



Why do we need administrative data on intimate partner violence?

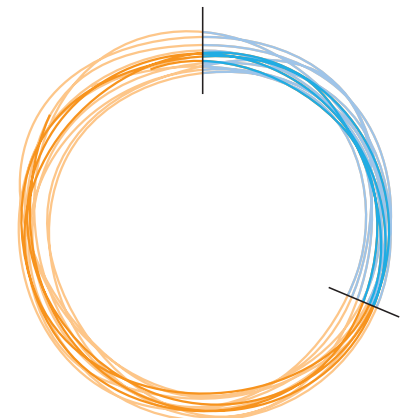
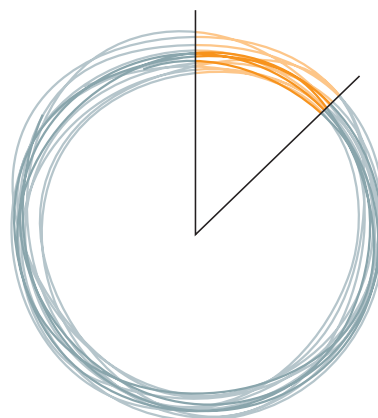
Many women victims of intimate partner violence in the EU Member States remain unprotected. Perpetrators often go unpunished due to inadequate law enforcement approaches, which do not align with international human rights treaties. A gender-neutral approach to the law, coupled with the unavailability 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.

12.5 % of women aged 16 or over have been victims of physical and/or sexual intimate partner violence in their lifetime.

28.6 % of those women reported this violence to 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 constitutes a specific offence and is criminalised under domestic violence law (when the victim is a man) and under gender violence law (when the victim is a woman). Intimate partner violence against women is addressed by Organic Act 1/2004 on Integrated Protection Measures against Gender Violence. At regional level, several laws also address intimate partner violence. Spain ratified the Istanbul Convention in 2014.

Process of administrative data collection by police and justice sectors



POLICE



- Data collection on criminal offences in the police sector is regulated under Organic Act 1/2004.
- There is a legal framework to collect data on intimate partner violence and a body coordinating data collection: the Government Delegation against Gender-Based Violence.
- Intimate partner violence crimes are prosecutable ex officio; in other words, it is not at the discretion of the police to discard a claim. All reported incidents are examined by the justice system.
- As all reported incidents of intimate partner violence proceed to the courts, the police is not responsible for classifying offences of intimate partner violence and so cannot provide data in this area.
- In 2015, the police recorded 60 044 cases of reported intimate partner violence against women ⁽²⁾.



- The police collects data on intimate violence against women and domestic violence in general, but does not collect breakdowns about victims of these offences.
- The Comprehensive Monitoring System in Cases of Gender Violence (VioGen System) collects police data related to risk factors.



- Data on intimate partner violence is published annually in the statistical yearbook of the Ministry for Home Affairs.



JUSTICE

- Data collection on criminal offences in the justice system is regulated under Organic Act 1/2004.
- The justice system collects data on femicide, rape, sexual assault in couples, different typologies of more or less serious violence, repeated violence against women in relationships, threats, coercion and insults in intimate relationships.
- Justice sector data on psychological or economic intimate partner violence is limited.
- The following judicial institutions provide data related to intimate partner violence: Ministry of Justice, Public Prosecutor's Office, General Council of the Judiciary, General Secretariat of Penitentiary Institutions.

- A specialised system of courts has been created, focusing on (male) intimate partner violence (against women). This provides wide-ranging and detailed data on the judicial treatment of intimate partner violence offences.
- The Observatory against Domestic Violence and Gender-Based Violence also collects data related to the justice sector.

- Data is published by the judicial institutions themselves and by the National Statistics Office.

⁽²⁾ Ministry for Home Affairs, *Anuario estadístico del Ministerio del Interior — 2015*, Bilbao, 2016, p. 349 (<http://www.interior.gob.es/documents/642317/1204854/Anuario-Estadistico-2015.pdf/03be89e1-dd38-47a2-9ce8-ccdd74659741>).

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



Define all types of intimate partner violence in legislation

Spain ratified the Istanbul Convention in 2014. Having done so requires the modification of current national legislation on gender-based violence to ensure that it reflects the four forms of intimate partner violence — physical, psychological, emotional and economic — defined in the convention. It is recommended that Organic Act 1/2004 be amended to include the four forms of intimate partner violence outlined in the Istanbul Convention.

Address gaps in the Organic Act 1/2004

Spain stands out among other EU countries for having introduced specific legislation on gender-based violence (Organic Act 1/2004 on Integrated Protection Measures against Gender Violence), creating a specialised system of courts to examine intimate partner violence offences, and for providing detailed justice system data on intimate partner violence. However, at present the law does not cover sexual aggression and rape outside intimate partner relationships, both of which are dealt with in the ordinary courts system. This creates data gaps which prohibit a fully comprehensive understanding of intimate partner violence prevalence to be obtained. It is recommended to incorporate these offences into Organic Act 1/2004.



Improve data collected at police level

At present, data available on women victims of violence and their situation is of judicial origin. The police does 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 sex of the victim and their relationship to the perpetrator in order to specify intimate partners. It is additionally recommended that the type of offence be recorded at police level, not just at justice level.

Include additional variables in judicial data collection

Intimate partner violence data obtained from the judiciary is already strong. This data could be improved by providing information on the profile of the victim and the perpetrator (age, education and profession). It is also reported that judicial data on psychological and economic violence is limited, as is information on rape and sexual assault outside an intimate relationship, due to the fact that both offences fall within ordinary criminal law and not the specialised courts for intimate partner violence. It is recommended that steps be taken so that recording systems used in the justice sector enable the input of data on psychological and economic violence, and rape and sexual assault outside an intimate relationship.



Promote coordination between state and regional bodies

Several sources obtain judicial and police data on intimate partner violence: the General Council of the Judiciary, the VioGen System, the Public Prosecutor's Office, the General Secretary of Penitentiary Institutions, the Ministry of the Interior and the Government Delegation against Gender Violence. This produces a wealth of information but also a need for effective coordination. There is also a need for greater data cooperation between police forces and with the Autonomous Communities of Catalonia and the Basque Country. It is recommended to develop a mechanism through which all information on intimate partner violence — across institutions, sectors and regions — is shared. This data should include common breakdowns on the sex and age of the victim and perpetrator and their relationship. It is additionally recommended to improve police coordination at state and regional level.

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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