

SPAIN

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



The recommendations were developed after an in-depth analysis by national experts on data collected by 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 Madrid, Spain. 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 political commitment

Political commitment is essential in order to improve administrative data collection on intimate partner violence. It provides a catalyst for change and ensures the sustainability of systematic and harmonised data collection practices on intimate partner violence in the police and the justice sectors.

Since 2004, Organic Act 1/2004 has dealt with prevention, care and reparation for victims of gender violence and includes a specific classification of intimate partner violence-related crimes. Specialised courts also exist for gender-based violence offences and there are several regional laws against gender violence (intimate partner violence). A comprehensive statistical system is in place which makes intimate partner violence information available across institutions and sectors, through reports from the Observatory of the General Council of the Judiciary and carried out by the Observatory against Domestic Violence and Gender-Based Violence, to the role played by the Government Delegation against Gender-Based Violence and VioGen (a police system that collects data related to risk factors in the context of intimate partner violence). Better statistical data visibility has been instigated by strong political commitment. However, data collection of other types of gender-based violence, such as sexual aggressions, does not yet have the same support or infrastructure. Strengthening political commitment would support the full integration of all international commitments concerning administrative data collection on intimate partner violence.

It is recommended to strengthen political commitment to ensure that progress on the improvement of administrative data collection is sustainable and that national programmes relating to preventing and combating intimate partner violence are prioritised.

Develop an action plan to facilitate the estimation of the costs of violence against women

Two partial studies on the cost of intimate partner violence have been undertaken in Andalusia and Valencia. However, a specific methodology has not been developed that aims to estimate the cost of intimate partner violence to the police and justice sectors. Developing an action plan to estimate the national costs of intimate partner violence could lead to a better understanding of the phenomenon in the context of the economic burden it creates.

It is recommended that the purpose-built economic model developed by the European Institute for Gender Equality (EIGE) be used to estimate the cost of intimate partner violence on the police and justice sectors.

2. Data collection infrastructure and cooperation between different authorities

Take steps to collate and centralise data collection across institutions and regions

Judicial and police data on intimate partner violence comes from several sources. These include the General Council of the Judiciary; the Observatory against Domestic Violence and Gender-Based Violence; VioGen; the Public Prosecutor's Office, the General Secretariat of Penitentiary Institutions, the Ministry of the Interior and the Government Delegation against Gender-Based Violence of the Ministry of Health, Social Services and Equality. The multiple and various publications from different databases suggest that there is already a wealth of information collected and published on intimate partner violence. However, there is also a need for tight coordination between the different bodies to make the information available fully compatible. This should also include the integration of data collected by the Autonomous Communities of Catalonia and the Basque Country to facilitate the coordination between national and autonomous databases.

It is recommended that the necessary steps be taken to develop a mechanism through which all information collected on intimate partner violence — across institutions, sectors and regions — is shared. All data should contain common breakdowns on the sex and the age of the victim and the perpetrator and the relationship between them in order to specify intimate partners.

Improving cooperation between police forces on a state and regional level is of particular importance, to gain a more accurate understanding of national intimate partner violence prevalence.

3. Technical recommendations

Improve data collected at the police level

Data collected by the police sector is made public by the Ministry of the Interior. Data on intimate partner violence is transferred to other organisations such as the Government Delegation against Gender-Based Violence and the General Council of the Judiciary. However, data available on women victims of violence and their situation is of judicial origin. The police do not collect information on the victims of crime, nor on the type of crime committed, as it falls to the justice sector to classify the type of offence.

It is recommended that steps be taken so that data recording systems in the police sector include breakdowns on the age and the sex of the victim and their relationship with the perpetrator, in order to specify intimate partners. It is additionally recommended that information on the type of offence reported be recorded at police level and not only at court level, in order to trace intimate partner violence cases at all stages of the criminal process.

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

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 available from the police sector is not sufficient to populate these indicators, as information collected at police level refers to victimisation (incidents), rather than specific information on victims or perpetrators of intimate partner violence offences.

For indicators 1 and 3

It is recommended that data collected by the police contain breakdowns on the victim, the intimate partner violence offence and the perpetrator, in order to identify the number of women victims of intimate partner violence, the number of intimate partner violence offences and the number of men perpetrators presented at police level. This information should be published on official platforms and made easily accessible to the public.

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

Data from the police sector that can populate this indicator is available on request. This data refers to victimisation (incidents).

No recommendation is needed.

Indicator 4 — Annual number of women (aged 18 and over) victims of physical intimate partner violence ⁽²⁾ committed by men (aged 18 and over), as recorded by police

Indicator 5 — Annual number of women (aged 18 and over) victims of psychological intimate partner violence ⁽³⁾ committed by men (aged 18 and over), as recorded by police

Indicator 6 — Annual number of women (aged 18 and over) victims of sexual intimate partner violence ⁽⁴⁾ committed by men (aged 18 and over), as recorded by police

⁽¹⁾ 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).

⁽²⁾ 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).

⁽³⁾ 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).

⁽⁴⁾ 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 ⁽⁵⁾ committed by men (aged 18 and over), as recorded by police

Data available from the police sector is not sufficient to populate these indicators, as information collected at police level refers to victimisation (incidents) and does not distinguish between different forms of intimate partner violence to include physical, psychological, sexual and economic violence.

For indicators 4, 5, 6 and 7

It is recommended that data collected by the police contain breakdowns on specific forms of intimate partner violence, to include reported cases of physical, psychological, sexual and economic intimate partner violence.

Indicator 8 — Annual number of women (aged 18 and over) victims reporting rape ⁽⁶⁾ committed by men (aged 18 and over), as recorded by police

Data is available from the police sector to populate this indicator.

No recommendation is needed.

Indicator 9 — Women victims of intimate femicide ⁽⁷⁾ (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 is available to populate this indicator from the official statistical yearbook published by the police.

No recommendation is needed.

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 available to populate this indicator. However, challenges arise with regard to the various sources which provide different information on the number of protection orders applied for and granted in the context of intimate partner violence. For example, figures provided by the Statistics Report of the General Council of the Judiciary vary slightly from those provided by the Government Delegation against Gender-Based Violence. This is a matter of cooperation and coordination; otherwise the data is available.

It is recommended to improve cooperation between the various bodies that collate data on protection orders applied for and granted to women victims of intimate partner violence, to refine the data available.

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

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

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

Data is available from the justice sector to populate these indicators.

No recommendation is needed.

⁽⁵⁾ 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).

⁽⁶⁾ 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).

⁽⁷⁾ 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).



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