

Unveiling the Gendered Reality  
A Comparative Analysis of Femicide Data Collection  
in Spain and Germany

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## Authors Declaration

I, the undersigned, Laetitia Hohwieler, candidate for Master of Arts in International Public Affair, declare herewith that the present thesis is exclusively my own work, based on my research. All sources have been properly credited in the text, notes, and the bibliography. I declare that no unidentified and illegitimate use was made of the work of others, and no part of the thesis infringes on any person's or institution's copyright. Furthermore, I declare that no part of this thesis has been generated using artificial intelligence (ChatGPT). I also declare that no part of the thesis has been submitted in this form as coursework for credits or to another institution of higher education for an academic degree.

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Signature

A handwritten signature in black ink, appearing to read 'L. Hohwieler', written in a cursive style.

## Abstract

Femicide is one of the biggest manifestations of gender inequalities. However, around Europe in different countries, legal systems and societies, the extent of the problem is not understood and therefore not tackled. To combat this, the Istanbul Convention outlined the need for effective data collection systems. However, since there are different approaches to GBV legislation, especially when it comes to recognising the gendered nature of the crime, this thesis aims to examine to what extent this affects the femicide data collection, using the examples of Germany and Spain. Therefore, this thesis seeks to address two questions: first, how does the gendered nature of policies in Spain and Germany affect the collection of femicide data, and to what extent can the data gathering method be deemed equally sensitive in a gender-neutral arrangement? To determine whether and how the two data gathering frameworks may be used to advise policymakers, the thesis employs an abductive research design and comparative case studies to address this question. The thesis argues, that gendered, detailed data collection is required, along with a broad definition of femicide that goes beyond intimate partner violence, to collect inclusive femicide data that can reflect the true dimension, the structural nature, and the role of power dynamics of femicides.

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<b>Germany</b>	Yes	Yes	Yes	Yes	No
<b>Spain</b>	Yes	Yes	Yes	Yes	Yes

## List of Abbreviations

GBV	Gender Based Violence
VAW	Violence Against Women
IPH	Intimate Partner Homicide
DV	Domestic Violence
IPV	Intimate Partner Violence
MSSD	Most Similar Systems Design
CSO	Civil Society Organisation
PCS	Policy Crime Statistics
CPS	Criminal Prosecution Statistics

## Introduction

Femicide and other forms of gender-based violence (GBV) are one of the main manifestations of gender inequalities (Vives-Cases et al. 2016). Femicide, the deliberate killing of a woman “because of their gender” (United Nations 2015, 2), is a widely underreported and understudied topic. In the fight against gender-based violence, there are many different approaches that different countries choose for their action. One main distinction between these approaches is whether they are gender sensitive or not. Some countries use a gender-neutral approach, meaning that their criminal code and their policies are blind to the aspect of gender as motive of the crime, one example of this, is the legal system of Germany. Spain, on the other hand, follows a different approach. Spanish law is gendered, here if a murder is committed on the bases of gender, this has an aggravating effect and increases the punishment (Schrötle et al. 2021a).

The preventing and combatting GBV requires evidence-based policymaking. Article 11 of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (Istanbul Convention) conditions that participating states need to “collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention” to “assess the prevalence of and trends in all forms of violence” (Council of Europe 2011, Art. 11). A good data collection framework for femicide is crucial for the combatting of the killings. First, measuring the phenomenon allows for a more comprehensive understanding and therefore it helps to create targeted and effective interventions. Additionally, comprehensive data collection helps policymakers to identify disparities, such as assessing how certain groups face a higher risk for femicide. Therefore, the data can unveil the root causes of femicide, which makes it possible for policymakers to design prevention strategies, improve support services and even change the legal framework to help those that are most affected and at risk. Lastly, a good data collection

framework can enhance the accountability of the policies and help to uncover how well the protective action for women works in reality (Corradi et al. 2018).

While many of the sources used in this thesis use the phrase Violence Against Women (VAW), this thesis uses GBV to highlight the gendered aspect of the structural violence and to be inclusive of all genders. The term does highlight the importance of the gendered aspect of the violence without limiting the occurrence only to heterosexual relationships or cis women. Additionally, the use of GBV allows for a more comprehensive approach, as it encompasses not only physical violence but also various types of violence that individuals may encounter based on their gender, such as sexual, psychological, economic, or social violence (Merry 2009).

Studying data collection methods on femicide is relevant both from an academic and a societal perspective. For governments to take better action against femicide, policymakers must develop a deeper level of understanding, this would not only help prevent the killing of individuals, but it would also reduce costs related to the justice system, as well as the welfare and social system (Vives-Cases et al. 2016). There has been a considerable number of academic literature, tackling the topic of femicides and the importance of good data collection methods and the disappearance of gender in law (Corradi et al. 2018; Walby 2016; Vives-Cases et al. 2016). However, there has been little research using countries whose femicide responses mainly differ in their gendered approaches, to assess whether both can be successful in informing effective policies. The variable of whether a killing is gender-sensitive, or gender-neutral should be thoroughly researched because it influences whose killings the observatory counts. The number of victims counted would be substantially smaller than the number of actual femicides in a gender-neutral environment, and thus would not be a fair portrayal of the number of lives lost. To effectively be used to inform evidence-

based policymaking combatting femicide, the data collection must be incorporating the background of the crime and whether GBV intervention services were asked for support.

Therefore, the thesis aims to answer the question: *How does the gendered nature of policies in Spain and Germany impact the collection of femicide data, and to what extent can the data collection process be considered equally sensitive in a gender-neutral setup to inform policies?* To answer this question the thesis uses an abductive research design and comparative case studies to understand if and how the two data collection frameworks can be utilised to inform policymakers.

The thesis argues that in order to gather inclusive femicide data that can reflect the true dimensions, the structural nature and the role of power dynamics of femicides, the data collection needs to be gendered, detailed and it needs a broad definition of femicide that goes beyond intimate partner violence.

The structure of the thesis is as follows. Firstly, the thesis summarises the state of the art of the scholarly debate about femicide, the disappearance of gender in GBV policy, and the importance of data collection to create better GBV policies. Secondly, the analytical framework is outlined, and the main concepts are operationalised in relation to what would be considered gendered or neutral. Thirdly, the case selection and the methodological choices are explained and justified. Fourthly, the data collection systems are compared regarding their view on the importance of gender and assessed using the analytical framework. Finally, the last section summarises the main findings of the study and acknowledges the limitations of the thesis.

# Literature Review

## Femicide

Femicide is widely understudied, one of the reasons for this is the fact that there is not one agreed definition that is supported by scholars and legislators. Thus, the relevant literature does not only examine femicide, but also other phenomena with narrower or gender-neutral definitions, such as intimate partner homicide (IPH). The following section summarises the state of the art of the scholarly debate on femicide but also considering text studying related themes.

There are several texts that deal with the phenomenon. Lagarde y de los Rios' research, for instance, helps us to understand the power dynamics in a patriarchal society, that cause the structural issue of femicide. She states that GBV are forms of social oppression that stem from the subordinate social status of women and therefore, femicide must be studied with these social dynamics in mind (2010). Therefore, her research proves that femicides are caused in the framework of gender oppression and therefore it is relevant to study its gendered aspects. Washington Valdez outlines that within femicide patterns there are uneven developments, that show femicide occur more often in poorer and marginalised communities (2006). Thus, for data to show the extent of the prevalence of femicide it is crucial to collect intersectional data and include all parts of society. Moreover, Taylor and Jasinski, state that in order to study IPH, a feminist approach or feminist theory is the most viable and effective framework to understand the gender variable of IPH (2011). Therefore, it can be said that femicide should be studied through a feminist and gendered lens.

Weil writes about the research approaches and the prevention of femicide. She states that femicide was invisible for a long time, as the individual killings were not connected to gender oppression and to each other (2018). Therefore, it can be said, that the data collection of femicide is crucial, as it has the potential to make femicide increasingly visible in society

and in the context of policymaking. Grzyb, Naudi and Marcuello-Servós call for a common defining and framing of femicide in Europe (2018). Similarly, the need for a common definition is also stated by Schröttel and Meshkova who argue that there needs to be common understanding to femicide and the variable of killings that are counted as femicides by researchers (2018). Therefore, it can be said, that a good data collection methodology requires a common understanding of what femicide really is, to really count all femicides and in order to cross country comparison possible.

## Gender Disappearing from Law and Policy

Femicide and other forms of gendered based violence are deeply gendered and can be traced back the patriarchal organisation of the state and society (Lagarde y de los Ríos 2010). Nevertheless, not all countries include the gendered aspects in their GBV legislation and in others gender is slowly disappearing from policies. There are a number of academic articles that deal with the possible effects that gender-neutral policymaking is having on policies regarding GBV. Strid, Walby and Armstrong, for example, argue that previous studies have had a very limited knowledge of intersectionality and have not adequately considered the ramifications of the political-discursive process of de-gendering (2013). Similarly, Hearn et al. contend that although difficult, developing sound policy that takes into account various levels of marginalisation and inequality is vital (2016). Althoff, Slotboom and Janssen argue that simply because a programme was developed with female victims in mind, it does not mean that it is gender-sensitive. It will only be truly gender sensitive when the role of gender in the intervention is expressly acknowledged (2021). Therefore, it can be said that de-gendering laws and policies makes them less sensitive to the fact how certain groups are disproportionately affected by GBV, especially considering intersectional inequalities.

Roggeband and Verloo contend that even though the issue of gender inequality is structural, the proposed remedy is founded on voluntarist presumptions, placing both instrument and approach in a precarious position. The responsibility for changing these discourses is placed on actors who are entrapped in gender discourses, such as the state itself. This compels frequently gender-blind civil employees to acknowledge the ways in which their policy definitions and solutions (re)produce current gender relations and inequities and to challenge prevailing policy frames that characterise policy problems as gender-neutral (2006). Goldscheid, uses different theories, such as queer or feminist theory and uses an intersectional frame to examine gender neutrality in the frame of violence against women (2014). Mclean assesses the effectiveness of gender neutrality as a legal tool for improving gender equality (2013). Krizsan and Lombardo, argue that the concept of domestic violence is introduced via translation, stretching the concepts of gender equality that underlie international norms so that they are easier for mainstream policy players to support. This leads to policies being framed in terms of degendered individual rights (2013). Therefore, it can be said that the gender-neutral policy lens, is not only insufficient in combatting GBV, it also has the potential to reproduce gender inequalities.

Additionally, there have been scholars that use the comparative framework to compare the differently gendered approaches of GBV legislation. McKie and Hearn, also conduct a comparative study with policies combatting domestic violence, however, they focus on Finland and Scotland (2004). Krizsan and Popa discuss different policy approaches to combat domestic violence in five Eastern European Countries, some of which touch upon the frame of gender-neutral policies (2014). Therefore, using two country cases to compare legal system in their fight against GBV can be useful in assessing their development and effectiveness. Furthermore, Roggeband focuses on the policy responses in the Netherlands and Spain, specifically policies written to combat domestic violence throughout the years. She find that

while the Netherlands have been stagnating in their fight against GBV, Spain has improved a lot and has increasingly been focussing on combatting GBV (2012). This finding makes gendered policies in Spain an especially interesting case to study.

## Data Collection and Gender-Based Violence

Furthermore, there are several academic articles that discuss the importance of good quality data collection for policymaking in the domain of GBV. Walby finds in her research, that researching and developing new knowledge about GBV enables policy makers as well as other actors such as CSOs to on one hand evaluate existing policy and on the other hand data can be used to improve policy and make it more effective (2016). Walby and Towers address the division between gender-neutral and women-only categorisations in GBV data collection policy, they subsequently find that neither are successful in addressing the distribution and real extent of GBV (2017). Therefore, it can be said that data collection is very important in GBV policy making and it is crucial to choose an inclusive approach in the methodology.

Merry distinguished between the gender equality, the human rights, the criminal justice and the national statistics approach in the data collection and finds that while the first two are more inclusive the latter two are more likely to be chosen by the observatories as they are more straightforward to conduct (2016). Cases et al. also research strategies to improve data collection methods, to do so they use expert opinions to see which strategies may be the most feasible to develop and implement integrated and differentiated femicide data collection (2016). Therefore, it can be said that the standards set by civil society and scholars cannot or will not always be what is the most feasible for the state. Thus, research using countries as examples of data collection systems can be helpful and relevant in determining what is feasible, and what is useful for creating better policy.

## Analytical Framework

The following section aims to use the findings from previous academic literature to set up a preliminary analytical framework. The framework collects the important characteristics that data collection on femicide should have to be representative of the extend of the problem and to be effectively used to create improved policy. The preliminary framework especially focusses on assessing how gendered a gender-sensitive data collection needs to be to effectively collect data on femicide. The preliminary analytical framework is largely based on the suggestions for future data collection of Walby and Myhill (2001), Schröttle and Meshkova (2018), Corradi et al. (2018), Grzyb, Naudi and Mercuello-Servós (2018) and international organisations communications, such as by the UN Commission on Crime Prevention and Criminal Justice. After discussing the relevant literature for concepts, each section concludes with an operationalisation on what the thesis considers to be a gender neutral or gendered approach in that section.

### Gender in Criminal Law

The first section of the analysis looks at the role of gender in criminal law, as this directly connects to the need to collect data, which data is collected and why. Many countries and policymakers are choosing a gender-neutral approach as they do not recognise the gendered nature of GBV. As a result, there is no clear distinction in the data that can show whether a death is caused by the victim's gender (Schröttle and Meshkova 2018). A gendered approach would be a legal system where femicide is specifically defined in the criminal code, or where the concept of gender is part of the motive of the killing is considered to be an aggravating circumstance (Council of Europe 2011). A gender-neutral setting on the other hand is a criminal code where femicide is not defined at all and where gender plays no role at all.

## Institutional Setting

The institutional setting describes how and to what extent the data collection is defined in the legislation of each country. To ensure a good quality of data collection, the aims of the observatory should be clearly defined. Additionally, the observatory needs to fulfil certain criteria. Firstly, the quality of the data collection must be ensured in the long term, the data collection must be publicly funded. Further, to get the full picture of the extend of femicide in a society there needs to be centralised data collection that collects data from any relevant institutions (Vives-Cases et al. 2016).

Thus, when assessing the gendered aspect of the institutional setting and the observatory, the analysis examines a number of characteristics. Determining whether the observatories or institutions in charge of data collection have aims and goals specific to collecting data on femicide or on crime and homicide in general. In a gendered approach, gender is taken into account in the law and in the establishment of observatories that collect data on femicide. If the laws and observatories adopt a gender-neutral stance, potentially omitting the fact that femicide is gendered, the observatories do not differentiate between femicide and other homicide and crime, additionally the purpose for data collection would be a generic crime report, rather than research about GBV.

## Definition for Data Collection

One of the main steps that need to be taken in order to successfully count femicides is an agreed upon definition. Grzyb, Naudi and Marcuello-Servós state, that without acknowledging a certain problem, there cannot be a clear and convincing solution, both politically and socially (2018). Over the years there have been a number of definitions of what femicide is. The term was first defined by Diana H Russel in a speech at the International

Tribunal on Crimes against Women as the “killing of females by males because they are female” (Russel 2011; Grzyb, Naudi, and Marcuello-Servós 2018). Since then, there has been considerable difficulties from countries, policymakers, the international community and even from women’s rights group to agree on a singular definition. This can be seen for instance by the fact that EIGE uses two definitions for femicide in its work; one more inclusive and broad one that draws on the result of the Vienna declaration and a statistical one that only takes into account IPH and so-called honour killings (Grzyb, Naudi, and Marcuello-Servós 2018). Even though the narrower definition for statistical purposes makes the data collection more feasible, it is not sufficient in reflecting the full scope of the problem and in serving as evidence for creating effective policies.

To do so, the Vienna Convention on Femicide and various scholars have outlined a number of circumstances that should be part of the femicide definition and should be counted. These include a death as a result of domestic violence (DV) or Intimate Partner Violence (IPV); targeted killings of women and girls in armed conflict; murder in the name of so-called honour; murder because of the victims sexual orientation or identity; torture and resulting death due to misogynist reasons; infanticide and gender-based sex selection foeticide; killing of an indigenous woman due to their gender; killing related to accusations of witchcraft and lastly, gender based killings due to trafficking or organised crime (Schröttle and Meshkova 2018; United Nations 2015; Walby and Myhill 2001; Weil 2016; 2018; Weil and Naudi 2018). Therefore, it can be said that the definitions used should include all different types of gendered killings.

Therefore, when assessing the gendered aspect of the definition of femicide, it is important to assess whether there even is a legal definition of femicide. If there is no explicit legal definition for femicide it should be assessed whether the inclusion of gender as a cause for a crime is considered an aggravating circumstance or if it is considered an extenuating

circumstance. If there is no legal definition for femicide but homicide on the basis of gender is penalised stronger, the system can nevertheless be considered to be gendered. Furthermore, the analyses must examine the definition used for in the data collection methodology to decide which deaths are counted. Here a gendered definition takes into account the various manifestations of GBV and recognise the power dynamics involved. A gender-neutral definition on the other hand, would be narrow and fall short of capturing the full complexity of femicide, such as only measuring the number of IPHs.

## Data collection

Additionally, the scholarly debate recommends a mixed methodology in the femicide data collection. Data should be collected from multiple data, including policy reports, newspapers and court statistics. According to Vives-Cases taking into account these multiple sources could ensure the reliability of the data by triangulating the femicide surveillance system. Additionally, they recommend a qualitative follow up on a representative number of cases. Here interviews with law enforcement and other relevant actors could collect data on the motive, context, and background of the case. This would help to examine if and how these crimes could have been prevented (2016). This data could be helpful in establishing how GBV processes of for instance CSOs and law enforcements could be improved and utilised to create policy to prevent femicide.

Thus, in order to classify whether the data collection is gendered one needs to assess the attention that is paid to unveiling the underlying reason behind the crimes. While a gender-neutral approach in data collection emphasises the significance of using a variety of sources to assure the accuracy of the data; a gendered approach stresses the importance of mixed techniques for data collection, including for instance collecting data from relevant institutions, the media, or even interviews to be able to document the true cause of the crime,

their circumstances and history. This helps to assess the gendered nature of the crime, but it can also be used in order to identify patterns and early warning signs that could inform future preventative policies and the intervention system in the case of gendered violence.

Additionally, this higher attention to detail regarding the background of the crime additionally includes whether the victims contact intervention services, to assess how the GBV system needs to be reformed to support the people in need.

Additionally, the sampling frame of an inclusive and intersectional data collection needs to include members of the marginalised population. This would include special awareness towards including people that are not registered in a country (Walby and Myhill 2001). This should also be extended to other groups that are marginalised and disproportionately affected by GBV due to their, socio economic situation, race, nationality, gender identity and sexual orientation (Corradi et al. 2018). Therefore, to assess whether the sampling is gendered, it is important to look at the understanding of intersectional harm. While a gender-neutral approach can also consider other marginalised groups affected by gender-based violence by extending inclusive sampling beyond gender. A gendered approach will take special precautions to assess the double burden that some individuals due to intersectional harm. Here, promoting inclusive sampling with a specific focus on including members of marginalised groups who may experience gender-based violence differently due to interrelated circumstances.

## Variables

According to academic literature a good data collection should be detailed and include certain variables in which the data can be sorted. The variables suggested by the literature include, for instance, information about both the victim and perpetrator and the relationship between them (Schrötte and Meshkova 2018). Further, the information collected on both

individuals should include, their gender, their socio economic background, their age, their level of education, their employment status, class (if relevant), their area of residence, and their place of birth (Vives-Cases et al. 2016). With these variables, the data can be utilised to create a profile of the victim and perpetrator that can be used to understand any patterns in femicide occurrence, which can identify the most vulnerable groups that are in need of special protection.

Furthermore, scholars argue that to completely understand the background of the crime, the data collection should include a follow up on the crime using follow up interviews about the background of the crime, media reports and police or judicial reports. The qualitative research should be used to examine the motive of the crime, the connection between victim and perpetrator, whether the case was known to authorities due to earlier occurrences of violence. This background information can help to find out if and how the femicide could have been prevented and thus it can help to improve the prevention policies (Vives-Cases et al. 2016; Schröttle and Meshkova 2018). Thus, in comparison to the gender-neutral approach, the gendered approach recognises the gendered character of femicides. The variables are the specifically created to understand the gendered nature of the crime, including the the motive of the crime. This should include data collection including follow up interviews, policy report or newspaper articles. With these follow ups it can be determined whether crime was committed due the victims gender and therefore determine if a murder was a femicide.

# Methodology

## Case Selection

The thesis discusses namely femicide data collection systems in Spain and Germany. Europe is an interesting case to examine as European countries have long been lagging behind other actors such as Canada, South American Countries the United States and South Africa in the study of femicide. European scholars have only recently gotten to the forefront of femicide research (Weil 2018). So there still is a lot to discover in this topic. Additionally, looking at improving data collection of femicides is important from a policy perspective, as without any reliable information about femicides in Europe, policy makers are not able to allocate their limited resources in order to achieve the largest impact in preventing femicides and other forms of GBV (Vives-Cases et al. 2016). Therefore, the thesis discusses data collection policies concerning femicides in Spain and Germany.

Germany ranks about average compared to other European countries, in the number of femicides. Additionally, like many other European countries, Germany has a decentralised data collection policy (Schrötle et al. 2021b). Moreover, Germany is grouped into the intermediate countries when it comes to the timing and development of the women's movement's involvement in GBV, and Government action on GBV, meaning that they were neither a frontrunner nor did the country lack behind (Corradi and Stöckl 2014). Therefore, some of the findings and the analytical framework could be applied to similar countries. Nevertheless, what makes Germany interesting to examine at this time is the current Government, which has shown interest in increasingly progressive and feminist policy reform in other policy domains, such as the use of a feminist foreign policy (Auswärtiges Amt n.d.) Thus, especially research on improving GVB policy is vital as there may be a window of opportunity being created for policy reformation.

The other case discussed in the paper is the Spanish femicide data collecting system. According to Corradi and Stöckl, both Spain and Germany can be classified as intermediate countries in the timeline of CSO and governmental action. In both cases, women's groups laid important groundwork in the fight against GBV, such as the creation of helplines and shelters, and in both cases, Government action on GBV started around the 1980s. However, even though Spain's government action started slightly later than Germany, Spain has since quickly become a front-runner in Governmental action against GBV (2014). Spain is an interesting case to look at when it comes to femicide policy and more specifically femicide data collection. Spain has made a lot of progress when comes to GBV policy in general (Roggeband 2012). Spain's femicide watch is considered to be one of the more accurate and inclusive, as it is documenting data that examines the intersectional nature of GBV. Additionally, recently Spain has vowed to become the first country in Europe where every single femicide is counted (Kassam 2021). Moreover, between 2010 and 2020 Spain has seen a significant decrease in femicide numbers, while the numbers in other countries, including Germany, have only been fluctuating up and down every year (Corradi et al. 2018, 34). This makes Spain a relevant case to look at.

## Method

The thesis uses a qualitative research approach. This approach was chosen as qualitative research is highly contextual (Gray 2018), which is needed to understand and take into account the many facets of GBV.

Moreover, as a theoretical framework, the research uses systematic combining of an abductive approach to case research, as defined by Dubois and Gadde. The main characteristic of this approach is the continuous movements between the empirical and a model world. To do so the empirical fieldwork theoretical framework, and the cases analysis

evolved simultaneously, to set up a new framework or theory. The systematic combining of an abductive approach in a case study aims to study the interrelatedness of many different elements that are relevant in the research work (2002). Therefore, in this case the approach can be used to set up a framework for data collection that can be best utilised for creating evidence-based policy making for the prevention of femicides.

The systematic mixing of an abductive approach in a case study can be beneficial to learn from a specific case and to confront the theory with the empirical world. As empirical observations may end up identifying unanticipated yet related issues. Therefore, the set-up of the systematic combining of an abductive approach varies slightly from other approaches. The paper sets up a preliminary analytical framework which can consist of articulated pre-conceptions, for instance ideas taken from the state of the art of academic research in the field. Then throughout the analysis the framework is developed according to what is discovered through the data collected (Dubois and Gadde 2002). For the topic of femicide data collection policy in Germany and Spain, using this methodology is particularly helpful since using country cases can help to assess and improve the feasibility of the policy variables proposed in the preliminary analytical framework. For this thesis, the framework will be developed based on the examples of the current frameworks of Spain and Germany, and on what CSOs and experts in both countries demand from their policy.

## Comparative Design

The thesis aims to compare the two femicide data collection systems of Germany and Spain. By using a most similar system design (MSSD), the thesis aims to examine how the systems differ, despite the similar background of the two countries.

The MSSD analyses two or more cases that can be considered similar in many aspects but have one crucial component where the cases significantly differ. The similarities act as

control variables, which allow the researcher to focus on the variable in which the case differs (Ankar 2008). Both Germany and Spain have similarities when it comes to their response to gender-based violence over time. As mentioned above, Spain and Germany can also be categorised as intermediate countries in the chronology of CSO and governmental action. In both instances, women's organisations established crucial foundational elements in the battle against GBV, such as helplines and shelters, and in both instances, government action on GBV began in the 1980s (Corradi and Stöckl 2014). Further, both countries are parts of the European Union, and additionally have similar political and governmental structure, as they both have a decentralised system (Schrötle et al. 2021a). Another similarity between the two countries, when it comes to GBV legislation, is that they both have ratified the Istanbul Convention (Council of Europe n.d.). However, where they do differ in their approach to gendering some of their GBV violence legislation. While Germany follows a gender-neutral approach that legally does not distinguish between a killing that is committed because of the victims gender and killing that is not. Spain on the other hand does have a clause in their criminal code states a hate crime on the basis of gender, gender identity or sexual orientation should be sanctioned harder (Schrötle et al. 2021a). As the two countries have similarities in many aspects but differ on gendering of their femicide legislation, it is appropriate to compare the quality of the two femicide data collections with each other.

**Table 1.** *Most Similar Systems Design in relation Spain's and Germany's Femicide Data Collection*

	<b>Intermediate Countries in GBV Legislation?</b>	<b>Members of the European Union?</b>	<b>Decentralised Governance system?</b>	<b>Ratification of the Istanbul Convention?</b>	<b>Gender Sensitive Approach to combatting GBV?</b>
<b>Germany</b>	Yes	Yes	Yes	Yes	No
<b>Spain</b>	Yes	Yes	Yes	Yes	Yes

The aim of the comparison of the German and Spanish data collection system is to evaluate how successful they are in assessing the true extent of femicide in their country, and thus can inform policies and intervention services as accurately as possible. The analysis focusses on, in which way each data collection system is gendered. The variable of the gender sensitive or gender neutral is examined especially closely, as it affects which killings are counted by the observatory. Therefore, the variable of gendered and gender-neutral approach has been isolated in the MSSD. In a gender-neutral setting the observatory may for instance only count IPH, and not other killings that are committed due the victim's gender, therefore the number of victims would be much lower compared to the number of femicides and this not representing the accurate number of lives lost. This can have an effect on the funding that GBV intervention centres receive, and it can put femicide lower on the political agenda than it should be. Furthermore, to effectively be used by to inform evidence-based policy making combatting femicide, the data collection must be incorporating the background of the crime and whether GBV intervention services were asked for support, in order the support preventative measures in the future (Schröttle and Meshkova 2018; Schröttle et al. 2021a; Vives-Cases et al. 2016) – again- here the gendered perspective is crucial, as it effects how the country connect the killings to other forms of GBV and whether it sees femicide as structural issue that can be dealt with as such.

## Data collection

This thesis uses a comparative study as its qualitative research method. Data is collected from a multitude of different sources. Both primary and secondary sources are used to gather information. Primary sources include the laws of both countries as well as, official reports of the data collection observatories and few newspaper articles. Furthermore, primary

data is gathered from reports of international organisations, such as the GREVIO Report, and reports of CSOs.

## Analysis

### Gender in Criminal Law

In Germany, femicide is not a specific crime that is codified in the criminal code or mentioned in civil law (Schröttle et al. 2021b). Any killing, regardless of a possible gendered motive, can be classified as murder (§ 211 German criminal code – StGB), manslaughter (§ 212 StGB), offence against the physical integrity (§223 ff. StGB) or bodily harm resulting in death (§ 227 and § 231 StGB). Furthermore, not only would a gendered motive not be seen as an aggravating circumstance, but IPH after a separation or fight is rarely classified as a murder, but as manslaughter or bodily harm as the base motive is regularly denied as a malice, which is a requirement for murder and a life sentence according to §211 StGB. According to Schröttle et al. in cases discussing killings that are committed by an (ex) intimate partner, a fight or any kind of provocation by the victim can even be conserved as a mitigating circumstance (2021b). However, according to Article 46 of the Istanbul Convention a gendered approach would have to include the gender context to be an aggravating circumstance of the crime (Council of Europe 2011), however this has not been included in the Germany Criminal Code, thus far. Therefore, it can be said that the gendered aspect of femicide does not play a role in German law.

Similarly, Spain also does not have a specific legal definition of femicide in the criminal code, however it is officially a recognised form of GBV (Schröttle et al. 2021a). Further, according to the Código Penal (Spanish Criminal Code) crimes, including a killing, that are motivated by gender, gender identity and sexual orientation are sanctioned higher, due to their aggravating circumstance.

Therefore, it can be said that while both criminal codes do not have an official definition of femicide, the Spanish criminal code nevertheless can be seen as gendered, while the German code does not take gender into account as an aggravating circumstance, and therefore can be seen as gender-neutral. As the law plays an important role in the crime data collection, this will likely have circumstances on the data collection system in each country. Coming back to the preliminary analytical framework, it can be said that both cases do not go beyond that the analytical framework has defined. Spain is more in line with it as it is gendered, but neither country has a special clause on femicide.

## Institutional Setting

In Germany, there is no official monitoring system that is in charge of systematically collecting information and statistics on all forms of GBV, including femicide (Schrötte et al. 2021b). However, there are two major official resources that collect administrative data on crime in Germany; the Police Crime Statistics (PCS) by the Federal Criminal Police Office (Bundeskriminalamt 2021) and the Criminal Prosecution Statistic (CPS) by the Federal Statistical Office (Statistische Bundesamt 2020). The goal of both of these data collections is to give an undistorted picture on to what extent the population is affected by crime without actually interpreting the cases (Statistische Bundesamt 2020; Bundeskriminalamt 2021); such as assessing what role gender played in the motive to the crime, which points towards a gender-neutral institutional setting in Germany.

Spain also has two main resources for data collection. Firstly, the Observatory against Domestic Violence and GBV by the General Council of Judicial Power, an official data collection on all forms of GBV by the state (Poder Judicial España n.d.). The other important data on femicide numbers in Spain is provided by Feminicidio.net, a femicide watch platform created by CSO's (Feminicidio.net 2020). Even though the Feminicidio.net platform is not

officially created by the state it is still used by officials and policy makers as the two datasets, the Observatory against DV and GBV and Feminicidio.net, combined provide a full picture of the occurrences of femicide in Spain (Schröttle et al. 2021a). This is why Feminicidio.net is included in this analysis, while smaller CSO projects in Germany are disregarded, as these are not informing policy.

Overall, going back to the research question, it can be said that the gendered or gender-neutral approach from the legal system in both Germany and Spain translate into their data collection system - Germany follows a gender-neutral approach while Spain chose the gendered approach in the institution setting of their data collection.

## Definition for Data Collection

As mentioned above, since the German legal system does not recognise the killing of a person due to their gender as a specific criminal offence, data on femicide cannot be disaggregated from the general crime statistics. Thus, there is no specific definition for femicide in the German data collection methodology. The collected data can, however, be used to separate IPHs, which are a big part of femicides (Statistische Bundesamt 2020; Bundeskriminalamt 2021). However, according to independent research by Schröttle et al., killings by an (ex) partner have only made up 63 per cent of the total killings committed due to the victims gender (2021b, 63). Therefore, it can be said that the gender-neutral data collection definition of only differentiating for IPH completely disregards other gendered killings, such as hate crimes, sexual violence, or violence within the family, are not included. The definition used is too narrow to depict the extent of gendered killings in Germany, therefore the data collection cannot accurately inform policy makers to create the urgency to act.

In Spain the two data collection resources do not follow the same definition. Both are gendered, however the definition of Feminicidio.net is much more inclusive and broader. The Observatory against DV and GBV state that it aims to collect a killing of a women due to her gender (Schröttle et al. 2021a). Therefore, it incorporates much more than the gender-neutral approach of Germany. However, Feminicidio.net goes even further by collecting any killing where gender might play any kind of role, and therefore also includes different gender identities and hate crimes due to sexual orientation. Feminicidio.net has created a long list of types of femicide, including but not limited to: intimate femicide, non-intimate femicide, child femicide, prostitution-related femicide, trafficking-related femicide, transphobic femicide, lesbofobic femicide, racist femicide, femicide related to female genital mutilation/cutting, serial sexual assault killing, gendered murder due to community/economic violence, gendered murder due to drug trafficking and organised crime (Feminicidio.net 2020, 135-137). By creating these narrow and gendered categories Feminicidio.net can collect data that depicts intersectional harm and thus can identify the most vulnerable group that is most at risk. As a result, policy makers have the potential to include targeted protection action in their response to femicide.

Coming back to the initial analytical framework, the many definitions of Feminicidio.net, goes beyond what was suggested in the academic literature to some extent. Here the framework could be revised to include definition that more closely describe the double threat that some victims face not only because of their gender but because of their identity, sexual orientation, race or economic status. The gender-neutral approach, on the other hand, cannot successfully be used to determine the extent of femicide in the population. Concluding, it can be said that the gendered definition is more in line with the golden standard of the literature and will be more effective in informing effective evidence-based policymaking, than the gender neutral will be.

## Data collection

As mentioned in the previous sections, the data collection in Germany is dependent on police and judicial statistics. The data collection is exclusively quantitative. The German PCS is collected using crime reports on all cases, including violence crime such as homicide. Here personal data is collected on both the victim and the suspect (Bundeskriminalamt 2021). The German CPS collects statistic and background info on all court proceedings (Statistische Bundesamt 2020). The data is collected primarily to show how common all form of crimes in Germany, they are not collected to show the extent of femicide or other gendered crimes Germany. Therefore, even though the gender of the individuals involved in the crimes is indicated, the data is missing the information necessary to determine whether a killing is a femicide or not, such as the motive and background of the crime. Furthermore, the qualitative follow up that has been suggested by the academic literature and outlined in the analytical framework are not conducted, since there are no interviews conducted or media article that could add to the understanding the motive and background of the crime and could recognise a gendered nature of the crime (Schröttle et al. 2021b). Further, the data is compiled by reported crime, however there are not measures taken to ensure that members of marginalised communities are included (Bundeskriminalamt 2021; Schröttle et al. 2021b), who may not have the language skills necessary or are worried to report due to not being registered in the country as outlined in the preliminary analytical framework. Even though a killing will usually not go unreported, the facts or the identity of the suspect may be distorted due to fear of members of the marginalised group. Thus, again the data collected is not sufficient to establish patterns of femicide occurrence and therefore it cannot be used to sufficiently inform the necessary measures.

The official Observatory in Spain also uses crime and judicial statistics (Poder Judicial España n.d.), so here the positive and negative aspects are similar to the ones in Germany. Similarly, while being a relatively representation of all individuals killed, the data cannot be used to assess the motive of the crime and therefore not determine whether it was gendered. However, to combat that and to provide the full picture, the data can be mixed it with the data collected with the data from *Feminicidio.net*, which collects data from assessing all media reports, that cover homicides. The media reports are used to provide background information on the motive, therefore the researchers can assess whether the homicide is a femicide (Schröttle et al. 2021a). However, similarly to the German case there are no special measures to ensure inclusive sampling. Therefore, in this aspect the Spanish data collection system cannot live up to the data collection standards set in the analytical framework.

Overall, again the German data collection system is gender neutral as it does not have the potential to be used to assess whether a homicide is a femicide. The Spanish case is gendered, and it does consider media reports which can provide the background info that is missing in Germany. Even though the Spanish data collection is more useful in informing potential femicide policies, both systems do not try to include marginalise community or use interviews in selected cases to understand how violence could escalate to a killing, if the victim requested help due to prior instances of GBV from that perpetrator or if the death could have been prevented. Therefore, neither of the cases go beyond the measures defined in the preliminary analytical framework. Concluding, it can be said that the gendered data collection is more in line with requests made in the literature and will be more effective in informing effective evidence-based policymaking to combat femicide, than the gender-neutral will be.

## Variables

The PCS in Germany collects several variables on all homicides. These include personal details on the victim and the suspect, including the gender of both. Additionally, the data include the whether the victim and the perpetrator were in an intimate relationship, thus it is possible to recognise IPH (Bundeskriminalamt 2021; Schröttle et al. 2021b). The CPS provides information on all convictions and court proceedings, however these are not disaggregated to distinguish which cases fall under IHP or GBV (Statistische Bundesamt 2020; Schröttle et al. 2021b). Therefore, the variables missing to improve femicide policy are the motive and the background of the crime, measures, taken by the police and possible attempts by the GBV intervention systems (Schröttle et al. 2021b). Again, the German system remains gender-neutral. As a result, the variables cannot be used determine if the homicide was gendered or how police service and intervention in cases of GBV could be improved to prevent future femicides.

Spain's data collection gathers data in an intersectional and detailed manner. Similarly to the German case, the official observatory focuses mainly on IPH. Here their data collection contains information regarding the total number of cases per year, characteristics of the victim and the perpetrator, children that were orphaned, previous complaints or protective measures and the circumstances of aggression. The only variable that goes beyond the IPH is the collection of killings with multiple victims (Schröttle et al. 2021a). Therefore, it can be said that while the data collected is gendered as it aims to find out the motive and the circumstances of aggression, it does not collect data on all gendered killing, as it focusses on IPH. However, to provide a complete picture of all femicides, the data of *Feminicidio.net* can be utilised. On top of the variable of the Spanish Observatory, *Feminicidio.net* gathers information on the victim's race and ethnicity, and socioeconomic situation. This gives them the information needed to assess which groups may need special protection (Schröttle et

al. 2021a). Therefore, the gendered approach gives policymakers valuable information about groups that need special protection, early warning signs and it includes the necessary data to evaluate current policies and intervention action.

Overall, it can be said that a gendered approach is needed for the data to depict the full picture of femicide. Concluding, it can be said that the gendered definition is more in line with the golden standard of the literature and will be more effective in informing evidence-based policymaking, than the gender neutral will be.

## Conclusion

Concluding it can be said that the legal approaches of GBV of Spain and Germany influence their data collection frameworks regarding femicide. Moreover, it can be said that data collection using the gender-neutral set up, does not contain the information needed to create or improve appropriate policies, as they do not have the potential to accurately reflect the numbers and pattern of femicide within the society.

Throughout the analysis it has become clear that Germany has adopted their gender-neutral approach to their data collection policies. The goal of the observatories is to show how often a crime is committed in Germany; their aim is not that these findings can be interpreted. This already makes the setting up of a potential femicide watch difficult, as a case needs to be interpreted to assess whether the motive was gender. This spans through their definition, data collection and variables. These were not made to sufficiently reflect the gendered and structural nature of femicide. As a result, the data collection cannot accurately depict the extent of how Germany's society is affected by femicide, since only a part of the actual femicides are counted.

The gendered approach of Spain, however, does a better job to reflect the actual number of femicide taking place. Here the use of the CSO platform *Feminicidio.net* has

improved the data collection's ability to reflect the true extend. But even the official Observatory and Spanish Law have been gendered, for instance by including gender in their legal and data collection definition, even though Spain does not have an official femicide definition. However, the data collection and the variables of the official Spanish Observatory did not go beyond IPH. By combining that data with the more progressive and detailed data collection of Feminicidio.net the data is becoming much more representative. While their two data collection system together still do not completely live up to the standard set by the analytical framework, such as the follow up interview or the inclusive sampling, it goes beyond the standard in others such as the data collection definition. Here, the Spanish case could potentially be used to improve the analytical framework and be implemented in future data collection policies. Thus, it can be said that including CSOs in the data collection can be a valuable addition, as they are not restricted by the legal and institutional frameworks in the same way as an official observatory might be.

Overall, it can be seen that a gendered data collection system is more useful in informing potential policies combatting femicide, as it is more effective in depicting the real picture. Contrary to the gender-neutral approach, the gendered approach includes information on the motive, background and the victims contact to police or other intervention services. This information can be utilised to establish patterns and improve existing intervention strategies, to save lives in the future.

This thesis has focused of the gendered nature and the effectiveness of the data collections systems regarding femicide in Spain and Germany. The thesis used a qualitative analysis of two countries, however, it would also have been interesting to conduct a quantitative study around the same theme, in order to compare more countries and see how the aspect of gender effects their data collection. Furthermore, it would have been interesting to dive deeper into the role that CSOs play or could potentially play in this and include the

smaller, decentralised initiatives in Germany, however this was beyond the scope of this thesis.

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