

HUNGARY

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 11 July 2017 in Budapest, Hungary. 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

Amend existing criminal offence provisions

The Hungarian Criminal Code has no criminal offence provision that fully corresponds to the international definition of the offence of intimate partner violence. Instead, several offences, such as relationship violence, penalise crimes committed against intimate partners ⁽¹⁾. The offence of relationship violence, however, has a limited scope. While it defines the possible perpetrators, it also specifies that it is a subsidiary offence and allows for investigation only on the basis of the victim's report.

Legislation is in place in respect of the collection of statistical data, which encompasses data in relation to all criminal offences covered by the country's Criminal Code. There is no legislation specific to the collection of statistical data on intimate partner violence.

It is recommended that Hungary update its existing criminal offence provisions to include intimate partner violence, as defined in international law. Moreover, it is recommended to develop legislation specific to the collection of statistical data on intimate partner violence.

Take steps to ratify the Istanbul Convention

The Istanbul Convention was signed on 14 March 2014 but has not been ratified yet. Nor have any authorities been officially assigned to data collection and reporting to the Council of Europe ⁽²⁾. Stakeholders have suggested that the National Crime Prevention Council should be entrusted with this task.

It is recommended that Hungary ratify the Istanbul Convention and designate an authority responsible for the coordination of data collection.

2. Data collection infrastructure and cooperation between different authorities

Take steps towards full integration of data collection across the police and justice services

A system for the collection of statistical data on all criminal offences covered by the Criminal Code is in place. Data relevant to this study is recorded by the police via the unified system of criminal statistics of the investigative authorities and of the public prosecution services (ENYÜBS). As ENYÜBS also serves as the Prosecution Service's main statistical data recording system, the two authorities already share (at least partially) the same data collection system, thereby facilitating the availability of reliable and comparable nationwide data on intimate partner violence cases.

The National Office for the Judiciary uses a different system to record data on the number of final decisions. This data is recorded in line with a registration mechanism ⁽³⁾, which is published on the website of the National Office for the Judiciary. As there is no legal obligation to do so, the National Office for the Judiciary does not collect data on victims' age, sex or relationship with the perpetrator.

On 1 July 2018, a new Criminal Procedure Code will enter into force. In advance of this, the Ministry of the Interior and the National Office for the Judiciary are considering revising the ENYÜBS system to ensure the collection of harmonised data by the police, prosecution services and judiciary.

It is recommended that, in the long term, an integrated system be developed so that the police, the judiciary and prosecution services can collect information and data in a consistent manner. This would allow for similar datasets to be made available, covering all stages of the criminal proceedings.

⁽¹⁾ Act C of 2012 on the Hungarian Criminal Code (http://thb.kormany.hu/download/a/46/11000/Btk_EN.pdf).

⁽²⁾ Information obtained during the July 2017 stakeholder meeting.

⁽³⁾ Further information on the registration mechanism is available on the website of the National Office for the Judiciary (not available in English).

Take steps to ensure the publication of data on intimate partner violence

Here, issues arise in connection with the accessibility of data. Whilst some data is publicly available (in particular via ENYÜBS), the data does not provide sufficient information on the scale of the issue. In addition, some relevant data is available only on request. In view of the wide range of data collected, the authorities purposefully limit the amount of data published via ENYÜBS for efficiency reasons. However, any data can be made available on request.

It is recommended that an optimal solution be developed, allowing for the publication of more data by the authorities without compromising efficiency. An alternative would be to publish relevant thematic reports based on the extracted data.

Take steps to estimate the costs of intimate partner violence cases for the police and justice sectors

Research has shown that some of the costs of intimate partner violence to the police and the judiciary could be quantified by using economic modelling techniques ⁽⁴⁾. The purpose-built economic model developed by EIGE ⁽⁵⁾ could be partially populated on the basis of publicly available information. It is an issue, however, that costs linked to the data collection activities of the competent authorities are not quantified, and very little information is publicly available on the economic impact of dealing with intimate partner violence cases for the police and justice sectors.

It is recommended that more quantitative evidence on the costs of intimate partner violence cases be collected and published.

Take steps to make datasets on intimate partner violence available in English

None of the existing data sources contain data in English. This might create difficulties in data comparability for users and those handling data.

It is recommended that data also be published in English. This would require the authorities to create a glossary matching Hungarian terms with their English-language counterparts. Such a glossary would help the authorities to register and subsequently publish the data in a harmonised way.

3. Technical recommendations

3.1. Recommendations on data recording systems

Take steps to ensure the recording of data related to intimate partner violence offences in line with international standards

Data collection methods are not yet fully harmonised with International Classification of Crime for Statistical Purposes (ICCS) classifications. Hungary has begun to take steps in this direction. Data collection methods are expected to be harmonised with ICCS standards by 2017.

It is recommended that pre-defined variables include separate categories in order to identify incidents that occur between different types of current or former partners. The minimum categories should include those set out in ICCS, i.e. current and former spouses, and current and former intimate partners.

Ensure the collection of data by type of intimate partner violence by the justice sector

Data from courts is crucial in gaining a complete understanding of the phenomenon of intimate partner violence. In the absence of a specific legal obligation, the National Office for the Judiciary does not collect data on victims' age, sex or relationship with the perpetrator.

It is recommended that court services collect and publish data on court decisions related to the four forms of intimate partner violence, i.e. physical, psychological, sexual and economic violence. The judiciary should collect data on victims' age, sex and relationship with the perpetrator.

⁽⁴⁾ EIGE, *Estimating the costs of gender-based violence in the European Union*, Publications Office of the European Union, Luxembourg, 2014.

⁽⁵⁾ This model aims to calculate the average cost of an intimate partner violence incident, by multiplying the total number of intimate partner violence incidents by the total criminal justice budget/total number of events processed within this budget. This model is characterised by a top-down approach, as it relies primarily on large aggregates.

Ensure the systematic recording of intimate partner violence cases

Police data exists in relation to all offences. For those offences which can be committed against a natural person (thus a large majority of existing offence provisions) statistical data exists on the victim–perpetrator relationship, suggesting that information is available on whether or not an offence was committed by an intimate partner. It should therefore be possible to populate the European Institute for Gender Equality (EIGE)'s indicators with statistical data.

In practice, however, it is not yet possible to populate all indicators in line with EIGE's definitions, chiefly because several offence provisions could correspond to intimate partner violence as defined in the Istanbul Convention. Each authority has a different interpretation of the matching offence provisions.

It is recommended that a working group (or similar) for the classification of offences per indicator be created. This working group should, if possible, be coordinated by the Central Statistical Office and should comprise all relevant stakeholders ⁽⁶⁾.

Provide training for those dealing with the collection and processing of data

The implementation of gender-sensitive training for the personnel responsible for data collection is also important.

It is recommended that all personnel dealing with data collection be provided with adequate training to ensure the systematic recording of all relevant information.

3.2. Recommendations on the indicators proposed by EIGE ⁽⁷⁾

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

In relation to all offences which can be committed against a natural person, information is available on whether or not an offence was committed by an intimate partner. Consequently, it should be possible to populate indicator 1. In practice, however, it is not yet possible to populate the said indicator, chiefly because several offence provisions could correspond to intimate partner violence. Views differ regarding the interpretation of the matching offence provisions.

The police have provided partial data linked to indicator 1, focusing on a single offence provision (relationship violence). Some other offence provisions might also be relevant.

The classification of the offence provisions corresponding to indicator 1 is recommended.

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

The authorities have not provided data for this indicator, though the statistical data collection system registers whether or not the offence was committed by an intimate partner.

Stakeholders have clarified that this is likely due to a lack of agreement on the category of offence provisions corresponding to indicator 2.

The classification of the offence provisions corresponding to indicator 2 is recommended.

⁽⁶⁾ On 19 October 2017, the Central Statistical Office organised a meeting for representatives of the police, prosecution service, different Ministries and NGOs. The aim of the meeting was to match the offences set out in the Criminal Code with the offence provision of intimate partner violence, as set out in the Istanbul Convention. As agreed with EIGE, the results of this meeting have not been included here.

⁽⁷⁾ Hungary has initiated a project to identify all the offences relevant for each indicator. However, this process must continue and be concluded so that Hungary can fully report on the indicators.

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

The authorities have not provided data for this indicator, though the statistical data collection system registers whether or not offences were committed by an intimate partner.

Stakeholders have clarified that this is likely due to a lack of agreement on the category of offence provisions corresponding to indicator 3.

It is often difficult to get an overview of the number of male perpetrators committing intimate partner violence, as, when registering the (possible) offence, the police record only a single attribute specifying the victim–perpetrator relationship. This is problematic in cases where more than one perpetrator committed the crime against one victim. In these cases, the fact that one of the perpetrators was an intimate partner is often omitted.

To allow for the registration of multiple attributes per victim, the adjustment of the statistical data collection system is recommended.

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

Although the statistical data collection system registers whether or not an offence was committed by an intimate partner, the police have partially populated this indicator on the basis of statistical data linked to bodily harm. This offence provision does not fully correspond to physical intimate partner violence. Some other offence provisions might also be relevant here.

The classification of the offence provisions corresponding to indicator 4 is recommended.

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

Although the statistical data collection system registers whether or not an offence was committed by an intimate partner, the police have partially populated this indicator on the basis of statistical data linked to coercion. This offence provision does not fully correspond to psychological intimate partner violence. Some other offence provisions might also be relevant here.

The classification of the offence provisions corresponding to indicator 5 is recommended.

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

Although the statistical data collection system registers whether or not an offence was committed by an intimate partner, the police have partially populated this indicator on the basis of statistical data linked to sexual coercion. This offence provision does not fully correspond to sexual intimate partner violence.

While classifying the offences, due consideration should be given to the fact that the Criminal Code has two provisions penalising sexual misconduct, i.e. sexual coercion and sexual violence. The former cannot be considered the equivalent of sexual intimate partner violence and the latter is not the same as rape as defined by the Istanbul Convention. In both cases the victim is subject to sexual behaviour, with only the extent of the coercion differing. In this respect, sexual coercion is less severe than sexual violence.

The classification of the offence provisions which correspond to indicator 6 is recommended. In addition to this, the authorities should introduce a coding system for statistical data collection which is closer to the categories of sexual intimate partner violence and rape as defined in indicators 6 and 8.

⁽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

The authorities have not provided data for this indicator, though the statistical data collection system registers whether or not an offence was committed by an intimate partner. Stakeholders have clarified that this is likely due to a lack of agreement on the category of offence provisions corresponding to indicator 7.

Stakeholders have suggested that seemingly less relevant offences could also be considered in classifying the offences, such as the offence provision of non-support.

The classification of the offence provisions corresponding to indicator 7 is recommended.

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

Although the statistical data collection system registers whether or not an offence was committed by an intimate partner, the police have partially populated this indicator on the basis of statistical data linked to sexual violence. This offence provision does not fully correspond to rape.

While classifying the offences, due consideration should be given to the fact that the Criminal Code has two provisions penalising sexual misconduct, i.e. sexual coercion and sexual violence. The former cannot be considered the equivalent of sexual coercion and the latter is not the same as rape. In both cases the victim is subject to sexual behaviour, with only the extent of the coercion differing. In this respect, sexual coercion is less severe than sexual violence.

The classification of the offence provisions which correspond to indicator 8 is recommended. In addition to this, the authorities should introduce a coding system for statistical data collection which is closer to the categories of sexual intimate partner violence and rape as defined in indicators 6 and 8.

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)

The authorities have not provided data for this indicator, though the statistical data collection system registers whether or not an offence was committed by an intimate partner.

Stakeholders have clarified that this is likely due to a lack of agreement on the category of offence provisions corresponding to indicator 9.

Stakeholders have noted that while classifying the offences corresponding to indicator 9, due consideration should be given to the fact that some crimes (other than homicide) are more severely punishable if they result in the death of the victim, for example the offence provision of bodily harm.

The classification of the offence provisions corresponding to indicator 9 is recommended.

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

Relevant data is available but not published, therefore the judicial authorities were asked to populate indicator 10.

Some stakeholders have pointed out that administrative data other than that collected by the judiciary also exists, as Hungarian law recognises three types of protection orders: temporary protection orders, ordered by the police; preventative protection orders, ordered by a court; and protection orders, ordered by the court during a criminal procedure.

In the absence of justice data, information could be gathered on the number of protection orders ordered by the police. Such data, however, would only provide partial information on the number of protection orders applied and granted.

⁽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).

The publication of relevant data in order to ensure an understanding of the scale of intimate partner violence is recommended.

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

Relevant data is available but not published. The judicial authorities (prosecution services) were asked to populate indicator 11 but did not provide relevant data.

The publication of relevant data in order to ensure an understanding of the scale of intimate partner violence is recommended.

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

As there is no legal obligation to do so, the courts do not collect data on victims' age or sex or victim–perpetrator relationships.

The collection and publication of relevant data for this indicator is recommended.

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

As there is no legal obligation to do so, the courts do not collect data on victims' age or sex or victim–perpetrator relationships.

The collection and publication of relevant data for this indicator is recommended.



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