

LUXEMBOURG

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 12 September 2017 in Paris, France. 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

Ensure ongoing efforts on administrative data collection

The commitment of decision-makers gives impetus for change and ensures its durability by embedding systematic practices in administrative data collection on intimate partner violence in the police and justice sectors. Recommendations for the further improvement of the already high standard data collection process in Luxembourg are detailed below.

2. Data collection infrastructure and cooperation between different authorities

Ensure ongoing cooperation between the institutions

Luxembourg, partially due to the size of the country, enjoys a high level of cooperation between the different institutions of law enforcement, and this benefits the efforts being made to address the cross-cutting nature of gender violence. There is an ongoing, close relationship between the members of prosecution services, the police, victims' services and the committee for cooperation between professionals working in the field of the fight against violence (*comité de coopération entre les professionnels dans le domaine de la lutte contre la violence*) (the cooperation committee) ⁽¹⁾. In fighting against violence, the *Riicht Eraus* social service for perpetrators, which is member of the abovementioned committee, plays an important role. This level of close cooperation has the potential to further improve efforts in the field, including better data collection.

It is recommended that stakeholders from different backgrounds with institutional priorities understand each other's needs and develop strategies to accommodate this diversity. The ongoing cooperation should be preserved and enhanced.

Publish more data, ideally in the form of dynamic tables

The statistical information available is presented in the cooperation committee's annual report in the form of static tables, and does not cross-reference variables like type of offence or the relationship between the victim and the perpetrator. This results in limited published information concerning the instances of intimate partner violence.

It is recommended that more data, including these cross-variables, be prepared for publication, preferably published in the form of dynamic tables, from a link accessible from the Ministry of Equality website. This would give users the possibility to choose the datasets they need and cross-reference different aspects.

Take steps towards calculating the costs of intimate partner violence to the police and justice sectors

Violence against women in general and intimate partner violence in particular have far-reaching impacts on societies. A considerable amount of human and financial resources is devoted to dealing with cases of violence within the police and justice institutions. Although Luxembourg has not developed its own method of calculating these costs, the number is estimated to be around EUR 114 million per year ⁽²⁾. It is important to estimate the costs based on the national context to make informed policy decisions.

It is recommended to take necessary steps towards developing a methodology for calculating the cost of intimate partner violence to police and justice services. The purpose-built model developed by the European Institute for Gender Equality (EIGE) could be used. The data needed for this model would be relatively easy to obtain. The number of crimes processed by the police and the number of interventions by the police related to domestic violence cases are available. Annual police expenditure is also available ⁽³⁾. These can be used for the aforementioned model. For the justice sector, the number of cases related to domestic violence can be used.

⁽¹⁾ Stakeholder consultation, June 2017.

⁽²⁾ The figure is calculated according to the methodology used in EIGE's 2014 study based on broad extrapolation of UK data (EIGE, *Estimating the costs of gender-based violence in the European Union*, Publications Office of the European Union, Luxembourg, 2014).

⁽³⁾ Police of the Grand Duchy of Luxembourg, *2016 Annual activity report* (<https://gouvernement.lu/en/publications/rapport-activite/minist-securite-interieure/police-grand-ducale/2016-rapport-activite-police.html>) (Not available in English).

3. Technical recommendations

3.1. Recommendations on data recording systems

Improve data collection from the police sector by including relationship information in the standard forms for police interventions

Administrative data collection on incidents related to intimate partner violence is built on the Domestic Violence Act (*la loi du 8 septembre*). This act specifies certain offences of the Penal Code and considers the existence of family relationships between the victim and the perpetrator as an aggravating circumstance for these offences. At the same time it establishes which data is to be collected for breakdowns. The sex and age of the victim and the perpetrator, as well as the relationship between the two, are collected systematically when there is a police intervention regarding domestic violence. However, this detailed data collection does not go beyond the Domestic Violence Act. Furthermore, due to the scope of the Domestic Violence Act, the same level of information is not collected for incidents taking place between people who do not live, or have never lived, together.

It is recommended that relationship information be systematically recorded for all offences reported to the police. Changes to the recording systems would provide at least the possibility to extract the information if needed.

Improve data collection from the justice sector: record relationship information for outcomes of court procedures for statistical purposes

Data collection on detailed breakdowns within the justice system currently covers the stages from the police intervention to the beginning of the court case. Statistical information published on court cases includes total numbers of decisions without breakdowns, which are necessary to grasp the phenomenon of intimate partner violence. Essential breakdowns, such as the relationship between the victim and the perpetrator, are not readily available.

It is recommended that for all cases that come before the court, the sex of the victim and the perpetrator, as well as the relationship between the two, be recorded in a way that allows quick extraction of data.

3.2. Recommendations on the indicators developed by EIGE

Indicator 1 — Annual number of women (aged 18 and over), victims of intimate partner violence (4) committed by men (aged 18 and over), as recorded by the police

Luxembourg is able to partially populate this indicator. Currently, for all the police interventions falling under the Domestic Violence Act, there is enough detailed information to distinguish between different types of relationships. Also, the number of female victims in cases of domestic violence (police interventions) is readily available from the annual report of the cooperation committee (5). However, for other offences which do not fall under the scope of the Domestic Violence Act, the data remains limited.

To be able to fully populate this indicator, it is recommended that police record specific relationship information for all police interventions based on the police form, rather than the intervention form regarding domestic violence.

(4) 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).

(5) *Comité de coopération entre les professionnels dans le domaine de la lutte contre la violence, Annual Report to the Government, 2015*, p. 11.

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

Luxembourg is able to partially populate this indicator. For all the police interventions falling under the Domestic Violence Act, there is enough detail of information to distinguish between different types of relationships. Also, the number of female victims in the cases of domestic violence and the number reported incidents (police interventions) are readily available from the annual report of the cooperation committee ⁽⁶⁾. However, for other offences which do not fall under the scope of the Domestic Violence Act, for instance violence between people who are not living together at the moment of the reporting or people who have never lived together, data remains limited.

To be able to fully populate this indicator, it is recommended that the police record the specific relationship information for all police interventions based on the police form, rather than the intervention form regarding domestic 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)

This indicator can be partially populated. The number refers to the number of perpetrators in police interventions within the context of domestic violence. The same limitation of offences and scope applies to indicator 3 as well.

It is recommended that police record the specific relationship information for all police interventions based on the police form, rather than the intervention form regarding domestic violence.

General category for indicator	Existing offences — statistical classification	Offences to be considered for addition
Physical intimate partner violence	Attempted homicide, assault without injury, assault resulting in injury, (forced) abortion attempt, battery, use of violence, deprivation of liberty	Administration of harmful substances and related offences (Articles 397, 402-405, 407 and 408)
Sexual intimate partner violence	Attack on modesty, rape	N/A
Psychological intimate partner violence	Threats against person or property, defamation, murder threat, threat with firearms, threat with thrusting weapons	Obsessive stalking (Article 442(2))
Economic intimate partner violence	Simple theft, other theft, destruction of immovable property, destruction of movable property, other offences against property	N/A

Indicator 4 — Annual number of women (aged 18 and over) victims of physical intimate partner violence ⁽⁷⁾ committed by men (aged 18 and over), as recorded by police

This indicator can be partially populated. The existing statistical information provides the number of police interventions broken down by offence category, but does not specify the type of offence cross-referenced with the relationship information. The offences listed above cover both those that fall under the scope of the Domestic Violence Act and those from the Penal Code. The Domestic Violence Act effectively covers most forms of physical violence, therefore the data seems to be comprehensive. Additionally, data is available on the incidents related to Articles 348-349 and 352 (related to forced abortion). Some other offences can also be considered relevant, such as Articles 397, 402-405, 407 and 408 (about the administration of harmful substances which may or may not provoke death of the person).

⁽⁶⁾ Comité de coopération entre les professionnels dans le domaine de la lutte contre la violence, *Annual Report to the Government*, 2015, p. 11.

⁽⁷⁾ 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).

Indicator 5 — Annual number of women (aged 18 and over) victims of psychological intimate partner violence ⁽⁸⁾ committed by men (aged 18 and over), as recorded by police

This indicator can be partially populated. The existing statistical information lists the numbers of police interventions broken down by offence category. The current coverage of the Domestic Violence Act includes some offences related to psychological violence. Additionally, the annual report includes some offences related to incidents of domestic violence even though these are not explicitly covered by the Domestic Violence Act (defamation and attacks on the reputation of the person (Articles 443, 444 and 448)). Some additional offences can be considered, notably obsessive stalking (Article 442(2)).

Indicator 6 — Annual number of women (aged 18 and over) victims of sexual intimate partner violence ⁽⁹⁾ committed by men (aged 18 and over), as recorded by police

This indicator can be partially populated. The statistical information provides lists of the numbers of police interventions broken down by offence category. The offences within the scope of the Domestic Violence Act effectively cover all possible types of sexual violence (as recognised by the Penal Code of Luxembourg).

Indicator 7 — Annual number of women (aged 18 and over) victims of economic intimate partner violence ⁽¹⁰⁾ committed by men (aged 18 and over), as recorded by police

This indicator can be partially populated. The Domestic Violence Act currently does not cover any offence that might be directly, or indirectly, related to economic violence. On the other hand, there is data on offences (simple theft/theft with false key/destruction of mobile and immobile property/destruction of documents/damage to property of others) recorded by the police within the context of domestic violence. However, as mentioned for the other indicators, it is not possible to populate the indicator with the available information.

For indicators 4-7

It is recommended that police record the specific relationship information for all police interventions based on the police form, rather than the intervention form regarding domestic violence. The data should be cross-referenced by type of violence, sex of the victim and the perpetrator and the relationship between them.

Indicator 8 — Annual number of women (aged 18 and over) victims reporting rape ⁽¹¹⁾ committed by men (aged 18 and over), as recorded by police

Luxembourg is able to populate this indicator.

Indicator 9 — Women victims of intimate femicide ⁽¹²⁾ (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)

Luxembourg is not able to populate this indicator. The homicide offence is not considered within the context of domestic violence. Therefore, the relationship between the victim and the perpetrator is not recorded. However, this indicator can be populated with manual calculation, due to the very small number of such incidents taking place in the country. Nevertheless, long-term structural solutions should be adopted for long-term efficiency.

It is recommended that the exact relationship between the victim and the perpetrator be recorded for all of these offences.

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

Luxembourg is able to populate this indicator.

⁽⁸⁾ 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).

⁽⁹⁾ Any sexual act performed on the victim without consent. Sexual violence can take the form of rape or sexual assault (EIGE, 2017).

⁽¹⁰⁾ 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).

⁽¹¹⁾ 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).

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

Luxembourg is not able to populate this indicator. There is statistical information available on the case files related to incidents of domestic violence, based on the articles listed in Article 3 of the Domestic Violence Act. It is possible to see the breakdown by article. However, these numbers are only general and there is no breakdown by sex or the relationship between the parties.

It is recommended to make the necessary changes to the system to record the missing information, not only for cases related to the offences specified by the Domestic Violence Act, but for all offences listed in the Penal Code.

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

Luxembourg is currently not able to populate this indicator. The specific details which are necessary to discern the extent of intimate partner violence are not analysed for court proceedings, including the outcomes. Data is available on the number of court decisions that are related to domestic violence incidents. However, further details, such as the relationship between the victim and the perpetrator, are missing.

It is recommended that the information on the relationship between the victim and the perpetrator be recorded and analysed for all court proceedings.

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

Luxembourg is currently not able to populate this indicator. The specific details which are necessary to discern the extent of intimate partner violence are not analysed for court proceedings, including the outcomes. Data is available on the number of court decisions that are related to domestic violence incidents. However, further details, such as the relationship between the victim and the perpetrator, are missing.

It is recommended that the information on the relationship between the victim and the perpetrator be recorded and analysed for all court proceedings.



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