

## **BELGIUM**

# **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 collected 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 23 May 2017 in Brussels, Belgium. 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 the Directive 2012/29/EU (the Victims' Rights Directive) and the Istanbul Convention.

## 1. Legislative and policy recommendations

### Sustain legal and policy commitment

Belgium is committed to collecting data on gender equality and violence against women. The Gender Mainstreaming Act calls for data collection disaggregated by sex. National action plans were adopted in 2001, and data collection was highlighted in the latest action plan 2015-2019. Police and prosecution services are improving their data recording systems in order to collect better information, including that on victims.

Further cross-sectional commitment is recommended to apply Circular COL 3/2006 of the Council of General Prosecutors on defining intra-family violence and the systematic recording of victim information (police and prosecution services) and the victim-perpetrator relationship (the courts).

**It is recommended** to sustain cross-sectional commitment towards data collection on violence against women to further apply the circular on intra-family violence.

### Assess the costs of intimate partner violence against women

The national costs of intimate partner violence have not yet been estimated in the country. Based on the European Institute for Gender Equality (EIGE)'s 2014 study, the cost of intimate partner violence against women in Belgium could amount to EUR 2.4 billion per year <sup>(1)</sup>. Since data is available on total police and justice sector expenditure, the total number of offences reported and the total number of intimate partner violence cases reported to the police, it is theoretically possible to calculate the costs of violence against women, following EIGE's methodology.

**It is recommended** to estimate the costs of intimate partner violence against women, using the models developed by EIGE: the purpose-built economic model and the workload model as a starting point, and the event model or the eclectic model at a later stage.

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

### Align data collection processes between the police and justice services

An integrated data collection system would contribute to a reliable picture of intimate partner violence across different sectors. The application of Circular COL 3/2006 of the Council of General Prosecutors (described above) and COL 4/2006 of the Ministry of Justice and the Council of General Prosecutors (on criminal policy on domestic violence) by both the police and prosecution services and the use of official police reports for initial data collection by prosecution services have already increased comparable data collection across sectors.

However, a case cannot be traced from the complaint to the decision of the court as there is no single identification system for each case and victim/offender. Furthermore, it is difficult to compare between data from the police, the prosecution office and the courts as they use different classifications. While the police and prosecution office follow the 2006 circulars, the courts do not have a similar system for flagging intimate partner violence <sup>(2)</sup>.

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

<sup>(2)</sup> Louette, J., Mine, B., Vanneste, C. and Vésentini, F., *Belgian criminal statistics at times of computerisation — Challenges and prospects (Les statistiques pénales belges à l'heure de l'informatisation — Enjeux et perspectives)*, Academia Press, Gent, 2012, pp. 2 and 30.

The objective of full integration of criminal data has existed since 2008 in Belgium, notably through the development of a criminal justice data warehouse. Prosecution offices (thus far only three offices) and court services are currently both adopting the MaCH program <sup>(3)</sup>, signifying a first step towards integrating data collection. This means that in the future, both services will use a common database, which would then allow courts to use and complete data collected by prosecution services.

**It is recommended** to continue efforts towards full integration of criminal data recording. In the long term, the use of the same program and database across all justice sector services is recommended.

### Courts to adopt data collection guidelines

Data from the courts is crucial in completing the picture of the phenomenon of intimate partner violence.

The adoption by the Council of Courts and Tribunals of similar guidelines to Circulars COL 3/2006 and COL 4/2006 for the collection of data on intimate partner violence would improve the availability of reliable intimate partner violence data.

**In particular, it is recommended that the courts adopt the same VIF/IFG <sup>(4)</sup> coding police and prosecution services use to enable comparable data across the police, prosecution and court services.**

## 3. Technical recommendations

### 3.1. Recommendations on data recording systems

#### Ensure the recording of victim information for offences related to intimate partner violence by the police

Currently, no information on victims of intimate partner violence is recorded by the police, prosecution or court services in Belgium. It is a requirement under the Victim's Rights Directive to report victims' data disaggregated by sex and age as a minimum.

A legal basis for the collection of sex-disaggregated data was established over 10 years ago by the Act of 12 January 2007 on the implementation of the Beijing Platform resolutions, which require ministers to ensure that the collection of statistical data is disaggregated by sex <sup>(5)</sup>. Police services have indicated that technical changes are ongoing in order to add victims' information in the ANG/BNG database <sup>(6)</sup>, and that this was one of their priorities for 2017.

**It is recommended** that the recording of victims' information be made mandatory and systematic.

#### Ensure the recording of victim information for offences related to intimate partner violence by the prosecution and court services

A new data collection program (MaCH) is being implemented for the prosecution offices, which is expected to improve the recording and availability of data on victims.

**It is recommended** that the recording of victims' information be made mandatory for prosecution offices through the MaCH system as well. The same is also recommended for court services. It is recommended to include the systematic recording of victims' data in their data collection systems.

#### Ensure the recording of information on the relationship between the victim and the perpetrator for offences related to intimate partner violence by all court services

In Belgium, information on the relationship between the victim and the perpetrator is recorded by the police and prosecution services by application of Circulars COL 3/2006 and COL 4/2006. Both services flag the offences using the code VIF/IFG. However, police officers do not always apply the circulars or correctly record information on the relationship between the victim and the perpetrator, which can affect data reliability.

<sup>(3)</sup> MaCH stands for 'Mammoth at Central Hosting' and it is a computer program for data recording.

<sup>(4)</sup> VIF/IFG stands for *violence intrafamiliale dans le couple* (intra-family violence within a couple).

<sup>(5)</sup> Article 4 of the Act of 12 January 2007 to monitor the implementation of the resolutions of the World Conference on Women held in Beijing in September 1995 and integrating a gender dimension into all federal policies ([http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&cn=2007011240&table\\_name=wet](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2007011240&table_name=wet)) (not available in English).

<sup>(6)</sup> ANG/BNG stands for *Banque de données nationale générale/Algemene nationale gegevensbank* and it is the national federal police's database.

**It is therefore recommended** that the recording of this information by the police be made mandatory, through for example a pop-up system which would prohibit progression with the recording until information on the relationship between the victim and the perpetrator has been entered.

**Regarding court services, it is recommended that relationships for offences related to intimate partner violence be systematically recorded. The transmission of data on cases flagged through the code VIF/IFG could help court services to integrate such information in their systems.**

#### **Make technical adjustments so that data recorded under the code VIF/IFG is reflected in the national police database ANG/BNG**

The ANG/BNG database does not currently include all the information recorded in the local databases. In particular, the ANG/BNG database has not been updated to reflect new codes such as the VIF/IFG tags. The federal police uses other variables in order to calculate the number of intimate partner violence incidents in Belgium, such as the information on the relationship. Previous research has shown that some data is lost in the process.

**It is recommended** that the ANG/BNG database be adapted so that information on cases tagged as VIF/IFG is transferred to the ANG/BNG database to ensure the availability of reliable data nationwide.

#### **Apply the circulars correctly and systematically**

Circulars COL 3/2006 and COL 4/2006 are innovative tools that have contributed to improvement in the collection of reliable data on cases of intimate partner violence. However, to be efficient, such tools must be used correctly. Some issues have been identified with the application of the circulars by police and prosecution services. For instance, some offence codes already refer to offences taking place between partners. Therefore, police officers may not further record the exact details of the nature of the victim–perpetrator relationship <sup>(7)</sup>.

**It is recommended** to make the recording of victim–perpetrator relationship information mandatory for all offence codes.

In addition, in Belgium, police officers receive mandatory training on violence against women and how to record data on such violence. However, the application of the circulars relies on the police officers' decisions on whether the reported incident fits the description of intimate partner violence. Differences have been noticed between districts on the number of recorded incidents. It is important to analyse why such differences exist and what steps could contribute to an increased recording of the data.

**It is recommended** to train the persons in charge of recording data to ensure proper understanding of the terminology and concepts related to intimate partner violence.

### **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>(8)</sup> committed by men (aged 18 and over), as recorded by police**

In Belgium, there is no specific offence for intimate partner violence. Statistical data on intimate partner violence is available based on the flagging of criminal offences by police and prosecution services as having occurred in the context of intimate partner violence with the VIF/IFG tags. While data is available on intimate partner violence, Belgium is currently unable to populate this indicator because police and prosecution services do not systematically collect information on victims. This is a considerable gap in relation to EIGE's indicators. Since no victim data is available, the majority of the indicators cannot be populated. While steps are being taken to ensure that victims' information is collected in the future thanks to the new legal basis, **services must ensure that the sex and age of victims is recorded systematically by police and prosecution services in a manner that allows for statistical extraction.**

<sup>(7)</sup> Federal Police, *Nomenclature SPC (Code Pénal et lois spéciales)*, 2018 (available at: [http://www.stat.policefederaale.be/assets/pdf/notes/description\\_nomenclature\\_jan\\_2018.pdf](http://www.stat.policefederaale.be/assets/pdf/notes/description_nomenclature_jan_2018.pdf)) (not available in English).

<sup>(8)</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).

The following suggested offences should be considered for this general category of intimate partner violence.

General category for indicator	Existing offences — statistical classification
<b>Physical intimate partner violence</b>	Assassination (30A), murder (30B), attempted murder and assassination(30D), involuntary homicide (44), physical assault (43A), assault (43C), threat (45C) and inhuman treatment (43G)
<b>Sexual intimate partner violence</b>	Rape (37A), sexual assault (37B), sexual harassment (37C), incitement to debauchery (37E), exploitation of a person's sexual abuse (37H/37I) and voyeurism (37D)
<b>Psychological intimate partner violence</b>	Harassment/stalking (53D), defamation (52C), calumny (52B) and insult (52A)
<b>Economic intimate partner violence</b>	Theft between spouses (42K), destruction, denaturation, damage of property (50B), acts causing harm or intending to cause harm to the person: forced labour for domestic services

Circulars COL 3/2006 and COL 4/2006 both include in their respective annexes a list of offences to be considered related to intra-family violence. The above list of offences is reflected for the most part in the offences listed in these annexes. The offence of forced labour for domestic services is not reflected in the list specifically because, in Belgium, such an offence does not cover the case of forced labour between partners. Such incidents would fall under the more general offence of inhuman treatment. The circulars' lists also include some additional offences to be considered as related to intra-family violence. However, the circulars do not specify which offences would fall under the four different forms of violence.

**It is recommended** that the circulars clarify under which form of violence the different offences fall (physical, sexual, psychological or economic).

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

The number of intimate partner violence crimes committed by men can be provided, however the lack of victim information prevents Belgium from being able to populate this indicator.

#### **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)**

Data on the number of perpetrators of cases of intimate partner violence reported to the police is available; however, Belgium is currently unable to populate this indicator due to the lack of information on victims.

#### **Indicator 4 — Annual number of women (aged 18 and over) victims of physical intimate partner violence <sup>(9)</sup> committed by men (aged 18 and over), as recorded by police**

Data is available on cases of physical intimate partner violence committed by men. However, the lack of information on victims prevents Belgium from populating this indicator.

#### **Indicator 5 — Annual number of women (aged 18 and over) victims of psychological intimate partner violence <sup>(10)</sup> committed by men (aged 18 and over), as recorded by police**

Data is available on cases of psychological intimate partner violence committed by men. Due to the lack of information on victims, this indicator cannot be populated.

<sup>(9)</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>(10)</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).

### **Indicator 6 — Annual number of women (aged 18 and over) victims of sexual intimate partner violence <sup>(11)</sup> committed by men (aged 18 and over), as recorded by police**

Data is available on sexual intimate partner violence committed by men. However, the above indicator cannot be populated due to the lack of information on victims.

### **Indicator 7 — Annual number of women (aged 18 and over) victims of economic intimate partner violence <sup>(12)</sup> committed by men (aged 18 and over), as recorded by police**

Data is available on economic violence in relation to a number of offences, such as family abandonment wherein alimony has not been paid, or the prevention of the current or former spouse from accessing social support. However, Belgium is currently unable to populate the above indicators due to the lack of victim information.

### **Indicator 8 — Annual number of women (aged 18 and over) victims reporting rape <sup>(13)</sup> committed by men (aged 18 years and over), as recorded by police**

Data on rape committed by men is available. However, the above indicator cannot be populated due to the lack of information on victims.

### **Indicator 9 — Women victims of intimate femicide <sup>(14)</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)**

Data is available on homicide committed by men. However, due to the lack of victim information, the above indicator cannot be populated.

### **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 on protection orders related to intimate partner violence. However, the lack of victim information means that the numbers concerning women victims are not available.

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

Data is available on persons prosecuted for criminal offences related to intimate partner violence. However, the lack of victim information means that the numbers concerning women victims are not available.

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

Data is available on convictions on criminal offences related to intimate partner violence. However, court services do not collect victim information.

#### **For indicators 2-12**

**It is recommended** that the systematic recording of victim information be integrated into the data recording system and that this data be transferred to the AGN/BNG database so that these indicators may be populated.

### **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**

Data on convictions for criminal offences with sanctions involving deprivation of liberty are available. However, court services do not record information on the victims or the victim–perpetrator relationship.

**In order to populate this indicator, adjustments in the data collection process should be made to ensure the systematic recording of victim and victim–perpetrator relationship information.**

<sup>(11)</sup> Any sexual act performed on the victim without consent. Sexual violence can take the form of rape or sexual assault (EIGE, 2017).

<sup>(12)</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>(13)</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>(14)</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).



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