

CZECH REPUBLIC

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 29 June 2017 in Bratislava, Slovakia. 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

Strengthen political commitment to introduce improvements to 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.

Currently, intimate partner violence is not recognised as a social problem and is not high on the national political agenda. The four forms of intimate partner violence as defined by the Istanbul Convention are not recognised. Nevertheless, the Committee against Domestic Violence and Violence against Women has prepared an action plan which not only focuses on domestic violence, but has a broader scope, including violence against women. This could help develop an understanding of intimate partner violence as a widespread social problem.

It is recommended that this understanding be extended to other policymakers. Discussions and cooperation between various types of stakeholders (NGOs, experts, statisticians, academics, police, lawyers and support services such as doctors and social workers) should be organised.

Ratify the Istanbul Convention

The Czech Republic signed the Istanbul Convention in May 2016 but has not yet ratified it. As the Istanbul Convention is the most significant and comprehensive legally binding text addressing violence against women, its immediate ratification is strongly recommended. Ratifying the Istanbul Convention would enable the Czech Republic to meet its minimum data requirements for international comparisons and assist its policymakers and practitioners in their efforts to combat intimate partner violence and rape.

It is recommended to take steps towards the swift ratification of the Istanbul Convention.

Amend the scope of the law on protection against domestic violence, Act No 135/2006 Coll, to adopt a wider definition of intimate partner violence

The definition of domestic violence covers violence among those living in a shared dwelling, but not intimate partners who live separately. It does not recognise unmarried ex-partners either, even if they have lived together. Additionally, there is still limited understanding of the need to differentiate specific forms of intimate partner violence (economic, psychological, physical and sexual). While psychological, physical and sexual violence are already recognised types of violence in policymakers' discourse, economic violence is not recognised as a form of intimate partner violence.

It is recommended that the current legal definition be amended to adopt a wider understanding of intimate partner violence in line with the Istanbul Convention, to recognise violence between non-cohabitating partners, as well as between unmarried ex-partners. It is additionally recommended that steps be taken towards integrating the concept of economic violence as a form of intimate partner violence.

Take steps to improve the estimation of the cost of intimate partner violence to police and justice sectors

A study to estimate the cost of intimate partner violence was conducted in 2012 ⁽¹⁾ using administrative and survey data. It was based on the workload method. It provided information on the cost of intimate partner violence to the police, state prosecution, criminal and civil courts, social services and healthcare services. However, the cost estimation did not include important aspects of police and justice work, including institutional operation costs, victim compensation costs and costs to prisons. Developing an

(1) Kunc, K., Poláková, J., Hradecká, S., Hurychová, E., Budinová, A., & Klusáčková, M., *Ekonomické dopady domácího násilí v ČR (Economic impact of domestic violence in the Czech Republic)*, Profem, 2012 (http://www.profem.cz/shared/clanky/68/profem-studie2b-web_1.pdf) (not available in English).

action plan to estimate the costs of intimate partner violence could lead to a better understanding of the phenomenon in the context of the economic burden it creates.

It is recommended that a new study be conducted that is extensive and comprehensive, and that a purpose-built economic model be adopted to allow the cost of violence against women to these sectors to be estimated. The purpose-built model developed by EIGE can be used for this purpose.

2. Data collection infrastructure and cooperation between different authorities

Improve the organisational structure for data collection by establishing a coordinating body

There is no one body coordinating data collection on intimate partner violence in the Czech Republic. Several stakeholders (including the Ministry of Justice, the Ministry of the Interior, and the Police Presidium) collect and publish data with different classifications and disaggregation. Some data is also published by the Czech Statistical Office. A regulatory body should gather and collate data from various stakeholders in order to develop an enhanced data collection system.

It is recommended to establish a coordinating body for the purpose of improving and managing data collection practices across sectors and institutions.

Take steps to introduce a transparent system of data controls

To ensure that data collected by law enforcement authorities is reliable, quality assurance procedures are needed from the point of data input by police officials and municipal officers (in case of civil courts), to court officials in the judiciary and any other responsible bodies. However, there is a lack of systematic and coordinated data controls.

It is recommended that a transparent and standardised system of data controls be introduced into data collection procedures at all levels of the criminal process.

3. Technical recommendations

Systematically collect data on the relationship between the victim and the perpetrator

Currently, data on the relationship between the victim and the perpetrator is collected exhaustively by the police (including married or non-married ex-partners) but only for some offences related to physical, psychological and sexual violence. Recording the relationship between the victim and the perpetrator is absolutely fundamental to any form of data collection on cases of intimate partner violence: this disaggregation enables the identification of offences in the context of an intimate relationship. Moreover, when publishing data, the Czech Statistical Office does not publish breakdowns on some types of relationships, so some relevant information is not publicly available.

It is recommended that information on the relationship between the victim and the perpetrator (current/ex-partner, married or not) for any criminal offence be mandatorily recorded to differentiate intimate partners from other relationships in the domestic sphere, and to make this data available in official annual statistical reports.

Take steps to improve data collected by the judiciary

The justice sector does not always collect data on the victim. Important information on the victim's sex, age, and relationship to the perpetrator is often missing.

It is recommended that data collected by the justice sector systematically include information on the victim and their relationship with the perpetrator (to differentiate intimate partners from other relationships in the domestic sphere), following the same recording process as the police sector.

Indicator 1 — Annual number of women (aged 18 and over) victims of intimate partner violence ⁽²⁾ committed by men (aged 18 and over), as recorded by police

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

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)

Indicator 9 — Women victims of intimate femicide ⁽³⁾ (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 1, 2, 3 and 9

There is no definition of intimate partner violence in Czech law. The definition of domestic violence ('abuse of a person living in a common dwelling') covers all forms of violence among those living in the same household. The data collected under this legislation is disaggregated by the type of relationship between the victim and the perpetrator, but excludes intimate partners not living in the same household. Therefore it is possible to populate the indicator with data on violence occurring between partners living in the same household.

It is recommended that the scope of the law on protection against domestic violence, Act No 135/2006 Coll, be widened to include intimate partner violence in line with the Istanbul Convention. Based on this, the scope of the data collected should be extended to current and former partners who do not share or have never shared the same household and who are not or have never been married.

Indicator 4 — Annual number of women (aged 18 and over) victims of physical intimate partner violence ⁽⁴⁾ committed by men (aged 18 and over), as recorded by police

The definition of domestic violence does not differentiate between the four forms of intimate partner violence recognised by the Istanbul Convention: physical, psychological, sexual and economic. However, this indicator can be populated using data collected under specific offences and disaggregated by victim–perpetrator relationship.

It is recommended that a statistical definition be developed that includes the four forms of violence outlined in the Istanbul Convention. It is recommended that the following criminal offences have data collected on them — as a minimum — in order to collect information on physical intimate partner violence: murder motivated by personal relationships (Article 103 Criminal Code); intentional bodily harm (Article 151); and deprivation of liberty (Article 182).

Indicator 5 — Annual number of women (aged 18 and over) victims of psychological intimate partner violence ⁽⁵⁾ committed by men (aged 18 and over), as recorded by police

The definition of domestic violence does not differentiate between the four forms of intimate partner violence recognised by the Istanbul Convention: physical, psychological, sexual and economic. However, this indicator can be populated using data collected under specific offences and disaggregated by victim–perpetrator relationship.

It is recommended that a statistical definition be developed that includes the four forms of violence outlined in the Istanbul Convention. It is recommended that the following criminal offences have data collected on them — as a minimum — in order to collect information on psychological intimate partner violence: dangerous threat (Article 173); blackmail (Article 181); coercion (Article 188); and dangerous stalking (Article 174).

⁽¹⁾ 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).

⁽²⁾ 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).

⁽³⁾ 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).

⁽⁴⁾ 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 ⁽⁶⁾ committed by men (aged 18 and over), as recorded by police

The definition of domestic violence does not differentiate between the four forms of intimate partner violence recognised by the Istanbul Convention: physical, psychological, sexual and economic. However, this indicator can be populated using data collected under specific offences and disaggregated by victim–perpetrator relationship.

It is recommended that a statistical definition be developed that includes the four forms of violence outlined in the Istanbul Convention. It is recommended that the following criminal offences have data collected on them — as a minimum — in order to collect information on sexual intimate partner violence: rape (Article 201); and other sexual abuse (Article 212).

Indicator 7 — Annual number of women (aged 18 and over) victims of economic intimate partner violence ⁽⁷⁾ committed by men (aged 18 and over), as recorded by police

The definition of domestic violence does not differentiate between the four forms of intimate partner violence recognised by the Istanbul Convention: physical, psychological, sexual and economic. Therefore, it is only partly possible to populate this indicator. Moreover, economic intimate partner violence is not recognised.

It is recommended that steps be taken to increase awareness of economic violence (e.g. through a campaign and training for police and justice operators) and that a statistical definition be developed based on the Istanbul Convention so that relevant data can be collected on this form of intimate partner violence. It is recommended that the following criminal offence have data collected on it — as a minimum — in order to collect information on economic intimate partner violence: damage of personal property (Article 589). An expert group should be established to identify which other offences could be included (e.g. Article 131, 'Theft').

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

Data is available to populate this indicator. The crime statistics concerning rape are also publicly available in the annual police report.

No recommendation is needed.

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

Data is available to populate this indicator from the police (but not the judiciary). The police publishes the number of protection orders issued, with relevant information on the age and sex of the victim and the perpetrator.

No further recommendation is needed.

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

Indicator 12 — Annual number of men (aged 18 and over) sentenced for intimate partner violence against women

For indicators 11 and 12

Data is available to populate this indicator. However, the relationship between the victim and the perpetrator is limited to persons who have or have not shared a common household.

It is recommended that the scope of the law on protection against domestic violence, Act No 135/2006 Coll, be widened to include intimate partner violence, in line with the Istanbul Convention. Based on this, the scope of the data collected should be extended to current and former partners who do not share or have never shared the same household and who are not or have never been married.

⁽⁶⁾ Any sexual act performed on the victim without consent. Sexual violence can take the form of rape or sexual assault (EIGE, 2017).

⁽⁷⁾ 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).

⁽⁸⁾ 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).

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

This indicator cannot be populated at present. The Ministry of Justice does not have this data and the prison services collect the number of persons held with a final sentencing decision only. The type of criminal offence is not statistically collected and information on the victim is not available either. Nevertheless, information on the offence is included in the files on each case. Therefore information to populate the indicator is available but a time-consuming exercise is required to extract it.

It is recommended that the information on victim and perpetrator be systematically recorded electronically to make data extraction easier.



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