

PORTUGAL

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 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 crucial to improving 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 justice sectors.

Commitment to combating violence against women is strong in Portugal; this is evidenced by the national plans against domestic and gender-based violence (since 1999) and in particular the fifth national plan to prevent and combat domestic and gender-based violence (2014-2017). Domestic violence is criminalised in Portuguese law ⁽¹⁾ and has been similarly incorporated into the Portuguese Penal Code ⁽²⁾. Portugal ratified the Istanbul Convention in 2013 ⁽³⁾ and has amended its domestic legislation in alignment with it ⁽⁴⁾. However, despite political engagement, shortcomings remain with regard to data collection. Police and prosecution services are currently undergoing changes in their data recording systems to help improve the recording of information.

It is recommended to strengthen political commitment to ensure that progress on the improvement of administrative data collection is sustainable, and that the implementation of current initiatives relating to data collation is prioritised.

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

Studies have been conducted into the social costs of violence against women; however, no studies have been undertaken that endeavour to estimate the economic burden of intimate partner violence on the police and justice sectors. Developing an action plan to estimate the costs of intimate partner violence and violence against women could lead to a better understanding of the phenomenon in the context of the economic burden it creates.

It is recommended that a purpose-built economic model be adopted so that the cost of violence against women on the police and justice sectors can be estimated. The purpose-built model developed by EIGE can be used for this purpose.

2. Data collection infrastructure and cooperation between different authorities

Publish all relevant information in annual reports on intimate partner violence

At present, administrative data collection is divided between the agencies that are responsible for recording data, and those that gather and analyse it. With regard to the recording of data at police level, this is done using a standard form that corresponds to the criminal offences included in the Penal Code. The mechanism for data collection at police level has the capacity to record and publish a full and detailed description of an intimate partner violence offence. However, the Secretariat-General of Internal Affairs (SGMAI) — the body responsible for publishing an annual monitoring report on domestic violence — does not always provide in its publication this specific data on intimate partner violence.

It is recommended that the bodies responsible in the police sector for data collection and analysis become better integrated so that SGMAI is able to fully publish all relevant information to intimate partner violence prevalence in its annual monitoring reports on domestic violence.

⁽¹⁾ Law No 7/2000, 27 May 2000.

⁽²⁾ Law No 59/2007, 4 September 2007.

⁽³⁾ Parliament Resolution No 4/2013, 21 January 2013.

⁽⁴⁾ Law No 83/2015, 5 August 2015.

Amend the statistical parameters of data collected at the judicial level

Prosecutor General's Office Circular No 7/2012 establishes the procedure through which information relating to a domestic violence case is recorded by the Public Prosecution Office to the SGMAI, through the use of a standardised form (in Excel format). This form requests the unique number of identification of the criminal process, the process outcome, the date of the final decision, the Public Prosecution Office and other observations. However, information on the victim, the perpetrator and the relationship between them is not included. Recording the relationship between the victim and the perpetrator enables the identification of offences in the context of an intimate relationship. The absence of these categories inhibits the collection of central data on intimate partner violence.

It is recommended that the parameters provided by the Prosecutor General's Office's circular be amended to include mandatory categories on the victim, the perpetrator and the relationship between them.

3. Technical recommendations

Adopt a statistical definition of intimate partner violence as a mandatory category

Information on domestic violence, as defined in the Portuguese Penal Code (Law No 59/2007, Article 152), is recorded under three main categories: violence against both current and former partners (both residing either in the same household or in separate residences); violence against children; and other instances of domestic violence. Despite the conceptual scope, the specific definition of intimate partner violence is not an independent statistical category. Recognising intimate partner violence as a separate variable would present an opportunity to improve the analysis of intimate partner violence data.

It is recommended that intimate partner violence be incorporated as a separate statistical category to domestic violence in the administrative data recording practices of both the police and justice sectors.

Improve the capacity of the computer system used for data collection at justice level

The recording of data at justice level relies on a dedicated computer system (Citius) which does not allow the sex of the victim to be recorded as a distinct variable. The absence of this category makes it impossible to know what proportion of data collected on domestic violence specifically concerns instances of intimate partner violence or violence against women. A task force is currently working to improve the Citius system in order to correct this problem.

It is recommended that corrections to the Citius system make the sex of the victim a mandatory category recorded by justice officials.

Indicator 1 — Annual number of women (aged 18 and over) victims of intimate partner violence ⁽⁵⁾ committed by men (aged 18 and over), as recorded by police

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

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 women victims of intimate partner violence, reported intimate partner violence offences and men perpetrators of intimate partner violence against women is recorded at police level. However, these indicators cannot be populated because the agency responsible for data dissemination does not provide the required disaggregation regarding information on the victim, intimate partner violence offences or men perpetrators of intimate partner violence. The data published by SGMAI ⁽⁶⁾ only provides a percentage for each variable (women victims of domestic violence; victims of domestic violence by age group and relationship between the victim and the perpetrator). Intimate partner violence is also not a separately recognised category in the context of domestic violence.

It is recommended that data published by SGMAI in its annual report include absolute values regarding the number of women victims of intimate partner violence, the number of offences and the number of men perpetrators. Moreover, the definition of intimate partner violence should be integrated into the definition of domestic violence in the Portuguese Penal Code.

⁽⁵⁾ 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).

⁽⁶⁾ Secretariat-General of Internal Affairs (SGMAI), *Domestic Violence 2015 — Annual monitoring report* (http://www.sg.mai.gov.pt/Noticias/Documents/Rel_%20VD_%202015.pdf) (not available in English).

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

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

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

Data to populate these indicators is collected. Under Article 152 of the Penal Code, the definition of domestic violence includes the 'repeated or isolated infliction of physical offences, including corporal punishment and restriction of freedom', the 'repeated or isolated infliction of psychological mistreatment, including restriction of freedom' and the 'repeated or isolated infliction of sexual offences'. However, data published by SGMAI only provides a percentage for each variable related to intimate partner violence offences.

It is recommended that data published by SGMAI in its annual report include absolute values regarding the number of women victims of physical, psychological and sexual intimate partner violence.

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

The annual report on internal security (11) provides the annual number of rape offences that are recorded by the police and the percentage of women aged 18 and over who are victims of rape. As all the required data is collected, no further recommendation is needed regarding data collection. However, data specifically relating to the number of women victims reporting rape aged 18 or older is presented as a percentage, not an absolute value.

It is recommended that the annual number of women victims reporting rape aged 18 and over be processed and published as an absolute value, not a percentage.

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

Economic violence is a concept that is defined as 'taking full control of the financial resources [of another]. The offender can prevent the victim from finding work or study ... [or refuse] to give money to the victim for basic necessities, such as food or clothing'. However, this definition is not covered in the Portuguese Penal Code.

It is recommended that the concept of economic violence be included in the Penal Code within the concept of domestic violence.

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)

The annual report on internal security (13) provides the percentage of women victims of homicide and the number of women victims of homicide by a spouse (or a person in an analogous situation). As all the required data is collected, no further recommendation is needed regarding data collection. Although the indicator can be populated by currently existing data, the actual number of women victims of intimate femicide aged 18 and over committed by an intimate partner, as a share of the women victims of homicide, should be officially provided in the report in order to populate this indicator. Additionally, there should be information on the age range of those victims, which is not currently reported.

It is recommended that the number of women victims of intimate femicide committed by an intimate partner be provided as a separate offence in official publications that feature domestic violence prevalence. The figure should be published as a share of the total number of women victims of homicide.

(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).

(8) 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).

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

(10) 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).

(11) *Sistema de Segurança Interna, Gabinete do Secretário-Geral, Annual Report of Internal Security 2016, 2017* (<https://bit.ly/2JKnchm>) (not available in English).

(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).

(13) *Sistema de Segurança Interna, Gabinete do Secretário-Geral, Annual Report of Internal Security 2016, 2017* (<https://bit.ly/2JKnchm>) (not available in English).

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

Data currently available regarding the number of protection orders in cases of intimate partner violence against women includes the number of protection orders applied for each year regarding electronic surveillance in domestic violence cases. However, this data does not include any information on the relationship between the victim and the perpetrator, or the ages of either the victim or the perpetrator.

It is recommended that data collected on the number of protection orders applied for and granted in intimate partner violence cases include information on the sex and age of both the victim and the perpetrator and the relationship between them. Moreover, the definition of intimate partner violence should be integrated into the definition of domestic violence in the Portuguese Penal Code.

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

Data is currently available on the percentage of men alleged offenders/men persecuted for domestic violence, and specifically for intimate partner violence. However, there is no information on the sex of the victim.

It is recommended that data collected on men prosecuted for intimate partner violence against women include the sex of both the victim and the perpetrator.

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 currently available can provide information on the number of men sentenced and sentenced with a sanction involving a form of deprivation of liberty for domestic violence offences. However, no information is collected on the sex of the victim, the sex of the perpetrator or the relationship between them.

It is recommended that data collected that relates to the number of men sentenced for intimate partner violence against women include the sex of both the victim and the perpetrator and the relationship between them.



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