

Measuring femicide in Luxembourg

Femicide

Femicide can be understood as the extreme end of a continuum of violence against women that happens in all European Union Member States ⁽¹⁾. There is no standard agreed definition of femicide among EU Member States or around the world. The lack of a uniform definition hampers the measurement of femicide, which becomes invisible among general homicide data ⁽²⁾. The general concept of femicide refers to the killing of a woman or girl because of her gender. The United Nations Vienna Declaration on Femicide ⁽³⁾ was the first to identify different types of femicide, including:

- murder of women as a result of intimate partner violence;
- torture and misogynistic slaying of women;
- killing of women and girls in the name of honour;
- targeted killing of women and girls in the context of armed conflict;
- dowry-related killing of women;
- killing of women and girls because of their sexual orientation and gender identity;
- killing of aboriginal and indigenous women and girls because of their gender;
- female infanticide and gender-based sex selection foeticide;
- genital mutilation-related deaths;
- accusations of witchcraft;
- other types of femicide connected with gangs, organised crime, drug dealers, human trafficking and the proliferation of small arms.

Femicide in Luxembourg

There is no definition of femicide in the Luxembourg Penal Code. However, this type of offence may fall under other provisions of Luxembourg criminal law. The relevant articles for identifying femicide cases are, inter alia, Articles 392, 393, 394, 401, 409, 409bis, 418 and 419 ⁽⁴⁾.

Section I: Murder

Article 392 – Voluntary homicide

A homicide is considered voluntary when caused by injuries inflicted with the intention to injure a specified person or a person encountered by chance, even if this plan is dependent on some circumstance or condition, and even if the perpetrator has made a mistake and attacked the wrong person.

Article 393 – Murder with intent

A murder committed with intent to cause death is classified as murder. It will be punished with life imprisonment.

Article 394 – Murder with premeditation

A murder committed with premeditation is classified as murder. It will be punished with life imprisonment.

Section II: Intentional homicide not qualified

Article 401 – Death resulting from intentional bodily harm

If the voluntary assault and battery that result from intentional bodily harm cause death without intention to kill, they will be punished by imprisonment of 5–10 years, and if they are committed with premeditation they will be punished by imprisonment of 10–15 years.

Article 409 – Voluntary homicide not qualified

The following shall be punished by imprisonment [...] wilfully injuring or inflicting blows:

1. on a spouse or divorced spouse, or the person with whom they live or have habitually lived;

[...]

If the intentional assault or battery referred to in paragraph 1 has caused death, without intention of causing it, the culprit will be punished by imprisonment for 20–30 years, in the absence of premeditation of these acts of violence, and life imprisonment otherwise.

[...]

Article 409bis – Female genital mutilation

If the mutilation of the genitals of a female person [...] has caused death, even without intent to cause it, the penalties shall be imprisonment for 7–10 years and a fine of between EUR 2 500 and EUR 30 000.

Articles 418 and 419 – Involuntary manslaughter

A person is guilty of involuntary manslaughter [...] if they have caused the harm by lack of foresight or precautionary measures, but without intent to harm another person. Anyone who involuntarily causes the death of a person shall be punished by imprisonment for 3 months to 2 years and a fine of between EUR 500 and EUR 10 000.

⁽¹⁾ This factsheet includes data collected before the United Kingdom left the EU, so the reference to EU Member States includes the United Kingdom.

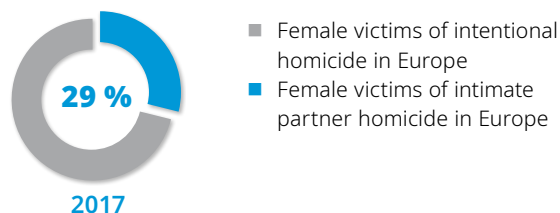
⁽²⁾ European Institute for Gender Equality (EIGE) (2017), *Glossary of definitions of rape, femicide and intimate partner violence*, EIGE, Vilnius.

⁽³⁾ UN Economic and Social Council (2012), *Vienna Declaration on Femicide*, UN, New York (https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_22/E-CN15-2013-NGO1/E-CN15-2013-NGO1_E.pdf).

⁽⁴⁾ For more information, see the Luxembourg Criminal Code (https://www.legislationline.org/download/id/8273/file/Luxembourg_Criminal_Code_am2018_fr.pdf).

Intimate partner femicide in Europe

From a statistical perspective, and based on the International Classification of Crime for Statistical Purposes (ICCS), the UN Office on Drugs and Crime (UNODC) highlights that intentional homicide of female victims perpetrated by intimate partners or family members is the most prevalent form of femicide ⁽⁵⁾. UNODC estimates that, in Europe ⁽⁶⁾, about 29 % of female victims of homicide ⁽⁷⁾ are killed intentionally by an intimate partner.



Intimate partner femicide in Luxembourg

From a statistical perspective, the working definition that the European Institute for Gender Equality (EIGE) uses for femicide is 'killing of a woman by an intimate partner and the death of a woman as a consequence of a practice that is harmful to women. Intimate partner is understood as a former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim'. In Luxembourg, most femicides would be covered by the articles of the Penal Code identified above. There is no public accessible collection of data on intimate partner femicide in Luxembourg.

About the study

Data collection systems vary widely across EU Member States, as they draw on various sources. To improve the collection of administrative data on femicide, EIGE has been working to establish indicators that can harmonise data collection processes across Member States' jurisdictions.

EIGE has collected information from a wide variety of stakeholders through a questionnaire sent to official data providers and an online survey filled in by national experts. The ultimate goal is to identify a classification system of femicide with mutually agreed variables that can be used by all EU Member States.

Methodology for data collection

To address the lack of comparable data on violence against women, EIGE developed 13 indicators with uniform definitions of the multiple forms of intimate partner violence, femicide and rape ⁽⁸⁾. A detailed report regarding the methodology for the collection, reporting and validation of data, along with detailed metadata per country, has been published ⁽⁹⁾. The data presented in this factsheet refers to indicator 9 on intimate partner violence: 'Women victims of intimate femicide (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'. However, the data for Luxembourg under this indicator is not yet available.

For more information, see EIGE's Gender Statistics Database (https://eige.europa.eu/gender-statistics/dgs/browse/genvio/genvio_int).

⁽⁵⁾ UN Office on Drugs and Crime (UNODC) (2019), *Global Study on Homicide – Gender-related killing of women and girls*, UNODC, Vienna.

⁽⁶⁾ Data from UNODC includes European jurisdictions other than the EU Member States. There is no estimation of the percentage of female victims of homicide who were victims of intimate partner femicide limited to EU Member States.

⁽⁷⁾ The term 'homicide' is used when reporting UNODC data given that it is the term used in the original source (p. 17). The gender-related motivation is not recorded, because of the lack of a standardised definition. However, it is clear from the report that this data quantifies a significant share of all gender-related killings of women and girls.

⁽⁸⁾ European Institute for Gender Equality (EIGE) (2017), *Terminology and Indicators for Data Collection: Rape, femicide and intimate partner violence*, EIGE, Vilnius.

⁽⁹⁾ European Institute for Gender Equality (EIGE) (2020), *Intimate Partner Violence: Data collection methodology*, EIGE, Vilnius.

Collecting administrative data on femicide



What is administrative data? Administrative data is collected for recording, organising and monitoring purposes ⁽¹⁰⁾. Administrative data on femicide can be obtained from different institutions, namely those that are involved in criminal investigations, prosecutions, the punishment of perpetrators and victim support – that is, institutions in the police and justice sectors. Administrative data might include information about the prevalence and types of femicide, the characteristics of the victim, the perpetrator and their relationship, the characteristics of and motive for the crime, and data about the criminal process.

In order to help policymakers design effective policies to combat femicide, it is necessary to understand the nature and prevalence of the issue. The collection of comparable administrative data on femicide across Member States is key to gaining this understanding ⁽¹¹⁾. It is particularly important that the motive for the killing is established by the police or judiciary and that this is then translated into standardised statistical data. The ICCS is a standardised tool for obtaining comparable adminis-

trative data. However, it lacks a gender-based motive variable. This means that the concept of femicide cannot be properly operationalised, which prevents the collection of data that fully captures the phenomenon. The collection of data on femicide would make the crime more visible, which would strengthen the political will to eradicate it. Administrative data on femicide also enables countries to monitor trends over time and evaluate the effectiveness of measures.

What administrative data on femicide is available in Luxembourg?

Definition of femicide and availability of data	
Definition of femicide used for statistical purposes	No
Collection of data on femicide	No data collection

There is no known data collection on femicide, although data on homicide in the context of domestic violence can be provided by the police and prosecutor's office.

There is no known collection of data on female victims of homicide or any type of femicide in Luxembourg. The Cooperation Committee of Professionals in the Field of Combating Violence (Comité de coopération entre les professionnels dans le domaine de la lutte contre la violence) ⁽¹²⁾ was established by a grand ducal regulation of 24 November 2003. This committee is an advisory body, and its tasks include the centralisation and study of statistics related to domestic violence. The annual report drawn up by the committee includes information on police interventions and evictions of perpetrators in relation

to domestic violence, but there is no information on femicide cases. According to the annual report in 2018, there were 55 death threats and 6 attempted homicides in the context of domestic violence. In 2019, there were 59 death threats and 10 attempted homicides in the context of domestic violence. In addition, there were 2 female victims of homicide in the context of domestic violence.

The annual activity report of the Ministry of Justice ⁽¹³⁾ includes data on domestic violence. Data disaggregated by gender covers the number of convicted persons by primary offence (intentional assault and intentional homicide) but does not include convictions with aggravating circumstances arising from the relationship between the perpetrator and the victim.

⁽¹⁰⁾ UN Women (2020), *A synthesis of evidence on the collection and use of administrative data on violence against women*, UN Women, New York.

⁽¹¹⁾ It is important to note that data and statistics should be produced, developed and disseminated in compliance with the principles in the *European Statistics Code of Practice*: Eurostat (2018), *European Statistics Code of Practice*, Publications Office of the European Union, Luxembourg (<https://ec.europa.eu/eurostat/documents/4031688/8971242/KS-02-18-142-EN-N.pdf/e7f85f07-91db-4312-8118-f729c75878c7?t=1528447068000>).

⁽¹²⁾ Comité de coopération entre les professionnels dans le domaine de la lutte contre la violence (2018), *Rapport au gouvernement pour l'année 2018* (<https://gouvernement.lu/dam-assets/documents/actualites/2019/09-septembre/25-bofferding-rapport-violence/Rapport-au-gouvernement-2018.pdf>).

⁽¹³⁾ Ministry of Justice (2020), *Rapport d'activité 2019*, Ministry of Justice, Luxembourg (<https://gouvernement.lu/fr/publications/rapport-activite/minist-justice/mjust/2019-rapport-activite-mjust.html>).

Female homicide in EU Member States and the United Kingdom (Eurostat)

At the EU level, based on the ICCS, Eurostat compiles data on intentional female homicides, focusing on intimate partner and family-related homicides, disaggregated by age, gender and relationship with the perpetrator. The latest data provided by

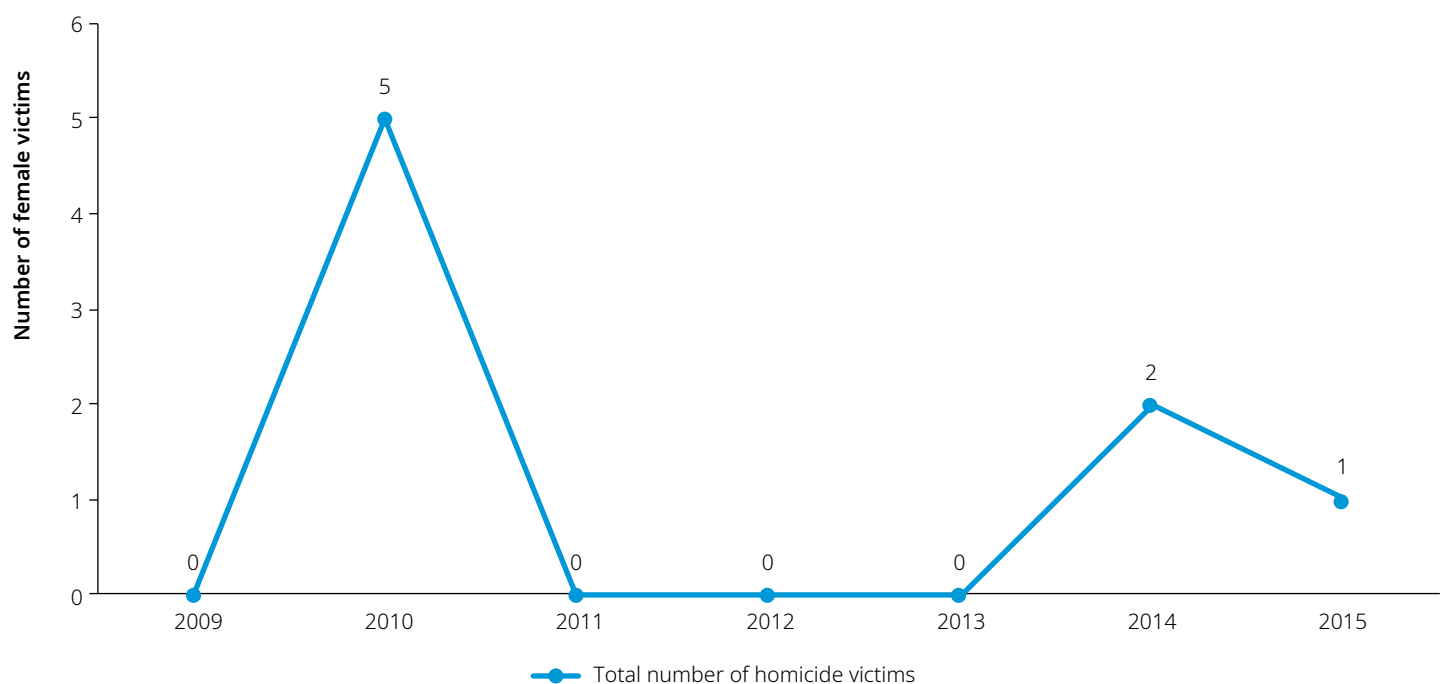
Luxembourg to populate the Eurostat database is for 2015. The rate of female victims of homicide was 0.36 per 100 000 inhabitants, the fifth lowest rate among the 27 Member States for which information for 2015 is available and the United Kingdom.

Female homicide trends in Luxembourg (Eurostat)

Figure 1 shows that the numbers of female homicides ranged from 0 to 5 between 2009 and 2010, declining again to 0 in 2011. Data disaggregated by sex is only available until 2015.

There is no data on homicides perpetrated by family members, relatives or intimate partners.

Figure 1: Trends in female victims of intentional homicide in Luxembourg (2009–2015)



Source: Eurostat.

Data information

Eurostat regularly publishes figures on crime and criminal justice. Intentional homicides are recorded by the police in each of the Member States and the United Kingdom. It is not possible to collect information about the gender-related motivation for homicide, the sex of the perpetrator or the age of the perpetrator using this database. Therefore, it is not possible to provide precise data on femicide.

Figures for 2009 onwards are based on the joint Eurostat–UNODC data collection. In this database, homicide is classified by the ICCS.

Data is available on Eurostat’s website (https://ec.europa.eu/eurostat/databrowser/view/crim_hom_vrel/default/table?lang=en).

Key findings

- Luxembourg does not have a legal definition of femicide. However, the perpetrator may be liable for voluntary homicide, murder, death resulting from intentional bodily harm or involuntary murder. The victim–perpetrator relationship (spouse, divorced spouse, cohabiting or previously cohabiting partner) is also considered a basis for aggravated killing.
- Both the police and the judiciary system produce annual reports reflecting their activities on domestic violence, al-

though these do not include data on femicide.

- There are no known institutions collecting or analysing data on female victims of homicide or femicide in Luxembourg.
- However, considering the spike in domestic violence that resulted in death in 2018, the Cooperation Committee of Professionals in the Field of Combating Violence started to plan to carry out domestic homicide and serious attempted homicide reviews in Luxembourg ⁽¹⁴⁾.

Recommendations

The collection of accurate and comparable data on femicide by the police and justice sectors across Member States helps to increase knowledge and improve responses to prevent femicide ⁽¹⁵⁾. It is therefore important to:

- develop a femicide definition for statistical data collection, in order to reflect the specific circumstances relating to the killing of women;
- implement a process of continuous data collection;
- establish comprehensive data collection, adding variables that are important for detecting key aspects of femicide, such as those describing the context and the circumstances of the killing, the gender-related motivation, and the victim and perpetrator characteristics, in order to

systematise and harmonise the collection of data for statistical use;

- cross-reference the variables of the victim and those of the perpetrator, and analyse them using an intersectional approach;
- ensure that the gender dimension of homicide data is made visible.

Recommendations for data collection on femicide in Luxembourg

To populate EIGE's indicator on femicide (indicator 9) and to improve understanding of intimate partner femicide, the numbers of female victims of homicide and intimate partner femicide should be provided as separate offences in official publications.

This factsheet is based on information from EIGE's study 'Advancing administrative data collection on intimate partner violence and gender-related killings of women' (2021) and has been prepared by the Alternative and Response Women's Association (UMAR). For more information, visit <https://eige.europa.eu/gender-based-violence/femicide>.

⁽¹⁴⁾ Comité de coopération entre les professionnels dans le domaine de la lutte contre la violence (2018), *Rapport au gouvernement pour l'année 2018* (<https://mega.public.lu/fr/publications/publications-ministere/2018/rapport-au-gouvernement-pour-l-annee-2018.html>).

⁽¹⁵⁾ European Institute for Gender Equality (EIGE) (2018), *Recommendations to improve data collection on intimate partner violence by the police and justice sector – Luxembourg*, EIGE, Vilnius; European Institute for Gender Equality (EIGE) (2017), *Recommendations for the EU to improve data collection on violence against women*, EIGE, Vilnius; European Institute for Gender Equality (EIGE) (2021), *EIGE's indicators on intimate partner violence, rape and femicide: Recommendations to improve data quality, availability and comparability*, EIGE, Vilnius.

European Institute for Gender Equality

The European Institute for Gender Equality (EIGE) is the EU knowledge centre on gender equality. EIGE supports policymakers and all relevant institutions in their efforts to make equality between women and men a reality for all Europeans by providing them with specific expertise and comparable and reliable data on gender equality in Europe.

© European Institute for Gender Equality, 2021

Reproduction is authorised provided the source is acknowledged.



European Institute for Gender Equality
Gedimino pr. 16
LT-01103 Vilnius
Lithuania

Contact details

<http://eige.europa.eu/> 
[facebook.com/eige.europa.eu](https://www.facebook.com/eige.europa.eu) 
twitter.com/eurogender 
[youtube.com/user/eurogender](https://www.youtube.com/user/eurogender) 
<https://www.linkedin.com/company/eige> 
eige.sec@eige.europa.eu 
+370 52157444 
<https://eurogender.eige.europa.eu/> 



Publications Office
of the European Union