

Systemic Sexual Violence against Women
Two Convergent Phenomena:
Femicide, Forced Disappearance and Women Trafficking for Sexual Exploitation
México, Honduras and Ecuador
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Summary

Femicide has not yet been accepted as a subject for analysis, let alone as a crime. As a result, the convergent phenomena that take place and translate into systemic sexual violence against women remain hidden.

Sexual slavery or women trafficking networks take hundreds of thousands of women from all of our countries in the continent –most of them expelled by armed conflict, social exclusion and the feminization of poverty. In this process, women *disappear*; they are taken prisoners of social exploitation as if they were mere goods; they are turned into commodities of no human value, with many of them being murdered along the way. The business of women trafficking for sexual exploitation purposes is worth millions, which are in turn used to attempt to and actually undermine our institutions.

The perpetrators of these crimes exert an economic, political and regulatory influence on the Government policies intended to regulate them (through corruption, avoidance, negligence, failure to act upon and ignorance of this phenomenon), which in turn acts as a boost for their actions and contributes to them remaining unpunished, in addition to making violence against women a natural, socially accepted fact of life.

Given the very nature of victims –poor, migrant, peasant, indigenous, black, marginalized women- no legal, academic or government structure exists that is fully dedicated to studying the crimes that hover over them, not to mention the absence of preventative or early warning systems to alert about violence against women before it actually occurs (and, even where these systems exist, they are enforced following political criteria rather than the goal of protecting human rights).

The convergence of transnational crimes that trigger other criminal tendencies such as femicide, women trafficking and forced disappearance or sexual slavery, all of them forms of socially *permissible* and *acceptable* violence against women (which account for 52% of the population in our countries), should force us to rethink the legal and statistical, cultural and academic education systems existing in our national States.

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During his work with the Observatory, he proved the Mexican government's simulated fight against femicide, which resulted in the European Parliament imposing penalties and in the OCNF being named Consultant to the Parliament. He also cooperated with the *Fiscalía Especial contra la Violencia hacia las Mujeres* (Special Prosecutor's Office against Violence towards Women) by investigating the many ramifications of femicide and women trafficking (2005/07).

He coauthored "shadow reports" on femicide for CEDAW Mexico (2003/07) and Honduras (2008/09). In 2007 he cooperated with the National Assembly of Ecuador as an expert in the fight against femicide. In 2011 he conducted a field research in the northern border of Ecuador (the border with Colombia) on women trafficking for sexual exploitation purposes.

Introduction

In our continent, femicide has not yet been accepted as a subject for analysis in the study of crime, the legal academia and the culture of our police forces, let alone as a crime warranting the search for and prosecution of perpetrators². Following the patriarchal logics underlying Positive Law, all forms of femicide are considered “homicide”³. All the converging phenomena that develop around systemic sexual violence against women, and often times the impunity with which perpetrators act, as well as the naturalization and perpetuation of this practice throughout time in our nations, become less visible as a result.

Femicide is understood as a political, cultural and social phenomenon that threatens the lives of women, expressed as a sexual violence continuum characterized by acts of violence, motifs, and the imbalance of power between both genders at a social, political and economic level. Femicide is directly proportionate to the structural changes in society and it is a direct result of the degree of tolerance for them, the violence with which they are committed, as well as of the policies and factors that take women’s lives away before the indulgent eyes of the State and of other institutions^{4 5}.

In Spanish, the terms *feminicidio* (femicide) and *femicidio* (femicide)⁶ have both been indistinctly used by the various Latin American feminist movements to describe the same phenomenon, which involves the immutability of the State before these crimes and its inability to guarantee the lives of women, to abide by and enforce the law, to seek justice and to prevent and eradicate the violence originating it. This is a fissure in the Rule of Law that favours impunity, so that femicide constitutes a State crime⁷.

Convergent Factors in Systemic Sexual Violence against Women

In 2005 we established a relationship with the research started back in 2003 on systemic sexual femicide in Ciudad Juárez, Mexico. Together with the US FBI, the *Equipo Argentino de Antropología Forense* (Argentine Forensic Anthropology Team) (EAAF), the *Fiscalía Especial contra la Violencia hacia la Mujer (Federal)* (Prosecutor’s Office against Violence towards Women) and the *Observatorio Ciudadano Nacional del Femicidio* (OCNF), we identified that certain forms of femicide have two phenomena in common: 1. The disappearance of women⁸, and 2. women trafficking for sexual exploitation and organ trade purposes, which converge and supplement each other⁹. The research, which concluded in 2007, resulted in the development of several indicators.

The experience with subsequent research into cases of femicide in Honduras which were documented and submitted to the CEDAW in 2009, and now in Ecuador (with the 2011 investigation on the issue of women trafficking for sexual exploitation purposes) shows the same convergent phenomena.

1. Operational forms of systemic sexual femicide and other forms of femicide. Dr. Julia Monárrez classifies femicide into three major categories which were used in Honduras and Mexico:

² Notwithstanding some local regulations that include femicide/femicide as a crime, the men and women responsible for administering justice and the legal academia have failed to understand the phenomenon and to therefore rethink the construct of this crime.

³ In accordance to legal textbooks and opinions, homicide means the act of a human being in taking away the life of another human being.

⁴ Monárrez, Julia, “Feminicidio sexual sistémico: víctimas y familiares, Ciudad Juárez, 1993-2004”, *Universidad Autónoma Metropolitana Unidad Xochimilco, División de Ciencias Sociales y Humanidades, Doctorado en Ciencias Sociales* (Xochimilco Unit, Humanities and Social Sciences Division, PhD in Social Sciences), September 2005, pp. 91-92

⁵ It is important to note that not all forms of violence resulting in the death of a woman may be considered femicide, because in those cases where the gender of the victim is irrelevant for the man perpetrating the killing, it is considered a case of non-femicide murder.

⁶ *Femicidio* in Spanish derives from the English term “femicide” (which, based on its etymological meaning, would be equivalent to “homicide”), first used by Diane Russell.

⁷ Lagarde y de los Ríos, Marcela (2006). “Introducción”, in Diana E. Russell and Roberta A. Harnes (Eds.) “Feminicidio: una perspectiva global”. *Centro de Investigaciones Interdisciplinarias en Ciencias y Humanidades* (Centre for Interdisciplinary Research into Science and Humanities) of the *Universidad Nacional Autónoma de México*, and *Comisión Especial para Conocer y dar Seguimiento a las investigaciones Relacionadas con los Femicidios en la República Mexicana y a la Procuración de Justicia Vinculada* de la Cámara de Diputados (Special Committee for the Disclosure and Follow-up of Research into Femicide in the Mexican Republic and the Search for Justice) of the *House of Representatives*. Mexico City.

⁸ The National Commission on Human Rights spoke of “over four thousand women victims of disappearance”; the OCNF documented a total of 2840 women reported missing in Ciudad Juárez, for whom no criminal investigation had been initiated.

⁹ A woman trafficking network was identified which covers Ciudad Juárez, Rosarito, Mazatlán, Puerto Vallarta, Acapulco, Mexico City, Puebla, Veracruz, Villahermosa, Mérida and Cancún. This network kidnaps women to send them to the USA to trade their organs, and to South-East Asia and the Middle East for sexual exploitation. The network has been neither investigated nor dismantled.

- a. Intimate Femicide: It means the fraudulent taking of a woman's life by a man with whom the victim had a close relationship (cohabitation, courtship, friendship, comradeship or residence, labour, occasional, circumstantial or similar relation)¹⁰.
 - b. Systemic Sexual Femicide: It is the encoded murder of young girls and women for their condition as such, whose bodies have been tortured, raped, murdered and dumped into transgressive spaces (including forced prostitution in the case of women trafficking), committed by men who turn to sexism and misogyny to cruelly draw gender barriers by imposing State Terrorism "with the support of hegemonic groups, which reinforces patriarchal dominance and forces the families of the victims and all women to live in a constant, intense state of insecurity resulting from the continued and unlimited impunity and complicity with these crimes by failing to punish the guilty parties and bring justice to the victims"¹¹.
 - c. Femicide Related to Stigmatized Professions: Women are murdered because they are women. However, some women are also killed because of their profession or the work that they perform. These are dancers, waitresses or sexual workers. They suffer violence because they are women, but their socially marginalized work makes them even more vulnerable. "These women are considered a deviation of the female norm; they are "bad" women who occupy the forbidden realms" (Russo, 2001). (Both forms of "femicide" are present in women trafficking and they have been documented as a cause for the disappearance of women).
2. Forced disappearance of women to be made part of women trafficking networks either for the purpose of sexual exploitation and/or for organ trade. It should be noted that this phenomenon is highly "invisible", since in most of our countries the "disappearance" or "vanishing" of people is not considered a crime, so there are no statistics or criminal investigations nor reliable records available to allow its analysis, let alone its link to women trafficking and femicide. Such linkage has been documented in Ciudad Juárez [however].

The investigation conducted in Ecuador in 2011 showed the existence of an indeterminate number of women who had been reported missing in Colombia and who are part of the women trafficking networks in Ecuador that retain them for sexual exploitation purposes. Here, once again, we lack statistical information or recognition of these interweaving phenomena. Transnational human trafficking networks that interact with sexual exploitation networks to reach the USA were identified in Honduras, with hundreds of women disappearing along the way.

3. Women trafficking for sexual exploitation purposes, i.e., the true sexual slavery, which should not be understood within the reference framework of a "single" isolated crime. When speaking of women trafficking under the specific umbrella of sexual exploitation for the purpose of subduing them and making a profit, we face a phenomenon among those who engage in it that encourages criminal tendencies and lead to a spiral of exponential, interrelated crimes (each aggravating the previous one) committed as part of the criminal construct and which, given their diversity and multiplicity, are sometimes hard to accurately define. (In Ecuador there were instances of femicide in girl and women auctions, and also when their "useful life" comes to an end). This phenomenon hardly ever comes to light in Mexico, Honduras and Ecuador, where it becomes part of "legal" prostitution.

At the end of the series of criminal activities, all three phenomena serve the same end: To subdue the victims, forcing them to generate revenue under a form of slavery that only benefits the "owner" of the "property", by subjugating those whose freedom and human rights are violated. This colonization of women bodies¹² results from the historical construct of patriarchy, and it exists because the means are there¹³.

¹⁰ Dr. Monárrez subdivides this form of femicide into a) Intimate Family Femicide: The fraudulent taking of a woman's life by his spouse or any direct or indirect ancestor or descendent until the fourth degree by blood, sister, concubine, adoptive daughter or mother, or any person having a sentimental or emotional relationship with her, with the criminal being aware of such relationship; b) Infant Femicide: The fraudulent taking of a girl child's life (when the girl is under age or is not of a sound mind), whether a directly descending daughter or indirect relative up to the fourth degree by blood, sister, adoptive daughter, or person having a sentimental or care-taking relationship with her, with the criminal being aware of such relationship of trust, power or responsibility over the child resulting from the role played as an adult.

¹¹ Monárrez, Julia E., (2000). "La cultura del Femicidio en Ciudad Juárez, 1993-1999". *Frontera Norte*, No. 23, vol. 12, January-June, pp. 87-117.

¹² Violence against women exists because of the patriarchal culture which has prevailed for over 500 years, and because of socially accepted behavior patterns. This means there is permissive culture that subdues women to violence, humiliation and slavery literally because it has "permission" to do so.

¹³ In "*Discipline and Punish*," Michel Foucault says: "...the body becomes a useful force only if it is both a productive body and a subjected body", p. 25

Institutional Infringement

These phenomena do converge, and this is possible because this convergence is based on the third most profitable business of our era¹⁴: Slavery for the purpose of sexual exploitation. Institutional corruption is required for this “business” to work as an operational criminal organization. A significant portion of the capital in the hands of these “companies” is therefore allocated to breaking the institutional order in our countries. Because they have not been trained for that, institutions will hardly be able to resist the inflow of millions of dollars offered throughout the continent to “turn a blind eye” to the “business”, to “let sleeping dogs lie”, to “brush it off” or to have civil servants join in the “business”.¹⁵ This corruption results in the absence of statistics, investigations or documented cases. This lack of action causes deficient budgetary allocations, manipulation or forgery of information submitted to international agencies, and a social misconception of these issues. At the end of the day, all policies and factors that allow women to be victimized and annulled are tolerated by the State and by other institutions to a varying degree.¹⁶

What to do next?

A political understanding of the issue of systemic violence against women¹⁷ should bring gender violence against women to the status of a matter of public concern for society at large, especially considering that it becomes a public health issue as well¹⁸.

Moreover, it constitutes a call upon national States:

- to put an end to the impunity with which these crimes are committed; to promote cultural changes by developing programs and policies intended to transform gender relations so as to secure women’s right to integrity and to a dignified life, minimal and primary obligations that the State should ensure for its members.
- To renew academic legal education systems;
- To rethink the investigation, legislative and court prosecution systems so that they will not re-victimize women.
- To develop a continental refuge system for victims.
- To redesign statistical construct systems.
- To unionize prostitution to render it a legal activity, while declaring the illegality of all forms of exploitation, marketing and promotion of sex tourism in our countries.
- To train our States in a culture of civil servant education and institutional protection against these crimes.

These are all real, tangible, medium-term solutions with a low social cost, so that the idea of democracy, civilization and progress will never again take on the face of hurt faces of women victims, their stories, personalities and identities, which become annulled in our memories and throughout time by the post-traumatic stress disorder and the wrong methods of documentary research and analysis.

¹⁴ According to UNODC, and as confirmed by our own research, the three most profitable “businesses” are: 1. Drug trafficking; 2. trafficking in weapons; and 3. women trafficking for the purpose of sexual exploitation. According to own data, only in the northern border of Ecuador (3 provinces) this business accounts for at least USD 260 million per year (UNODC indicates this might be only one third of the true profit from the “business”). UNODC indicates these businesses are intertwined.

¹⁵ The presence of government officials in the “business” at all levels of power, at all levels of government, from those in charge of minor administrative work to those holding high executive positions, including national security officers, has been documented in all three countries (Mexico, Honduras and Ecuador).

¹⁶ J. Radford and D. Russell, 1992

¹⁷ Symbolic sexual violence towards women and children (both boys and girls) -including that exerted by husbands, parents and lovers, as well as by strangers- is not the exclusive domain of “monsters” or an unexplainable evil deed; much to the contrary, sexual domination and abuse are an everyday expression of sexuality as a form of power that breaches human rights at both a public and private level, and which consists of the set of misogynic behaviors with the associated social impunity of perpetrators.

¹⁸ Society shall at some point in time be forced to face the issue of the trauma caused to women, which entails not only an economic cost but also a social cost. Additionally, the marked lack of health regulations may lead to serious epidemic processes.