an unmarried, married or engaged couple. Remarkable also those cases in which killers were former intimate partners of victims. In relation to child victims, in 27 cases women and girls were murdered by their fathers, stepfathers, uncles or brothers.

### VICTIM'S CONNECTION



A research proved that Buenos Aires was the province with the highest femicide figures: 118 femicides across the examined year, followed by the Provinces of Córdoba -26 cases- Santa Fe -25 cases-; Salta -24 cases- and Santiago del Estero -19 cases-. However, a significant number of similar incidents were verified in other provinces, especially in the north and central areas of Argentina.



Victims during 2017		
●	Buenos Aires	118
	Córdoba	26
	Salta	24
	Santa Fé	25
	Santiago del Estero	19
●	Tucumán	12
	Jujuy	10
	Entre Ríos	8
	Chaco	7
	Corrientes	7
	Neuquén	6
	●	Misiones
Mendoza		6
Formosa		5
Catamarca		4
San Luis		3
●	Chubut	2
	Tierra del Fuego	1
	La Rioja	1
	San Juan	1
	Santa Cruz	1
●	La Pampa	0
	Río Negro	0

In order to identify specific areas of Buenos Aires where femicides occurred, both in the Capital city and other provincial zones, this large area was divided as follows: CABA (Capital City), and North, West and South Zones of the Province.





## High-profile cases included herein

**Case S.A.** During a power failure, S.A. was shot inside her own apartment located at *Fuerte Apache*. Although, reasons behind the femicide remain unknown, a large number of bullet impacts appeared when she was found at home.<sup>1</sup>

**Case N.I.** Her boyfriend could have intentionally caused the car accident intended to kill her. Even though the limited information provided, a whatsapp message threatening the victim came into view and, according to the investigation, the truck involved in the collision was parked.<sup>2</sup>

**Case M.A.P.** She went to the Police Station N° 10 to file a complaint, but three hours later she was found dead in handcuffs inside this police unit. The *querrela*\* underlined that the prosecutor omitted to include a key element in the investigation, an element that was lost later: an analysis of the material captured by surveillance cameras located in the police station. After conducting a post-mortem examination, the findings made it possible to notice "a series of injuries which happened while she was alive" and which might amount to torture. Next, other new findings were published which disclosed that there was no reference whatsoever in the Police report on injuries committed by third parties. The autopsy report is now awaited to be released by the end of the year.<sup>3</sup>

**Case L.O.** Her family and friends reported that L. was caught by a trafficking network for purposes of sexual exploitation. They also affirmed that a police officer informed them unofficially that both the statement made by the only individual arrested so far and security videos also, support such hypothesis<sup>4</sup>

**Case A.(26) and A. (2) P.** The woman's partner tried to kill her child by cyanide poisoning and finally both of them dead. The woman's death was considered accidental and the son's death could not be regarded as a connected femicide since no intention of harming the woman appears to be but merely the purpose of separating the child from their lives.<sup>5</sup>

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\*T.N.: "*Querrela*" is a legal action by which a private person brings a criminal proceeding and becomes part of a criminal process. It differs from the complaint. The complaint only informs authorities of the commission of a crime, but does not make the complainant part of the investigation and trial process.

<sup>1</sup> (6 January 2017) A young woman was shot in Ciudadela. Retrieved from: <http://www.n3f.com.ar/barrios/ciudadela-i-ingenieros/item/23747-acribillaron-a-una-joven-en-ciudadela.html>

<sup>2</sup> (26 April 2017) "The day of the crash, Nayara wanted to let him go and he threatened to kill himself and kill her". *La Voz*. Retrieved from: <http://www.lavoz.com.ar/ciudadanos/el-dia-del-accidente-nayara-lo-quiso-dejar-y-el-amenazo-con-matarse-y-matarla>

<sup>3</sup> (3 May 2017). Investigations carried out for the librarian's death was criticized. *La Capital*. Retrieved from <https://www.lacapital.com.ar/la-ciudad/critican-la-investigacion-la-muerte-la-bibliotecaria-n1489963.html>

<sup>4</sup> "'Overdose death' were informed to her father and mother who were looking for her, and showed them a black and white photo printed on regular paper of her helpless daughter." SANDÁ. R. 2 June 2017) Her name was Luna. *Página/12*. Retrieved from <https://www.pagina12.com.ar/42899-su-nombre-era-luna>

<sup>5</sup> ABRAHAM, Y. (6 June 2017). He planned to kill his girlfriend's son and finally he ended up poisoning both of them with cyanide. *El Tribuno*. Retrieved from <http://www.tribuno.com/salta/nota/2017-6-7-0-0-0-planeo-matar-al-hijo-de-su-novia-y-termino-envenenando-a-ambos-con-cianuro>

## High-profile cases NOT included herein

**Case G.B. married to G.** She was beaten to death by her son who had addiction problems. This case was not included in statistics because he was not held criminally responsible for the crime.<sup>6</sup>

**Case M. E. V.** She was killed by her daughter-in-law. "...the former daughter-in-law of the victim could have committed the aberrant attack with the sole purpose of "causing a pain to a third party: the son of her mother-in-law, to whom she would have wanted to harm ", in words of the head of the Attorney General Office No. 4.<sup>7</sup>

**Case known as "Massacre of Hurlingham"** By reasons of jealous R. M. was dead together with other five individuals and additionally, three ones were injured. One of them, M. B. L. was nine months pregnant and she was helped to give birth via C-section after the attack. The baby was not included herein because he was not born alive.<sup>8</sup>

**Case M.T.A.T.A.** A Navy officer, who was a crew member of *Punta Médanos's* ship, was found hanging by her neck in her own cabin. According to the information provided by the first instance Federal Prosecutor's Office of Dolores, the cause of death was "mechanical suffocation by suicide-type hanging ...".<sup>9</sup>

**Case of A. 18-month-old baby:** Her stepfather kicked her to death because she had broken his cell phone. It is not considered a femicide since he killed her as a response of angry and not for being a woman.<sup>10</sup>

**Case F.CH.** She, a 16-month-old baby, was accidentally run over by a truck drove by her grandfather. Later it was found that she was sexually abused by her father, but both facts were not connected. Her death was not considered a consequence of the abuse.<sup>11</sup>

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<sup>6</sup> (6 January 2017). An architect was beaten to death: her son is wanted. *Diario Popular*. Retrieved from <https://www.diariopopular.com.ar/policiales/matan-golpes-una-arquitecta-buscan-su-hijo-n276826>

<sup>7</sup> (9 January 2017). The woman accused of killing her former mother-in-law testified for more than four hours. *Diario Popular*. Retrieved from <http://www.elpopular.com.ar/eimpresa/251459/la-acusada-busco-desligarse-y-el-intendente-remarco-que-no-es-un-caso-de-inseguridad>

<sup>8</sup> SORIANO, F. (5 February 2017), Hurlingham Massacre: a story of jealousy and violence that ended in a bloodbath. *Infobae*. Retrieved from <https://www.infobae.com/sociedad/policiales/2017/02/06/masacre-de-hurlingham-una-historia-de-celos-y-violencia-que-termino-en-baño-de-sangre/>

<sup>9</sup> (6 February 2017) Mysterious death of a Merchant Marine officer. *Clarín*. Retrieved from [https://www.clarin.com/policiales/misteriosa-muerte-oficial-marina-mercante\\_0\\_HKTWn178l.html](https://www.clarin.com/policiales/misteriosa-muerte-oficial-marina-mercante_0_HKTWn178l.html)

<sup>10</sup> (11 February 2017). A young man kicked a 18-month-old baby to death because "she broke his cell phone." *Infobae*. Retrieved from <https://www.infobae.com/sociedad/policiales/2017/02/12/un-joven-mato-a-patadas-a-una-beba-de-18-meses-porque-le-rompio-el-celular/>

<sup>11</sup> (27 April 2017). Finca Toso: Since when the girl was abused? *El intruso digital*. Retrieved from <http://www.elintrusodigital.com/locales/2017/4/30/finca-toso-hace-cuanto-nina-abusada-5173.html>

**Case E. C. L.** She, 3 years old, and her brother died in a fire that burned down their house. After conducting a post-mortem examination, it was found that the girl had been sexually abused shortly before the incident and four people were arrested, including three family members.<sup>12</sup>

**Case S.V.Q.** She shot herself in her stomach using her husband's duty gun, who was then a police officer. Her daughter, a minor girl, by means of a Gessel dome confirmed the father's alibi (the policeman), who assured in his statement that he was not at home when the incident happened.<sup>13</sup>

**Case S. F. (61).** Her husband called a private ambulance to report his wife's death five days after the decease. According to the autopsy, the woman died a natural death due to an A.P.E.. Chances of being a homicide were rejected and the report disclosed that no injuries whatsoever had the victim's body caused by third parties. Investigations are now being carried out in order to reveal whether this incident should be viewed as an intentional abandonment, but this type of crime is not judged as a femicide.<sup>14</sup>

## SUSPECTED suicides

Both, two women's deaths which happen this year were seen by the judiciary as suicides but their families affirmed that they were femicides, based on the absence of evidence, the lack of responses or the questionable methods employed in the investigation.

**Case M.S (32)** is one of them. Her family suspects that her partner killed her but staged a suicide. The woman had started a divorce process on grounds of gender-based violence and had filed a claim against him; so the man had also been evicted from the family house. However, the night when M. S. was found dead, they were together.<sup>15</sup>

**Case A.V.** is another one: She was found dead in her own apartment and firstly it appeared to be a suicide. However, as days went by, her family began to talk about the ill relationship she maintained with his former partner and demanded a prompt clarification of the case.<sup>15</sup>

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<sup>12</sup> (17, May 2017). A dead girl in a fire had been raped. *Expres Diario*. Retrieved from <http://www.expresdiario.com.ar/index.php/policiales/item/57309-nena-muerta-en-incendio-habia-sido-violada>

<sup>13</sup> (18 September 2017). The woman's partner who died in Famatina was detained. *El Independiente*. Retrieved from <http://www.elindependiente.com.ar/pagina.php?id=151051>

<sup>14</sup> (15 September 2017). The woman who was found dead in her apartment -located at Caballito neighbourhood- died a natural death. *Minuto Uno*. Retrieved from <https://www.minutouno.com/notas/3041869-la-mujer-que-aparecio-vida-su-departamento-caballito-tuvo-muerte-natural>

<sup>15</sup> (16 January 2017). Suspicion grew that her partner killed her and staged a suicide. *Uno Entre Ríos*. Retrieved from <https://www.unoentrieros.com.ar/policiales/sospechan-que-su-pareja-la-mato-y-simulo-un-suicidio-n1350911.html>

<sup>16</sup> (2017,). Relatives have considerable doubts as to how Aida Villalba died and demand clarification of the case. *Formosa Expres Diario*. Retrieved from <http://www.expresdiario.com.ar/index.php/locales/item/56121-familiares-dudan-de-como-murio-aida-villalba-y-exigen-el-esclarecimiento-del-caso>

## PROPOSALS AND RECOMMENDATIONS

1. In April 2016 the UN gave notice that 14 of the 25 countries which show the highest global rate of femicides remain in Latin America. Since 2012, the Inter-American Commission of Women (CIM, in Spanish) warned that Latin American figures reached *"levels close to those of a pandemic"*.

In Latin America thousands of women are killed for the sole reason of their gender. At regional level, Guatemala, El Salvador and Honduras have the highest rate, while Argentina shows rising dramatic figures, or at least, without any expectation for reducing them considerably. The UN-Women Director, Ms. Luisa Carvalho has pointed out that *"We are facing an alarming emergency that requires coordinated efforts of all players"*. That is the reason why the Ombudsman will further strengthen its work by integrating all legal tools at hand with the international commitments previously accepted, and together with the creation of its own Femicide Observatory on 15 November 2016, it looks forward to cooperating with competent authorities, either national, provincial or local ones, to ensure that inclusive, participatory and transparent practices be adopted in order to eliminate violence, specially against women.

2. Violence against women has grown exponentially in Argentina. The National Council of Women (now the "National Institute of Women"), in its National Action Plan for the Prevention and Eradication of Violence against Women and Assistance to Victims 2017-2019" (PNA, in Spanish), p. 37, has stated: *"According to the information retrieved from the national helpline for victims of violence (No.144), the types of violence reported by people who experienced gender-based violence are classified as follows: physical violence (91,8%), violence related to financial interests and/or property rights (23,2%) and sexual violence (6,4%)... Significantly, 9 out of 10 cases of gender-based violence involved physical violence."* The number of femicides has also increased year by year.

The aforementioned National Action Plan, which comprises 69 dispositions and 137 actions, even though it entails some successful aspects, our National Human Rights Institution (NHRI) decided to make some comments when submitted its own report to the Periodic Review Working Group 28<sup>th</sup> session (March, 2017). Our Office did note therein that the majority of its 69 dispositions shall be implemented in 2017; however, other important ones would be put in practice next year and 8 of them in 2019. Remarkable one of those dispositions which is currently in progress (No.19) whose deadline was set for June/December 2017: *"Strengthening of the initiative: Working Station with access to family members of victims of Femicides"*. On the contrary, the deadline for compliance of Disposition No. 20 was set for December 2018: *"Strengthening of a Comprehensive Approach for Collateral Victims"*, which aims at coordinating the labour of both the National Secretariat for Children, Adolescents and Family (SENAF, in Spanish) and the National Early Childhood Care for Collateral Victims (girls, boys and adolescents).

Turning to another point, attention was also drawn in our UPR report to the *partial State compliance* of Recommendations 99.50., 99.52., 99.53., because the national Registry of Cases of Violence against Woman must adapt uniform methodological criteria with those applied by provincial registries. A large number of cases are not reported; therefore, the data collection should be coordinated and supplemented among all.

3. Moreover, the UPR Working Group in its report (A / HRC / WG.6 / 28 / L.2, November, 2017) included the following Recommendations: continue to take effective measures to promote gender equality and to combat violence against women (Nos. 6,126. and 6,127.); ensure government entities budget more resources to implement the National Action Plan for the Prevention and Eradication of Violence Against Women and Assistance to Victims (No. 6,128); continue to strengthen the role of the National Council for Women and continue working to eradicate violence against women ((No. 6.134.); ensure the effective implementation of the "National Plan of Action for Prevention, Assistance and Eradication of Violence against Women 2017-2019 (Nos. 6,135. to 6,145.).

In particular, No. 6,148. recommends: *"Improve prosecution of femicide and all forms of violence against women and ensure that victims have access to shelters and other support services including health services"*. Besides, No.6,149. advises: *"Strengthen its actions to prevent and combat femicide and other forms of gender-based violence"*.

In addition, other recommendations required: Further strengthen access to justice for victims of violence, in particular of gender-based violence, through providing effective legal aid and addressing gender stereotypes among justice officials (No. 6,150.); continue to ensure that sufficient and safe shelters for women victims of gender-based violence are available and accessible for all (No. 6,151); provide shelters and legal assistance to victims of domestic violence, and present a draft law on domestic violence (No. 6,152)); consider elevating the National Council of Women (now the "National Institute of Women") to a full ministry (No. 6,153) in line with Recommendation No. 6.119. Finally, to refrain from further budgetary cuts for National Council of Women's budget (No. 6,121.).

In March 2018 our NHRI will submit a report to the UPR Working Group of the Human Rights Council, agreeing to all recommendations mentioned above.

4. Accordingly, public policies set forth in Acts No. 26,485; No. 26,791; No. 27,210; and No. 26,150 have been considered proper. The development of the aforementioned National Action Plan for the Prevention and Eradication of Violence against Women and Assistance to Victims (2017-2019) should also be held as a true success, except comments mentioned above.

Surely a welcome step has also been the recently launched 1st National Human Rights Action Plan which proposes an appropriate methodology for collecting data on femicides (Axis No. 1 (1.2.), p. 32) with recommendations and standards that could be used as inputs for all provinces that are now developing their own Registries; and also a strong commitment to create a registry for trans-gender femicides and hate-crimes towards members of the LGBTIQ population (1.3.), p. 33). However, it should be noted that the deadline for compliance of such measures has not been specified in the Plan, notwithstanding the fact that they are scheduled to be implemented comprehensively during the period 2017-2020.

Finally, another successful measure came from the National Ministry of Security: the creation of 'Guidelines for the Police and Security Force Members to be followed when carrying out Femicide Investigations in the place of occurrence' (Resolution No. 1,278, E / 2017, published in our Official Gazette on 11/30/2017). The provincial Police forces are invited, via the Internal Security Council, to stick to these procedural and action-oriented guidelines for cases of violent female killings, just in the place where women are found.

Finally, the Office for the implementation of Gender and Diversity Policies shall be tasked with monitoring the put in practice of this Guide, and with defining dissemination and training methods to be employed for members of the four national Police and Security Forces, as well as for the provincial Police forces, under previous request.

The major weaknesses identified, as noted so far, were the figures registered by different Femicide Observatories on Violence against Women or Gender Observatories which exhibited a clear disparity.

A remarkable point to be mentioned is that 27,210 Act (on access to justice for victims of violence) has not been regulated so far, despite the fact that such law was adopted in 2015. On the other hand, the Supreme Court of Justice' Office of Women (OVD, in Spanish), only receives complaints from victims of violence who reside in the City of Buenos Aires. Moreover, OVD was only replicated in five provinces (La Pampa, Tucumán, Santiago del Estero, Salta and Santa Cruz).

## 5. Proposals and recommendations:

- a. Establish as separate crimes those criminal acts similar to femicides but deemed as aggravated homicides, when they include gender-based violence (absence of the subjective element "*by hatred*"), so being passive subjects of such behaviour individuals other than women, no matter their sex, condition, identity, or sexual preference.
- b. Create an assistance programme for those men who generate violence against women, in accordance with the National Action Plan (22).
- c. Strengthen measures provided for NPA (24), (34) and (35).
- d. Urge the adoption of regulations for 27,210 Act (access to justice).
- e. Guarantee the State's due-diligence obligation so that women shall be able to access to an effective judicial redress for safeguarding their human rights.
- f. Encourage the creation and implementation of *protocols* in schools, health units and workplaces for the prevention and assistance related to gender-base violence.
- g. Urge the adoption of the so-called BRISA Law, which seeks to protect collateral victims of femicides by providing a financial support to children up to 18 years, and giving them assistance and health coverage.
- h. Guarantee a full compensation for damages in line with national and international legal standards focused on human rights and a gender perspective.
- i. Urge the dissemination of the *Commission for Equal Opportunities and Treatment's* work (CIOT, in Spanish), aim at preventing and assisting labour-related violence. And also urge that CIOT be replicated in provincial and municipal bodies.
- j. Optimize data recording procedures on violent deaths of women. Public information on femicides should be transparent by generating specific information systems. This, in accordance with NPA, (60).
- k. Publish regularly femicide cases in official dissemination systems and make them known according to international quality standards for statistical information.
- l. Intensify capacity-building as provided in NPA, (37) to (47).
- m. Promote the exchange of information and analysis among different State bodies and civil society in order to monitor public policies compliance and to spread information on femicides, as well as to examine if measures applied are true effective for prevention.
- n. Strengthen the zero-tolerance message on violence against women.

- o. Conduct awareness-raising campaigns focused on gender perspective in order to enhance prevention of gender-based violence and femicides.

**6. Conclusion.** Femicides, as defined and punished by the National Criminal Code, section 80 (11) are not here under discussion: they constitute an aberrant behaviour resulting from the man's belief that he is the holder of all woman rights, even considering her body as his own. Still abominable are connected or transverse femicides, as defined (12) of the same section, which occur when a person kills someone *with the sole purpose of inflicting suffering to another person with whom he maintain or has maintained a couple relationship*, with or without cohabitation; then, in this case, the killer no longer believes he has the right over the woman's body, but also the right over all woman choices, relationships and even her most intimate feelings.

That's what happened in case J.E.C.: on April 11, 2017 he was sentenced to life imprisonment after a trial by Jury, within the scope of the Judiciary of Neuquén, by which *"on behalf of the people"* he was considered guilty of a "transverse" homicide (section 80 (12) NCC). A few months earlier, the accused had told his former partner, D.B.: *if I saw you with another person, I would kill that person*. True was that one night, close to the woman's domicile, he waited for a young man, P.E., unknown to him and previously unseen, and before this one could enter the woman's house, he attacked him nailing a knife deep in his chest, and inflicting a severe wound that caused his death.

The case mentioned above shows the triviality by which some or many men perceive women, also their environment, and even the own children born into their intimate relationship.

The sum of **292** femicides registered in our country during 2017 certainly reflects what is here reported, and entails the need to continue working jointly with other public bodies and private sector also, in eliminating ideologies, traditions and customs that build a society based in androcentric patterns which result in femicides. Besides, this work should be implemented together with gender-perspective legal practices, eliminating patriarchal stereotypes that legal practitioners still hold, added to a social awareness that rejects discrimination against women and the idea of considering domestic violence as ordinary and normal. All this, coupled with human rights standards spread by public institutions, organizations, and academic sectors, shall become a key tool for addressing the high femicide rate in Argentina.

## CONCLUDING REMARKS

Nothing new is being said here if one remembers that the femicide concept was first introduced by the American writer Carol Orlock in 1974. Diane Russell launched it for once in public in 1976 in Brussels, using the word femicide before members of the International Tribunal on Crimes against Women in order to ascertain extremely forms of violence against women. Russell herself, together with Jane Caputi, redefined this concept in 1990 as *"the killing of women by men motivated by hatred, scorn, pleasure or his misconception of ownership over women"*. The major Russell and Caputi's contribution was make clearly visible that reasons behind killings based on race, nationality, religion, ethnic origin or sexual orientation are always the same for killing women and accordingly, they framed them as hate-crimes.

In accordance with the Mexican National Citizens' Observatory on Femicide, the word femicide refers to killings of women by men because of their gender. Femicides are murders motivated by misogyny because they imply male's contempt and hatred towards females; and also for reasons of sexism, because killers believe that they are superior to women and empowered to end their lives; or they consider women as their personal property (OCNF 2009: 11).

As mentioned above, the word femicide was used first in 1974, then in 1976 and redefined in 1990. However, extremely different was the case with the word *"feminicide"* which had to go a long way before the Royal Academy of Spanish Language included such term in 2014, within the 23rd edition of its Spanish Dictionary, at the request of the Mexican anthropologist Marcela Lagarde, that is, 300 years after the creation of this Academy (03 October 1714) by a King Philip V's Royal Order.

Unfortunately, still more than 300 years will pass unless sexist violence be combated beyond criminal legislation and penalties. Our responsibility consists of fighting for better sexual school programmes, and also for a more equitable labour legislation which make the approval of laws such as No. 25,689 unnecessary (whereby the obligation to reserve jobs for the disabled is duly imposed when actually their recruitment should be spontaneous). Moreover, we must persist on demanding for better TV shows which avoid the *objectification of women*, and, finally, for being unable to perceive women as synonymous of *"the weaker sex"*. Only then, we will have won the battle that today, meaningless, we must fight daily, those as we who believe in gender equity, and in equal opportunities.

**Honouring their memory, let's finally conclude repeating words of the famous writer Eduardo Galeano: *"Criminals who lightly say, 'I killed her because she was mine', are perceiving his conduct as fair and reasonable, coming directly from Justice and private property rights which entitle them to be the women's owner. But none of them or the most macho of all existing super-machos has the courage to confess: 'I killed her for fear' because, after all, women's fear towards men's violence is often a reflex of the male's fear in front of a woman without fear"*.**

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