



Why do we need administrative data on intimate partner violence?

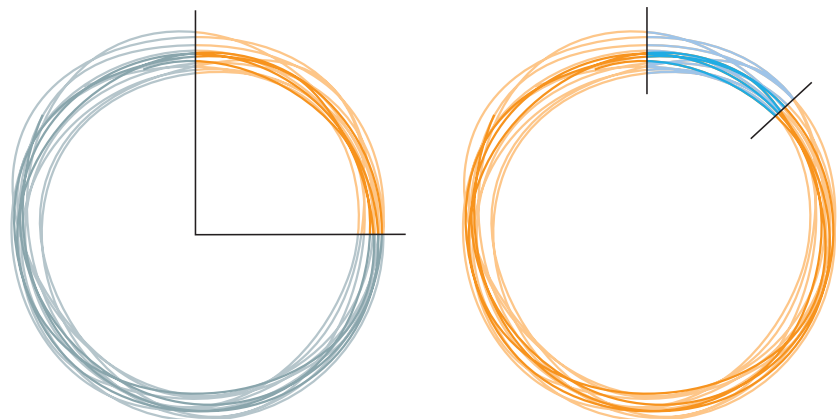
Many women victims of intimate partner violence in the EU Member States remain unprotected. Perpetrators often go unpunished due to inadequate law enforcement approaches, which do not align with international human rights treaties. A gender-neutral approach to the law, coupled with the unavailability of data and existing stereotypes result in the denial of violence against women and its tolerance or normalisation ⁽¹⁾. States must ensure that they carry out the due diligence principle to investigate and punish acts of violence and provide compensation to victims. Improving data collection and providing comprehensive and reliable administrative data is crucial to monitor the police and justice sectors' response to violence against women. It also shows a state's willingness to monitor the effectiveness of its law. High-quality administrative data is in line with the international commitments of Member States to combat violence against women as defined in Directive 2012/29/EU (the Victims' Rights Directive) and the Istanbul Convention.

The European Institute for Gender Equality (EIGE) defines intimate partner violence as all acts of physical, sexual, psychological or economic violence that occur between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. It constitutes a form of violence which affects women disproportionately and which is therefore distinctly gendered.

EIGE's definition of intimate partner violence is in line with the definition of domestic violence of the Istanbul Convention.

In Germany, 25 % of women aged 16 to 85 years have been victims of physical or sexual intimate partner violence in their lifetime.

11 to 14 % of women aged 20 to 50 years experiencing intimate partner violence have contacted the police.



⁽¹⁾ Office of the United Nations High Commissioner for Human Rights, *Report of the Special Rapporteur on violence against women, its causes and consequences*, 2017.

What does the law say?

Intimate partner violence is criminalised under several offences of the Criminal Code (*Strafgesetzbuch*) such as murder, manslaughter, rape and sexual coercion and dangerous injury resulting in death. There is neither a specific offence nor a legal definition for intimate partner violence or domestic violence. The collection of police crime statistics at federal level is regulated under the law on the federal criminal police office. Cooperation between the federal government and the federal states in criminal police matters ⁽²⁾ and data collection in the justice sector is regulated under the law on statistics for federal government purposes (Article 3(3)) ⁽³⁾ for prosecution statistics ⁽⁴⁾ and for statistics on criminal proceedings ⁽⁵⁾ in the justice sector ⁽⁶⁾.

Germany ratified the Istanbul Convention on 12 October 2017 and it entered into force on 1 February 2018 through the law on the Council of Europe Convention of 11 May 2011 on preventing and combatting violence against women and domestic violence ⁽⁷⁾.

Process of administrative data collection by police and justice sectors



POLICE



JUSTICE



- The police record the age and the sex of the victim and the relationship between the parties for incidents reported to the police that are related to physical, sexual, psychological and economic intimate partner violence.
- Detailed relationship information is missing for some offences that might fall under economic and psychological violence (e.g. insult and violation of the obligation to pay alimony).

- Public prosecutors and courts do not collect data on the sex and age of the victim and on the victim–perpetrator relationship for offences related to intimate partner violence.
- Data from the courts focuses on the cases terminated by the courts at different levels and on convicted persons.



- Data is recorded by the police using a specific code list, namely the police crime statistics code (*PKS-Schlüssel*) which is based on the Criminal Code.
- The incident is assigned a special code to indicate it took place between intimate partners.
- Intimate partners are captured using several categories like current/former spouse/registered partner/partner of non-marital cohabitation.

- Data is recorded by the courts at different levels (local courts, district courts, higher federal courts/courts of appeal) and the Public Prosecutor's Office using the articles/offences in the Criminal Code.



- Police data is published by the Federal Criminal Police Office.
- Detailed breakdowns by sex of victim and by victim–perpetrator relationship are published as one of the general overview tables of police crime statistics.

- Justice data is published by the Federal Statistical Office of Germany (the FSO) and is based on recorded data provided by the courts, prisons and the Public Prosecutor's Offices of the federal states.
- The FSO publishes data on convictions categorised by articles/offences in the Criminal Code and data on cases ruled by the different courts and on investigation procedures terminated by the public prosecutors categorised by groups of offences.

⁽¹⁾ Gesetz über das Bundeskriminalamt und die Zusammenarbeit des Bundes und der Länder in kriminalpolizeilichen Angelegenheiten (§ 2 Abs. 6 Ziff. 2), as confirmed by replies to questionnaire sent to Federal Criminal Police Office, received on 18 April 2017.

⁽²⁾ There is no legal basis at national level covering prosecution statistics, however the processing of the results of the federal states by the NSO is regulated under the abovementioned law, Gesetz über die Statistik für Bundeszwecke.

⁽³⁾ Prosecution 2014 (*Strafverfolgung 2014*), Justice (*Rechtspflege*) Vol. 10, No 3, 2016, Federal Statistical Office (*Statistisches Bundesamt*), p. 5, (https://www.destatis.de/DE/Publikationen/Thematisch/Rechtspflege/StrafverfolgungVollzug/Strafverfolgung2100300147004.pdf?__blob=publicationFile).

⁽⁴⁾ Criminal courts (*Strafgerichte*) 2015, Justice (*Rechtspflege*) Vol. 10, No 2.3, 2017, Federal Statistical Office (*Statistisches Bundesamt*), p. 4, (https://www.destatis.de/DE/Publikationen/Thematisch/Rechtspflege/GerichtePersonal/Strafgerichte2100230167004.pdf?__blob=publicationFile).

⁽⁵⁾ Federal Criminal Police Office (*Bundeskriminalamt*) *Police Crime Statistics – Federal Republic of Germany – Historical development – 2016 (Polizeiliche Kriminalstatistik – Bundesrepublik Deutschland – Geschichtliche Entwicklung – Stand: 2016)*, 2016, p. 4, (<https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2016/pks2016.html>).

⁽⁷⁾ Law on the Council of Europe Convention of 11 May 2011 on preventing and combatting violence against women and domestic violence (*Gesetz zu dem Übereinkommen des Europarats vom 11. Mai 2011 zur Verhütung und Bekämpfung von Gewalt gegen Frauen und häuslicher Gewalt*), *Bundesgesetzblatt Teil II* (German Official Journal), No 19, 26.7.2017, p. 1026, (https://www.bgbl.de/xaver/bgbl/start.xav?start=%2F%2F%5B%40attr_id%3D%271_2017_19_inhaltsverz%27%5D#_bgbl__%2F%2F%5B%40attr_id%3D%27bgbl217s0937.pdf%27%5D__1521199769275).

Indicators on intimate partner violence

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. These relate to administrative data from the police and justice sectors. By populating the indicators Member States will be able to meet the minimum requirements for data provision outlined in the Victims' Rights Directive and the Istanbul Convention.

What data is available?



POLICE

- 1. Annual number of women (aged 18 and over) victims of intimate partner violence committed by men (aged 18 and over), as recorded by police.
- 2. Annual number of reported offences related to intimate partner violence against women committed by men (aged 18 and over).
- 3. Annual number of men (aged 18 and over) perpetrators of intimate partner violence against women (and percentage of male population that are perpetrators).
- 4. Annual number of women (aged 18 and over) victims of physical intimate partner violence committed by men (aged 18 and over), as recorded by police.
- 5. Annual number of women (aged 18 and over) victims of psychological intimate partner violence committed by men (aged 18 and over), as recorded by police.
- 6. Annual number of women (aged 18 and over) victims of sexual intimate partner violence committed by men (aged 18 and over), as recorded by police.
- 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.
- 8. Annual number of women (aged 18 and over) victims reporting rape committed by men (aged 18 and over), as recorded by police.
- 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).



JUSTICE

- 10. Annual number of protection orders applied for and granted in cases of intimate partner violence against women by type of court.
- 11. Annual number of men (aged 18 and over) prosecuted for intimate partner violence against women.
- 12. Annual number of men (aged 18 and over) sentenced for intimate partner violence against women.
- 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.

Low availability. No data is available or existing data is not sufficient to populate the indicator due to considerable lack of detail and necessary breakdowns, such as no information on the sex of the victim.

Medium availability. Some data is available but it lacks important breakdowns, such as the exact relationship between the victim and the perpetrator.

High availability. Data is available with necessary breakdowns.

Key recommendations for improving data collection on intimate partner violence



LEGISLATIVE

Define measures to improve data collection in the next national action plan

The second national action plan on combatting violence against women (*Aktionsplan II der Bundesregierung zur Bekämpfung von Gewalt gegen Frauen*) was adopted in 2007 and is still the main political framework on violence against women. However, it does not mention the relevance of crime statistics in measuring the extent of intimate partner violence or other forms of violence against women. It is recommended to highlight the importance of and include goals to improve administrative data collection in any follow-up to the second national action plan on combatting violence against women.

Implementation of the Istanbul Convention

Technical developments in collecting crime statistics and upcoming obligations under the Istanbul Convention have had led the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth to ask the Federal Criminal Police Office to publish specific statistics on intimate partner violence. It is recommended that the annual publication of this data continue in the future.



TECHNICAL

Record victim–perpetrator relationship and victim information by justice sector

The justice services do not record information on the victim's sex or on the victim–perpetrator relationship. In several federal states, prosecutors have developed specific IT systems and databases, providing a good basis for recording this information (e.g. Websta and MESTA). It is recommended that steps be taken to ensure that such information is collected by the justice services, starting with expanding the capacities of electronic data recording by the public prosecutors.

Include economic violence in statistical publications on intimate partner violence

Offences constituting economic violence (exploitation of prostitutes, human trafficking for labour or sexual exploitation) were not included in the statistical publication on intimate partner violence⁽⁶⁾, although victim information is recorded. It is recommended that these offenses be included in such publications. Furthermore, it is recommended that victim information be recorded for the offence 'breach of obligation to pay alimony' (Article 170, Criminal Code).

Include 'insult' in statistics on intimate psychological violence

The police do not collect victim information for the offence 'insult' (PKS 673000). However this aspect is currently under consideration. It is recommended to record victim information for this offence and include it in statistical publications on intimate partner violence.

Provide data and metadata on protection orders

Statistical data is available on the number of cases regarding different protection measures foreseen by the law on protection from violence (*Gewaltschutzgesetz*), but not on the outcomes of the court cases. In order to ensure international comparability, it is recommended that data on the protection orders themselves be collected and published, including the underlying counting rules.



COOPERATION

Align data recording by justice authorities

While the competence for data recording lies with the federal states, the Federal Office of Justice participates in the collection of data and the provision of statistics. It is recommended that the Federal Office of Justice encourage federal states to record and provide aggregated data on intimate partner violence (i.e. including victim information) by, for example, exploring the transferability of best practices in place in certain federal states (such as the databases mentioned above or the recording of victim information, at least for sexual offenses, as is done by certain courts).

⁽⁶⁾ Federal Criminal Police Office (*Bundeskriminalamt*), *Partner Violence -- Analysis of crime statistics -- Reporting year 2015 (Partnerschaftsgewalt -- Kriminalstatistische Auswertung -- Berichtsjahr 2015)*, 2015, (https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/Partnerschaftsgewalt/Partnerschaftsgewalt_2015.html).

European Institute for Gender Equality

The European Institute for Gender Equality (EIGE) is the EU knowledge centre on gender equality. EIGE supports policymakers and all relevant institutions in their efforts to make equality between women and men a reality for all Europeans by providing them with specific expertise and comparable and reliable data on gender equality in Europe.



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