

## **NETHERLANDS**

# **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 30 May 2017 in Amsterdam, the Netherlands. 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

### To strengthen the commitment to introduce improvements to administrative data collection

The commitment of decision-makers gives legitimacy to change and ensures its durability by embedding the systematic and comparable administrative data collection on intimate partner violence in the police and justice sectors. Priority should be given to the sensitisation of the personnel responsible for data collection. Furthermore, a working group on data should be set up by responsible national authorities with the impetus of the coordinating body for the Istanbul Convention in the Netherlands, namely the Ministry of Public Health, Welfare and Sport. Further changes that would improve data collection practices in the Netherlands are detailed below.

**It is recommended** to entrench commitment and uphold current momentum towards the improvement of data collection on intimate partner violence.

### Adopt a legal definition of intimate partner violence

There is no specific offence category for intimate partner violence in the Netherlands. It is criminalised under several offences in the Criminal Code such as sexual offences, offences against life, assault, threats and so forth. Due to this lack of a legal definition of intimate partner violence, government agencies use different definitions of this concept. The definitions they use are not as extensive as those found in the Istanbul Convention since they do not include the concept of 'economic violence' and do not specify that it can take place whether or not the perpetrator shares or has shared the same residence with the victim (as stipulated by the Istanbul Convention definition).

**It is recommended** that a legal definition of intimate partner violence, one that is more equivalent to the one in the Istanbul Convention, be adopted. This would not only improve data collection for these offences but would give added credibility to government agencies when communicating publicly on the subject.

## 2. Data collection infrastructure and cooperation between different authorities

### Prioritise the collection and publication of intimate partner violence data

The National Statistics Office (CBS) compiles data on crime statistics but has no coordination role over the institutions. Regarding statistics on intimate partner violence, the CBS analyses and processes data only when specially requested to do so.

**It is recommended** that the government prioritise the collection of intimate partner violence data and ensure that the CBS publish intimate partner violence data more frequently.

### Harmonise the recording and classification of intimate partner violence crimes

The police and justice sectors as well as the CBS categorise offences that take place within the context of intimate partnerships in different ways. For instance, the police usually registers incidents of intimate partner violence under five offence categories (each with their own number code and based on the 'social class' of the offence). However, this coding system is not used by the justice sector. Instead, the latter registers offences according to the Criminal Code. Furthermore, the CBS uses its own classification system (a statistical one) when processing police and justice data.

**It is recommended** that a consensus be found between these entities on how to better document intimate partner violence incidents/crimes.

## Create a separate code for intimate partner violence offences

The use of the 'HG' (acronym for *huiselijk geweld*, meaning domestic violence) code by both the police and justice sectors for domestic violence incidents is a positive development. However, this code is meant for both intimate partner violence cases and domestic violence incidents against other family members. Therefore, it is not possible to differentiate between intimate partner violence and other cases of domestic violence unless a description is added by the police to clarify the situation. However, in practice this description is not always added and it is often not sufficiently detailed to discern the relationship between the perpetrator and the victim.

**A separate code for intimate partner violence offences is recommended for the police and justice sectors in order to differentiate between incidents involving an intimate partner and those involving other relatives. Use of this separate label should be mandatory.**

## Link and improve electronic recording systems

Different law-enforcement units currently use different databases. Several issues such as data privacy stand in the way of linking the different sectors' electronic registration systems. However, integrating these distinct systems promises many advantages. For instance, the central electronic administrative system for data recording for the police, the Basic Facility for Enforcement (*Basisvoorziening Handhaving* — BVH), the integrated process system for criminal law (*Geïntegreerd Processysteem Strafrecht* — GPS) and the communication public prosecution service and department administration system (*Communicatie Openbaar Ministerie en Parket Administratie Systeem* — Compas) (electronic systems used by the justice sector and the courts) should be interlinked so that information on previous intimate partner violence incidents carried out by the same perpetrator is made available to the justice sector and the courts. Additionally, data on the amount of household barring orders granted by the police is not readily available, as some regional police units do not enter this data into the BVH. Furthermore, local municipalities hold the data on the amount of barring orders requested, making it difficult for third parties who want to have access to it (a request needs to be sent).

**It is recommended** to enter this information into the BVH to make it available and accessible to the police and justice sectors.

## 3. Technical recommendations

### 3.1. Recommendations on data recording systems

#### Record the victim–perpetrator relationship

The current system used by the police does not include a systematic recording of the relationship between the victim and the perpetrator. Due to scarce information being recorded on the type of relationship existing between the perpetrator and the victim in 'HG' cases (particularly those involving psychological abuse), data on the amount of recorded intimate partner violence cases (against women) is not available. Those involved in a crime are often indicated as 'witness' or 'person involved', making it unclear who the victim is, who the perpetrator is and what their relationship is. The relationship classification should refer to the International Classification of Crimes for Statistical Purposes codes: current intimate partner/spouse and former intimate partner/spouse.

**As a further step built on the inclusion of the 'HG' label to a recorded offence, recording of the relationship should be made compulsory by the BVH system. This data should be disaggregated into: spouse, ex-spouse, partner, ex-partner, and with or without cohabitation.**

#### Improve training and specialisation of personnel for better recognition and recording of intimate partner violence cases

Police officers are not specialised and deal with all types of incidents on a daily basis, hence the signs of intimate partner violence are not immediately clear to them when they are faced with victims. The result is not only that fewer intimate partner violence incidents end up being recorded, but also that less information is included in the description of an incident, such as whether it is an intimate partner violence incident or what the victim–perpetrator relationship is. Less obvious types of abuse, such as psychological abuse (representing a large part of unreported intimate partner violence cases), in particular require careful attention by police officers.

**It is recommended** to train police personnel, including those who patrol the streets, more extensively in recognising and recording intimate partner violence cases by using a gender-sensitive approach. Furthermore, a specialised police unit dealing with domestic violence cases should be created. Ideally, social services providing assistance to intimate partner violence victims should train police officers on how to detect signs of abuse.

## Take steps to facilitate the calculation of the costs of intimate partner violence to the police and justice sectors

Violence against women in general and intimate partner in particular have far-reaching impacts on societies. The most acute and straightforward of these effects is the financial impact of the violence on both the institutions that deal with such incidents and the persons involved. A considerable amount of human and financial resources is devoted to dealing with cases of violence. It is important to estimate the costs within the national context for policy purposes. The Netherlands should take the necessary steps towards developing a methodology for calculating the costs of intimate partner violence to the police and justice services. Alternatively, cost calculation based on the 'eclectic model' (mixed model) developed by the European Institute for Gender Equality (EIGE) can be used<sup>(1)</sup>. This model is considered to be the best suited to the case of the Netherlands since it offers the most flexibility in the calculating of costs as there are no reliable figures on the number of annual intimate partner violence incidents recorded.

**The Netherlands should calculate the costs of intimate partner violence to the police and justice sectors.**

### 3.2. Recommendations on the indicators proposed by EIGE

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

The Netherlands is unable to populate this indicator. As mentioned above, there is no specific definition of intimate partner violence under Dutch legislation (i.e. the Criminal Code) and no specific offence code for crime registration by the police of intimate partner violence. The 'HG' code is used by both the police and justice sectors, which can also include incidents of violence against children and elderly relatives. Additionally, the relationship between the victim and the perpetrator is not systematically recorded. This results in a lack of data on intimate partner violence victims.

**It is recommended** that the adjustments mentioned above be implemented to report complete data on this indicator.

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

The Netherlands is unable to populate this indicator. It is based on the number of offences, therefore uses a different measuring unit. However, the same considerations for indicator 1 also apply to indicator 2.

**It is recommended** that the adjustments mentioned above be implemented to report complete data on this indicator. Furthermore, the following offences are suggested to be included in the calculations.

General category for indicator	Existing offences — statistical classification
<b>Physical intimate partner violence</b>	Murder (Article 289), attempt (Article 45), manslaughter (Article 287), involuntary manslaughter (Article 307), assault (Article 246), threat (Article 285), mistreatment (Articles 300-306)
<b>Sexual intimate partner violence</b>	Rape (Article 242), assault (Article 246)
<b>Psychological intimate partner violence</b>	Coercion (Article 284), threat (Article 285), stalking (Article 285(b)), insult (Articles 260-266), attempt (Article 45), mistreatment (Articles 300-306)
<b>Economic intimate partner violence</b>	Forced labour/trafficking (Article 273(f)), theft (Article 310)

#### 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)

The Netherlands cannot populate this indicator. While it can provide the number of perpetrators of domestic violence, it is currently unable to populate this indicator because of the lack of precise information on the relationship between the victim and the perpetrator. It is recommended that the aforementioned changes be made so that this indicator can be populated.

<sup>(1)</sup> EIGE, *Estimating the costs of gender-based violence in the European Union*, Publications Office of the European Union, Luxembourg, 2014.

<sup>(2)</sup> 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).

#### **Indicator 4 — Annual number of women (aged 18 and over) victims of physical intimate partner violence <sup>(3)</sup> committed by men (aged 18 and over), as recorded by police**

The Netherlands cannot populate this indicator due to the lack of information on the relationship between the victim and the perpetrator.

#### **Indicator 5 — Annual number of women (aged 18 and over) victims of psychological intimate partner violence <sup>(4)</sup> committed by men (aged 18 and over), as recorded by police**

The Netherlands cannot populate this indicator due to the lack of information on the relationship between the victim and the perpetrator.

#### **Indicator 6 — Annual number of women (aged 18 and over) victims of sexual intimate partner violence <sup>(5)</sup> committed by men (aged 18 and over), as recorded by police**

The Netherlands cannot populate this indicator due to the lack of information on the relationship between the victim and the perpetrator.

#### **Indicator 7 — Annual number of women (aged 18 and over) victims of economic intimate partner violence <sup>(6)</sup> committed by men (aged 18 and over), as recorded by police**

The Netherlands cannot populate this indicator due to the lack of information on the relationship between the victim and the perpetrator.

#### **For indicators 3-7**

**It is recommended** to record the relationship information in a systematic and detailed way in order to differentiate between different types of relationship. The aforementioned categories should be used (current intimate partner/spouse and former intimate partner/spouse, with or without cohabitation).

#### **Indicator 8 — Annual number of women (aged 18 and over) victims reporting rape <sup>(7)</sup> committed by men (aged 18 years and over), as recorded by police**

The Netherlands can populate this indicator.

#### **Indicator 9 — Women victims of intimate femicide <sup>(8)</sup> (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)**

The Netherlands cannot populate this indicator. The absence of victim–perpetrator relationship information in the recording of intimate partner violence cases makes it difficult to find consistent statistics on femicide. Statistics from the CBS show the annual number of women murdered within their homes, although no indications are given as to whether the murders happened within the context of an (ex-)relationship.

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

The Netherlands cannot populate this indicator as data on protection orders is not readily available due to police units not always entering this data into the BVH and to third parties having to request access from local municipalities (which own the data).

#### **For indicators 9-10**

**It is recommended** to record the relationship information in a systematic and detailed way in order to differentiate between different types of relationship. The aforementioned categories should be used (current intimate partner/spouse and former intimate partner/spouse, with or without cohabitation).

<sup>(3)</sup> 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).

<sup>(4)</sup> 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).

<sup>(5)</sup> Any sexual act performed on the victim without consent. Sexual violence can take the form of rape or sexual assault (EIGE, 2017).

<sup>(6)</sup> 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).

<sup>(7)</sup> 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).

<sup>(8)</sup> 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).

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

The Netherlands cannot populate this indicator as intimate partner violence requires the establishment of the relationship between the victim and the perpetrator. Furthermore, the sex of the victim should be made available in court records.

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

The Netherlands cannot populate this indicator as intimate partner violence requires the establishment of the relationship between the victim and the perpetrator. Furthermore, the sex of the victim should be made available in court records.

**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**

The Netherlands cannot populate this indicator as intimate partner violence requires the establishment of the relationship between the victim and the perpetrator. Furthermore, the sex of the victim should be made available in court records.

**For indicators 11-13**

**It is recommended** that the aforementioned changes be made so that this indicator can be populated. This will necessitate information on the sex of the victim and the relationship between the victim and the perpetrator to be collected in a systematic and detailed way to differentiate between different types of relationship for the databases used for prosecution and court services. The aforementioned categories should be used (current intimate partner/spouse and former intimate partner/spouse, with or without cohabitation).



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