



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.

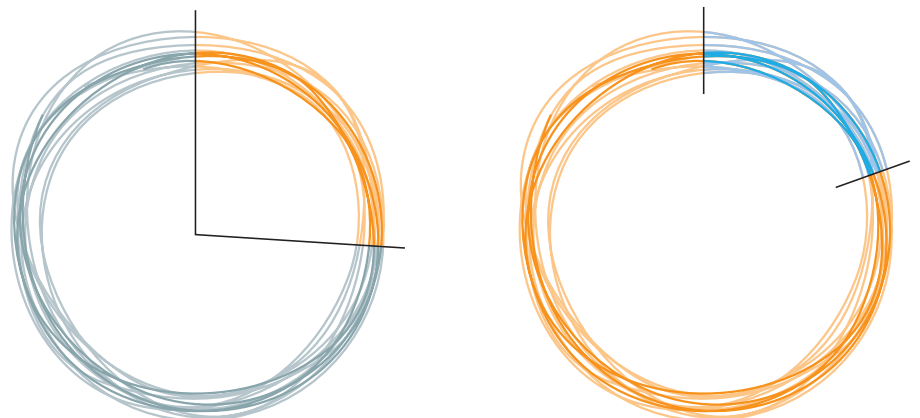
Improving data collection and providing comprehensive and reliable administrative data is crucial to monitor the police and justice sectors' response to violence against women. It also shows a state's willingness to monitor the effectiveness of its law. High-quality administrative data is in line with 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 France, 26 % of women have been victims of physical and/or sexual violence by a partner since the age of 15.

Only 18 % of those women 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?

Although at present intimate partner violence and domestic violence do not constitute distinct offences in the Criminal Code, the status of the victim's current partner/spouse or former partner/spouse can represent an aggravating circumstance for a number of criminal offences — on the condition that the victim and perpetrator cohabit or have cohabited. The Criminal Code does not distinguish between physical and psychological violence, while theft is not subject to criminal prosecution if the perpetrator and victim are married. The Istanbul Convention has been in force since November 2014.

Process of administrative data collection by police and justice sectors



POLICE



- For offences related to intimate partner violence, the following variables are collected: sex and age of the victim and perpetrator and nature of the incident (based on Criminal Code classifications).
- The victim–perpetrator relationship is not recorded for all offences that could be regarded as intimate partner violence, as the legal provisions on aggravating circumstances apply only in cases of an ongoing or previous relationship between cohabitating partners or spouses.
- **In 2015, the police recorded 72 873 incidents of intimate partner violence (²).**



- France has two police services: the national police and the *gendarmerie*.
- Data is recorded by the police and *gendarmerie* in their respective recording systems using a common code list (known as the Natinf, short for *nature de l'infraction* or nature of the infraction).
- The Natinf system used previously by the Ministry of Justice was implemented by the Ministry of the Interior in 2015.
- Quality assurance analysis indicates that the recording of incidents of intimate partner violence by the police and the *gendarmerie* has improved and that Natinf codes are being correctly implemented.



- Some raw police data is publicly available through the French Ministerial Statistical Department for Internal Security (*service statistique ministériel de la sécurité intérieure*). A synthesis of the available data on intimate partner violence is regularly published by the interministerial mission for the protection of women against violence (*mission interministérielle pour la protection des femmes* — Miprof).



JUSTICE

- Cases are recorded as soon as they arrive at the Public Prosecutor's Office. However, the judicial institutions and magistrates are required to 'give the facts their exact characterisation' and determine under which applicable texts the case may be criminalised.
- Consequently, a case may be considered an incident of intimate partner violence at the time of the initial investigation but be requalified later in the judicial process, or vice versa.
- The perpetrator's sex is recorded at the sentencing stage, but not at the prosecution stage.
- The victims' sex is not recorded. The victim–perpetrator relationship is registered since it is considered an aggravating circumstance.

- The main coding system used by the justice system is the *natures d'affaire* or nature-of-the-case code system, which is utilised when the case reaches the Public Prosecutor's Office.
- The Natinf code system, also used in the police sector, is systematically applied by the justice sector to all cases prosecutable in court, but more rarely to those that will be resolved through an alternative procedure.
- Work is underway to harmonise the coding systems for intimate partner incidents used by the Ministry of the Interior and the Ministry of Justice.

- Justice-sector data is published by the Ministry of Justice. The ministry's Department of Statistics releases some statistics extracted from data recorded by the high courts (*tribunaux de grande instance*). A synthesis of the available data is published annually by Miprof.

(²) Data : From November 2014 to October 2015; Miprof, *La Lettre de l'Observatoire national des violences faites aux femmes*, No 8, November 2015.

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

Introduce a legal definition of intimate partner violence

Although the status of intimate partners that cohabit or have cohabited can provide an aggravating circumstance for a number of offences in the Criminal Code, there is no distinct legal definition of intimate partner violence. It is recommended that intimate partner violence be legally defined and that the definition incorporate physical, psychological, sexual and economic violence, as outlined in the Istanbul Convention.

Adopt a statistical definition of intimate partner violence

The Criminal Code does not specifically distinguish physical violence from psychological violence; both are criminalised under the same general article (Article 222-1 to 222-14-3). Administrative data collection practice follows the articles of the Penal Code (through Natinf codes), so data collected under Article 222 does not distinguish between physical and psychological violence. It is recommended that a statistical definition be developed 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.

Extend legal provisions on 'aggravating circumstances' to non-cohabiting partners

At present, the status of a current or former partner can only constitute an aggravating circumstance for numerous criminal offences if the victim and perpetrator cohabit or have cohabited. This condition means that violence against women in the context of intimate partners who have never cohabited does not generate statistics. It is recommended that non-cohabiting intimate partners be included within the scope of relationships for which aggravating circumstances can apply.

Extend the range of offences for which the victim–perpetrator relationship can be considered an aggravating circumstance

In the Criminal Code, an intimate relationship between victim and perpetrator can be considered an aggravating circumstance in a number of offences. However, some relevant offences (such as destruction or degradation of property by a non-cohabiting intimate partner) are not included. It is recommended that the scope of provisions on 'aggravating circumstances' be extended to include these offences.



TECHNICAL

Improve data recording in the justice sector

Although data recorded by the judiciary includes information on the perpetrator and the number of perpetrators, data is not collected systematically on the victim or their relationship with the perpetrator. Information on the victim and their relationship with the perpetrator is necessary to gather accurate data on intimate partner violence. It is recommended that the justice system introduce measures to systematically record data on the sex and age of the victim and their relationship with the perpetrator.

Systematically record relationship information at police level

Although the Criminal Code covers different forms of intimate partner violence, an intimate partner violence incident can only be flagged if an aggravating circumstance is identified. Consequently, enabling the recording of intimate relationships for all offences reported to the police would enable more comprehensive data on all intimate partner violence offences. It is recommended that the police sector systematically record the victim–perpetrator relationship for all reported offences.



COOPERATION

Strengthen ongoing cooperation between the police and justice systems

The Ministry of the Interior and the Ministry of Justice are currently harmonising their coding system and data registration procedures on incidents related to intimate partner violence. However, partly due to software limitations, not all cases are attributed a Natinf code by the judiciary. It is recommended that a Natinf code be applied by the justice sector to all cases, regardless of the outcome, in order to improve data collection.

Make data publicly available and detailed

Ensuring comprehensive data availability can contribute to better-informed policymaking and increased public awareness. Currently available data is presented in static tables and, for some offences, key information is not provided (such as the sex of the perpetrator). Publishing data in dynamic tables can enable users and researchers to choose the datasets they need and to cross-reference them. It is recommended that the police and justice sectors publish sex-disaggregated data with a relationship breakdown in the form of dynamic tables on official platforms.

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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