

ITALY

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 3 July 2017 in Rome, Italy. 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

Strengthen commitment to improving administrative data collection

Commitment from decision-makers legitimates change and ensures its durability by embedding new and improved practices in administrative data collection on intimate partner violence in the police and the judiciary.

In Italy, this commitment is evident in the 2015 extraordinary action plan against sexual and gender-based violence ⁽¹⁾, which provides for the development of a central national database on gender-based violence. The database would represent an integrated system for the collection and processing of data on intimate partner violence (including administrative data, surveys, statistics, etc.). In line with the action plan, in March 2017, the Department for Equal Opportunities (DPO) and the National Institute of Statistics (ISTAT) signed an agreement stating that the necessary information would be collated into a database. Currently, data on victims and the relationships between victims and perpetrators can be found in police reports and in the files kept at the registries of the courts and prosecution offices. However, this data is not statistically processed or publicly available. Minor technical adjustments to the systems of both the justice and police sectors would be required to solve this problem.

It is recommended that the relevant police and justice authorities involved commit to making the necessary changes for the statistical recording of victims' data and information on the relationship between the victim and the perpetrator. Adjustments to the system will be needed to collect comparable data to populate the European Institute for Gender Equality (EIGE)'s indicators. Action should be taken to ensure the comparability of data across the police and justice sectors by using the same codes, together with uniform quality assurance processes.

Adopt a statistical or legal definition of intimate partner violence

The definition of intimate partner violence is embedded within the definition of domestic violence, making it difficult to distinguish cases of intimate partner violence from other cases of violence perpetrated within the family. A broad range of offences related to intimate partner violence is at issue here, as well as several aggravating circumstances. This makes it difficult to categorise the offence and capture all relevant criminal behaviours, particularly in cases where more than one offence has been committed.

It is recommended that a statistical or legal definition of intimate partner violence be adopted, on the basis of which comparable and reliable data can be collected. The relationship between the victim and the perpetrator should be incorporated into the definition in order to include (as a minimum) current and former spouses and current and former partners, in line with the International Classification of Crime for Statistical Purposes categories. Such a definition could be adopted by guidelines or through a decision by the relevant authority.

2. Data collection infrastructure and cooperation between different authorities

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

In order to provide a reliable picture of intimate partner violence across the criminal system, data collection should aim at being integrated across the police and justice services and the other sectors involved. Data collection varies from one administration to another, resulting in a lack of coordination and comparability of data. Some steps towards a uniform approach have been taken, such as the organisation of awareness-raising events on data collection on violence against women at national and international level. However, an integrated centralised database is of the utmost importance.

⁽¹⁾ Presidency of the Council of Ministers, Italian Government, *Extraordinary action plan against sexual and gender violence (Piano d'Azione straordinario contro la violenza sessuale e di genere)*, May 2015 (not available in English).

It is recommended that all administrations cooperate and commit to adopting a uniform system of data collection. In addition, authorities should aim at establishing an effective central database on gender-based violence as set out in the 2015 extraordinary action plan against sexual and gender-based violence.

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 society. One aspect of this is the financial impact of such violence on the institutions dealing with the incidents and the persons involved. A considerable amount of human and financial resources is devoted to dealing with cases of violence, therefore an understanding of the costs within the national context is important for policy purposes.

It is recommended that Italy work to develop a methodology for calculating the cost of intimate partner violence to police and justice services. Alternatively, EIGE's purpose-built model could be used ^(?). Through this model — or other methods — Italy would better understand the financial dimension of intimate partner violence.

3. Technical recommendations

Take steps to ensure the relationship between the victim and the perpetrator is recorded for offences related to intimate partner violence by the police and justice sectors

Currently, police officers collect information on victims and the relationship between the victim and the perpetrator each time a crime is reported (e.g. whether the offence is committed by the partner/ex-partner/spouse, etc.). However, this information is not statistically processed. It would therefore need to be extracted from the reports in order to be used.

The police are the most suitable means of collecting information on the relationship between the victim and the perpetrator. This information could then be used at different stages of the procedure. A specific field to record the relationship between the victim and the perpetrator should be created in the electronic system. Such a change would entail only minor technical adjustments.

Similarly, in the justice sector, data on victims and the relationship between the victim and the perpetrator can be found in the (paper) criminal files kept at the registries of the courts and prosecution offices. However, these data are not collated in an electronic database. ISTAT has requested the addition of this information to the new database to be created under the 2015 action plan on violence against women.

It is recommended that both the police and justice sectors be obliged to record information on the relationship between the victim and the perpetrator for statistical purposes. This information should be included in the central database and thus be available for analytical purposes. The reliability and accuracy of the information recorded would be increased by training the police, prosecution and court services, particularly focusing on those responsible for recording data.

Take steps to ensure the sex and age of victims and perpetrators is recorded for offences related to intimate partner violence by the justice sector

Data from the prosecution and court services is crucial in gaining an overall understanding of the phenomenon of intimate partner violence. Currently, while the sex and the age of both the victim and the perpetrator are recorded, this data is not stored electronically and thus cannot be analysed.

It is recommended to record the sex and the age of victims and perpetrators as mandatory fields for the prosecution and court services, and to insert this information into the centralised database.

Take steps to ensure the systematic recording of all relevant information related to sexual offences

The circumstances of sexual offences are not always specified, making it difficult to classify the crime. As an example, the crime of sexual violence encompasses various types of violence from harassment to rape. Without information on the specific circumstances, an offence might not be accurately classified. Police data does not allow for cases to be followed throughout the process. Currently, for example, there is no data on acquittals. Given that the classification of an offence may change during proceedings, it would be useful to follow a case from the initial police report through to final sentencing. An additional issue is the potential failure to systematically record all relevant information.

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

It is recommended that when recording information about sexual violence, a tag be used to distinguish between different types of sexual violence. Additionally, personnel responsible for the data collection process should undertake gender-sensitive training to ensure the systematic recording of all the relevant information.

To support Member States in reporting on intimate partner violence under the Victims' Rights Directive and the Istanbul Convention, EIGE has developed 13 indicators based on uniform statistical definitions to be populated by comparable administrative data for the police and justice sectors across EU Member States. The following recommendations suggest ways in which the gaps identified might be closed, as well as means of populating the indicators.

The following recommendation applies for all further recommendations. As the victim–perpetrator relationship is not processed and publicly available, it is recommended to include a specific field for this data in the electronic system for both police and justice administrators. A similar field exists for the crimes of homicide and stalking. This minor change to the system is expected to take place in the coming year, in line with the 2015 action plan on violence against women and the 2017 agreement of the DPO and ISTAT.

Indicator 1 — Annual number of women (aged 18 and over) victims of intimate partner violence ⁽³⁾ committed by men (aged 18 and over), as recorded by police

Currently, there is no specific offence of intimate partner violence in law. However, this indicator could be populated with data on female victims of domestic violence. Once the information on the relationship between the victim and the perpetrator is included in the electronic system and made publicly available, the number of women victims experiencing domestic violence by current or former spouses or current or former partners could be provided.

As intimate partner violence encompasses physical, sexual, psychological and economic violence, thus differing from the data on domestic violence, the following offences should be considered for inclusion in the general category of intimate partner violence:

General category for indicator	Existing offence — statistical classification
Physical intimate partner violence	Homicide (Article 575 Criminal Code), non-intentional homicide (Article 589), bodily injury (Articles 590 and 582), beating (Article 581), private violence (Article 610)
Sexual intimate partner violence	Sexual violence (Articles 609 <i>bis</i> , 609 <i>ter</i> , 609 <i>octies</i>)
Psychological intimate partner violence	Threats (Article 612), harassment (Article 660), stalking (Article 612 <i>bis</i>), insults (Article 594), defamation (Article 595)
Economic intimate ⁽⁴⁾ partner violence	Damage (Article 635), theft (Article 624)

It is recommended to populate the indicator either with the data on female victims of domestic violence or with the suggested offences for physical, sexual, psychological and economic violence. Either option would require disaggregation by the relationship between the victim and the perpetrator (i.e. current or former spouse/partner).

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

Data disaggregated by the sex of both the victim and the perpetrator can be provided for all crimes, including domestic violence. However, the category of current or former spouse/partner is missing.

It is recommended to populate the indicator using cases of domestic violence committed by men. This is conditional upon the introduction of the (missing) relationship category to the electronic system.

⁽³⁾ Any act of physical, sexual, psychological or economic violence that occurs between former or current spouses or partners, 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).

⁽⁴⁾ Economic violence is not an offence per se in Italy (see indicator 7). Economic violence could be punished under Article 570 of the Criminal Code (violation of family care obligations), which criminalises the refusal to pay maintenance to a spouse/ex-spouse. Economic violence (falling within offences such as damage or theft) could be committed if the behaviour is repeated over time, but not if it occurs only once. Only a minimal part of the offence, therefore, can be punished as economic violence in Italy. As a result, no data can be collected in this area.

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)

Data on the number of men who commit domestic violence can be used to populate this indicator. There is no information, however, on the relationship between the victim and the perpetrator.

It is recommended to use the data on annual numbers of men perpetrating domestic violence against women once data on the relationship between the victim and the perpetrator is publicly available. The number of men committing domestic violence crimes should be calculated as a percentage of the total number of men in the population.

Indicator 4 — Annual number of women (aged 18 and over) victims of physical intimate partner violence ⁽⁵⁾ committed by men (aged 18 and over), as recorded by police

Data on female victims of domestic violence, physical assault and sexual violence is available. While this data is disaggregated by the sex of the victim/perpetrator, there is no indication of the relationship between the victim and the perpetrator.

Data on domestic violence is not disaggregated by type of behaviour. In addition, data on associated crimes, such as physical violence combined with threats, is not available in the police sector.

Under indicator 4, physical violence includes the deprivation of liberty, while indicator 7 on economic violence refers to the restriction of individual freedom. The offence of kidnapping could fall under either indicator, as depending on the circumstances of the case it could be both economic and physical violence, and Italy would need to include this offence under indicator 4 or 7 by flagging this specification.

It is recommended that the offences of deprivation of liberty and kidnapping be included when populating this indicator, and that technical changes be made to the current system in order to statistically process data on the relationship between the victim and the perpetrator.

Indicator 5 — Annual number of women (aged 18 and over) victims of psychological intimate partner violence ⁽⁶⁾ committed by men (aged 18 and over), as recorded by police

Data is available on female victims of threats (Article 612), stalking (Article 612 *bis*), harassment (Article 660), insults (Article 594), and defamation (Article 595). There is a lack of information, however, on the relationship between the victim and the perpetrator.

It is recommended to populate the indicator with the annual numbers of women victims for the offences mentioned above committed by a current/former spouse or partner, once introduced in the electronic system.

Indicator 6 — Annual number of women (aged 18 and over) victims of sexual intimate partner violence ⁽⁷⁾ committed by men (aged 18 and over), as recorded by police

Data is available on female victims of sexual violence but there is a lack of information on the relationship between the victim and the perpetrator. Pursuant to Law 2013 No 119 ⁽⁸⁾, data on the relationship between the victim and the perpetrator will be available for sexual violence and stalking. This law introduced an aggravating circumstance for sexual violence (Article 609 *ter*) and stalking (Article 612 *bis*) where the offence is committed by a spouse.

It is recommended that this indicator be populated by the annual number of female victims of sexual violence, together with the aggravating circumstance if committed by a spouse.

⁽⁵⁾ Physical violence is defined as 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).

⁽⁶⁾ Psychological violence is defined as 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).

⁽⁷⁾ Sexual violence is defined as any sexual act performed on the victim without consent. Sexual violence can take the form of rape or sexual assault (EIGE, 2017).

⁽⁸⁾ Law of 15 October 2013, No 119 (in the Official Journal, No 242/2013), Conversion into law, with amendments, of the decree of 14 August 2013, No 93, containing urgent provisions on security and on the contrast to gender-based violence, as well as on civil protection and the commissioning of the provinces (*Conversione in legge, con modificazioni, del decreto-legge 14 agosto 2013, n. 93, recante disposizioni urgenti in materia di sicurezza e per il contrasto della violenza di genere, nonché in tema di protezione civile e di commissariamento delle province*) (13G00163).

Indicator 7 — Annual number of women (aged 18 and over) victims of economic intimate partner violence ⁽⁹⁾ committed by men (aged 18 and over), as recorded by police

Economic violence is not an offence per se in law but may be punished under Article 570 of the Criminal Code (violation of family care obligations), which criminalises the refusal to pay maintenance to the spouse/ex-spouse. Here, the data on damage (Article 635) and theft (Article 624 CC) could be used.

However, the crimes of damage and theft can be committed by one spouse/partner against the other only if the object of the crime is exclusively owned by one spouse/partner. If two spouses/partners are living together it is difficult to prove exclusive ownership of the item. Nor does the law punish economic dependency (e.g. restricting access to financial resources or forcing a partner to leave their job). Economic violence can be punished only if the behaviour is repeated over time, not single instances. Only a minimal part of these offences can be punished as economic violence in Italy and no data can be collected in this area.

It is recommended to adopt a legal definition of economic violence which would allow the identification and categorisation of the specific offences falling under economic violence committed by an intimate partner.

Indicator 8 — Annual number of women (aged 18 and over) victims reporting rape ⁽¹⁰⁾ committed by men (aged 18 and over), as recorded by police

Since 1996, Italy has defined sexual violence broadly, including various behaviours such as acts of forcible indecency and fondling. The offence can be committed without sexual penetration and the penalties vary according to the seriousness of the act.

It is recommended that the scope of the legal definition be clarified before populating this indicator. Rape with sexual penetration should be clearly distinguished from other forms of sexual violence.

Indicator 9 — Women victims of intimate femicide (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)

Data on female victims of homicide, attempted homicide and completed homicide, (Article 56, Article 575 and Article 585) perpetrated within a family/intimate context and outside the family context is collected within the police and justice sectors. However, the crime of femicide does not exist in Italy per se. There is the crime of homicide (Article 575 CC) and an aggravating circumstance where the crime is committed by a spouse (Article 577 CC, paragraph 2).

It is recommended to populate this indicator with the offences mentioned above and calculate the percentage from the total number of homicides with a female victim.

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

Data is publicly available on detention orders and supplementary penalties for all offences including domestic violence. However, no information on the relationship between the victim and the perpetrator is publicly available. Information on provisional orders is available in prosecution offices, while information on removal orders and written warnings is available in the police sector. This information is not publicly available.

It is recommended to populate the indicator with available data, including all offences of domestic violence, disaggregated by spouse/partner. It is also recommended that data on all other types of protection order be made publicly available.

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

The number of men prosecuted for domestic violence is available, although details of the relationship between the victim and the perpetrator are not recorded for statistical purposes.

It is recommended to populate the indicator with the number of men prosecuted for domestic violence offences against women, and to introduce and apply the category of intimate partner, i.e. current/former spouse or current/former partner.

⁽⁹⁾ Economic violence is defined as 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).

⁽¹⁰⁾ Rape is defined as 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).

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

The number of men subject to final sentence for domestic violence is available, but information on the relationship between the victim and the perpetrator is not recorded for statistical purposes.

It is recommended that the indicator be populated with the number of men convicted of the offence of domestic violence. The indicator also requires the information on the relationship between the victim and the perpetrator, i.e. current/former spouse or current/former partner.

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

The number of men subject to final sentence and held in prison for domestic violence is available, but information on the relationship between the victim and the perpetrator is not recorded for statistical purposes.

It is recommended to populate the indicator with the relevant data once information on the relationship between the victim and the perpetrator is introduced and recorded in the system.



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