



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.

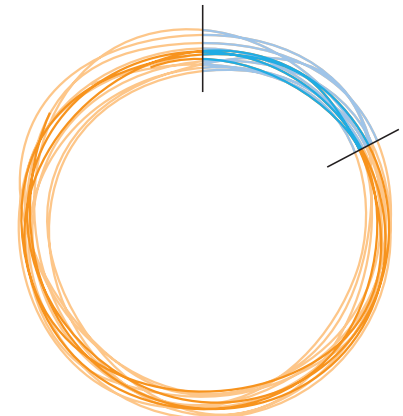
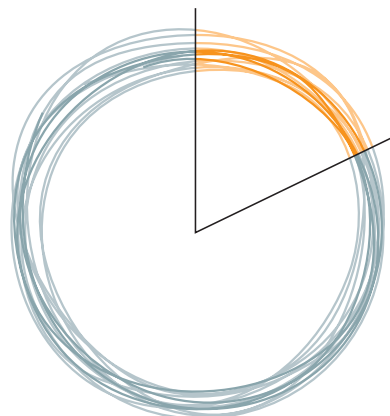
Improving data collection and providing comprehensive and reliable administrative data is crucial to monitor the police and justice sectors' response to violence against women. It also shows a state's willingness to monitor the effectiveness of its law. High-quality administrative data is in line with 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.

19 % 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?

Intimate partner violence falls under the scope of Article 152 of the Penal Code on domestic violence; it is not a distinctly criminalised offence itself. Article 152 defines domestic violence as a repeated or isolated incident of physical, psychological or sexual mistreatment against categories of persons that include a former or current spouse or partner, irrespective of cohabitation, parents or a vulnerable dependent. The Istanbul Convention has been in force since August 2014.

Process of administrative data collection by police and justice sectors



POLICE



- For domestic violence and intimate partner violence offences, the police record the following variables: age, date of birth, marital status, employment status, the relationship between the victim and the perpetrator and their respective levels of education, amongst many others.
- Law enforcement agencies record domestic violence cases uses three categories: against a partner; against children and other situations.
- Police data does not provide cross-tabulated data relating to victims' and perpetrators' sex, age and relationship, and offence type.
- In 2016 the police recorded 22 773 crimes of domestic violence against an intimate partner ^(?).



- The Republican National Guard (GNR) and the Public Security Police (PSP) record domestic violence incidents in line with the definition provided in Article 152 of the Penal Code.
- A standard form is used to record domestic violence information.
- In addition to the form, law enforcement agencies record domestic violence cases for the 'map of crimes', which is used to send all crime-related data to the Directorate-General of Justice Policy.



- All incidents registered by the PSP and GNR are published annually in a general report on internal security and a specific report on domestic violence.



JUSTICE

- For domestic violence and intimate partner violence offences, the judiciary record the following variables: closed cases (not prosecuted), prosecution and provisional suspension of criminal proceedings.
- The justice system currently does not record data on victims. This data has not been available since 2007 due to changes in the method of data collection in the courts' new computer system.
- The relationship between the victim and the perpetrator is not recorded at judicial level.

- The justice system uses a dedicated computer system (Citius) to record data on judicial processes.
- A unique number of identification of the criminal process is assigned to each case and connects police and judicial data relating to a case.
- The Directorate-General of Justice Policy within the Ministry of Justice also collects some data on domestic violence, but this does not include the sex of the victim and their relationship to the perpetrator.

- The new Justice Data System provides some publicly accessible data on domestic violence on the Ministry of Justice website.
- Information specifically on intimate partner violence from the judiciary is not published at present.

^(?) Gabinete do Secretário-Geral, Annual report of internal security 2016 (*Relatório Anual de Segurança Interna 2016*), 2017.

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



Recognise intimate partner violence as a distinct offence

Intimate partner violence falls under the scope of Article 152 of the Penal Code in which a domestic violence definition is outlined. It includes physical, psychological and sexual mistreatment, but not economic violence. The scope of the definition also includes some categories of persons beyond intimate partners. It is recommended that intimate partner violence be recognised as a legally distinct offence in line with the Istanbul Convention, and that the definition necessarily comprise economic violence and apply to intimate partners only.

Strengthen political commitment

Commitment to combating intimate partner violence is already strong in Portugal, as evidenced in particular by the fifth plan to prevent and combat domestic and gender-based violence (2014-2017). However, despite obvious political engagement, shortcomings remain with regard to data collection, particularly in the justice system. Political commitment is required to prioritise initiatives aiming to improve data collection on intimate partner violence.



Adopt a mandatory intimate partner violence variable

Recognising intimate partner violence as a separate variable in data collection is a key way of improving 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.

Record the sex of the victim in the judicial computer system

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 intimate partners. A task force is currently working to improve the Citius system. It is recommended that efforts to correct the Citius system ensure that the sex of the victim becomes a mandatory category recorded by justice officials.



Publish all relevant data in annual reports

At present, administrative data collection is divided between agencies that are responsible for recording data, and those that gather and analyse it. 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 respective bodies responsible for data collection and data analysis become better integrated so that all information relevant to intimate partner violence is made publicly available in annual monitoring reports.

Amend the statistical parameters of data collected at judicial level

The 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). However, information on the victim, the perpetrator and the relationship between both is not included. Recording the relationship between victim and perpetrator enables the identification of offences in the context of an intimate relationship. It is recommended that the parameters provided by the Prosecutor General's Office circular be amended to include mandatory categories on the victim, perpetrator and their relationship.

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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