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Blas Radi y Alejandra Sardá-Chandiramani.

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*Travesticide / transfemicide: Coordinates to think crimes against travestis and trans women in Argentina*¹

Blas Radi and Alejandra Sardá-Chandiramani (Observatorio de Género)

Prevalence and recording

The Trans Murder Monitoring (TMM) project has reported 2016 crimes against trans and non-binary gender people informed between January 1st, 2008 and December 31st, 2015 in 65 countries worldwide. 78% of these murders - 1573 of them – took place in countries of Central and South America, led by Brazil (802), Mexico (229), Colombia (105), Venezuela (98) and Honduras (79).

These data collect news found on the internet and provided by organizations and trans activists around the world. For this reason, spokespersons for TMM note that the highest rates were found in countries "with strong trans movements and of civil society organizations which carry out some kind of professional monitoring". In countries where systematic registration has not been carried out, as is the case of Argentina, it is not possible to estimate the number of unreported crimes (Transgender Europe, 2016).

Resolution 17/19 of the United Nations Human Rights Council (Resolution 17/19, 2011) instructed the United Nations High Commissioner for Human Rights (OHCHR) to conduct a study to document, among other things, acts of violence against individuals based on their sexual orientation and gender identity. This report uses the term "transphobic violence" and defines it as "a form of violence, driven by the desire to punish those who are considered to defy gender norms" (United Nations High Commissioner for Human Rights Report, 2011).

In the report on Violence against Lesbian, Gay, Bisexual, Trans and Intersex in America (IACHR 2015), the Inter-American Commission on Human Rights stresses the importance of the State's obligation to "develop measures of data collection in order to study and assess the scope and trends of violence due to prejudice against LGBTI people" (IACHR, 2015: paragraph 18) and relates it directly to impunity:

When States do not carry out thorough and impartial investigations into violence against LGBTI persons—as in the majority of cases—this leads to impunity for these crimes; this sends a strong message to society that violence is condoned and tolerated, which generates even more violence and leads victims to distrust the justice system. (IACHR, 2015: paragraph 22)

Preliminary considerations

From academia and activism, as well as in international and regional human rights systems, different strategies have been developed to address this phenomenon from the conceptual point of view. In the surveyed approaches we found four predominant perspectives. The LGBT perspective adopts the concepts of "homophobic crime" (Carrara and Vianna 2006) and "hate crime" (Amnesty 2001); the feminist approach coined the concept "transfemicide" (Bento 2014), the *travesti* perspective has opted for the term "travesticide" (Berkins 2015) and a more transversal approach uses the concept of "violence based on prejudice" (IACHR, 2015). Although these concepts are not equivalent, sometimes they are taken as interchangeable expressions. Each responds to different approaches, interests and theoretical frameworks which, considered in the light of a monitoring project, anticipate significantly different figures and results in each case.

First, we note that the universe of discourse is subject to conceptual variation. With respect to the domain of the victims, we find that they are gay (in the first case), trans women (in the second), *travestis* (in the third) and every victim of prejudice (in the fourth). Who is identified as perpetrator and the very dimensions of violence that are recorded also vary substantially according to which concept is applied. For example, concepts such as "hate crime" have been questioned due to their restrictive results. The idea of hatred or phobia builds these crimes "as individual expressions of personal prejudices and therefore eclipse the understanding of the systemic nature of inequality" (Spade, 2010: 44-45). This approach only requires that people not be killed by virtue of their gender, but it does not question the conditions of systemic subordination to which people are exposed, also by virtue of their

1 Translated by Moira Pérez, PhD

gender. Thus, a problem of public order is converted into a private matter and real solutions for people affected by this type of violence are not provided.

The possibility of thinking these concepts critically offers an opportunity to produce new strategies to address this kind of violence, which can have a positive impact on the material conditions of existence of people affected by it. In what follows, we present our proposal.

A terminological proposal for registration

Travestis and trans women (i.e., those who were assigned male at birth and are identified as *travestis* or female respectively) are privileged victims of lethal violence. There are several reasons why the term "travesticide / transfemicide" is the most appropriate to identify, record and quantify the crimes perpetrated against them:

- Considering *travestis* and trans women as a distinct group can recognize the specificity of their identities and gender expressions and address the particularities of the crimes committed against them. In particular, it allows us to distinguish these crimes from those committed due to the victims' sexual orientation ("Homophobic / lesbophobic crimes").
- This term emerges from the consensus of the affected community, and recognizes their knowledge as the expert and essential knowledge to develop appropriate solutions for the problems they face (Hale 2006, Namaste 2000 and Paz, Rueda, Guadagnini, Antola, in personal communication, April 2016). In the words of Boaventura de Sousa Santos "it is more a work of craftsmanship and less a work of architecture. It is more the work of involved witnesses and less that of visionary leadership" (2010: 19).
- It includes the term *travesti*, which has an important history of political mobilization in Argentina, and is claimed proudly as the political locus par excellence of resistance to the policies of binary corporeality and dichotomous sex/gender logic (Berkins 2007; Guadagnini, Antola and Rueda, in personal communication, April 2016). That is why the considerations offered in what follows are referred explicitly and exclusively to *travestis* and trans women.
- It also includes trans women, who might feel excluded if we opted only for "travesticide". Moreover, as trans is understood as an umbrella term, including it also allows us not to assign too specific identity definitions post-mortem (Paz, personal communication, April 2016).
- It recognizes these crimes as an extreme expression of gender violence and therefore extends the notion of gender violence, expanding its spectrum of modalities and victims.
- It does not adopt the "perpetrator's point of view", but it does focus on victims and addresses the conditions of systemic oppression, i.e. the way in which entire populations are excluded from the opportunities of life, such as education, employment, housing, health and supply. It also allows us to understand this deficient distribution of life chances as a device that produces untimely and violent death (Spade 2009).
- It is inscribed in the wake of feminist analysis that gives centrality to the role of the State - by action and omission - in relation to impunity for these crimes and State complicity; also notes its responsibility to develop public policies to eradicate them.

Travesticide/transfemicide: a definition

Travesticide/transfemicide is the most visible and final expression of a chain of structural violence that responds to a cultural, social, political and economic system structured by an exclusionary binary gender division. This system is called cissexism. In it, cis people (i.e., those who are not trans) hold privileges that are not recognized as such but are assimilated to an alleged 'natural order'. In this context, "being a *travesti* or trans has material and symbolic consequences in life conditions" (Cabral 2014). The correlate of cis privilege is the structural precariousness of trans lives, subject to expulsive dynamics in the case of *travestis* and women, who are carefully drawn apart from society and placed in a material and symbolic place which is much more exposed to premature and violent death.

Travesticide / transfemicide is the end of a continuum of violence that begins with the expulsion of home, exclusion from education, the health system and labor market, early initiation into prostitution / sex work, the permanent risk of contracting sexually transmitted diseases, criminalization, social stigmatization, pathologization, persecution and police violence. This pattern of violence constitutes the space of experience for trans women and *travesties*, which is mirrored in their waning horizon of expectations. In it, death is nothing extraordinary; on the contrary, in the words of Octavio Paz "life

and death are inseparable, and each time the first loses significance, the second becomes insignificant" (1961: 58).

Common elements to *travesticide* / transfemicide

As we noted at the beginning, at the time of this writing Argentina does not have a systematic monitoring of *travesticide* / transfemicide. However, from the analysis of the cases documented unrelatedly, in addition to exchanges with representatives of the collective, and a bibliographic survey, the following recurring elements in these crimes can be highlighted:

- The majority of victims are poor and have risky and stigmatized occupations. Prostitution is often the most common source of income.
- Documented crimes occur mainly on the streets, especially in deserted streets and at night. The bodies of *travestis* and trans women have marks of brutality and extreme cruelty. Offenders often have no family ties to the victims, and they are often members of police forces or individuals connected with them (Bento 2014; IACHR 2015; Guadagnini, Antola, personal communication, 2016).
- Police and judicial practices are characterized by the lack of due diligence in advancing the causes, along with obstruction, precariousness and deficiency of research, often aimed at concealing the involvement of the State apparatus in the facts under investigation. On the other hand, in the few cases in which prosecution is conducted, crimes often go unpunished.
- The importance and seriousness of these crimes tend to be minimized and explained by gender identity and / or by the victims' source of income, allotting them responsibility for their own deaths.
- In many cases the crimes are filed as "death by natural causes" which anticipates the lack of a proper investigation to seek the true causes of death, highlighting in particular the lack of inquiry into the actions of police forces. Victims are often registered as male NN individuals, which presents additional difficulties in research and statistical survey of these cases.
- Criminal cases are affected by the negative prejudices that weigh on *travestis* and trans women. The discrediting of their voices places them in unfavorable positions as witnesses and victims and, in turn, promotes their attackers. *Travestis* and trans women are often received more as suspects than as complainants or witnesses. This discourages them from turning to justice or to police forces, particularly in the case of those involved in prostitution. In cases where perpetrators are part of the police force this also puts at risk the lives of those trying to solve the crime (Gilardi, personal communication, April 2016).
- The news often disclose the masculine name which *travestis* and transsexuals were assigned at birth and tend to reinforce negative stereotypes about this group (Bento 2014; Antola, personal communication, April 2016).

Developing the main features of *travesticide* / transfemicide – the traits of its victims, of the crime, of perpetrators and of the ways in which such cases are treated by the justice system- involves bringing to light and denouncing the web of relationships that made such violence possible. This hermeneutical perspective calls into question the idea of *travesticide* / transfemicide as exclusively the result of the hatred of private individuals and recognizes it rather as a matter of State. The "killable" character of *travestis* and trans women, who – if we follow the concept of *homo sacer* - anyone can kill with impunity, exposes the State machinery of death administration.

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