

**ANALYSIS OF NATIONAL DEFINITIONS  
OF  
INTIMATE PARTNER VIOLENCE**

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# CHAPTER 1

## Introduction

This document has been prepared as part of the “*Report on the definitions of GBV crimes among Member States*”. Its purpose is to succinctly describe the key elements covered by Member States’ national legal definitions of *Intimate Partner Violence (IPV)*.

*Intimate Partner Violence* is a very complex subject and there is currently no universal accepted definition at the international or EU level; however as a form of *violence* against women, IPV has been addressed in various international and EU instruments particularly under the scope of *Domestic Violence*.

According to the Istanbul Convention, domestic violence is: “*all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit, or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim*”<sup>1</sup>. Such acts although inclusive are not restricted to, domestic violence.

The emphasis for *Intimate Partner Violence* is mostly placed on the *intimate* and *close* relationship between victim and alleged offender (spouses, (ex) partners, etc. Although not harmonized at the internationally and at the EU level, a common pattern of *Intimate Partner Violence* usually involves any or a combination of the following main dimensions:

- Acts of physical violence (intentional use of physical force to cause physical harm)
- Sexual violence (within an intimate relationship includes any type of non-consensual sexual acts including rape)
- Psychological (emotional abuse and controlling behaviour)
- Economic/Financial pressure

The following section describes the essential key elements found to be most common in the national legal definitions specific to *Intimate Partner Violence* among Member States.

<sup>1</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence (2011)

## CHAPTER

## 2

## Analysis of Components of the National Definitions of Intimate Partner Violence

This section, focus on the assessment of common elements among the national legal definitions, specific to *Intimate Partner Violence* across all EU Member States. As seen for the other types of *Violence against Women (rape; sexual assault and stalking)* national legal definitions specific for *intimate partner violence*, differ substantially among Member States.

While some definitions are more precise and inclusive of the various types of violence (i.e. physical, sexual, psychological and/ or economic violence), others are more broad in their scope and simply refer to the general commitment of violence. Similarly, some definitions list the required type of relationship between the offender and the victim for the incident to be regarded as intimate partner violence, while others use less precise wording.

Following international and EU standards and guidelines, the following components have been selected as the key elements for the national level analysis:

- specific national IPV offence
- physical violence
- sexual violence
- psychological violence
- economic violence
- type of relationship between victim and offender
- co-habitation

The results of the analysis of each component are presented below.

### 2.1 Specific national IPV offence

Overall Member States don't have a specific law related to IPV. In its majority *Intimate Partner Violence* is recognised within the context of *Domestic Violence* (BG; CZ; EE; EL; HR; IT; CY; HU; MT; PL; RO; SK; FI; ). Situations where violence occurs within the family or intimate partner sphere can equally be considered as an aggravating factor.

Member States have also addressed *Intimate Partner Violence* through specific circulars (BE), acts (ES; SI; UK-EW) or guidelines and protocols of agreement (BG; DE; UK-S), or through the civil penal code (LV). Sweden was the only Member State to indicate a specific legal definition: "*Gross violation of women's integrity: repeated violence within a marriage/love relation or other close relationship*".

Some Member States emphasise specific elements in their legal definitions, for example "repeated physical abuse causing damage to the health (EE); violence where the perpetrator and the victim have or have had an intimate relation (SE); Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality (UK).

### 2.2 Physical Violence

Although with some variation and differences, *physical violence* was found to be a key common element in the national legal definitions addressing *Intimate Partner Violence*. Terms varied from physical violence (BE; BG; CY; EE; ES; HR; MT, PL; RO, SI, UK-EW; UK-S; UK-NI, LV), to the use of physical force (with or without physical injury (HR; LT, RO, SI), coercion and threats (DE; ES; LT; FI); physical harm (MT).

Germany listed the criteria of relevant offence groups: "murder and manslaughter", "dangerous and serious bodily injury", "bodily injury resulting in death".

### 2.3 Sexual Violence

*Sexual violence* was also found to be a common element among EU Member States legal definitions. Member States varied slightly in the terms used: *sexual violence* (BE; BG; HR; CY; LT; PL; RO; SI; UK-EW); *rape and sexual coercion* (DE); *offences against sexual liberty* (ES; PL); *sexual intercourse* (CY); *sexual abuse* (FI; UK-S; UK-NI); *sexual crimes* (SE).

### 2.4 Psychological Violence

Although present in a considerable number of legal definitions, the terms used by Member States also varied between member States. Some Member States used the broader term *psychological violence*; *emotional* (BE; ES; LV; UK-EW; UK-NI); *mental* (BG; HR; CY; LT); *moral harm* (MT); *threat* (DE); *violation of human dignity* (HU); *degrading and violent conduct* (HU); *verbal violence* (MT; RO); *emotional abuse* (UK-S); *psychological harm* (PL).

In addition Romania differentiates between *verbal violence* (*the use of offensive language, brutal language, insults, threats, humiliating or degrading expression between;* *social violence* (*imposing an isolating environment from family, community or friends; forbidding attending school; restraining movement. intentional deprivation of information and all similar acts*) and *spiritual violence* (*sub estimating or diminishing the importance of satisfying moral and spiritual necessities through the interdiction, limit, ridicule or penalizing such aspirations by family members, denying access to cultural, ethnical, linguistic or religious values, imposing religion and spiritual practices on family members as well as similar acts*).

### 2.5 Economic Violence

*Economic violence* is also a core component of *Intimate Partner Violence* in the legal definitions of some Member States (BE; HR; LT; LV RO; SI); *financial* (UK-EW; UK-NI)

Croatia provided a detailed definition of economic violence as “*damage or destruction of personal and common property, banning or preventing the use of personal and joint property including the attempts to do so, as well as deprivation of rights or prohibition of having personal income and property acquired by inheritance or personal work at your disposal, exclusion from employment or work, forced economic dependence, denial of funds for maintenance of the common household and care for children or other dependents of a common household*”.

For Romania, economic violence refers to the: “*forbidding professional activity, depriving a family member of economic means, including deprivation of basic needs such as food, medicine, intention of theft of personal goods, deprivation of use of common goods, forced work, refuse to contribute to family expenses, imposing hard or dangerous labour on family members including minors*”.

### 2.6 Type of relationship between victim and offender

An *intimate partner* can be broadly defined as a “*person with whom one has a close personal relationship, that can be characterized by emotional connection; regular contact; ongoing physical contact and or sexual behavior; identity as couple and familiarity and knowledge about each other’s lives*”<sup>2</sup>. The relationship does not necessarily need to involve all of these dimensions.

Following international and European guidelines, among the Member States able to provide a national legal definition addressing *intimate partner violence*, the emphasis for this type of violence was placed in the type of relationship between the victim and the offender.

Member States were able to distinguish between a broad range of relationship categories, for example: *spouses, registered partnerships, non-marital life partnerships, former partnerships* (DE; UK-S); *family or kinship ties or cohabit or dwell in the same home* (BG); *close relationship or relationship of subordination* (EE); *permanent partners (who live together)* (EL); *present or former spouses or by men with whom they maintain or have maintained analogous affective relations* (ES); *wife/husband; common law wife/common law husband; ex- wife/ex-husband; ex- common law wife/ex common law husband; same-sex partners; ex-same-sex partners; partners, ex-partners* (HR); *member of the family* (IT); *injury to any member of the family by another member of the family* (CY); *persons currently or previously linked by marriage, partnership, affinity or other close relations, also the persons having a common domicile and a common household* (LT); *household members* (MT); *intimate partners* (UK-EW; UK-NI).

<sup>2</sup> Center for Disease Control and Prevention, National Center for Injury Prevention and Control (2015) Atlanta US

## 2.7 Co-habitation

The majority of Member States do not refer to the element of cohabitation as a requirement in their national legal definitions. However, the element of co-habitation is required in the legal definitions of CZ; EL; HR; HU.

## Annex 1 – Deconstruction of definition elements for intimate partner violence

Country	Country	IPV/DV	Type of violence				Type of relationship					includes
			Physical	Sexual	Psychological	Economic	Spouses	Registered partners	Non marital partners	Former partners	Cohabitation needed	
Belgium	BE	IPV/DV	x	x	x	x	x	x	x	x		all forms
Bulgaria	BG	DV	x	x	x	x						
Czech Republic	CZ	DV									x	all forms of maltreatment
Denmark	DK											
Germany	DE		x	x			x	x	x	x		"murder and manslaughter", "dangerous and serious bodily injury", "bodily injury resulting in death", "(intentional simple) bodily injury", "rape and sexual coercion", "threat", "stalking".
Estonia	EE	DV	x									requires repetition, close relationship/relationship of subordination
Ireland	IE											
Greece	EL	DV									x	
Spain	ES	DV	x	x	x		x	x	x	x		
France	FR											
Croatia	HR	DV	x	x	x	x	x	x	x	x	x	
Italy	IT											maltreatment of family
Cyprus	CY	DV	x	x	x							any act of violence within the family
Latvia	LV		x	x	x	x	x	x	x	x		temporary protection against violence
Lithuania	LT	DV	x	x	x	x	x	x	x	x		
Luxembourg	LU											
Hungary	HU	DV									x	violation of serious dignity, degrading and violent conduct
Malta	MT	DV	x	x	x							
Netherlands	NL											
Austria	AT											
Poland	PL	DV	x	x	x							
Portugal	PT											
Romania	RO	DV	x	x	x	x	x	x	x	x		
Slovenia	SI	DV	x	x	x	x						family members
Slovakia	SK	DV	x	x	x							
Finland	FI	DV	x	x	x							
Sweden	SE	IPV	x	x	x		x	x	x	x		acts must have been part of a repeated violation of the vulnerable person's privacy and integrity and also have been likely to cause serious harm to the persons self-esteem
United Kingdom: England and Wales	UK-EW	DV	x	x	x	x	x	x	x	x		controlling, coercive or threatening behaviour, >16 age
United Kingdom: Scotland	UK-S	DV	x	x	x	x	x	x	x	x		
United Kingdom: Northern Ireland	UK-NI	DV	x	x	x	x	x	x	x	x		

IPV: Intimate Partner Violence; DV: Domestic Violence