



Why do we need administrative data on intimate partner violence?

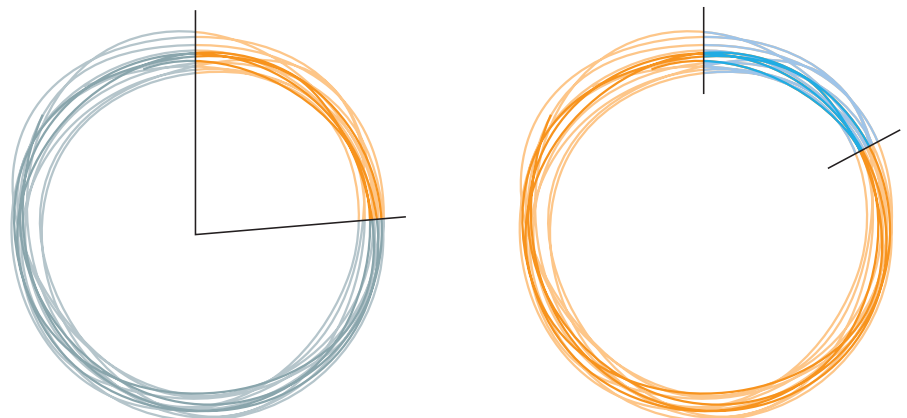
Many women victims of intimate partner violence in the EU Member States remain unprotected. Perpetrators often go unpunished due to inadequate law enforcement approaches, which do not align with international human rights treaties. A gender-neutral approach to the law, coupled with the unavailability 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 Romania 24 % of women have been victims of intimate partner violence in their lifetime.

Only 17 % 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?

Domestic violence is defined as family violence in Special Law No 217/2003 on preventing and combatting violence within the family. The law refers to violence perpetrated against intimate partners if they are current or former spouses or if they are cohabiting. The types of violence identified in the law on preventing and combatting violence within in the family (Special Law No 217/2003) correspond to criminal offences in the Criminal Code. Physical, sexual and psychological violence are covered, but economic violence is not.

Under Article 199, the Criminal Code stipulates an aggravating circumstance for certain offences when committed against a family member (murder, aggravated murder, battery and other acts of violence, bodily harm, and battery and bodily harm causing death). This aggravating circumstance adds an additional penalty to the final sentence (the final prison sentence is increased by a quarter).

Romania signed the Istanbul Convention in June 2014 and ratified it in May 2016.

Process of administrative data collection by police and justice sectors



POLICE



- The age and the sex of the victim and the perpetrator are recorded, as well as their relationship.
- The types of relationship constituting intimate partnerships are current and former spouses and cohabiting partners.
- Non-cohabiting partners are not included in police data. Incidents of intimate partner violence between former cohabiting partners are also not reported.
- In 2015, there were 12 280 female victims of intimate partner violence in incidents recorded by the police.



- Data is recorded by the police according to the articles of the Criminal Code and then cross-tabulated as a form of violence between family members.
- The police inspectorate uses a standardised national methodology of collecting data. The process is fully computerised and the software is operated by specialised personnel.



- The National Statistical Office (NSO) is the body that publishes official crime statistics on a regular basis.
- The data is also published by the police inspectorate, upon request.



JUSTICE

- The age and sex of the perpetrator, age category and sex of the victim are recorded.
- The relationship between the victim and the perpetrator is recorded if the violence takes place between former or current spouses.

- The General Prosecutor's Office records data on perpetrators, crimes and victims. The data is categorised according to the articles of the Criminal Code, similarly to the recording system of the police. The data collection process is fully computerised and recorded in the electronic court record information system database.
- The courts system (managed by the Ministry of Justice and by the Superior Council of Magistrates) also uses the same codes as the police and the General Prosecutor's Office identifying offences and crimes as stipulated in the Criminal Code.

- No periodical statistics are published by the courts or by the other entities of the justice system. This data can be obtained through an official request.

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



Amend the existing legal framework

The existing legal framework, upon which administrative data is constructed, does not recognise intimate partner violence per se, but instead uses family violence. Cases of violence among partners who are not married or who do not live in the same household fall out of the existing records. It is recommended to amend existing legislation to be in accordance with the provisions of the Istanbul Convention as a first step to improving data collection on intimate partner violence.

Ensure the systematic recording of intimate partner violence through guidelines

Apart from the systematic underreporting of intimate partner violence, some incidents are not classified properly by the police. The police do not record sexual violence between spouses even if the legal framework allows it. It is recommended to put forward clear guidelines on how to record incidents of intimate partner violence to improve data recording by the police.



Improve the relationship categories of intimate partner violence

The scope of the definition of family violence covers intimate partners who either are/were married or live/have lived in the same household. This definition leaves aside those who are intimate partners but do not live in the same household. It is recommended to ensure that the police and justice systems record all crimes perpetrated against intimate partners by using comprehensive relationship categories in line with the provisions of the Istanbul Convention.

Flag the family violence context of incidents of economic violence

Currently, data on intimate partner violence is recorded by the police based on Criminal Code offences and then cross-tabulated as a form of violence between family members. Currently, regarding the offences that might constitute economic violence, only incidents of family abandonment are recorded as incidents of family violence. It is recommended that changes be made to the data collection system in order to provide data on economic intimate partner violence.



Compile statistical products on rape and intimate partner violence

The police and justice services are prompt in responding to data requests based on the provisions of the law regulating public access to information. However, providing the public with regular statistical information would be a predictable, cost-efficient and transparent way of raising awareness of intimate partner violence and its consequences.

It is recommended that existing administrative data on intimate partner violence and rape be published regularly, with relevant cross-tabulations.

Improve coordination between authorities involved in data collection

The National Agency for Equal Opportunities between Women and Men is the institutional entity responsible for coordinating policy and legal efforts in the field of violence within the family. However, the institution has both a limited mandate and limited resources for collecting, compiling or monitoring administrative data recorded by the police or justice services. It is recommended to have a protocol regulating the exchange of administrative data between the National Agency for Equal Opportunities between Women and Men and the police and justice services. Such a protocol would improve the monitoring capacity of the agency and would greatly improve the quality of public policy proposals formulated.

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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