

MALTA

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 24 March 2017 in Valetta, Malta. 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

Strengthen the commitment

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. The police, the Commission on Domestic Violence and the courts play a key role in administrative data collection on intimate partner violence in different stages of the proceedings (from the time a crime is reported to the police until the end of a trial).

Both the Ministry for Home Affairs and National Security and the Ministry for Justice, Culture and Local Government should provide their support towards any effort to improve administrative data collection in this area by including specific measures in their action plans, identifying focal points in each relevant institution and monitoring progress in the implementation of the data collection.

Put forward guidelines for better data collection

There is a specific Domestic Violence Act that also covers intimate partner violence ⁽¹⁾. Article 4 of the act ⁽²⁾ accords the Commission on Domestic Violence the key role of advising the minister responsible for social policy on all aspects of domestic violence. This includes the responsibility to develop a comprehensive and coordinated plan for the collection of data concerning domestic violence for use by the courts, prosecutors, law-enforcement officers, healthcare practitioners, social workers and other agencies and entities in a manner that protects the identity of victims of domestic violence (Article 4(i)). Even though having legislation on data collection in this area is an important step, there is still scope for fine-tuning the powers and responsibilities in relation to data collection for the police and justice sectors. The adoption of guidelines that allow for better implementation of the legal framework for data collection by the relevant bodies is both appropriate and feasible.

It is recommended that these guidelines establish the scope of the data collection, the specific variables that need to be recorded and by whom, as well as the method in which data should be compiled. Guidelines should also pay special attention to the training of personnel when it comes to dealing with cases of intimate partner violence. This should be done under the oversight of the Commission on Domestic Violence with the objective of ensuring that more detailed data is publicly available and that reporting obligations under the Victims' Rights Directive and the Istanbul Convention can be fulfilled.

Draft a law targeting the improvement of administrative data collection in the justice system

The current system provides limited information from the justice sector. The courts are currently rolling out a new data collection system to standardise the court registries' data collection. The current changes have the potential to enhance data collection and should be supported by a legal basis. The electoral proposal mentioned in the latest annual report of the Commission on Domestic Violence, namely electoral proposal 16.030 to improve data collection ⁽³⁾, is a good starting point in this regard. It can be used to refine the actions required in order to improve the situation in the country.

It is recommended that improving data collection from the justice sector be considered a priority.

⁽¹⁾ Laws of Malta, *Domestic Violence Act* (<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8947&l=1>) (Chapter 481), 2006.

⁽²⁾ Laws of Malta, *Domestic Violence Act* (<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8947&l=1>) (Chapter 481), Part 2, Article 4, 2006.

⁽³⁾ Commission on Domestic Violence, *Annual report*, 2016, p. 31.

2. Data collection infrastructure and cooperation between different authorities

Establish a standardised, electronic data recording system in the justice sector

As mentioned above, data recording systems used by the criminal courts do not produce statistics. There is limited statistical information on the cases of domestic violence and on the parties involved in these incidents.

It is recommended that necessary steps be taken to put in place a system of recording information.

Publication of crime statistics by the police or the National Statistics Office (NSO)

The NSO stopped compiling and publishing crime statistics in 2011. Currently, the police compiles crime statistics and liaises directly with Eurostat to report on crimes that are published on the Eurostat database. However, the database only covers a limited number of offences, which leaves out other offences as well as the overall number of registered incidents by the police.

It is recommended that the police publish data on overall crime numbers along with the offences reported to Eurostat. The publications would ideally include information on metadata about how the data is recorded and processed. In the cases of statistics regarding domestic violence as a general category, the publications should also include information about how the different offences were aggregated to obtain these figures.

Make public information more detailed: the report of the Commission on Domestic Violence

The Commission on Domestic Violence's annual report is the only source of information available on the incidents of domestic violence. The report represents important work that harmonises data into larger categories like physical, psychological and economic violence. However, the published data does not provide enough detail. Firstly, the larger category of domestic violence is not sufficient to discern the cases of violence between partners. Secondly, different types of violence are only reported as the total number of cases, without any analysis with regard to sex. The data obtained from the police is provided by analysing age and sex, but the same level of detail is lacking for different kinds of violence. The latter is obtained by harmonising data from different agencies. This makes it impossible to use the data to populate the indicators proposed by the European Institute for Gender Equality (EIGE), which are focused on police sector data.

It is recommended that the annual report should include more detailed information. This information should be accompanied by metadata.

Strengthen closer cooperation between the NSO and the Commission on Domestic Violence

The Commission on Domestic Violence is the coordinating body when it comes to the implementation of the Istanbul Convention. This includes data harmonisation on and the publication of incidents of domestic violence. The commission fulfils this role and publishes annual reports after harmonising the data from various agencies. This work is very valuable and is currently the only source of statistical data on domestic violence. However, producing statistical data based on different sources is a challenging task and requires special expertise in statistics and data processing, which involves long-term commitment in terms of human resources and capacity development. However, the institutional structures and changes of personnel within the commission make this investment difficult. One way of overcoming this problem could be to rely on the bigger institutions, which have permanent staff and expertise on statistics.

It is recommended to create a close cooperation between the NSO and the Commission on Domestic Violence. As crime statistics are already produced by the police, the NSO can focus its efforts on cultivating a close relationship with the commission, which specialises in statistics on domestic violence. This would provide the expertise the commission needs to produce the harmonised statistics in a more detailed and sustainable manner.

3. Technical recommendations

3.1. Recommendations on data recording systems

Improve data collection from the police sector through systematic recording of the information on the victim–perpetrator relationship

The most important issue regarding data collection on intimate partner violence is the current system of recording information on the victim–perpetrator relationship. The Police Incident Recording System is only able to record the information on the relationship for the offences related to domestic violence. Even in such cases, specific variables to record this information are not compulsory and are therefore not systematically used. Consequentially, it is not possible to distinguish cases of domestic violence from cases of intimate partner violence. The system is prone to mistakes, under-reporting and fluctuations from year to year. Furthermore, it means more work for the staff analysing the data that is statistically based on these police reports. Therefore, it is an issue related to both quality and availability of data.

It is recommended that the necessary changes be made to the data recording system. The system should ask for the victim–perpetrator relationship to be recorded for all incidents reported to the police, regardless of the offence. This way, the relationship would be recorded along with other defined variables, such as the age and the sex of the victim, which are already recorded in a systematic way.

Establish well-defined relationship categories

As mentioned above, the police does not systematically record the information on the victim–perpetrator relationship for all offences. In developing a list of possible relationship types, international classifications like that of the International Classification of Crimes for Statistical Purposes can be used as a reference point. These categories should cover, at the minimum, current and former partners and current and former spouses, whether or not they shared a household.

It is recommended that the predefined variable include separate categories which can then be used to identify incidents that occur between intimate partners.

3.2. Recommendations on the indicators proposed by EIGE

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

This indicator can be partially populated. The annual report of domestic violence provides the number of female victims of domestic violence. However, this data does not specify the relationship between the victim and the perpetrator.

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

This indicator can be partially populated. The number of incidents recognised as domestic violence can be used to populate this indicator. However, the exact relationship between the victim and the perpetrator is needed for full population.

For indicators 1 and 2

It is recommended that the exact relationship between the victim and the perpetrator be recorded using the categories of current and former partners and current and former spouses.

(⁴) 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 3 — Annual number of men (aged 18 and over) perpetrators of intimate partner violence against women (and percentage of male population that are perpetrators)

This indicator can be partially populated.

It is recommended that the exact relationship between the victim and the perpetrator be recorded using the categories of current and former partners and current and former spouses. This information should be cross-referenced with the sex of the victim and that of the perpetrator.

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

This indicator can be partially populated. The annual report of the Commission on Domestic Violence includes statistical information on physical violence harmonised from different state agencies. However, the information is lacking regarding the relationship between the victim and the perpetrator, the sex of the victim and that of the perpetrator and the age of the victim.

Indicator 5 — Annual number of women (aged 18 and over) victims of psychological intimate partner violence ⁽⁶⁾ committed by men (aged 18 and over), as recorded by police

This indicator can be partially populated. The annual report of the Commission on Domestic Violence includes statistical information on physical, psychological, sexual and economic violence harmonised from different state agencies. However, the information is lacking regarding the relationship between the victim and the perpetrator, the sex of the victim and that of the perpetrator and the age of the victim.

For indicators 4 and 5

It is recommended that the exact relationship between the victim and the perpetrator be recorded using the categories of current and former partners and current and former spouses.

Indicator 6 — Annual number of women (aged 18 and over) victims of sexual intimate partner violence ⁽⁷⁾ committed by men (aged 18 and over), as recorded by police

Malta is unable to populate this indicator. The Domestic Violence Acts does not make reference to the sexual or economic offences; therefore such incidents are not recorded within the context of domestic violence by the police.

It is recommended that the exact relationship between the victim and the perpetrator be recorded using the categories of current and former partners and current and former spouses for the offences that might fall under sexual violence.

Indicator 7 — Annual number of women (aged 18 and over) victims of economic intimate partner violence ⁽⁸⁾ committed by men (aged 18 and over), as recorded by police

Malta is unable to populate this indicator. The Domestic Violence Act does not make reference to the sexual or economic offences; therefore such incidents are not recorded within the context of domestic violence by the police.

It is recommended that the exact relationship between the victim and the perpetrator be recorded using the categories of current and former partners and current and former spouses for the offences that might fall under economic violence.

⁽⁵⁾ 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).

⁽⁶⁾ 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).

⁽⁷⁾ Any sexual act performed on the victim without consent. Sexual violence can take the form of rape or sexual assault (EIGE, 2017).

⁽⁸⁾ 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).

Indicator 8 — Annual number of women (aged 18 and over) victims reporting rape ⁽⁹⁾ committed by men (aged 18 and over), as recorded by police

This indicator can be populated. The number of female victims of rape is published via the Eurostat database. The data on both the sex of the victim and the sex of the perpetrator is available upon request.

Indicator 9 - Women victims of intimate femicide ⁽¹⁰⁾ (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)

Currently, given the fact that instances of intimate partner killings are very low in number, this information can be obtained by doing a manual count. However, Malta is unable to systematically provide data to populate this indicator.

It is recommended that the exact relationship between the victim and the perpetrator be recorded using the categories of current and former partners and current and former spouses. Once the necessary changes are made, offences of wilful homicide (Article 211) and grievous bodily harm from which death ensues (Article 220) are suggested to populate this indicator.

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

Malta is unable to populate this indicator, which requires information on both the victim and the perpetrator, as well as on the relationship between the two.

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

Malta is unable to populate this indicator, which requires information on both the victim and the perpetrator, as well as on the relationship between the two.

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

Malta is unable to populate this indicator, which requires information on both the victim and the perpetrator, as well as on the relationship between the two.

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

Malta is unable to populate this indicator, which requires information on both the victim and the perpetrator, as well as on the relationship between the two.

For indicators 10-13

It is recommended that for all the files handled by the justice sector, the following information should be recorded: the sex of the victim and that of the perpetrator, and the specific relationship category between the two. Courts should use the same intimate partner classification as the police.

⁽⁹⁾ 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).

⁽¹⁰⁾ 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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