

SLOVAKIA

Recommendations to improve data collection on intimate partner violence by the police and justice sectors



The recommendations were developed after an in-depth analysis of data collection from the police and justice sectors. The relevance and feasibility of the recommendations were discussed with national professionals whose work is closely related to the topic at a meeting on 29 June 2017 in Bratislava, Slovakia. The suggestions were revised upon participants' feedback. The recommendations aim to improve administrative data collection on intimate partner violence to better inform policies and to help the Member States meet the monitoring requirements outlined in both Directive 2012/29/EU (the Victims' Rights Directive) and the Istanbul Convention.

1. Legislative and policy recommendations

Ratify the Istanbul Convention

Slovakia signed the Istanbul Convention on 11 May 2011. It was announced that it would be ratified by the end of 2016 ⁽¹⁾; however, this has not yet taken place ⁽²⁾. Nevertheless, Slovakia has already introduced some of the legislative amendments required by the convention (e.g. implementation of the European protection order, the extension of period for which a violent person can be banned from a shared residence) and established a central coordination body responsible for creating, implementing and coordinating a national policy for the prevention and elimination of violence against women ⁽³⁾.

In order to strengthen the legal and institutional framework for the protection of victims of intimate partner violence, it is recommended that the Ministry of Justice (insofar as the institution responsible for the adoption of international human rights conventions) implement all necessary measures for the ratification of the Istanbul Convention.

Commitment is needed if administrative data collection in Slovakia is to be improved

Slovakia is strongly committed to improving the management of statistics and records on violence against women, as evidenced by its actions in the field. In 2013, it adopted the national action plan for the prevention and elimination of violence against women 2014-2019 ⁽⁴⁾, which is currently the main policy document on combatting violence against women in Slovakia. The national action plan lists tasks to improve and develop the knowledge base on violence against women (e.g. to adapt the common EU indicators developed by the European Institute for Gender Equality (EIGE) to conditions in Slovakia, to create a system for the aggregate processing of statistical data and to provide for the regular publication of statistics on violence against women, etc.). According to the management report of the plan ⁽⁵⁾, these tasks are being implemented.

It is recommended that the next national action plan focus more on the problem of intimate partner violence, particularly on improvements to administrative data collection.

Adopt a legal definition of intimate partner violence and its forms

Criminal law in Slovakia has no official legal definition or common understanding of what constitutes intimate partner violence and its forms. It would be helpful to enact a legislative change similar to that introduced for offences related to extremism. A new section in the Criminal Code was proposed, which would define the offences falling within the scope of domestic violence. This would also serve to simplify the statistical reporting of domestic violence cases. Intimate partner violence could then be identified on the basis of the victim–perpetrator relationship.

It is recommended that the Ministry of Justice adopt a legal definition on intimate partner violence and its four forms (physical, sexual, psychological and economic). These definitions should be included in a draft act on domestic violence ⁽⁶⁾.

⁽¹⁾ Article on Ján Richter's announcement that the Istanbul Convention will be ratified by the end of 2016, *Aktuality.sk*, 2016 (<https://www.aktuality.sk/clanok/369451/istanbulsky-dohovor-ratifikujueme-do-konca-roka-oznamil-richter/>) (not available in English).

⁽²⁾ In September 2017, the Slovak government postponed the ratification for the second time to an undefined date. The main reason for that is the persistence of conflicting opinions on the convention (<http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=26776>) (not available in English).

⁽³⁾ Coordinating Methodical Centre for Gender-Based and Domestic Violence (<https://www.zastavmenasilie.gov.sk/en/>).

⁽⁴⁾ Government of the Slovak Republic, *National action plan for the prevention and elimination of violence against women 2014-2019*, 2013.

⁽⁵⁾ Ministry of Labour, Social Affairs and Family, *Report on the management of the tasks of the national action plan for the prevention and elimination of violence against women 2014-2019*, 2016.

⁽⁶⁾ This proposed law was expected to be presented in the second half of 2017. However, to date, it has still not been proposed and remains as a task in the national action plan for 2014-2019. Ministry of Labour, Social Affairs and Family, *Report on the management of the tasks of the national action plan for the prevention and elimination of violence against women 2014-2019*, 2016, pp. 6-7.

2. Data collection infrastructure and cooperation between different authorities

Take steps to improve coordination among authorities involved in data collection on intimate partner violence

In the framework of legislative changes aimed at fulfilling obligations under the Istanbul Convention, Slovakia has established an official body responsible for the coordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all relevant forms of violence: the Coordinating Methodical Centre for Gender-Based and Domestic Violence (CMC). There is a need and a willingness for cooperation between institutions involved in data collection on intimate partner violence. In order to allow this interinstitutional cooperation, the CMC should promote stronger cooperation, particularly between the police, the General Prosecutor's Office, the Ministry of Justice and the Statistical Office of the Slovak Republic. The CMC should be responsible for analysing and evaluating data on intimate partner violence collected in an agreed form by the police and justice sectors.

It is recommended that the CMC take on a coordinating role in order to ensure an appropriate evaluation of the existing system of data reporting and collection on intimate partner violence and to identify possible gaps and inefficiencies to be addressed. A specific platform for multi-institutional cooperation should be established involving regular meetings of representatives of the institutions (e.g. twice a year).

Take steps to fully integrate data collection across the police and justice services

Slovakia's data collection infrastructure is fragmented. All bodies active in criminal proceedings (i.e. police, prosecutors and courts) have their own independent data collection systems, which categorise intimate partner violence offences differently. There are forthcoming technical changes within the police and justice sectors. This new planned system should help to improve statistical reporting, with statistics forming part of the so-called electronic investigation file.

It is recommended that the CMC ensure that the interinstitutional meeting discusses, among other things, the best use of the electronic investigation file to track cases of intimate partner violence, as it may serve in the future as an important source of statistical information.

Consider assessing the costs of intimate partner violence

Slovakia has not yet developed its own method of calculating the costs of data collection on intimate partner violence. Based on EIGE's 2014 study ⁽⁷⁾, the costs of intimate partner violence against women could amount to EUR 1.17 billion per year. Slovakia would be able to calculate the costs based on EIGE's purpose-built economic model. However, this necessitates, as a variable, the total number of intimate partner violence cases reported to the police and handled by the courts.

It is therefore recommended that Slovakia take advantage of the models developed by EIGE in establishing a model for costs of intimate partner violence against women using the purpose-built economic model.

3. Technical recommendations

3.1. Recommendations on data recording systems

Take steps to determine what offences fall under physical/psychological/sexual/economic violence and to provide separate data on each of these forms of violence

Intimate partner violence is not legally defined in Slovakia, nor is there a common understanding of what offences of criminalised intimate partner violence would fall under each form of violence. It is necessary, therefore, to determine what offences, including their provisions of the Criminal Code, comprise these different forms of violence.

It is recommended that the CMC, together with representatives from the police and justice sectors, determine the offences that fall under each of the forms of violence and incorporate this information in guidelines for police and justice officers so that it can be integrated into their classification systems.

(7) EIGE, *Estimating the costs of gender-based violence in the European Union*, Publications Office of the European Union, Luxembourg, 2014.

Take steps to track cases of intimate partner violence from initial reporting through to the end of criminal proceedings

Slovakia has no vertical integration of data collection across the phases of criminal proceedings (i.e. there is no single identifier for each case/victim/offender), making it impossible to track a case from the time of its reporting to the end of the criminal proceedings.

It is recommended that the forthcoming electronic investigation file be used to address this problem. This electronic system will be used by all relevant parties, from the police to the courts, so that information on an offender's previous intimate partner violence incidents is known to the prosecutors and to the courts.

Train police and court personnel to better recognise and recode intimate partner violence cases

Appropriate training is crucial to develop an effective approach to intimate partner violence data collection. Police and court personnel should be more extensively trained to recognise and recode intimate partner violence cases (e.g. how to accurately fill in the statistical sheet in the case of court personnel).

It is recommended to create and implement systematic training for police and court personnel provided by experts on intimate partner violence and data collection.

3.2. Recommendations on the indicators proposed by EIGE

Indicator 1 — Annual number of women (aged 18 and over) victims of intimate partner violence ⁽⁸⁾ committed by men (aged 18 and over), as recorded by police

Slovakia can populate this indicator. There is no data collected on victims of intimate partner violence as such, but data on the number of women victims of offences, which criminalised cases related to intimate partner violence, can be retrieved from the police's statistics. This indicator will be populated from the criminal statistics recorded by the police by combining all offences related to intimate partner violence committed by a spouse or cohabitant.

In order to populate this indicator and indicators 4, 5, 6 and 7 in a separate sheet, Slovakia needs to specify which offences fall under each form of violence.

The following list of offences is proposed to be considered for this general category of intimate partner violence and for indicators 4, 5, 6 and 7 (as it specifies clearly which offences should fall under each form of violence).

General category for indicator	Existing offences — statistical classification
Physical intimate partner violence	First-degree murder (Section 144), second-degree murder (Section 145), killing (Sections 147-148), homicide (Section 149), participating in a suicide (Section 154), bodily harm (Sections 155-158), deprivation of personal freedom (Section 182), restriction of personal freedom (Section 183), restriction of the freedom of residence (Section 184), extortion (Section 189), coercion (Section 192), forcible entry into dwelling (Section 194), battering a close person and a person entrusted into one's care (Section 208), violence against a group of citizens and against an individual (Section 359), serious threats (Section 360), serious stalking (Section 360a)
Sexual intimate partner violence	Rape (Section 199), sexual violence (Section 200), sexual abuse (Sections 201-202), battering a close person and a person entrusted into one's care (Section 208)
Psychological intimate partner violence	Participating in a suicide (Section 154), coercion (Section 192), extortion (Section 189), serious stalking (Section 360a), defamation (Section 373), battering a close person and a person entrusted into one's care (Section 208)
Economic intimate partner violence	Robbery (Section 188), theft (Section 212), battering a close person and a person entrusted into one's care (Section 208)

⁽⁸⁾ Any act of physical, sexual, psychological or economic violence that occurs between former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim (EIGE, *Terminology and indicators for data collection: Rape, femicide and intimate partner violence*, Publications Office of the European Union, Luxembourg, 2017).

Indicator 2 — Annual number of reported offences related to intimate partner violence against women committed by men (aged 18 and over)

Slovakia can populate this indicator. Intimate partner violence is not a distinct legal offence. Intimate partner violence is criminalised under several offence provisions of the Criminal Code. The police has made considerable progress in collecting data on offences related to domestic violence through the use of a separate statistical sheet, 'offences committed in relation to "domestic violence"'.

For indicators 1 and 2

It is recommended that the police revise the current statistical sheet on domestic violence to be in line with the abovementioned list of offences upon the agreement at the interinstitutional meeting. In the statistical sheet, the form of violence should be clearly specified. The statistical sheet could then be used as a data source on crimes related to intimate partner violence.

Indicator 3 — Annual number of men (aged 18 and over) perpetrators of intimate partner violence against women (and percentage of male population that are perpetrators)

Slovakia can populate this indicator.

It is recommended that the list of offences be reviewed and agreed among all institutions, particularly the classification of the different types of violence in data-gathering tools.

Indicator 4 — Annual number of women (aged 18 and over) victims of physical intimate partner violence ⁽⁹⁾ committed by men (aged 18 and over), as recorded by police

Slovakia can populate this indicator from the police's statistics on victims. This indicator provides an annual overview of the number of victims of all offences, broken down by gender, age group, occupation, victim–perpetrator relationship, etc. It includes the category of violent criminality, under which most physical violence offences are listed.

It is recommended to make calculations to populate this indicator by counting the number of victims of offences related to physical violence.

Indicator 5 — Annual number of women (aged 18 and over) victims of psychological intimate partner violence ⁽¹⁰⁾ committed by men (aged 18 and over), as recorded by police

Slovakia can populate this indicator from the police's statistics on victims. This indicator provides an annual overview of the number of victims of all offences, broken down by gender, age group, occupation, victim–perpetrator relationship, etc. However, it misses the category of psychological violence.

It is recommended that the category of psychological violence be added to the statistical sheet. This indicator could then be calculated by counting the number of victims of offences related to psychological violence.

Indicator 6 — Annual number of women (aged 18 and over) victims of sexual intimate partner violence ⁽¹¹⁾ committed by men (aged 18 and over), as recorded by police

Slovakia can populate this indicator from the police's statistics on victims. This indicator provides an annual overview of the number of victims of all offences, broken down by gender, age group, occupation, victim–perpetrator relationship, etc. Sexual crimes are listed under the category of moral criminality.

It is recommended to distinguish the category of sexual violence in the statistical sheet. This indicator could then be calculated by counting the number of victims of offences related to sexual violence.

⁽⁹⁾ Any act which causes physical harm to the partner or former partner as a result of unlawful physical force. Physical violence can take the form of, among others, serious and minor assault, deprivation of liberty and manslaughter (EIGE, 2017).

⁽¹⁰⁾ Any act or behaviour which causes psychological harm to the partner or former partner. Psychological violence can take the form of, among others, coercion, defamation, verbal insult or harassment (EIGE, 2017).

⁽¹¹⁾ Any sexual act performed on the victim without consent. Sexual violence can take the form of rape or sexual assault (EIGE, 2017).

Indicator 7 — Annual number of women (aged 18 and over) victims of economic intimate partner violence⁽¹²⁾ committed by men (aged 18 and over), as recorded by police

Slovakia can populate this indicator from the police's statistics on victims. This indicator provides an annual overview of the number of victims of all offences, broken down by gender, age group, occupation, victim–perpetrator relationship, etc. It includes the category of economic criminality; however, offences of robbery or theft are not listed. This indicator could be calculated by counting the number of victims of offences related to economic violence.

It is recommended that the list of offences be reviewed and agreed among all institutions, particularly the classification of the different types of violence in data-gathering tools.

Indicator 8 — Annual number of women (aged 18 and over) victims reporting rape⁽¹³⁾ committed by men (aged 18 and over), as recorded by police

Slovakia can populate this indicator from the police's statistics. Rape is listed under the category of moral criminality.

Indicator 9 — Women victims of intimate femicide⁽¹⁴⁾ (aged 18 and over) committed by a male intimate partner (aged 18 and over), as a share of the women victims of homicide (aged 18 and over)

Slovakia can populate this indicator from the police's statistics.

It is recommended that the offences falling under femicide be clearly defined in order to ensure comprehensive data.

Indicator 10 — Annual number of protection orders applied for and granted in cases of intimate partner violence against women by type of court

Slovakia is unable to populate this indicator. The Analytical Centre of the Ministry of Justice has no such specific data on protection orders.

It is recommended that institutions involved in issuing protection orders make necessary changes to their system so that more detailed statistical information can be obtained on protection orders that are requested and granted.

Indicator 11 — Number of men (aged 18 and over) prosecuted for intimate partner violence against women

Slovakia is unable to populate this indicator.

The Analytical Centre of the Ministry of Justice does not register this information. The only data available refers to the number of sentenced persons who were found guilty upon a final conclusive sentencing judgment. The General Prosecutor's Office especially monitors the way criminal proceedings end. Neither body can provide data on police or court statistics. The recording of the state of the proceedings for the alleged charge against an offender and the criminal proceedings against an unknown offender is a field in which the police operates. However, the General Prosecutor's Office has indicative data in the framework of police monitoring during criminal investigations. The number of prosecuted persons for offences under sections of the Criminal Code is published yearly in the Statistical Office of the Slovak Republic's *Statistical yearbook on activities of the Prosecutor's Office of the Slovak Republic*, but is not disaggregated by gender.

It is recommended that the indicative data on police investigations be disaggregated by sex to be used as approximate data. In the longer term, it would be useful to make changes to the recording systems used by the General Prosecutor's Office so that they can monitor incoming cases from the police based on the criminal charges.

⁽¹²⁾ Any act or behaviour which causes economic harm to the partner. Economic violence can take the form of, among others, property damage, restricting access to financial resources, education or the labour market, or not complying with economic responsibilities, such as alimony (EIGE, 2017).

⁽¹³⁾ Sexual penetration, whether vaginal, anal or oral, through the use of object or body parts, without consent, using force, coercion or by taking advantage of the vulnerability of the victim (EIGE, 2017).

⁽¹⁴⁾ The killing of a woman by an intimate partner and death of a woman as a result of a practice that is harmful to women. Intimate partner is understood as former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim (EIGE, 2017).

Indicator 12 — Annual number of men (aged 18 and over) sentenced for intimate partner violence against women

Slovakia is able to populate this indicator. Data is retrieved from the statistical sheet for criminal cases. The overall number has been counted based on the number of sentenced persons of offences related to intimate partner violence. Since 1 January 2018, the Ministry of Justice has extended the categories used for the victim–perpetrator relationship to ex-spouse and ex-partner (in addition to ‘spouse’ and ‘cohabitee’, which had previously been used).

Indicator 13 — Annual number of men (aged 18 and over) sentenced for intimate partner violence against women and held in prison or with a sanction involving a form of deprivation of liberty

Slovakia is able to populate this indicator. Data is retrieved from the statistical sheet for criminal cases. The overall number has been counted based on the number of persons who were imposed unconditional imprisonment sentences for offences related to intimate partner violence.



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Luxembourg: Publications Office of the European Union, 2018

Print	ISBN 978-92-9470-364-4	doi:10.2839/343678	MH-01-18-130-EN-C
PDF	ISBN 978-92-9470-365-1	doi:10.2839/200916	MH-01-18-130-EN-N

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