

FRANCE

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

Maintain political commitment to sustain progress in administrative data collection on intimate partner violence

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 justice sectors.

In France, political commitment to the improvement of administrative data collection on intimate partner violence has been strengthened over the past few years. The institutional framework for gender equality has been consolidated and violence against women has been placed high on the agenda. The inter-ministerial mission for the protection of women against violence (*mission interministérielle pour la protection de femmes* — Miprof) has made the improvement of data on different forms of violence against women (including intimate partner violence) an important part of its tasks. Similarly, successive national action plans have highlighted the need to improve the framework for administrative data collection on violence against women, and resources have been allocated, including to increase the sensitisation of personnel responsible for data (⁽¹⁾). Continued commitment from all sectors involved in administrative data collection on intimate partner violence is crucial in order to ensure a better application of the measures related to the improvement of data collection systems and procedures; to ensure the systematic recording of necessary information by the police forces and the different institutions from the justice sector; and to ensure that the recently established cooperation between the different ministries involved (Ministry of the Interior, Ministry of Justice) is fruitful over the long term.

It is recommended to maintain 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.

Provide a legal definition of intimate partner violence in line with the definition of domestic violence of the Istanbul Convention

Act No 2010-769 of 9 July 2010 on violence committed against women, violence within the couple and consequences on children does not define 'violence within the couple'. A comprehensive definition of intimate partner violence, covering all forms of violence as mentioned in the Istanbul Convention (physical, psychological, sexual and economic violence) would be useful to ensure that public and political understanding of intimate partner violence is more complete. Such a definition would guide public policies and provide a strong basis for administrative data collection on this form of violence against women.

It is recommended to adopt a legal definition of intimate partner violence in line with that of the Istanbul Convention.

Enlarge the scope of the relationships falling under the aggravating circumstance 'intimate partner violence'

The scope of the relationships considered to constitute an aggravating circumstance is limited. According to the legislation, to be considered as an aggravating circumstance, the act of violence should be committed against 'a spouse or cohabitant within a couple, married or not, linked together by a 'Civil Solidarity Pact', or simply living together or even separated'. Cohabitation (current or previous) is necessary for the act to be considered as violence in the couple and to constitute an aggravating circumstance. When the victim and the perpetrator have never shared the same house, the incident is considered as an act of 'ordinary violence' (hence, the aggravating circumstance does not apply). This is problematic, as this limitation excludes less formal forms of intimate relationships (all those relationships where partners are not sharing or have not shared the same home).

It is recommended that the scope of relationships constituting an aggravating circumstance be extended to include less formal forms of partnership.

(¹) <http://www.egalite-femmes-hommes.gouv.fr/wp-content/uploads/2016/11/5e-plan-de-lutte-contre-toutes-les-violences-faites-aux-femmes.pdf> (not available in English).

2. Data collection infrastructure and cooperation between different authorities

Adopt a statistical definition of intimate partner violence to enable the collection of data on specific forms of violence

The Criminal Code does not specifically distinguish physical violence from psychological violence. The two forms of violence are criminalised under the same general article, as ‘offences against a person’s physical or psychological integrity’. Violence is measured according to its impact on the victim, assessed by the number of days the victim cannot be considered fit to work. The administrative data collection framework follows the articles of the Criminal Code (through a code list known as the Natinf, short for nature of the infraction), and thus, data collected under Article 222 does not enable to distinguish incidents that relate to physical violence from those relating to psychological violence. Additional information could be requested when collecting data under this article, to identify the specific form of violence that was used in the incidents. Moreover, a statistical definition could also tackle the limitations identified with the legal definition of ‘partner’ and provide scope for the recording of data on more informal relationships.

It is recommended that a statistical definition be developed based on the Istanbul Convention’s data requirements so that relevant data can be collected on the four forms of intimate partner violence when recording crimes that fall under the scope of Article 222.

Making information publicly available and more detailed

Data on intimate partner violence is collected, however the availability of this information is limited. Statistical information is presented in the Miprof annual report which is published within an edition of the letter of the National Observatory of Violence against Women (?). However, information is presented in the form of static tables and for some offences, key information on intimate partner violence is not provided (such as the sex of the perpetrator).

More data is available from the French Ministerial Statistical Department for Internal Security (*service statistique ministériel de la sécurité intérieure*, SSMSI), only on request and through a research agreement. The Istanbul Convention requires Member States to make data ‘available to the public’ (Article 11.4). The availability of the collected data is important to ensure that society is informed about the issue and to enable proper assessment of the effectiveness of policies against intimate partner violence. Greater data availability could be ensured through the publication of data, ideally in the form of dynamic databases, or detailed cross-tabulations. In addition, the data published should be accompanied by metadata to make it usable.

It is recommended to publish data disaggregated by sex and victim–perpetrator relationship, in the form of dynamic tables, accompanied by relevant metadata.

Calculate the costs of intimate partner violence to the police and justice sectors

Violence against women has a significant impact on economies and societies, consisting of physical and emotional impact to women and provision of services, including the law-enforcement sector. It has been estimated that in France, ‘non-medical direct costs’, corresponding to use of police and justice services represent EUR 256 million, or 7.1 % of the total costs of intimate partner violence against women (?). France has already taken steps to develop a tailored methodology to estimate the cost of intimate partner violence to public services. Nevertheless, there are some challenges associated with this due to gaps in the administrative data available. Indeed, data from the police is limited to some forms of violence and data from the judiciary is lacking (there is no data on the sex of the victim of intimate partner-related incidents, nor on the relationship between the victim and the perpetrator). Identifying the real economic costs of intimate partner violence against women could contribute to better-informed decision-making and support the development of comprehensive policy.

It is recommended to assess the data needed to better estimate the costs of intimate partner violence to police and justice services and to take steps to improve the available data.

Improving coordination of the different judicial institutions

The judicial institutions use different data collection systems and processes, making harmonised data collection on cases of intimate partner violence difficult.

It is recommended to harmonise data collection among the different judicial institutions, based on similar work done for the police sector.

(?) Miprof, *La lettre de l’Observatoire national des violences faites aux femmes*. The Miprof annual report is published every year within an edition of this letter, on the occasion of the International Day for the Elimination of Violence against Women on 25 November.

(?) Psytel, *Rapport final de l’étude Actualisation du chiffre des répercussions économiques des VSC* — novembre 2014 (http://femmes.gouv.fr/wp-content/uploads/2014/11/Psytel_Cout-VSC_RapFin_141114-21.pdf) (not available in English).

3. Technical recommendations

Improving data collection from the justice sector by systematically recording information on the sex and age of the victim

Data on intimate partner violence available from the judiciary is limited in France. Data on perpetrators of intimate partner violence is available and provides information on the number of women and men convicted for acts of violence against their partner or ex-partner each year. However, information on the victim is not systematically collected, and information on the relationship between the victim and the perpetrator is not available.

It is recommended that the Ministry of Justice collect sex-disaggregated data and information on victims in a more systematic way.

Recording the victim–perpetrator relationship for all reported crimes

The French Criminal Code provides coverage of different forms of intimate partner violence such as physical, psychological and sexual violence, and partially covers forms of intimate partner economic violence. However, the scope of the data collection on intimate partner violence is limited as only limited offences can be ‘marked’ as relating to intimate partner violence through the identification of an aggravating circumstance. Police recording systems partly allow this issue to be resolved, as police officers have the possibility to tick a box indicating the existence of an intimate relationship based upon the victim’s statement. However, this recording is not mandatory, so the box is not systematically ticked. Moreover, even if the box is ticked by the police, when the case reaches the justice services, the relationship is not considered as an aggravating circumstance (and recorded as such further on through the justice chain) if the victim and perpetrator were not cohabiting.

Taking steps to implement the systematic recording of the relationship between the victim and the perpetrator for all offences covered by the Criminal Code would complete data availability and ensure that all offences related to intimate partner violence are considered from a data collection perspective. This could be done by using the International Classification of Crime for Statistical Purposes harmonised categories to record the existence of a specific relationship between the victim and the perpetrator: a disaggregation of three general types of victim–perpetrator relationship including *ViP intimate partner* (including current or former spouse or intimate partner (cohabitating or non-cohabitating partner or boyfriend/girlfriend)); *ViP family members* (including blood relatives, relatives by marriage or adoption, and persons living in the same household as the victim); and *ViP other perpetrator know to the victim* (including friend/acquaintance, colleague/business or work relationship, authority/care relationship (doctor/nurse/teacher/police/public official, clergy, etc.) or any other perpetrator known to the victim).

It is recommended to systematically record relationship information for all offences reported to the police and reaching the judiciary.

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 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)

Without a specific offence on intimate partner violence, data on intimate partner violence-related incidents is currently collated through different offences from the Criminal Code, and the SSMSI aggregates the following (based on the identification by the police of a current or past relationship between the victim and the perpetrator): number of women victims of attempted homicide; number of women victims of assault and intentional harm (this category includes incidents of physical and psychological violence, indistinctly); number of women victims of rape; and number of women victims of sexual harassment and other sexual assaults ⁽⁵⁾. Based on this aggregate, France is able to populate indicator 1 with data on physical/psychological and sexual intimate partner violence. However, an intimate relationship between the victim and the perpetrator is considered an aggravating circumstance in several additional offences (covering different forms of violence, including psychological and economic), which correspond to specific Natinf codes (so specific data is available on those offences ⁽⁶⁾). In the absence of mandatory recording of the relationship for all offences of the Criminal Code, aggregated data on these offences could be used by the SSMSI to provide a wider and more

⁽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⁾ Miprof, *La Lettre de l’Observatoire national des violences faites aux femmes*, No 8, November 2015.

⁽⁶⁾ These would include the Natinf codes relating to Article 222(33)(2)(1) (criminalising the psychological harassment of the intimate partner); Article 222(17) (threat); Article 311(12) (stating the exceptions to the principle of the inexistence of theft against the partner/spouse); and Article 322(1) and (3) (dealing with the destruction, degradation or deterioration of property belonging to another person).

comprehensive picture of the phenomenon, without requiring any modification to the Criminal Code, and would constitute a satisfactory interim solution to improve the available data on intimate partner violence.

For indicators 1 and 3

It is recommended to provide data on all offences for which a past or current intimate relationship is considered an aggravating circumstance.

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

Data is partially available to populate this indicator. There is no specific offence of intimate partner violence, but various offences could fall under this category, including: assault, attempted homicide, rape, sexual harassment and other sexual assaults. However, the data available on the number of incidents is not sex-disaggregated and includes victims and perpetrators of both sexes.

It is recommended to provide sex-disaggregated data on incidents of intimate partner violence.

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

Data is currently partially available to populate this indicator. The administrative data collection framework follows the articles of the Criminal Code (through the Natinf codes), and thus, data collected under Article 222 does not enable the distinguishing of incidents that relate to physical violence from those relating to psychological violence. The available statistical information provides information on the number of victims of assaults and intentional harm, a category that includes incidents related to physical and psychological violence indistinctly, and attempted homicide, when the aggravating circumstance 'violence in the couple' was identified at the time of the recording. Additional information could be requested when collecting data under this article, to identify the specific form of violence that was used in the incidents. This change should be supported by the adoption of a comprehensive statistical definition of intimate partner violence, accompanied by the necessary changes to the recording software (e.g. adding tabs on relationship or form of violence).

It is recommended that a statistical definition be developed based on the Istanbul Convention data requirements so that relevant data can be collected on physical violence.

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

Data is currently partially available to populate this indicator using the same data as provided for indicator 1, as the data category of assaults and intentional harm includes incidents of both physical and psychological violence. The recording of additional information could be requested when collecting data under the Natinf code corresponding to Article 222, to identify the specific form of violence that was used in the incidents.

Nevertheless, in the meantime, France should be able to provide additional and more specific data to populate this indicator using the data collected on the basis of existing articles of the Criminal Code including Article 222(33)(2)(1) (psychological harassment of the intimate partner) and Article 222(17) (threat), and, if information on the relationship between the victim and the perpetrator is recorded for all reported offences, some additional offences could be considered to populate this indicator, including Article 222(16) (on repeated malicious telephone calls, repetitive sending of malicious messages emitted through electronic communications or sound-based assaults aiming to disturb the tranquillity of others).

It is recommended that steps be taken to improve the recording of incidents of psychological violence, including the adoption of a comprehensive statistical definition based on the Istanbul Convention data requirements and the collation of the currently available data on specific offences related to psychological violence.

⁽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).

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 is available to populate this indicator. The statistical information available provides information on the number of victims of marital rape, sexual harassment and other sexual assaults, when the aggravating circumstance was identified at the time of the recording. Provided that the considerations with regards to the scope of the relationships covered under the aggravating circumstance and its impact on data collection are taken into account, no additional recommendation is needed.

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

No data has been identified to populate this indicator. However, data collected on the basis of existing articles of the Criminal Code ⁽¹¹⁾ could potentially be used to populate this indicator. The same limitations identified above in terms of the scope of the aggravating circumstance would apply.

It is recommended that steps be taken to improve the recording of incidents on economic violence, including the collation of the currently available data on specific offences related to economic violence.

Indicator 8 — Annual number of women (aged 18 and over) victims reporting rape ⁽¹²⁾ committed by men (aged 18 and over), as recorded by police

Indicator 9 — Women victims of intimate femicide ⁽¹³⁾ (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)

For indicators 8 and 9

Data is available to populate these indicators. No additional recommendations are needed.

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

No data is available to populate this indicator. The Law of 9 July 2010 adopted as a central measure the creation of the protection order granted by family judges with the aim of providing a comprehensive protection framework for victims of violence in the couple and their children. A protection order can be issued even in the absence of a complaint. Nevertheless, it has been noted that often judges consider that a complaint is a necessary element to prove potential danger and to issue a protection order. Data is available on the number of protection orders applied in cases of violence and the number of decisions taken on these applications. However, data on the applicant and the perpetrator is not sex disaggregated, and it is not possible to identify how many applications were made by women for cases of violence from their male partner, or how many protection orders were granted to those women.

It is recommended to improve the recording systems to ensure that data on the applicant and the perpetrator is sex disaggregated and collected systematically.

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

No proxy data is available to populate this indicator. Data is available on the number of perpetrators in intimate partner violence cases dealt with by the Public Prosecutor's Office and on the number of perpetrators prosecuted for intimate partner violence. However, sex disaggregated information on prosecuted persons and their victims are not available.

It is recommended that necessary changes be made to the recording system to record data on the sex of the perpetrators prosecuted for intimate partner violence as well as that of their victims.

⁽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⁾ Including Article 311(12) (theft of essential documents for daily life); Article 322(1) (3), 3rd paragraph on 'destruction, damaging and deterioration'.

⁽¹²⁾ 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).

⁽¹³⁾ 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 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 to populate indicators 12 and 13 is limited and no proxy is available. Sex-disaggregated information on the sentenced persons in case of intimate partner violence is available. However, there is no information on the victim's sex. Limited information is available on the motives of the sentence.

For indicators 12 and 13

It is recommended that the necessary changes be made to the system to record the missing information (victim's sex and relationship to the perpetrator).



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