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VIOLENCE AGAINST WOMEN: A COMPARATIVE STUDY OF CRIME TRENDS AND POLICING STRATEGIES IN GERMANY AND INDIA

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ABSTRACT

Policing is an errand difficult to be met with the rise in atrocities against the peripherals with regard to women, children, aged and minorities. Countries showing different crime statistics on violence against women, cannot be spared of explanations. Whether the incidences of violence against women is showing any change is a question of concern especially taking into consideration the dark figure of crime. The present study is an attempt to compare the crime statistics of violence against women and analyses the measures undertaken by the police in Germany and India to combat the menace in recent times.

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INTRODUCTION

Atrocities against women is a social devil that is common all over the world. The devil is increasing its intensity and power and affecting the social environment which includes family, peer relations and socialization. An unhappy home or a unstable unsafe ecology can never yield a promising future. The grey figure in relation to crime statistics is possibly coming more in the limelight. However the issue needs serious investigation in relation to both the countries under scrutiny in the present study that is Germany and India. With new laws making its way and correspondingly with the increase in the number of crime against women the answer may be sought in theoretical and practical explanations. The fact that every morning, first through print media and then as the day progresses through everyday interaction and the ever excited electronic media, a woman is made to feel that she is unsafe. It is quite worrying for all of us and researchers are aroused by trying to find an answer to the crisis.

Violence against Women, Police and Policing

Violence against women is understood to encompass, but not be limited to the following: physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.

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Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs. Acts of violence against women also include forced sterilization and forced abortion, coercive/ forced use of contraceptives, female infanticide and prenatal sex selection (Barberet, 2014: 79-99). The impact of violence for individual women include physical injury, miscarriage, poor overall health, problems carrying out daily activities, memory loss, use of alcohol and drugs to cope social isolation, and negative psychological impacts such as depression and anxiety, emotional distress, suicidal thoughts, attempts and fears (Johnson, 2013: 108).

When violence is committed by private individuals against women, individualism fails to challenge the public private division and violence against women continues. Abuse of women is a cultural, private issue that is not political or public. Women have historically and empirically disproportionately engaged in the private sphere, leaving them outside the realm of political intervention. As a result many forms of violence occurring in the home remain outside of the central political or legal issues of concern to state governments. However violence against women is deeply political as it emanates from structural relationships of power, domination and privilege between men and society. Gender based violence is central to maintaining those political relations at home, at work and in all public spheres. Violence against women reinforces, even perpetuates, structural discrimination against women in society (Richards & Haglund, 2016: 2). According to MacKinnon reorientation in many jurisdiction is equality as lack of hierarchy, rather than sameness or difference in a relative universality that embraces rather than eliminates or levels particularity. As soon as all forms of violence against women in society, and impunity for it in law are recognized as sex inequality violations as reimagined by her, law will be made new in women's hands (MacKinnon, 2006: 111). Inspite of the recorded or rather reported incidences of crime there is still a grey area which remain hidden and unexplored. The dark figure of crime is crime that is neither reported nor recorded by enforcement agencies. It includes incidents/occurrences that meet the definition of recordable crime that are not recorded in official statistics (Penney, 2014: 536-40).

The UN declaration on the Elimination of Violence Against Women: "Any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or in private life". The types of violence involving young girls and adolescents are: (1) child abuse and neglect; (2) gender based abuse of infants and female children involving female foeticide, trafficking and prostitution; and (3) female genital mutilation. However violence involving women of reproductive age and beyond can be typified as: (1) intimate partner violence; (2) rape; (3) dowry related violence; (4) acid throwing; (5) honor killing and (6) elder abuse (Claudis& Moreno, 2005: 818-821).

Combating violence against women is a primary task of the law enforcement agencies in the society especially the policing sytem. The 'police'is a specialized, state-organized body with the primary responsibility for deploying legitimate force to safeguard security existing only in relatively complex societies (Storch, 1976:76-78). 'Policing' is an interactive process, which requires a balance between police powers and the rights of the citizens. Community values, organizational constraints and individual's decisions are correlated with policing decisions (Langworthy& Travis, 2002:5-7). In 1829, Sir Robert Peel, England's Home Secretary guided through Parliament an "Act for Improving the Police in and near the Metropolis". The Metropolitan Police Act established the first organised police force in London, comprising more than 1000 men. In U.S. Boston created the first formal police department in 1838, followed by New York in 1844 and Philadelphia in 1854. Police agencies evolved slowly in the second half of the 19th century. The modern era of policing can be traced from 1960 to the present day. Since the 1980s, the police role seemed to be changing and there was a call for police to develop a greater awareness of community issues. This resulted in the emergence of the concept of community policing (Siegal and Senna, 2008: 160-167). The main purpose of community policing is to improve on community relations. It is the sum total of all activities designed to establish and maintain a cooperative and mutually supportive relationship between the police and the community. Police officers even though may not be trained counselors can do much to the aid of the homeless, crime victims, inter-community conflicts, elderly, differently-abled and victims of domestic violence (Hale, 1994: 304-327).

To ensure efficient community services, the modern police is equipped with Information and Communication Technologies (ICTs) to prevent crime, maintain law and order and improve communication with the people. Further Geographic Information System (GIS) and Global Positioning System (GPS) are Information and Communication based technologies have now been introduced in police departments (Mascaly, 2013: 185-89). On the other hand the rising number of *cybercrime*hasalso posed threats to policing as such and more particularly to crime against women which includes indecent representation of women, cyber pornography and others.

The present gruesome situation can be countered in an attempt to analyse the three possible future of policing are: (a) the enabling police force (b) the crime fighters and (c) the social engineers (Neyroud, 2003:30-31 &Rosenbaum, 1994: 18-20). The future of policing can be made more proactive and participative through the following: (i) Police Accountability law enforcement agencies are to be accountable for crime control, order maintenance, and miscellaneous services to people and communities (Dantzer, 1999: 247); (ii) Restorative Policing- In the 1990s restorative justice called for systematic change in the criminal justice organizations including police agencies. It allows victims to explain how they really feel about what has happened and helps them to put events behind them and move on (Johnstone, 2002: 13; Hines, &Bazemore, 2003:411-415; Bazemore, 2009: 750-760); and (iii)Fairly Inclusive Recognition and high set of Social Skills- In 21st century advanced society police must be highly educated and professionally trained, and must develop competency of social interaction and problem solving skills through mediation. (Cooper, 2011: 217-229; De Souza, 2008:1).

Violence against Women in Germany

Police Crime Statistics (PCS) in Germany serve to monitor crime and individual type of offences, the size and composition of the circle of suspects and changes in crime rates. It gathers information for law enforcement purposes, for organizational planning and decision making and to carry out socio-criminological research, criminal police and preventive measures. This statistical data contains only those offences which have come to police attention, been processed by the police and before compilation begins, passed to the public prosecutor's office. It contains information on the type and number of recorded criminal offences; the date and place of the offence; the victims and criminal damage; the clear up rate; the suspect's age, gender, nationality and other characteristics. Police Crime Statistics, Federal Republic of Germany is produced by Bundeskriminalmt (Federal Criminal Police Office), Wiesbaden, Germany.

The Federal Criminal Police Office (BKA) together with the German Minister of Family Affairs has given the figures in November, 2016. 1,27, 457 people in relationships were targets of murder, bodily harm, rape, sexual assault, threats and stalking, Eighty two percent of these were women. Among women 65,800 suffered simple injuries, 11,400 were badly injured. 16,200 were subjected to threats, 8000 were victims of stalking. Stuttgart had 105 rape, assaults and robberies of women and of 77 children in the refugee centres. The refugees were from Syria, Afghanistan and Iraq. In Heidelberg, 50

¹United Nations General Assembly (UNGA). Declaration on the Elimination of Violence against Women. Proceedings of the 85th Plenary Meeting, Geneva, 20th December, 1993.

²www.dw.com/en/domestic-violence-affects-over-100000-women-in-germany/a-36482282 visited on 14.6.2018.

³Express: at www.express.co.uk. 28.11.2016 visited on 19.6.2017.

women and 58 children had to flee to a women's shelter in 2015 from violent husbands and aggressive in laws. In April 2016, the government promised to spend over 160 million pounds to combat domestic abuse. The Ministry of Families, Seniors, Women and Youth will provide money for the scheme for better protection to the vulnerable, including remodeling at migrant centres to give more privacy to female and minors. There is also a ban on alcohol into any migrant shelter. UNICEF is also ensuring training of staff to deal with the problem in more than 100 centres. Working group is framed to solve the problem in more than 100 centres and also framed to solve the problem of child marriages.⁴ Only one in 10 rapes in Germany is reported and just 8% of rape trials result in convictions. In September 2015, The Chancellor allowed entry of one million migrants from Asia, Africa and Middle East stranded in Hungary. In March 2016, there were mass attacks against German women by migrants in Cologne, Hamburg and other German cities. In the month of July, 2016, hundreds of German women and children were sexually assaulted. The youngest victim was 9 oldest was 79.5

In the year 2015 there were 181,386 reported cases of violent crime out of which there were 7,022 cases of rape and aggravated sexual coercion (sects 177(2,3,4), 178 Penal Code (PC) less than the number in 2014 which was 7345. In the year 2016, the number of violent crime was 193,542 which reduced by 2.4 % in 2017 to 188,946. This includes an increase in rape and sexual coercion in 2017 to 11,282 from 7919 in 2016. The number of cases for dangerous and serious bodily injury, female genital mutilation was 127,395 which in 2014 was comparatively less at 125,752. However the number of reported cases for dangerous and serious bodily injury decreased from 140,033 in 2016 to 173,058 by 2.1% in 2017. Intentional simple bodily injury lessened in 2017 (37,058) from 2016 (40, 033) by 2.8%. Berlin has the highest population in Germany and consequently the highest number of offences. Offences against sexual self-determination were 46,081 (2015) which amplified to 47,041 in 2016. Offences against sexual self-determination with use of violence or exploiting a state of dependence were 12,405 in 2015, enhanced to 14,492 in 2016. Sexual abuse was 22674 in 2016 and a less at 21,860 in 2015. Trafficking in human beings with intent to sexual exploitation numbered 505 in 2015 and a little less at 487 in 2016 (Police Crime Statistics, 2015, 2016 and 2017 Flyer, Federal Republic of Germany).

Violence against Women in India

Crime in India, Statistics is published by the National Crime Records Bureau, Government of India, and Ministry of Home Affairs. The statistical data covered in this report is obtained from the police of the States and Union Territories. The Bureau follows 'Principal Offence Rule' for counting of crime. The socio-economic causative factors or reasons of crimes are not captured by the Bureau. Only police registered criminal cases are considered for publication.

The total number of cases reported for violence against women in India in the year 2016 was 338954 much more than 2015 in which it was 327394. The number of rape also shows an increase in 2016 from 34651 in 2015 to 38947. Dowry deaths

⁴www.express.co.uk/news/world/736402/violence-against-women-german-refugees-rape-sexual-assault-robberies-stuttgart-battered visited on 19.6.2017.

in 2016 was 7621 a little less by 13 from 2015. The figure of cases registered for assault on women to outrage her modesty was 82422 in 2015 and 84746 in 2016. The numeral of cases registered under sexual harassment also shows an increase to 27344 in 2016 from 24041 in 2015. The number of cases registered under cruelty by husband or his relatives (Sect. 498A of the Indian Penal Code) was 110378 in 2016 and 113403 in 2015. Cases booked under Dowry Prohibition Act, 1961 was 9894 in 2015 and 9683 in 2016. Again the total cases lodged under Immoral Traffic (Prevention Act, 1956) were 2424 in 2015 and 2214 in 2016. However in 2016, a new addition was the number of Acid Attack cases shows a victim of 225. Further cases booked under Protection of Women from Domestic Violence Act, 2005 was 437 in 2016 (Crime in India, NCRB, 2015, 149-175 & Crime in India, NCRB, 2016, 133-159).

Critical Analysis of the crime statistics of violence against women in Germany and India

The data for both the countries shows that there has been an increase in the numeral of crimes/violence against women in nearly every dimension. Exploring an answer to the debacle the following may be some of the explanations:

- More strict laws are encouraging victims to seek justice and hence more number of reported cases.
- The dishonor that the victim of violence has to face is fading. Instead the offender is suffering penal measures which is encouraging for a women to report the abuse and not suppress it.
- The everyday peril that the woman has to undergo and countering the threat of fear of crime, she has to express her right for a secure and safe life where there is no trepidation of an approaching abuse can be a inspiring factor for reporting violation of her rights.
- The measures accepted by the law enforcement agencies more precisely the police is a major enticement to the target of violence and their families to opine their grievances and complain if they have faced the menace of an act of violence. It also portrays a growing confidence over the police.
- The intensification of civil society, the sensitization and consciousness of the women, women's movements are reassuring women to speak out about any violent act that they might have confronted and pleasentence of the delinquent.
- The dominance of the male, the frustration and disappointment to meet the demands of the risk society is compelling men to vent out their frustration on the women whom they consider weak. This may sound to be a cliché but the authority of the male and the typical mindset of dominanceseem to be one of the reasons for the increasing cases of abuse of women.
- Theoretically, the increase in violence against women can be explained from the point of view of personality disorder or the feminist perspective of dominance of the male.

Social ecology or routine activity theory can also provide their explanation to the rising number of abuse of women. Interaction of factors of each level of the social ecology that is the individual, family, relationships, community, society, culture contribute to perpetration of domestic abuse. These

⁵http://www.gatestonlineinstitute.org/8663/germany-migrants-rape visited on 19.6.2017.

explanations in their own way try to find an explanation for the growing number of crime against women. However none of the theories can be established as a sole answer. Situationally, this may be different and the theoretical point of departure vary from case to case and is not mutually exclusive.

- It may be clarified that both the countries are showing a rise in crime against women especially rape, over the last couple of years due to a camouflage of reasons. However by far, the concern for all of us is not just in analyzing the data but also ensure mechanisms to counter it. In this regard the law enforcement agencies has to be more proactive in combating it.
- Speedy and fair trial may also encourage victims to report about the crime. Delay in the justice delivery system, harassment during court proceedings, rejection by society deters many a victim from making a formal complaint.

Strategies of the German Police to Combat Violence against Women

The State Police Forces in Germany is known as Landespolizei. There are 16 states and each state has a state police called landespolizei. The Nationwide Police is called Bundespolizei. There are 40,000 employees with 30000 fully trained police officers. BPOL is a country wide operational police force responsible for domestic security. It is part of Germany's Ministry of Interior and is responsible for: (1) Border security including passport control. (2) Coast guard services which comprise the surveillance of land borders and national sea borders; (3) Protection; (4) Reserve forces to deal with demonstrations, disturbances or emergencies; (5) Transportation and passenger security at international airports and on German railways and (6) Rescue helicopter service. The Bundeskriminalmt (BKA) which acts as the Interpol National Central Bureau for Germany. It provides support to all federal police forces and coordinates national crime suppression activities. It also serves as the German Criminal Investigation Department. The BKA has the jurisdiction to conduct investigations relating to: (1) international trafficking weapons, ammunition, explosives or drugs; internationally organized production or exchange counterfeit currency; (3) internally organized money laundering; (4) internationally organized terrorism and (5) serious cases of computer sabotage. BKA also helps the national law enforcement partners in: (1) Forensic identification and services; (2) Research and criminal analysis; (3) Criminology and criminal investigation; (4) Researching and developing new police methods and (5) Developing new working methods aimed at suppressing crime. The BKA has national mandate for: (1) The protection of members of Germany's federal constitutional bodies and their foreign guests and (2) The prevention of suppression of politically motivated crime.6

The police laws of the sixteen states deal with the prevention of crime, the preservation of public security and order and countering impending danger. Each of the sixteen states is entitled to establish its own priorities in the field of law enforcement and policing. The BKA helps the federal and state units in clearing cases against criminals and criminal actions. The BKA works under the Federal Ministry of the Interiors.

All state police forces are subordinate to the State Ministers of the Interiors. Community Policing in Germany is known as district policing aiming to satisfy the needs of the people for a visible police that is present in the surroundings and amongst the people. Most police forces have a Community Beat Patrol for regular surveillance (Feltes, Marquardt & Schwarz, 2013: 93-114). Gewaltgegen Frauen (Violence against women) helpline offers free counseling to victims in 15 languages. An emergency call can be made to 110 to file a complaint to the police. The police is obliged to attend instantly. If it is a case of partner violence, the police can order the wrongdoer to leave the shared home for 14 days. The police can also incarcerate the accused in temporary custody in order to enforce the ban on entering the home. The Violence Protection Act also proves to be helpful. From January, 2017, psychosocial court assistance has been made a legal entitlement.⁷ Further, in July, 2016, Germany passed a 'No Means No' law that expands the definition of rape to any form of non-consensual sexual contact.8

Strategies of the Indian Police to Combat Violence against Women

Every State and Union Territory in India has its own separate police force as stated in the Article 246 of the Indian Constitution and comes under the State List. The chief of the police force in each state is the Director General of Police. The Police Act of 1861 remains the central piece of legislation and much of the work is administered by Indian Penal Code 1861, Code of Criminal procedure, 1973 and Indian Evidence Act, 1872. In India, there are 1,989,295 civil police personnel and 475,189 armed police personnel in Indian Police. The police public ratio is 1: 518 person. At the national level we have an average of one police person for every 1.28 square kilometer. There are 15,579 police stations out of which 64.5% are in rural areas. India has 60 police commissionerates in the urban areas, 114 cyber cells and 39 Social Media Monitoring System functioning in the country. There are 613 women police stations out of which 33% are in the state of Tamil Nadu (Data on Police Organization in India, 2017. BPR&D, 1-196).

In the effort towards creating themselves as 21st century police force the police commissionerateshave highlighted the cause of women, children and elderly. There are separate cybercrime cell/ cyber police stations and even cyber laboratory. New legislations like Protection of Women from Domestic Violence Act, 2005, Maintenance and Welfare of Parents and Senior Citizens Act, 2007, Protection of Children from Sexual Offences, 2012, Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act. 2013. Juvenile Justice (Care and Protection of Children) Act, 2015 and Information Technology Act, 2008 have ensure to the police a new back up to counter crime against the vulnerable. The commissione rates of the metropolitan cities in India and even the state police force in India are introducing different techniques to combat the crisis.

Appealing to the trust of the people, bridging the social distance, encouraging interaction prompt action against

⁷Violence Protection for Women in Germany: A Guide for Women Refugees, Migrants and Adolescents. 2016: 26-31.

⁸ Germany Rape Law: No means No Law passed' available at http://www.bbc.com/news/world-europe-36726095 visited on 29.6.2018.

⁹Commonwealth Human Rights Initiative, Police India- Police Organization and Structure available at human rights initiative.org7...index.php?...673%3Apolice-india-police....structure visited on 2.7.2018.

⁶http://www.interpol.int/Member-countries/Europe/ visited on 14.6.2018.

complaint, understanding the neighbourhoodunder jurisdiction are some of the ways by which the police can prove to be more operative. The principles of intelligence led policing, advanced technological surveillance in crime hot spot areas, awareness of women about how to report abuse, easy access of the law enforcement, 24x7helplines can pose some remedy to the crisis. Continuous vigilance, operational patrolling, empowerment of the common people, knowing the area will make the police people friendly and functional.

CONCLUSION

It is not wide of the mark to say that women both in a developed or a developing country do not have social security. She remains as saulted, fearful, mistreated, and oppressed irrespective of history, culture, economic stability or demography. To combat crime against women the responsibility is on law enforcement and on us - the society. Initiatives by the law enforcement can only prove to be efficacious if and only if we the society respond to it. Laws cannot alter the power disparity between men and women and will inevitably be applied everywhere and be administered by men. Legal principles places the issue of effectiveness of law outside the discourse of morality and justice into that of rights. Therefore in demanding the rights to be free of violence women are claiming what they are entitled to and what men have assumed as a right. (Chinkin 1995, 23-28)

Is it the society to be blamed? Women in both the countries are trying to overcome the crisis. They are now more aware and vocal about the atrocities imposed on women. However the positive side of the official statistics is that the abuser is exposed and the offence is punished which in most cases earlier would be suppressed. Further the negative dimension of the official statistics is the glare of the increasing atrocities and the growing trauma of women from childhood till old age. The concept of honour killing or the hidden truth to preserve family respect or honour for which cases are suppressed or the victim is killed seems to be still in practice. The respect for the integrity of women is important for the sake of themselves and not for family prestige. If her modesty is outraged it is not to be viewed as an attack on family esteem as that will subject the victim to more abuse and victimization. Two societies with distinct cultural identity, political ideology and unique yet different history have a commonality: saddening enough they have a similar picture with regard to violence against women. Talking from the feminist perspective, both the societies have patriarchy, male domination and soft procedural laws to combat violence against women. In the case of Germany the data needs to be more specific and detailed. In the case of India, the data in Crime in India happens to be extensive yet the question of dark figures remains. Therefore the true picture is elusive and deductions are based on the data that is officially published.

Combating violence against women is a combined effort of the people, law enforcement and the society where the following measures may be undertaken: ensure women's right to live a violence -free life; appraise, modify and generate new laws legislations or policies for gender-equality and victims of violence, enforce international conventions regarding rights to equality and human rights; encourage participation of men in the drive towards prevention of violence against women, curb discrimination of women in laws relating to property, inheritance, marriage and divorce laws, right to education,

employment and health care, and other fundamental rights, induce sensitization programmes in academic institutions, workplace and other congregations to spread awareness about the rights of a woman. These measures might help us to combat the menace and create a violence free world.

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