

GERMANY

Recommendations to improve data collection on intimate partner violence by the police and justice sectors



The recommendations were developed after an in-depth analysis of data collection from the police and justice sectors. The relevance and feasibility of the recommendations were discussed with national professionals whose work is closely related to the topic at a meeting in June 2017 in Berlin, Germany. The suggestions were revised upon participants' feedback. The recommendations aim to improve administrative data collection on intimate partner violence to better inform policies and to help the Member States meet the monitoring requirements outlined in both Directive 2012/29/EU (the Victims' Rights Directive) and the Istanbul Convention.

1. Legislative and policy recommendations

Include goals of administrative data collection in any follow-up policy to the second national action plan on violence against women

The second national action plan on combating violence against women, adopted in 2007, remains the main political framework on violence against women. It does not, however, mention the relevance of crime statistics in measuring the extent of intimate partner violence or other forms of violence against women ⁽¹⁾.

It is recommended that the importance of administrative data collection be highlighted and goals included in any follow-up to the second national action plan on combating violence against women.

Implement the Istanbul Convention requirements on data collection

Germany ratified the Istanbul Convention on 12 October 2017 ⁽²⁾. In 2011, improvements were made to the recording system for police crime statistics, allowing for more detailed recording of victim–perpetrator relationships, as well as the local and social contexts of a crime. These technical developments, together with the obligations stemming from ratification of the Istanbul Convention, led to the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth asking the Federal Criminal Police Office in 2015 for a more detailed analysis of intimate partner violence as part of their crime statistics study. Although useful, this analysis does not include all criminal offences that may be relevant for European Institute for Gender Equality (EIGE) definitions of intimate partner violence.

It is therefore recommended to include the offences described here, and to carry out this analysis and publication of results annually.

Continue work on International Classification of Crime for Statistical Purposes (ICCS) correspondence tables

The Federal Criminal Police Office and the Federal Statistical Office have started to prepare national correspondence tables in order to implement the ICCS ⁽³⁾.

It is recommended that this work continue.

Clarify the feasibility of recording victim information in data from the justice sector

To date, the justice data published is not broken down by victim sex and/or victim–perpetrator relationship. This information is likely to be available in the files, but is not recorded by the justice institutions in any single database ⁽⁴⁾. Public prosecutors in some federal states use one of two electronic registration systems ⁽⁵⁾: MESTA is used by seven federal states and includes information on victim and suspect sex and age for each criminal charge; Websta is used by public prosecutors in Bavaria.

It is recommended that possibilities be explored to gather crime data from the justice sector broken down by victim sex and victim–perpetrator relationship (in order to account for intimate partner violence cases). Improvements should start with public prosecutors, for example all federal states using these systems. In addition, domestic violence and intimate partner violence should be flagged as a category of ancillary proceedings, as has been recommended by several public prosecutors.

(1) Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ), *Second action plan of the Federal government on combating violence against women* (<https://www.bmfsfj.de/blob/93228/77ac63e8f600d39c8fb5ae9ed2080653/aktionsplan-ii-zur-bekaempfung-von-gewalt-gegen-frauen-data.pdf>) (not available in English) (*Aktionsplan II der Bundesregierung zur Bekämpfung von Gewalt gegen Frauen*), 2007.

(2) <https://www.coe.int/en/web/istanbul-convention/-/l-alle-magne-ratifie-la-convention-d-istanbul>

(3) Questionnaire replies from the Federal Criminal Police Office, received on 18 April 2017.

(4) Questionnaire replies from representative from the Ministry of Justice, received on 16 February 2017.

(5) Schröttle, M. and Fein, S., *Exploration study on the acquisition of data and indicators on violence in intimate partner relationships and sexual violence against women and men with regard to a long-term monitoring at national level* (*Explorationsstudie zur Gewinnung von Daten und Indikatoren zur Gewalt in Partnerschaften und sexueller Gewalt gegen Frauen und Männer im Hinblick auf ein langfristiges Monitoring auf nationaler Ebene*), 2012, p. 43.

Discuss the feasibility of cost estimate studies on intimate partner violence

In November 2017 the first nationwide study on the cost of violence, conducted by the University of Cottbus, was published ⁽⁶⁾. There had been previous academic reports requesting such estimates, at least at regional level, but none of these requests had received public funding ⁽⁷⁾.

It is recommended that such cost estimate studies be discussed by the ministries responsible, ideally in conjunction with researchers working in the field.

Assess possibilities to calculate the costs of intimate partner violence using the purpose-built economic model

There are several arguments in favour of such a study, not least of which is that Germany has some of the most reliable (police) data on intimate partner violence. It also has other robust data, such as data on prevalence from the 2004 survey, which was even used in the Austrian cost study.

It is recommended that cost calculations be based on the following types of data, using the methodology developed by EIGE: total police expenditure, total number of offences reported, total intimate partner violence reported to the police, total justice expenditure and total number of conviction decisions. The purpose-built economic model developed by EIGE should be the main calculation method for the cost of intimate partner violence for the police and justice sectors.

2. Data collection infrastructure and cooperation between different authorities

Take steps to align recording systems nationally and ensure coordination across the federal states

The Federal Office of Justice is aiming to improve justice statistics in general. However, it only participates in the collection of these data and statistics, as the competence remains with the federal states for the area of intimate partner violence ⁽⁸⁾.

It is recommended that the Federal Office of Justice engage in a dialogue with the federal states to encourage them to provide aggregated data on intimate partner violence, broken down by victim sex and victim–perpetrator relationship. The ratification of the Istanbul Convention on 12 October 2017 could provide additional impetus for the further development of statistical data.

3. Technical recommendations

3.1. Recommendations on data recording systems

Take steps to ensure the recording of victim information in economic violence offences

Victim information (sex and victim–perpetrator relationship) is collected for certain acts that may potentially constitute economic violence, i.e. exploitation of prostitutes (Article 180a Criminal Code); human trafficking for labour exploitation (Article 233) and human trafficking for sexual exploitation (Article 232). However, these offences were not included in the 2016 Federal Criminal Police Office calculations on intimate partner violence ⁽⁹⁾, nor in the data submitted for this project.

It is recommended that these offences be included in the national understanding of intimate partner violence and in all related reports. The breach of obligation to pay alimony (Article 170) is also a relevant aspect of economic violence, and victim information (sex and victim–perpetrator relationship) should also be collected for this offence.

⁽⁶⁾ Sacco, S., *Häusliche Gewalt Kostenstudie für Deutschland, Gewalt gegen Frauen in (ehemaligen) Partnerschaften*, tredition, Cottbus, 2017.

⁽⁷⁾ Questionnaire replies received from Federal Criminal Police Office on 18 April 2017; questionnaire replies from the representative from the Ministry of Justice received on 16 February 2017; email correspondence with author of a meta-analysis of the costs of intimate partner violence, University of Fulda, 9 May 2017.

⁽⁸⁾ Questionnaire replies from the representative of the Ministry of Justice, received on 16 February 2017.

⁽⁹⁾ Federal Criminal Police Office (*Bundeskriminalamt*), *Partner Violence — Analysis of crime statistics — Reporting year 2015 (Partnerschaftsgewalt — Kriminalstatistische Auswertung — Berichtsjahr 2015)*, 2015 (https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/Partnerschaftsgewalt/Partnerschaftsgewalt_2015.html) (not available in English).

Include certain physical violence or femicide offences in the national calculations of intimate partner violence

In 2016, a special analysis of police data was carried out in order to identify intimate partner violence cases (using data from 2015 ⁽¹⁰⁾). The Federal Criminal Police Office used this data to populate the EIGE indicators described below. However, some offences relevant for the indicator on physical violence, and for which the relevant breakdowns are available, were not included in the calculations of the Federal Criminal Police Office.

It is recommended that these offences be included in the national understanding of intimate partner violence and in all relevant reports. The following offences (for which relevant breakdowns are available) were not included in the report: rape/sexual coercion with deadly consequences (PKS ⁽¹¹⁾ 111500, Article 178), negligent bodily harm (PKS 225000).

Take steps to ensure the recording by justice services of the victim–perpetrator relationship and victim information for intimate partner violence offences

The justice services do not record information on either the sex of the victim or the victim–perpetrator relationship. This information is necessary to gain a full picture of intimate partner violence cases in the judicial system. It is acknowledged that this will require additional procedures in the judicial system, as the information is not readily available and thus cannot easily be transformed into statistical data. Violence between partners or family members is not considered an aggravating circumstance in Germany, therefore this feature is not noted in the verdict registries of the courts.

According to stakeholders, while information on the sex of the victim and the victim–perpetrator relationship is likely to be recorded in the individual case files, it is not systematically registered on any database or register ⁽¹²⁾, and is not published in any statistical form by the justice institutions ⁽¹³⁾.

The most accessible information is likely to be that gathered by the public prosecutors, who have already begun to develop specific IT systems and databases in several federal states. They also record additional features, such as the sex and age of both victim and suspect(s).

It is recommended that this kind of data be recorded in order to allow for estimates of conviction rates in intimate partner violence cases, which are an important indicator on judicial support for victims.

Provide specific data on protection orders

Statistical data is available on the number of cases regarding different protection measures provided for by the law on protection from violence (*Gewaltschutzgesetz*) ⁽¹⁴⁾. However, no statistical data exists regarding the outcomes of the court cases.

It is recommended that data on the number of protection orders be published, including the underlying counting rules.

3.2. Recommendations on the indicators proposed by EIGE

Indicator 1 — Annual number of women (aged 18 and over), victims of intimate partner violence ⁽¹⁵⁾ committed by men (aged 18 and over), as recorded by police

Data to populate this indicator is available.

⁽¹⁰⁾ Federal Criminal Police Office (*Bundeskriminalamt*), *Partner Violence — Analysis of crime statistics — Reporting year 2015 (Partnerschaftsgewalt — Kriminalstatistische Auswertung — Berichtsjahr 2015)*, 2015 (https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/Partnerschaftsgewalt/Partnerschaftsgewalt_2015.html) (not available in English).

⁽¹¹⁾ 'PKS' is the police crime statistics code used by police when recording data. It is short for *Polizeiliche Kriminalstatistik* and is based on the Criminal Code.

⁽¹²⁾ Discussions at stakeholder workshop in July 2017.

⁽¹³⁾ Questionnaire replies from the representative from the Ministry of Justice, received on 16 February 2017.

⁽¹⁴⁾ This law provides for protection orders to be issued in cases of violence against the body, health or freedom of a person, or the threat of such violence.

⁽¹⁵⁾ Any act of physical, sexual, psychological or economic violence that occurs between former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim (EIGE, *Terminology and indicators for data collection: Rape, femicide and intimate partner violence*, Publications Office of the European Union, Luxembourg, 2017).

Indicator 2 — Annual number of reported offences related to intimate partner violence against women committed by men (aged 18 and over)

Data to populate this indicator is available.

General category for indicator	Existing offences — statistical classification ⁽¹⁶⁾
Physical intimate partner violence	Other murder (PKS 010079, Article 211), murder related to sexual offences (PKS 012000, Article 211), manslaughter (PKS 020010 and 020020, Article 212, Article 213), bodily harm with deadly consequences (PKS 221010, Article 227), dangerous and grievous bodily harm (PKS 222010, 222110, 222020, 222120, Article 224, Article 226), intentional simple bodily harm (PKS 22400, Article 223), rape/sexual coercion with deadly consequences (PKS 111500, Article 178), negligent bodily harm (PKS 225000)
Sexual intimate partner violence	Rape and sexual coercion (PKS 111100, 111400, 112000; Article 177, paragraph 1-5), sexual abuse of persons incapable of resistance (PKS 134000, Article 179)
Psychological intimate partner violence	Stalking (PKS 232400, Article 238), threat (PKS 232300, Article 241)
Economic intimate partner violence	Exploitation of prostitutes (Article 180a), human trafficking for labour exploitation (Article 233) and human trafficking for sexual exploitation (Article 232), breach of obligation to pay alimony (Article 170)

Indicator 3 — Annual number of men (aged 18 and over) perpetrators of intimate partner violence against women (and percentage of male population that are perpetrators)

Data to populate this indicator is available.

For indicators 1-3

It is recommended to expand reporting on intimate partner violence by the Federal Criminal Police Office to include further offences related to physical and economic violence.

Indicator 4 — Annual number of women (aged 18 and over) victims of physical intimate partner violence ⁽¹⁷⁾ committed by men (aged 18 and over), as recorded by police

Data to populate this indicator is available.

It is recommended that the data provided by the Federal Criminal Police Office in its specific report on intimate partner violence include further relevant offences, as described in the table above.

Indicator 5 — Annual number of women (aged 18 and over) victims of psychological intimate partner violence ⁽¹⁸⁾ committed by men (aged 18 and over), as recorded by police

Data to populate this indicator is available.

Indicator 6 — Annual number of women (aged 18 and over) victims of sexual intimate partner violence ⁽¹⁹⁾ committed by men (aged 18 and over), as recorded by police

Data to populate this indicator is available.

⁽¹⁶⁾ PKS codes and articles of the Criminal Code refer to the 2015 versions.

⁽¹⁷⁾ Any act which causes physical harm to the partner or former partner as a result of unlawful physical force. Physical violence can take the form of, among others, serious and minor assault, deprivation of liberty and manslaughter (EIGE, 2017).

⁽¹⁸⁾ Any act or behaviour which causes psychological harm to the partner or former partner. Psychological violence can take the form of, among others, coercion, defamation, verbal insult or harassment (EIGE, 2017).

⁽¹⁹⁾ Any sexual act performed on the victim without consent. Sexual violence can take the form of rape or sexual assault (EIGE, 2017).

Indicator 7 — Annual number of women (aged 18 and over) victims of economic intimate partner violence ⁽²⁰⁾ committed by men (aged 18 and over), as recorded by police

Data to populate this indicator is available.

It is recommended that the data provided by the Federal Criminal Police Office in its specific report on intimate partner violence include further relevant offences, as described in the table above.

Indicator 8 — Annual number of women (aged 18 and over) victims reporting rape ⁽²¹⁾ committed by men (aged 18 and over), as recorded by police

Data to populate this indicator is available.

Indicator 9 — Women victims of intimate femicide ⁽²²⁾ (aged 18 and over) committed by a male intimate partner (aged 18 and over), as a share of the women victims of homicide (aged 18 and over)

Data to populate this indicator is available.

It is recommended that some further relevant offences be included in the national understanding of intimate femicide.

Indicator 10 — Annual number of protection orders applied for and granted in cases of intimate partner violence against women by type of court

Only proxy data to populate this indicator is available (data on suspects under the law on protection from violence (*Gewaltschutzgesetz*), Article 4 on penalties).

It is recommended that specific data be provided on protection orders and the underlying counting rules.

Indicator 11 — Annual number of men (aged 18 and over) prosecuted for intimate partner violence against women

Data to populate this indicator is not available.

Indicator 12 — Annual number of men (aged 18 and over) sentenced for intimate partner violence against women

Data to populate this indicator is not available.

Indicator 13 — Annual number of men (aged 18 and over) sentenced for intimate partner violence against women and held in prison or with a sanction involving a form of deprivation of liberty

Data to populate this indicator is not available.

For indicators 11-13

It is recommended that information on victim sex and victim–perpetrator relationship be recorded, processed and published as part of the data from public prosecutors/courts.

⁽²⁰⁾ Any act or behaviour which causes economic harm to the partner. Economic violence can take the form of, among others, property damage, restricting access to financial resources, education or the labour market, or not complying with economic responsibilities, such as alimony (EIGE, 2017).

⁽²¹⁾ Sexual penetration, whether vaginal, anal or oral, through the use of object or body parts, without consent, using force, coercion or by taking advantage of the vulnerability of the victim (EIGE, 2017).

⁽²²⁾ The killing of a woman by an intimate partner and death of a woman as a result of a practice that is harmful to women. Intimate partner is understood as former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim (EIGE, 2017).



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