

ESTONIA

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 18 May 2017 in Tallinn, Estonia. 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 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

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.

Estonia has demonstrated a strong political commitment to funding IT infrastructure across sectors. However, although certain electronic systems for recording data on intimate partner violence, rape and other crimes are in place, the current capacity for analysis is limited. Existing digital databases should be further developed to increase user friendliness and improve data quality. Recent political decisions to reduce the number of action plans and strategies for gender equality are a major factor contributing to the absence of gender perspectives from national policies. Improved data collection is one way of identifying both knowledge gaps in gender inequality and the outcomes needed for sustainable change. Promotion of equal opportunities and gender equality is one of the five strategic objectives of the Ministry of Social Affairs. However, the ministry's Equality Policies Department does not have a large number of staff and other ministries have not employed gender specialists.

It is recommended to strengthen political commitment to ensure that progress on the improvement of administrative data collection is sustainable and that the implementation of current initiatives relating to data collection — such as the gender objective of the Ministry of Social Affairs — are prioritised.

Amend legislation to improve data harmonisation

In order to implement the Istanbul Convention, amendments should be made to the Penal Code. Article 210 of the Code of Criminal Procedure (CCP) establishes the e-File processing information system, which provides a data overview of all criminal matters: proceedings conducted by investigative bodies, prosecutors' offices or courts as well as criminal proceedings that have not yet commenced. Article 210(7) of the CCP stipulates that the Ministry of Justice should publish crime statistics. The chief processor of the e-File system is the Ministry of Justice.

According to Article 210(5) the minister responsible for this may issue regulations concerning the management of the e-File system. Data analysis based on the e-File system for statistical purposes is complicated as it entails the use of key words to identify cases of intimate partner violence. To analyse cases of intimate partner violence, thousands of cases must be checked individually, rendering the accuracy of the outcome questionable. The same method is used to identify the number of femicides from the Causes of Death Registry.

It is recommended that amendments to the e-File System Statute be drafted or that new regulations be implemented in order to improve the function and capacity of the e-File database.

Acknowledge different forms of intimate partner violence

Identifying psychological and economic violence as forms of intimate partner violence is problematic considering the current framework of existing legal texts and case-law in Estonia. This is, in part, due to a lack of consensus on the definition of psychological violence. The Ministry of Justice and the Prosecutor's Office have stated that psychological violence can be applied by referring to Article 120 of the Penal Code, which relates to threat; however, representatives of communities of research and non-governmental organisations have contested this assertion. The offences of sexual harassment (Article 153 of the Penal Law) and stalking (harassing pursuit — Article 157 of the Penal Law) entered into force on 6 July 2017.

There are also problems in identifying what constitutes economic violence. In Estonia, the most common court disputes on economic violence take place in the framework of the Family Law Act in civil proceedings.

It is recommended that a working group be established to table the different forms of intimate partner violence — physical, sexual, psychological and economic — so that future legislation on intimate partner violence necessarily includes these forms of violence against women.

Develop an action plan to facilitate the estimation of the costs of violence against women

In Estonia, no studies aiming to estimate the economic burden of intimate partner violence on the police and justice sectors have been undertaken. By developing an action plan to estimate the costs of intimate partner violence, the phenomenon could be understood in the context of the economic burden it creates.

It is recommended that a purpose-built economic model be adopted in order for the costs of violence against women to the police and justice 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

Establish a coordinating body

In Estonia, administrative data collection is an ongoing process in the e-File system. Different institutions (police, prosecutors, courts, prisons, etc.) insert data into their respective databases in the e-File system. Databases are linked through X-Road data exchange layers, which ensure secure data exchange. However, at present there is no body responsible for the coordination and direction of administrative data collected on intimate partner violence across sectors. The Ministry of Justice could act as a coordinating body for data recording and collection, making proposals for more effective data collection and uniform rules for variables and classifications.

It is recommended to establish a coordinating body — or that the Ministry of Justice extend its mandate — for the purpose of improving data collection practices across sectors and institutions and of managing the e-File system.

Ensure that the work of the Strategy Steering Group continues and is strengthened

Implementation of the violence prevention strategy 2015-2020 depends on the cooperation of seven ministries and their respective agencies: representatives of all these ministries form the Strategy Steering Group. The group discusses the successes and challenges related to violence prevention with a network of different experts from various fields as well as representatives from different public and private bodies. This committee could also discuss issues of data collection and visibility of crime reports and statistics. Besides international data collection requirements, there is a need for more detailed data on violence against women, e.g. on intimate partner violence and rape.

The Strategy Steering Group is also well positioned to discuss data availability from the Statistics Estonia website. The Ministry of Justice has decided to make crime data and reports available from an official website. There have also been plans to create a statistical database on crime. Statistics Estonia works in close cooperation with Eurostat and with other international institutions. Statistics Estonia is a member of the European Statistical System. Ensuring that cooperation between the Ministry of Justice and Statistics Estonia is prioritised is important for the future of administrative data collection on intimate partner violence.

It is recommended that the Strategy Steering Group continue its important work on crime and that it specifically prioritise issues relating to intimate partner violence. It is additionally recommended that the group use their influence to foster good cooperation with Statistics Estonia in order for improvements to data collection on intimate partner violence to be made.

3. Technical recommendations

Improve the method through which information on the relationship between the victim and the perpetrator is recorded

In cases of domestic violence, the police is required to fill out a form in which the field on the relationship between the victim and the perpetrator provides the following choices: spouse/partner, former spouse/former partner, mother, father, daughter, son, sister, brother, or other. Recording the relationship between the victim and the perpetrator is 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.

Some data recording forms require a box to be filled with the question ‘What kind/mode of relationship?’, which can present challenges if a standardised list of answers and explanations are not presented alongside it. Where there are open-ended questions, a further coding procedure is needed to make sense of this data for the purpose of statistical analysis. If text boxes do not offer a selection from a drop-down menu or settings by default, the data from a text box question can become confusing.

It is recommended that standard variables relating to the specific relationship between the victim and the perpetrator become standardised throughout all administrative data recording processes. This is to make sure that intimate partner relationships are differentiated from other relationships in the domestic sphere.

Indicator 1 — Annual number of women (aged 18 and over) victims of intimate partner violence ⁽¹⁾ 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 4 — Annual number of women (aged 18 and over) victims of physical intimate partner violence ⁽²⁾ committed by men (aged 18 and over), as recorded by police

Indicator 6 — Annual number of women (aged 18 and over) victims of sexual intimate partner violence ⁽³⁾ committed by men (aged 18 and over), as recorded by police

Data is not available to populate this indicator due to the difficulty in identifying the relationship between the victim and the perpetrator.

For indicators 1-4 and 6

Though crimes including intimate partner violence are recorded by police, there remain difficulties in identifying the number of women victims/the number of reported cases/the number of perpetrators of intimate partner violence. Greater challenges exist in identifying the type of violence involved. It may be a challenge to provide data for specific age groups; however, persons involved in the incidents, cases, proceedings, etc. have an ID code where information on sex and date of birth is provided. The greater challenge lies in the identification of the victim–perpetrator relationship and of the form of violence (e.g. physical, sexual, psychological or economic).

It is recommended that a specific category on the relationship between the victim and the perpetrator become standardised throughout all elements of the data collection process at police level to differentiate intimate partners from other relationships in the domestic sphere.

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

It is estimated that Estonia would currently be unable to populate this indicator. The problem is related to the lack of information on the relationship between the victim and the perpetrator, in addition to difficulties in identifying the exact form of violence that occurred. Article 120 of the Penal Code on threat has not often been used in court on its own, and it is usually used in combination with Article 121 on physical abuse. Some legal discussions are needed to improve the prosecution of psychological violence, including an agreement on the definition.

It is recommended that a specific category on the relationship between the victim and the perpetrator become standardised throughout all elements of the data collection process at police level to differentiate intimate partners from other relationships in the domestic sphere. It is additionally recommended that psychological intimate partner violence be criminalised as a distinct offence.

⁽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⁾ 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).

⁽³⁾ Any sexual act performed on the victim without consent. Sexual violence can take the form of rape or sexual assault (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 7 — Annual number of women (aged 18 and over) victims of economic intimate partner violence (5) committed by men (aged 18 and over), as recorded by police

It is estimated that Estonia would currently be unable to populate this indicator. The problem is related to the lack of information on the relationship between the victim and the perpetrator, in addition to difficulties in identifying the exact form of violence that occurred; economic violence is not currently a clearly defined criminal offence either.

It is recommended that a specific category on the relationship between the victim and the perpetrator become standardised throughout all elements of the data collection process at police level to differentiate intimate partners from other relationships in the domestic sphere. It is additionally recommended that economic intimate partner violence be criminalised as a distinct offence.

Indicator 8 — Annual number of women (aged 18 and over) victims reporting rape (6) committed by men (aged 18 years and over), as recorded by police

It is estimated that Estonia would be able to provide partial data to populate this indicator as the offence recording template is quite detailed for such cases.

No recommendation needed.

Indicator 9 — Women victims of intimate femicide (7) (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)

It is estimated that Estonia could partially populate this indicator. The problem is related to the lack of information on the relationship between the victim and the perpetrator, in addition to poor practice regarding the recording of the sex of the victim and of the offender in crime statistics. This is to calculate the share of women victims of femicide within the number of female victims of homicide. The cause of death can be taken from the Causes of Death Registry. As the number of manslaughter and murder cases is rather small in Estonia, analysts use additional research methods (including key words) to populate this indicator with relevant data. A recent initiative to modernise criminal statistics in Estonia is underway and includes the development of a homicide monitoring system to collect data on all the relevant characteristics/variables.

It is recommended that a specific category on the relationship between the victim and the perpetrator become standardised throughout all elements of the data collection process at justice level to differentiate intimate partners from other relationships in the domestic sphere. In addition, it is recommended that the new homicide monitoring system be gender sensitive and include variables such as the sex and age of the perpetrator and of the victim, as well as the relationship between them.

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

The number of protection orders is available from criminal justice services and it is possible (although not easy) to identify the victim–perpetrator relationship and intimate partner violence cases. Information on protection orders granted by other justice services (e.g. civil courts) in cases of intimate partner violence is more difficult to extract.

It is recommended that improvements be made to the civil justice system to facilitate data extraction regarding protection orders granted in the context of intimate partner violence offences.

(5) 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).

(6) 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).

(7) 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

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

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

For indicators 11, 12 and 13

Estonia is currently unable to populate these indicators. Estonia collects information on the number of men prosecuted in addition to the number of offences for which they are prosecuted. However, there is no specific category to record the relationship between the victim and the perpetrator.

It is recommended that a specific category on the relationship between the victim and the perpetrator become standardised throughout all elements of the data collection process at justice level to differentiate intimate partners from other relationships in the domestic sphere.



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