

Research Article

The Invisible Killings: The Epidemic of Transfemicide

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Abstract

The killing of transgender women is a widespread social problem throughout the world. Nonetheless, these crimes are often made invisible by their mislabelling and the lack of research surrounding them. This paper provides a contribution that explores the reconceptualisation of the killing of transgender women from anti-trans hate crimes to transfemicide. This paper uses a case study approach to analyse the killings of transgender women in Argentina and specifically the case of Diana Sacayán and its judgment. By exploring the differences that arise between naming the murder as a hate crime, femicide, or transfemicide, the paper positions itself in the politics of naming. Indeed, the argument is made that transfemicide is the only term able to capture the unique experiences of transgender women because of their inherent intersectional identities and the continuum of violence and discrimination they face in their day-to-day life, often ending in their murder.

Keywords: Transfemicide, Anti-trans Hate Crimes, Politics of Naming, Invisibility, Argentina

I. Introduction

Naming social problems is seen as a way to build a social reality and make certain phenomena visible.¹⁰⁷² Naming gives meaning to events, factors, and most importantly for this paper, to crimes.¹⁰⁷³ This paper contributes to the politics of naming in the criminological discipline by analysing the crime of transfemicide.

¹⁰⁷² Pamela Davies, Peter Francis, and Tanya Wyatt, *Invisible Crimes and Social Harms* (London: Palgrave Macmillan 2014) 3, <https://doi.org/10.1057/9781137347824>.

¹⁰⁷³ Ibid.

Homicides against transgender individuals have usually been classified as anti-trans hate crimes.¹⁰⁷⁴ The most common victims of such crimes are transgender women who often remain invisible to the public sphere, resulting in the non-investigation of their crimes and a public ignorance of their murders.¹⁰⁷⁵ This paper's central claim is that a reconceptualisation of homicides against transgender women as transfemicides is necessary to increase the visibility of such crimes, to ensure justice for the victims, and introduce the issue within the political agenda and decision-making level.

The Office of the United Nations High Commissioner for Human Rights defines transgender as 'an umbrella term used to describe people whose sense of their own gender is different to the sex that they were assigned at birth.'¹⁰⁷⁶ With the emergence of this term, the associated term transphobia started being used. Transphobia has been defined as 'an irrational reaction to those who do not conform to the socio-cultural ideology of gender conformity.'¹⁰⁷⁷ Transphobia has been seen to be rooted primarily in social norms and cultural factors.¹⁰⁷⁸ Many crimes against transgender individuals are largely motivated by transphobia which makes these crimes be categorised as hate crimes.¹⁰⁷⁹ Nonetheless, when it comes to the homicide of transgender women the question arises whether classifying these crimes under the term of hate crimes is effective to properly address them. This paper aims at analysing this by answering the following research question:

¹⁰⁷⁴ Mark A. Walters et al., "Hate Crimes Against Trans People: Assessing Emotions, Behaviors, and Attitudes Toward Criminal Justice Agencies," *Journal of Interpersonal Violence* 35, no. 21–22 (2017): 4585, <https://doi.org/10.1177/0886260517715026>.

¹⁰⁷⁵ Christina DeJong et al., "'A Human Being Like Other Victims': The Media Framing of Trans Homicide in the United States," *Critical Criminology* 29, no. 1 (2021): 132, <https://doi.org/10.1007/s10612-021-09559-z>; Emily Lenning, Sara Brightman, and Carrie L. Buist, "The Trifecta of Violence: A Socio-Historical Comparison of Lynching and Violence Against Transgender Women," *Critical Criminology* 29, no. 1 (2020): 153, <https://doi.org/10.1007/s10612-020-09539-9>; Rayna E. Momen and Lisa M. Dilks, "Examining Case Outcomes in US Transgender Homicides: An Exploratory Investigation of the Intersectionality of Victim Characteristics," *Sociological Spectrum* 41, no. 1 (2020): 53, <https://doi.org/10.1080/02732173.2020.1850379>.

¹⁰⁷⁶ "Transgender people", United Nations Human Rights Office of the High Commissioner, 2024, <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/transgender-people> (accessed May 21, 2025).

¹⁰⁷⁷ Lewis Turner, Stephen Whittle, and Ryan Combs, "Transphobic Hate Crime in the European Union," 2009, 7, https://www.ilga-europe.org/sites/default/files/transphobic_hate_crime_in_the_european_union_0.pdf.

¹⁰⁷⁸ Pelin Göksel, "Discrimination and Violence Against Transgender People," *Psikiyatride Guncel Yaklasimlar - Current Approaches in Psychiatry* 16, no. 4 (2024): 736, <https://doi.org/10.18863/pgy.1417609>.

¹⁰⁷⁹ Göksel, "Discrimination and Violence Against Transgender People."

Is a reconceptualisation of homicides against transgender women from anti-trans hate crimes to transfemicide needed to increase the visibility of such crimes?

To answer the research question, this paper will provide a literature review of the field of anti-trans hate crimes, focusing on homicides of transgender women, and of the field of the politics of naming, specifically looking at femicide to contextualise this contribution. It will then present the term 'transfemicide' and explain what this term entails. This will be followed by presenting the case study methodology approach of the paper, which will be conducted on the judgment of the Diana Sacayán case in Argentina. The case will be used to discuss the effects that naming the killing as hate crime or transfemicide has on the visibility of the crime. The paper will conclude that the term transfemicide is the only one capable of capturing all the factors that play a role in the murder of transgender women and, therefore, give visibility to this social problem.

II. Literature Review

A. Anti-Trans Hate Crimes: Systemic Violence against Transgender Women

Transgender individuals are over four times as likely to experience violence in their lives as cisgender individuals.¹⁰⁸⁰ Nonetheless, there is a general lack of research surrounding this violence.¹⁰⁸¹ As explained above, much of the violence against transgender people is motivated by transphobia. Thus, crimes against such people are classified as hate crimes. What makes hate crimes a separate category of crimes is not only the hate behind the action that is directed towards the victim due to a specific characteristic they embody, but also the fact that the violence impacts the victim and extends to the whole identity group the victim belongs to.¹⁰⁸² The focus of hate crimes

¹⁰⁸⁰ Andrew R. Flores et al., "Gender Identity Disparities in Criminal Victimization: National Crime Victimization Survey, 2017–2018," *American Journal of Public Health* 111, no. 4 (2021): 727, 729, <https://doi.org/10.2105/ajph.2020.306099>.

¹⁰⁸¹ Andrea L. Wirtz et al., "Gender-Based Violence Against Transgender People in the United States: A Call for Research and Programming," *Trauma Violence & Abuse* 21, no. 2 (2018): 227, <https://doi.org/10.1177/1524838018757749>.

¹⁰⁸² Organization for Security and Cooperation in Europe and Office for Democratic Institutions and Human Rights, *Hate Crime Laws: A Practical Guide* (ODIHR, 2009), 16, https://www.overcominghateportal.org/uploads/5/4/1/5/5415260/hate_crimes_laws.pdf; Walters et al., "Hate Crimes Against Trans People.", 4584.

is, however, set on the motive of the perpetrator for committing the crime rather than on the characteristics of the victims themselves.¹⁰⁸³ Hate crimes in this sense are perpetrator-focused, rather than victim-focused, as what matters is which group the perpetrator identifies the victims with, rather than what group the victims identify themselves with.¹⁰⁸⁴

Hate crimes specifically against transgender individuals are often of a higher severity than other hate crimes because of the secondary violence that victims experience from law enforcement and police officers.¹⁰⁸⁵ This violence often comes in the form of misgendering or misidentifying the victims, by, for example, using their deadnames.¹⁰⁸⁶ This results in an underestimation of the crimes committed against trans people as they may be labelled, for example, as male-on-male crimes if a man perpetrated the crime against a transgender woman who was misgendered by the police.¹⁰⁸⁷

The violence experienced by trans individuals may ultimately culminate in their death. The number of such deaths is severely underestimated due to inaccurate reporting systems, especially when it comes to transgender women, resulting in a very low degree of visibility of such crimes.¹⁰⁸⁸ Transgender women have the highest risk of being killed due to their female and gender identity.¹⁰⁸⁹ Studies have shown that the inherent intersectionality of the identities of these women makes them especially vulnerable victims.¹⁰⁹⁰ Cisgender women get victimised because of their gender, but when it comes to transgender women, this victimisation increases substantially because of the intersection between their gender and gender identity.¹⁰⁹¹ Nonetheless, even when taking into account these factors, victims of such crimes, their families and their social groups receive further violence when the crimes are reported to law enforcement or by the media.¹⁰⁹² Despite the reporting of these crimes increasing in

¹⁰⁸³ Kellina M. Craig, "Examining Hate-motivated Aggression: A Review of the Social Psychological Literature on Hate Crimes as a Distinct Form of Aggression," *Aggression and Violent Behavior* 7, no. 1 (2002): 87, [https://doi.org/10.1016/s1359-1789\(00\)00039-2](https://doi.org/10.1016/s1359-1789(00)00039-2).

¹⁰⁸⁴ Ibid.

¹⁰⁸⁵ Walters et al., "Hate Crimes Against Trans People.", 4592.

¹⁰⁸⁶ DeJong et al., "'A Human Being Like Other Victims'.", 143.

¹⁰⁸⁷ Momen and Dilks, "Examining Case Outcomes in US Transgender Homicides.", 53.

¹⁰⁸⁸ Göksel, "Discrimination and Violence Against Transgender People.", 746.

¹⁰⁸⁹ Janice Joseph, "Multiple Invisibility of Black Victims of Transfemicide: An Intersectional Approach," *Peace Review* 34, no. 4 (2022): 509, <https://doi.org/10.1080/10402659.2022.2132109>.

¹⁰⁹⁰ Ibid, 505, 509.

¹⁰⁹¹ DeJong et al., "'A Human Being Like Other Victims', 132.

¹⁰⁹² Walters et al., "Hate Crimes Against Trans People.", 4593.

the last decade, the way in which they are reported in the news often feeds into heteronormative narratives and facilitates violence against transgender women.¹⁰⁹³ Indeed, transgender women that present traits associated with traditional womanhood tend to be accepted more in society.¹⁰⁹⁴ Transgender women who, however, do not present those traits, tend to be further victimised even after their killing, through phrases such as ‘male wearing women’s clothing’ or being referred to as ‘he’, highlighting the biological sex of the victim.¹⁰⁹⁵

Since transgender women experience the highest rate of victimisation, it has been argued that labelling their homicides as hate crimes does not capture the uniqueness of their experience and their communities and focuses on the wrong aspect of the crime.¹⁰⁹⁶ Therefore, the next section will analyse how naming and labelling social problems can change their visibility and the actions taken to address them by using the example of femicide. This will be used as a point of departure to explore how to best name murders of transgender women to increase their visibility and the actions taken to prevent these.

B. Politics of Naming: the Power of Naming Femicide

The visibility of social problems is inherently connected to the degree of actions taken to address them.¹⁰⁹⁷ To make social problems visible, naming and labelling are not only indispensable but also influence how such problems will be addressed in the future.¹⁰⁹⁸ Jupp et al. identified seven degrees of invisibility of social problems: lack of knowledge, absence of statistics, absence of theory, absence of research, lack of control, absence of politics and absence of panic.¹⁰⁹⁹ If a social problem is not named or named incorrectly, it will remain invisible in all of these degrees and, consequently,

¹⁰⁹³ DeJon DeJong et al., “A Human Being Like Other Victims”, 132, 133.

¹⁰⁹⁴ Emily Skidmore, “Constructing the ‘Good Transsexual’: Christine Jorgensen, Whiteness, and Heteronormativity in the Mid-Twentieth-Century Press,” *Feminist Studies* 37, no. 2 (2011): 271, <https://www.jstor.org/stable/23069901>.

¹⁰⁹⁵ DeJon DeJong et al., “A Human Being Like Other Victims”, 134.

¹⁰⁹⁶ DeJon DeJong et al., “A Human Being Like Other Victims”, 134; Tribunal Oral en lo Criminal y Correccional N° 4 (Oral Court in Criminal and Correctional Matters N° 4, Argentina) 2018, *causa nro. 62.162/2015 contra G D M*, 5268, 1, 372.

¹⁰⁹⁷ Davies, Francis, and Wyatt, *Invisible Crimes and Social Harms*.

¹⁰⁹⁸ Ibid.

¹⁰⁹⁹ Victor Jupp, Pamela Davies, and Peter Francis, “The Features of Invisible Crimes,” in *Invisible Killings* (London: Palgrave Macmillan, 1999), 5, https://doi.org/10.1007/978-1-349-27641-7_1.

it will not be addressed.¹¹⁰⁰ The lack of naming or how social problems are named can enable institutions and organisations to construct a manipulated social reality where crimes and victims can be ignored.¹¹⁰¹ Social scientists can utilise research and varying levels of visibility to reconstruct the social reality surrounding crimes and victims, making them visible and, as a result, enabling these issues to be addressed.¹¹⁰²

An example of how a previously invisible social problem became visible by being properly named can be seen with femicide. The term femicide was first coined by Diana Russel in 1976 who aimed to raise awareness that ‘the violent death of women was a crime *per se*, not to be confused with the gender-neutral term “homicide”’.¹¹⁰³ Russel claimed that reducing the violent death of women to the crime of homicide fails to take into account the special gender-based evidence of killing a woman.¹¹⁰⁴ She further positioned herself in the politics of naming, arguing that without a proper name, a significant social problem remains invisible, and therefore cannot be recognised or addressed.¹¹⁰⁵ Following her assertions, research began being conducted and the term gained visibility and importance.¹¹⁰⁶

Research quickly revealed that men are being killed at a higher rate than women around the world.¹¹⁰⁷ However, their death is not a consequence of their gender, as is the case with women.¹¹⁰⁸ Introducing the word femicide shifted the focus when analysing these crimes highlighting important driving factors that were ignored when these crimes were simply labelled as homicides.¹¹⁰⁹ Indeed, femicide occurs within a culture shaped by patriarchy, misogyny, and the oppression of women, where women are placed in a subordinate position within a male-dominated society.¹¹¹⁰ With the term femicide, the killing of women is seen as more than just a crime, as it also

¹¹⁰⁰ Davies, Francis, and Wyatt, *Invisible Crimes and Social Harms*.

¹¹⁰¹ Davies, Francis, and Wyatt, *Invisible Crimes and Social Harms*, 9,11.

¹¹⁰² Davies, Francis, and Wyatt, *Invisible Crimes and Social Harms*, 5.

¹¹⁰³ Consuelo Corradi et al., “Theories of Femicide and Their Significance for Social Research,” *Current Sociology* 64, no. 7 (2016): 976, <https://doi.org/10.1177/0011392115622256>.

¹¹⁰⁴ *Ibid*, 977.

¹¹⁰⁵ *Ibid*, 976.

¹¹⁰⁶ *Ibid*, 978.

¹¹⁰⁷ *Ibid*, 977.

¹¹⁰⁸ *Ibid*, 977.

¹¹⁰⁹ Chaime Marcuello-Servós et al., “Femicide: A Social Challenge,” *Current Sociology* 64, no. 7 (2016): 968, <https://doi.org/10.1177/0011392116639358>.

¹¹¹⁰ Rae Taylor and Jana L. Jasinski, “Femicide and the Feminist Perspective,” *Homicide Studies* 15, no. 4 (2011): 342, 343, <https://doi.org/10.1177/1088767911424541>.

‘encompasses a cultural, political, legal and penal framework.’¹¹¹¹

An example of how the word femicide changed the visibility of the murder of women can be seen in Mexico. The transformative work of Marcela Lagarde in translating and contextualising the term ‘femicide’ into Spanish changed Mexican social reality.¹¹¹² The word began expressing the violent death of women and girls as the killing of both their biological body and its cultural construction of it.¹¹¹³ Consequently, this led to public institutions and the state prioritising such crimes and promoting legal amendments to address them.¹¹¹⁴ While the resolution of the issue of femicide remains a point of discussion in Mexico today, the reality in the country has shifted from one marked by silence – lacking data, political discourse and public concern – to one where these elements are now present and actively shape the response to femicide.¹¹¹⁵

By discussing the politics of naming, this paper claims that words hold great power in making a phenomenon visible and changing the way it is approached. It will, therefore, examine the killing of transgender women and explore how naming these as anti-trans hate crime or transfemicide influences their visibility. The next section introduces the term transfemicide, outlining its meaning and implications and serving as the lens for the analysis that will follow.

C. Transfemicide

Femicide has been defined in the Vienna Declaration on Femicide as ‘the killing of women and girls because of their gender, which can take the form of, [...] the killing of women and girls because of their sexual orientation and gender identity’.¹¹¹⁶ However, when analysing killings of women due to their gender and their gender identity, scholars have coined the word transfemicide to more accurately reflect this specific form of

¹¹¹¹ Marcuello-Servós et al., “Femicide: A Social Challenge.”, 969.

¹¹¹² Corradi et al., “Theories of Femicide.”, 984.

¹¹¹³ Julia E. Monárrez Fragoso, “Fortaleciendo El Entendimiento Del Femicidio/Feminicidio,” SlideServe, 2008, 23, <https://www.slideserve.com/sherman/fortaleciendo-el-entendimiento-del-femicidio>.

¹¹¹⁴ Corradi et al., “Theories of Femicide.”, 985.

¹¹¹⁵ Ibid.

¹¹¹⁶ United Nations, “Vienna Declaration on Femicide,” *E/CN.15/2013/NGO/1*, February 1, 2013, 2 https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_22/E-CN15-2013-NGO1/E-CN15-2013-NGO1_E.pdf.

violence by defining it as ‘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.’¹¹¹⁷ Unlike the term femicide, which primarily centres around the cisgender identity of women and often treats gender identity as a secondary factor, transfemicide explicitly positions both gender and gender identity as central to the violence experienced by transgender women.¹¹¹⁸

The term transfemicide has been acknowledged by international institutions like Human Rights Watch, which praised the term as being able to capture the intersectional nature of the violence experienced by transgender women in a patriarchal society characterised by rigid gender norms.¹¹¹⁹ Indeed, as women they experience sexism characterised by gender inequalities that they share with cisgender women in a patriarchal society.¹¹²⁰ Yet, as transgender individuals, they experience cissexism characterised by discrimination and oppression, since cisgender individuals are perceived as more ‘natural’ and ‘legitimate’ than transgender individuals.¹¹²¹ The combination of various aspects of their social identities makes the violence experienced by transgender women multiplicative compared to the one experienced by individuals with less discriminated social identities.¹¹²² Thus, the term transfemicide can capture all of these intersecting identities and the violent experiences transgender women face as a result, culminating in their death.

III. Methodology

To answer the research question, the paper will use a case study approach, focusing on Argentina as a country, and specifically on the case of Diana Sacayán. This case study will investigate whether the killing of Sacayán should be described as a hate crime or as a transfemicide. Argentina was picked as a focus for two reasons: (1)

¹¹¹⁷ Blas Radi, Alejandra Sardá-Chandiramani, and Observatorio de Género, “Travesticide / Transfemicide: Coordinates to Think Crimes Against Travestis and Trans Women in Argentina,” *Publicación En Línea*, n.d., 3, (2016) <https://www.aacademica.org/blas.radi/15.pdf>.

¹¹¹⁸ Lorena Sosa, “Now You See Me? The Visibility of Trans and Travesti Experiences in Criminal Procedures,” *Politics and Governance* 8, no. 3 (2020): 269, <https://doi.org/10.17645/pag.v8i3.2804>.

¹¹¹⁹ ““Every Day I Live in Fear”: Violence and Discrimination Against LGBT People in El Salvador, Guatemala, and Honduras, and Obstacles to Asylum in the United States”, Human Rights Watch, October 2020, 22, 23 <https://www.refworld.org/reference/themreport/hrw/2020/en/148716>.

¹¹²⁰ Joseph, “Multiple Invisibility of Black Victims of Transfemicide.”, 509.

¹¹²¹ Ibid.

¹¹²² Ibid, 510.

78.8% of the murders of transgender individuals in the world happen in Latin America;¹¹²³ (2) the *Sacayán* case was the first case in Latin America where a Court discussed the possibility of introducing the term transfemicide in legal practice.¹¹²⁴ The case study approach will be used to dive deep into the murder itself but also into all the factors surrounding it and how they influenced the event itself and its aftermath. A case study approach was deemed as the most appropriate methodology since it can provide a real example of how the naming of a social problem can have effects on its visibility as was the case in Mexico. Building on this case study, the paper will expand the discussion to the broader context of killings of transgender women, focusing on how naming such events can influence their degree of visibility and the extent of social action.

Proceeding with the case study methodology allows for an in-depth analysis of the *Sacayán* case but also comes with its limitations. Indeed, to be able to generalise the findings of this paper to many more murders of transgender women, further large-scale research in different geographical areas needs to be conducted. Nonetheless, utilising the case study approach in this specific papers offers the possibility to analyse the real impact the term transfemicide can have on a specific and tangible case and is, therefore, deemed as the most appropriate methodology for the purpose of this paper.

IV. Case Study: Argentina and Diana Sacayán

A. Context of the Case

According to the Trans Murder Monitor (TMM), between 2008 and 2024, Argentina witnessed 127 murders of transgender individuals.¹¹²⁵ TMM deems, however, that this number is severely underestimated. The actual number of murdered trans individuals is unknown, because of inaccurate statistics due to misgendering and mislabelling. Transgender women are the most affected by these murders, having a life expectancy between 35 to 40 years, as compared to the general life expectancy of 75 years in

¹¹²³ Izabel Cristina Brito Da Silva et al., "Gender Violence Perpetrated Against Trans Women," *Revista Brasileira De Enfermagem* 75, no. suppl 2 (2022), 5, <https://doi.org/10.1590/0034-7167-2021-0173>.

¹¹²⁴ "Killer handed life sentence for brutal murder in historic transvesticide trial", *Buenos Aires Times*, 18 June 2018, <https://www.batimes.com.ar/news/argentina/killer-handed-life-sentence-for-brutal-murder-in-historic-transvesticide-trial.phtml> (accessed 21 May 2025).

¹¹²⁵ "TMM absolute numbers (2008 – Sept 2024)", Trans Murder Monitor, 2024, <https://transrespect.org/en/map/trans-murder-monitoring/#>.

Argentina.¹¹²⁶

In October 2015, one of these murders occurred, this time seeing Diana Sacayán as the victim.¹¹²⁷ The case gained a lot of local and global attention due to the victim herself and due to the Court's judgement.

As an Argentinian LGBT activists, with a focus on transgender rights, Sacayán led Argentina's Anti-Discrimination Liberation Movement and co-lead the International Lesbian, Gay, Bisexual, Transgender Association.¹¹²⁸ Through her activism she pushed Argentina to pass a law on gender identity which allowed a person to change their sex and name without requiring medical interventions.¹¹²⁹ The law was a big achievement in itself and it was further used to interpret other legislation granting transgender individuals more rights, such as including them as possible victims of femicide.¹¹³⁰ It was due to her efforts she was the first transgender woman in Argentina in 2012 to receive a corrected national identity card from the President of Argentina.¹¹³¹

Though the situation in Argentina ameliorated and transgender individuals gained more rights with time, murders persisted. In October 2015 Sacayán was murdered in her apartment in Buenos Aires.¹¹³² She was stabbed 13 times in the chest by Gabriel David Marino.¹¹³³ When it came to sentencing Marino, the Court was faced with the legal question of which offence to charge him with, specifically whether an anti-trans hate crime was enough to capture the uniqueness of the crime.¹¹³⁴ Ultimately the Court

¹¹²⁶ Maria Fernanda Rotondo et al., "Cis, Trans and Lesbian Women in Situations of Violence and Access to Justice in Northwest Argentina: From Diagnosis to Action," *Indiana International & Comparative Law Review* 34, no. 1 (2024): 59, <https://doi.org/10.18060/28375>.

¹¹²⁷ Cleis Albeni, "Prominent Activist Becomes Third Trans Woman Recently Murdered in Argentina," *Advocate*, 15 October 2015, <https://www.advocate.com/transgender/2015/10/15/prominent-activist-becomes-third-trans-woman-recently-murdered-argentina#toggle-gdpr> (accessed 21 May 2025).

¹¹²⁸ *Ibid.*

¹¹²⁹ *Ibid.*; *Ley 26.743 Establécese el derecho a la identidad de género de las personas* (Law 26.743) [2012] El Senado y Cámara de Diputados de la Nación Argentina reunidos en Congreso.

¹¹³⁰ Martín De Mauro Rucovsky and Ian Russell, "The Travesti Critique of the Gender Identity Law in Argentina," *TSQ Transgender Studies Quarterly* 6, no. 2 (2019): 224, <https://doi.org/10.1215/23289252-7348510>.

¹¹³¹ Valen Iricibar, "Google Doodle honors travesti activist Diana Sacayán," *Buenos Aires Herald*, 2 July 2023, <https://buenosairesherald.com/culture-ideas/google-doodle-honors-travesti-activist-diana-sacayan> (accessed 21 May 2025).

¹¹³² "Argentina: Man sentenced to life for brutal transgender murder," *BBC News*, 18 June 2018, <https://www.bbc.com/news/world-latin-america-44528454> (accessed 21 May 2025).

¹¹³³ *Ibid.*

¹¹³⁴ Tribunal Oral en lo Criminal y Correctional N° 4 (Oral Court in Criminal and Correctional Matters N° 4, Argentina) 2018, *causa nro. 62.162/2015 contra G D M*, 5268, 1.

charged Marino with having committed murder aggravated by both a hate crime based on gender identity and femicide, while still recognising the crime of transfemicide/travesticide for the first time.¹¹³⁵

It is worth noting that travesticide refers to the victim identifying as 'travesti'. While it is a word still used in Latin America delineating a specific gender identity, in many other parts of the world it is deemed as offensive.¹¹³⁶ For the purpose of this paper and for the interpretation and translation of the *Sacayàn* judgment, the terms transfemicide and travesticide will be used interchangeably.

B. The Judgment: Hate Crime, Femicide or Transfemicide?

The judges in the *Sacayàn* case were asked to determine whether the murder was aggravated according to Article 80.4 of the Argentinian Criminal Code, namely hate crime based on gender identity, or Article 80.11, namely femicide.¹¹³⁷ While providing their decisions the judges raised important questions on whether either of the aggravating circumstances were capable of capturing the continuum of the structural violence and discrimination faced by transgender women.¹¹³⁸

Regarding hate crimes, it was argued that they were not capable of protecting groups experiencing structural discrimination.¹¹³⁹ Indeed, such crimes focus on the motivation of the offender rather than on the group the victim belongs to.¹¹⁴⁰ Furthermore, the difficulty in defining hate, as well as proving it, fails at capturing the socio-structural element of such crimes.¹¹⁴¹

¹¹³⁵ Ibid, 174, 387.

¹¹³⁶ Sosa, "Now You See Me?", 266; "transvestite", *Cambridge Dictionary*, 2024, https://dictionary.cambridge.org/dictionary/english/transvestite#google_vignette (accessed 21 May 2025).

¹¹³⁷ *Ley 11.179 Código Penal de la Nación Argentina* (Law 11.179) [1984] Honorable Congreso de la Nación Argentina.

¹¹³⁸ Tribunal Oral en lo Criminal y Correccional N° 4 (Oral Court in Criminal and Correctional Matters N° 4, Argentina) 2018, *causa nro. 62.162/2015 contra G D M*, 5268, 1, 381.

¹¹³⁹ Ibid, 372.

¹¹⁴⁰ Ibid, 173, 307.

¹¹⁴¹ Tribunal Oral en lo Criminal y Correccional N° 4 (Oral Court in Criminal and Correctional Matters N° 4, Argentina) 2018, *causa nro. 62.162/2015 contra G D M*, 5268, 1, 171; Sosa, "Now You See Me?", 273.

Under Argentinian law, transgender women are legally recognised as women within the context of femicide.¹¹⁴² Nonetheless, the traditional interpretation of Article 80.11, requires femicide to be perpetrated in a situation of subordination characterised by the inequalities between the female victim and the male perpetrator, often involved in an intimate relation.¹¹⁴³ According to the judges, this also does not convey the socio-structural dimension of the murder of transgender women, as well as the intersectional character of such murders.¹¹⁴⁴

Consequently, the judges agreed that the term travesticide/transfemicide was the most appropriate to capture the special and unique experiences of transgender women as well as all the factors surrounding their murders.¹¹⁴⁵ Indeed, hate crimes based on gender identity focus on one aspect of the crime and femicide on the other but both fail to consider the intersectional nature of the crime.¹¹⁴⁶ Specifically, one of the judges argued that introducing the new term transfemicide – or any other terminology – in the legal sphere should be possible if it is needed to capture the specific hatred and subjectivity of the crime and bring visibility to the problem.¹¹⁴⁷ Nonetheless, since the specific crime of transfemicide does not yet exist in Argentinian law, the judges charged the culprit of murder aggravated by both hate and by femicide, seeing the combination of the two to reflect best the current legal framework and the intersectional nature of these crimes.¹¹⁴⁸ Transfemicide was left as a suggestion for the drafting of the new Criminal Code, since it should not be introduced into legal practice by the judges, but rather by a new legislation, as was the case with femicide.¹¹⁴⁹

V. Discussion: Should Transfemicide Become the New Legal Practice?

The *Sacayàn* case is an important example showcasing how the current legal framework around the murder of transgender women in Argentina is insufficient to address the uniqueness of crimes perpetrated against them. The Court took a step

¹¹⁴² *Ley 26.743 Establécese el derecho a la identidad de género de las personas* (Law 26.743) [2012] El Senado y Cámara de Diputados de la Nación Argentina reunidos en Congreso.

¹¹⁴³ ¹¹⁴³ Sosa, “Now You See Me?”, 269.

¹¹⁴⁴ ¹¹⁴⁴ Sosa, “Now You See Me?”, 273.

¹¹⁴⁵ *Ibid*, 272.

¹¹⁴⁶ *Ibid*.

¹¹⁴⁷ Tribunal Oral en lo Criminal y Correccional N° 4 (Oral Court in Criminal and Correctional Matters N° 4, Argentina) 2018, *causa nro. 62.162/2015 contra G D M*, 5268, 1, 387.

¹¹⁴⁸ Sosa, “Now You See Me?”, 274.

¹¹⁴⁹ *Ibid*.

forward in recognising the crime of transfemicide/travesticide but missed the opportunity to actively introduce it into legal practice. Interestingly, one of the judges in the case positioned herself in the politics of naming by affirming the importance of giving the right name to a social problem to increase its visibility.¹¹⁵⁰

This section will zoom out of the specific case of Diana Sacayàn. It will analyse the possibility of introducing the term transfemicide into legal practice as opposed to hate crime and to the term femicide.

Transgender women suffer from what Purdie-Vaughns and Eibach called 'intersectional invisibility'.¹¹⁵¹ This term refers to individuals that are part of more than one identity group but whose identity is distorted in order to fit the characteristics of one of these groups.¹¹⁵² However, these individuals do not fit the prototypes of any single one of these groups, resulting in the invisibility of their specific characteristics as intersectional individuals.¹¹⁵³ As explained above, transgender women present inherently intersectional identities because of their gender and their gender identity. The murder of these women classified as either a hate crime or femicide, as explained by the Court in the *Sacayàn* case, makes them become victims of this intersectional invisibility. The experience of transgender women is different to those of cisgender women and other transgender individuals.¹¹⁵⁴

The term transfemicide is the only one able to capture the uniqueness of the murder of transgender women.¹¹⁵⁵ The term, on one hand, recognises the gender-violence of the crime, and, on the other hand, broadens its scope to capture the specific nature of the victims' experiences.¹¹⁵⁶ Furthermore, the existence of a new specific term lends visibility to the problem and opens the discussion around states' responsibilities concerning the impunity of these crimes and the incorrect labelling of them by state

¹¹⁵⁰ Tribunal Oral en lo Criminal y Correccional N° 4 (Oral Court in Criminal and Correctional Matters N° 4, Argentina) 2018, *causa nro. 62.162/2015 contra G D M*, 5268, 1, 387.

¹¹⁵¹ Valerie Purdie-Vaughns and Richard P. Eibach, "Intersectional Invisibility: The Distinctive Advantages and Disadvantages of Multiple Subordinate-Group Identities," *Sex Roles* 59, no. 5–6 (2008), <https://doi.org/10.1007/s11199-008-9424-4>.

¹¹⁵² *Ibid*, 381.

¹¹⁵³ *Ibid*.

¹¹⁵⁴ Joseph, "Multiple Invisibility of Black Victims of Transfemicide.", 510.

¹¹⁵⁵ International Lesbian, Gay, Bisexual, Trans, and Intersex Association (ILGA World), "Submission to the UN Special Rapporteur on Violence Against Women, Its Causes and Consequences," March 30, 2021, 4 https://ilga.org/wp-content/uploads/2024/01/submission_to_SR_WAV_femicides_Apr2021.pdf.

¹¹⁵⁶ *Ibid*, 5.

officials.¹¹⁵⁷ This new term not only captures the continuum and the structural nature of the violence these victims face, but also opens the door for the degrees of invisibility to be overturned.

VI. Conclusion

This paper has examined the murder of transgender women and the reconceptualisation of such as a transfemicide. By doing so, it has positioned itself in the politics of naming arguing that although hate crimes and femicide are important terms in criminal law, the term transfemicide is the only term able to capture the whole range of factors influencing the murder of transgender women, opening the possibility for such crimes to gain more visibility and be effectively addressed. The *Sacayàn* case was used to illustrate the power such a term can have and the potential that exists if it is incorporated in legal practice. The discussion of the *Sacayàn* case showcased how transgender women are victims of intersectional invisibility as the inherent intersectionality they face through the expression of their gender and gender identity causes them to be positioned in groups that are unable to capture the real social identity of these women.

Even though the analysis was conducted by specifically looking at Argentinian law, the findings are important on a larger global scale for addressing the murders of transgender women. Indeed, an international reconceptualisation of the killing of transgender women as transfemicide is needed to give visibility to this crime and allow transgender women to receive the treatment and dignity they deserve.

¹¹⁵⁷ Ibid, 4; Daniella Hernández, "Femicide in the Americas," *SJSU ScholarWorks*, (April 1, 2018), 47 https://scholarworks.sjsu.edu/naccs/2018/Proceedings/8?utm_source=scholarworks.sjsu.edu%2Fnaccs%2F2018%2FProceedings%2F8&utm_medium=PDF&utm_campaign=PDFCoverPages.

Bibliography

- Albeni, Cleis. "Prominent Activist Becomes Third Trans Woman Recently Murdered in Argentina", *Advocate*, 15 October 2015, <https://www.advocate.com/transgender/2015/10/15/prominent-activist-becomes-third-trans-woman-recently-murdered-argentina#toggle-gdpr> (accessed 21 May 2025).
- "Argentina: Man sentenced to life for brutal transgender murder", *BBC News*, 18 June 2018, <https://www.bbc.com/news/world-latin-america-44528454> (accessed 21 May 2025).
- Corradi, Consuelo, Chaime Marcuello-Servós, Santiago Boira, and Shalva Weil. "Theories of Femicide and Their Significance for Social Research." *Current Sociology* 64, no. 7 (2016): 975–95. <https://doi.org/10.1177/0011392115622256>.
- Craig, Kellina M. "Examining Hate-motivated Aggression: A Review of the Social Psychological Literature on Hate Crimes as a Distinct Form of Aggression." *Aggression and Violent Behavior* 7, no. 1 (2002): 85–101. [https://doi.org/10.1016/s1359-1789\(00\)00039-2](https://doi.org/10.1016/s1359-1789(00)00039-2).
- Da Silva, Izabel Cristina Brito, Ednaldo Cavalcante De Araújo, Alef Diogo Da Silva Santana, Jefferson Wildes Da Silva Moura, Marclineide Nóbrega De Andrade Ramalho, and Paula Daniella De Abreu. "Gender Violence Perpetrated Against Trans Women." *Revista Brasileira De Enfermagem* 75, no. suppl 2 (2022). <https://doi.org/10.1590/0034-7167-2021-0173>.
- Davies, Pamela, Peter Francis, and Tanya Wyatt. *Invisible Crimes and Social Harms*. (London: Palgrave Macmillan 2014) <https://doi.org/10.1057/9781137347824>.
- DeJong, Christina, Karen Holt, Brenna Helm, and Skyler J. Morgan. "'A Human Being Like Other Victims': The Media Framing of Trans Homicide in the United States." *Critical Criminology* 29, no. 1 (2021): 131–49. <https://doi.org/10.1007/s10612-021-09559-z>.

- De Mauro Rucovsky, Martín, and Ian Russell. "The Travesti Critique of the Gender Identity Law in Argentina." *TSQ Transgender Studies Quarterly* 6, no. 2 (2019): 223–38. <https://doi.org/10.1215/23289252-7348510>.
- Flores, Andrew R., Ilan H. Meyer, Lynn Langton, and Jody L. Herman. "Gender Identity Disparities in Criminal Victimization: National Crime Victimization Survey, 2017–2018." *American Journal of Public Health* 111, no. 4 (2021): 726–29. <https://doi.org/10.2105/ajph.2020.306099>.
- Göksel, Pelin. "Discrimination and Violence Against Transgender People." *Psikiyatride Guncel Yaklasimlar - Current Approaches in Psychiatry* 16, no. 4 (2024): 731–39. <https://doi.org/10.18863/pgy.1417609>.
- Hernández, Daniella. "Femicide in the Americas." *SJSU ScholarWorks*, (April 1, 2018). https://scholarworks.sjsu.edu/naccs/2018/Proceedings/8/?utm_source=scholarworks.sjsu.edu%2Fnaccs%2F2018%2FProceedings%2F8&utm_medium=PDF&utm_campaign=PDFCoverPages.
- Human Rights Watch, "'Every Day I Live in Fear': Violence and Discrimination Against LGBT People in El Salvador, Guatemala, and Honduras, and Obstacles to Asylum in the United States", October 2020, <https://www.refworld.org/reference/themreport/hrw/2020/en/148716>.
- International Lesbian, Gay, Bisexual, Trans, and Intersex Association (ILGA World). "Submission to the UN Special Rapporteur on Violence Against Women, Its Causes and Consequences," March 30, 2021. https://ilga.org/wp-content/uploads/2024/01/submission_to_SR_WAV_femicides_Apr2021.pdf.
- Iricibar, Valen. "Google Doodle honors travesti activist Diana Sacayán", *Buenos Aires Herald*, 2 July 2023, <https://buenosairesherald.com/culture-ideas/google-doodle-honors-travesti-activist-diana-sacayan> (accessed 21 May 2025).
- Joseph, Janice. "Multiple Invisibility of Black Victims of Transfemicide: An Intersectional Approach." *Peace Review* 34, no. 4 (2022): 501–17. <https://doi.org/10.1080/10402659.2022.2132109>.

Jupp, Victor, Pamela Davies, and Peter Francis. "The Features of Invisible Crimes." In *Invisible Killings* (London: Palgrave Macmillan, 1999). https://doi.org/10.1007/978-1-349-27641-7_1.

"Killer handed life sentence for brutal murder in historic transvesticide trial", *Buenos Aires Times*, 18 June 2018, <https://www.batimes.com.ar/news/argentina/killer-handed-life-sentence-for-brutal-murder-in-historic-transvesticide-trial.phtml> <https://www.batimes.com.ar/news/argentina/killer-handed-life-sentence-for-brutal-murder-in-historic-transvesticide-trial.phtml> (accessed 21 May 2025).

Lenning, Emily, Sara Brightman, and Carrie L. Buist. "The Trifecta of Violence: A Socio-Historical Comparison of Lynching and Violence Against Transgender Women." *Critical Criminology* 29, no. 1 (2020): 151–72. <https://doi.org/10.1007/s10612-020-09539-9>.

Marcuello-Servós, Chaime, Consuelo Corradi, Shalva Weil, and Santiago Boira. "Femicide: A Social Challenge." *Current Sociology* 64, no. 7 (2016): 967–74. <https://doi.org/10.1177/0011392116639358>.

Momen, Rayna E., and Lisa M. Dilks. "Examining Case Outcomes in US Transgender Homicides: An Exploratory Investigation of the Intersectionality of Victim Characteristics." *Sociological Spectrum* 41, no. 1 (2020): 53–79. <https://doi.org/10.1080/02732173.2020.1850379>.

Monárrez Fragoso, Julia E. "Fortaleciendo El Entendimiento Del Femicidio/Feminicidio." SlideServe, 2008. <https://www.slideserve.com/sherman/fortaleciendo-el-entendimiento-del-femicidio>.

Organization for Security and Cooperation in Europe and Office for Democratic Institutions and Human Rights. *Hate Crime Laws: A Practical Guide*. ODIHR, 2009. https://www.overcominghateportal.org/uploads/5/4/1/5/5415260/hate_crimes_laws.pdf.

Purdie-Vaughns, Valerie, and Richard P. Eibach. "Intersectional Invisibility: The Distinctive Advantages and Disadvantages of Multiple Subordinate-Group

- Identities.” *Sex Roles* 59, no. 5–6 (2008): 377–91. <https://doi.org/10.1007/s11199-008-9424-4>.
- Radi, Blas, Alejandra Sardá-Chandiramani, and Observatorio de Género. “Travesticide / Transfemicide: Coordinates to Think Crimes Against Travestis and Trans Women in Argentina.” *Publicación En Línea*, n.d. <https://www.aacademica.org/blas.radi/15.pdf>.
- Rotondo, Maria Fernanda, Fernando Esteban Barrientos, Parache Rocío Gramajo, Martin Emilio González, and Florencia Vallino Moyano. “Cis, Trans and Lesbian Women in Situations of Violence and Access to Justice in Northwest Argentina: From Diagnosis to Action.” *Indiana International & Comparative Law Review* 34, no. 1 (2024): 59–91. <https://doi.org/10.18060/28375>.
- Sosa, Lorena. “Now You See Me? The Visibility of Trans and Travesti Experiences in Criminal Procedures.” *Politics and Governance* 8, no. 3 (2020): 266–77. <https://doi.org/10.17645/pag.v8i3.2804>.
- Skidmore, Emily. “Constructing the ‘Good Transsexual’: Christine Jorgensen, Whiteness, and Heteronormativity in the Mid-Twentieth-Century Press.” *Feminist Studies* 37, no. 2 (2011): 270–300. <https://www.jstor.org/stable/23069901>.
- Taylor, Rae, and Jana L. Jasinski. “Femicide and the Feminist Perspective.” *Homicide Studies* 15, no. 4 (2011): 341–62. <https://doi.org/10.1177/1088767911424541>.
- “TMM absolute numbers (2008 – Sept 2024)”, Trans Murder Monitor, 2024, <https://transrespect.org/en/map/trans-murder-monitoring/#>.
- “transvestite”, *Cambridge Dictionary*, 2024, https://dictionary.cambridge.org/dictionary/english/transvestite#google_vignette (accessed 21 May 2025).
- Turner, Lewis, Stephen Whittle, and Ryan Combs. “Transphobic Hate Crime in the European Union,” 2009, https://www.ilga-europe.org/sites/default/files/transphobic_hate_crime_in_the_european_union_0.pdf.

United Nations. "Vienna Declaration on Femicide." *E/CN.15/2013/NGO/1*, February 1, 2013. https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_22/E-CN15-2013-NGO1/E-CN15-2013-NGO1_E.pdf.

United Nations Human Rights Office of the High Commissioner, "Transgender people", *United Nations*, 2024, <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/transgender-people> (accessed 21 May 2025).

Walters, Mark A., Jennifer Paterson, Rupert Brown, and Liz McDonnell. "Hate Crimes Against Trans People: Assessing Emotions, Behaviors, and Attitudes Toward Criminal Justice Agencies." *Journal of Interpersonal Violence* 35, no. 21–22 (2017): 4583–4613. <https://doi.org/10.1177/0886260517715026>.

Wirtz, Andrea L., Tonia C. Poteat, Mannat Malik, and Nancy Glass. "Gender-Based Violence Against Transgender People in the United States: A Call for Research and Programming." *Trauma Violence & Abuse* 21, no. 2 (2018): 227–41. <https://doi.org/10.1177/1524838018757749>.