

Understanding rape in the European Union

The essential need for administrative data collection

Defining rape in the EU

Rape is an unlawful sexual act and a harmful form of sexual violence that disproportionately affects women and girls. Rape occurs in the **absence of consent**, the voluntary agreement between participants to engage in sexual activity.

The **Istanbul Convention** highlights that 'consent must be given voluntarily as the result of the person's free will, as

assessed in the context of the surrounding circumstances' (Article 36.2).

The European Institute for Gender Equality (EIGE) provides the following **statistical definition of rape**:

'Sexual penetration, whether vaginal, anal or oral, through the use of objects or body parts, without consent, using force, coercion or by taking advantage of the vulnerability of the victim'.

Understanding sexual consent

Withdrawing consent

Consent can be withdrawn at any point of a sexual encounter.

Age of consent

Consent can only be provided by people above the legal age, as defined by the state.

Capacity to consent

Consent cannot be provided if a person is incapacitated (e.g. due to drug/alcohol use).

Consent in relationships

Consent has to be provided regardless of the relationship between the victim and the perpetrator.

The prevalence and the impact of rape in the EU

The elimination of gender-based violence and the protection of victims is a stated goal of the EU and a key area of work for EIGE.

EIGE recognises the need for systematic data collection on the prevalence and frequency of rape in the EU, the effects of sexual violence on victims and the actions of Member States to prosecute and hold the perpetrators accountable. Globally, an estimated 1 in 10 girls (10 %) have been a victim of rape (UNICEF, 2022) ⁽¹⁾.

- In the EU, 1 in 20 women (5 %) have been raped since the age of 15 (Fundamental Rights Agency (FRA), 2014) ⁽²⁾.
- Roughly one third (31 %) of rape victims have experienced six or more incidents by their current partner (FRA, 2014).

In addition to the serious adverse health consequences for

victims, the direct and indirect economic impacts of rape are enormous and have ripple effects on individuals, families, communities and society as a whole.

EIGE estimates that the **cost of gender-based violence against women in the EU-27 exceeded EUR 290 billion in 2019** (EIGE, 2021c) ⁽³⁾. Rape is one of the five crime categories included in the calculation of estimated gender-based violence costs.

Only with a strong evidence base and solid data is it possible to generate and implement appropriate knowledge-based measures to combat rape. However, this is not possible without accurate, reliable and timely data on rape victims, perpetrators and events.

⁽¹⁾ UNICEF (2022), 'Sexual violence against children' (<https://www.unicef.org/protection/sexual-violence-against-children>).

⁽²⁾ FRA (2014), *Violence Against Women: An EU-wide survey – Main results*, Publications Office of the European Union, Luxembourg (<https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>).

⁽³⁾ EIGE (2021c), *The Costs of Gender-based Violence in the European Union – Technical report*, Publications Office of the European Union, Luxembourg (<https://eige.europa.eu/publications/costs-gender-based-violence-european-union-technical-report>).

The need for administrative data collection on rape

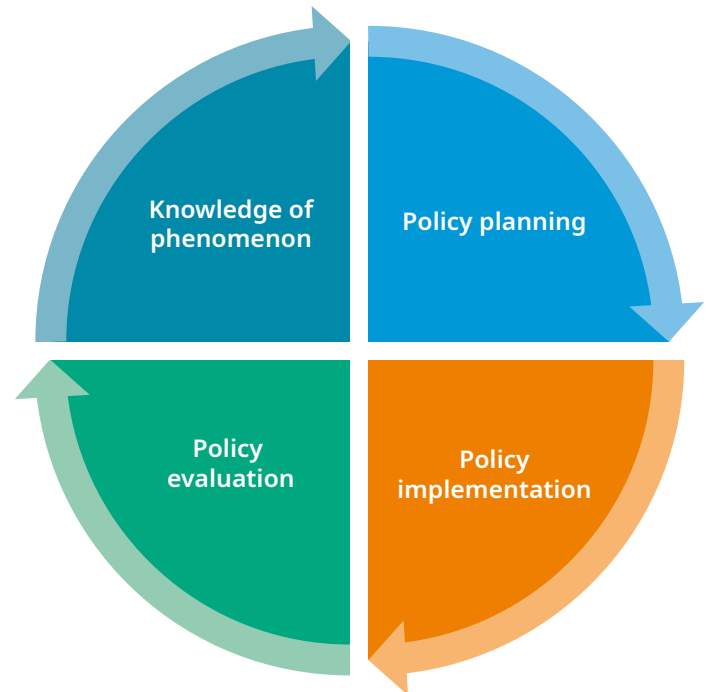
Administrative data is information that is created when people interact with public services (e.g. law enforcement, court systems and healthcare institutions).

Even though administrative data is primarily collected for administrative purposes, it plays an important role in monitoring the implementation of policies and in assessing the effectiveness of the state response.

Administrative data on violence against women, collected by governments and different types of service providers, provides information about the use and demand of services and about the institutional response and/or outcomes for victims and perpetrators (e.g. prosecution and conviction rates). In addition, it can result in more efficient resource and budget allocation.

The lack of comparable data across Member States hampers the appropriate allocation of funds and the development of effective national and EU-wide policies to prevent violence against women. Systematic data collection is of the utmost importance for effective policymaking in preventing and combating violence against women.

Figure 1. The role of data in policymaking



Legal obligations for administrative data collection in the EU

The EU victims' rights directive (Directive 2012/29/EU) establishes minimum standards on the rights of victims of crime and highlights the importance of statistical data collection as an essential component of effective policymaking.

The directive asks Member States to provide the European Commission with data on how victims have been able to access their rights, including the number and types of crimes reported by victims and, if available, the number of victims by age and gender.

Recital 64 of the directive's preamble provides further details on statistical data collection:

'Relevant statistical data can include data recorded by the judicial authorities and by law enforcement agencies and, as far as possible, administrative data compiled by healthcare and social welfare services and by public and non-governmental victim support or restorative justice services and other organisations working with victims of crime.

Judicial data can include information about reported crime, the number of cases that are investigated and persons prosecuted and sentenced.'

The EU victims' rights directive (Directive 2012/29/EU), recital 64.

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) requires state parties to produce, analyse and disseminate disaggregated data on violence against women to understand its root causes, incidence and effects, and conviction rates.

This data facilitates international cooperation, allows international benchmarks to be set and supports the development of evidence-based policies to prevent violence against women.

The UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) encourages the compilation of statistics and research on the extent, causes and effects of violence.

In 2017, the CEDAW Committee recommended that state parties establish a system to collect, analyse and publish statistical data on all forms of gender-based violence against women. The committee notes that the analysis of statistical data can help to identify protection failures and further develop measures to prevent violence against women.

Specific reference is made to the need for data disaggregated by type of violence, victim-perpetrator relationship and age of the victim, and in relation to intersecting forms of discrimination against women (CEDAW 2017, GR No 35, point 49) ⁽⁴⁾.

⁽⁴⁾ CEDAW (2017), General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 (<https://www.ohchr.org/en/treaty-bodies/cedaw/launch-cedaw-general-recommendation-no-35-gender-based-violence-against-women-updating-general>).

Data availability and comparability in the EU

To enhance data collection on violence against women, EIGE has developed 13 indicators on gender-based violence. Indicator 8 collects data on reported rape cases.

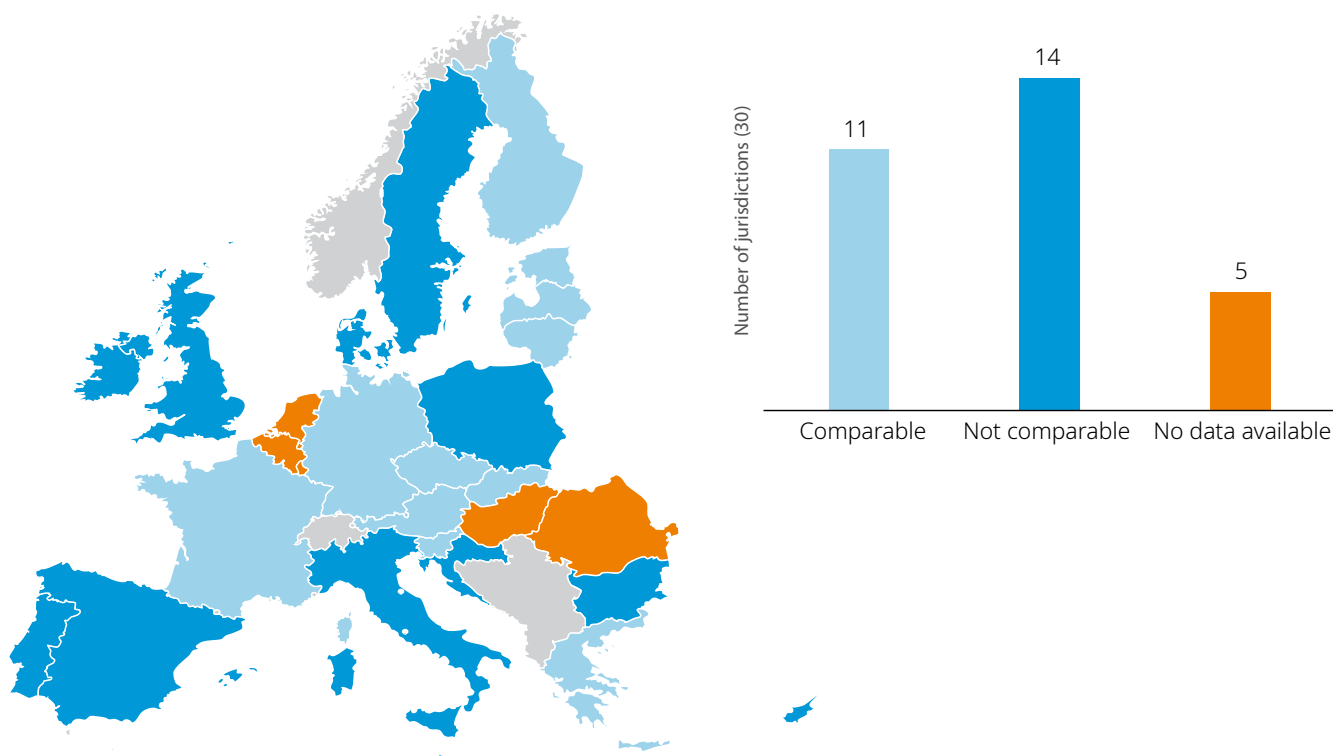
Indicator 8: annual number of women victims (aged 18 and over) reporting rape committed by men (aged 18 and over) as recorded by police.

Between 2018 and 2020, EIGE collected data from national police and justice sectors on the 13 intimate partner violence indicators. A new data collection exercise covering the 2018–2022 period will be conducted in 2023.

Based on the data collection exercise (2018–2020), EIGE published a detailed analysis in 2021 of the current availability and comparability of the indicators at the level of the 30 jurisdictions in the EU-27 and the United Kingdom.

Out of EIGE's indicators on gender-based violence, the highest availability of data across the EU is on indicator 8 (number of female victims reporting rape as recorded by the police) and indicator 9 (intimate femicide). For indicator 8, **25 out of 30 jurisdictions (27 in the EU and 3 in the United Kingdom) produce data on rape victims.**

Figure 2. Data comparability of EIGE's indicator on rape by jurisdiction (27 in the EU and 3 in the United Kingdom)



As illustrated in Figure 2, while 25 out of 30 jurisdictions produce data on rape victims, only 11 jurisdictions produce comparable data on this indicator (CZ, DE, EE, EL, FR, LV, LT, AT, SI, SK and FI). Additionally, of these 11 jurisdictions, Czechia and Latvia are the only ones with fully comparable data. The following issues hindered data comparability in the remaining nine jurisdictions.

- **Collecting data on age.** While indicator 8 considers women victims and male perpetrators over the age of 18, data in some jurisdictions captures victims and perpetrators of all ages.
- **Completed and attempted rape.** Data on reported rapes and attempted rapes is not disaggregated in some jurisdictions.
- **Types of sexual violence.** Certain jurisdictions cannot disaggregate between rape and other acts of sexual violence.
- **Types of relationships.** Data in some jurisdictions is more readily available on rape in the context of intimate partner and domestic relationships than rape perpetrated by unknown persons.

What is needed for high-quality data on rape?

High-quality data on rape is consistent, comprehensive, continuous and disaggregated.

Consistent data. Data must be provided in a regular manner, use the same categories for variables to describe rape and establish a consistent understanding of how those variables are defined.

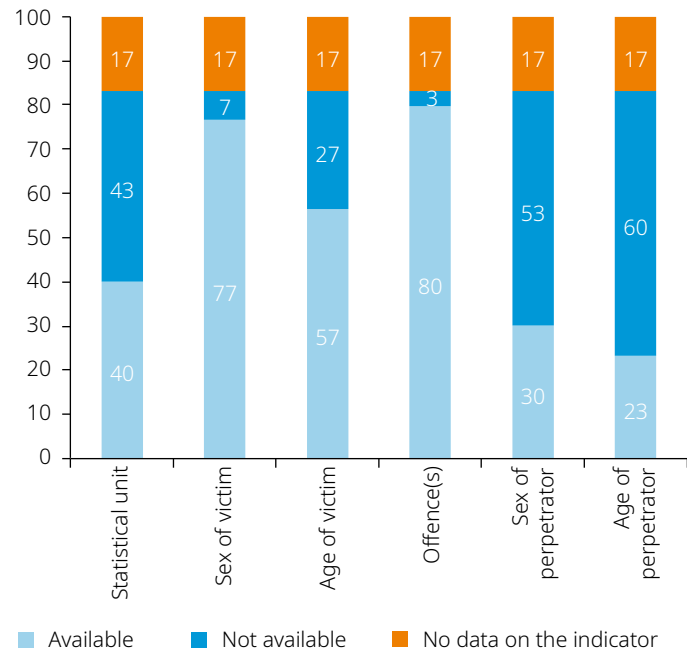
Comprehensive data. High-quality data on rape includes data on the prevalence and frequency of rape.

Continuous data. Data on victims and perpetrators should be collected at each stage of the criminal justice process, including the number of people in contact with the police and the number of people prosecuted, convicted and held in prison.

Disaggregated data. Information on specific variables that make up EIGE's indicators on rape should be collected and disaggregated by Member States. Relevant variables include the sex and age of the victim and perpetrator, the statistical unit and the offence(s) committed.

For EIGE's indicator on rape, the most frequently collected variable is the type of offence (i.e. rape) (see Figure 3). However, many countries do not collect data on the statistical unit (number of victims), which is recorded in only 40 % of jurisdictions (12 Member States).

Figure 3. Share of jurisdictions (27 in the EU and 3 in the United Kingdom) with data available on indicator 8 variables (%)



Barriers for data collection on rape

Institutional barriers

Lack of standard definitions. Member States have not established a common definition for rape based on consent.

Lack of standardised methods of data collection across EU jurisdictions. Member States use different units of measurement, counting rules, recording processes and databases for collecting data on rape.

Lack of disaggregated data. There are gaps in data availability for data disaggregated by the sex and age of the victims and perpetrators, the victim-perpetrator relationship and other variables needed to populate the indicator on rape.

Limitations of analysis. The analysis of trends based on administrative data can also be biased as it primarily represents changes in reporting rather than in incidence. For example, legal changes can increase reporting, which does not necessarily mean an increase in the occurrence of rape.

Societal barriers

Lack of awareness and understanding of consent and of the legal definition of rape.

The prominence of rape culture. Rape culture can be understood as a cultural environment that normalises rape and sexual violence against women through social and political discourse, media and popular culture.

Victim-blaming attitudes and stigma. Victim blaming occurs when survivors of rape are blamed for their experiences of abuse. This stigma makes it more difficult for victims to identify and report their experiences of violence. Together with the stigma the victims may fear being blamed, not being believed and might face the risk of being mistreated or socially ostracised.

These societal barriers can ultimately discourage victims from reporting rape. The EU FRA survey on violence against women (FRA, 2014) found that, in the Member States, sexual violence was reported in 30 % of cases when the perpetrator was not a partner and in 39 % of cases when the perpetrator was an intimate partner.

Recommendations to improve data collection on rape in the EU

Table 1. EU- and Member State-level recommendations for improving data collection on rape

Member State-level recommendations	
Recommendation 1	Standardise the definitions of rape across the EU.
Recommendation 2	Adapt data-recording systems to include specific breakdowns essential for identifying rape, including data on the sex and age of the victim and perpetrator and the victim-perpetrator relationship as a minimum.
Recommendation 3	National statistical offices, ministries, governmental and independent equality bodies, and other public bodies should analyse the gender dimension of rape, along with its causes and consequences.
Recommendation 4	Member States should ensure coordination between administrations, equality bodies, civil society and universities to collect data on rape, analyse the data and issue relevant policy proposals.
Recommendation 5	Member States should ensure the continuity of data-gathering activities and statistical capacity building and training through dedicated funding for administrations that collect data on rape.
Recommendation 6	Based on the data gathered and analysed, competent authorities should regularly report on rape. The reports shared by authorities should be made publicly available and act as a basis for developing further measures against rape.
EU-level recommendations	
Recommendation 7	Accede to the Istanbul Convention to ensure that all Member States are made accountable for upholding Article 11 on data collection.
Recommendation 8	Adopt an EU directive on all forms of violence against women to complement the implementation of the Istanbul Convention, including the definition of rape based on consent.

Further reading

All data is published in EIGE's [Gender Statistics Database](#), which provides a one-stop source for all gender statistics at the EU and Member State levels. Statistical evidence from the database can be used to support the Commission's strategy on gender

equality and support Member States in monitoring progress, as well as improving the violence against women institutional response. Further resources on rape and EIGE's work to combat rape through data collection are listed in the table below.

Learn more about rape

Council of Europe (2021), *Second general report on GREVIO's activities – Covering the period from June 2019 to December 2020*, Strasbourg.

EIGE (2017), *Terminology and Indicators for Data Collection: Rape, femicide and intimate partner violence*, Publications Office of the European Union, Luxembourg.

EIGE (2020), *Intimate Partner Violence: Data collection methodology*, Publications Office of the European Union, Luxembourg.

EIGE (2021a), *EIGE's Indicators on Intimate Partner Violence, Rape and Femicide: EU state of play*, Publications Office of the European Union, Luxembourg.

EIGE (2021b), *EIGE's Indicators on Intimate Partner Violence, Rape and Femicide – Recommendations to improve data quality, availability and comparability*, Publications Office of the European Union, Luxembourg.

EIGE (2021c), *The Costs of Gender-based Violence in the European Union – Technical report*, Publications Office of the European Union, Luxembourg.

Eurostat (2020), *European Statistical System Handbook for Quality and Metadata Reports – 2020 edition*, Publications Office of the European Union, Luxembourg.

FRA (2014), *Violence Against Women: An EU-wide survey – Main results*, Publications Office of the European Union, Luxembourg.

UN Women and World Health Organization (2022), *Improving the collection and use of administrative data on violence against women – Global technical guidance*, New York.

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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