

STILL MINOR OFFENSES - FEMICIDES AGAINST SENIOR WOMEN IN GERMANY

In the Federal Republic of Germany, the number of violent crimes against girls and women, which are all too often fatal, has been rising continuously for years¹ - this development remains largely hidden from the public, because the official police crime statistics (PKS), published annually in November, refer exclusively to "partnership violence". In concrete terms, this means that all femicides carried out by fathers, sons, grandsons, brothers, neighbors, stalkers and/or caregivers remain entirely unmentioned.

Another gaping data hole is the cases in which the perpetrator commits suicide in the aftermath of the homicide. In these cases, the investigations and thus also the data collection are discontinued as soon as alternative perpetration is ruled out beyond doubt. The German legal principle "Dead men are not investigated" means that the relatives of the killed women are not allowed to refer to the perpetrator as "murderer" because there can be no trial and thus no final conviction for murder.

In the wake of multiplying, disproportionately male violent excesses, there are several alarming trends - one of which is the significantly increasing rate of senior women killed. Parallel to the increase in quantity, the level of cruelty also rises - or, to put it another way: The lack of effective corrective measures virtually provokes a continuously decreasing inhibition threshold.

An example of this is the death of a 78-year-old woman who was treacherously pushed off her bicycle in Bad Mergentheim on January 23, 2023, by a police known 14-year-old. She finally succumbed to her severe head injuries after several days of fighting to survive².

The most obvious use of violence against senior women in the form of femicides originates in the immediate family environment. In 2020, 2021 and 2022, not only the number of homicides carried out by grandchildren against their grandmothers has increased strikingly, but also those in which husbands, after decades of a marriage, kill their wives - here are excerpts of the most recent homicides:

02/09/2023: Stabbed to death by husband, † name unknown, 72 years, Barchfeld-Immelnborn³

01/25/2023: Killed, † Gertraute N., 89 years, Michelbach an der Bilz⁴

01/24/2023: Killed by her relative, † name unknown, 81 years, Nützen⁵

12/23/2022: Killed, † Heidemarie K., 77 years, Schwäbisch Hall⁶

12/23/2022: Stabbed by grandson, † Karin D., 80 years, Schöneiche⁷

12/14/2022: Allegedly killed, † name unknown, 86 years, Schwäbisch Hall⁸

12/12/2022: Suffocated by husband, † name unknown, 78 years, Lachendorf⁹

¹ <https://www.bmi.bund.de/SharedDocs/pressemitteilungen/DE/2022/11/bka-partnerschaftsgewalt.html> retrieved on 18 February 2023

² <https://www.spiegel.de/panorama/justiz/bad-mergentheim-bei-heilbronn-nach-toedlichem-stoess-vom-fahrrad-14-jaehriger-muss-in-untersuchungshaft-a-e2c25430-9b9c-4d88-be89-57a6c0f88d7d> retrieved on 18 February 2023

³ <https://www.bild.de/regional/thueringen/thueringen-aktuell/thueringen-totes-ehepaar-73-72-in-haus-entdeckt-82854876.bild.html> retrieved on 18 February 2023

⁴ <https://www.stuttgarter-nachrichten.de/inhalt.seniorin-in-michelbach-an-der-bilz-ge-toetet-zusammenhang-zu-gewaltverbrechen-im-dezember.15ab3f33-bba6-4b45-92fe-bd9399bc80b.html> retrieved on 18 February 2023

⁵ <https://www.kn-online.de/lokales/segeberg/nuetzen-frau-ge-toetet-von-verwandten-polizei-ermittelt-in-toetungsdelikt-DUZ37MC4AKLZ6GR3YM367UMXEM.html> retrieved on 18 February 2023

⁶ <https://www.stuttgarter-zeitung.de/inhalt.ermittlungen-zu-todesfaellen-polizeieinsatz-in-schwaebisch-hall.757b6ddf-144d-4570-ab0f-d06789d824c5.html> retrieved on 18 February 2023

⁷ <https://www.bild.de/regional/berlin/berlin-aktuell/schoeneiche-oma-karin-80-in-ihrem-haus-ge-toetet-enkel-in-u-haft-82371798.bild.html> retrieved on 18 February 2023

⁸ <https://www.n-tv.de/panorama/Weiterer-Todesfall-in-Schwaebisch-Hall-wird-geprueft-article23890433.html> retrieved on 18 February 2023

⁹ <https://www.sueddeutsche.de/panorama/kriminalitaet-lachendorf-wegen-erkrankung-79-jaehriger-gesteht-toetung-von-ehefrau-dpa.urn-newsml-dpa-com-20090101-221214-99-898423> retrieved on 18 February 2023

- 10/20/2022: Struck dead by husband, † Margit R., 83 years, Berlin¹⁰
- 10/10/2022: Killed by ex-partner, † Rosemarie N., 65 years, Witten¹¹
- 10/09/2022: Killed, † name unknown, 68 years, Frankfurt Oder¹²
- 09/16/2022: Killed by ex-neighbor, † name unknown, 86 years, Bad Cannstatt¹³
- 09/12/2022: Shot by husband, † name unknown, 80 years, Bruchsal¹⁴
- 09/07/2022: Stabbed by separated husband, † Sybille E., 71 years, Husum¹⁵
- 09/01/2022: Beaten to death by grandson, † name unknown, 86 years, Südliche Weinstraße¹⁶
- 08/30/2022: Suffocated by husband, † name unknown, 70 years, Beckum¹⁷
- 08/01/2022: Beaten to death by son-in-law, † name unknown, 67 years, Roth¹⁸
- 07/29/2022: Shot by potential tenant, † name unknown, 78 years, Ottweiler¹⁹
- 07/26/2022: Killed by husband with iron bar, † Rita K., 81 years, Hamm²⁰
- 07/06/2022: Shot by husband, † name unknown, "over 80 years of age", Munich²¹

When it comes to violence against women and femicides, Germans use language that distorts reality; for example, the phrase "safe haven of marriage" is still used, although marriage is anything but safe for wives. The falsification of the facts continues stringently in the reporting: On Christmas Eve 2010 in Reichenberg, for example, a 77-year-old sleeping woman was first attacked by her husband, whom she had also supported financially for years, with a knife aimed against her head and neck before he kills her with massive hammer blows. Already 13 years ago the press headlined "*Marriage hell*"²² and stigmatized the killed woman posthumously as at least partly responsible. The fact that also this insidious homicide was based exclusively on the incapacity of a man, who was unable to coordinate and control his feelings in an adult manner, remains unmentioned in the media until today.

When a senior suffocated his wife after more than 70 years of marriage on November 3, 2019 in Gemünden a.M., the media classification is: "*Killed for love*"²³. This portrayal was all the more absurd because it was reported in parallel that the killed woman was in need of severe care: Who can a woman in need of severe care trust more than any other person than the man who promised her that "for better or for worse"? After 70 years of joint marriage, which was described as "*happy*", who should she be able to rely on more than her husband?

¹⁰ <https://www.bild.de/regional/berlin/berlin-aktuell/berlin-mann-toetet-ehefrau-und-ruft-dann-selbst-die-polizei-81678054.bild.html> retrieved on 18 February 2023

¹¹ <https://www.bild.de/bild-plus/regional/ruhrgebiet/ruhrgebiet-aktuell/witten-killer-mit-schaeferhund-gefasst-warum-musste-rosemarie-sterben-81611226.bild.html> retrieved on 18 February 2023

¹² <https://www.rbb24.de/studiofrankfurt/panorama/2022/10/polizei-frankfurt-oder-frau-tot-verdacht-haft-festnahme.html> retrieved on 18 February 2023

¹³ <https://www.stuttgarter-nachrichten.de/inhalt.toetungsdelikt-in-bad-cannstatt-der-moerder-soll-ein-ex-nachbar-gewesen-sein.8416302c-4d23-4cca-92aa-c4b0039dfc48.html?reduced=true> retrieved on 18 February 2023

¹⁴ <https://www.sueddeutsche.de/panorama/kriminaltaet-bruchsal-totes-ehepaar-in-wohnung-entdeckt-dpa.um-newsml-dpa-com-20090101-220912-99-732039> retrieved on 18 February 2023

¹⁵ <https://www.bild.de/bild-plus/regional/hamburg/hamburg-aktuell/frau-in-husum-erstochen-polizei-uebersieht-leiche-in-blutlache-auf-balkon-81284154.bild.html> retrieved on 18 February 2023

¹⁶ <https://www.zeit.de/news/2022-09/02/86-jaehrige-stirbt-behoerden-verdaechtigen-enkel> retrieved on 18 February 2023

¹⁷ <https://www.come-on.de/lennetal/balve/familiendrama-in-balve-70-jaehriger-soll-seine-ehefrau-umgebracht-haben-91768900.html> retrieved on 18 February 2023

¹⁸ <https://www.donaukurier.de/lokales/landkreis-roth/toetungsdelikt-in-roth-tatverdaechtiger-bereits-festgenommen-6475341> retrieved on 18 February 2023

¹⁹ https://www.rheinpfalz.de/lokal/kreis-kusel_artikel.-taxifahrer-t%C3%B6tet-aus-frust-78-j%C3%A4hrige-frau-.arid.5414189.html retrieved on 18 February 2023

²⁰ <https://www.bild.de/regional/ruhrgebiet/ruhrgebiet-aktuell/rentner-erschlug-in-hamm-seine-frau-62-jahre-bilderbuch-ehe-dann-toetete-er-rita-80822946.bild.html> retrieved on 18 February 2023

²¹ <https://www.nachrichten-muenchen.com/schwabing-ermittlungen-wegen-eines-toetungsdelikt/175105> retrieved on 18 February 2023

²² <https://www.nordbayern.de/region/mord-nach-33-jahren-ehe-holle-wurzbuerger-vor-gericht-1.1676101> retrieved on 18 February 2023

²³ <https://www.welt.de/vermischtes/article219746510/Wuerzburg-Rentner-wegen-Totschlags-von-kranker-Frau-vor-Gericht.html> retrieved on 18 February 2023

The reporting on this case indicated that the woman would have been transferred to a nursing home shortly, i.e. her adequate care was taken care of. It was him who could not and/or would not cope with this. The presiding judge at the Würzburg Regional Court assessed her forcibly caused death by suffocation, despite her helplessness, only as manslaughter, which was to be punished with a two-year suspended sentence and a payment obligation in the amount of 10,000 Euros to a charitable organization²⁴. Following the trial, the distortion of facts to the detriment of the suffocated took a turn for the worse: a private entrepreneur summarily declared the killing to be "*Euthanasia*" and publicly collected money so that the killer did not even have to pay the imposed fine²⁵.

In Hamm, a man killed his 81-year-old wife after 62 years of marriage by beating her to death with an iron bar in July 2022. The senior public prosecutor in charge, even before the start of the proceedings, spoke of a "*particularly tragic case*"²⁶. In contrast to a "tragedy," which is per se characterized by the fact that the hero is entangled in such irresolvable conflicts that his own decisions are irrelevant, every femicide is an active expression of the patriarchal claim to hegemonic decision-making authority over life and death.

Protecting another perpetrator who suffocated his 70-year-old wife in Balve on August 30, 2022, after 49 years of marriage, a German press organ headlined as follows: "*Now she has no more pain*"²⁷. Literally it says in the reporting of the court proceedings: "*She was again only rumble that she wants to have her peace (...) That is nevertheless no more life, if one remains always only lying.*" The man arbitrarily decided the value of her life and killed her in a cruel way: "*The pensioner admitted that he had pressed a pillow on his wife's face with both hands in the common marriage bed until she stopped moving. His wife had still tried to resist, but was too weak to save herself from suffocation*"²⁸ and further: "*A separation from his wife was obviously not an option for the 70-year-old after almost 50 years of marriage. He had been too loyal to his wife, who was in need of care, for that.*"²⁹. In this case, too, the killer left the court as a free man after the conclusion of the trial³⁰.

Just as little as in the court the Council of Europe's Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)³¹, which since February 1, 2018 is for Germany legally binding, is considered, the nomenclature used in the media "*out of love*"³², "*out of excessive demands*"³³, "*out of desperation*"³⁴ or also "*care drama*"³⁵, "*tragic love drama*"³⁶ etc. pp. hits the point: it is always just about the male, hegemonic claim to power and control.

The currently used labels relativize the crimes and serve only the perpetrators. In mid-February 2023, the Berlin Regional Court heard the case of a man who had killed his wife. After 40 years of marriage, he had suffocated the 79-year-old woman, who was dependent on care. The presiding judge found the man guilty of manslaughter in a minor case and sentenced him to two years in prison on probation³⁷: Another killer who was allowed to leave the courtroom as a free man.

²⁴ <https://www.spiegel.de/panorama/justiz/wuerzburg-92-jaehriger-toetet-demente-ehfrau-freiheitsstrafe-auf-bewaehrung-a-8121cddf-a609-46b3-bd38-019853b51379> retrieved on 18 February 2023

²⁵ <https://www.nordbayern.de/region/erlangen/nach-totung-aus-mitleid-unternehmer-sammelt-spenden-fur-den-tater-1.11002120> retrieved on 18 February 2023

²⁶ <https://www.spiegel.de/panorama/justiz/hamm-84-jaehriger-toetet-offenbar-seine-frau-nach-62-jahren-ehe-a-0e9c4f70-3fa5-4900-bb21-8e4d7f9f9303> retrieved on 18 February 2023

²⁷ <https://www.come-on.de/lennetal/balve/ietzt-hat-sie-keine-schmerzen-mehr-rentner-aus-balve-erstickt-ehfrau-mit-einem-kissen-92020462.html> retrieved on 18 February 2023

²⁸ <https://www.wp.de/staedte/balve/totschlag-prozess-beckumer-legt-zum-auftakt-gestaendnis-ab-id237336951.html> retrieved on 18 February 2023

²⁹ <https://www.wp.de/staedte/balve/totschlag-fuenf-jahre-haft-fuer-senior-aus-balve-beckum-id237365593.html> retrieved on 18 February 2023

³⁰ <https://www.merkur.de/welt/mit-pflege-ueberfordert-rentner-erstickt-ehfrau-mit-kissen-zr-91516853.html> retrieved on 18 February 2023

³¹ <https://rm.coe.int/1680462535> retrieved on 18 February 2023

³² <https://www.tagesspiegel.de/gesellschaft/der-hilfeschei-warum-ein-77-jaehriger-die-frau-erstickt-8701543.html> retrieved on 18 February 2023

³³ <https://www.merkur.de/welt/mit-pflege-ueberfordert-rentner-erstickt-ehfrau-mit-kissen-zr-91516853.html> retrieved on 18 February 2023

³⁴ https://www.ndr.de/nachrichten/niedersachsen/lueneburg_heide_unterelbe/Ehefrau-aus-Verzweiflung-erstochen-Bewaehrung-fuer-87-Jaehrigen-prozess6718.html

retrieved on 18 February 2023

³⁵ <https://www.wp.de/staedte/balve/drama-in-beckum-70-jaehrige-soll-frau-getoetet-haben-id236348261.html> retrieved on 18 February 2023

³⁶ <https://www.bz-berlin.de/polizei/menschen-vor-gericht/rentner-ersticke-seine-frau> retrieved on 18 February 2023

³⁷ <https://www.spiegel.de/panorama/justiz/berlin-senior-toetet-ehfrau-aus-ueberforderung-bewaehrungsstrafe-a-0d0b3f30-3e5b-401b-94dd-cb31bccfa84b> retrieved on 18 February 2023

Hypothetically, suppose Corinna Schumacher were to suffocate her husband, seven-time Formula 1 world champion Michael, who has been in need of care since 2013: Would consequences³⁸ be the same?

Political will and adequate budgets are needed to fight gender-based violence against women, especially to prevent it. Even if the judiciary is the last link in the spiral of violence: Without corrective measures, also in the judiciary sector, there will be no rethinking of society.

The report published in October 2022 by the Council of Europe's GREVIO Commission of Experts, which is responsible for reviewing the implementation of the Istanbul Convention, states with regard to Germany that the appropriate training and further education measures for the relevant professionals is in principle mandatory in the sense of the Convention.

But the prevailing opinion among German judges, however, is that the specific training measures should not be mandatory, as this would be incompatible with their judicial independence³⁹.

³⁸ <https://www.mainpost.de/regional/main-spessart/prozess-gegen-92-jaehrigen-gefaengnis-waere-unertraeglich-art-10527407> retrieved on 18 February 2023

³⁹ <https://rm.coe.int/report-on-germany-for-publication/1680a86937> (93) retrieved on 18 February 2023