



Introduction:
A Cartography of Femicide
in the Américas

I insist on being shocked. I am never going to become immune. I think that's a kind of failure, to see so much [human atrocity] that you die inside. I want to be surprised and shocked every time.

—Toni Morrison, *Toni Morrison Uncensored*

We are driven to write this book by our shock and outrage at the ongoing atrocities whose fissures and replication imperil our human communities. As Toni Morrison asserts, we insist on being shocked, refuse to become immune to the large-scale violence that began in the 1990s and that, as Arjun Appadurai (2006, 10) reminds us, “appear[s] to be typically accompanied by a surplus of rage and excess of hatred.” Our focus in this book is on the low-intensity warfare waged on women’s bodies that is now routine in many Latin American countries.

Prior to the brutality committed against women’s bodies during the ethnic conflicts in Bosnia-Herzegovina and Rwanda, the international community had been slow in recognizing the historical reality of wartime violence against women, the fact that gender-based violence “is an integral and pervasive component of warfare” (Moshan 1998, 1).¹

We are never going to become immune, so we name gender-based violence as a weapon of terror. Since World War Two alone, the incidents of rape during armed conflicts are shocking, from the German Nazi soldiers’ raping Jewish and Soviet women to the raping of Vietnamese women by U.S. soldiers and the sexual atrocities committed against women during civil wars in Liberia and Sierra Leone.²

There have been even more cases of horrendous, terrifying assaults committed against women during counterinsurgency wars in Latin

America: the use of rape as a tool of terror by security forces in El Salvador, Perú, and Haiti; in death camps and torture chambers during Argentina's and Chile's Dirty Wars. In Honduras, the notorious Battalion 3-16 sexually tortured and raped women prisoners; during the thirty-six-year war, Guatemalan security forces raped indigenous women and girls.

Even as mass raping of women in recent armed conflicts continues,³ the international community no longer disavows sexual violence of this magnitude. Due in large measure to the presence of female journalists covering the war in the former Yugoslavia, immense media and political attention focused on gender-based violence as an integral and pervasive weapon of war. But it has taken years of feminist advocacy in law and international forums to shift public discourse and understanding of gender-based persecution in wartime. "The development of international laws addressing gender-based violence during the twentieth century," according to Nicole Eva Erb (1998, 407), "demonstrates a clear progression from an atmosphere of unspoken tolerance, in which rape and sexual assault were considered inevitable byproducts of war, to a climate approaching zero-tolerance, in which gender-based violence is gradually understood as a discrete criminal category requiring special recognition under international humanitarian law."

Largely at the behest of the Women's Caucus for Gender Justice, rape and other forms of sexual violence are defined within the newly constituted International Criminal Court (ICC) at the Hague as "war crimes" and "crimes against humanity" if they occur as "systematic and widespread attacks against civilians." One of the major feats of the Women's Caucus is the extension of these criteria to enumerate persecution based on gender as constituting a "crime against humanity." As the Women's Caucus successfully argued in 1997, "Gender crimes are incidents of violence targeting or affecting women exclusively or disproportionately, not because the victims of such crimes are of a particular religion or race, but *because* they are women" (Moshan 1998, 155; emphasis added).

Yet gender-based violence of a widespread and systematic nature does not occur just during war or armed conflicts; large-scale violence against women often continues in "post-conflict" situations. Nor are all "gender crimes" widespread and systematic; many occur in everyday life and involve private individuals, acting alone or in groups, targeting civilians.⁴ As members of the Women's Caucus asserted, gender violations do not have to be systematically or prevalently enacted to be "brutal" and "extreme,"⁵ and they often occur outside the "existence of some type of

hostilities” (Charlesworth 1999, 389). The effects of violence do not necessarily end when hostilities are over. Alongside “direct violence” there is “indirect violence,” or “the long term effects of armed conflict, which often disproportionately affect women” (Brems 2003, 119). Large-scale violence may involve a combination of everyday, arbitrary interpersonal (private) *and* widespread and systematic (public) gender-based atrocities occurring both in “peacetime” *and* in times of war (see Lagarde y de los Ríos, this volume).⁶

During the last decade of the twentieth century, we witnessed unspeakable forms of degradation and violation of women’s bodies and their being: disappearances, murders, mangled, burned and tortured bodies, raped girls and women, both in the context of wartime and so-called “peacetime.”⁷ Women’s rights advocates, researchers, and feminist legal scholars are using the terms *femicide* and *feminicide* to refer to this phenomenon.

This volume examines the growing incidents of feminicide as it has been elaborated in the writings of feminist researchers, witness-survivors, women’s rights and human rights advocates, and legal theorists working on and from regions in Latin America. We aim to stage a transdisciplinary dialogue between academics, legal theorists, and practitioners of human rights, from the global South and North, whose cumulative expertise and knowledge offer a new discursive framing and critical grounding for understanding the phenomenon of what is now widely recognized as feminicide.⁸

The concepts of feminicide and femicide are used interchangeably in the literature on gender-based violence and among the contributors to this volume. These are evolving concepts that, as noted in Bueno-Hansen’s chapter, are “still under construction.” However, we will make a case for *feminicide* and, in the process, contribute some analytic tools for thinking about the concept in historical, theoretical, and political terms. In arguing for the use of the term *feminicide* over *femicide*, we draw from a feminist analytical perspective that interrupts essentialist notions of female identity that equate gender and biological sex and looks instead to the gendered nature of practices and behaviors, along with the performance of gender norms. As feminist thinkers have long contended, gender is a socially constructed category in which the performance of gender norms (rather than a natural biological essence) is what gives meaning to categories of the “feminine” and “masculine.” Instead of a scenario in which gender and sex necessarily concur, the concept of feminicide allows us to map the power dynamics and rela-

tions of gender, sexuality, race, and class underlying violence and, in so doing, shift the analytic focus to how gender norms, inequities, and power relationships increase women's vulnerability to violence.

Our elaboration of femicide is based on the knowledge and expertise of feminist and legal scholars, researchers, and activists working in the fields of human rights and gender justice throughout Latin America. In preferring the concept femicide over femicide, we aim to register the shift in meanings as the concept traveled from its usage in the English-language (North) to a Spanish-speaking (South) context. In other words, we are using *feminicide* to mark our discursive and material contributions and perspectives as transborder feminist thinkers from the global South (the Américas) in its redefinition — one that exceeds the merely derivative. Although we have translated *feminicide* literally from the Spanish word *feminicidio*, which, in turn, derives from the English *femicide* — a concept developed by, among others, the U.S.-based feminist sociologist Diana Russell — the translation we are speaking of is also discursive. From a linguistic angle *feminicidio* (rather than *femicidio*) is a more accurate translation for *femicide*, given the particularities of the Spanish language, which requires the use of “i” to create compound words from two terms with etymological roots in Latin (*femina* for “female”; *caedo*, *caesum* for “to kill”).⁹ Even so, these interpretations ignore the cultural elements of translation. In other words, a probe into “cultural” (and not just “linguistic”) translation yields different understandings about how concepts, theories, and knowledges are transformed in their travels to other geographic contexts, and in this particular case, to the ways in which a concept such as *feminicide* is reappropriated in response to local circumstances (Gunew 2002).

Years ago, the Cuban anthropologist Fernando Ortiz (1975 [1940]) developed a theory of transculturation as a model for mapping the changing dynamics of culture resulting from the mutual and multidirectional exchanges across one cultural system to the other. We draw from his insight to elaborate a cartography of femicide that takes into consideration its transcultural elements; the dynamic, fluid, and mutual influences resulting from cultural interactions between scholars and gender-justice advocates in the global South and North. Our preference for *feminicide* over *femicide* in this anthology is both political, in that we aim to advance a critical transborder perspective, and theoretical, in that we aspire to center the relevance of theories originating in the global South for the formation of an alternative paradigm (knowledge, logics, subjectivities, traditions). In taking this approach, our desire is to dismantle the colonialist formulation of Latin America as “a field of study rather than a place where theory is produced” (Mignolo 2000, 193).

As editors of this volume, our translation of *feminicidio* into *feminicide* rather than *femicide* is designed to reverse the hierarchies of knowledge and challenge claims about unidirectional (North-to-South) flows of traveling theory. Based on a decade of working on the issue, both of us have witnessed the back and forth of theory making and political practices that inform our current understanding of femicide and the ways in which the concept has changed and evolved as its thinking traveled South, where other circumstances shape the experience of gender-based violence against women. Our cartography of femicide proposes a re-configuration of knowledge hierarchies that contests the notion of seamless translation—that is, the idea that Latin American feminists have merely appropriated theories from feminists of the global North without modifying or advancing new meanings in response to local contexts. Rather, in the process of borrowing the concept and adapting it to local circumstances, we have generated new understandings about femicide. The concept of femicide thus highlights the “local histories” of theoretical reflection on the part of Latin American, Latina, and U.S.-based researchers; human rights and gender-justice advocates, witness-survivors, and legal scholars as we came into contact with bodies of knowledge elaborated elsewhere.

Building on the generic definition of *femicide* as “the murder of women and girls *because* they are female” (Russell 2001a, 15), we define *feminicide* as the murders of women and girls founded on a gender power structure. Second, femicide is gender-based violence that is both public and private, implicating both the state (directly or indirectly) and individual perpetrators (private or state actors); it thus encompasses systematic, widespread, and everyday interpersonal violence. Third, femicide is systemic violence rooted in social, political, economic, and cultural inequalities. In this sense, the focus of our analysis is not just on gender but also on the intersection of gender dynamics with the cruelties of racism and economic injustices in local as well as global contexts.¹⁰ Finally, our framing of the concept follows Lagarde’s critical human rights formulation of femicide as a “crime against humanity” (see Lagarde y de los Ríos, this volume).

In the Latin American setting, the first documented use of the concept *feminicidio* is in the Dominican Republic, where during the 1980s feminist activists and women’s groups used the term in their campaigns to end violence against women in the region (see Comitê Latino-americano do Caribe para a Defesa dos Direitos da Mulher 2007). As noted in the preface to this volume, Marcela Lagarde first introduced the term into academe in 1987 (see Monárrez Fragoso 2002). Around the same

time, the sociologist Julia Monárrez Fragoso used the term *feminicidio* to describe the sexual murders of women and girls first observed and documented in 1993 in the Mexico–U.S. border region of Ciudad Juárez by Ester Chávez Cano, the women’s rights activist and founder of the city’s first rape crisis center.¹¹ Others, such as the scholars Ana Carcedo Cabañas and Montserrat Sagot of Costa Rica and Hilda Morales of Guatemala, prefer the concept *femicidio* to describe the misogynist murder of women. These feminist theoretical and political thinkers from Latin America used *feminicidio/femicidio* to represent murders in non-war settings, whereas in a similar time frame Asja Armanda of the Karita women’s group in Croatia deployed the concept of femicide to depict large-scale and systematic sexual violence committed against Croatian women during the civil war in Bosnia-Herzegovina.¹²

As a result of tenacious activism on the part of women’s rights advocates, the concept since then has been adopted by nongovernmental and intergovernmental organizations and by grassroots groups, as well as in major regional *encuentros* (meetings) and academic conferences, to make visible inhumane forms of violence against women and girls, particularly in the context of so-called peacetime.¹³ In 2007, the Inter-American Court of Human Rights agreed to hear arguments for three cases of femicide (the “cotton field” cases) that will serve as legal precedent for cases of gender violence in a non-war context and for enumerating femicide in international law.¹⁴ In December 2009 the IACHR issued a historic ruling in the “cotton field” murders. In an 167-page opinion, the court found Mexico in violation of human rights conventions for its failure to prevent and investigate the murders of Claudia Ivette González, Esmeralda Herrera, and Laura Berenice Ramos. This ruling represents the first time that the term *femicide* is used and enumerated in international courts.

Since 1993, more than five hundred women and girls have been murdered and more than one thousand have disappeared in the state of Chihuahua, Mexico, alone.¹⁵ Of the five hundred murders, approximately one-third were killed under similar circumstances: They were held in captivity, raped, sexually tortured, and mutilated, and their bodies were discarded in remote, sparsely populated areas of the city.¹⁶ Women’s rights groups have documented similar violence in other regions of Mexico, where between 1999 and 2005 more than six thousand women and girls were victims of gender-based murder.¹⁷ In Guatemala since the year 2000, more than thirty-five hundred women and girls have experienced similarly brutal forms of violence in the post-conflict period. As these figures make evident, the level and extreme nature of violence against women requires a new concept such as *femicide*, which can

work as a conceptual tool not only for antiviolence advocacy but to further a feminist analytics on gender-based violence. It is thus crucial that we build on the definition of *femicide* with sufficient conceptual precision and clarify what can and should be considered femicide.¹⁸

As a descriptive term for the rise in gender-based murders, *femicide* begs the question about the crime context in the region. Studies on violence in Latin America suggest that femicide finds fertile ground in areas where the murder rates of men are also high (Lagarde y de los Ríos 2006, 23), so femicide could be seen as part of an overall increase in the rate of homicide in Latin America, a region with high levels of violence (Koonings and Kruijt 1999). In 2004, the World Health Organization considered Latin America “the most ‘crime ridden region’ in the world, with 27.5 homicides for every 100,000 people . . . compared to twenty-two in Africa and fifteen in Eastern Europe.” The homicide rate is even more alarming in Guatemala, which registered 45 homicides per 100,000 people in 2005 (Unga 2006, 171). Yet as the case study in Costa Rica by Sagot and Carcedo reveals, increased levels of overall violence is not necessarily an indication of higher rates of femicide.

Further research is needed to determine whether more women are being murdered as part of an overall increase in the homicide rates or whether the female-to-male ratio has remained constant over time. Although analyzing crime rates through a gender analysis may partly account for the increase in the female share of the murders, this alone does not account for the gender dynamics at work. As feminist researchers and activists argue, what makes femicide so distinctive is that it makes visible forms of violence that are rooted in a gender power structure.

The scale and range of the violence in general and the specific brutality and severity of rape, sexual torture, and mutilation suggest high levels of misogyny and dehumanization of women. Treating femicide as the gendered form of homicide is thus misleading, given that it obscures the power differentials that feminist theorists have long contended increase women’s vulnerability to violence. As Lagarde (2005, 25) explains, “Violence in general is a major component in the majority of crimes against men; however in the case of women, *submission* to masculine violence is central to their experiences.” In other words, unlike most cases of women’s murders, men are not killed *because* they are men or as a result of their vulnerability as members of a subordinate gender; nor are men subjected to gender-specific forms of degradation and violation, such as rape and sexual torture, prior to their murder. Such gender differences in the experience of violence suggest the need for an alternative analytic concept, such as femicide, for mapping the hierarchies embedded in gender-based violence.

In thinking about femicide in theoretical and political terms, it is important to underscore the spirited and dynamic debate in the field of gender-based violence about the use of *feminicidio* over *femicidio*. There is currently no unanimity among Latin American feminist researchers and activists for one term over the other. Those who prefer *feminicidio* follow Lagarde's formulation, which emphasizes the element of impunity and implicates the state as a responsible party (*feminicidio* as state crime). Other researchers in Central America, such as Carcedo, Sagot, and Morales, find Lagarde's formulation limiting and insist instead on *femicidio* because it more accurately describes "the misogynist murder of women, independent of the element of impunity or the participation of the state." For Sagot, "Whether or not there is impunity or state compliance (or lack thereof) with its responsibility to guarantee security and justice for women, the assassination of women *because* they are female constitutes a universal problem transcending borders and forms of governance."¹⁹

One of the primary aims of this collection of essays is to contribute to the political and legal process of defining and advancing a human rights framing of femicide. Lagarde's (2006, 20) definition of *feminicide* is a starting point for thinking about the concept in historical, analytic, and legal terms: "El conjunto de delitos de lesa humanidad que contienen los crímenes, los secuestros y las desapariciones de niñas y mujeres en un cuadro de colapso institucional. Se trata de una fractura del Estado de derecho que favorece la impunidad. El feminicidio es un crimen de Estado (The entirety of crimes against humanity, including the murders, the kidnappings, and the disappearances of girls and women within the frame of institutional breakdown. It involves a breach in the rule of law, which favors impunity. *Feminicide* is a state crime)." As a member of the Mexican Congress, Lagarde drew from an evolving body of international law and defined *feminicide* within a human rights framework that considered both the public and private dimensions of gender-based violence. This human rights framing implicates the state for its failure to act with due diligence—that is, to take reasonable steps to prevent, investigate, and penalize gender-based violence.²⁰ The concept of femicide bridges the "private" and "public" distinction by incorporating into its definition *both* systematic and systemic or structural violence sanctioned (or commissioned) by state actors (public) and violence committed by individuals or groups (private), since most of the violence suffered by women happens at the hands of private actors.

Public and Private

In defining *femicide* as the murder and disappearance of women and girls because they are female, the authors of this collection, along with other Latin American scholars and women's rights advocates, have drawn from Russell's (2001a) definition of *femicide*.²¹ Prior to Russell's formulation, feminist legal scholars had defined the crime of "rape" as a form of torture predicated on the impulse to "degrade and destroy a woman based on her identity as woman"—or *because* she is female (Copelon 1995). This inclusion of rape as "elements of torture, slavery, genocide," is considered to be a "reliance on a progressive reading into existing human rights provisions" (quoted in Saiz 2004, 62), or what the legal scholar Patricia Sellers (2002, 301) refers to as "a form of legal piggybacking," as rape is not considered a violation of human rights on its own terms. This progressive reading of rape as a form of torture has been an important advance given that "torture is the most widely outlawed human rights violation" (Lutz and Sikkink 2000, 634).²²

The distinction of rape as a form of torture resulted in part from the strenuous activism by women's rights advocates denouncing "rape as a tool of war and torture by state officials in El Salvador, Perú, and Haiti" (Medina 1985; Meyer 1999, 65).²³ As we noted earlier, this legal redefinition of rape as a form of torture also informed the enumeration by the Women's Caucus of "gender crimes" as "incidents of violence targeting or affecting women . . . *because* they are women." Thus, the naming of murder and disappearance of women as "femicide" can be seen as part of a wide-ranging effort in feminist jurisprudence and human rights law to make visible gender persecution targeting women *per se* for who they are.

In coming to this political understanding of gender-based violence, feminist theorists first had to place women's subjectivity and experience of violence at the center of a feminist analytic. Feminist analysis is a lens for representing violence from the perspective of gender, and in this regard "gender" is an element not of explanation but, rather, of interpretation that provides an angle (rather than a model) for understanding the power dynamics and relations of gender, sex, race, and class underlying violence (Young 2005). One of the principal obstacles feminist researchers of violence have confronted is the hierarchical division between "public" and "private" forms of violence.²⁴

The distinction between the public and the private realms encumbers women in essential ways. Until very recently, violations of women's rights were considered a "private" or "cultural" matter best left to the

discretion of the family. This consideration of women's rights as "private" or "cultural" rather than public or political reinforces gender hierarchies because it "renders women subject to the control of patriarchal familial authorities — father, brothers, and husbands — with the understanding that familial matters are 'private' and therefore beyond the scope of governmental authority and intervention" (Binion 1995, 516–17). Calling for the extension of "governmental authority and intervention" into the private sphere may be just as problematic from a gender-justice perspective; however, so, too, is consigning violence to the "private" sphere, for this mechanism has rendered violence against women invisible from public scrutiny and concern.

Feminist approaches to violence studies — the violence-against-women paradigm — sought to disassemble the private and public divide by framing violence against women as embedded within a patriarchal system of regulation and control over women's bodies. Early elaborations of "femicide" characterized the practice as a "phallic crime" that, by terrorizing women whenever they challenged patriarchy, was designed to maintain a regime of "male supremacy and entitlement."²⁵ In the pioneering anthology *Femicide: Sexist Terrorism against Women*, the authors considered femicide to be the most extreme expression of "sexist terrorism" (Radford 1992), perpetrated by misogynist men whenever they feel threatened by women acting collectively to claim their rights or challenge male authority (Caputi and Russell 1992, 16–17).²⁶

In attributing the roots of femicide to the historically unequal power relations between men and women, Jane Caputi and Diana Russell redefined the killing of women as "politically motivated violence," similar to racial violence that is historically rooted in unequal power relations between racial groups and aimed at maintaining a regime of racial hierarchy.²⁷ This shift in the framing of the murder of women as "political" (public) followed a similar impulse in feminist redefinitions of the meaning of violence against women to encompass not just private forms (i.e., "men's violence against their partners in the form of rape, assault and murder"), but also systematic and large-scale acts of violence committed by state actors against civilians. However, the emphasis on gender-based violence as "political" or "public" does not necessarily do away with the public–private boundaries; it often has the unintended consequence of subordinating the less "spectacular" forms of gender-based violence. The efforts to frame sexual violence as "political" (public) within a changing body of international law, as "war crimes" and "crimes against humanity," is limiting in its representation of gender-based violence in either–or terms, since, as Hillary Charlesworth (1999,

388) explains, “The consequences of defining certain rapes as public in international law is to make private rapes seem somehow less serious.”

The emphasis had also shifted from gender-based violence (rape, assault) in intimate relations to that enacted by states in warfare, as we noted earlier. Yet the private and public distinction “between the acts of state and nonstate actors” remained in place (Charlesworth 1999, 387). More recent elaborations build on an understanding of the private sphere as “an even wider area, extending to all relations among private persons, in contrast to their relations with public authorities” thereby moving the focus beyond the domestic sphere of familial and intimate partner relations. “Contemporary doctrine and case law,” according to Eva Brems (2003, 112), “increasingly accept the responsibility of states to prevent and remedy human rights violations among private individuals.”

This understanding is what makes the redefinition of *femicide* from a human rights perspective so transformative in that it extends beyond the private–public divide. The concept of femicide addresses and responds in part to this shortcoming, acknowledging the limits of the dichotomy between public (systematic and state) and private (interpersonal, individual and non-state) violence for understanding violence in the particularities of each individual country or regional situation.²⁸

Following feminist human rights thinkers who contend that the distinction between systematic and widespread or state-sanctioned (public) and arbitrary or individual (private) forms of gender-based violence is a problematic one, our use of femicide moves beyond a model of inclusion. That is, instead of adding private to public violations, we aim to question the either–or formulation to account for the ways in which all such breaches are interconnected, both private *and* public. In Mexico, recent formulations shift the definition from a notion of violence as an attack on women’s honor or the sanctity of motherhood to an understanding of gender-based violence as linked to systematic discrimination and an assault on women’s personhood and rights to life, liberty, security, and dignity. This connection to systematic and systemic discrimination is crucial for “applying the concept of human rights within international law to gender-based violence” (European Commission 2008, 20).

As Systemic Violence

There are no survivors of femicide. All we have are the voices of witness–survivors (families) who speak for them. As the most extreme

expression of crimes against women's life and liberty, femicide names the absolute degradation and dehumanization of female bodies. Yet we would also like to shift the focus from women as "victims" to an understanding of how gender norms, inequities, and power relationships increase women's vulnerability to violence, as Carcedo and Sagot explain in their chapter. Femicide is rooted in political, economic, cultural, and social inequalities, including the equally significant power relations based on class, race, sexual, and racial hierarchies. As an extreme form of gender-based violence, femicide does not just function as a "tool of patriarchal control but also serves as a tool of racism, economic oppression, and colonialism" (Smith 2006, 417). In this sense, egregious violations of a woman's bodily integrity cannot be simply "physical" or restricted to a model of "personal injury." Rather, such violations involve systemic and structural forces, a multiplicity of factors and intersecting logics.

Femicidal violence finds fertile ground in social asymmetries and is most acute under conditions of "extreme marginalization and social, judicial and political exclusion . . . and forms of gender oppression, including mechanisms of devalorization, gender exclusion, discrimination, and exploitation" (Lagarde y de los Ríos 2006, 22).²⁹ In Ciudad Juárez, whenever a corpse is found, according to Julia Monárrez Fregoso (2005b), there is an 80 percent probability that she comes from the "western zone," which has the highest concentration of immigrant population and the least infrastructure. It is women and girls living under "high levels of insecurity, vulnerability, an absence of social and political protection, and in zones of social devastation, where insecurity and crime prevail, along with coexistence marked by illegality . . . the disintegration of institutions, and the rupture of the State of Law" who, according to Lagarde (2006, 23), are most threatened by femicidal violence. Crucial in this regard are devastating, neoliberalist-driven structural changes—economic, political, and social—that have precipitated extreme forms of violence in the region.³⁰

A consideration of femicide as systemic violence roots large-scale gender-based violence as part of the scenario of extreme inequality, poverty, unemployment, and social marginalization. Yet even as these egregious violations can be considered the most extreme effects of structural adjustment, the neoliberal agenda alone is not a sufficient explanation for the emergence of femicide. The pervasive specter of civil wars and Latin America's Dirty Wars must also be factored into the architecture of femicide, for the sexual degradation and dehumanization of femicidal violence echo the repressed history of regimes of punish-

ment designed for women under military regimes (Monárrez Fragoso 2005b, 62).

The militarization of daily life stemming from “the legacy of repressive dictatorships and civil wars . . . form the backdrop to new and disturbing forms of violence [such as feminicide] that seem to be on the rise in post authoritarian Latin America” (Koonings and Kruijt 1999, 3). Decades of civil war and military reign resulted in two hundred thousand dead and forty thousand disappeared in Guatemala; more than thirty thousand dead and disappeared in Argentina; and nearly seventy thousand, most of them indigenous peoples, slaughtered in Perú.³¹ The brutality of feminicidal violence harks back to this era of state terrorism, when security forces and death squads resorted to brutal repression as a common practice to terrorize the populace by subjecting them to torture, arbitrary detention in death camps, extrajudicial execution, and disappearance. Most of the victims of state terrorism were “vulnerable civilian participants in movements or sectors which challenged the military’s political goal or doctrines” (Brysk 1999, 243), especially populists, labor unions, students, teachers, and indigenous groups. While state security forces administered violence across the social spectrum, when it came to women, the terror inflicted by state-sponsored torturers took gender-specific forms (Hollander 1996, 46).

Similar to the practices of dehumanization evident in feminicidal violence, the torture of women under sadistic military regimes in Latin America involved degrading, inhumane, and cruel methods “systematically directed at [women’s] female sexual identity and female anatomy” (Bunster-Burotto 1993, 257). Gang rape, sexual slavery, mutilation, torture, and forced pregnancy were part of the ongoing and insidious forms of terrorizing imprisoned women during the military dictatorships of Southern Cone countries such as Chile, Argentina, Paraguay, and Uruguay and in countries such as El Salvador, Nicaragua, Honduras, and Guatemala, where the state waged counterinsurgency wars against mostly unarmed civilians.³² While in Guatemala, members of the military and civil patrols raped and terrorized indigenous women; in Argentina, “at the height of the military dictatorship’s ‘Dirty War,’ bored junior officers who were members of torture squads would cruise the streets in the infamous Ford Falcons looking for pretty girls to sequester and take back to the camp to rape, torture, and then kill” (Hollander 1996, 63).

The unbridled misogynist practices of military regimes illuminate the intersections of “political repression” and “patriarchal culture” as mutually constituting forces. By “strengthen[ing] male-dominated institu-

tions and intensify[ing] misogynist ideology,” terrorist states reinforced a “violent patriarchy” that normalized violence against women (Hollander 1996, 46). It is precisely this relationship between machismo and violence and the mutually constituting forces of militarized, misogynist institutions; emphatic masculinism; and random, arbitrary violence that have helped to fuel contemporary expressions of feminicide (Domínguez-Ruvalcaba 2007).

Decades of military rule and civil wars have had both long-term structural and psychic impacts (what Ignacio Martín-Baró calls “the militarization of social life”; quoted in Hollander 1996, 57) that have persisted beyond the reign of the terrorist state in the “destructive behavior of members or ex-members of the military” (quoted in Hollander 1996, 57). Just as significant is the “historic structure of impunity” resulting from amnesty laws that have failed to hold state officials and former members of the security forces accountable for egregious crimes. This is the case in Guatemala, for example, where “genocidaires have never been brought to justice and impunity reigns more than a decade after the signing of peace accords” (Sanford 2008, 105). The chapter by Hilda Morales thus connects the rise of newer forms of violence such as feminicide to the historical structure of impunity in which, as Kees Koonings and Dirk Kruijt (1999, 11) explain in a different context, “at the level of daily law enforcement . . . random and arbitrary violence persists despite the demise of authoritarian rule.”

Indeed, the end of military rule and counterinsurgency wars did not necessarily eliminate state terror, for it has persisted in what these authors refer to as “the proliferation of arbitrary repression with systemic logic” (quoted in Koonings and Kruijt 1999, 11). To this day, arbitrary and random forms of violence perfected during the Dirty Wars pervade the entire security apparatus, in police and law enforcement, in paramilitary bands involved in vigilantism and current “social cleansing” campaigns,³³ in the militarization of policing functions — all repressive practices that contribute to the untold forms of violence and degradation on the rise in post-authoritarian Latin America. Judith Galarza, head of the Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos (Latin American Federation of Associations of Families of the Detained-Disappeared) in Caracas, an association of relatives of political prisoners and disappeared in Latin America, teased out the connection between feminicide and Mexico’s Dirty War of the 1970s, noting that “several high ranking Chihuahua state officials implicated in organized crime began their careers as policemen active in the Dirty War” (quoted in Paterson 2008, 7).

Today, state-sanctioned terror practices and the unrestrained and ty-

rannical use of force, persist in a barely disguised and subcontracted form of repression and coercion (Fregoso 2006). State terror has been outsourced to other “corporatist” sectors, as explained in the chapter by Rita Segato, to paramilitary bands involved in the recent emergence of vigilantism (“which may be state tolerated but is not wholly state sponsored” [Brysk 1999, 240], to private armies and privatized security forces (former and current members of law enforcement) working for the globalized networks of the drug-, weapons-, and human-trafficking industries, to the private armies of the ruling elite — all claiming the right to exercise sovereignty. In the era of neoliberal capital, the greater mobility and availability of weapons and private armies for hire means that military operations are no longer the sole monopoly of states (Fregoso 2006).³⁴ As the chapter by Héctor Domínguez-Ruvalcaba and Patricia Ravelo Blancas shows, the widespread impunity for atrocities committed against women and the unfettered continuation and spread of femicide can be seen as part of this militaristic scenario: the convergence of various coercive forces, the complicity of public officials and the organized-crime industry, in alliance with the ruling economic and political elite, all underwritten by the towering specter of state terrorism.

A Critical Human Rights Perspective

As we noted earlier, the international community now recognizes gender-based violence as a human rights violation. This means that as an extreme practice of violence embedded in gender power dynamics, femicide is linked to a pattern of systematic discrimination; it breaches a woman’s right to life, liberty, security, and dignity. In Latin American societies where strict gender norms of feminine and masculine identities prevail, there is also a historical pattern of deadly violence aimed at non-gender-conforming women, which further violates their right “to live out their sexuality in ways other than heterosexuality” (Radhika Coomoraswamy, quoted in Saiz 2004, 55).

As the former Special Rapporteur on Violence against Women, Radhika Coomoraswamy was the first United Nations expert to “explicitly articulate a concept of sexual rights” and conceptually connect gender violence and discrimination with sexual orientation. According to Ignacio Saiz, Coomoraswamy considered violence against non-gender-conforming women to be “part of a broader spectrum of violence inflicted on women for exercising their sexual autonomy in ways disapproved by the community” (Coomoraswamy, quoted in Saiz 2004, 55).³⁵

In many Latin American societies, widespread discrimination on the

grounds of sexual orientation remains largely invisible despite a historical pattern of state and structural violence against queer people, which can also result in femicide. Although strict gender norms and the social stigma attached to homosexuality partially account for the social indifference and silences around violence against transgender women, it is the state and judicial forces that are ultimately responsible for institutionalizing homophobic violence. In speaking about violations of the sexual rights activists in Latin America, Natasha Jiménez of Mulabi (*Espacio Latinoamericano de Sexualidades y Derechos*, or Latin American Space for Sexualities and Rights) remarks, “The ‘official history’ of humankind, as we know it, is a history in which ‘travestis,’ trans and intersex women are invisible. . . . Most of us are forced to live in the margins of society after being rejected by our families and the community as a whole. When we organize ourselves to defend our rights, usually we face police abuse and extortion. The price we pay for becoming leaders and encouraging our peers to resist is often murder, torture, arbitrary arrest, or forced displacement” (*Human Rights Watch* 2008).³⁶

Former Special Rapporteur Kumaraswamy once called “sexual rights . . . ‘the final frontier’ for women’s human rights” (quoted in Saiz 2004, 55). Although the essays gathered in this collection do not explicitly address the conceptual link between sexual and gender rights, attempts are currently under way to locate sexuality within a more comprehensive framing of femicide.³⁷ The invisibility of transgender women and the silences around sexuality rights in Latin America demand that we make a concerted effort to highlight the extent to which violence against non-gender-conforming people is an egregious human rights violation that needs to be addressed in any framing of and politics surrounding femicide.

As president of the *Comisión Nacional de Femicidio* (National Commission on Femicide in Mexico), Lagarde played a key role in advancing a human rights perspective on gender-based violence in Mexico. The *Ley General de Acceso de las Mujeres a una Vida Libre de Violencia* (General Law of Women’s Access to a Life Free from Violence) formulated by the commission is not just a “law against violence” (negative right) but a law that guarantees women the right to live free from violence (positive right).³⁸ Lagarde also played a key role in focusing on the element of “impunity,” the role of the state, and the inclusion of “disappearance” in the conceptual elaboration of femicide.

Yet Lagarde’s inclusion of “disappearance” under the rubric of femicide could be seen as problematic, for it begs the question of why “disappearance” would be characterized with the same finality as mur-

der, given that some of the women may or may not be dead—that is, they may later reappear.³⁹ In some respects, conceptualizing disappearance as a component of femicide forecloses the possibility (and the relatives' hope) that many of the women may still be alive, perhaps trafficked or held in captivity in sexual or labor slavery. However, there is also a compelling reason for placing disappearance within the ensemble of crimes against humanity.

As we noted above, the feminist reformulation of rape as torture represents what Sellers calls a form of “legal piggybacking,” or progressive reading into existing international human rights provisions. A similar strategy is at work with the coupling of murder and disappearance. In international law, “disappearance” as a crime against humanity has no statute of limitations, and a progressive reading into international human rights provisions could eliminate the statute of limitations for murders of a femicidal kind.⁴⁰ For example, in Mexico the statute of limitations for murder is fifteen years, whereas “disappearance” is “not subject to statute of limitations under customary international law” (Roht-Arriaza 2005, 121). As the chapter by Adriana Carmona, Alma Gómez, and Lucha Castro suggests for the case of Silvia Arce, missing since 1998, a legal precedent could be made for disappearance in the context of femicide as a crime against humanity by drawing on the case example of Chile. In that instance, “murder and disappearances” committed during Chile’s military regime, according to Naomi Roht-Arriaza (2005, 121), are considered “imprescriptable—they can have no statute of limitation due to the heinous nature of the crimes and the continuing international interest in its suppression.”⁴¹ Besides, this characterization of femicide as crimes against humanity could also “give rise to an obligation on the part of the primary state, as well as of the international community,” which as Juan Méndez and Javier Mariezcurrena (1999, 88) indicate, “may be satisfied by creating an international criminal court, or by allowing courts of other nations to exercise the principle of international jurisdiction.”

For Carmona, Gómez, and Castro, Lagarde’s proposition of femicide as a “state crime” in effect shifts the understanding of violence to consider “institutional forms” (state and judicial structures) as well as both public and private forms of gender-based violence, as well as murder and disappearance, as a social mechanism that “serves to reinforce a systematic pattern of subordination and exclusion from codified rights” (quoted in European Commission 2008, 24).⁴² Although international law still favor “holding states accountable . . . for violations perpetrated by public authorities, rather than committed by private actors” (Brems

2003, 113), this conceptual framing of femicide is part of a vigorous movement to establish women's rights as human rights and to name gender-based violence as a violation of human rights.

The Comisión Interamericana de Mujeres (Inter-American Commission of Women; CIM) was the first international body to define gender-based violence as a violation of women's human rights and to specify "the duties of states to address this endemic social problem" (Meyer 1999, 58). Established in the 1920s, the CIM has had a decades-long tradition of pressuring governments in the Americas "to bring national laws into compliance with international norms in the area of women's rights" (Meyer 1999, 66). In 1988, it drafted the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention Belém do Pará) in which it expanded the violations suffered by women from "domestic violence" to include "institutionalized violence perpetrated or tolerated by the state" and redefined "rape and sexual abuses as forms of repression or torture" (Meyer 1999, 67). Although rape is not listed as a "human rights violation in the [Universal Declaration of Human Rights], CEDAW [Convention on the Elimination of All Forms of Discrimination against Women], [or] the International Covenant for Economic and Social Rights," in 1994,⁴³ the Convention of Belém do Pará, "became the first of its kind to frame rape as a human rights violation in both private and public spheres" (see CEDAW 2005, Article 2; Sellers 2002, 296–301).

Situated in the nexus between gender-based violence, systematic discrimination, and exclusion from codified fundamental rights, femicide as we have defined the concept is part of feminist efforts to categorize violence rooted in a gender power structure as a human rights violation. The emphasis on human rights provided by the concept of femicide triggers the obligations of the international community to pressure and hold the state accountable, as the chapter by William Simmons and Rachel Coplan observes.⁴⁴ Similar to the term *genocide*, first coined by the Polish international lawyer Raphael Lemkin to describe what the Turks did to the Armenians in Turkey, *femicide* provides an analytic and legal framework for locating state accountability around "crimes against women's life and liberty."⁴⁵

Lagarde's discussion of femicide as "state crime (*crimen de Estado*)" is crucial in this regard, for it reiterates the state's role and responsibility (by commission, toleration, omission) for egregious breaches of women's human rights. This human rights framing implicates the state for its failure to act with due diligence⁴⁶—that is, to take reasonable steps to prevent, investigate, and prosecute gender-based violence—and it incriminates the state and judicial bodies that institutionalize misogyny. It

also underscores the state's responsibility for (or failure in) *prohibiting* violations of women's human rights. Here it is important to underscore that we prefer the language of *prohibition* to that of *protection* because we do not advocate a "protective approach to human rights of women" or the use of "protective instruments which see women as especially vulnerable and in need of protection" (see Brems 2003, 108). A reliance on the logic of protection, according to Iris Young (2003), extends patriarchal ownership and control and further disempowers women. For Charlesworth (1999, 386), "the proprietary image of women . . . [is] underlined by the language of protection rather than prohibition of violence."

Most violence against women is committed by individuals rather than the state; however, several authors in this book will argue that a state's failure to guarantee women's rights to live a life free from violence is itself a human rights violation. In emphasizing a human rights approach, the concept of femicide implicates both governments that violate human rights and private actors who perpetrate violations of human rights. In framing femicide as a "state crime," several contributors in this volume point to the state's role in fomenting a climate of impunity for the most heinous violations of women's rights: murder, torture, sexual violence, and forced disappearance. Women's rights groups in Latin America have long maintained that the government's failure to investigate human rights violations thoroughly or to follow through in prosecution, often "because of lack of will to do so by officials in charge of institutions with specific duties in that regard," creates a climate of impunity that in turn propels more violations (Méndez and Mariezcurrena 1999, 85).⁴⁷

This link between histories of sexual violence during armed conflicts and the current surge of femicide was recently stressed by Special Rapporteur on Violence against Women Yakin Ertürk. In addressing the problem of impunity, Ertürk called for the prosecution of perpetrators of "sexual violence used as a weapon of war during armed conflicts in Central America" as a deterrent for "future acts" (Ertürk and Commission on Human Rights 2005, 2). Angélica Chazarro, Jennifer Casey, and Katherine Ruhl take up this question in their study of how a government such as Guatemala's (as well as El Salvador's and Honduras's) practiced impunity by changing domestic laws or passing amnesty laws for human rights violations during periods of armed conflict, which in effect "preclude investigations or punishment" of security forces and former military commanders (Méndez and Mariezcurrena 1999, 85).⁴⁸

Rights for Living

The focus of this volume is on femicide and disappearance. However, by emphasizing structural and systemic forms of violence, we aim to advance a more comprehensive framing of human rights harms that goes beyond the liberal humanist emphasis on violence as “personal injury” limited to physical violence. Rather, we advocate broadening the agenda of gendered human rights violations through a feminist understanding of rights as “substantive and indivisible,” a notion of human rights as not just *of* the living but *for* living.

In discussing the philosophical, practical, and political questions underpinning human rights discourse, Wendy Brown (2004, 463) finds human rights approaches to justice limiting, especially if the “moral discourse on pain and suffering” is uncoupled from a “political discourse of comprehensive justice.” Brown (2004, 461) entertains the limits of a moral definition of human rights violations in which the “global problem facing human-kind” is conceived of or framed as “terrible human suffering consequent to limited individual rights against abusive state power.” It is less about what is wrong, given that these practices aim to “right” human wrongs, than about the limits of this kind of framing of human rights for a progressive agenda insofar as it ignores “the conditions by which people can or cannot exercise their rights,” and in so doing elides social and economic rights (Wilson 2002, 260).

The human rights *for* living approach we are advocating bases its comprehensive justice project on the “principle of indivisibility,” or the idea that civil and political rights are indivisible and inseparable from economic rights to food, health care, and shelter. It is a perspective that calls for deep changes in social structures. This notion of human rights *for* living, as “substantive and indivisible”—the right to work, food, health care, and housing, along with the right to a life free from violence and torture—opens up new possibilities for treating femicide as part of a broader set of human rights violations that affect women and for framing remedies within a comprehensive justice model that considers peoples in local communities as agents of social change.

In this volume, we have gathered the writings, insights, reflections, and interventions of multiple actors in the struggle to end femicide in the Americas. From the beginning, our concern has been to highlight an array of empowering voices and ways to create long-lasting social change. In bridging diverse genres of knowledge—the voices of the mother/relative/survivor/activist, the voices of the lawyers litigating on their behalf, the voices of the grassroots activists, the voices of schol-

ars and legal theorists, and the haunting voices of the female victims of femicide and disappearance—our aim is to probe the collective actions required to end the large-scale violence and atrocities affecting our communities. It is out of the multiplicity of intersecting perspectives that human rights *for* living are best articulated in the following matrix of justice, human security, and local remedies.

Remedies for the injuries and suffering caused by femicide and disappearances are complex and varied. They range from legal, juridical, and state-centered methods to human security and community-based approaches to justice. Even as we recognize the importance of the legal and judicial realm for remedying injustices, we harbor deep suspicion about legalistic remedies and “rule-of-law” approaches centered on the state. Yes, “law” has an expressive function in that it “formally restores social values and norms.” However, the production of human rights law that is state-centered can lead to the “reempowerment of the state” (Baxi 2006, 211) and the further disempowerment of everyday people. It is for this reason that we consider it crucial to go beyond the state, as well as beyond instruments and accords such as the Universal Declaration of Human Rights.

Human rights activism aimed at reducing human suffering in Latin America often advocates for the applicability, institution, and enforcement of international law within the nation-state. However, as feminists we have strong reservations about state-centered (criminal) approaches to justice and propose instead alternative forms for responding to human rights atrocities. Unlike the “‘true believers’ in the promise of international law,” we join those Vasuki Nesiah calls “skeptics or agnostics” who view legal interventions “as merely a strategy towards certain political goals” (2006, 805).⁴⁹ In the following pages, we examine several models of justice that frame human rights violations less as offenses against the state than as a violation of human relationships. We also consider alternative community-based approaches for responding to human rights harms, especially ones that empower and involve those affected by femicide and disappearances “to participate in deciding what to do about the wrongdoing” (quoted in Law Commission of Canada 1999, 28).⁵⁰

A comprehensive justice approach to human rights *for* living, as “substantive and indivisible”—the right to food, shelter, and work, along with the right to a life free from violence and torture—opens new possibilities for thinking about people’s safety and security that go beyond the rhetoric of “physical protection” and “threats to the body politics” as framed within a “national-security” model and for treating gender-based atrocities as more than sexual violence against women.

For as Franke (2006, 819) indicates “to see the ‘gender issue’ surface only in the case of sexual violence is to elide the gendered dimensions of war, violence, and the investment in killing over caring.”

In treating security for women as more than physical protection, the notion of rights *for* living affirms women’s need for personal and social safety in tandem with or inseparable from their need to live healthy and productive lives. Security also means embracing women’s sexual diversity, along with an “emancipatory vision of sexuality,” as a “social good to be respected, protected, and fulfilled” (Saiz 2004, 64). This idea of “security” differs substantially from state-centered understandings of security, drawing instead from a notion recently advanced under the auspices of the United Nations Development Program (UNDP), which defines “human security . . . as freedom from fear and freedom from want” in the realms of “the economy, food production, health, the environment, the personal and community level and politics” (Truong et al. 2006, ix).⁵¹

This people-centered approach to human security focuses on gendered forms of human rights violations and sufferings that are often overlooked — poverty, hunger, illness, homelessness, and displacement — and that, as noted earlier, are rooted in structural and institutional inequities. Marginalized women whose gendered forms of exclusion intersect with other social categories such as class and ethnicity are the ones most vulnerable to financial, personal, and community insecurities, aggressive policing practices, and other forms of gendered violations. In drawing from the principle of indivisibility, this security model is crucial to a comprehensive justice framework that focuses on the empowerment, human rights, and dignity of women.⁵² It positions women as active agents of cultural, economic, and social change as they work to end the silence around gender-based violence and raise awareness about its devastating effects on their communities.

A number of the community-generated approaches we describe below go beyond a national security model of justice and instead reimagine safety and security “based on a collective commitment to guaranteeing the survival and care of all peoples” (Communities against Rape and Abuse 2006, 250). We also consider an approach to justice that, although centered on international human rights law and the state, can be a useful tool for empowering communities in democratic processes of justice making: the transitional justice model developed at the end of military dictatorships and authoritarian governments in Latin America during the 1980s.

Transitional Justice

The transitional justice approach centers the “rights and needs of victims and their families” and relies on “international and humanitarian law in demanding that states halt, investigate, punish, repair, and prevent abuses” (International Center for Transitional Justice).⁵³ Transitional justice aims to reveal the multilayered causes of violence, heal the wounds caused by this violence, and create systems to stop future human rights abuses. The recognition first and foremost of the human suffering and injuries committed against relatives and victims of femicide and disappearance, transitional justice is a useful model for revealing truths about femicide cases through truth-telling mechanisms and offers accountability and prosecution of offenders, including the implicated or negligent state actors. Transitional justice also involves “public access to police, military, and other governmental records; public apology; public memorials; reburial of victims; compensation or reparations to victims and/or their families (in the form of money, land, or other resources” (Franke 206, 813). This justice approach also offers a space for healing and reconciliatory processes and for creating the structural changes necessary for sustainable peace and comprehensive justice.⁵⁴ Although it requires a dose of state power,⁵⁵ the version of transitional justice developed through the International Center for Transitional Justice (ICTJ) is also unique in its exploration of the effects that gender and sexualized violence have on countries affected by violence.

No human rights approach to justice can be applied universally, and, as Katherine Franke (2006, 813) notes “transitional justice will always be incomplete and messy.” Transitional justice projects have a specific history in addressing human rights abuses in post-conflict societies, and yet they have been limited in their ability to create a process of change that is systemic rather than time-sensitive, that involves the community in the peace-building process, and that creates a strong foundation for “public confidence” and “authentic public engagement” (John Paul Lederback, quoted in Borer 2006, 7). There are also limits to a transitional justice focus on “reconciliation.” As President Michelle Bachelet of Chile has remarked: “In my view, [reconciliation] does a disservice to the memories of thousands of victims of the Pinochet regime, to the many thousands more who were tortured and to their families — many of whom still do not know what actually happened to their relatives, spouses, friends” (quoted in Rieff 2007, 1).

Even though transitional justice is a model developed for transitional

moments or post-conflict situations “after a repressive regime [has been] toppled or a civil war [has] ended and before new, more democratic institutions are consolidated,” (Méndez and Mariezcurrena 1999, 88) its principles have emphasized and enabled a notion of justice as a lived experience. Juan Méndez (2006, 120) writes, “The most significant aspect of Latin American experiences, however, is that the process of truth and justice has outlived the transitional periods (however measured) and that these demands are now widely accepted as applying to nontransitional situations as well. Moreover, each society has found ways of keeping alive the demands for truth and justice beyond the neat ‘stages’ in which those policy decisions were supposed to be made.”

Marta Vedio of La Plata’s Human Rights Association has also stated (Roht-Arriaza 2005, 104–105), “The truth is a right belonging to the whole society.” In this collection, as Eva Arce, Julia Huamañahui, Rosa Franco, and Norma Ledezma Ortega declare in their *testimonios*, the relatives of the disappeared and of femicide victims have been denied the right to truth and a right to know what happened to their loved ones. The right to truth is an obligation that the state owes to the relatives and to the entire society: “To disclose . . . all that can be known about the circumstances of the crime, including the identity of the perpetrators and instigators” (quoted in Méndez and Mariezcurrena 1999, 88). Besides the right to truth, the relatives of the disappeared women invoke the right to mourn their dead, for bereavement is “one of the most deep-seated fundamental needs in all human cultures”; it “require[s] that the location of the loved one’s remains be known and that the mourners have a body to mourn” (Roht-Arriaza 2005, 101). For the relatives of the murdered and disappeared women, the right to truth and right to mourn are foundations for long-lasting justice.

One of the unique features of transitional justice is the stress on an empathic form of listening that privileges the significance of “the narrative, subjectivity, and the experiential dimensions of truth telling” (Borer 2006, 22) as expressed by family members as victims or survivors of human rights abuses. Transitional justice projects are considered to be victim-centered because they validate the truths derived from witness-survivors’ own *testimonios*, and provide a forum for contesting official state narratives that often misrepresent and obfuscate the truth behind human rights atrocities. Moreover, in transitional justice projects, the narrative truth produced by family members in the form of *testimonios* of human rights violations they have experienced at the hands of state officials, who harass and intimidate and mislead relatives about investigations, is given just as much weight as forensic or legal evidence.⁵⁶

Yet, engendering transitional justice has not been a smooth process. Early truth commissions in Argentina and Chile overlooked “testimony from women” and “assumed a gender-neutral approach” that according to Theidon (2007, 457), “privileges men and their experiences.” Subsequent commissions in Guatemala, South Africa, and Perú have incorporated a gendered perspective with varying degree of success, actively encouraging, facilitating and seeking to include women’s voices in truth-seeking processes.⁵⁷ These more recent transitional justice projects place an emphasis on women’s agency in peace, justice, accountability, truth, and reconciliation as essential for coming to terms with past human rights atrocities and incorporate a gender analysis into the truth-telling mechanisms. In prioritizing “sex-specific and gender-based violence in their mandates rather than treating such violence as secondary,” these transitional justice projects “support private hearings within truth commissions to discuss sex- and gender-based violence instead of during public hearings, and they provide women the space for anonymous testimonies when discussing sexualized violence” (Hayner 2001, 77–79, as cited in DeLaet 2006, 168–69nn).

Yet despite the efforts to actively seek out women’s voices and experiences of violence, more work needs to be done to advance gendered justice in transitional justice projects. Feminist interventions into the field have pointed to a number of issues that undermine the interests of women, including transitional justice’s narrow definition of sexual violence as “rape,” its treatment of gender-based atrocities as exclusively “sexual,” and the elision of the gendered dimensions of war (see Nesiah 2006; Franke 2006; Theidon 2007; Ní Aoláin and Rooney 2007).⁵⁸ Prioritizing rape and sexual violence over other “human rights harms that affect women,” according to Franke (2006, 821) “has had the effect of sexualizing women in ways that fail to capture both the array of manners in which women suffer gross injustices, as well as the ways in which men suffer gendered violence as well.” While transitional justice taps the legal system in its approach to human security, there are other meaningful community-generated projects aimed at addressing and making visible feminicidal violence.

OBSERVATORIOS COMUNITARIOS (CITIZENS OBSERVATORIES)

Observatorios Comunitarios have a long history in Latin America, serving as a mechanism for collective action that involves communities in witnessing, observing, and monitoring state agencies and ensuring that they exercise due process. Observatorios Comunitarios are similar to citizens’

watch groups in terms of their independence and autonomy from government authority or power and in the provision of local, community-based solutions for citizens' participation in democratic processes.

Established in 2006 the Observatorio Ciudadano del Femicidio (Citizens' Observatory on Femicide) is the largest *observatorio* dealing with femicide throughout Mexico. It represents roughly forty-two civil society organizations from seventeen Mexican states, including women's groups, human rights groups, indigenous women's organizations, legal-defense groups, and academic and religious organizations. While the membership includes both men and women, the leadership in the observatorio, like that of most women's rights projects, is primarily female.

Representatives provide monthly updates on femicidal violence in their home states, including information on femicides reported monthly in local newspapers. Widely recognized by national and international governments, the Observatorio Ciudadano del Femicidio currently networks with other Latin American countries that face increases in femicide, such as Guatemala and Nicaragua, collaborating across state and national borders to monitor governments and to end femicide and other forms of gender-based violence (Red de Salud de las Mujeres 2008). The observatorio is part of an effort to typify (or enumerate) femicide within national law, advocating for the full implementation of the federal Ley General de Acceso de las Mujeres a una Vida Libre de Violencia (2007) and for the establishment of a new system of prevention, sanction, and elimination of violence (known as Sistema Nacional sobre la Violencia contra las Mujeres y el Programa Nacional Integral de Prevención, Atención, Sanción y Erradicación de la Violencia; Olivares and Villalpando 2007).

Another observatorio based in Mexico City, the Observatorio Ciudadano de los Derechos de las Mujeres (Citizens Observatory on Women's Rights), draws its membership from twelve organizations, including Nuestras Hijas de Regreso a Casa (May Our Daughters Come Home), Justicia para Nuestras Hijas (Justice for Our Daughters), and the Centro de Derechos Humanos de la Mujer (Center for Women's Human Rights) of Chihuahua. Its primary goal is to ensure the implementation of human rights standards, norms, and principles as articulated in international law and treaties such as CEDAW. The main objectives of the Observatorio Ciudadano de los Derechos de las Mujeres include (1) strengthening the inclusion of women in the national agenda; (2) fortifying the use of international recommendations in Mexico; (3) combining the terms of human rights and women and girls' rights; (4) sensitizing and informing the public about the phe-

nomenon of femicide; and (5) positioning international recommendations more squarely in the elaboration and implementation of public policies.⁵⁹ Both observatorios work to strengthen community-based accountability strategies by involving a coalition of grassroots activists, NGOs, academic researchers, and human rights activists in implementing women's human rights and holding governments accountable. Like other community-based justice models, the observatorios have made a concerted effort to empower communities in witnessing, observing, and monitoring government entities and ensuring that they follow through with due process and procedures for justice.

GRASSROOTS NGOS

Nuestras Hijas de Regreso a Casa and Justicia para Nuestras Hijas are local, family-activist organizations working across national borders. Based in the State of Chihuahua, Mexico, these grassroots NGOs are part of an expanding transnational network of alliances aimed at building the capacity of mostly poor communities "to be direct architects of their local political worlds" (Appadurai 2006, 135). Partnering with local and cross-border activists, both NGOs have focused on building the capabilities of families to investigate the murders and disappearances of their loved ones, and, more generally, to work collectively in the area of women's human rights.

Nuestras Hijas de Regreso a Casa, based in Ciudad Juárez, involves family members directly in advocating on their own behalf in the area of judicial and social justice. In addition to demanding accountability from federal, state, and local authorities in solving the crimes of femicide and disappearances, Nuestras Hijas helps to build capacity by educating families on judicial and legal processes and in the area of psychological and physical well-being. For example, the group has developed educational workshops and support groups to help the families of recent victims deal with and transform their anger, suffering, and pain into political action. It has also filed complaints against the government for corruption and negligence and worked with national and international NGOs to apply pressure on the Mexican government to resolve the cases of femicide.

Nuestras Hijas de Regreso a Casa has extended its advocacy to a wider arena through RadioFem, a radio link and radio station broadcasting out of their offices. Along with reports about the ongoing femicide and disappearances, RadioFem covers topics ranging from gender empowerment, women's rights, and safety to children's understanding of gender violence. Although the group has experienced difficulties in ac-

cessing radio waves, *Nuestras Hijas* continues to post links to Radio-Fem on its website (<http://www.mujeresdejuarez.org>), defying the government's efforts to remove its "on air" programs.

As Carmona, Gómez, and Castro explain in greater detail, *Justicia para Nuestras Hijas* was established in 2002 by families of murdered and disappeared women in Ciudad Juárez and Chihuahua City and includes a small group of lawyers and legal advocates involved in the investigation of femicide and the disappearances. Like those of *Nuestras Hijas de Regreso a Casa*, the members of *Justicia para Nuestras Hijas* are mostly poor families with limited formal education and resources. The group also builds capacity among the mothers of murdered girls and women, training them to be paralegals and advocates within the judicial processes, especially since family members have proved to be the best record keepers and investigators into the murders and disappearance of loved ones.

The work of *Justicia para Nuestras Hijas* has catalyzed another NGO in Chihuahua City, the *Centro de Derechos Humanos de las Mujeres* (Center for Women's Human Rights), which was established in 2005 to support survivors of domestic violence and human rights atrocities at every stage of the judicial process. Unlike many women's centers, the *Centro de Derechos Humanos de las Mujeres* is organized on the principle of indivisibility that we spoke of earlier, taking a comprehensive view of gender-based violence that links interpersonal (physical) violence in intimate and familial relations with social, cultural, and economic forms of violence that affects poor as well as indigenous (Tarahumara-Rarámuri) women.

Although *Justicia para Nuestras Hijas*, *Nuestras Hijas de Regreso a Casa*, and the *Centro de Derechos Humanos de las Mujeres* are home-spun organizations operating with limited funding, all three have taken leading roles in the international campaign to end femicide. They have created alliances with other grassroots, national, and international women's rights groups in a campaign to end gender-based violence and femicide; they are also leaders in forging international solidarity campaigns throughout Europe, the United States, and Latin America, and in carrying out public political acts, protest marches, demonstrations, public forums, and caravans for justice. While the groups grew out of struggles to end femicide in the region, other community-centered approaches to justice focus on empowering women and eradicating domestic violence.

DEFENSORAS COMUNITARIAS (COMMUNITY DEFENDERS)

Although the Peruvian Truth and Reconciliation Commission (TRC) was instituted to enable the country's transition to democracy by revealing truths and implementing accountability for human rights atrocities during the armed conflict, a question among women and human rights groups in Perú lingers: “¿Porque no se hace justicia (Why isn't justice achieved)?” To respond to what some groups consider the failures of the TRC process, a community-generated strategy has taken shape among local indigenous community members from villages and cities. The Defensoras Comunitarias (Community Defenders) are primarily indigenous women trained as the first line of legal defense to hear a variety of cases of human rights violations against women and children in their regions.

Developed in partnership with foundations such as the Legal Defense Institute and the United Nations Children's Fund (UNICEF), the Defensoras Comunitarias have developed a community-based justice model for building the capabilities of poor, mostly indigenous people to serve as human rights monitors, observers, and local interpreters of human rights in the community. The Defensoras Comunitarias also serve as community watch groups and as legal-aid and social-welfare offices. Based on a collective commitment to guaranteeing the survival and care of all peoples, the Defensoras Comunitarias monitor and work to settle conflicts within their own communities, thereby circumventing the criminal justice system of the state, which has been particularly hostile to indigenous communities. In working with women in their communities, the Defensoras Comunitarias intervene in troubling situations and provide guidance throughout the justice system, accompanying survivors of violence in their visits to the police, district attorney, and judicial offices. The Defensoras Comunitarias also intervene in cases of police brutality and domestic violence and make frequent visits to homes, sending a strong message to the violent offender that they are watching and monitoring him.

The Coordinadora Departamental de Defensorias Comunitarias del Cusco (CODECC) started in 2000; two years later, the Defensorias Comunitarias del Cusco had grown to forty people. By 2005, five hundred community members, mostly women from urban and rural communities, had joined the organization as volunteers in their communities. The Defensorias Comunitarias are officially recognized by the Ministerio de la Mujer y el Desarrollo Social (Ministry of Women and Social Development; MIMDES) and across Peruvian civil society as advocates in decision-making processes involving the implementation of laws, the

rendering of justice, and the improvement of the lives of survivors of gender-based violence (Coordinadora Departamental 2005).

The witness–survivors (families of murdered and disappeared women) and grassroots activists working on behalf of human rights, demanding justice and accountability from their governments and calling for an end to violence against women, are the direct architects of change in their local political worlds. Survival is a feature embedded in the everydayness of poor communities. As witnesses to and survivors of untold forms of degradation, relatives and their advocates stand at the epicenter of survivability, facing intimidation and harassment from state authorities and violence from an economy, a criminal justice system, and political institutions that typically leave them out of any decision making. Even as they continue to wrestle with terrible hardships, witness–survivors have managed to transform their pain and suffering into a resource for empowerment and agency (Bejarano 2002).

Women who have survived human rights atrocities throughout Latin America are key players in creating an alternative approach to human security. These are women who strive to live without fear and without want and who are vital in the prevention of future violence because more than anyone else they understand the intimacies of violent societies and the everydayness of violence in women’s lives. More often than not, societies tend to further marginalize survivors of violence by encouraging the erasure of violent histories as a mechanism of reconciliation and moving on. For many, reconciliation “implies turning a page,” as Chile’s President Bachelet recently remarked (as quoted in Rieff 2007, 1). Yet, as Edith Wyschogrod reminds us, “Survivors of atrocity become deeply uncomfortable signifiers for the post-atrocity societies within which they live, excessive to structures of normality that privilege forgetting, getting over and getting on with things through the denial of the terror of death, especially the possibility of mass death” (quoted in Cubilié 2005, xii).

Those who survive gender violence may be viewed as uncomfortable reminders of a society’s violent history. However, witness–survivors and their families also have the moral authority and ethical power to instill public confidence and create the public engagement required for deep, long-lasting peace and democracy. Female survivors are working (often invisibly) to take greater control of decision making in their communities, to achieve a more equal status with men, and to influence peace, justice, and democratic movements (Valenzuela 1999). As they struggle on the ground in urban and rural communities throughout Latin America, witness–survivors and women’s rights activists possess

the “survival capital” that offers a multilayered framework for strategies to combat “wars against women.” They model for all of us the aspirations and utopian dreams necessary to create new pathways, to build “deep democracy,” and to enable new protagonists in campaigns for justice and human equality across borders.

Part 1, “Localizing Femicide,” maps the locations of femicide. The contributors offer feminist analytics of femicide and a robust set of arguments on the structural patterns of violence within each society. In “Localizing Femicide,” we point to the shared cross-border links for confronting and understanding the phenomenon to end this form of violence. Part 2, “Transnationalizing Justice,” tracks legal routes for remedying injustices and alternative remedies that are more accessible to communities. Part 3, “New Citizenship Practices,” probes strategies for confronting femicide, the shaping of new subjectivities, and models of justice for creating long-lasting change. As principal catalysts of the social movement to end femicide, the four *testimonios* included in the book offer personal reflections of witness-survivors and activists who confront terror daily.

“Localizing Femicide” begins with an essay by Mercedes Olivera, who provides a framework for positioning the impact of structural and social violence on women. Olivera’s contribution reflects on the relationship between neoliberal capitalism and the rise of femicidal violence, which together produce a social ecology in which marginalization and political exclusions, inequalities, poverty, authoritarianism, and rigid gender norms flourish. Whereas Olivera locates femicide structurally, Julia Estela Monárrez Fragoso’s essay alerts us to the corporal effects of neoliberal capitalism, in this case unpacking the ways in which patriarchy and capitalism intersect to produce women’s bodies as “sexually fetishized commodities.” For Monárrez, the location of femicide on women’s bodies illustrates how masculine domination expresses its entitlement through the possession, consumption, and disposal of women’s bodies.

Similarly, Rita Laura Segato’s contribution probes women’s bodies as the terrain through which sovereign and discretionary power expresses its reign and territorial control. Segato begins her analysis by considering how femicide is a signature and communication system through which the powerful sector relays its dominion and superiority across the social order. Segato alerts us to the insidious function of femicide as a system of communication for announcing the omnipotence and invisibility of what she terms the “shadow state.”

Several chapters move from the female body to the concrete man-

ifestation of femicide in regional locales. Angélica Chazarro, Jennifer Casey, and Katherine Ruhl turn their lens to Guatemala. Focusing on the asylum case of Rodi Alvarado, they address the intersection of domestic and mass-scale forms of violence, as well as the Guatemalan government's failure to respond to the extreme brutality Rodi Alvarado experienced at the hands of her husband. The authors contextualize the underlying conditions that give rise to femicide in Guatemala, including the legacy of military violence, the failure of the legal system, and a historical structure of impunity and systemic discrimination.

Two chapters in particular discuss the complicity of state actors with organized criminal networks. In her essay on the murder and disappearance of prostitutes in Mar del Plata Argentina, Marta Fontenla points to the direct involvement of police authorities in networks of prostitution and the human-trafficking industry and the corruption of the criminal justice system in investigating and prosecuting the crimes. Similar to Fontenla, Hilda Morales Trujillo roots violence against women in the historical structure of impunity, legacy of armed conflict, and militarization of social life. Drawing from her expertise as an attorney and human rights activist, Morales begins her discussion on the limits of legal categories for murder in Guatemala and offers a perspective on how the concept of femicide is employed in legal and political discourses.

Montserrat Sagot's and Ana Carcedo Cabañas's empirical study of the incidents of femicide during a nine-year time frame provides a comparative gender analysis of murder rates in Costa Rica. Pointing to the limits and discrepancies in the categorization of women's murders, Sagot and Carcedo flesh out the properties of femicides through a detailed demographic and contextual analysis of explicit violence within gender socialization. Similar to Sagot and Carcedo, Adriana Carmona López, Alma Gómez Caballero, and Lucha Castro Rodríguez draw from a typology of femicide to demonstrate the range and rate of its occurrence. Like Morales, their involvement in legal and human rights activism has shaped their understanding of femicide from a critical human rights perspective as "crimes against humanity." This chapter in particular offers case examples of scapegoats who were falsely accused and tortured into confessing to femicide, as well as the failure of judicial systems to ensure the rights of the accused. The authors explicitly raise the significance of the disappeared in advocacy around gender violence, and like other contributors they address the failure of government institutions to remedy these atrocities and underscore the need for interventions beyond the nation-state.

"Transnationalizing Justice" starts with the need to think about and

devise remedies beyond the nation-state. Héctor Domínguez-Ruvalcaba and Patricia Ravelo Bueno Blancas explicitly discuss the influence and power of the new corporatist sector at every level of society, including the state. They call for a reformulation of human rights law beyond its nation-state framework to accommodate not just human rights violations by state actors but also the just as prevalent violations committed by private (corporate) actors in what they term “extra-governmental” space.

William Paul Simmons and Rebecca Coplan pursue a comprehensive set of remedies that address both feminicide and the structural factors that have exacerbated the crimes. They highlight legal remedies that transcend the nation-state, such as litigation before the Inter-American Court of Human Rights and civil suits in U.S. courts under the Alien Tort Statute, as well as economic-development approaches primarily through international financial institutions. Deborah Weissman focuses her discussion on transnational remedies by attending to “economic liberalization,” the roles of transnational actors, and U.S. economic policy through the North American Free Trade Agreement (NAFTA). For Weissman, the increase in the murders of women can be traced to economic globalization and the exclusion of women from the social contract in places where “market-value predominates.”

Christina Iturralde offers a creative framework of justice that speaks to the failure of conventional models of accountability. Drawing from Rama Mani’s approach to justice in post-conflict situations, Iturralde discusses the limits of a rights paradigm and presents an imaginative framework for addressing massive violations of human rights in places where unequal distribution of resources are major factors impeding social justice. Like Simmons and Coplan, Iturralde calls for interventions that address the root cause of violence and build the capacity of communities in legal-empowerment approaches.

We argue that transnational justice is not limited to the interstate system or legal-judicial top-down approaches. In the final section of the book, “New Citizenship Practices,” Alicia Schmidt Camacho, Pascha Bueno-Hansen, and Melissa W. Wright probe the gendering of public space through their deft studies of the new political voices, alliances, and forms of solidarity emerging across regional boundaries.

Schmidt Camacho begins her study of new emergent forms of citizenship in Chihuahua by looking at how state practices at the national and local level conspire to exclude the most marginalized women from “the sphere of rights.” She alerts us to the contradictory nature of “border spaces” as sites for the production of denationalized subjectivity—whose most extreme expression is feminicide—and for the making and gender-

ing of new political subjects. It is the vitality of the justice movements and the assertion of new forms of agency on the part of the family activists that are engendering and transforming Mexican women's citizenship.

In a comparative study of women's rights NGOs in Perú and Guatemala, Bueno-Hansen traces the strategic use of the term *feminicidio* in networking and building cross-border alliances. Even as the term has served feminist activists well in their demands for recognition of women's legitimacy in the public sphere, *feminicidio* is more limited in its utility for codifying violence against women in the penal code of Perú.

Mindful of the difficulties feminist activists face in Mexico, Wright explores how leaders of *Mujeres de Negro* (Women Wearing Black) in Chihuahua assert the rights of women to exist in the public sphere, despite long-standing prohibitions around women's access to the public sphere of politics in the region. Wright's case study of *Mujeres de Negro* alerts us to the challenges of navigating the dangerous political terrain of Chihuahua but also teases out some of the inventive moves crafted by women's rights activists as they build fluid and mobile networks and alliances across national boundaries.

Finally, we include four *testimonios* by relatives of murdered and disappeared women and girls. Eva Arce, Julia Humañahui, Rosa Franco, and Norma Ledezma Ortega document their firsthand experiences as witness-survivors of the atrocities we discuss throughout this book. The *testimonios* speak most directly and publicly for the women and girls who cannot voice their resistance to terror or express their own claims to human rights and justice. As witness-survivors, the relatives claim their rights *for* living and comprehensive justice, for a model of justice that is at once transformative and healing, empowering and re-humanizing, that affirms the dignity and ethical response-ability of all members of human communities in righting human wrongs. The *testimonios* and activism of the relatives of the murdered and disappeared women teach us how to be ethical and response-able human beings. "[Their] resistance to terror," as Carolyn Forché (1993, 46) reminds us, "is what makes the world habitable: the protest against violence will not be forgotten and this insistent memory renders life possible in communal situations."

Notes

1. Gender-based violence makes visible violence rooted in a gender power structure, as defined in European Commission (2008, 24): "To the extent that violence is founded on a gender power structure and serves to reinforce that structure, its exercise systematically undermines the victim's access to a

wide range of fundamental rights anchored in international law, for example, repeated domestic abuse of women, rape (as a means of war, the ICC recognizes it as a crime against humanity), and child maltreatment.” In 1992, the CEDAW Committee defined gender-based violence as “violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion, and any other deprivation of liberty” (Recommendation 19, see European Commission 2008, 24). As Brook Sari Moshan (1998, 2) adds, “Rape has always been a fundamental and accepted military tactic. Historically, soldiers considered rape to be one of the spoils of war, associated with success in battle and serving as evidence of complete victory. Rape has functioned as a military tactic, a way to terrorize populations during warfare and to assert control over war enemies.”

2. As Nicole Erb (1998, 402) writes, “Nazi soldiers raped Jewish and Soviet women; and Japanese soldiers forced Korean women into sexual servitude and raped Chinese women during the Japanese invasion of Nanking China; during the Iraqi invasion of Kuwait, Iraqi soldiers raped Kuwaiti women; during the military coup in Haiti, armed forces raped female supporters of the overthrown President Jean-Bertrand Aristide; during the civil war in Rwanda, Hutu militiamen raped Tutsi women and Tutsi men raped Hutu refugees; during the ethnic conflict in the former Yugoslavia, military officers from all sides raped women from targeted groups.”

3. During the civil war in Ivory Coast, fighters “gang raped” women and forced them into sexual slavery; during the Liberian civil war, armed militias raped three out of four women; in Sierra Leone, militias from all sides committed countless sexual atrocities.

4. For a discussion of the debates about the definition of “gender” and the enumeration of gender crimes during the Preparatory Committee sessions leading up to the Rome Conference, which established the ICC, see Moshan 1998; Oosterveld 2005.

5. Moshan uses the terms *savage* and *brutal*. However, given the colonialist history of the term *savage* as applied to indigenous and Third World communities, we have substituted the term *extreme* for *savage*.

6. In an analysis of political violence, *arbitrary* can mean either depending on individual discretion or marked by or resulting from the unrestrained and often tyrannical use of power (see Koonings and Kruijt 1999).

7. According to Ellen Lutz and Kathryn Sikkink (2000, 640), “Latin America helped introduce the term ‘disappearance’ (*desaparición*) into the international human rights vocabulary due to the widespread and systematic basis of disappearances in the 1970s.” The Inter-American Convention on Forced Disappearance of Persons, adopted by the Organization of American States in 1994, “defines ‘disappearance’ as ‘the act of depriving a person or persons of his or their freedom, in whatever way, perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by the absence of information or refusal to

acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees” (Lutz and Sikkink, 635fn9).

8. Femicidal violence in the Americas is not restricted to Latin America. See Amnesty International 2007, which focuses on sexual violence against indigenous women in the United States.

9. Julia Monárrez Fragoso (2005a) cites the linguist Martín González de la Vara of the Colegio de la Frontera Norte, who explains the etymology and proper translation of *feminicidio* in this way. Also, the Spanish *feminicidio*, according to Marcela Lagarde (2006, 20), is insufficient because it is a synonym for homicide and in this sense “literally means the murder of women.”

10. Although in the book we do not explicitly examine the structures of homophobia, it is important to make the conceptual link between gender-based violence and violence targeting women because of their sexual orientation and identity.

11. Based on an interview conducted by Julia Monárrez Fragoso. The year 1993 is an arbitrary starting point, according to Monárrez, given that there is evidence of killings before the signing of NAFTA in 1994. In the local academic context, Monárrez first used the term in a talk titled, “Feminicidio,” delivered at the Universidad Autónoma de Ciudad Juárez in 1998. She drew from Lagarde y de los Ríos (Monárrez Fragoso 2002).

12. See Russell 2001b, 9, where she also notes that Catherine MacKinnon used the concept of *feminicidal* practices along with *genocidal* practices in a lawsuit against war crimes that she filed on behalf of survivors of mass femicide in Bosnia-Herzegovina’s civil war.

13. Femicide was central to Amnesty International’s global campaign in 2003 against violence toward women. The report *Feminicidio en América Latina 2006*, prepared for the Inter-American Commission on Human Rights of the Organization of American States by a consortium of women’s rights activists, exemplifies the productive use of femicide as a concept for documenting the alarming increases in the rates of murders and disappearance of women and girls throughout the region.

14. As of this writing, three cases have been presented before the Inter-American Court of Human Rights: Laura Berenice Ramos, Claudia Ivete González, and Esmeralda Brenda Herrera, all found brutally murdered in the infamous “cotton field” case in Ciudad Juárez, where eight women’s bodies were found. The cases that have been submitted to the Inter-American Human Rights Commission are those of Sylvia Arce (for disappearance), Paloma Ledezma, and Minerva Torres.

15. Ciudad Juárez is a case in point. Between 1985 and 1992, thirty-seven women had been violently murdered, whereas in the same seven-year time frame (1993–2001), women’s rights groups documented an increase of 700 percent, or 269 violent murders.

16. Monárrez Fragoso (2005b) has developed the term *feminicidio sexual sistematico* for these types of murders.

17. The National Institute of Statistics, Geography and Information Technology (INEGI) in Mexico notes that in 2004 alone, eight hundred women were killed in Mexico City (Cámara de Diputados del H. Congreso de la Unión 2006).

18. See Jonathan Fox (2005), who makes a similar argument for the concept *transnational citizenship*.

19. E-mail communication with the editors, June 2, 2008.

20. In international law, the state's breaching of its obligation to prevent, protect against, investigate, and punish human rights violations is referred to as *failure to exercise due diligence*. In elaborating this human rights framework, Lagarde draws from the Convention of Belém do Pará.

21. While the English-language use of *femicide* dates back two centuries, Russell (1977, 2) first used the concept in testimony before the first International Tribunal on Crimes against Women in Brussels in 1976, where she drew from the Oxford English Dictionary's definition of *femicide* as "the murder of women and girls by men."

22. According to Lutz and Sikkink (2000, 634), "Nearly all Latin American nations have long prohibited torture as a matter of domestic law. . . . Torture is one of a handful of rights in the International Covenant on Civil and Political Rights for which no derogation is permissible. The customary international law prohibition similarly has a *jus cogens*, or non derogable character. Thus, under no circumstances may states take measures to annul the prohibition against torture." Also, "Formulations that explicitly deal with violence refer only to torture and cruel and unusual punishments; [these are] specifications which led some feminists to analyze domestic violence, for instance as torture" (European Commission 2008, 22).

23. In the case of *Raquel Martí de Mejía v. Peru*, the Inter-American Court of Human Rights found sexual violence inflicted by security forces (public authorities to "satisfy elements of torture" and thus a violation of "Mejía's human rights" (Sellers 2002, 301). Rape is thus "recognized as a component of *jus cogens* obligations" for which no derogation is possible.

24. The division of society into spheres of "public" and "private" life has long been a vexed concern for feminists, since such a demarcation is based on a hierarchy that reinforces gender inequalities. In many societies, the realm of the public is privileged as the sphere of production, governance, and politics; the private is devalued as the realm of reproduction, the family, and child rearing. Even though the delineation of these two domains can vary across national and cultural settings, "across classes, among different racial and ethnic groups, among different regions within the country, between urban and rural environments," as Donna Sullivan (1995, 128) explains, "The shared feature of the public/private distinction in different contexts is the attribution of lesser economic, social, or political values to the activities of women within what is defined as private life."

25. In describing femicide as a "phallic crime" tolerated by the state and other hegemonic groups, Jill Radford and Jane Caputi and Diana Russell

aimed to eliminate “the obscuring veil of non-gendered terms such as homicide and murder,” as evident in the case of the serial murderer Jack Lepine, who in the 1980s had confessed “he hated women, particularly feminists,” yet U.S. media and criminologists continually referred to the pathological rather than the “political nature of Lepine’s crimes.” For Caputi and Russell, Lepine’s crimes had little to do with pathology and dementia, given that his stated hatred “of women, particularly feminists” contradicted this simple assumption and suggested instead that his murders of women could be considered in the political language of “hate crimes” as a form of “sexist terrorism, motivated by hatred, contempt, pleasure or sense of ownership over women” (Radford 1992; Caputi and Russell 1992, 14–15).

26. To develop this “male backlash” thesis, Caputi and Russell established a correlation between rates of increase in lethal acts of violence against women, on the one hand, and rising levels of women’s activism and challenges to “male supremacy and entitlement,” on the other. Insofar as the “dramatic escalation” in murders of women and girls coincided with the emergence of feminist activism in the United States during the 1960s, femicide could be interpreted as a form of “male backlash against women” (Caputi and Russell 1992, 16–17). This “male backlash” thesis would inform subsequent studies of feminicide in Latin America.

27. As Caputi and Russell (1992, 13) add, “Most people today understand that lynchings and pogroms are forms of politically motivated violence, the objective of which are to preserve white and gentile supremacy.”

28. In some regions of Mexico (e.g., Chihuahua), sexual violence is aimed at the destruction of a community; however, it does not result from war, armed conflict, or a direct attack by state actors. Femicide in other instances is large-scale and occurs in “post-conflict” situation, as the examples of Guatemala, Argentina, El Salvador, and Perú make evident, and involves non-state or corporate actors targeting individual women as well as women as a group. There are also examples of feminicide (e.g., in Costa Rica) that, similar to most gender violence, take place in the context of intimate relationships and everyday life but that, cumulatively and because of the impunity involved, are also of a large-scale nature.

29. The concept of *feminicidal violence* applies to those misogynist actions aimed against women’s security and that place women’s physical and mental integrity at risk: see Ley General de Acceso de las Mujeres a una Vida Libre de Violencia 2007.

30. The deteriorating economic situation in Latin America can be traced to the international debt crisis of the 1980s (1983–88), when many developing countries approached the International Monetary Fund and the World Bank seeking emergency loans and debt relief. In exchange for financial bailouts, economists from the world’s financial institutions mandated structural-adjustment policies (SAPs) that they alleged would create economic stability and prevent future crises. These structural-adjustment measures included deregulating trade (free trade) and eliminating barriers to foreign investment,

privatizing state enterprises, and implementing drastic cutbacks in government spending. With SAPs mandated during the 1980s and 1990s — what came to be known in Latin America as *neoliberalism* — unemployment soared, and real wages plummeted. The social and economic infrastructure of middle-class, but especially of poor, communities throughout the region was devastated by rising unemployment rates and forced wage cuts, the elimination of price controls on food and fuel, and an escalating cost of living, coupled with sharp cuts in public expenditures that had benefited poorer groups. Without a minimal social safety net, much less “universal forms of social security or a system of social protection,” the poor and low-income groups suffered the most. The neoliberal agenda failed to deliver the promised economic growth. Instead of creating “economic stability and preventing future economic crises,” the SAPs engendered massive social instability and insecurity (see Elson 2002, 99).

31. In international law, *genocide* is defined as the “intent to wipe out a group simply because of who it is (or perceived as), to erase a group of people as such. . . . It targets not just the individual but the whole social fabric.” Spain has the most expansive definition of genocide: “as a crime against groups, whatever their nature” (Roht-Arriaza 2005, 47–48).

32. Even among the leftist revolutionary army, there was complicity among men, according to Norma Vásquez (1997, 143), who writes that “violence against women and rape were not uncommon in the ranks of the FMLN [Farabundo Martí National Liberation Front],” adding that there was a lack of response from the leadership.

33. Victoria Sanford (2008, 110) defines social cleansing as “a mechanism of selective or arbitrary repression that is systematically produced by either armed actors with ties to the state or by private actors who carry out repression with the acquiescence, complicity, support or toleration (whether deliberate or involuntary) of the state.”

34. Alison Brysk (1999, 241) refers to “death squad activity as a form of ‘subcontracting state coercion.’” According to Brysk, “States subcontract with the informal sector when they face unusual threats or seek to engineer a fundamental policy transformation, but for some reason require ‘plausible deniability.’”

35. Hector Domínguez-Ruvalcaba has more recently examined this conceptual link between gender-based violence and systematic discrimination against people because of their sexual orientation or gender identity. Writing about cultural production in Mexico, Domínguez-Ruvalcaba (2007, 6) explores the fatal relation between patriarchal law and violence in turn-of-the-century Mexico, in what he calls “the recent compulsion for immolating women and homosexuals.”

36. A nationwide study conducted in Argentina in 2006 concluded that state agents were responsible for more than 80 percent of the violence inflicted on transgender and transsexual people (Berkins 2007, 127–28). That same year, Human Rights Watch (2006) issued a report that implicated Gua-

temala's state police in the murder with impunity of transgender women and gay men in Guatemala City. Transgender rights defenders from Argentina, Guatemala, Mexico, Colombia, Perú, and Jamaica face deadly threats often from state authorities, as evident during the recent militarization of northern Mexico's border region. Since the arrival of military forces in Ciudad Juárez in early 2008, as part of President Felipe Calderón's war against the Cartel Juárez, violence against transgender women has increased. LGBT activists in the border region regularly face deadly threats, "arbitrary detentions, physical assaults and threats of disappearance by agents of the Milipol [military police]" (Comunicación e Información de la Mujer or CIMAC, 2008. In Juárez, an LGBT human rights center is named after "Fany," a transgender women's rights activist who was killed by police while she was video recording police violence against transgender people on the streets" (see "Agudizan abusos contra mujeres transgénero en Ciudad Juárez" 2008). The editors acknowledge input from Dana Greene, a criminologist at New Mexico State University, and from the attorney Adela Loyoza, who spoke persuasively about activism and violence against LGBT people.

37. In an e-mail conversation with the editors, one of our contributors, Héctor Domínguez-Ruvalcaba communicated the work he and other colleagues in Mexico are currently undertaking that explores the conceptual link between gender-based and sexuality-based murders within a femicide framework.

38. Chihuahua became the first state in Mexico to approve the Ley General de Acceso de las Mujeres a una Vida Libre de Violencia in January 2007.

39. Article 7 of the Rome Statute of the ICC defines "crime against humanity" as "any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack," including, but not limited, to murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; enforced disappearance of persons; crimes of apartheid; and other inhumane acts of similar character causing great suffering or serious injury to body or to mental or physical health.

40. In the Inter-American Convention on Forced Disappearances, "forced disappearances constitute a crime against humanity" (Roht-Arriaza 2005, 95). According to the Naomi Roht-Arriaza (2005, 74, 113), "Disappearances, as a species of crimes against humanity, were not subject to statute of limitations under customary international law," in part because "disappearance is a continuing crime, so neither amnesty law nor the statute of limitations could apply until the body was found."

41. As Roht-Arriaza (2005, 161) explains, "Nuremberg Tribunals, the [Universal Declaration of Human Rights], the Covenant on the Non-Applicability of Statutes of Limitations, and the more recent jurisprudence of the [International

Criminal Tribunal for the Former Yugoslavia] and the [International Criminal Tribunal for Rwanda] to conclude that crimes against humanity had a special status in customary international law, which made them imprescriptable.”

42. See Convention of Belém do Pará, Article 1: “For the purposes of this Convention, violence against women shall be understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere” (available online at <http://www.summit-americas.org/Belemdopara.htm>, accessed November 3, 2008).

43. In fact, “patriarchy” is not even mentioned in the Universal Declaration of Human Rights as a “violent structure” (Cubilić 2005).

44. According to Méndez and Mariezcurrena (1999, 88), if the human rights violation is of the magnitude of “genocide, war crimes, and crimes against humanity,” then the obligations of the international community “may be satisfied by creating an international criminal court, or allowing other courts of other nations to exercise the *principle of international jurisdiction*.”

45. Under international law, the state has three types of obligations: to respect human rights, to protect human rights, and to fulfill human rights (Hamilton 2004, 4).

46. This *failure to exercise due diligence* is outlined in Convention of Belém do Pará, Article 1.

47. Méndez and Mariezcurrena refer to this as “de facto impunity.”

48. According to Méndez and Mariezcurrena (1999, 85), the state is in violation of international law when it allows “impunity for the most egregious human rights crimes such as extrajudicial execution, torture and disappearance, when committed systemically or on a wide scale.”

49. Nesiiah makes this comment in the context of a feminist critique of the transitional justice model as discussed below (See Nesiiah 206).

50. Our approach draws from the “restorative justice” model that redefines crime “not so much as offending against the state . . . but as an injury or wrong done to another person or persons” (Law Commission of Canada 1999, 28).

51. The concept of security that is developed here is analogous to the United Nations’ construct of human security. The term *human security* was first introduced in the UNDP’s Human Development Report for 1994 (United Nations Development Program 2005).

52. As Patricia Mohammed (2006, 295) adds, “Human security rel[ies] on the fundamental characteristic inherent in the concept of gender . . . its adaptability, convenience, responsiveness, capacity for molding and remodeling, respectful of different histories and climates and taking on as many colors, nuances, and shapes as there are peoples and societies.”

53. International Center for Transitional Justice, http://www.ictj.org/en/tj/?printer_friendly=1 (accessed March 10, 2008).

54. The ICTJ lists the following mechanisms as available in the transitional justice approach: “domestic, hybrid, and international prosecutions of perpetrators of human rights abuses; determining the full extent and nature of

past abuses through truth-telling initiatives, including national and international commissions; providing reparations to victims: compensatory, restitutionary, rehabilitative, and symbolic reparations; providing institutional reform including the vetting of abusive, corrupt, or incompetent officials from the police and security services, the military and other public institutions including the judiciary; promoting reconciliation with divided communities, including working with victims on traditional justice mechanisms and forging social reconstruction; constructing memorials and museums to preserve the memory of the past, and [finally and perhaps most importantly for this book], taking into account gendered patterns of abuse to enhance justice for female victims”: ICTJ website, available online at http://www.ictj.org/entj?printer_friendly=1 (accessed March 10, 2008).

55. We thank Jonathan Fox for this observation.

56. In his discussion of the TRC process, Richard Wilson argues that there are four types of truth narrowed into two basic “truth paradigms.” These paradigms are the forensic truth and the narrative truth. “The forensic truth is a legal and scientific notion of uncovered facts and corroborating evidence, including investigations of the causes and patterns of violence as well as individual incidents of gross violations of human rights. The narrative truth included the three categories of personal, social and healing or restorative truth and emphasized narrative, subjectivity, and the experiential dimensions of truth telling” (as cited in Borer 2006, 22).

57. For a detailed account of the limited success of the Peruvian Truth and Reconciliation Commission’s incorporation of a gendered perspective, see the dissertation by Pascha Bueno-Hansen (2009).

58. Another aspect of the gender dimension of transitional justice, such as the differential effects of enforcement of legal norms, is beyond the scope of this chapter. For an excellent overview, see Ní Aoláin and Rooney 2007.

59. See the Academia Mexicana de Derechos Humanos website, available online at <http://www.amdh.com.mx> (accessed July 7, 2009).