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# Homicide Data in Europe: Definitions, Sources, and Statistics

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## Introduction

Homicide is generally considered the most serious of all crimes, with obviously the most serious consequences for the victim. This alone justifies the special place homicide research has within the field of criminology, illustrated by countless studies and special groups devoted to studying the phenomenon. But there is another, more practical reason why homicide research is so dominant: there is more, and usually better and more reliable, information available on homicide than on most other crime types. One reason for this is that the seriousness of the crime results in more attention and more thorough investigations by the police. This chapter focuses on the information available on homicide in European countries. We address available data sources, differing definitions, and data quality.

International organisations, European consortia, and national statistical agencies produce data on homicide. The definition of “homicide” appears straightforward: a homicide occurs when there is a dead person and the cause of death can be attributed to another person. However, in practice things are not so simple. A first observation is that there can be different levels of motivation, involvement, or responsibility on the part of the

person causing the death. It may be a death by accident, through negligent behaviour, or the offender can be considered legally accountable although the death of the victim was something that the offender did not want to happen. Another difference can be in planning: the killing either happened in the heat of the moment or was planned beforehand. As will be outlined below – in this spectrum of different levels of motivation, involvement, or responsibility – European countries differ in what they consider a homicide, and thus the definitions they employ. Related to this is the issue of whether acts that do not constitute a prototypical homicide, but where nevertheless a person is intentionally killed by another person, are included in the definition and thus in the data collected. Examples of such acts are euthanasia and assisted suicide. Furthermore, countries and other data sources differ in what exactly they count as homicide, with some counting only completed offences and others including attempts where the victim did not die. Apart from definitional issues, countries and agencies may differ in the manner in which they compile homicide statistics: they may count at the level of homicide incidents, or the number of homicide victims, or the number of homicide offenders. In general these different approaches will not produce widely varying estimates, though they do not produce identical data.

This chapter is organized as follows: First, we give a short overview of both existing international sources of homicide data and of previous research

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done on the methodological aspects of using these sources (Section “‘International’ Sources of Homicide Data and Previous Comparative Research”). Next we look at the legal definitions of homicide in the European countries (Section “Homicide Definitions”). In Section “Sources of Homicide Data” we return in more detail to the existing sources of homicide data. We discuss how the definitional issues presented in Section “Homicide Definitions” are implemented and to what extent European countries can meet these definitions. In Section “Homicide Statistics” we address the completeness and the reliability of homicide statistics. Also statistical decisions, like the counting unit, are discussed. Much of the information presented in this chapter was collected through two questionnaires answered by many European countries. This is described in the Appendix.

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## “International” Sources of Homicide Data and Previous Comparative Research

Various international organisations produce homicide statistics for Europe. The most important organisations that are currently generating such data are Interpol, the United Nations Crime Surveys (UNCTS) and the European Sourcebook on Crime and Criminal Justice Statistics (Stamatel, 2006). LaFree (1999) found in his analysis of cross-national homicide studies from 1965 to 1997 that Interpol is the most frequently used data source. Unfortunately, Interpol does not provide any recent comparison data (Interpol, 2006) and therefore will be disregarded here. However, recently Eurostat started to provide homicide statistics for European countries as well, and also the World Health Organization (WHO) provides statistics on homicide (Marshall & Block, 2004).

The United Nations publishes data on homicide in countries worldwide. These data are collected as part of a survey sent to all member states, officially called *The United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems*, but usually referred to as UNCTS (Aromaa, 2010). The responding persons are

“typically United Nations correspondents who compile the data with assistance from government employees from a variety of relevant departments, such as police and corrections” (Stamatel, 2006). Almost all European countries supply data.

The *European Sourcebook of Crime and Criminal Justice Statistics* publishes data on various types of criminal offences at various stages of the Criminal Justice System (CJS). The most recent edition was published in 2010 and covers the years 2003–2007. It is the fourth edition since the project started in 1993 (Aebi et al., 2010). The CJS stages covered by the European Sourcebook are police statistics, prosecution statistics, conviction statistics, and correctional statistics. Both offences and offenders are shown in the statistics. The European Sourcebook covers 42 countries, all member of the Council of Europe. Seven, mainly smaller, countries are excluded, and the UK is disaggregated by England & Wales, Scotland, and Northern Ireland.

Eurostat started collecting criminal justice statistics only recently. Eurostat presents statistics on the 27 countries of the European Union. The United Kingdom is disaggregated in the same manner as described above. A further nine countries are included, of which five are EU candidate countries such as Croatia and Turkey, and four are members of the European Free Trade Association.

WHO publishes homicide figures based on vital statistics data. LaFree (1999) found that in the period from 1965 to 1997, the WHO data set was the second most used in cross-national homicide studies, after the now discontinued Interpol database. Obviously these data, based on vital statistics data, are not influenced by legal decisions. So the figures will not be affected by decisions whether or not to prosecute or to convict an offender.

One of the most extensive publications on homicide research is *Homicide: A Sourcebook of Social Research*, edited by Smith and Zahn (1999). This handbook is a collection of writings on homicide and on the study of homicide. Of particular interest is “Part III: Methodological issues in the study of homicide”, that focuses on

homicide data and on the comparison of international homicide statistics. Since the publication of this seminal work, however, cross-national resources have changed considerably. Interpol, one of the main sources, stopped publishing data about homicide in 2006 (Interpol, 2006). The European Sourcebook of Crime and Criminal Justice Statistics, which was not mentioned in the Smith and Zahn book, is now considered a main source of international crime data (Stamatel, 2006). It was likely omitted because the European Sourcebook is limited to Europe or perhaps because at the time it had only recently been published. LaFree (1999), in the same volume, provides a good overview of the international resources, cross-national studies on homicide, and the methodological limitations in those studies.

Bennet and Lynch (1990) studied the differences in the homicide data of three cross-national resources. For the period of 1975–1980 they compared data from Interpol, the United Nations (UN), and the World Health Organization (WHO). The average difference in homicide rate per nation was 26% for Interpol compared to UN, 45% for Interpol compared to WHO, and 52% for UN compared to WHO. Thus, it was mainly WHO data (collected via vital statistics data) that differed strongly from the two other databases (collected via crime statistics), even though these latter had fairly large differences too. Extending their comparison, the authors found that nations' rank ordering of homicide rates differed significantly depending upon the data source, though Interpol and the UN generated a similar ranking. The datasets were consistent, however, when comparing trends in homicide. Thus it appears that there are stable differences in how these international databases arrive at homicide statistics.

Howard and Smith (2003) also studied cross-national homicide data sources. These authors included the UN Survey, Interpol, the European Sourcebook, and WHO. They found moderate to strong correlations of  $r=0.60$  to  $r=0.91$ . The former was found for Interpol in comparison with the European Sourcebook, the latter was the score for WHO in relation to the European Sourcebook.

Rokaw, Mercy, and Smith (1990) examined the difference between such “crime data” and “vital statistics data” on homicide. While their research focused on the United States, both types of data are also available for homicide in Europe (namely statistics based on police data vs. WHO data). The authors compared figures from the Federal Bureau of Investigation (FBI) with figures from the National Center for Health Statistics (NCHS). The FBI statistics are based on reported homicides and investigations by police officers. The database of the NCHS is based on death certificates completed by medical personnel. The researchers found that, during the years from 1976 to 1982, the medical data showed 9% more homicides than the FBI data.

Cross-national homicide data are regularly used in criminological research (LaFree, 1999). However, as the above shows, the conclusions drawn from a particular study may depend on the data source that is used. Using one or the other source may generate a different ranking of homicide levels. Strikingly, little research has been conducted on the comparability of those statistics and on the differences in definitions used.

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## Homicide Definitions

As we saw above, there may be wide differences in the kind of data that international or European statistical agencies or consortia collect. Obviously, for comparative research, a much more direct source would be nationally collected data from the respective countries themselves. Some researchers are of the opinion that homicide figures from different countries can be compared, because the definition of homicide is similar in most countries (Barclay & Tavares, 2002; Blatier et al., 2010). It has been argued that even the inclusion or exclusion of “special” forms of homicide, such as assistance with suicide or infanticide, will only have a small effect on the final estimates (Barclay, 2000). However, some researchers warn against such optimism. For example, the European Sourcebook of Crime and Criminal Justice warns its readers not to overinterpret any difference between countries

(Aebi et al., 2010). Interpol used to state in its introductory notes that its data are “in no way intended” for comparing countries (Kalish, 1988). Before moving on to a more in-depth comparison of national homicide data in Europe, we will discuss more in depth the aspects on which definitions might diverge. First we look at linguistic pitfalls when using the English term “homicide”, then we discuss some of the legal elements commonly found in the definition of homicide such as premeditation and intent. After that, we consider “special” forms of homicide like abortion and euthanasia. Much of the information presented in this (and the next) section was collected specifically for this study, see Appendix.

### The English Term “Homicide”

Most research articles are written in the English language. Thus, “homicide” is a widely used term and familiar to most readers. In the English context, the term covers many situations where a person is killed by another: homicide may include not only premeditated and intentional killing, but also non-intentional killing. Not all other countries have such a comprehensive word in their language. As an example, in the Dutch language it will take four different terms to identify all offences covered by the English term homicide and only two of those are usually considered as research objects in Dutch homicide research. Also, for some languages the English terms “homicide” and “murder” translate into the same word, although they are clearly different concepts in the English context. In the Georgian language, the elements “premeditated”, “deliberate”, and “intentional” all have the same meaning. Such linguistic issues can have wide reaching implications for homicide definitions, estimates, and research. Thus, it is not simply a definition that matters, but also culture, language, and translation.

### Legal Elements in the Definition of Homicide

Almost all definitions used in an *international* context contain more or less the same elements.

For example, both the European Sourcebook (Aebi et al., 2010) and Eurostat (European Commission, 2010) use as their definition of homicide the “intentional killing of a person”. The United Nations uses a slightly different definition: “death deliberately inflicted on a person by another person” ([www.unodc.org](http://www.unodc.org)). WHO measures homicides by cause of death, and uses the definition “injuries inflicted by another person with intent to injure or kill, by any means” (WHO, 2009). So, these definitions are all related and all consist of the following elements: a killed person, an intention to kill, and a human offender. Implicit in most internationally used definitions is the fact that the killing must be unlawful.

If we look at the *national* level, we see that homicide is often defined by a selection of articles from the national criminal code. This implies that not all countries define homicide in the same way. While this does not pose any problems when investigating data at the national level, this clearly hampers cross-national comparison.

In national law, a simple homicide is often described as killing or causing the death of another person. In Norway, for example, “any person who causes another person’s death, or who aids and abets thereto” (section 233) is guilty of homicide. In Scotland, homicide is described in the Statistical Bulletin (2010) as “either murder or culpable homicide”. In Armenia, a homicide is the “illegal wilful deprivation of one’s life” (article 104). “Whoever kills a human being” (article 148 §1) is guilty of murder in Poland, similar to the German section 212: “whosoever kills a person”.

We outline here two of the most important elements of the legal definitions of homicide as they are found in various European countries, that is premeditation (and/or other aggravated circumstances) and intent. We base our findings on definitions of homicide as outlined in the UNCTS, the European Sourcebook, and previous literature, in particular as found in Smith and Zahn (1999). But mainly we use information from two questionnaires sent out to statisticians and homicide researchers in all European countries (see Appendix).

Murder is, at least in some jurisdictions, seen separately from the more general “homicide” and refers to the *premeditated* killing of another person. Premeditation is used here to describe

killing with malice aforethought. Some degree of planning is required. To determine if a homicide is a premeditated murder, Dutch judges will investigate whether the offender had time and opportunity to consider what he was doing (de Hullu, 2003). Whether or not he actually did think about it is not important, it has to be proven that he had the time and opportunity to do so. Furthermore, the offender must have had the intention to take the life of the victim. In other European countries, however, the term murder is used in a broader sense for aggravated forms of homicide (where premeditation could be one of the aggravated forms of homicide).

Not all countries have a special provision for premeditated homicide, either autonomously or as one of the aggravated forms of homicide. In such countries the offender is prosecuted for “normal” homicide. To determine the penalty, the judge then takes into consideration the degree of planning of the offender. This is the case, among others, in Iceland, where the penal code does not distinguish between premeditated and non-premeditated murder, but premeditation is taken into account when deciding the punishment.

*Intent* in the offender is typically a condition for homicide. The intention of the offender should be aimed at the particular consequence of his act, in this case the death of the victim. The Hungarian criminal code has a fairly clear description of intent: “An act of crime is committed with intent if the perpetrator desires the consequences of his conduct or acquiesces to these consequences” (section 13). However, some national homicide definitions might include non-intentional killings as well, like involuntary manslaughter (England) or negligent manslaughter. In such cases, it is sufficient that the offender is proven to be culpable of the victim’s death. Mistakes by medics with deadly result are another example of such situations.

Table 2.1 shows both the linguistic aspects and the notions of premeditation, aggravating circumstances, and intent for most European countries. Because information was not specifically gathered for this purpose, the terms presented here can be both legal and linguistic. For the same reason the data are not complete for all countries. However, they give an overview of what offences are considered similar. Almost all countries

mention non-intentional killings separately. The other three columns are often merged together with a similar term. Also premeditated homicide and homicide with aggravated circumstances are combined by some countries. This is less surprising, since premeditation is in certain countries considered as one of the aggravating circumstances of homicide. The meaning of the grey shadings in the fourth column will be discussed in Section “Sources of Homicide Data”.

Although not one of our research questions, it is striking that in almost all countries with a separate article for murder, premeditated killing can be punished with a life sentence. The death penalty is officially applicable for murderers in Russia. However, there is now a moratorium for capital punishment, and in practice it is substituted by a life sentence. Spain seems to be the most lenient, with a punishment of up to 20 years. Portugal does not sentence criminals to life sentences either, with 25 years being the maximum sentence. The most common maximum sentence for an intentional, but not necessarily premeditated, killing is life in prison (in 14 of 35 countries). In the 19 countries that do not inflict such penalties, the mean maximum sentence is about 18 years in prison. The most lenient punishment can be found in Armenia, where the maximum is 12 years imprisonment. The highest possible sentence to be imposed for intentional homicide was unclear for two countries. The Netherlands is the only country without a mandatory minimum sentence. Respondents from Cyprus, Greece, and Ireland left the question about a minimum sentence for homicide blank. However, according to Kapardis (2010), Cyprus does have a mandatory punishment of life in prison for premeditated murder. In Ireland, according to the Criminal Justice Act of 1990 Irish judges are also bound to mandatory sentences. For Greece we did not receive information about a minimum sentence for homicide, but we did for all other offences.

## Special Forms of Homicide

As noted earlier, a definition of homicide often employed by international agencies is “the intentional killing of a person by another”

**Table 2.1** Elements of homicide in national law

|                 | Premeditated   | Aggravated circumstances                         | Intentional killing         | Non-intentional  |
|-----------------|--|--|-----------------------------|--|
| Albania         | Vasje me paramendim<br>25/15                               | Vrasje në rrethana të tjera cilësuese<br>Life/25 | Vrasje me dashje<br>20/10   | Vrasja nga pakujdesia<br>5/fine                                  |
| Armenia         | –<br>–   | Spanutyun canracucich hangamanqerov<br>Life/8    | Spanutyun<br>12/6           | Anzgushutyamb mah patjarel<br>5/0.25                             |
| Austria         | Life/10  | Mord<br>Life/10                                  | Life/10                     | Totschlag<br>10/5  |
| Belgium         | Assassinat<br>Life/life                                    | ?  | Meurtre<br>30/20            | Homicide involontaire<br>2/0.25                                  |
| Bulgaria        | ?  | ?  | Убийство<br>20/10           | Убийство по непредпазливост<br>5/0                               |
| Cyprus          | Φόνος εκ προ μελέτης<br>Life/life                          | Ανθρωποκτονία<br>Life/?                          |                             |  |
| Czech Republic  | Vražda<br>20/12  | Life/10  | vražda prostá<br>18/10      | Usmrcení z nedbalosti<br>3/0                                     |
| Denmark         | Drab<br>Life/3   |  |                             | Uagtsomt manddrab<br>0.33/fine                                   |
| England & Wales | Homicide   |  |                             |  |
|                 | Murder<br>Life/life  |  |                             | Manslaughter<br>Life/?   |
| Estonia         | –  | Mõrv<br>Life/8                                   | Tapmine<br>15/6             | Surma põhjustamine ettevaatamatuses<br>3/0                       |
| Finland         | Murha<br>Life/life   |  | Tappo<br>Life/8             | ?  |
| France          | Assassinat<br>Life/?                                       | ?  | Meurtre<br>30/10            | Homicide involontaire<br>3/fine                                  |
| Georgia         | gandzraxi mkvleloba damamdzimebeli garemoebebit<br>Life/16 |  | gandzraxi mkvleloba<br>15/7 | sitsosxlis mospoba gauftxileblobit<br>4/?                        |
| Germany         | –  | Mord<br>Life/life                                | Totschlag<br>15/5           | Fahrlässige Tötung<br>5/fine                                     |
| Greece          | Anthropoktonia (ανθρωποκτονία)<br>Life/?                   |  |                             | Anthropoktonia apo ameleia (ανθρωποκτονία από αμέλεια)<br>5/0.25 |
| Hungary         | Szándékos emberölés<br>15/5                                |  |                             | Gondatlanságból elkövetett emberölés<br>5/1                      |
| Iceland         | Manndráp<br>Life/5   |  |                             | Mannsbani-gáleysi<br>6/?   |
| Ireland         | Murder<br>Life/life  |  |                             | Manslaughter<br>Life/?   |
| Italy           | Omicidio volontario o doloso<br>24/21                      |  |                             | Omicidio colposo<br>5/0.5  |
| Lithuania       | –  | Nužudymas<br>Life/7                              |                             | neatsargus gyvybės atėmimas<br>4/0.25                            |
| Rep. of Moldova | Omor   |  |                             |  |
|                 | Omor agravat<br>Life/12                                    |  | Omor simplu<br>15/8         | Lipsirea de viață din imprudență<br>3/?                          |

(continued)

**Table 2.1** (continued)

|                            | Premeditated                                      | Aggravated circumstances                            | Intentional killing                                     | Non-intentional   |
|----------------------------|---|---|---|---|
| The Netherlands            | Moord<br>Life/0                                   | 15/0  | Doodslag<br>30/0  | Dood door schuld<br>2/0                                 |
| Northern Ireland<br>Norway | Murder<br>Homicide<br>21/?                        |   | ?/6   | Manslaughter<br>Negligently causing death<br>3/fine     |
| Poland                     | –   | Zabójstwo<br>kwalifikowane<br>Life/25               | Zabójstwo<br>Life/8                                     | Zabójstwo nieumyślne<br>5/0.25                          |
| Portugal                   | Homicídio qualificado<br>25/12                    |   | Homicídio<br>16/8                                       | Homicídio por negligência<br>5/fine                     |
| Russia                     | Ubiystvo<br>Life/8                                |   |   | Prichinenie smerti po<br>neostorojnosti<br>3/0          |
| Scotland                   | Murder<br>Life/life                               | Manslaughter<br>?                                   |   | Culpable homicide<br>?                                  |
| Slovak Republic            | úkladná vražda<br>25/20                           | Vražda<br>20/15                                     |   | ?/Manslaughter<br>3/0                                   |
| Slovenia                   | Umor<br>Life/15                                   |   | Uboj<br>15/5  | Povzročitev smrti iz malomarnosti<br>5/0.5              |
| Spain                      | Assesinato<br>20/15                               |   | Homicidio<br>15/10                                      | Homicidio imprudente<br>4/1                             |
| Sweden                     | –   | ?   | Mord<br>Life/10   | Vållande till annans död<br>6/0.5                       |
| Switzerland                | ?   | Mord/assassinat<br>Life/10                          | Vorsätzliche<br>Tötung/homicide<br>intentionnel<br>20/5 | Fahrlässige Tötung/homicide par<br>négligence<br>3/fine |
| Turkey                     | Kasten öldürme<br>Aggravated life/aggravated life |   | Life/life   | Taksirle yaralama<br>6/2                                |
| Ukraine                    | –   | вбивство з<br>обтяжуючими<br>обставинами<br>Life/10 | Умисне вбивство<br>15/7                                 | Вбивство через необережність<br>2/community service     |

*Dark grey* offence is not included in national homicide statistics

*Light grey* unknown whether offence is included in national homicide statistics

– premeditated homicide not a separate offence or term (can be taken into account by the judge to determine sentence)

? unclear whether there is such a term in local language

The *last row* for each country (except for Northern Ireland where this information is missing) gives information on the maximum/minimum statutory penalty in years imprisonment

(Malby, 2010). And in national definitions of homicide the element of intent is often present as well. In most cases it appears clear when an incident can be labelled as a homicide. However, even though some types of homicide seem to fit this definition, they could be different from “average” homicides. Although they might be committed *intentionally* and even *unlawfully*, it could be argued that they are not a homicide. Euthanasia is such an example. A physician intentionally

causes the death of another person. Depending on the national laws it might very well be unlawful. But should it be considered a homicide if he fulfils the wishes of a patient and prevents suffering from a potentially long illness leading to death?

Also, there are certain kinds of homicide for which the offender’s intention can be ambiguous, for example, assaults leading to death (where the death of the victim was not intended by the

offender) or dangerous driving with a deadly consequence. It can be difficult to determine to what extent the offender had intent on the victim's death. However, these situations can usually be legally captured with "criminal negligence". The latter is, again quoting the Hungarian criminal code: "[...] if the perpetrator foresees the possible consequences of his conduct, but carelessly relies on their non-occurrence, or fails to foresee the possibility of the consequences with a deliberate indifference or failure to exercise reasonable care" (section 14). Lastly, there are "justified killings" where the most basic aspect of the definition, that is the unlawfulness, could be ambiguous.

We will now discuss a number of cases that could be considered as "special homicides". "Special" does not imply being less worthy of punishment or more excusable (with the possible exception of "justified killings"). They are "special" however because there is less consensus on whether or not they should be comprised under the label homicide (Marshall & Block, 2004).

*Abortion.* Most countries have regulations for the interruption of pregnancy (UN, 2010), where under certain circumstances and up to a certain stage of the pregnancy abortion is allowed. Such abortions will not be considered a homicide. Nonetheless, an unlawful abortion might fit the definition of homicide because it is done intentionally. There is an ongoing religious or philosophical discussion, however, to determine if an unborn foetus in various stages of a pregnancy could be considered a *person*. According to the UN, only six countries did not permit abortion under any circumstances in 2009 (UN, 2010). Two of these countries are European, namely the Holy See and Malta. However, these countries are not represented in our research. Most of the respondents in our survey mention that in their countries abortion is legally dealt with separately from other forms of homicide. Initially some respondents reported that it always constitutes a crime. However, when examining their answers and in some occasions the translated penal law, it becomes evident that most descriptions are about *illegal* abortions. The *World Population Policies 2009* report of the United Nations (2010) presents also

information on abortion. Out of the countries presented there, only in Ireland abortion is always punishable. The only exception is when it is done to save the mother's life. In over half of the countries the mother is not punishable when an illegal abortion is committed. The person committing such an abortion is almost always liable, regardless of the fact whether or not this person is an official physician. However, usually an abortion can only be legal if performed by an official physician. The maximum penalty for illegal abortion in most European countries ranges from 2 to 10 years. In countries where the mother is liable, the punishment for her is usually less severe. Generally, the maximum penalty is 1 year in jail for the mother.

*Assisted suicide.* Most penal laws in Europe contain a separate article for assistance with suicide, (where, other than with euthanasia, there is still more or less active involvement of the person committing the suicide). Out of the 30 respondents, 22 mentioned that help with suicide is dealt with separately from other kinds of homicide. In about two-thirds of these 22 countries it is always considered a crime. For the countries that deal separately with this offence, the mean maximum sentence is 5 years imprisonment. Nevertheless, it varies from 4 months (Denmark) to 12 years (Italy).

*Euthanasia.* Related to assisting with suicide is euthanasia. However, in this case it is the physician (or another person) who is actually performing the fatal actions. The ending of a life is done in request of the subject wanting to die. Under certain circumstances euthanasia is allowed in some countries. When euthanasia is considered unlawful, it fits the term of homicide: an intentional killing of a person by another. Less than half of our respondents, 14 out of 32, mentioned that in their country euthanasia is legally dealt with differently from other forms of homicides. In five countries it is, in certain circumstances, not always considered a crime. In the remaining nine countries the average maximum penalty is 6.3 years in prison. So, it is punished slightly more severely than assistance with suicide. In those countries that have a separate article for



euthanasia in their penal code, it is often used as a mitigated form of homicide. For example, in Italy euthanasia will be prosecuted for “homicide of a consenting person” (*omicidio del consenziente*). Instead of 24 years, the maximum penalty is reduced to a maximum of 15 years in prison. In other countries with a separate euthanasia article, the penalty is usually up to 5 years in prison.

*Infanticide.* Some countries may have a separate division in law for the murder of babies or very young children. Infanticide might be an ambiguous term. For instance, in the Dutch penal code infanticide is covered by article 290 and 291. It mentions the mother who kills her child during or soon after childbirth. A section with a similar definition can be found in Danish law (section 238). However, in England and Wales the mother can be prosecuted for infanticide if she kills her child with the age of up to 12 months (section 1 Infanticide Act 1938). Infanticide fits the international definition of homicide: the mother intentionally kills her child. Although a very young person, the child is still considered a person. It could be argued, however, that because of the high degree of emotions experienced by the mother (e.g. post-partum syndrome), these cases should be excluded from homicide statistics. Almost all European countries have a separate article in their law for infanticide. Out of our 34 respondents only 6 stated otherwise. All of them indicated that it was always a crime in their country. Mostly it is a mitigated form of homicide, punishable by an imprisonment of up to 10 years. However, in five countries the offender can be sentenced to life in prison. For the remaining countries, the average maximum punishment is 6 years imprisonment.

*Assault leading to death.* Another example of crimes that could possibly fit the definition of homicide is assault leading to death. This term is usually used for situations in which the offender physically abuses another without the intention to kill but the victim nevertheless dies as a result. Although the assault is committed intentionally by a person to another person, it could be argued that the intention is focused on the physical abuse,

not on the death of the victim. It is difficult though to determine whether or not the offender was anticipating this consequence, which means that the decision whether to prosecute and convict an offender for homicide instead of assault leading to death is dependent on the interpretation of the circumstances by the prosecutor and the judge. In almost all countries, an assault leading to death is legally dealt with differently from homicide. As can be seen from Table 2.1, one of the few exceptions is England & Wales, where unintentional killings could be considered homicides. With an average of around 13 years in prison, the maximum penalty is usually between that of (aggravated) assault and attempted murder.

*Dangerous driving.* Dangerous driving can lead to the death of other road users. The difficulty here is the same as with assaults leading to death. The driver could have had the intention of driving recklessly, but is it enough to label the fatal consequence as a homicide? In juridical terms it could be argued that in some cases the recklessness is so obvious and intentional that the driver could have foreseen the consequences. Hence, the driver’s actions can in part considered to be with intent. In other words, the driver accepted that his actions can have certain consequences (*Dolus Eventualis*), in this case the death of another road user.

*Justified killings.* It may have been established that a person did not die a natural death, but while the death was intentionally caused by another person – the death was not considered unlawful. Such homicides concern, for example, killings by police officers, capital punishment, and soldiers or civilians killed in armed conflicts. The first example will usually be considered self-defence, the second as lawful killing, and therefore both will not be labelled as a homicide. The third example is more difficult. Fallen soldiers in an armed conflict generally do not count as homicide victims. But when is a situation an armed conflict? And what to do, statistically speaking, with civilian casualties? Fortunately, situations like this are currently exceptional in Europe.

## Sources of Homicide Data

According to our survey (see Appendix), almost all countries have publicly available statistics on homicide as part of their general crime statistics. Usually these statistics are accessible on the internet. Crime statistics cover four areas of the CJS. First, the police statistics where information on recorded crimes and offenders found by the police is presented. Second, there are statistics for prosecution decisions: Will an offender be prosecuted? For what crime is he/she prosecuted? And will the case be brought before a criminal court or be dealt with otherwise? Next, court statistics give information on convicted offenders and the sanctions imposed. And lastly, there are the prison statistics with information on the numbers of homicide offenders in prison. For homicide, the court statistics are the most common, followed by the police statistics. The former is maintained by all but Northern Ireland, the latter by all except four countries in our survey. The least common statistics are those on prosecution decisions, although still covered by two-third of the countries.

Aside from these regular crime statistics, we found from our survey that from the responding countries there are eight national databases with special homicide statistics. These publications are more detailed than the regular statistics. Information about the murder weapon, the victim, the offender, the location of the murder, and the relationship of the victim to the offender can be included in such databases. The investigation stage is covered by each of these eight databases. Both the prosecution stage and the court stage are included by six countries. Only Scotland has detailed homicide statistics about the prison population. All statistics include either the completed homicides or completed and attempted homicides separately. With the exception of Switzerland and the Netherlands, all these databases, or publications based on these databases, are publicly available on the internet.

As mentioned in Section “Homicide Definitions”, the definition of homicide in national sources usually reflects the national criminal code. Therefore, it is expected that comparison between

countries will be difficult if at all possible. Sources with standardized definitions, such as the four sources already presented in Section “‘International’ Sources of Homicide Data and Previous Comparative Research”, are more suitable for international comparisons. Therefore, we will first describe the definitions – both regarding the legal elements as well as the “special” forms of homicide – used in the four international sources. After that we will discuss how countries, from their national sources, can meet these definitions.

*The UN-CTS:* The definition used for homicide in this survey is “death deliberately inflicted on a person by another person, including infanticide” and countries are requested to include both attempts and completed homicides ([www.unodc.org](http://www.unodc.org)). The counting unit is not prescribed, but respondents are requested to note which unit they use. The UN-CTS is fairly lenient in which cases can be labelled as homicide. Aside from infanticide, no other “special” types of homicide are explicitly included or excluded. With the wording “deliberately inflicted” in their homicide definition, the United Nations explicitly ask their respondents to report intentional homicide only.

*The European Sourcebook:* The definition used for homicide is “intentional killing of a person”. Assistance with suicide is excluded, but assaults leading to death, euthanasia, infanticide, and attempts are included (Aebi et al., 2010). Although attempted homicide is included in the standard definition, figures for completed homicides only are given as well. The European Sourcebook presents an overview of countries that were not able to supply data conforming to the standard definition.

*Eurostat:* Homicide, one of the crime types for which police data is collected, is defined as “Intentional killing of a person, including murder, manslaughter, euthanasia and infanticide. Attempted (uncompleted) homicide is excluded. Causing death by dangerous driving, abortion and help with suicide are also excluded” (European Commission, 2010). The preferred counting unit

is the victim. Because “manslaughter” is included, the Eurostat homicide data constitute a mixture of intentional and unintentional killings.

*WHO*: To define homicide, WHO uses the International Classification of Diseases (ICD-10) codes corresponding to “injuries inflicted by another person with intent to injure or kill, by any means” (WHO, 2009). These codes are used by physicians to describe cause of death. The related ICD-10 codes for homicide are X85-Y09. Except for the given definition and codes, WHO does not specify which type of acts are included or excluded. However, by comparing these cases to the codes or definition it can be presumed that the following are excluded: abortion (codes O00-O08) and assistance with suicide (not a cause of death), and dangerous driving (codes V01-V99). Furthermore, the ICD-10 has a special code for legal interventions (Y35). So if it can be determined, so-called “justified killings” would not be included in these homicide statistics. It is unclear how strictly the “intent” criterion is adhered to in practice. The counting unit for the WHO data is the victim.

Based on these descriptions, which are summarized in Table 2.2, we see that there are clear differences between the various sources of homicide statistics. There seems to be a general consensus in the international data sources on homicide that the intent to kill must be a necessary condition within the definition of homicide. However, when looking at the full definition used in those data collections, there

could be room for interpreting the notion of “intent” in different ways. Furthermore, there seems to be a wide variation in whether attempted homicides and “special” forms of homicide – such as euthanasia, abortion, assistance with suicide, etc. – are included in the definition of homicide. Thus, it is not surprising that previous comparative studies encountered fairly diverging homicide estimates in the different sources.

In Table 2.3 a more detailed description is shown at the country level, what legal homicide definitions statistical agencies in European countries use. It is clear that there is considerable variation between countries in the type of offences included in national homicide statistics. In fact, almost no pair of countries uses the same homicide definitions. Besides information on national statistics, it is also helpful to know which offences can be found as a separate article in the criminal code. The use of this is to know to what extent the scope of the statistics can be made identical for international purposes. For example, some countries do not include infanticide in their homicide figures, but all of those countries have information about the number of infanticides. Thus, although the aggregate national statistics would differ on this subject, it is possible to make the figures comparable. Furthermore, this disaggregation should help to find out to what extent a country meets the definitions used by international agencies for their homicide index. To clarify this, we asked our respondents if some offences are considered a homicide in their country. We also

**Table 2.2** Definitions of homicide in four international sources

|                           | UN-CTS   | Eurostat | Sourcebook   | WHO            |
|---------------------------|--|----------|--|----------------|
| Attempts                  | Both total (including attempts) and completed separately | Exclude  | Both total (including attempts) and completed separately | Exclude        |
| Assaults leading to death | –  | –        | Include  | –              |
| Euthanasia                | –  | Include  | Include  | –              |
| Assistance with suicide   | –  | Exclude  | Exclude  | Exclude        |
| Infanticide               | Include  | Include  | Include  | –              |
| Dangerous driving         | –  | Exclude  | –  | Exclude        |
| Abortion                  | –  | Exclude  | –  | Exclude        |
| Unintentional homicide    | Exclude  | Exclude  | Exclude  | Include        |
| Counting unit             | Various  | Victim   | Offences<br>Offenders                                    | Body<br>counts |



checked the cross-national publication for information on this.

*Assault leading to death:* some sources may include these assaults because they might actually be intentional killings. A small majority of countries, 15 out of 28, report that their national statistical agencies exclude assaults leading to death from their homicide data. Only four of these countries are not able to deliver these statistics separately. This shows that those four countries are also not able to meet the homicide definitions of some international agencies, such as *The European Sourcebook of Crime and Criminal Justice Statistics*.

*Euthanasia:* A majority can be found for national agencies that label euthanasia as a form of homicide. Out of the 28 respondents, 20 reported that they include euthanasia in their homicide statistics. Out of the other eight agencies, three have separate data available on euthanasia.

*Assistance with suicide:* Over half of the national statistical agencies, 16 out of 27, exclude assistance with suicide from their national statistics of homicide. Twelve out of 28 agencies reported to have this information separately available.

*Infanticide:* Not only most international agencies but also most national statistical agencies include infanticide in their homicide statistics. Of our 28 respondents, only 6 stated otherwise. All of those six countries have separate information available on infanticide.

*Dangerous driving:* Fatal traffic accidents that result from dangerous driving are mentioned by two of the international agencies (Eurostat and WHO), that is it is stated explicitly that they do not include them in their homicide statistics. Because the UN-CTS and The European Sourcebook do not state something about dangerous driving, it is unclear whether these incidents are included or excluded. Twenty out of the 28 respondents note that their national agencies also exclude dangerous driving from the homicide

data. Nineteen national agencies should have this information separately available, eight do not.

*Justified killings.* One-third of the national agencies register justified killings as a homicide. Of the countries that do not label it as homicide only one has separate information available on these killings. With a total of four countries, it is the least separate registered form of homicide in this research.

*Intent:* Contrary to the international organisations (see above), not all national statistical agencies include non-intentional killings in their homicide statistics: only about half of the national agencies do include these in their data. As to premeditation, although there is not always a separate provision for such an offence in national law, all killings with malice aforethought are included in national statistics. See also Table 2.1, where a dark grey marking in the last column signifies that non-intentional killings are not included in the national homicide statistics, and a light grey marking means that it is unknown whether non-intentional killings are included.

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## Homicide Statistics

In this section we first address the reliability and the completeness of homicide statistics. For various reasons homicide statistics report not all (or too many) homicides. Three aspects are discussed here: the inclusion of attempted homicides, the possibility of missing persons having been murdered, and the cases where the cause of death is mistakenly not decided to be a homicide. All these issues are probably applicable for most if not all European countries. If they affect homicide data to the same extent, then cross-national comparisons can still be valid. There is little research, however, that tests the extent to which these items affect homicide to the same extent among different European nations, and these items do affect the completeness and reliability of homicide statistics as a whole. We conclude this section with some remarks on typically statistical decisions, like the counting unit.

## Attempted Homicides

An important issue that has a considerable impact on homicide statistics is whether attempted homicides are included. Many homicide researchers are of the opinion that there is no difference (except, of course, for the consequences for the victim) between completed and attempted homicides. Indeed, sometimes the difference is negligible: the bullet misses the aorta by only a few millimetres, or the difference between attempted and completed homicide depends on the quick availability of medical assistance. So from a research point of view, it seems attractive not to make a distinction between attempted and completed homicides. However, in practice there obviously is a huge difference between the two. As an example, prior research showed (Bijleveld & Smit, 2006) that in the Netherlands the characteristics of offenders of attempted homicides were found to be markedly different from those of completed homicide offenders. Even so, some statistics include attempted homicides and some do not.

In our survey, attempted homicide is included in 22 out of 29 sets of national statistics. It is unclear whether or not they are included in the total of homicide or mentioned separately. With the exception of Portugal, all the countries that excluded this offence in their statistics have the information on attempts separately available. In one-third of the countries there is a difference between the maximum penalty for homicide and attempted homicide. In those countries, the distinction is usually used to lower the maximum sentence from life to 20 or 30 years in jail. Some of the countries without a difference in sentencing have a rule in their criminal procedures that judges must take into consideration depending upon whether or not the offence was completed. However, in other countries the judge is given wide discretionary powers on the subject of attempts. For example, the Icelandic article 42 refers to attempted offences in general. Section 1 of the article mentions that an offender shall be imposed with a lesser punishment if the felony is not completed. However, section 2 mentions the possibility for the court to impose the maximum

sentence anyway, if found necessarily. With the exception of Georgia, no country has a difference between the maximum penalty for attempted murder resulting in minor injury and such an attempt resulting in major injury. Furthermore, there is almost nowhere a difference between the maximum penalty for an attempted homicide with injury and such an attempt without injury. However, there is a variation in the maximum sentence for assaults leading to death and attempted homicide. The former is punishable by a more lenient penalty, even in countries that consider assault leading to death as a homicide, with the exceptions of Cyprus.

Mostly the national homicide statistics contain information about both completed and attempted homicides. This is only different for the prison statistics, which only contain information about the total of attempted and completed homicides in most countries. With the exception of the Czech Republic, the Netherlands, and Spain, all national CJS statistics make a distinction between completed and attempted offences in one stage or another. This means that most countries were able to give the information needed for the international datasets, where either only completed homicides were asked for (Eurostat and WHO), or both completed and attempted homicides (ESB and UN-CTS). See Table 2.2.

## Missing Persons

The number of homicides might rise if missing persons are taken into account, because some of those may have been murdered. For example, in the Netherlands a small number of missing persons are still registered as such after 1 year. If all of these cases are in fact homicides they would increase homicide numbers by 5–7% (Smit, Bijleveld, & Van der Zee, 2001). Furthermore, it is possible that some missing persons are not even reported as missing and these persons might be more prone to homicide victimisation (e.g. fugitives or illegal immigrants). Newly born murdered children are also prone to be missed. In 2010 several cases of infanticide were mentioned

in newspapers and on the internet. It was reported that in France a mother killed eight newborn babies between 1989 and 2006 (bbb.co.uk, 2010). In the north of the Netherlands a woman confessed to killing four of her babies between 2003 and 2009 (nos.nl, 2010). Both mothers concealed their pregnancies and killed their babies shortly after birth. Therefore, aside from those directly involved no one knew about the children. Because others did not know about their existence, no one had reported them missing. In such cases, the killings that happened years before only came to light because of the (accidental) discovery of the infants' remains.

### Cause of Death

The cause of death of a homicide victim might have been wrongly determined. The death may have been considered a natural death, for example, after poisoning. A second option is that the death is labelled as a suicide. A murder can be concealed by staging it as a suicide. It is also possible that a suicide is really committed but that it was forced by another. This can happen for example with honour killings. Aside from labelling a death as natural or as a homicide, it can also be falsely considered as an accident. Some criminals would properly think of this as the perfect murder. A fatal traffic accident could, for example, be the intended consequence of a sabotaged car. Very little is known about the possible distorting effect of such unrecognized homicides on homicide statistics. Estimates for Germany of the number of deaths mistakenly categorized as natural deaths have been extrapolated to the Netherlands and estimated to more than double the yearly homicide rate (Bijleveld & Smit, 2006).

### Statistical Counting Rules

Counting rules also affect the comparison between nations. Aebi (2008) researched the influence of national counting rules on cross-national homicide rates in Europe. The moment

at which the data are collected is correlated with the homicide rate. Countries using input statistics (i.e. label crimes as a homicide as soon as they come to the attention of the police), which includes roughly half of European nations, generally have higher homicide rates than countries using output statistics (i.e. label crimes as homicide after police investigation or even only when there is a conviction for homicide). When the index rate for completed intentional homicide is set to 100 for countries using output statistics, the rate for countries using input statistics is 228. However, Aebi (2008) notes that it is actually not precisely known to what extent this difference (between 100 and 228) is actually due to the counting rules applied.

Both victims and cases are usually being used as the counting unit for homicide in the national statistics. Offenders are used by two countries as the solely counting unit. However, the total rises to eight because some agencies use multiple counting units. Mostly the data for the national statistics is collected after a homicide is reported to the police. Slightly less frequently the data is gathered after the investigation by the police. The former is done by 15, the latter by 12 countries. Our respondents reported 8 times another moment when homicide is counted, usually after conviction. The sum of answers exceeded our number of respondents, because some countries collect their data on homicides at more than one point in the process.

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### Conclusion

The differences between countries in homicide definitions, the inclusion of special homicide types, and statistical decisions are numerous. We first saw that when it comes to prototypical homicides, that is, the "regular" intentional (and premeditated) killing of one person by another, there are few differences. Even linguistic differences do not seem to stand in the way of a generally accepted definition of homicide. This does not mean that the differences were superficial. Especially the inclusion or non-inclusion of culpable (where the offender is guilty of the death

of the victim) as opposed to intentional (where the offender is not only *guilty* of the death of the victim but also had the *intent* to kill) homicides seems to pose a fairly substantial definitional hurdle. Comparing intentional acts with essentially accidents would seem unwanted from a substantive point of view. In spite of such principled objections, one might wonder whether these differences make for large incomparability in practice. It might be so that the culpable homicides generally amount to such small numbers that definitional differences do not hamper comparison in practice. Whether that is the case is an issue outside the scope of our chapter and a topic for further research.

Countries diverge more when it comes to the inclusion of special cases of homicides. There are wide differences in the extent to which deaths resulting from causes like euthanasia, (illegal) abortion, and dangerous driving are included. While this is by itself problematic from a definitional point of view, we suspect that comparison will be affected much more by these differences, as the numbers of these particular homicides may be much larger than the number of “prototypical” homicides. Again whether that is actually the case is an empirical question, but distortions do appear much more likely here.

This possible distortion applies even more to the inclusion or exclusion of attempts. In some countries, the number of attempted homicides could well be a multiple of the number of completed homicides. And while the legal definition for attempted homicide is expected to be the same (apart from the outcome) as for completed homicide, in practice there is a large difference. Whether countries or international agencies include attempts is thus an issue researchers should pay particular attention to.

Homicide victims who are never found (missing persons) or where the cause of death is mistakenly not categorized as a homicide have potentially an even greater influence on the number of homicides as measured in (inter)national statistics. It is, however, very hard to determine or even guess the quantitative effect these phenomena have.

In addition, there may be a difference in the counting unit being used. The unit may be offences, investigations, or body counts. The same holds for the particular stage in the CJS when a crime is actually labelled as a homicide: when the crime comes to the attention of the police or when the case is brought to court or results in a conviction. There also may be a difference in how multiple offences by one offender, or one offence by multiple offenders, are being handled. It is unknown to what extent these issues seriously affect national homicide estimates and to what extent they effectively distort comparisons.

Thus, a first conclusion is that in comparing homicide data cross-nationally, researchers must be careful. Blind extraction of data from websites is ill-advised. As our study showed, many statistical agencies enable the extraction of statistics that can be made similar, for instance by synchronizing whether attempts are included or not. It is remarkable that quite a number of countries do not distinguish between premeditated homicide (i.e. murder) and unpremeditated homicide. For some countries, it would therefore not be possible to extract these from national databases.

It therefore appears wise to use data that have been synchronized whenever possible. The most complete and best documented data appear to be those from the European Sourcebook, which are not only fairly complete but also provide the best options for tailoring the data to the particular needs of the study.

We end by recommending that more research be conducted, first, on an issue that we could only signal but shed little light on: the dark number in homicide. Missing persons, “perfect poisonings”, etc. may affect the homicide rate substantially. Second, it would be wise not only to study the existence of definitional and statistical differences in homicide data, but also to estimate the quantitative effects of these differences on the overall number of homicides as well. For example, we expect that countries that use output statistics (i.e. label crimes as homicide after police investigation) count fewer homicides than those using input statistics (i.e. label crimes as homicide as soon as they come to the attention of the police). The question, then, is what would be the average



difference between using input and output statistics? Only then will we be able to conduct better comparative, explanatory studies on this rare but serious offence.

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## Appendix: Information Sources on Homicide Definitions and Statistics

Much valuable information on definitions of homicide was already available in the UN-CTS and, in particular, in the European Sourcebook. Further information used in this chapter was derived from two questionnaires sent out to European countries, where the first questionnaire dealt mainly with definitional issues and the second one mainly with availability of homicide data in the national statistics. Sources of cross-national crime statistics were also consulted. We examined to what extent they are comparable on the subject of homicide. Both publications and internet databases of those agencies were consulted. Furthermore, other sources were used to describe the background of some of the cross-national agencies. To better gauge the evaluation of respective offences that do or do not fall under the national definition of homicide, we discuss also maximum, minimum, or mandatory punishments for these offences.

### Questionnaires: Design

Contact persons in 46 countries were sent questionnaires. These included all European countries with the exception of the five very small countries: Andorra, the Holy See, Liechtenstein, Monaco, and San Marino. We made use of the contact persons who were known for the European Sourcebook, Eurostat, and UNODC. Three questionnaires were sent to the UK, where England & Wales, Northern Ireland, and Scotland have different Justice Systems.

A first questionnaire consisted of five questions about the respondents' country. The first question dealt with "normal" homicides. The respondent was asked to write down the different categories of "normal homicide", with their

corresponding maximum and minimum penalties. The second question was on the subject of "special" homicides, such as euthanasia, infanticide, abortion, and help with suicide. It was asked if those crimes are legally dealt with separately from normal homicide (i.e. in a different article of law), if it is always a crime, and what the penalty would be. The third question aimed to clarify the difference in the intent of the offence and the result of it. The respondents were presented with a table with 16 possible scenarios. Both result and intent were divided in four categories: no injury, minor injury, major injury, and death. Thus, the scenarios varied from no injury intended and no injury occurred, to death intended and occurred. Respondents filled in the cells with a translation of the violated national law and the corresponding minimum and maximum penalty. Of particular interest are situations where the intention of an offender differs from the outcome of the offence. Further questions covered the subject of statistics. It was asked whether figures about completed and attempted homicides are available in the police, prosecution, court, or prison statistics. Furthermore, we wanted to know if statistics are publicly available and whether the country has a dedicated dataset for homicide only.

The second questionnaire was designed after the findings of the first questionnaire had been analysed. It served to provide more in-depth information. It consisted of three questions that could usually be answered with a simple yes or no. The first question aimed to clarify the relevance of premeditation in the legal system. The length of a common life-sentence was the subject of the second question. The third question covered the statistics. We wanted to know which cases are included in the national homicide statistics, and which cases can be made separately available. The latter is useful because international sources can include other types of cases than those included by national agencies. However, both figures can only differ if the information about those cases is separately available. This is asked for different forms of homicide. Also, the counting unit and the moment of counting were asked. For the latter, we are interested

in the moment a case was labelled as “homicide”, as it can have a considerable effect on the statistics if the “homicide” labelling occurred before or after the police investigation.

## Response

Contact persons in 46 countries were sent the first questionnaire. A total of 35 surveys were returned. Of those returned, all countries responded to all questions, with the exception of question 3 (about the difference in the intent of the offence and the result of it), which three countries were unable to fill in. No questionnaires were received from Belarus, Bosnia Herzegovina, Croatia, Kosovo under UNSCR1244, Latvia, Luxembourg, the FYR of Macedonia, Malta, Montenegro, Romania, and Serbia. The second questionnaire was sent to the 35 respondents who had returned the first one, of which 28 filled in the second questionnaire as well. With one exception, all respondents completed all questions. The seven countries that responded only to the first but not to the second questionnaire were Belgium, Bulgaria, France, Ireland, Northern Ireland, Scotland, and Spain.

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Handbook of European Homicide Research  
Patterns, Explanations, and Country Studies

Liem, M.C.A.; Pridemore, W.A. (Eds.)

2012, XI, 513 p. 87 illus., Hardcover

ISBN: 978-1-4614-0465-1