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Critical Comments on the Draft Bill to Modify the German Criminal Code

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Proposed Reform Overlooks the Complexity of femi(ni)cide

By **Aleida Luján-Pinelo** and **Nora Reich**

Femi(ni)cides and attempted femi(ni)cides happen almost every day in

Germany. Femi(ni)cide, our combination of the terms “femicide” and “femicide”, refers to the killing of women by men because they are women. According to official Federal Criminal Police Office (BKA) statistics, more women have been killed than men in the past three years ([2021](#), [2022](#), [2023](#)). These data indicate that, in the case of Germany, the global trend of higher male homicide rates does not hold true. On the contrary, one could argue that Germany is currently one of the few countries in the world with more female than male homicide victims. Unlike male victims, a significant proportion of female victims are killed by intimate partners, family members, or acquaintances. In this scenario, the Christian Democratic Union of Germany/ Christian Social Union in Bavaria (CDU/CSU, center-right) faction in the German parliament submitted a draft bill in 2024 to amend the criminal code, “Criminal Code and other laws – Improving victim protection, especially for women and vulnerable persons” ([Doc. 20/12085](#)). The aim of this bill is to enhance the effectiveness of criminal law in combating serious crimes, particularly those involving violence and sexual offences, especially against women and vulnerable individuals. It seeks, for example, to add “utilisation of superior physical power” as a qualifying attribute to the paragraphs of dangerous bodily assault, armed robbery and murder in the criminal code; the increasing of several penalties as deterrence of crime; and the implementation of electronic bracelets in cases of intimate partner violence. The parliamentary discussion took place on July 4th, 2024, and the bill is currently being discussed in the Committee on Legal Affairs of the Parliament (see the status of the bill [here](#)).

As researchers with extensive experience in studying femi(ni)cide and participating in activism around the issue in Germany, we welcome the discussion that the draft bill has generated, and we feel compelled to share our critical insights on it. We believe it is essential to consider the existing knowledge and expertise on the matter, take into account Germany’s ratification of the Istanbul Convention, and reflect on previous discussions about the subject (such as [Doc. 19/23999](#) and [Plenary session 19/192](#) and [their analysis](#)). The bill does not use the framework of femi(ni)cide, but our opinion is informed by this framework and encompasses six general aspects: the systemic nature of femi(ni)cide, the need to acknowledge the existence of various types of femi(ni)cide, the urgent need for a comprehensive legislation (beyond mere criminalisation), the relevance of involving diverse societal actors in the debate, the importance of avoiding politicisation of the problem

and its strategies, and the need for comprehensive data on femi(ni)cides.

- 1. Acknowledging femi(ni)cide as a structural problem.** Femi(ni)cide is not merely a “private” or “individual” issue; rather, it is a structural social problem rooted in social constructions and power dynamics related to sex/gender. A structural approach to addressing femi(ni)cide involves tackling its root causes at all levels, including government institutions, society, and individual behaviours, rather than relying solely on superficial reforms focused on criminalisation. The Istanbul Convention requires plans addressing all of the following aspects: necessary modifications of legislation and policies; development of data collection and research; the establishment of prevention strategies through education, awareness, and training programmes; development of protection and support tools; and international cooperation and monitoring mechanisms. Nevertheless, German legislation and the draft bill in question do not officially recognise femi(ni)cide as a structural problem. We criticise the bill’s emphasis on individuals’ body size and physical strength rather than on sex/gender power dynamics (which affect both women and men). Limiting the focus to those physical aspects could have serious implications for court cases, introducing inaccurate assumptions or failing to address the motives and issues that are truly at stake. While focusing on individual responsibility is important, societal and governmental responsibilities play a crucial role and should also be tackled. Thus, we recommend that any bill or strategy in relation to femi(ni)cide addresses all these layers of responsibility.
- 2. Addressing femi(ni)cide in its complexity.** Femi(ni)cide is a complex phenomenon that manifests in various ways. Data from the BKA indicates that in the past year, 339 women were killed in Germany, with 202 of these reported in detail by national newspapers. Preliminary analysis by *Feminizidmap* shows that out of these 202 killings, 45% of the women were most likely killed by their partner or ex-partner, and about 35% were most likely killed by other male relatives or acquaintances (including admirers, fathers, sons, brothers, colleagues, and procurers). The bill at hand mentions killings of women by their (ex) partners, especially in relation to separation, but it neglects the fact that femi(ni)cide extends beyond intimate partner violence. Social scientists have been developing categories – such as intimate, family-related, non-intimate, child-related,

serial, and racist femi(ni)cide – to better comprehend the dynamics of the different types of femi(ni)cide. The analysis of these categories is intended to inform policies. Without comprehensive data on the different types of femi(ni)cides, there is a risk of developing strategies that target only a fraction of the overall problem. While we appreciate proposals addressing intimate femi(ni)cide, which constitutes a significant percentage of the total femi(ni)cides in Germany, we question reducing the problem solely to this type of femi(ni)cide.

3. Aiming for a comprehensive legislation. Researchers on femi(ni)cide have differentiated between two types of laws in relation to femi(ni)cide: unidirectional laws, meaning those that focus only on criminalising femi(ni)cide; and mainstreaming laws, which consider elements of prevention, assistance, and reparation beyond the criminal sphere. A mainstreaming approach stresses that criminalising femi(ni)cide per se is not the solution to these crimes, but rather one part of a comprehensive strategy that covers many socio-cultural aspects. A mainstreaming approach also considers implementation and processes to raise awareness among the judiciary since it is not enough to have a good law if it is not correctly applied. The criminalisation of femi(ni)cide alone is an approach that will not solve the problem.

4. Incorporating insights from various experts into the discussion. Femi(ni)cide spans multiple societal spheres, thus necessitating comprehensive debates and strategic action plans that involve various societal actors. While the perspectives of criminal lawyers are relevant, input from other legal domains is equally important. Additionally, insights from various societal actors, such as sociologists, economists, social workers, and civil society, are equally significant. Therefore, we believe that a draft bill should emerge from such comprehensive dialogue, a situation that is not visible in the current draft bill.

5. Avoiding the politicisation of femi(ni)cide. Femi(ni)cide in particular, and violence against women in general, are problems that should concern all parliamentarians, regardless of their party affiliation. However, the current debates around femi(ni)cide in Germany carry the risk of politicising the matter, as the discussion in the German Parliament on the proposal 19/23999 shows (for an analysis, see [here](#)). An example of good practice in this regard is provided by the case of Mexico, where all

political blocs were able to establish dialogue and work together towards the drafting of a law that addressed femi(ni)cide. Thus, a key question in the current debate is whether German politicians will be able to overcome their differences and collaborate effectively to address the problem based on scientific findings.

6. **Documenting comprehensive data on femi(ni)cide.** As members of the independent research project *Feminizidmap*, which documents killings of women reported by the media since 2019 in Germany in detail, we recognise the urgent need for comprehensive data and more research on femi(ni)cide in Germany. Such research can be the basis for data-driven legislation and other accompanying strategies.

Finally, we make a call to avoid discussing femi(ni)cide from racist and xenophobic perspectives that incorrectly place the sole blame for these crimes on non-Western cultures. We hope that the discussion of the current draft bill will stimulate a more comprehensive dialogue on femi(ni)cides not only in Germany but Europe-wide, considering the points we have outlined here.

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