



Why do we need administrative data on intimate partner violence?

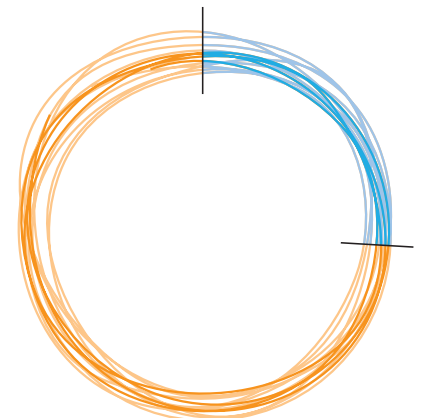
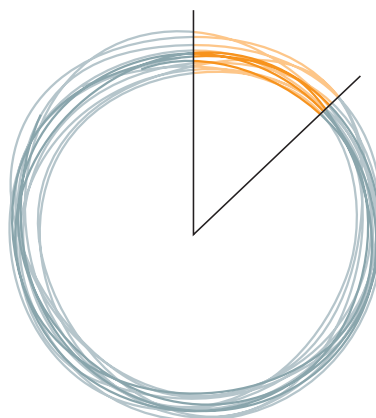
Many women victims of intimate partner violence in the EU Member States remain unprotected. Perpetrators often go unpunished due to inadequate law enforcement approaches, which do not align with international human rights treaties. A gender-neutral approach to the law, coupled with the unavailability 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 Poland, 13 % of women have been victims of intimate partner violence in their lifetime.

Only 26 % 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 is covered by legal provisions in the Act on the Prevention of Domestic Violence (2005) and in the Penal Code, which criminalises psychological or physical mistreatment of next of kin. Domestic violence is defined as exposing a 'next of kin' to 'loss of their life, health, violation of dignity, physical integrity, freedom, including sexual freedom, resulting in the loss of physical and psychological health'. The definition of 'next of kin' includes married persons, adopted relations and cohabiting persons; it excludes non-cohabiting former partners. At present, intimate partner violence is not criminalised in the Penal Code. The Istanbul Convention has been in force since August 2015.

Process of administrative data collection by police and justice sectors



POLICE



- For intimate partner violence, the sex and age of the victim and the perpetrator and their family relationship are recorded.
- In 2016 a 'Crime related to domestic violence' category was implemented.
- This category does not apply in the case of unmarried former partners. Data on intimate partner violence — as constituting domestic violence — is also collected from Blue Card procedures, which is independent of criminal proceedings. The police initiated 76 % of all Blue Card procedures in 2016.



- The national police records data in the National System of Police Information.
- Data is recorded using a code list with legal definitions (homicide, rape and domestic violence).
- Data input accuracy depends on the officer involved, thus data is not always complete or reliable.
- In Blue Card interventions, physical, psychological, sexual and economic violence can be specified.
- Police Blue Card statistics cover only police-initiated procedures (i.e. 76 % of all Blue Card procedures). Thus, 24 % of procedures not initiated by police are not included in police data.



- Data is published on the Police Commander in Chief's Office's website.
- In reports on Blue Card procedures and on the implementation of the national programme for the prevention of domestic violence 2014-2020, selected data is published.



JUSTICE

- The Ministry of Justice collects data on the four forms of violence against women and on domestic violence court cases.
- Data is collected with the following breakdowns: the sex and age of the victim and the perpetrator (0-17, 18 and over) and the relationship between them.
- The relationship can be defined as 'family' only, which prevents identifying intimate partners.
- Intimate partner violence is often considered 'abuse' (Article 207, Penal Code). This leads to an of abuse cases and an 'over-recording' of intimate partner violence.

- Data is recorded by using a code list with applicable legal definitions (homicide, rape and domestic violence).
- Cases of homicide in intimate partner relationships are recorded at a prosecutor's instruction. The inclusion of this information is at the discretion of the prosecutor.
- The judiciary does not have a system in which to aggregate data at ministry level. Data is available only through court statistics.

- Data from the Ministry of Justice is collected through district and regional courts reports on persons prosecuted at first instance. It is available upon request.
- Selected data on domestic violence is published in national programme for the prevention of domestic violence implementation reports.

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?



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- 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).



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- 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

Poland ratified the Istanbul Convention in April 2015. The current concept of domestic violence covers a broad range of familial and cohabiting relationships. However, there is currently no distinct intimate partner violence offence. It is recommended to recognise the concept of intimate partner violence as a distinct offence in domestic legislation based on the Victims' Rights Directive and the Istanbul Convention.

Separate physical and psychological abuse in Article 207

Article 207 of the Penal Code refers to the physical and psychological ill-treatment of a person in an ongoing relationship of dependency. As this article covers physical and psychological mistreatment, these two forms of violence cannot be statistically distinguished. Separating the article will enable more accurate information to be collected on both offences. It is recommended that Article 207 of the Penal Code is separated into two paragraphs, so that one refers to physical violence and the other to psychological violence.

Broaden the definition of 'family member'

According to the Act on the Prevention of Domestic Violence, the definition of 'family member' does not include non-cohabiting current or former partners. If such persons commit intimate partner violence, they are prosecuted under the Criminal Code; the act does not apply to them. This means that violence against a former partner who does not reside with the perpetrator may not be statistically accounted. It is recommended to broaden the definition of 'family member' to include non-cohabiting former and current partners.



Systematically record the relationship between the victim and the perpetrator

At present, information on the relationship between the victim and the perpetrator is not systematically recorded in either the police or justice sectors. In the judiciary, a case can be marked as 'family' but the relationship is not specified. Recording the relationship between the victim and the perpetrator is fundamental to identifying intimate partner violence cases from other domestic offences. It is recommended that the relationship between the victim and the perpetrator be recorded as a mandatory variable across sectors and at all stages of the criminal process.

Make data publicly available

Publishing data on intimate partner violence greatly improves information accessibility and understanding of the issue. At present, publicly available information from the police is fragmented and limited. The Ministry of Justice does not publish reports gathered from regional and district courts, which includes domestic violence statistics. The role of the National Statistical Office (NSO) in publishing data on intimate partner violence could be enlarged to improve access to raw data. It is recommended that all bodies responsible for intimate partner violence data collection publish all available data in their official publications. It is additionally recommended that the NSO broaden its remit to publish raw data on intimate partner violence.



Make data collection systems compatible

Data collection systems used across the police and judiciary are not fully compatible due to differences in data quality and statistical programmes. As the programme for the prevention of domestic violence 2014-2020 is based on cross-sectoral cooperation, synchronising the statistical systems used across sectors should be prioritised to improve data collection. It is recommended that the police and justice sectors take steps to synchronise their data collection systems to enable data collation on intimate partner violence. This will require enhanced cooperation between sectors.

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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