

Administrative data sources on gender-based violence against women in the EU

Current status and potential for the collection of comparable data

Report



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The European Institute for Gender Equality (EIGE) is an autonomous body of the European Union, established to contribute to and strengthen the promotion of gender equality, including gender mainstreaming in all EU policies and the resulting national policies, and the fight against discrimination based on sex, as well as to raise EU citizens' awareness of gender equality.

Further information can be found on the EIGE website (<http://www.eige.europa.eu>).

ISBN: 978-92-9218-354-7
doi: 10.2839/149

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Foreword

Gender-based violence is one of the most persistent human rights violations of modern times. It affects women disproportionately as it is directly connected with the unequal distribution of power between women and men perpetuating the devaluation and subordination of women, and violating women's fundamental rights and freedoms. It also represents a major obstacle in overcoming inequality between women and men. The eradication of gender-based violence is a proclaimed goal of the EU for which the European Institute for Gender Equality (EIGE) recognises its important role. In particular, it notes that evidence in the form of collecting comparable and harmonised data on gender-based violence is crucial for informed decision-making in the area.

This study, therefore, aims to extend knowledge about the situation and the potential of administrative data on gender-based violence in the EU-28 in order to harmonise and collect comparable data on this phenomenon. It has been divided into two publications. The current report provides a comprehensive overview of the legal and policy framework underpinning administrative data on gender-based violence. A second report, to be published by the end of 2014, is focused on a technical analysis



of the main administrative data sources and the related statistical products identified at national level. Both reports provide guidelines to improve the relevance, quality and statistical potential of the administrative data and list recommendations for the collection of relevant, reliable and comparable administrative data across the EU.

It must be remembered that gender-based violence knows no geographical boundaries, no ethnic differences, class distinction or age limits. There is an urgent need across the EU to develop a comprehensive strategy to prevent and combat gender-based violence building upon evidence on the prevalence, nature and consequences of gender-based violence for women and secondary victims. The harmonisation of methodologies and the collection of comparable data will greatly assist in supporting prevention strategies across EU Member States.

The findings of this report show that there is yet to be established a supranational regulation on gender-based violence data collection. The directive establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU) is a first step in this direction. The development of gender-sensitive language and unified legal definitions are also needed. Furthermore, this process would be speeded up if guided by efforts at the national level such as the establishment of mechanisms or institutions with the specific task of collecting the necessary data and the adoption of regulations on administrative data collection.

With these challenges in mind, it is important to note that, if quality and comparability can be improved, administrative data have the potential to play an important role in future data collection on gender-based violence. Only when we act together, can we stop gender-based violence.

Virginija Langbakk,
Director
The European Institute for Gender Equality (EIGE)

Acknowledgements

This report is the result of a three-year project.

It is based on a background study financed by and prepared for the use of the European Institute for Gender Equality (EIGE). The study was initially coordinated by Santiago Moran, and later on, Zulema Altamirano took it over. The background study was prepared by Optimity Matrix, with a core team formed by Mirja Gutheil, Aurelie Heetman, Stephan Kreutzer, Jacque Mallender, together Chiara Crepaldi and Flavia Pesce from the Istituto per la Ricerca Sociale (IRS). The preliminary analysis of the project was supported by other researches from EIGE: Priya Alvarez, Ligia Nobrega and Jurgita Peciuriene.

A particular thank you goes to many colleagues at EIGE for their intellectual contributions, administrative support and encouragement. The work on this report was coordinated by Zulema Altamirano. Research quality assurance was carried out by the EIGE research team: Ioana Borza, An Cuypers, Anne Humbert, Anna Rita Manca, Irene Riobo, and Olga Toth.

This report is accompanied by two databases: legal definitions on gender-based violence across the EU-28 and literature and legislation on gender-based violence administrative data, and also by a mapping tool for administrative data sources on gender-based violence.

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Country abbreviations

| | |
|-------|---------------------|
| AT | Austria |
| BE | Belgium |
| BG | Bulgaria |
| CY | Cyprus |
| CZ | Czech Republic |
| DE | Germany |
| DK | Denmark |
| EE | Estonia |
| EL | Greece |
| ES | Spain |
| FI | Finland |
| FR | France |
| HR | Croatia |
| HU | Hungary |
| IE | Ireland |
| IT | Italy |
| LT | Lithuania |
| LU | Luxembourg |
| LV | Latvia |
| MT | Malta |
| NL | Netherlands |
| PL | Poland |
| PT | Portugal |
| RO | Romania |
| SE | Sweden |
| SI | Slovenia |
| SK | Slovakia |
| UK | United Kingdom |
| EU-28 | 28 EU Member States |

Frequently used abbreviations

| | |
|----------------------------|---|
| BPfA | Beijing Platform for Action |
| CSO | Civil society organisation |
| EIGE | European Institute for Gender Equality |
| EPSCO | Employment, Social Policy, Health and Consumer Affairs Council |
| EU | European Union |
| Eurostat | The statistical office of the European Union |
| FRA | European Union Agency for Fundamental Rights |
| GBV | Gender-based Violence |
| IPV | Intimate Partner Violence |
| Istanbul Convention | Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence |
| MS | Member State |
| UN | United Nations |
| UNECE | United Nations Economic Commission for Europe |
| UNODC | United Nations Office on Drugs and Crime |
| UNSD | United Nations Statistical Division |
| VAW | Violence against Women |
| WHO | World Health Organisation |



Glossary of terms and definitions

| | |
|---|---|
| Accuracy | For the purpose of this report, the accuracy of statistical products is defined as ‘closeness of computations or estimates to the exact or true values that the statistics were intended to measure’ ⁽¹⁾ . |
| Administrative data | Administrative data are produced as a result of the administrative processes of organisations. This information is primarily collected for administrative purposes, such as registration, record-keeping or transaction, usually during the delivery of a service, but not for research or statistical purposes (as opposed to survey data). They are considered as primary or raw data. |
| Administrative data source | <p>Administrative data sources refer to the administrative organisations (non-statistical) that collect administrative data, or to the database or collecting system used by that organisation to record administrative data, since in some cases the same administrative unit is responsible for more than one administrative data source.</p> <p>The sources of administrative data can be broken down into distinct administrative systems or sectors:</p> <ul style="list-style-type: none">● Health (e.g. medical centres and emergency services)● Justice (e.g. courts, prosecution offices, criminal and civil justice, prisons)● Police (e.g. municipal, regional and national police)● Social services:<ul style="list-style-type: none">○ Support and assistance (e.g. victim-support centres, shelters, legal and psychological counselling and helplines)○ Social welfare (e.g. subsidised housing, employment aid and welfare benefits)● Others<ul style="list-style-type: none">○ Civil Society Organisations (CSOs) and privately owned organisations providing assistance to victims (e.g. women’s shelters) <p>Political organisations that do not fall under either of the other categories, e.g. Ministry of Labour</p> |
| Court injunction | An order issued by a court to a party by which an individual is required to perform, or is restrained from performing, a particular act. |
| Data compilers | <p>Data compilers are organisations that compile data from one or more administrative data sources for statistical purposes.</p> <p>For the purpose of this study, three main data compilers have been considered:</p> <ul style="list-style-type: none">● National Statistical Office● Public body or administration● Civil Society Organisations |
| Data producers/ Administrative organisations | Agencies that interact with victims and/or perpetrators of gender-based violence and that collect relevant data. They are the units responsible for producing and maintaining one or more administrative data source. |

⁽¹⁾ European Statistical System. EURO-SDMX Metadata Structure, release 3, March 2009.

Forms or types of gender-based violence

This report focuses on five forms of gender-based violence:

1. Intimate partner violence (IPV)
All acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit, or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim ⁽²⁾. These include, but are not restricted to, domestic violence.
2. Sexual violence (outside intimate relationships)
 - a. Sexual assault (excluding rape):
These acts refer to any sexual act committed against non-consenting women, even if they do not show signs of resistance, with the exception of rape/penetration ⁽³⁾.
 - b. Rape:
Any act of sexual penetration, of whatever kind and by whatever means, of a woman's body by the use of violence and threats or by trickery or artifice or by taking advantage of a woman who is not in a position to give free consent or to offer resistance and regardless of whether that person shows signs of resistance ⁽⁴⁾.
 - c. Sexual harassment
Unwanted physical, verbal or non-verbal conduct of a sexual nature, violating the victim's dignity and creating a hostile environment. Acts are inclusive of, but not limited to, vulgar actions, requesting sexual favours, threatening or forcing with the purpose of gaining sexual satisfaction, forcibly imposed sexual intimacy. Sexual harassment is an action which the offender knows, or ought to know, will constitute harassment ⁽⁵⁾.
3. Stalking
Seeking the proximity of the victim with serious detriment to the person's lifestyle and arousing, indirectly, directly or virtually, distress, fear or harm in the targeted person. This can be done in particular by trying to establish contact by any means, misusing the victim's personal data for the purpose of ordering goods or services or causing third persons to make contact, threatening the victim or someone close to the victim ⁽⁶⁾.

⁽¹⁾ Council of Europe (2011) Convention on preventing and combating violence against women and domestic violence. Explanatory report, p. 8.

⁽²⁾ European Commission (2010) Feasibility report to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence.

⁽³⁾ Council of Europe, Directorate General of Human Rights (2006) Combating violence against women: Stocktaking report on the measures and actions taken in Council of Europe Member States; and European Commission (2010) Feasibility report to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence.

⁽⁴⁾ European Commission (2010) Feasibility report to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence.

⁽⁵⁾ Based on: European Commission (2010) Feasibility report to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence; and Human European Consultancy — Carol Hagemann-White, Thomas Meysen, with Barbara Kavemann, Gila Schindler, Nina Trunk (2010) Feasibility report national legislation on gender violence and violence against children — Report on Germany.



| | |
|---|---|
| Gender-based violence against women | Violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty ⁽⁷⁾ . |
| Official statistics/statistical products | Data published by public bodies, government departments and agencies or international organisations, used to provide information on the social and economic issues related to the citizens it represents. They are secondary or processed data. They can be based on administrative data or survey data. Only official statistics from administrative data are considered as part of this report. |
| Protection order | In the context of incidents of gender-based violence, a protection order represents a legal injunction that requires an offender to refrain from doing certain acts and to stay away from the victim. An offender that refuses to comply with the order faces criminal or civil penalties, depending on the specific case and the legal context in the country. |
| Reliability | Overall consistency of a measure. Reliability is established if there is reasonable confidence that a value would remain consistent should it be measured repeatedly. |
| Timeliness | The length of time between data availability and the event or phenomenon they describe ⁽⁸⁾ . |
| Triangulation of data | Data validation through cross-verification from two or more sources using different methodologies in order to study the same phenomenon. |
| Violence against women | Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. |

⁽⁷⁾ United Nations (1992): General Recommendation No 19 on Violence against Women, Committee on the Elimination of Discrimination against Women (CEDAW) 11th session, 1992, New York.

⁽⁸⁾ European Statistical System (2009) EURO-SDMX Metadata Structure, release 3, March 2009.

1. Introduction





1. Introduction

Gender-based violence remains one of the most pervasive human rights violations of our time and affects women disproportionately because of gendered power relations and structures, depriving women of enjoying fundamental freedoms. It is rooted in gender inequalities and reinforces them. In fact, gender-based violence cannot be understood outside the social structures, gender norms and roles that support and justify gender-based violence as normal or tolerable. Furthermore, gender-based violence against women represents a major obstacle to overcome inequality between women and men.

Combating gender-based violence is a declared goal of the EU institutions and all EU Member States ^(*). Committed to supporting the ongoing work across the EU to address and combat gender-based violence, the European Institute for Gender Equality (EIGE) recognises its important role in this fight. In particular, it notes that evidence in the form of collecting comparable data and harmonised data on gender-based violence is crucial for informed decision-making in the area. However, a systematic comparison of the prevalence of gender-based violence in the EU-28 is rarely possible. It is therefore necessary to focus on the development of common definitions, classification systems and methodologies to determine future needs and to improve the quality and availability of data on gender-based violence.

To address this need, the current report maps out the status and potential of administrative data relating to gender-based violence against women, collected by the main agencies linked to gender-based violence, in the European Union (EU) 28 Member States in 2013. The study has been

developed under the EIGE's Mid-term Work programme for 2010–12 and its 2012 Annual Work programme, in line with European Union priorities in the field of gender equality and the Work programme of the European Commission.

The results and main findings of the study have been processed and divided into two different publications. The first report (current report) focused on the legal framework and regulations underpinning administrative data collection on gender-based violence. The second report assesses the current situation and potential of administrative data sources and related statistical products. The overall objective is *to extend knowledge about the status and possibilities of administrative data collection on gender-based violence in the EU-28 Member States*, and to gain a comparable overview of the extent, nature and consequences of gender-based violence against women across the EU-28.

Both reports seek to support policy-makers across Europe in the fight against gender-based violence by providing guidelines and suggesting methodological tools and indicators to improve and make comparable the administrative data that is collected on gender-based violence in the European Union.

1.1 Gender-based violence

When referring to *gender-based violence against women*, it is important to agree on a common understanding of the terms and definitions used, as well as the legal framework and theories underpinning the use of these terms. The different concepts used in the international texts to refer to the phenomenon reflect not only advances in the research, but also progress in recognising violence against women as a social problem that violates fundamental human rights and reinforces gender inequalities to be tackled in all the spheres of the society (see Section 2.1).

^(*) See European Parliament and Council (2012) Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

Within the scope of the EIGE's work, the term *gender-based violence* is adopted to refer to violence that is directed against a person on the basis of gender. It constitutes a breach of the fundamental right to life, liberty, security, dignity, equality between women and men, non-discrimination and physical and mental integrity.

Acknowledging the existence of a wide variety of *forms of gender-based violence*, this report focuses on five forms of gender-based violence: intimate partner violence; sexual violence (outside intimate relationships), including rape, sexual assault and sexual harassment; and stalking (for definitions see Section 2.2).

1.2 EU's commitment towards data on gender-based violence

The EU is committed to combating violence against women, as affirmed in the European Commission's Women's Charter (2010), the European Pact for Gender Equality 2011–20, the European Commission's Strategy for Equality between Women and Men 2010–15, and the Stockholm programme for 2010–14. In order to develop the right policies and measures to prevent and combat violence against women, and to monitor their effectiveness, this commitment *needs to be based on data* and supported by evidence on the prevalence and incidence of gender-based violence across the EU.

With this purpose, the Council in the framework of the Beijing Platform for Action (BPfA) — a global agreement promoting and protecting the human rights of women and girls — adopted conclusions on some forms of gender-based violence (domestic violence and sexual harassment) in 2002 and 2004 and has developed a set of indicators concerning these forms of gender-based violence. The European Commission, in a communication in 2006, declared its objective to collect national data and to assess its quality in order to develop, in close collaboration with Eurostat, a harmonised methodology on which the collection of EU-wide statistics should be based, allowing comparisons of the structure and trends of crimes between Member States⁽¹⁰⁾. Disaggregation of data by the age and sex of victim and perpetrator and the type of relationship between them would allow identification of crimes related to violence against women, and EIGE is currently working closely with Eurostat to support that.

⁽¹⁰⁾ European Commission (2006) Developing a comprehensive and coherent EU strategy to measure crime and criminal justice: an EU action plan 2006-10, COM(2006) 437 final.

1.3 Types of data on gender-based violence

There are two main methods of data collection on gender-based violence: population surveys, which can be used to measure the prevalence of gender-based violence, and administrative data, which is information and statistics gathered from organisations that come into contact with victims and/or perpetrators of gender-based violence, for their own purposes. These sources can provide very useful information on reported incidents of gender-based violence. Both population survey data and administrative data can be used for the production and dissemination of official statistics (i.e. statistical products).

1.4 Administrative data

The focus of the report is on data collected by administrative sources. They are recorded by the institutions dealing with gender-based violence incidents as part of their activities. Administrative data are collected by organisations for their own use, mainly to implement the relevant regulations, and are not originally or primarily collected for statistical purposes. These sources of data provide detailed and very valuable information on how judicial, police, health or social services providers and other institutions respond to the prevention, protection and prosecution of incidents of gender-based violence. They reflect only what is recorded by an agency interacting with a victim and/or a perpetrator.

Administrative data are used for producing official statistics. *The Statistical products* collected by this study rely on the data initially collected by administrative institutions for their own purposes and then used by other authorities (public bodies, government departments, national statistical offices and other agencies) with the aim of producing statistics that provide an overview of the extent of gender-based violence in the Member States. In some cases, statistical products compile information from population-based surveys analysing both types of data. Some statistical products are publicly available (for instance, when elaborated by National Statistical Offices) as they are the end product, but in some cases these secondary data are kept within the institution and shared to third parties for further analysis of trends and data.

1.5 Key sectors or systems linked to gender-based violence

Administrative data on incidents of gender-based violence is collected by different types of organisations.



This report considers the following five main sectors or systems:

- **Police** (e.g. municipal, regional and national police)
- **Justice** (e.g. courts, prosecution offices, criminal and civil justice, prisons)
- **Health** (e.g. medical centres and emergency services)
- **Social services:**
 - ✓ Social services of protection, support and assistance (e.g. victim support centres, shelters, legal and psychological counselling, helplines)
 - ✓ Social welfare institutions (e.g. subsidised housing, employment aids and welfare benefits)
- **Others:** a fifth category named 'other' includes institutions such as Civil Society Organisations (CSO), administrative bodies, (i.e. ministries of labour or gender equality) or independent institutions (i.e. ombudspersons) that do not fall under any of the previous categories.

However, at Member State level, differences in legal definitions and legal provisions with respect to gender-based violence and its forms can hamper the harmonisation of data collection from administrative sources, as there is no common understanding of terms and definitions when recording incidents. Furthermore, criminalisation of incidents of gender-based violence is very diverse among Member States, for instance, in some Member States intimate partner violence is considered a separate crime under their criminal code, whereas other Member States prosecute the incident indirectly under other articles of their penal law. This makes the identification of related incidents more difficult, especially within the police and justice services.

Identification of the challenges that exist, in terms of the co-ordination and standardisation of methodologies for data collection, for administrative sources is also an important task. Knowledge of the current regulations underpinning administrative data in the EU-28 and the mechanisms of collecting this information can help in assessing the feasibility of using administrative data on gender-based violence across the EU.

1.6 Background of the study

To better understand the challenges regarding administrative data collection on gender-based violence the study upon which this report is based builds *upon an in-depth review of existing information/publications on administrative data collection on gender-based violence at international and EU as well as national level (EU-28).*

Data was collected at national level through desk and field research in each EU Member State. (28 national reports will be available on the EIGE website in 2015).

This was complemented by more than 150 *in-depth interviews with national stakeholders involved in, or knowledgeable of, administrative data collection* with regard to gender-based violence across the EU, including representatives from government, health services, law enforcement agencies, court systems and social support services as well as academia.

In addition, an online discussion with all national researchers involved in the study was organised in June 2013 to discuss the similarities and differences between the countries in the collection of administrative data on gender-based violence.

In July 2013, an expert meeting of academics, national stakeholders and representatives of international organisations working in the field of gender-equality policy and/or in the field of related data collection was organised with the aim of exploring the feasibility of collecting up-to-date and comparable data from national administrative sources on gender-based violence at the EU level.

The report is divided into two main publications: the first (current one) provides a comprehensive overview of the legal and policy framework underpinning administrative data on gender-based violence, while the second report consists of an in-depth analysis of the administrative data sources for different forms of gender-based violence and sectors, the quality of their data and the extent to which these data are already used by Member States for official statistical products.

1.7 Structure of the report

Chapter 2 addresses the concept of gender-based violence and the legal definitions in the EU and globally, and analyses the main challenges of data collection on gender-based across the EU.

Chapter 3 provides an overview of legislation, policies and actions on administrative data collection on gender-based violence at European and international levels.

Chapter 4 shows the regulatory framework on administrative data collection related to gender-based violence in EU Member States.

Chapter 5 addresses the current and future developments in terms of coordinating and regulating administrative data collection on gender-based violence in EU Member States.

Chapter 6 presents the main findings and conclusions with respect to administrative data collection on gender-based violence in terms of legal definitions, regulations and co-ordination at international and national levels.

2. Gender-based violence and data collection





2. Gender-based violence and data collection

Before providing a comprehensive overview of the legal and policy framework in relation to data collection on gender-based violence, and more specifically, on administrative data, this chapter outlines the definitions of the terms 'gender-based violence' and 'violence against women' used in the main international texts. It also addresses the importance and challenges of data collection related to gender-based violence, focusing on administrative data.

2.1 Definitions of gender-based violence

The terms gender-based violence and violence against women are often used interchangeably as most violence inflicted against women and girls is based on their gender. The terms employed by different institutions and at different times show the progress in making visible the phenomenon of gender-based violence against women as a social issue that violates fundamental human rights (see Table 1).

Table 1: Definitions of gender-based violence by terminology used

| Terminology used | Definitions | Source |
|------------------------|--|--|
| Violence against women | '(...) manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into subordinate positions compared to men.' | UN Declaration on the Elimination of Violence Against Women, General Assembly resolution 48/104 (1993) |

| Terminology used | Definitions | Source |
|-------------------------------------|--|---|
| Violence against women | <p>‘(...) any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life (...) is a manifestation of the historically unequal power relations between men and women which have led to domination over and discrimination against women by men and to the prevention of women’s full advancement.’ (Article 1)</p> <p>‘(...) violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.’</p> | <p>United Nations: The Beijing Declaration and the Platform for Action, Fourth World Conference on Women, Beijing, China 4–15 September 1995, New York 1996 (p. 73 f.)</p> <p>Council of Europe (2011): Council of Europe Convention on preventing and combating violence against women and domestic violence, Chapter I — Purposes, definitions, equality and non-discrimination, general obligations, Article 3, p. 8</p> |
| Gender-based violence | <p>‘(...) violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.’</p> <p>‘(...) violence that is directed against a person because of that person’s gender, gender identity or gender expression or that affects persons of a particular gender disproportionately. It may result in physical, sexual, emotional or psychological harm, or economic loss, to the victim. It is a form of discrimination and a violation of the fundamental freedoms of the victim (...)’</p> | <p>United Nations (1992): General Recommendation No 19 on Violence against Women, Committee on the Elimination of Discrimination against Women (CEDAW) 11th session, 1992, New York</p> <p>Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime</p> |
| Gender-based violence against women | <p>‘(...) violence that is directed against a woman because she is a woman or that affects women disproportionately.’</p> | <p>Council of Europe (2011): Council of Europe Convention on preventing and combating violence against women and domestic violence, Chapter I — Purposes, definitions, equality and non-discrimination, general obligations, Article 3, p. 8</p> |

Evolution has been noted in the terminology used among EU institutions and other international organisations from the term ‘violence against women’, to the terms ‘gender-based violence’ or ‘gender-based violence against women’.

One of the first occasions of the use of the concept as ‘violence against women’ is in the preamble of the UN Declaration on the Elimination of Violence Against Women,

General Assembly Resolution 48/104 (1993). In the Beijing UN Declaration, produced at the outset of the Fourth World Conference on Women, the terminology is upheld. The women’s empowerment perspective embedded in the initial concept is highly intertwined with the historical and highly disproportionate imbalance of power between men and women. The concept nests firmly within the responsibility of the structure of societies and institutions, and



ideas and values reinforced by cultures where women are oppressed because they are women.

'Gender-based violence' has been used in parallel in international texts, for instance, by the Committee on the Elimination of Discrimination against Women (CEDAW). By considering violence that affects women, either because they are women, or because they are disproportionately affected by such violence, it becomes synonymous with 'violence against women'.

At the European Union level, the Council of the European Union refers to the definition used by the United Nations in its Declaration on the Elimination of Violence against Women (20 December 1993), in its Council conclusions on the Eradication of Violence Against Women in the European Union, 8 March, 2010.

Nevertheless, the terminologies adopted are still largely used interchangeably due to the closeness in their definitions, as in the example of the Council of Europe which states that "violence against women" is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.⁽¹¹⁾

The only definition at the EU level that uses the terminology 'gender-based violence' can be found in the preamble of Directive 2012/29/EU. It uses a broader definition of gender-based violence which includes gender identity and gender expression, going beyond the (hetero)normative male-female dichotomy. Besides, it offers a gender-neutral perspective when it comes to gender, as it neither mentions women as victims nor men as perpetrators, but does it indirectly when mentioning that it disproportionately affects a particular gender. The main issue with gender-neutrality in legislation is that disregards the power relations between women and men that reinforce gender-based violence. Indeed, the use of concepts such as 'men's violence against women' in some national and international context engender both the perpetrators and the victims to avoid gender neutrality; and the expression 'against women' added to 'gender-based violence', used in other international texts, aims to engender the victims.

⁽¹¹⁾ Source: Council of Europe (2011): Council of Europe Convention on preventing and combating violence against women and domestic violence, Chapter I — Purposes, definitions, equality and non-discrimination, general obligations, Article 3, p. 8).

The move towards the terminology 'gender-based violence' happened at the same time as a greater emphasis on discrimination, human and fundamental rights. For example, the Council conclusions on Combating Violence Against Women, and the Provision of Support Services for Victims of Domestic Violence (6 December 2012), when defining gender-based violence refers to 'a breach of the fundamental right to life, liberty, security, dignity, equality between women and men, non-discrimination and physical and mental integrity'.

Increasingly, the term 'gender-based violence against women' is more used for accuracy of the concept behind, for example as in the Council conclusions on Combating Violence Against Women, and the Provision of Support Services for Victims of Domestic Violence, (6 December 2012). This definition highlights the relevance of violence against women being based on gender, aiming at making the historical imbalance between women and men more visible. At the same time, it stresses that the focus of policies and analysis must be on women as victims of gender-based violence.

2.2 Forms of gender-based violence

A comprehensive picture of the different forms of gender-based violence against women is presented in the Council Conclusions (5 and 6 June 2014) on 'preventing and combating all forms of violence against women and girls, including female genital mutilation'. Gender-based violence against women and girls includes violence in close relationships, sexual violence (including rape, sexual assault and harassment in all public and private spheres of life), trafficking in human beings, slavery, sexual exploitation, and harmful practices such as child and forced marriages, female genital mutilation and crimes committed in the name of so-called 'honour', as well as emerging forms of violations, such as online harassment, various form of sexual abuse instigated or facilitated through the use of information and communication technologies, stalking and bullying.

Gender-based violence can take several forms and can take long time span. The private sphere, especially the domestic environment, is the most common context of violence; where more than one form of violence can occur (i.e. physical and psychological, even sexual), they might be ongoing, and even continue for decades.

Physical violence may include spitting, scratching, biting, grabbing, shaking, shoving, pushing, restraining, throwing, twisting, slapping (with an open or closed hand), punching, choking, burning, and/or use of weapons against the victim. Besides, the physical assaults may or may not cause injuries.

Sexual violence can take many forms and different circumstances, the perpetrator of a sexual assault is, in many cases, someone known to the victim. Sexual violence is also common in situations of war and armed conflict. Apart from the main forms of sexual violence referred to by the Council (Council Conclusions, 2014) other forms include, but are not limited to: sexual slavery; trafficking for the purpose of sexual exploitation; forced exposure to pornography; forced pregnancy; forced sterilisation; forced abortion; virginity tests or incest.

Psychological assault can vary from threats of violence and harm to emotional abuse. Emotional abuse is a tactic of control based on a wide variety of verbal attacks, humiliations or neglects of affection that follow a pattern of coercive behaviour towards the female victim. Isolation of the victim by the perpetrator and the use of children to control or punish the victim (i.e. physical or sexual attack on the children, or forcing them to witness the abuse towards their mother) are also examples of psychological violence.

Economic violence means the control of all family resources by the perpetrator, not only financial resources but also time, transport, food and clothes, etc.; ensuring the dependence of the victim on the perpetrator for subsistence.

The five forms of gender-based violence against women that are part of this study are: intimate partner violence; sexual violence (outside intimate relationships), including sexual assault (excluding rape), rape, sexual harassment; and stalking.

a) **Intimate partner violence:** All acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim⁽¹²⁾. These include, but are not restricted to, domestic violence.

b) **Sexual violence** (outside intimate relationships)

1. **Sexual assault (excluding rape):** These acts refer to any sexual act committed against non-consenting women, even if they do not show signs of resistance, with the exception of rape/penetration⁽¹³⁾.
2. **Rape:** Any act of sexual penetration, of whatever kind and by whatever means, of a woman's body by the use of violence and threats or by trickery or artifice or by taking advantage of a woman who is not in a position to give free consent or to offer resistance and regardless of whether that person shows signs of resistance⁽¹⁴⁾.
3. **Sexual harassment:** Unwanted physical, verbal or non-verbal conduct of a sexual nature, violating the victim's dignity and creating a hostile environment. Acts are inclusive of, but not limited to, vulgar actions, requesting sexual favours, threatening or forcing with the purpose of gaining sexual satisfaction and forcibly imposed sexual intimacy. Sexual harassment is an action which the offender knows, or ought to know, will constitute harassment.

c) **Stalking:** Seeking the proximity of the victim with serious detriment to the person's lifestyle and arousing, indirectly, directly or virtually, distress, fear of harm in the targeted person. This can be done in particular by trying to establish contact by any means, misusing the victim's personal data for the purpose of ordering goods or services or causing third persons to make contact, threatening the victim or someone close to the victim⁽¹⁵⁾.

⁽¹²⁾ Council of Europe (2011) Convention on preventing and combating violence against women and domestic violence. Explanatory report, p. 8.

⁽¹³⁾ European Commission (2010) Feasibility report to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence.

⁽¹⁴⁾ Council of Europe, Directorate General of Human Rights (2006) Combating violence against women: Stocktaking report on the measures and actions taken in Council of Europe Member States; and European Commission (2010) Feasibility report to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence.

⁽¹⁵⁾ Based on: European Commission (2010) Feasibility report to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence; and Human European Consultancy — Carol Hagemann-White, Thomas Meysen, with Barbara Kavemann, Gila Schindler, Nina Trunk (2010) Feasibility report national legislation on gender violence and violence against children — Report on Germany.



2.3 Challenges of data collection on gender-based violence at the EU level

Data on gender-based violence are crucial for a better understanding of the problem, its extension and nature, they help in developing appropriate policies, legislation and services and monitor their effectiveness.

There are two main methods of data collection on gender-based violence:

- Prevalence can be measured through *population-based surveys*. The EU-wide survey on Violence against Women⁽¹⁶⁾, recently launched by the Fundamental Right Agency (FRA), represents a major advance in terms of prevalence surveys at EU level. The survey provides data based on interviews with 42,000 women across the EU-28.
- *Administrative* data consists of statistics and information gathered from organisations that come into contact with either victims and/or perpetrators of gender-based violence. These institutions may be from the police, justice, health and social services, which are the most important systems interacting with victims and/or perpetrators. These data are however not originally or primarily collected for statistical purposes.

The problem of establishing a coherent and systematic system of data on gender-based violence in the EU has been increasingly raised. The EU institutions have noted the strong need to further develop measuring tools to ensure that data measure the true extent of gender-based violence. For example, the Council conclusions on the Eradication of Violence Against Women in the European Union, adopted in 2010 under the Spanish presidency, underlined that: 'Despite the progress achieved in recent years, there is still a lack of timely, reliable, accurate and comparable data, both at national and EU level, and there has still been no detailed EU-level study on violence against women. This limits the understanding of the real extent of such violence and impedes the further development of national strategies and actions and an efficient response by the EU.'

In 2012, Council conclusions on Combating Violence Against Women, and the Provision of Support Services for

Victims of Domestic Violence⁽¹⁷⁾; adopted in December 2012, under the Cypriot presidency, express concerns about the difficulties in acquiring information on the magnitude and consequences of violence against women which often remain hidden. This not only contributes to the persisting lack of available and comparable data at both Member State and EU level, but also limits knowledge on the real extent of violence against women and its consequences. Consequently, the Council underlines the importance of identifying, using and further developing relevant sources of information on gender-based violence. The recent Survey on Violence against Women, conducted by the Fundamental Rights Agency and launched in March 2014, has allowed for significant progress in this regard.

In addition to the EU-level frameworks that call for data on gender-based violence at EU level, the focus has also been on the role of Member States within this process. For example, the EP Resolution of 5 April 2011, Report on priorities and outline of a new EU policy framework to fight violence against women, alludes to the shortcomings in the official statistics produced by the Member States, and calls for the joint collection of relevant and comparable data from the various Member States.

Efforts at both Member State and EU level are therefore increasingly prominent, as can be seen in the European Pact for Gender Equality (2011–2020)⁽¹⁸⁾, adopted at ministerial level by the Council of the EU in March 2011 (Council conclusions of 7 March 2011) and which calls for actions to reduce all forms of violence against women, encourages both the Member States and the Commission to further develop existing statistics and indicators disaggregated by sex.

The role of the European Institute for Gender Equality is frequently mentioned as part of the legal framework on gender-based violence data collection. In the EP Resolution of 26 November 2009, On the elimination of violence against women, the European Parliament urges Member States to introduce a coherent system for collecting statistics on violence against women, with particular reference to violence against minors, and including murders committed in the context of violence within the family or close relationships, in close cooperation with the EIGE in order to obtain comparable data concerning violence against women throughout the EU.

⁽¹⁶⁾ Available at: http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results_en.pdf

⁽¹⁷⁾ <http://register.consilium.europa.eu/pdf/en/12/st16/st16382.en12.pdf>

⁽¹⁸⁾ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:155:0010:0013:EN:PDF>

By 2013, no mechanisms existed to regulate or make the collection of relevant and regular data on gender-based violence mandatory across EU Member States. Directive 2012/29/EU of 25 October 2012⁽¹⁹⁾ is the only binding act to establish *minimum standards on the rights, support and protection of victims of crime*, making specific reference to victims of gender-based violence. In its preamble (paragraph 64) the Directive highlights the importance of systematic and adequate statistical data collection, stating it is an essential component of effective policy-making in the field of victim's rights, while Article 28 requires Member States to communicate data to the European Commission on how victims have accessed the rights set out in the Directive, by 2017 and every three years thereafter.

The Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention, 2011), which enters into force on 1 August 2014, also refers in Article 11 to the obligations for Member States of the Council of Europe to conduct data collection and research, however it is still in the process of being ratified by EU Member States.

Despite a strong commitment at EU level and also internationally, the EU lacks a mandate for data collection on gender-based violence across the EU-28. Differences exist in the definitions of gender-based violence, its forms and other related terms (e.g. the types of violence — physical, psychological, sexual, economical — shelters and support services, etc.) and in data collection methodologies across EU Member States. Obtaining a comprehensive, accurate and comparable picture of the nature, extent and consequences of gender-based violence in the EU is a big challenge.

Qualitative and quantitative data and information on the scope of gender-based violence against women and its impact on victims, their families and societies are therefore missing, which challenges the development of appropriate policies and measures to prevent and combat gender-based violence across the EU-28 and the ability to monitor their effectiveness.

⁽¹⁹⁾ Available in: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

2.4 Administrative data on gender-based violence

Administrative data and statistics on gender-based violence can be used effectively to:

1. provide detailed data on the nature and extent of gender-based violence to criminal justice practitioners, medical practitioners, service providers, legislators and researchers;
2. assist governments in developing specific legislation and policies on gender-based violence;
3. monitor the effectiveness of policies in reducing gender-based violence;
4. impact on public awareness of the extent, nature and dynamics of sexual, physical and psychological violence against women;
5. enable a better understanding of the dynamics of violence and to design prevention programmes;
6. measure the cost of violence for the victim and secondary victims, and society itself;
7. support the services' design for victims and perpetrators in the case of medical and social service agencies;
8. raise awareness and improve criminal justice response to gender-based violence in the case of judicial authorities;
9. support trainers when providing training for those who work in contact with victims and offenders.

Administrative data provide detailed information on how judicial, police, health, social services providers and other institutions respond to the prevention, protection and prosecution of incidents of gender-based violence against women. In this sense, administrative data reflect only what is recorded by an agency interacting with a victim and/or a perpetrator, and cannot reflect the prevalence of gender-based violence in a Member State, due to the high rate of unreported incidents. However, administrative data can provide rich information that is not available through surveys, such as data on femicides or incidents experienced by institutionalised female victims of gender-based violence (i.e. women from shelters or women prisoners). Furthermore, as the data are already recorded by the administrative institution for their own purpose, they also do not incur any additional cost if asked to provide this information for statistical analysis.



Administrative data are also important for policy development, for example to monitor, assess and evaluate:

- o the implementation of legislation and policies;
- o the effectiveness of prevention, protection and prosecution measures and policies;
- o the extent and victims' use and demand of the services, their adequacy and quality;
- o societal responses to violence.

Another important use of administrative data is to provide a basis for estimating the administrative cost of violence against women, making it easier for the authorities and institutions to take budgetary and staffing decisions. Finally, data on gender-based violence collected in administrative sources can also be crucial in lobbying, for example, for adequate numbers of shelters in each Member State.

The diversity in policies, legal frameworks, approaches and definitions has the potential to greatly hamper the harmonisation and comparability of administrative data across EU Member States. Furthermore, the interpretation of administrative data can create misunderstandings as, for instance, a *high rate of gender-based violence reported cases* may be ei-

ther considered as a high prevalence, or as a result of higher awareness and willingness to report gender-based violence. Besides, using administrative data can cause an overlap of recorded incidents when, for instance, the victim and/or the perpetrator are in contact with different institutions (for instance, the police, to report the case and later, the justice system, and sometimes also the health and/or social services to provide support to the victim). One last drawback of data in administrative agencies is that they are recorded to fulfil the internal purposes of the institutions, which means that the quality of the recording and processing of the data may not be suitable for statistical purposes or for monitoring, assessing or evaluating policies. Nevertheless, the availability of this data in all Member States makes administrative data providers a valuable source of information to be assessed.

Having provided an overview of the concepts and definitions employed in this study in relation to administrative data on gender-based violence, the report now turns to outline the legal and regulatory framework for the collection of data on gender-based violence in Europe (the European Union and also the Council of Europe) and at international level (mainly focusing on the United Nations).

3. International legal and regulatory framework and actions on gender-based violence data collection





3. International legal and regulatory framework and actions on gender-based violence data collection

women's exposure to gender-based violence remains pervasive, as outlined in the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence ⁽²⁰⁾. While the primary responsibility for protecting women from violence and promoting a society that is safe for all lies with Member States, the EU plays a key role in developing legislative measures in the areas of criminal and civil justice as well as awareness-raising and the exchange of good practices. Since 2003 the European Commission has issued several important declarations on the imperative to end gender-based violence and has envisaged a comprehensive strategy towards that end. Different legal and policy measures have been initiated at EU level to prevent gender-based violence against women, as well as to protect and support women and to criminalise these acts of violence, for instance, in 2009 in the Women's Charter ⁽²¹⁾, and in 2010 as part of the Strategy for Equality between Women and Men 2010–15.

As part of this commitment, the EU institutions have launched several initiatives to overcome the lack of comparable data, and foster progress in the field of data collection on gender-based violence, aiming at a more regular, com-

parable and reliable collection of data as this is a prerequisite for evidence-based policy-making, legal measures and to monitor any progress in the area.

3.1 Legal and regulatory framework on gender-based violence data collection

This section provides an overview of the legislation related to gender-based violence, and the regulations, policies and actions underpinning data collection and the compilation of statistics on gender-based violence in the EU Institutions, the Council of Europe and the United Nations.

3.1.1 The European Union

The need to improve data on gender-based violence has been a strong focus among the EU institutions. Consequently, there have been many calls and recommendations to step up efforts.

In 2006, the European Commission, in the Roadmap for equality between women and men (2006–10) ⁽²²⁾ included,

⁽²⁰⁾ Council of Europe (2011) Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Council of Europe Treaty Series — No 210, Istanbul.

⁽²¹⁾ European Commission, *A Strengthened Commitment to Equality between Women and Men: A Women's Charter*, COM(2010), 2010f.

⁽²²⁾ Commission of the European Communities *Annex to the Roadmap*

as a key action, the establishment of comparable statistics on crime, victims and criminal justice, although it noted that it would prove to be a challenge for some forms of gender-based violence due to the variety of ways it is treated in the EU Member States' legal systems.

The European Parliament has stated the need to improve data on gender-based violence in different resolutions. In 2009, in the EP Resolution of 26 November 2009 On the elimination of violence against women, the European Parliament urged Member States to introduce a coherent system for collecting statistics on violence against women. The Resolution of 5 April 2011 On priorities and outline of a new EU policy framework to fight violence against women; the European Parliament reinforced the role of the European Commission in generating data. It called on the European Commission to develop and provide, using all available expertise, annual statistics on gender-based violence, including figures on how many women are killed annually by their partner or ex-partner, based on data from the Member States. Subsequently, the European Parliament resolution of 25 February 2014 with Recommendations to the Commission on combating Violence Against Women, called on the Commission to submit a proposal for a regulation on European statistics that would target violent crimes and include a coherent system for collecting statistics on gender-based violence in the Member States.

The Council of the European Union has also marked the importance of comparable data to reinforce the initiatives and policies preventing and fighting gender-based violence. In 2012, Council conclusions on Combating Violence Against Women, and the Provision of Support Services for Victims of Domestic Violence⁽²³⁾; adopted in December 2012, under the Cypriot presidency, express their concerns about the lack of knowledge about the real extension of gender-based violence.

Measures targeting gender-based violence, including data collection, should be viewed in the context of EU gender-equality legislation and policies, which comprise primary and secondary law (binding EU acts) and also resolutions, conclusions and action programmes (non-binding EU acts). Gender equality has been a part of the Treaties of the EU since its earliest days and has been progressively reinforced over the years. However, it is not until the TFUE⁽²⁴⁾, in Declaration No 19, Article 8, that a reference to an aspect

of gender-based violence first appears: 'in its general efforts to eliminate inequalities between women and men, the Union will aim in its different policies to combat all kinds of domestic violence. The Member States should take all necessary measures to prevent and punish these criminal acts and to support and protect the victims'

EU-binding acts

To realise the commitment of the EU institutions to prevent and combat gender-based violence, a series of EU-level binding acts, such as regulations, directives and decisions have been developed.

Of these binding acts, only two specifically require Member States to collect data on gender-based violence:

- *Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA*⁽²⁵⁾ is the most recent adopted by the EU, and is to date the most important with regard to data collection on gender-based violence. It includes an EU-wide definition of gender-based violence and violence committed in close relationships and its preamble (paragraph 64) reiterates the importance of systematic and adequate statistical data collection, stating that it is an essential component of effective policy-making in the field of victim rights.

Article 28 requires Member States to communicate data on how victims (including victims of gender-based violence) have accessed the rights set out in the Directive from 2017 and every three years thereafter. The preamble adds to this that this statistical data should at least include the number and type of the reported crimes and, as far as such data are known and are available, the number and age and sex of the victims. Moreover, it specifies the types of data sources that record data which could be used for the statistical data sent to the Commission; namely judicial authorities, law enforcement agencies, healthcare and social welfare services and public and non-governmental victim support or restorative justice services and other organisations working with victims of crime.

- *Directive 2011/99/EU of 13 December 2011 on the European protection order (EPO criminal)*⁽²⁶⁾ which aims to

for equality between women and men 2006–10, Impact Assessment, SEC(2006) 275.

⁽²³⁾ <http://register.consilium.europa.eu/pdf/en/12/st16/st16382.en12.pdf>

⁽²⁴⁾ Available under 'declarations' at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:FULL:EN:PDF>

⁽²⁵⁾ Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

⁽²⁶⁾ Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:338:0002:0018:EN:PDF>



protect victims, including victims of gender-based violence, establishes mutual recognition of protection orders within the EU. Article 22 of this Directive requires Member States to communicate data on protection orders, including the number of European protection orders requested, issued and/or recognised.

These two important directives build upon earlier directives which played a significant role in shaping the definitions of different types of gender-based violence and preventing gender-based violence in some of its forms:

- *Directive 2004/113/EC of 13 December 2004 on implementing the principle of equal treatment between men and women in the access to and supply of goods and services* ⁽²⁷⁾ provides a definition of sexual harassment and preventative actions in the context of access to and the supply of goods and services, positioning harassment as discrimination on the grounds of sex.
- *Directive 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)* ⁽²⁸⁾ defines harassment and sexual harassment as discriminations on the grounds of sex and prohibits this not only in the workplace, but also in the context of access to employment, vocational training and formation. It also acknowledges the importance of preventative actions in order to tackle the sources of sexual harassment. Through this Directive, sexual harassment is the only form of violence against women where there is binding EU law. As it has been highlighted in an important study for the European Commission, the considerable harmonisation with respect to sexual harassment in employment is undoubtedly due to this ⁽²⁹⁾.
- *Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, replacing the Council Framework Decision 2002/629/JHA* ⁽³⁰⁾, establishes minimum rules concerning the definition of criminal offences and sanctions in the area of trafficking in human beings. It also introduces common provisions, taking into account the gender perspective,

to strengthen the prevention of this crime and the protection of the victims thereof (Article 1).

EU non-binding acts

In addition to binding legal frameworks, including through the Treaties and Directives supporting them, several non-binding EU acts exist to prevent and combat gender-based violence against women. These include resolutions, conclusions and action programmes, adopted by the different EU institutions (European Parliament, Council of the European Union and European Commission) in relation to gender-based violence and, also, directly or indirectly, to data collection. A chronological synthesis of these regulations is described below.

In 2006, the European Parliament's Resolution on the current situation in combating violence against women and any future action ⁽³¹⁾, acknowledged that only a few Member States had gathered data and compiled statistics relating to the prevalence of different forms of gender-based violence, making it difficult to understand the real extent of such violence on the one hand and difficult to draw up an efficient response at EU level on the other ⁽³²⁾. In this regard, the European Parliament recommended the following to the Commission and Member States:

- *To establish a harmonised methodology, definitions and criteria, in cooperation with Eurostat, the Fundamental Rights Agency and the future European Gender Institute in order to gather comparable and compatible data throughout the EU concerning men's violence against women, in particular, comprehensive studies of prevalence.*
- *To appoint national rapporteurs in order to gather, exchange and process information and statistics on men's violence against women, including information on children growing up in violent environments, and to promote the exchange of best practices among Member States, accession and candidate countries;*
- *To establish a single system by which instances of assault can be recorded by Member States' competent authorities, such as the judiciary, the police, hospitals and social services, in order to ensure that the data are recorded jointly and that greater use is made of them.*

⁽²⁷⁾ Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:373:0037:0043:EN:PDF>

⁽²⁸⁾ Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:204:0023:0036:EN:PDF>

⁽²⁹⁾ European Commission (2010) Feasibility report to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence.

⁽³⁰⁾ Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

⁽³¹⁾ European Parliament, Resolution on the current situation in combating violence against women and any future action, P6_TA(2006)0038, 2006.

⁽³²⁾ Idem, Paragraph 'K'.

In 2008, the European Council adopted the EU Guidelines on violence against women and girls and combating all forms of discrimination against them⁽³³⁾, which are an important tool for action. They set out the EU's operational objectives and intervention tools for its external action on combating gender-based violence, including all forms of discrimination directed at them, and mark the EU's clear political will to treat the subject of women's rights as a priority and to take long-term action in that field. The guidelines provide four operational objectives of which one is to:

- *Gather data and develop indicators on violence against women, to which end the EU will identify the appropriate tools and support EU countries' data collection efforts.*

In this regard, the EU has committed to try to identify institutional and other tools enabling data to be collected and to help boost national capacities to collect and disseminate reliable and accurate data.

This was followed in 2009 by the Stockholm programme, An Open and Secure Europe Serving and Protecting Citizens⁽³⁴⁾, adopted by the European Council, which underlined that adequate, reliable and comparable statistics (both over time and between Member States) are a precondition for evidence-based decisions. The European Commission's Action Plan implementing the Stockholm programme put emphasis on the protection of victims of crime, including women victims of violence, however it made no direct references to data collection efforts⁽³⁵⁾.

In 2010, the Council Conclusions on the Eradication of Violence Against Women in the EU⁽³⁶⁾, set the bar for further measures to effectively combat VAW, calling for an exchange of best practices and for the establishment of a European Observatory for better data collection and exchange. Moreover, the Council called on the European Fundamental Rights Agency (FRA) to compile and publish reliable and comparable statistics on all grounds of discrim-

ination, including comparative data on gender-based violence in the European Union. Based on this request, the FRA published Violence Against Women: an EU-wide survey⁽³⁷⁾.

The Strategy for equality between women and men, adopted in 2010, represents the European Commission's work programme on gender equality for the period 2010–15⁽³⁸⁾. It is a comprehensive framework committing the Commission to integrate five thematic priorities within gender equality policy into all its activities, of which one is *dignity, integrity and ending gender-based violence against women*. The latest report, Progress on Equality Between Women and Men, includes a brief description of the efforts made by the European institutions in 2012 in the latter thematic area (including data collection) and reinforces the need to take action regarding this 'persistent issue', of gender-based violence against women⁽³⁹⁾.

In 2011, the European Parliament adopted a resolution which introduced a new policy framework to fight violence against women⁽⁴⁰⁾. This resolution included plans to develop methodological guidelines and undertake new data collection efforts in order to obtain comparable statistical data on gender-based violence. Furthermore, the Parliament urged Member States to ensure that data are collected on gender-based violence (inter alia on the sex of the victims, the sex of the perpetrators, their relationship, age, crime scene and injuries) and to indicate the magnitude of gender-based violence in their national statistics.

The same year, the European Pact for Gender Equality⁽⁴¹⁾, called on the Member States to combat all forms of violence against women and encouraged the Member States and the Commission, in particular through Eurostat, to further develop existing statistics and indicators disaggregated by sex and to fully utilise the capacities of the EIGE.

⁽³³⁾ Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/16173cor.en08.pdf>

⁽³⁴⁾ European Council, The Stockholm Programme: an open and secure Europe serving and protecting citizens, 2010/C 115/01, 4 May 2010, p. 1. (Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:en:PDF>)

⁽³⁵⁾ European Commission, Delivering an area of freedom, security and justice for Europe's citizens: Action Plan Implementing the Stockholm programme, COM(2010) 171, Brussels, 20 April 2010.

⁽³⁶⁾ Council of the European Union, Conclusions on the Eradication of Violence Against Women in the European Union, 3000th Employment and Social Policy Council meeting, 8 March 2010, www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/lsa/113226.pdf

⁽³⁷⁾ Available at: <http://fra.europa.eu/en/publication/2014/vaw-survey-main-results>

⁽³⁸⁾ European Commission, Strategy for equality between women and men 2010–15, drawn up on the basis of COM(2010) 491 final, SEC(2010) 1079 and SEC(2010) 1080.

⁽³⁹⁾ Commission Staff Working Document, Report on progress on equality between women and men in 2012, Accompanying the document 2012 Report on the Application of the EU Charter of Fundamental Rights, SWD(2013)171.

⁽⁴⁰⁾ European Parliament, Resolution on priorities and outline of a new EU policy framework to fight violence against women, (P7_TA(2011)012), 5 April 2011.

⁽⁴¹⁾ Council of the European Union, Conclusions on the European Pact for Gender Equality (2011-2020), 2011/C 155/02, 7 March 2011.



In 2012, on the basis of the findings of a report published by EIGE, the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) adopted conclusions on Combating Violence against Women and the Provision of Support Services for Victims of Domestic Violence ⁽⁴²⁾. In these conclusions, the Council called on the European Commission as well as the Member States to improve the collection and dissemination of comparable, reliable, up-to-date administrative and statistical data on all forms of violence against women, disaggregated by sex, age and victim-perpetrator relationship, at both national and EU level. Furthermore, the Council urged the Commission and the Member States to work in cooperation with European and National Statistical Offices and to make full use of the work of the EIGE.

In 2014, the European Parliament resolution of 25 February 2014 with Recommendations to the Commission on combating Violence Against Women, reinforced the role of the European Commission in the collection of reliable and comparable data on gender-based violence in the Member States.

In parallel, the European Commission has made significant efforts in the area of crime statistics, mainly through the following action plans:

- EU Action Plan to measure crime and criminal justice 2006–10

Based on political commitments such as the European Union Millennium Strategy for the Prevention and Control of Organised Crime (1999) ⁽⁴³⁾ and the Hague programme of 2005 ⁽⁴⁴⁾, the European Commission launched an EU Action Plan to measure crime and criminal justice 2006–10 ⁽⁴⁵⁾ including the measurement of gender-based and domestic violence ⁽⁴⁶⁾.

⁽⁴²⁾ Council of the European Union, Conclusions on Combating Violence Against Women, and the Provision of Support Services for Victims of Domestic Violence, 3206th Employment, Social Policy, Health and Consumer Affairs Council meeting, 6 December 2012. (Available at: http://www.consilium.europa.eu//uedocs/cms_data/docs/pressdata/en/lsa/134081.pdf)

⁽⁴³⁾ Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2000:124:0001:0033:EN:PDF>

⁽⁴⁴⁾ Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:053:0001:0014:EN:PDF>

⁽⁴⁵⁾ Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0437:FIN:EN:PDF>

⁽⁴⁶⁾ European Commission, Communication on Developing a comprehensive and coherent EU strategy to measure crime and criminal justice: An EU Action Plan 2006–10, COM(2006) 437 final, Brussels, 7 August 2006. (Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0437:FIN:EN:PDF>)

The objective of the European Commission is on the basis of harmonised data collection methodologies to produce EU-level statistics, which enables the Commission to make comparisons between the structures and trends of crime in Member States.

The Action Plan includes detailed provisions on:

1. Developing a common methodology for regular data collection to populate common crime indicators;
2. Establishing an expert group on the policy needs for data on crime and criminal justice to advise the European Commission Directorate for Justice, Freedom and Security (DG-JLS).

In general, some progress has been made with respect to harmonised crime definitions, the development of a preliminary set of specific definitions of indicators for trafficking in persons and the collection of data for a limited set of crime and criminal justice indicators.

- Measuring Crime in the EU: Statistics Action Plan for the period 2011–15 ⁽⁴⁷⁾

Based on the reflections and priorities from the Stockholm programme ⁽⁴⁸⁾, adopted by the European Council in 2009, in January 2012 the Commission put forward a Communication on European Crime Statistics, including a new Action Plan for the period 2011–15.

The current Statistics Action Plan for the period 2011–15 focuses on the exchange of information and the collection of statistics in specific areas, such as trafficking in human beings. It aims to introduce the variable 'sex' in the publication, Statistics in focus: Crime and Criminal Justice ⁽⁴⁹⁾ of the European Commission's statistical office, Eurostat, and to extend the publication to other types of crimes. It also proposes actions to follow up and continue the development of an International Crime Classification system for statistical purposes in collaboration with the Task Force of the UN Office of Drugs and Crime and UN Economic and Commission for Europe (UNODC-UNECE Task Force) on Crime Classification (which is described in detail in the section on the United Nations).

⁽⁴⁷⁾ European Commission Communication, Measuring Crime in the EU: Statistics Action Plan 2011–15, COM(2011) 713 final. (Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0713:FIN:EN:PDF>)

⁽⁴⁸⁾ Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:en:PDF>

⁽⁴⁹⁾ Available at: http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-13-018/EN/KS-SF-13-018-EN.PDF

Other EU laws and regulations related to data collection

It is important to consider EU legislation related to data collection, both in terms of *data protection/confidentiality* and of the *quality of data and statistics*, as these regulations impact and/or limit the process of collecting data on gender-based violence at both national and EU level.

Data collection on gender-based violence cannot be examined independently of other frameworks on data protection and confidentiality. Data protection provisions are in place within the EU legal framework, not only ensuring that individual data is protected, but that the rules governing the use of this data are overseen by an independent authority. This is reflected in the TFEU in Article 16 which states that the, 'European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall lay down the rules relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies.' The TEU, in Article 39, also states, 'In accordance with Article 16 of the Treaty on the Functioning of the European Union and by way of derogation from paragraph 2 thereof, the Council shall adopt a decision laying down the rules relating to the protection of individuals with regard to the processing of personal data by the Member States when carrying out activities which fall within the scope of this Chapter, and the rules relating to the free movement of such data. Compliance with these rules shall be subject to the control of independent authorities.'

Furthermore, the Charter of Fundamental Rights of the EU ⁽⁵⁰⁾ specifies in Article 8 that, 'Everyone has the right to the protection of personal data concerning him or her. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified. Compliance with these rules shall be subject to control by an independent authority.'

These provisions in the primary law have been reinforced by a number of legislative acts regarding the processing of personal data. Main directives, regulations and decisions are named below:

⁽⁵⁰⁾ Available at: http://www.europarl.europa.eu/charter/pdf/text_en.pdf

The reference text at EU level, on the protection of personal data is Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 On the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽⁵¹⁾. It sets up a regulatory framework, which seeks to strike a balance between a high level of protection for the privacy of individuals and the free movement of personal data within the EU. The Directive sets strict limits on the collection and use of personal data and demands that each Member State set up an independent national body responsible for the protection of these data. This Directive applies to data processed by automated means (e.g. a computer database of customers) and data contained in or intended to be part of non-automated filing systems (traditional paper files). It aims to protect the rights and freedoms of persons with respect to the processing of personal data by laying down guidelines determining when this processing is lawful.

Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 On the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽⁵²⁾ aims at ensuring the protection of personal data within the institutions and bodies of the European Union. It includes provisions which guarantee a high level of protection of personal data processed by the Community institutions and bodies; and it provides for the establishment of an independent supervisory body to monitor the application of these provisions.

Finally, Council Framework Decision 2008/977/JHA of 27 November 2008 On the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ⁽⁵³⁾ aims to protect the fundamental rights and freedoms of natural persons when their personal data are processed for the purposes of preventing, investigating, detecting or prosecuting a criminal offence or of executing a criminal penalty. It concerns personal data that are processed in part or entirely by automatic means, as well as personal data forming part of a filing system that is processed by non-automatic means.

⁽⁵¹⁾ Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1995:281:0031:0050:EN:PDF>

⁽⁵²⁾ Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:008:0001:0022:en:PDF>

⁽⁵³⁾ Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:350:0060:0071:EN:PDF>



Data collection on gender-based violence must therefore take place within the frame of the regulation on data protection and confidentiality. Given the sensitive nature of data on this topic, these safeguards take on even more relevance in this context. The tension between the need to collect data on gender-based violence and that of data protection and confidentiality at EU and MS level must therefore be carefully negotiated.

The collection of data on gender-based violence must also keep to the high-quality standards set for any data and statistics at EU level. The quality of data and statistics is inscribed in Article 338 TFEU which states that '1. (...) the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures for the production of statistics where necessary for the performance of the activities of the Union; and 2. The production of Union statistics shall conform to impartiality, reliability, objectivity, scientific independence, cost effectiveness and statistical confidentiality; it shall not entail excessive burdens on economic operators.'

The main legal development on the basis of this provision, is the new regulation on European statistics, Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics⁽⁵⁴⁾, known as the 'statistical law'. It consists of a regulation that serves as the framework which provides the basic principles and rules for how the European Statistical System (ESS) should function. Its purpose is to ensure the coherence and comparability of European statistics produced in accordance with the principles laid down in Article 338(2) of the Treaty, and to support the cooperation and coordination between the authorities that contribute to the development, production and dissemination of European statistics.

The Regulation highlights the need for a more systematic and organised cooperation and coordination of those authorities with full respect to the national and Community powers and institutional arrangements and taking into account the need to revise the existing basic legal framework in order to adapt it to the current reality, to better respond to future challenges, and to ensure a better harmonisation of European statistics.

⁽⁵⁴⁾ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:087:0164:0173:en:PDF>

This Regulation is also important to consolidate the activities of the European Statistical System (ESS) and to improve its governance, in particular with a view to further clarifying the respective roles of the national statistical institutes (NSIs) and other national authorities, and of the European statistical authority.

In essence, both the Treaty provision and the 'statistical law' regulation provide a strong framework in which to collect better data and statistics on gender-based violence, notably through increasing comparability and harmonisation; cooperation and coordination between various competent bodies; and the development of an appropriate and sustainable legal and operational framework to support the process of collection and analysis of data on gender-based violence.

3.1.2 Council of Europe

The Council of Europe (and its 47 Member States in geographical Europe and beyond) has been an active participant in the area of policy development and especially legislation targeting gender-based violence.

The first legal instrument at European level proposing an extensive strategy to prevent gender-based violence and to protect victims was the Recommendation on the Protection of Women Against Violence⁽⁵⁵⁾, adopted by the Committee of Ministers of the Council of Europe in 2002. It expressed a consensus on general principles and describes the necessary measures in services, legislation, policy-making intervention with perpetrators, awareness-raising, education and training as well as data collection. The implementation of the recommendation has been monitored on a regular basis (in 2007, 2008 and 2010) and the results are published⁽⁵⁶⁾. The fourth round of monitoring of the implementation is expected to be finalised by the end of 2014.

⁽⁵⁵⁾ Council of Europe, Recommendation of the Committee of Ministers to Member States on the protection of women against violence, Rec(2002)5. (Available at: <https://wcd.coe.int/ViewDoc.jsp?id=280915>)

⁽⁵⁶⁾ Council of Europe, Combating violence against women — Stocktaking study on measures and action taken in Council of Europe Member States, CDEG (2006), Strasbourg, 2006; Council of Europe, Protecting women against violence — Analytical study on the effective implementation of Recommendation Rec (2002) 5 on the protection of women against violence in Council of Europe Member States, CDEG (2007)3, 2007; Council of Europe, Analytical Study of the Second Round of Monitoring the Implementation of Recommendation Rec (2002) 5, CDEG (2008), Strasbourg, 2008; Council of Europe, Protecting women against violence. Analytical study of the results of the third round of monitoring the implementation of Recommendation Rec(2002)5 on the protection

In 2011, the Committee of Ministers of the Council of Europe adopted the Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) ⁽⁵⁷⁾. Article 11 of the Istanbul Convention includes obligations for Member States on data collection and research and stipulates measures for the purpose of the implementation of the Convention, namely to:

1. Collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of the Convention;
2. Support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement the Convention;
3. Conduct population-based surveys at regular intervals to assess the prevalence of, and trends in, all forms of violence covered by the scope of the Convention;
4. Provide the group of experts, as referred to in Article 66 of the Convention, with the information collected pursuant to this article in order to stimulate international co-operation and enable international benchmarking;
5. Ensure that the information collected pursuant to Article 11 is available to the public.

More specifically, the Task Force for the Campaign to Combat Violence against Women, including Domestic Violence, is a task force previously set up by the Council of Europe that is active in combating violence against women and urges Council of Europe Member States to ⁽⁵⁸⁾:

- a) Ensure the systematic collection of statistical data disaggregated by sex, type of violence and relationship between victim and offender by National Statistical Offices or other bodies such as national observatories;
- b) Use a methodology that allows for gender analysis and comparison with other Member States.

of women against violence in Council of Europe Member States, CDEG (2010), Strasbourg, 2010, (Available at: http://www.coe.int/t/dghl/standardsetting/convention-violence/documentation_studies_publications_en.asp)

⁽⁵⁷⁾ Council of Europe, Convention on Preventing and Combating Violence against Women and Domestic Violence, 12 April 2011. (Available at: http://www.coe.int/t/dghl/standardsetting/convention-violence/about_en.asp)

⁽⁵⁸⁾ Elina Ruuskanen and Kauko Aromaa/HEUNI, Administrative data collection on domestic violence in Council of Europe Member States, Study commissioned by the Gender Equality and Anti-Trafficking Division, Directorate-General of Human Rights and Legal Affairs, Council of Europe, EG-VAW-DC(2008) Study, Strasbourg, 2008.

As of May 2014, Austria, Denmark, Italy, Portugal, France, Spain and six non-EU Member States have ratified the Convention, and 15 Member States have signed the Convention and are in the process of ratification ⁽⁵⁹⁾. The Convention will enter into force on 1 August 2014 in the 11 countries that have ratified it. Once entered into force, the Convention foresees the establishment of a body monitoring its implementation. This could trigger the collection of 'disaggregated and public' data (phrasing of the Convention) and could lead countries to better report on the relationship between the victims and offenders of violence against women.

3.1.3 United Nations

At the international level the United Nations (UN) is the main player in the field of data collection on gender-based violence. A variety of UN bodies are relevant in this regard: the United Nations Office on Drugs and Crime (UNODC), the UN Economic Commission for Europe (UNECE), UN Statistical Division (UNSD), the UN Entity for Gender Equality and the Empowerment of Women (UN Women) and the World Health Organisation (WHO).

This section describes the two key international agreements of the UN which affect data collection on gender-based violence and continues with an overview of relevant UN resolutions.

Women's rights are safeguarded by an international legal framework (i.e. international agreements from the UN) and monitoring its implementation often requires collection of data and statistics.

The first major step for the UN in targeting gender-based violence was the adoption of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in 1979 ⁽⁶⁰⁾. Since then, the UN has urged its Member States to work towards the eradication of gender-based violence and any distinction, exclusion or restriction based on gender. In terms of data collection on gender-based violence, the main monitoring body of implementation of the CEDAW, the Committee on the Elimination of Dis-

⁽⁵⁹⁾ Status as of 2.0.2014, see <http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=210&CM=&DF=&CL=ENG>

⁽⁶⁰⁾ United Nations, *Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)*, 18 December 1979. (Available at: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>)



crimination against Women, has recommended the State parties to include information about 'statistical data on the incidence of violence of all kinds against women and on women who are the victims of violence' in their periodic reports to the Committee⁽⁶¹⁾. Moreover, the Committee has recommended State parties to encourage the compilation of statistics and research on the extent, causes and effects of violence, and on the effectiveness of measures aiming to prevent and deal with violence⁽⁶²⁾. As of September 2013, all the EU-28 have signed and ratified the CEDAW Convention. For review purposes, the Member States must submit a progress report to the CEDAW Committee every four years.

The second important step made by the UN in terms of data collection on gender-based violence was the adoption of the Beijing Platform for Action for Equality, Development and Peace —BPfA⁽⁶³⁾ — a programme for action to promote and protect the human rights of women and girls, of which one of the critical areas of concern is violence against women (critical area D). The BPfA was adopted at the Fourth World Conference on Women in Beijing, China in September 1995. It outlines, as a specific strategic goal for governments to: 'collect data and compile statistics, especially concerning domestic violence relating to the prevalence of different forms of violence against women, and encourage research into the causes, nature, seriousness and consequences of violence against women and the effectiveness of measures implemented to prevent and redress violence against women'⁽⁶⁴⁾. In December 1995, the Council of the European Union committed to monitor the implementation of the BPfA, including in the area of violence against women, and since 1999 each respective presidency of the Council reviews one of its critical areas..

In addition, the United Nations General Assembly (UN-GA) has adopted several resolutions on combating violence against women. Its first Resolution on the intensification of efforts to eliminate all forms of violence against women⁽⁶⁵⁾

urged State parties to ensure the systematic collection and analysis of data on violence against women, with the involvement of National Statistical Offices and in partnership with other actors. Since then subsequent resolutions on the intensification of efforts have been approved almost on a yearly basis and countries are to provide information on recent follow-up activities to implement these resolutions.

In 2011, the UN adopted a Resolution on strengthening crime prevention and criminal justice responses to violence against women⁽⁶⁶⁾, in which the UN-GA adopted the guidelines in the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice⁽⁶⁷⁾. The Model Strategies is the most important policy that guides the work of the UNODC on data collection on violence against women. Section 9 of the Updated Model Strategies is devoted to research and evaluation, and urges Member States to:

- set-up and strengthen mechanisms for systematic and coordinated data collection on violence against women;
- develop both modules and dedicated population-based surveys, including crime surveys, for assessing the nature and extent of the issue;
- collect, analyse and publish data and information, disaggregated by gender, for the use of decision and policy-making in the field of crime prevention and criminal justice;
- be guided by existing ongoing efforts at the international level to develop a set of indicators to measure violence against women and to ensure a multispectral, coordinated approach to the development, implementation, monitoring and evaluation of data-collection initiatives.

Moreover, the 57th session of the UN Commission on the Status of Women held in March 2013 was dedicated to 'the elimination and prevention of all forms of violence against women and girls'. The conclusions of this meeting stressed

⁽⁶¹⁾ CEDAW-Committee, *General Recommendation No 12 of the CEDAW-Committee (eighth Session), 1989, point 4.* (Available at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>)

⁽⁶²⁾ CEDAW-Committee, *General Recommendation No 19 of the CEDAW-Committee (11th Session), 1992, specific recommendation 24 (c).* (Available at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>)

⁽⁶³⁾ <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>

⁽⁶⁴⁾ United Nations, Platform for Action, Strategic Objective D2. (Available at: <http://www.un.org/womenwatch/daw/beijing/platform/violence.htm>)

⁽⁶⁵⁾ United Nations General Assembly, Resolution 65/228 on the Intensification of efforts to eliminate all forms of violence against women [adopted on the report of the Third Committee (A/65/457)]. (Available

at: http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/Model_Strategies_and_Practical_Measures_on_the_Elimination_of_Violence_against_Women_in_the_Field_of_Crime_Prevention_and_Criminal_Justice.pdf)

⁽⁶⁶⁾ United Nations General Assembly, Resolution on the Strengthening crime prevention and criminal justice responses to violence against women [adopted on the report of the Third Committee (A/65/457)], 2010/15, 22 July 2010. (Available at: <http://www.un.org/en/ecosoc/docs/2010/res%202010-15.pdf>)

⁽⁶⁷⁾ United Nations, Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, Annex, A/RES/65/228, 31 March 2011. (Available at: <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/65/228>)

the importance of data collection on the prevention and elimination of violence against women and recognised that significant gaps and challenges still remained in fulfilling commitments also as regards collection of data, analysis and research ⁽⁶⁸⁾.

3.2 Current actions on gender-based violence data collection

3.2.1 The European Union

At EU level, both the Council of the European Union and the European Commission have taken several initiatives to achieve progress in the field of data collection on gender-based violence. The EU has carried out many actions to support, coordinate or complement the action of Member States in this regard. The most important actions of the EU in the field of data collection are directed to:

- the development of indicators to measure the implementation of the BPfA in Member States;
- developing comparable crime statistics and a crime classification system;
- collecting data related to gender-based violence (including undertaking surveys).

EU-wide indicators in relation to the Beijing Platform for Action

In December 1995, the Council of the European Union acknowledged the European Union's commitment towards the Beijing Platform for Action for Equality, Development and Peace — BPfA (platform for action to promote and protect the human rights of women and girls, adopted at the 4th World Conference on Women in 1995, of which one of the critical areas of concern (area D) is violence against women.

The Council of the European Union expressed its intent to review its implementation across the Member States on a yearly basis. As a result, the successive presidencies of the Council of the EU have, since 1999, developed quantitative and qualitative indicators in order to monitor progress to-

wards achieving the BPfA goals. Since 2010, the EIGE has played an instrumental role in providing technical expertise to the presidencies in such reviews.

In relation to area of concern D, 'Violence against Women', ten indicators have been developed, all supported by sub-indicators. The first seven, developed by the Danish Presidency, examine domestic violence against women, using the results of the Spanish Presidency mapping study on measures to combat violence against women in EU Member States:

1. profile of female victims of violence;
2. profile of male perpetrators;
3. victim support;
4. measures addressing the male perpetrator to end the circle of violence;
5. training of professionals;
6. state measures to eliminate domestic violence against women;
7. evaluation.

When the Council adopted these indicators and its Conclusions on domestic violence in November 2002 ⁽⁶⁹⁾ it noted that the theme of violence against women could be revisited to deal with other perspectives and other target groups.

A further three indicators concern sexual harassment in the workplace ⁽⁷⁰⁾, and were adopted during the Dutch Presidency by the Council in November 2004, on the basis of the survey carried out by the Irish Presidency amongst Member States

1. number of employees who report incidents of sexual harassment in the workplace, as a percentage of the total workforce;
2. number of private and public enterprises which have a preventative policy regarding sexual harassment in the workplace, as a percentage of the total number of employers;

⁽⁶⁸⁾ United Nations Commission on the Status of Women, *Agreed conclusions on the elimination and prevention of all forms of violence against women and girls*, E/2013/27, 15 March 2013. (Available at: <http://www.un.org/womenwatch/daw/csw/57sess.htm>)

⁽⁶⁹⁾ Council of the European Union, Council of the European Union, Conclusions on the Review of the implementation of the Beijing Platform for Action by the Member States and the EU institutions of the Beijing Platform for Action, Doc.14578/02, 2002, Brussels, and Council of the European Union, Press release, 2470th Council meeting, Brussels, 2 and 3 December 2002. (Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/73454.pdf)

⁽⁷⁰⁾ *Draft Council conclusions on sexual harassment at the workplace*, Permanent Representatives Committee (Part I), 25 November 2004. (Available at: <http://register.consilium.europa.eu/pdf/en/04/st15/st15202.en04.pdf>)



- number of private and public enterprises which have procedures for sanctions in place for perpetrators of sexual harassment in the workplace, as a percentage of the total number of employers.

In 2009, the Swedish Presidency undertook a review of the availability and relevance of EU-wide indicators on violence against women as part of the Beijing +15 wider review, noting that availability of data remained problematic but that the creation of strategies to develop indicators was a positive step ⁽⁷¹⁾.

In 2012, the Cypriot Presidency of the Council chose to assess progress in the area of violence against women in the then 27 Member States and Croatia by reviewing the indicators, with a particular emphasis on the sub-indicators for victim support. The Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women, Victim Support ⁽⁷²⁾, carried out by the EIGE, focuses on the range, number, extent and actual use of these support options and identifies recommendations for improving support services for women victims of intimate partner violence.

It concludes that to improve the objectivity, comparability and reliability of data at European level in the area of victim support, it is crucial to ensure that:

- o uniform definitions and a uniform way of recording selected variables for each agency or system collecting data are introduced;
- o at a minimum, data collection should be disaggregated by the sex and age of both the victim and the perpetrator, and should specify the type of violence and the relationship between victim and perpetrator.

European Commission work on crime statistics

Most of the efforts of the European Commission in relation to collecting data on gender-based violence have been made in the field of crime statistics, to reinforce its commitment to fighting against organised crime.

EU Member States and the Commission have long recognised that statistics on crime and criminal justice are

essential for developing evidence-based policy at EU level in this area. However, reliable and comparable statistical information is still missing, not only because national statistics on crime are often based on different definitions, but also, because the recording and reporting procedures differ significantly between EU Member States. This also hampers statistics and data on crimes related to gender-based violence.

The commitment to measuring crime is rooted in the European Commission's EU Action Plan to measure crime and criminal justice 2006–10 and the Statistics Action Plan for the period 2011–15 ⁽⁷³⁾. Under the 2006–10 EU action plan to develop an EU strategy to measure crime and criminal justice ⁽⁷⁴⁾, the European Commission has undertaken a study, through Eurostat and in cooperation with the UN-ODC/UNECE Task force on crime classification, on the development of an EU-level Offence Classification System (EULOCS).

EULOCS is a general EU-reference index with accompanying working definitions to facilitate the exchange of comparable statistical information on offences throughout the EU ⁽⁷⁵⁾. This system will be enhanced and extended as part of the implementation of the Stockholm programme, and it is expected to become a fundamental tool for the collection and production of crime statistics at EU level and ensure convergence across different areas of Justice and Home Affairs (JHA).

The main actor with a key role in driving data collection on crime is Eurostat. Indirectly, the European Criminal Records Information System (ECRIS) is also an actor to consider as it records comparable administrative data from all EU Member States, not for statistical purposes though, but to serve as a reference for the coordination of justice data sources between EU Member States.

⁽⁷¹⁾ Report from the Swedish Presidency of the Council of the European Union, *Beijing +15: The platform for Action and the European Union, 2009*.

⁽⁷²⁾ EIGE, *Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women, Victim Support, 2012*.

⁽⁷³⁾ European Commission Communication, *Measuring Crime in the EU: Statistics Action Plan 2011–15*, COM(2011) 713 final. (Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0713:FIN:EN:PDF>)

⁽⁷⁴⁾ European Commission, *Communication on Developing a comprehensive and coherent EU strategy to measure crime and criminal justice: An EU Action Plan 2006–10*, COM(2006) 437 final, Brussels, 7 August 2006. (Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0437:FIN:EN:PDF>)

⁽⁷⁵⁾ Mennens, A., De Wever, W., Dalamanga, A., Kalamara, A., Kazlauskaitė, G., Vermeulen, G., De Bondt, W. *Developing an EU level offence classification system. EU study to implement the Action Plan to measure crime and criminal justice. Maklu: Antwerpen*. 2009.

Eurostat

The mandate received by Eurostat under the 2004 Hague programme includes strengthening freedom, security and justice in the European Union to develop comparable statistics on crime and criminal justice. Based on this, Eurostat's main purpose has been established as gathering official quantitative data from several sectors of society, including criminal justice issues (e.g. police forces and prisons).

Data collected by Eurostat are disseminated on an annual basis in the publication *Statistics in focus: Crime and Criminal Justice*. Eurostat's publication includes only a few types of crime, none of which are linked to gender-based violence. For the definitions and measurement of criminal offences, it draws upon the *European Sourcebook of Crime and Criminal Justice Statistics* ⁽⁷⁶⁾ (Table 2).

Table 2: Eurostat classification of crime ⁽⁷⁷⁾

- 1 Total crime: These figures include offences against the penal code or criminal code. Less serious crimes (misdemeanours) are generally excluded.
- 2 Homicide (country and city): This is defined as the intentional killing of a person, including murder, manslaughter, euthanasia and infanticide. Causing death by dangerous driving is excluded, as are abortion and help with suicide. Attempted (un-completed) homicide is also excluded. The counting unit for homicide is normally the victim (rather than the case).
- 3 Violent crime: This includes violence against the person (such as physical assault), robbery (stealing by force or by threat of force) and sexual offences (including rape and sexual assault).
- 4 Robbery: Robbery is a sub-set of violent crime (see above). It is defined as stealing from a person with force or threat of force, including muggings (bag-snatching) and theft with violence. Pick-pocketing, extortion and blackmailing are generally not included.

- 5 Domestic burglary: Domestic burglary is defined as gaining access to a dwelling by the use of force to steal goods.
- 6 Theft of a motor vehicle: Motor vehicles include all land vehicles with an engine that run on the road which are used to carry people (including cars, motorcycles, buses, lorries, construction and agricultural vehicles, etc.).

One category 'violent crime', includes violence against the person and sexual offences (including rape and sexual assault) ⁽⁷⁸⁾. So far, data collected on violent crime are not broken down by sex or by relationship to the perpetrator.

Whilst Eurostat provides a relatively detailed definition for each of the seven crime types collected, the publication reflects the limitation that the methods and definitions used in the Member States differ considerably, as set out on Eurostat's methodological notes for crime and criminal justice statistics ⁽⁷⁹⁾.

Following the recommendations of the Hague programme, Eurostat has established a Working Group on Statistics on Crime and Criminal Justice to implement the findings and recommendations of the expert group.

ECRIS (European Criminal Records Information System)

The implementation of the European Criminal Records Information System represents an important attempt to collect and use data on crime in an harmonised way across the EU-28. Furthermore, it is a tool that could potentially serve as a reference for developing a common methodology for the collection of administrative data across EU-28.

ECRIS is a computerised system established in 2009 ⁽⁸⁰⁾ and implemented by all EU Member States by April 2012 to achieve an efficient exchange of information on criminal convictions between EU countries.

⁽⁷⁶⁾ Available at: <http://www3.unil.ch/wpmu/europeansourcebook/code-book/fourth-edition/>

⁽⁷⁷⁾ Idem.

⁽⁷⁸⁾ Eurostat, *Statistics on crime and the criminal justice system: Offence definitions and explanatory notes for countries unable to meet the standard definition, Annex A*. (Available at: http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/en/crim_esms.htm //epp.eurostat.ec.europa.eu/cache/ITY_SDDS/Annexes/crim_esms_an1.pdf)

⁽⁷⁹⁾ http://epp.eurostat.ec.europa.eu/portal/pls/portal/!PORTAL.wwwpob_page.show?_docname=2630270.PDF

⁽⁸⁰⁾ Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA http://www.ejtn.eu/PageFiles/7682/B_3_14_ECRIS.pdf



ECRIS was created to improve the exchange of information on criminal records throughout the EU. It establishes an electronic interconnection of criminal records databases to ensure that information on convictions is exchanged between EU countries in a uniform, speedy and easily computer-transferable way.

ECRIS is based on a decentralised IT architecture: criminal records data is stored solely in national databases and exchanged electronically between the central authorities of EU Member State upon request. The EU Member State authorities must store and update all the information received and retransmit them when requested, being in a position to provide exhaustive, up-to-date information on its nationals' criminal records, regardless of where those convictions were handed down.

The transmission of information on convictions is made electronically, through a standardised European format, using two reference tables listing categories of offences and penalties. These tables facilitate automatic translation and enhance mutual understanding of the information transmitted.

When transmitting information on a conviction, EU Member State have to indicate the appropriate codes for the category of the offence and the penalty or sanction, which is automatically translated into the language of the recipients, enabling them to react immediately upon receipt of the information.

The existence of an IT system shared by all EU Member States where data on crimes and offender are mandatorily recorded and a common understanding on crimes definitions is already in place is an important reference for future working on harmonised and comparable data collection on gender-based violence at EU level. However, before being operational for this specific purpose, much work will need to be done in terms of harmonising definitions and classification systems.

Collection of data related to gender-based violence in the European Union

There are two important initiatives in the EU to collect and disseminate comparable data on women's experiences of violence, with the potential to provide a valuable addition to figures from administrative sources. These initiatives are the proposal of a European Safety Survey (SASU) spearheaded by Eurostat, and an EU-wide Survey on violence against women undertaken by the Fundamental Rights Agency.

The European Safety Survey (SASU)

The proposal of a European Safety Survey (SASU) is a victimisation survey on the prevalence of specific types of crime and on citizens' feeling of safety. The lack of comparable information on crime at EU level was highlighted as part of the Hague programme in 2005⁽⁸¹⁾, prompting the Commission to draw up an Action Plan 2006–10 on improving methods to measure crime, and which included the development of a household survey on crime victimisation. It would make available information on the prevalence of specific types of crime (victimisation rates), including crimes linked to gender-based violence and on other aspects relating to citizens' feelings of security.

The preparatory work on this SASU has been carried out by Eurostat and in most Member States pilots have been carried out with a draft questionnaire⁽⁸²⁾. Building on these experiences, a new, slimmed-down questionnaire was drafted⁽⁸³⁾, which also included a set of questions designed to monitor the new EU directive on victims' rights and a separate set of questions on violence between intimate partners⁽⁸⁴⁾. The conduct of such surveys required legislation and a proposal for implementation of the SASU in EU Member States was submitted to the European Parliament in 2011⁽⁸⁵⁾. In September 2012, the European Parliament rejected the proposal⁽⁸⁶⁾.

⁽⁸¹⁾ COM(2005) 184 final — Official Journal C 236 of 24.9.2005.

⁽⁸²⁾ Aromaa, K., M. Heiskanen, S. Laaksonen, and M. Viuhko, Final Report for Action Entitled "Crime and Victimisation Survey". Helsinki: HEUNI, 2007.

⁽⁸³⁾ Dijk, J.J.M. van, P. Mayhew, J. van Kesteren, M. Aebi, and A. Linde, Final Report on the Study on Crime Victimisation, Tilburg: Intervict report/Eurostat, 2010.

⁽⁸⁴⁾ Van Dijk J, The International Crime Victims Survey 1988-2010; latest results and prospects, 12 April 2013 (based on the Newsletter of the European Society of Criminology, December 2012, 11/2, 24–33). (Available at: <http://www3.unil.ch/wpmu/icvs/2013/04/445/>)

⁽⁸⁵⁾ European Commission, Proposal for a Regulation on European Statistics on Safety from Crime, COM(2011)335, 2011/0146 [COD].

⁽⁸⁶⁾ SASU's proposal was largely turned down due to concerns on the

Outside of the remit of SASU, Eurostat and the UNODC are undertaking a joint data collection effort in 2014, including data on the number of homicides and incidents of intimate partner violence. The UNODC Survey of Crime Trends and Operations of the Criminal Justice Systems which collects data from statistical offices and other national institutions globally in 2012 already included information on homicide and rape broken down by sex, age and relationship between offender and victim, distinguishing between 'intimate partners' or 'family members' and 'spouses/current partners' versus 'ex-partners'.

Eurostat is taking over data collection of the Crime Trends Survey of the UNODC in the region of the EU Member States (based on official crime statistics) ⁽⁸⁷⁾, while UNODC continues to carry out the data collection outside the EU.

Violence against women: an EU-wide survey

In 2014, the European Union Agency for Fundamental Rights (FRA) published the first EU-wide survey on violence against women ⁽⁸⁸⁾, carried out during the period 2011–12. The survey was called for in the Council Conclusions of 2010 and Resolution of 2011. The results are based on face to face interviews with 42,000 women in all 28 EU Member States, with on average 1,500 interviews per Member State (women between 18 and 74 years old living in EU). The standardised survey collects data on the extent, frequency and severity of violence against women in the EU, including data on women's access to and experience of police, healthcare and victim-support services. The objective of the survey is to contribute to the collection of data for the development of indicators that will be used to monitor violence against women and responses to it.

added value of the SASU project as results from national surveys were available from many Member States; plus doubts on the extent to which the survey could be standardised, as some countries, notably France and Ireland, had refused to include questions on domestic violence and/or sexual abuse. Therefore to ensure comparability across the EU, would remain unaddressed. This decision might be a major setback, especially for the new Member States in which no victimisation surveys have ever been conducted. Moreover, the rejection by the parliament is at odds with the original objectives of SASU, been the first collaborative effort to assemble and harmonise existing national surveys, both to provide comparable data at EU level and to streamline work previously done in parallel so as to save on resources.

⁽⁸⁷⁾ Eurostat, Statistics on Crime and Criminal Justice Working Group Meeting, Doc. CR/WG2018/8, 2013.

⁽⁸⁸⁾ Available at: http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results_en.pdf

3.2.2 Council of Europe

The Council of Europe has undertaken different studies and published reports directly and indirectly related to data collection on gender-based violence. In addition to monitoring the compliance of the Member States in implementing the Council of Europe's legal standards (referred before), the Council of Europe has published widely on the topics of national legislation in its member countries ⁽⁸⁹⁾, forced marriage ⁽⁹⁰⁾ and minimum standards for support services ⁽⁹¹⁾.

It has also conducted a study on the collection on gender-based violence, Administrative Data Collection on Domestic Violence in Council of Europe ⁽⁹²⁾ published in 2008. This study sets out guidelines drawn up by the Council of Europe on how to collect administrative data and analyses current schemes to collect administrative data on domestic violence. The report first sets out existing measures to collect data on domestic violence in Member States and subsequently issues some conclusions and recommendations.

Based mainly on Finland as a case study, it includes a model approach to the collection of administrative data (data disaggregated by the sex and age of both victim and perpetrator, type of violence and the relationship between the perpetrator and the victim) and sets out recommendations for the minimum data recorded by the police, public prosecutor, courts of first instance, cause of death investigators, healthcare services and social services.

It also offers recommendations on the type of administrative data that should be collected in different public and private institutions that work with the issue of domestic violence against women.

⁽⁸⁹⁾ Available at: http://www.coe.int/t/dghl/standardsetting/convention-violence/documentation_studies_publications_en.asp

⁽⁹⁰⁾ Available at: http://www.coe.int/t/dghl/standardsetting/convention-violence/documentation_studies_publications_en.asp

⁽⁹¹⁾ Available at: http://www.coe.int/t/dghl/standardsetting/convention-violence/documentation_studies_publications_en.asp

⁽⁹²⁾ Elina Ruuskanen and Kauko Aromaa/HEUNI, Administrative data collection on domestic violence in Council of Europe Member States, Study commissioned by the Gender Equality and Anti-Trafficking Division, Directorate General of Human Rights and Legal Affairs, Council of Europe, EG-VAW-DC(2008) Study, Strasbourg, 2008.



3.2.3 United Nations

This section includes a description of the activities at UN level regarding statistics on gender-based violence and the current plans by the UN to develop a classification of crime and a set of indicators on gender-based violence.

UN Statistics on gender-based violence

The main bodies collecting data and compiling on gender-based violence within the UN are the UNECE, the UNSD and the UNODC.

The UNECE works to raise awareness and encourages countries to mainstream gender into their economic policies. With respect to data collection on gender-based violence, the UNECE provides a statistical database on its website, which provides sex-disaggregated data on sexual assault, including rape, attempted rape and indecent and sexual assault⁽⁹³⁾. The data are mainly from administrative data sources and refer to the number of victims of crime as reported by the police; that is crimes that are reported to, detected by, or otherwise drawn to the attention of the police. The data are regularly updated, with to date data up to 2011, and for 2008 for most EU-28 and the candidate countries of Turkey and the Former Yugoslav Republic of Macedonia. Due to different legal definitions, the indicators presented are hardly comparable between the countries. UNECE is currently developing a common framework and methodology for surveying violence against women in co-operation with national statistical institutions in European countries in order to improve comparability.

The UNECE organises the Conference of European Statisticians (CES), which provides a platform for the coordination of international statistical work in the UNECE region. In 2006, the Group of experts on Gender Statistics of the CES published a paper considering the development of an international standard for data collection and statistics on violence against women (especially on indicators and survey methodology)⁽⁹⁴⁾.

⁽⁹³⁾ European Commission EGGSI, *Violence against women and the role of gender equality, social inclusion and health strategies*, September 2010. (UNECE database available at: <http://w3.unece.org/pxweb/DATABASE/STAT/30-GE/07-CV/07-CV.asp>)

⁽⁹⁴⁾ UNECE Statistical Commission, *Towards International Standards for Data Collection and Statistics on Violence against Women* (invited paper submitted by Lancaster University), ECE/CES/GE.30/2006/7, United Kingdom.

An important body within the UN committed to the advancement of the global statistical system is the UNSD. It compiles and disseminates global statistical information, develops standards and norms for statistical activities, and supports countries' efforts to strengthen their national statistical systems. In September 2013, the UNSD published *Guidelines for Producing Statistics on Violence Against Women* with regards to statistical surveys, providing national statistical agencies with guidance on collecting, processing, disseminating and analysing data on VAW⁽⁹⁵⁾. It includes an analysis of the strengths and limits related to administrative data. Previous guidance from the UNSD in this regard is the 2003 *Manual for the Development of a System of Criminal Justice Statistics*⁽⁹⁶⁾.

The UN has been working with National Statistical Offices and other organisations to develop common standards and improve how they collect official data. As an example, UN Women and the UNSD, in collaboration with the World Bank and the Organisation for Economic Co-operation and Development (OECD) are now working on a new initiative called Evidence and Data for Gender Equality (EDGE) to accelerate existing efforts to generate comparable gender indicators on health, education, employment and develop standards to measure entrepreneurship and assets from a gender perspective. These standards will be developed and tested in several countries over the course of three years⁽⁹⁷⁾. Unfortunately, indicators related to gender-based violence are not considered as part of this project.

One of the most relevant bodies in the UN in connection with gender-based violence data collection is the UNODC. It collects data on crime and criminal justice from National Statistical Offices and other national institutions, through the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (UN-CTS)⁽⁹⁸⁾. The statistics include sexual violence and differentiate between the sex of the victim and the relationship between offender and victim (intimate partner violence)⁽⁹⁹⁾.

⁽⁹⁵⁾ Available at: http://unstats.un.org/unsd/gender/docs/guidelines_VAW.pdf

⁽⁹⁶⁾ Available at: http://unstats.un.org/unsd/publication/SeriesF/SeriesF_89e.pdf

⁽⁹⁷⁾ Available at: <http://www.unwomen.org/en/news/stories/2013/6/to-improve-data-collection-un-agrees-on-groundbreaking-gender-indicators>

⁽⁹⁸⁾ <http://www.unodc.org/unodc/en/data-and-analysis/United-Nations-Surveys-on-Crime-Trends-and-the-Operations-of-Criminal-Justice-Systems.html>

⁽⁹⁹⁾ Data on homicide is available from http://www.unodc.org/documents/data-and-analysis/statistics/Homicide/Homicides_by_sex.xls

This body aims to improve the cross-national comparability of data through the development of key indicators and data reporting tools. In addition, it works on the development of standards for national crime and criminal justice information systems and for the conduct of victimisation surveys.

International Crime Classification

The Task Force of the United Nations Office on Drugs and Crime and the Economic Commission for Europe (UNODC/UNECE Task Force) was established in 2009, under the auspices of the Conference of European Statisticians, to look into the possibility of developing a crime classification framework based on behavioural descriptions rather than legal codes⁽¹⁰⁰⁾. The classification would serve as a common definitional framework both for the initial recording and/or subsequent reporting of data and would have the potential to solve definitional problems of the comparability of crime statistics⁽¹⁰¹⁾.

The Task Force developed the first International Crime Classification Framework for statistical purposes⁽¹⁰²⁾, which was approved in June 2012 by the CES at its 60th plenary session⁽¹⁰³⁾.

The types of gender-based violence that have been selected for this study would be covered according to the referred classification by the following list of crimes (Table 3).

Table 3: List of crimes related to gender-based violence from the task force on international crime classification for statistical purposes

1. Acts leading to death
 - 1.1 Murder/intentional homicide
 - 1.2 Non-intentional homicide
 - 1.3 Assisting suicide/euthanasia
2. Injuries causing harm to the person
 - 2.1 Assault
 - 2.2 Abduction, hijacking and kidnapping
 - 2.3 Slavery and exploitation
 - 2.4 Dangerous/negligent acts
 - 2.5 Harassment/stalking: unwanted following, watching, communication with or harassment of a person.
 - 2.6 Coercion
 - 2.7 Defamation
3. Injurious acts that are sexually motivated
 - 3.1 Rape: sexual intercourse.
 - 3.2 Sexual Assault: physical contact or harassment of a sexual nature.
 - 3.2.1. Physical sexual assault: physical contact of a sexual nature not amounting to sexual intercourse.
 - 3.2.2. Non-physical sexual assault: following, watching, communication with or harassment of a person for sexual purposes.
 - 3.3 Sexual exploitation of children

A statistics report Global Study on Homicide. Trends, contents, data including a Chapter, Women and intimate partner/family-related homicide was published in 2011: <http://www.unodc.org/unodc/en/data-and-analysis/statistics/crime/global-study-on-homicide-2011.html>.

⁽¹⁰⁰⁾ Available at: <http://unstats.un.org/unsd/statcom/doc13/2013-11-CrimeStats-E.pdf>

⁽¹⁰¹⁾ UNECE Conference of European Statisticians, Principles and framework for an international classification of crimes for statistical purposes: Report prepared by the UNODC/UNECE Task Force on Crime Classification, ECE/CES/BUR/2011/NOV/8/Add.1, 11 October 2011. (Available at: http://www.unece.org/fileadmin/DAM/stats/documents/ece/ces/bur/2011/8Add1-crime_classification_report.pdf)

⁽¹⁰²⁾ UNODC/UNECE Task Force on Crime Classification to the Conference of European Statisticians, Principles and Framework For An International Classification Of Crimes For Statistical Purposes, June 2012. (Available at: http://www.unodc.org/documents/data-and-analysis/statistics/crime/Report_crime_classification_2012.pdf)

⁽¹⁰³⁾ UNECE, Report of the 60th plenary session of the Conference of European Statisticians (6-8 June 2012, Paris, France), ECE/CES/83. (Available at: <http://www.unece.org/stats/documents/2012.06.ces.html>)

The framework classifies sexual harassment under 'non-physical sexual assault' and also uses the term 'harassment' for 'stalking'. The same differentiation in the use of the term 'harassment' has been found in the legal definitions of some Member States, and other Member States use a different term, making a common understanding more difficult in the classification system of crimes related to gender-based violence. Furthermore, the classification framework contains variables (tags) describing the sex of the victim and the offender, the relation of the victim to the offender (intimate partner violence), and the circumstances of the violent incident. These variables can therefore be used for classifying both administrative data and victimisation survey data.



A first testing of the framework was conducted between July and September 2012. Later that year the UN Statistical Commission and the Commission on Crime Prevention and Criminal Justice requested UNODC and the National Institute of Statistics and Geography of Mexico (INEGI) to assess the feasibility of developing such a classification, building on the work of the task force ⁽¹⁰⁴⁾. In 2015, the UNODC and INEGI will submit a proposal to the Statistical Commission for a consultation process and a plan for the finalisation of the full classification ⁽¹⁰⁵⁾.

Other relevant UN classifications related to gender-based violence

The UN's health arm, the WHO, has established an International Classification of Diseases (ICD). The ICD is the standard diagnostic tool for epidemiology, health management and clinical purposes. It is used to monitor the incidence and prevalence of diseases and to classify diseases and other health problems recorded on many types of health and vital records including death certificates and health records.

In addition to enabling the storage and retrieval of diagnostic information for clinical, epidemiological and quality purposes, ICD records also provide basis for the compilation of national mortality and morbidity statistics by WHO Member States. It is used for reimbursement and resource allocation decision-making by countries.

ICD-10 was endorsed by the 43rd World Health Assembly in May 1990 and came into use in WHO Member States from 1994. The 11th revision of the classification has already started and will continue until 2015 ⁽¹⁰⁶⁾.

Although this is not a classification of crimes, but rather of diseases, it does contain several codes related to gender-based violence. These could be used by, for example, hospitals to classify patients (including victims of gender-based violence).

Table 4: Codes related to gender-based violence, used by the International Classification of Diseases (ICD-10)

| Assault (X85-Y09) |
|--|
| Y05 Sexual assault by bodily force Incl.: rape (attempted); sodomy (attempted) |
| Y06 Neglect and abandonment Y06.0 By spouse or partner Y06.1 By parent Y06.2 By acquaintance or friend Y06.8 By other specified persons Y06.9 By unspecified person |
| Y07 Other maltreatment <ul style="list-style-type: none"> ● Incl.: mental cruelty; physical abuse; sexual abuse; torture ● Excluding: neglect and abandonment (Y06) sexual assault by bodily force (Y05) Y07.0 By spouse or partner Y07.1 By parent Y07.2 By acquaintance or friend Y07.3 By official authorities Y07.8 By other specified persons Y07.9 By unspecified person |
| T74 Maltreatment syndromes T74.0 Neglect or abandonment T74.1 Physical abuse <ul style="list-style-type: none"> ● Incl.: Battered: baby or child syndrome NOS; spouse syndrome NOS T74.2 Sexual abuse T74.3 Psychological abuse T74.8 Other maltreatment syndromes T74.9 Maltreatment syndrome, unspecified |

⁽¹⁰⁴⁾ UNEconomic and Social Council, Statistical Commission, International Statistical Classifications, E/CN.3/2013/28, 20 December 2012.

⁽¹⁰⁵⁾ UNECE, Gender Statistics: report by the Secretary-General, E/CN.3/2013/10, 19 December 2012.

⁽¹⁰⁶⁾ Available at: <http://www.who.int/classifications/icd/en/>

Source: Council of Europe (2011) *Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)*, Council of Europe Treaty Series — No 210, Istanbul.

Development of indicators on Violence against Women by the UN

Across UN agencies, there have been a number of proposals over the past decade to develop harmonised indicators at international level to measure the scope, the incidence and the prevalence of violence against women, and indicators to measure the effectiveness of measures undertaken to address it⁽¹⁰⁷⁾. This is also one of the five key outcomes of the Secretary-General's campaign, UNiTE to End Violence against Women, launched in 2008, which states that 'data collection and analysis of systems are institutionalised and periodic surveys are undertaken on prevalence of various forms of violence against women and girls'.

Several expert group meetings have been organised on this topic⁽¹⁰⁸⁾ and a number of models, good practices, statistical standards and recommendations have been established⁽¹⁰⁹⁾. The two most notable in this regard are the UN Expert Group Meeting (EGM) on Indicators to Measure Violence against Women, which was organised in 2007 by the Division for the Advancement of Women (UNDAW), the UNECE and the UNSD and the establishment of the Friends of the Chair group, in February 2008 by the Statistical Commission at its 39th session to develop the indicators and other methodological standards for implementation in national statistical systems⁽¹¹⁰⁾.

Two sets of indicators on violence against women proposed by the UN are important in this regard:

- Special Rapporteur on Violence against Women: indicators for measuring violence against women and indicators for State response to such violence⁽¹¹¹⁾;
- Statistical Commission: indicator to assess the scope, prevalence and incidence of violence against women⁽¹¹²⁾.

Building on the work of the Special Rapporteur and the Statistical Commission, the UNECE developed a set of indicators in 2010 in close cooperation with the Statistical Commission, which include a new set of nine indicators specifically designed to measure violence against women in all its aspects, including physical, sexual, psychological and economic violence (core set)⁽¹¹³⁾ as well as a separate minimum set of 52 gender indicators developed by the Inter-Agency and Expert Group on Gender Statistics⁽¹¹⁴⁾.

The current core set of statistical indicators on violence against women is as follows⁽¹¹⁵⁾:

⁽¹⁰⁷⁾ For a list of these efforts see: UN Human Rights Council, Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Yakin Ertürk: *Indicators on violence against women and State response*, A/HRC/7/6, 29 January 2008; UN Women, *Indicators on violence against women*. (Available at: <http://www.un.org/womenwatch/daw/vaw/v-issues-focus.htm>)

⁽¹⁰⁸⁾ Expert Group Meeting on Violence against women: a statistical overview, challenges and gaps in data collection and methodology and approaches for overcoming them (Geneva, 11–14 April 2005); Expert Group Meeting on Indicators to Measure Violence Against Women (Geneva, 8–10 October 2007); or Meeting of the Friends of the Chair of the United Nations Statistical Commission on Statistical Indicators on Violence against Women (Aguascalientes, Mexico, 9–11 December 2009).

⁽¹⁰⁹⁾ See, for instance, the methodology developed by United Nations Office on Drugs and Crime (UNODC) on crime and criminal justice statistics, Methodology. (Available at: <http://www.unodc.org/unodc/en/data-and-analysis/statistics/methodology.html>)

⁽¹¹⁰⁾ UN Statistical Commission, *Report on the thirty-ninth session* (26 to 29 February 2008), E/2008/24 (Decision 39/116).

⁽¹¹¹⁾ UN Human Rights Council, Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Yakin Ertürk: *Indicators on violence against women and State response*, A/HRC/7/6, 29 January 2008.

⁽¹¹²⁾ UN Economic and Social Council, Statistical Commission, *Report of the Friends of the Chair of the United Nations Statistical Commission on the indicators on violence against women*, E/CN.3/2009/13, 11 December 2008. (Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/642/97/PDF/N0864297.pdf?OpenElement>)

⁽¹¹³⁾ Available at: <http://unstats.un.org/unsd/statcom/doc11/2011-5-FOC-GenderStats-E.pdf>

⁽¹¹⁴⁾ Available at: <http://unstats.un.org/unsd/statcom/doc13/2013-10-GenderStats-E.pdf>

⁽¹¹⁵⁾ UN Women Expert Group Meeting Prevention of Violence against Women and Girls, Prevalence surveys on violence against women Challenges around indicators, data collection and use. Expert Paper prepared by Henrica A.F.M. (Henriette) Jansen, EGM/PVAWG/INF.9, September 2012. (Available at: <http://www.unwomen.org/~media/Headquarters/Attachments/Sections/CSW/57/EGM/EGM-paper-Henriette-Jansen %20pdf.pdf>)



Table 5: United Nation indicators on violence against women developed by UNECE and UN Statistical Commission

1. Total and age-specific rate of women subjected to physical violence in the last 12 months by severity of violence, relationship to the perpetrator and frequency.
2. Total and age-specific rate of women subjected to physical violence during lifetime by severity of violence, relationship to the perpetrator and frequency.
3. Total and age-specific rate of women subjected to sexual violence in the last 12 months by severity of violence, relationship to the perpetrator and frequency.
4. Total and age-specific rate of women subjected to sexual violence during lifetime by severity of violence, relationship to the perpetrator and frequency.
5. Total and age-specific rate of ever-partnered women subjected to sexual and/or physical violence by current or former intimate partner in the last 12 months by frequency.
6. Total and age-specific rate of ever-partnered women subjected to sexual and/or physical violence by current or former intimate partner during lifetime by frequency.
7. Total and age-specific rate of women subjected to psychological violence in the last 12 months by an intimate partner.
8. Total and age-specific rate of women subjected to economic violence in the last 12 months by an intimate partner.
9. Total and age-specific rate of women subjected to female genital mutilation.

3.3 Other organisations working in gender-based violence data collection

Apart from the EU, the Council of Europe and UN's work in the field of data collection on gender-based violence, many

other organisations have also made efforts to regulate data collection on the topic. The most important organisations in this regard are the OECD and the WAVE network.

Organisation for Economic Co-operation and Development (OECD)

In 2009 the Organisation for Economic Co-operation and Development (OECD) launched the Social Institutions and Gender Index (SIGI) as an innovative measure of the underlying drivers of gender inequality, including violence against women, for over 100 countries⁽¹¹⁶⁾ none of which are EU Member States. In this regard, the OECD Development Centre released an Issues Paper in March 2013 on violence against women entitled *Transforming Social Institutions to Prevent Violence against Women and Girls and Improve Development Outcomes*⁽¹¹⁷⁾. The paper gives, among other things, an overview of the SIGI data on violence against women including regional patterns, changes in laws and the relationship between attitudes and prevalence of violence. Moreover the paper explores how violence against women is related to development outcomes such as HIV and child mortality. The final section provides an overview of policy recommendations to transform discriminatory social institutions to prevent violence against women and girls.

Women against Violence in Europe (WAVE)

The Women Against Violence Europe (WAVE) is a network of European women's NGOs working in the field of combating violence against women and children. WAVE has conducted and continues to conduct research in the area of mapping of women's services, protecting high-risk victims and data collection as well as research on the effects of VAW.

Between 2011 and 2013, WAVE carried out the project PROTECT II, which follows-up the findings and the results of PROTECT I — Best Practice Assessment to Prevent Homicide in High-Risk Cases, a project implemented from 2010–11 with financial support from the EU Daphne programme. Protect II is a Capacity Building project in Risk Assessment and Safety Management to Protect High-Risk Victims.

⁽¹¹⁶⁾ Available at: <http://genderindex.org>

⁽¹¹⁷⁾ Available at: http://www.wikigender.org/images//d/d0/OECD_DEV_Policy_Brief_March_2013.pdf

The objectives are:

- to contribute to the reduction of femicides and repeated and severe violence against women and their children;
- to make knowledge and experiences on risk assessment and safety management concerning the protection of high-risk victims available to a wide range of practitioners in Europe;
- to transfer knowledge from theory to practice;
- to exchange experiences from 13 EU Member States;
- to facilitate capacity building in the area of risk assessment, safety management and multi-agency work;
- to contribute to generate gender-specific statistics in the EU and to widen the knowledge base about the extent of the problem and possible trends.

The output of this project is the Protect II Guidance Report for the Improvement of Data on Gender-Based Violence Against Women in the EU, which includes a gold standard for different administrative data on gender-based violence, including police recorded data, criminal justice data and health services data⁽¹¹⁸⁾. The report emphasises the need to provide information on the relationship between the victim and the perpetrator, including whether the perpetrator is a current or former partner, parent, child, other family member, or someone known or unknown to the victim in order to gain a comprehensive view of who was involved in domestic violence.

Moreover, WAVE publishes annual country reports, the most recent to date being the 2012 report, Reality Check on Data Collection and European Services for Women and Children Survivors of Violence — A Right for Protection and Support⁽¹¹⁹⁾. The latter focuses largely on the availability

⁽¹¹⁸⁾ WAVE, Protect II Guidance report for the improvement of data on gender-based violence against women in the European Union, Vienna, 2013. (Available at: http://wavenetwork.org/sites/default/files/PROTECT%20II_Guidance%20Report%202012.pdf)

⁽¹¹⁹⁾ WAVE, Country Report 2012: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence — A Right for Protection and Support?, Vienna, 2013. (Available at: [http://www.wave-network.org/content/wave-country-report-](http://www.wave-network.org/content/wave-country-report-2012-now-)

of women's services in Europe for women survivors of violence and their children and on statistics available in the area of intimate partner violence in European countries.

WAVE is carrying out a project, Coordinated Efforts — Toward New European Standards in Protection of Women from Gender-Based Violence (2012–14). in Croatia, Slovenia and three non-EU Member States (Macedonia, Serbia and Bosnia-Herzegovina).

European Women's Lobby

The European Women's Lobby (EWL) is the largest umbrella organisation of women's associations in the EU, working to promote women's rights and equality between women and men. EWL membership extends to organisations in all 28 Member States and the three candidate countries, as well as to 20 European-wide bodies, representing a total of more than 2 000 organisations⁽¹²⁰⁾.

The EWL manages an Observatory on Violence against Women, drawing together experts from 33 countries. The EWL Observatory's main objectives are to identify critical and emerging issues in order to feed the policy work of the EWL to advocate for improved policies and service provision for prevention and support of women victims of male violence. It raises visibility of the phenomenon of male violence against women and monitors the commitments at local, regional, national and European level regarding violence against women, highlighting advances and setbacks, as well as providing relevant data⁽¹²¹⁾.

In 2013, the European Women's Lobby presented a Barometer on Rape in Europe. It analysed the level of compliance of national legislation with the Council of Europe's minimum standards as set out in the Istanbul Convention and the availability of data on women victims of rape in Europe. It provides a European overview of national actions on violence against women and compares EU countries with regard to their commitment to eradicate such

2012-now-)

⁽¹²⁰⁾ Source of information: <http://www.womenlobby.org/?lang=en>

⁽¹²¹⁾ Source of information: <http://www.womenlobby.org/about-us/ewl-observatory-on-violence/?lang=en>



violence. In the report, information on whether national legislation complies or fails to comply with the Council of Europe Convention definition of rape, on whether the official data that is kept or not on women victims of rape in every country and information about the existence of support and treatment services for victims of rape can be found ⁽¹²²⁾.

⁽¹²²⁾ Source of information: <http://www.womenlobby.org/publications/reports/?lang=en>

4. National legal frameworks on administrative data collection related to gender-based violence





4. National legal frameworks on administrative data collection related to gender-based violence

the previous section focused on the legal and regulatory framework together with actions in the area of gender-based violence within the EU and globally. This section turns to an overview in EU Member States of the legal framework and regulation related to administrative data on gender-based violence.

One of the main challenges when trying to collect not only administrative data but also survey data on gender-based violence across the EU-28 is to find a common understanding in the terms and definitions used. In the case of administrative data, the legal definitions used and the way incidents related to gender-based violence are criminalised in the Member State will impact directly on the type of data recorded by agencies within police and justice services, making it more difficult or even impossible to collect information on the number of incidents of different forms of gender-based violence against women.

In addition, the legal provisions and rules at Member State level related to gender-based violence data collection are crucial for the work on a common understanding and methodology for collecting comparable administrative data across the EU-28.

4.1 Legal definitions and criminalisation of gender-based violence at national level

This section offers an overview of the legal provisions on the forms of gender-based violence, including legal provisions on protective orders, at Member State level.

None of the EU Member States have an official legal definition of gender-based violence. Most Member States distinguish between the different types of gender-based violence in their national law, mentioning each type of gender-based violence separately in their codes or provisions. Wide variation exists across the EU-28 in the definition and legal treatment of the five forms of gender-based violence covered by this report, namely, intimate partner violence, sexual assault (excluding rape), rape, sexual harassment and stalking.

When defining forms of gender-based violence in their national laws, most Member States are *gender-neutral* in their legislation and criminalisation of gender-based violence. In

most Member States national law and criminal code make no distinction between women and men as victims or as offenders. This should not be mixed up with the gender sensitivity of policies of governments, as in many Member States there is a strategy or action plan to address gender-based violence against women as they are affected disproportionately, except, for instance, in the Netherlands,

where policies that tackle violence in general and domestic violence in particular are not specifically directed to women, but gender-neutral.

The legal provisions of a few Member States in which the law is not (entirely) gender neutral and which include information on the sex of the victim and/or the offender (Table 6).

Table 6: Member States whose national legal provisions include the sex of the victim and/or offender

| | IPV | Rape | Sexual assault | Sexual harassment | Stalking |
|--|---------------|--|----------------|-------------------|----------|
| Definition only includes women victims | Sweden, Spain | Bulgaria, Cyprus, Hungary, Ireland, Slovakia | Cyprus | - | - |
| Definition only includes men offenders | - | Ireland, United Kingdom | - | - | - |

Source: Data collected in March–June 2013, reviewed in October 2013.

Rape is defined as *an offence limited to women victims* in five Member States (BG, CY, HU, IE and SK). This can have important consequences with regards to the type of prosecutions that it allows. In the case of Sweden for example, intimate partner violence can be prosecuted under the offence ‘Gross violation of women’s integrity’, for which perpetrators can only be prosecuted if the victim was a woman⁽¹²³⁾. This is also the case in Cyprus, where the criminal law of Cyprus specifies that an indecent assault is considered a crime when carried out on women: ‘indecent assault on females’⁽¹²⁴⁾.

The following sections identify, for each of the five forms of gender-based violence, their legal provision in the EU Member States according to the national laws, including the legal treatment or criminalisation applied to them, and the availability of protection orders for the victims.

The information is based on the report, Feasibility study to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence, European Union, 2011, and was complemented and updated with the data and information gathered for this report.

4.1.1 Intimate partner violence

The term used to refer to intimate partner violence varies across Member States, as does the definition itself. The definition may (or may not) encompass all the different types of violence (i.e. physical, sexual, psychological and/or economic violence). Moreover, the relationship required between the offender and the victim for the incident to be regarded as intimate partner violence may differ according to the legal definition across EU Member States, including in the same definition other types of relationships (e.g. parents, children, relatives, family).

⁽¹²³⁾ Namely ‘Gross violation of women’s integrity’, *Brottsbalken 4kap, 4a§* (law: 1999:845)

⁽¹²⁴⁾ Indecent assault on females, Section 151 of the Criminal Code CAP. 154



Table 7: Intimate partner violence in Member States: legal definitions, criminalisation and protection orders

| Intimate partner violence (IPV) | | | | | | | | |
|---------------------------------|-----------------------------|--|-----------------------------------|--------------------------------------|----------------------|-----|------------------------------|-----------------------------------|
| | Dedicated DV/ IPV law(1) | IPV and criminal law | | Specific law uses as a legal concept | | | | Protection orders available |
| | | IPV as an aggravated circum- stance | A specific criminal offence | Family violence | Domestic violence | IPV | Gender- based violence | |
| AT | x | | x | | | | | x |
| BE | | x | | x | | x | | x |
| BG | x | x | | | x | | | x |
| CY | x | x | | x | | | | x |
| CZ | x | | x | | x | | | x |
| DE | x | | | | | | | x |
| DK | | | x | | | | | x |
| EE | | | | | | | | x |
| EL | x | x | | x | x | x | | x |
| ES | x | x | | | | | x | x |
| FI | | | | | | | | x |
| FR | | x | | | | x | | x |
| HR | x | x | | | x | | | x |
| HU | x | | | x | | | | x |
| IE | x | | | x | x | x | | x |
| IT | x | x | x | x | | | | x |
| LT | | | | | | | | x |
| LU | x | x | | | | | | x |
| LV | | | | x | | | | x |
| MT | x | x | | | | | | x |
| NL | x | x | | | | | | x |
| PL | x | | x | x | | | | x |
| PT | x | | x | | x | | | x |
| RO | x | x | | x | x | | | x |
| SE | | | x | x | x | x | x | x |
| SI | x | | x | x | x | | | x |
| SK | | | x | x | | | | x |
| UK | x | | | | x | | | x |

Source: Feasibility study to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence. European Union, 2011. (Annex 1, Table 6). Information updated with data collected from March to June 2013, reviewed October 2013.

(1) Law that specifically defines acts of violence in a domestic context as the target of the law and encompasses more than mere administrative regulation

Only five Member States (BE, EL, FR, IE and SE) refer to intimate partner violence when describing violence between partners (Table 7). In many Member States, the terminology 'domestic violence' is used, (10 Member States — BG, CZ, EL, IE, LU, PT, RO, SE, SI and UK) and the term 'family violence' or 'violence in the family' is used in another 12 Member States (BE, CY, EL, HU, IE, IT, LV, PL, RO, SE, SI and SK). However, these terms include intimate partner violence, but are problematic since they can also include other forms of violence such as child abuse. It is therefore very difficult to directly assess the number of incidents of intimate partner violence in the majority of Member States, since the distinction is not made at the conceptual level. Administrative data need to be disaggregated by sex of victim and perpetrator and type of relationship between them to detect incidents related to intimate partner violence.

The *type of violence* most likely to be included in most Member States' definition of intimate partner violence is that of physical violence. Sexual and psychological violence are included in the definition of intimate partner violence in half of the Member States, while economic violence is only included in the definition of an offence covering intimate partner violence in three Member States (HR, HU and SI).

A reference to the *relationship* between the victim and offender is a requirement for an offence to fall under intimate partner violence. Within the majority of Member States this relationship being that of marriage (under Spouse) or 'living together'. This restricts intimate partner violence to offences where the victim is a spouse or a cohabiting partner (under Cohabiting partner). Definitions of intimate partner violence less frequently include 'former intimate partner violence' (a former spouse or ex-partner) than current relationships, or 'non-cohabiting partner' than cohabiting partner. Finally, very few definitions of intimate partner violence that include relationships between 'partners' also include same-sex partners (i.e. UK) while in others, homosexual couples are not considered as partners and are thus specifically excluded from the scope of the offence *intimate partner violence* (e.g. in CY) ⁽¹²⁵⁾.

Not only are there differences in the definition of intimate partner violence between Member States, but whether intimate partner violence is criminalised as such under national law also varies (Table 7). Ten Member States treat intimate partner violence (or domestic violence or family

violence, which include intimate partner violence) as a specific criminal offence under their national law (i.e. AT, CZ, DK, ES, IT, PL, PT, SE, SI and SK). This offence may have a different name depending on the Member State. In the countries that have not criminalised intimate partner violence as a specific offence in the criminal code, this form of gender-based violence can be prosecuted under a number of other offences (such as harassment, abuse, rape and murder).

In 12 Member States (BE, BG, CY, EL, ES, FR, HR, IT, LU, MT, NL and RO) when a crime is committed in the frame of an intimate relationship, this can be an aggravating feature under the national law of the country. Hungary and Croatia introduced such provisions only recently. In Croatia, until January 2013, domestic violence was prosecuted under a separate article of the Criminal Code (Article 215(a)), however, due to numerous legal problems (a person cannot be prosecuted for the same offence under two different laws) the article was removed and this crime is prosecuted as an aggravating feature of other criminal offences. Similarly, in Austria, 'persistent exercise of violence' has been an offence since 2009, resulting in more severe punishment.

Protection orders for crimes related to intimate partner violence are available in all Member States, although this masks the different forms that this can take across Member States. The EU-28 provide some sort of protection order for victims of intimate partner violence in the various forms under which it is defined across Member States (Table 7). For example, Estonian law provides for a general restraining order, which is available for victims of, for example, physical abuse and threatening behaviour (not specifically intimate partner violence) and rapid court injunctions that can be issued *ex parte* to expel the offender and ensure non-contact, or interim Protection Orders issued by the prosecutor are possible in seven Member States (FR, EL, IE, LT, MT, PT and SE) and by fast-track domestic violence courts in Spain and the United Kingdom ⁽¹²⁶⁾.

4.1.2 Sexual violence

Table 8 shows the legal provision in the EU Member States for the three different forms of sexual violence included in this report: rape, sexual assault (excluding rape) and sexual harassment.

⁽¹²⁵⁾ The examples of the UK and Cyprus are anecdotal evidence. No further information on this issue was collected for this study.

⁽¹²⁶⁾ EIGE (2012) Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women — Victim Support. (Available at: <http://eige.europa.eu/sites/default/files/Violence-against-Women-Victim-Support-Report.pdf>)



Table 8: Legal provision of sexual violence in EU Member States

| | Rape | Sexual assault (excluding rape) | Sexual harassment | | |
|----|------------------------------------|------------------------------------|---|---------------|-----------------|
| | Offence in criminal/ penal code | Offence in criminal/ penal code | Provision specifically prohibiting sexual harassment | | |
| | | | in equality law | in labour law | in criminal law |
| AT | x | x | x | | x |
| BE | x | x | | x | |
| BG | x | x | x | x | x |
| CY | x | x | x | x | x |
| CZ | x | x | x | | |
| DE | x | x | x | x | |
| DK | x | x | x | | |
| EE | x | x | x | x | |
| EL | x | x | x | x | |
| ES | x | x | x | x | x |
| FI | x | x | x | | |
| FR | x | x | | x | x |
| HR | x | x | x | | x |
| HU | x | x | x | x | |
| IE | x | x | x | x | |
| IT | x | x | x | x | |
| LT | x | x | x | x | x |
| LU | x | x | | x | |
| LV | x | x | | x | |
| MT | x | x | x | x | x |
| NL | x | x | x | | |
| PL | x | x | | x | x |
| PT | x | x | x | x | |
| RO | x | x | x | | x |
| SE | x | x | x | | |
| SI | x | x | x | x | x |
| SK | x | x | x | | |
| UK | x | x | x | x | x |

Source: Feasibility study to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence. European Union, 2011. (Annex 1, Tables 9 and 10). Information updated with data collected from March to June 2013, reviewed October 2013.

a) Rape and sexual assault

Both rape and sexual assault are classified as criminal offences in all Member States. In the case of Slovenia, sexual assault is criminalised not specifically as a separate offence, but under the scope of other crimes, such as ‘assault’ (Article 145 Criminal Code 2005) or ‘Violation of sexual integrity through abuse of position’ (Article 174. Criminal Code 2008).

The legal definition of rape in some Member States is based on the use of ‘force’ (AT, CZ, EL, ES, FI, FR, HU and IE) or ‘extended force’ (DE, DK, LT, MT, PL, SE and SK), although in other Member States both use of force and lack of consent are requirements for an act to be considered a rape (BG, CY, EE, LT, LU and RO). Lack of consent on its own is a requirement in three Member States (BE, IE and UK). Despite the wide consensus on classifying rape as criminal offence, largely as a standalone offence, there are nevertheless wide disparities in the definitions underpinning rape as an offence, notably when it comes to the use of force and/or to lack of consent.

Sexual assault, refers to ‘any sexual act committed against non-consenting women, even if they do not show signs of resistance, with the exception of rape/penetration’⁽¹²⁷⁾. However, other terminologies exist across Member States (EE, FI, IT, LT, LU, PT, SE and SK). ‘Sexual violence’ (IT, SE and SK) and ‘sexual abuse’ (FI, LI and PT) are the most commonly used variations, with for example both terminologies used in the case of Sweden. Other, less frequently used terminology include in the case of Estonia ‘satisfaction of sexual desire by violence’, ‘compelling a person to engage in sexual intercourse’ or ‘compelling a person to satisfy sexual desire’. In Croatia, the terms used include ‘sexual intercourse without consent’ and ‘serious criminal act against sexual freedom’. Finally, in Luxembourg, reference is made to ‘indecent assault’.

Besides the lack of clarity in terminology, there are also instances where the offences related to sexual violence can include several incidents in the same article within the criminal/ or penal code of some Member States, For example in Germany and Italy, rape and sexual assault are assembled as one offence within the criminal code. However, in the case of Spain, the distinction is made between ‘sexual

aggression’ to refer to any sexual act using force, including penetration; and ‘sexual abuse’, which refers to those acts where force is not used but there is a lack of consent and penetration is excluded.

Protection of the victim is included through the provision of specific protection orders in the case of rape in six Member States (DE, MT, NL, PT, SK and UK), and for sexual assault in four Member States (DE, MT, SK and UK).

b) Sexual harassment

Definitions of sexual harassment vary widely. It is a criminal offence in only twelve Member States (BG, CY, ES, FR, AT, LT, MT, PT, HR, RO, SI and UK) with, for instance, Croatia having only criminalised sexual harassment since January 2013.

Not only is sexual harassment rarely, and only recently, criminalised but it is also often subject to strict limiting requirements. In Romania and Croatia, sexual harassment is a criminal offence but requires the relationship between offender and victim to be of a subordinate nature. In Austria, the respective provision in the Criminal Code, ‘sexual harassment and public sexual activities’ uses a narrow definition of sexual harassment as ‘touching the victim’s sexual characteristics or committing a sexual act in front of the victim’ (Article 218 Criminal Code). In Portugal, sexual assault is not criminalised as such; but exhibitionism and coercion of sexual contact are criminal offences (Penal Code Law 19/2013 of 2 February, Article 170). Thus, in those countries where sexual harassment outside of work is a separate offence under national criminal law, the scope and definitions vary widely.

An important feature of sexual harassment is that is often considered specifically within the context of employment, as opposed to a stand-alone offence. Indeed, in that sexual harassment in the context of employment is mentioned in almost all Member States⁽¹²⁸⁾ often requiring a subordinate position of the victim, (in either Criminal and/or Labour Law) (BE, DE, ES, LU, LV, NL, PL, PT and SI) or it is mentioned in anti-discrimination legislation (BG, CZ, RO, SE and SK) or in gender-equality legislation (AT, CY, EE, EL, FI, IE, LT, MT, RO and UK)⁽¹²⁹⁾.

⁽¹²⁷⁾ European Commission (2010) Feasibility report to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence.

⁽¹²⁸⁾ No information was available for Denmark, France, Croatia Hungary and Italy.

⁽¹²⁹⁾ See European Commission (2012) European Network of legal experts in the field of gender equality, Harassment related to Sex and Sexual Harassment Law in 33 European Countries: Discrimination versus Dignity. (Available at: http://ec.europa.eu/justice/gender-equality/files/your_rights/final_harassment_en.pdf).



Although the majority of Member States recognise sexual harassment as a stand-alone offence, in Italy sexual harassment can be prosecuted under another offence, in this case under stalking rather than sexual harassment. The provision of protection orders is low in for sexual harassment with provision in place in only four Member States (DE, EL, MT and UK).

4.1.3 Stalking

Stalking, is not considered as a separate crime in all member States. Some Member States have a dedicated law but in others, this crime is prosecuted under other crimes existing in the criminal or penal code (Table 9).

Table 9: Legal provision of stalking in EU Member States

| | Stalking | | | | |
|----|---------------|------------------|-----------|-------------------------------|-----------------------------|
| | Dedicated law | Dedicated law in | | Dealt with under existing law | Protection orders available |
| | | criminal law | civil law | | |
| AT | x | x | | | x |
| BE | x | x | | x | x |
| BG | | | | x | |
| CY | | | | x | x |
| CZ | x | x | | | x |
| DE | x | x | x | x | x |
| DK | x | x | | | x |
| EE | | | | x | x |
| EL | | | | x | x |
| ES | | | | x | |
| FI | | | | x | x |
| FR | | | | x | |
| HR | x | x | | | |
| HU | x | x | | | x |
| IE | x | x | | | |
| IT | x | x | | | x |
| LT | | | | x | |
| LU | x | x | | | |
| LV | | | | x | |
| MT | x | x | | x | x |
| NL | x | x | | | x |
| PL | | | | x | |
| PT | | | | x | |
| RO | | | | x | x |
| SE | x | x | | x | x |
| SI | | | | x | x |
| SK | x | x | | x | x |
| UK | x | x | x | | x |

Source: Feasibility study to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence. European Union, 2011. (Annex 1, Table 7). Information updated with data collected from March to June 2013, reviewed October 2013.

More than half of the Member States do not criminalise stalking under their national law. Instead, in some Member States, stalking is sometimes prosecuted under a different offence, such as harassment (BG, IE and MT), family/domestic violence (FR and PT) or (serious) threat (EL, LT and PT).

There are 14 Member States where stalking is a criminal offence (BE, CZ, DE, DK, IT, LU, NL, AT, PL, HR, HU, SK, SE and UK). Between 2006 and 2011, Germany, Italy, Austria, Poland, Slovakia and Sweden, and more recently Denmark (2012) and the UK (2012), as well as Croatia and the Czech Republic (2013), have introduced the offence of stalking as an offence into their national law. Finland, in 2014, is currently in the process of doing the same.

Stalking can sometimes be named differently, for example 'intrusive behaviour' (AT) or 'persistent persecution' (HR). In Sweden, the situation is a bit different; similarly to Croatia, the Swedish law includes the crime of 'persistent persecution'. However, it is made up of several crimes repeated by the same offender against the same victim. The crimes must aim at violating the integrity of the victim and must be one of the following: assault and battery causing actual body harm, illegal threat, illegal coercion, illegal encroachment, sexual molestation, damage or intent to damage, or disregarding a Prohibition of Visits Act.

With respect to protection of victims, Protection Orders are available for victims of stalking in many Member States even though stalking is not a separate offence in these countries. For instance, in Denmark and Finland, victims of stalking can apply for a general Restraining Order; in Estonia, victims of stalking can apply for a Restraining Order via civil proceedings; in Malta, talking can be prosecuted under harassment for which Protection Orders are available.

To end this sub-section, we would like to highlight some current and future developments in EU Member States related to the legal provision and criminalisation of the forms of gender-based violence included in this study.

The legal provision and criminalisation of gender-based violence across Member States is not static. These changes can have positive implications for administrative data collection on gender-based violence in the Member States, and therefore, across the EU. In about one-third of Member States there are plans, or have been recent developments in terms of the **legal definition of criminal offences** related to the

five incidents covered by this report, or the possibility to request a **Protection Order**.

Examples of these current and future changes in the national criminal offences of Member States include:

- In Bulgaria, there are plans for making domestic violence/ intimate partner violence and marital rape criminal offences rather than only aggravating features.
- Denmark, Hungary, Spain and Romania are planning a revision/ or reform of areas of their criminal code responsible for gender-based violence against women.
- In Denmark, several amendments, including some on sexual crimes have been proposed in a report published in November 2012 by the Danish Council, and which will take place within the current legislative period. This includes an increase in the penalty for exploiting a victim sexually.
- In Spain, there are plans to align the legal definition of domestic violence to the definition of gender-based violence under the Act on Integrated Protection Measures against Gender Violence.
- Major changes in Romanian reform include the description of sexual assault as an individual criminal offence.
- In Hungary, the penal code has introduced (July 2013) more serious punishments for violence within the family, i.e. intimate partner violence /DV as an aggravating feature.

Even though the trend has been positive generally among Member States, in contrast, Croatia recently removed 'violent conduct within a family' (which includes intimate partner violence) as a single criminal offence, and this can now only be prosecuted under other criminal offences.

There is also some movement in the framework of legal protection of victims, especially regarding intimate partner violence. Slovakia and Portugal (2009) and Lithuania (2012) established a legal framework regarding domestic violence on prevention, protection and assistance to victims ⁽¹³⁰⁾. Protection Orders for intimate partner violence have recently been introduced in Belgium, the Netherlands, Poland and Lithuania, and the legal acts providing for such protection have recently been amended in Germany and Romania. In the Czech Republic, protection orders will be introduced in the country's civil code from 2014, which is said to be inspired by German, Austrian and Slovakian law.

⁽¹³⁰⁾ Source: The Law on Protection against Domestic Violence was adopted by the Parliament of the Republic of Lithuania on 26 May 2011.



4.2 Regulatory framework underpinning administrative data collection on gender-based violence

This section describes the main rules and descriptions of institutions tasked with the regulation and coordination of administrative data collection on gender-based violence. For a better understanding of how administrative data collection is regulated, collected and provided at national level in the Member States, it is important to recognise the differences in the structure and organisation of the whole administrative systems in each country.

By having a **centralised or decentralised** administration system in place, the type of institution regulating data collection will be affected in the Member State and also the level at which the rules provided will apply (for instance, to the whole state or only to a certain region).

The majority of Member States (BG, CY, CZ, DK, EE, EL, FI, HR, HU, IE, LU, LV, MT, NL, PT, SE, SI and SK) can be described as having a centralised administrative system, with a central government prescribing national laws and policies. In ten Member States (AT, BE, DE, ES, FR, IT, LT, PL, RO and UK) their

administrative structure can be considered as totally or partially decentralised, which means that laws and policies can also come, or mostly come, from regional authorities. While a decentralised system can effectively multiply the number of administrative organisations focused or specialised in dealing with gender-based violence, it also makes the regulation and collection of comparable data across the different levels of the administrations more complex.

Therefore, even if some systems are centralised in a given Member State, it remains possible that one or more of the administrative systems (police, justice, health and/or in many cases social support) are decentralised. This is the case in some Member States with a centralised administrative system where a decentralised approach is in place with respect to gender-based violence policies, especially within the health and social services systems (for example, BG, CZ, IT, NL, SE or SK).

In the case of social services, due to the diversity in their organisation across Member States, the below table (Table 10) provides an overview of the organisation of social services in the EU-28, including information on funding, the authority coordinating it, NGO involvement and their provision in law. The complex organisation of social services in some Member States could make it more difficult to collect comparable administrative data at a national level.

Table 10: Organisation of social services in Member States

| | Social services provided for in law? ⁽¹³¹⁾ | Social services organised by (local) government ⁽¹³²⁾ ? | Social services funded by government? | Social services organised by CSOs ⁽¹³³⁾ ? |
|----|---|--|---------------------------------------|--|
| BE | | local authority | | |
| BG | X | | X | X |
| CZ | X* | central and local authorities | | X |
| DK | X* | local authority | X | X |
| DE | | | | X |
| EE | | | | |
| IE | | | X | X |

⁽¹³¹⁾ No information available for BE, EL, FI, FR, IE, IT, L, MT, PL and SK.

⁽¹³²⁾ No information available for CY, EE, FR and LU.

⁽¹³³⁾ No information available for CY, EE and FR.

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| | Social services provided for in law? ⁽¹³¹⁾ | Social services organised by (local) government ^{(132)?} | Social services funded by government? | Social services organised by CSOs ^{(133)?} |
|----|---|---|---------------------------------------|---|
| EL | | local authority | | X |
| ES | X | local authority | | |
| FR | | | | |
| IT | | | X(planned) ⁽¹³⁴⁾ | X |
| CY | X* | | | |
| LV | X | | X(planned) ⁽¹³⁵⁾ | X |
| LT | X ⁽¹³⁶⁾ | local authority ⁽¹³⁷⁾ | | |
| LU | | | | |
| HU | X | local authority | X | X |
| MT | | central authority | | |
| NL | X | | X* | |
| AT | X* | | X | X |
| PL | | central authority * | | X |
| PT | X | | X | X |
| HR | X | local authority | X | X |
| RO | X | local authority | X | X |
| SI | X* | local authority | X | X |
| SK | | local authority * | | X |
| FI | | | X* | X |
| SE | X | local authority | | X |
| UK | | | X | X |

*Mainly or solely for victims of domestic violence, family violence or intimate partner violence

Source: Data collected in March–June 2013, reviewed in October 2013.

⁽¹³⁴⁾ The government has allocated EUR 18 million within the framework of the measures laid down in the first National Plan against Gender-based Violence and Stalking, including proposals aimed at granting funds to anti-violence centres, shelters and other public and private services providing support and assistance for women victims of violence (13 million), see National Report Italy pp. 12–13.

⁽¹³⁵⁾ State funding is only allocated for child rehabilitation services. There are no State-funded shelters for women. However there are developments in this regard: On 7 May 2009 the Parliament accepted the changes in Social Services and Social Assistance Law and initially planned to start State-funded rehabilitation services for adults from 1 January 2011 Two target groups were planned — victims of violence and offenders (violent parents or violent partner). Due to lack of state funding the date was postponed to 1 January 2015. See National Report Latvia, p. 4.

⁽¹³⁶⁾ Legal aid services only (Law on State-guaranteed Legal Aid).

⁽¹³⁷⁾ Legal aid services only.



Social services regarding gender-based violence are provided for by law in 15 of the Member States (Table 10) for which this information was available (no information was available for BE, EL, FI, FR, IE, IT, LU, MT, PL, SK and UK). In half of the Member States, the governments are in some way organising social services for victims of gender-based violence. Moreover, in most of the Member States in which governments are responsible for organising such services, this is done at local level, showing the decentralisation of the social services system in Member States. This fact will impact on the collection of comparable data at national level, as it will require a common methodology among local authorities and coordinating mechanisms to collect the information. In addition, half of the Member States provide funding to organisations to provide social services to victims of gender-based violence. As a matter of fact, in the majority of Member States, in addition to government-organised social services or instead of government-organised social services, CSOs run social services, such as shelters. This form of organising social services will also affect the way in which data on gender-based violence are collected in this sector, as it will require extra efforts to coordinate and guarantee the quality, reliability and comparability of data.

4.2.1 Institutions regulating administrative data collection on gender-based violence

At national level, there is a diversity of administrative organisations rather than one main national institution to regulate administrative data collection related to gender-based violence.

These institutions can be grouped into **five categories**:

- (1) Governmental bodies implementing the national gender-based violence policy or strategy;
- (2) Governmental bodies responsible for one administrative system (i.e. health, police, justice or social services), for instance a Ministry or a body within that Ministry;
- (3) Administrative institutions specifically related to one system (i.e. health, police, justice or social services);
- (4) National Statistical Offices;
- (5) Data Protection Agencies.

Table 11 provides information on the distribution of the administrative organisations responsible for the regulation of administrative data collection (including data on gender-based violence) per Member State.

Table 11: Main institutions regulating administrative data collection in EU Member States

| | Body implementing national gender-based violence strategy / action plan | Government / relevant ministry | Police / prosecutor office | Statistical office | Data protection agency | Main institutions regulating administrative data collection |
|----|---|--------------------------------|----------------------------|--------------------|------------------------|---|
| BE | | X | | | | <ul style="list-style-type: none"> ● Federal government (gender-based violence), ● Police, Judiciary, Public Prosecution (for each type of gender-based violence) |
| BG | | X | X | X | | <ul style="list-style-type: none"> ● Ministry of Labour and Social Policy ● Ministry of the Interior (sexual assault and rape) ● Supreme Prosecution of Cassation (sexual assault) ● Commission for Protection against Discrimination, sexual harassment) ● Chief Directorate National Police (IPV only) ● National Statistical Institute |
| CZ | | X | | X | | <ul style="list-style-type: none"> ● Parliament/Chamber of Deputies ● Ministry of Justice ● Ministry of Interior/Police Presidium, ● Czech Statistical Office |

4. National legal frameworks on administrative data collection related to gender-based violence

| | Body implementing national gender-based violence strategy / action plan | Government / relevant ministry | Police / prosecutor office | Statistical office | Data protection agency | Main institutions regulating administrative data collection |
|----|---|--------------------------------|----------------------------|--------------------|------------------------|--|
| DK | | X | X | X | X | <ul style="list-style-type: none"> • Danish Data Protection Agency • Ministry of Internal Affairs/Central Personal Registry Office • National Police • National Board of Social Service (IPV and rape only) • Danish Health and Medicines Authority (IPV and rape only) • Statistics Denmark (IPV and rape only) |
| DE | | | | | | <ul style="list-style-type: none"> • There is not a single institution regulating data collection |
| EE | | | X | | | <ul style="list-style-type: none"> • Police (IPV and rape only) |
| IE | | | | | | <ul style="list-style-type: none"> • There is not a single institution regulating data collection |
| EL | | X | | | X | <ul style="list-style-type: none"> • Hellenic Police • Prosecutor Magistrate • General Secretariat Gender Equality (social services) • Hellenic Data Protection Authority (all gender-based violence) |
| ES | X | X | | | | <ul style="list-style-type: none"> • Coordination Units Against Violence on Women in all Government Delegations (gender-based violence) • General Council of the Judiciary Observatory Against Domestic and Gender-based violence (justice) • Observatory on Women's Health and the Interregional Health Council (health) • Secretary of State for Security/Deputy of Statistics (police) • General secretariat gender equality (social services) |
| FR | X | X | X | X | | <ul style="list-style-type: none"> • General Directorate on Social Cohesion • Inter-ministerial Committee on women's rights and equality between women and men • Ministry of Interior • Ministry of Justice • Police and gendarmerie • National Institute of Security Studies and Justice (INED)/National Observatory of crime and criminal justice responses • National Institute for Statistics and Economic Studies (INSEE) |



| | Body implementing national gender-based violence strategy / action plan | Government / relevant ministry | Police / prosecutor office | Statistical office | Data protection agency | Main institutions regulating administrative data collection |
|----|---|--------------------------------|----------------------------|--------------------|------------------------|---|
| IT | X | X | | | | <ul style="list-style-type: none"> ● Presidency of Council 'National plan against gender based violence and stalking' ● Ministry of Interior (police/crime data) |
| CY | | | X | | | <ul style="list-style-type: none"> ● Cyprus Police (crimes) |
| LV | | X | | | | <ul style="list-style-type: none"> ● Ministry of Internal Affairs/State Police ● Ministry of Welfare/ Social Services ● Ministry of Health/Disease Control and Prevention Centre ● Ministry of Justice/Court Administration (all data) |
| LT | | X | X | | | <ul style="list-style-type: none"> ● Ministry of Interior/Department of Information Technology and Communications (all data) ● Ministry of Interior/Police Department ● Ministry of Social Security and Labour ● Ministry of Health Care ● National Courts' Administration |
| LU | X | | | | | <ul style="list-style-type: none"> ● Ministry of Equal Opportunities (gender-based violence) ● Committee of Cooperation (gender-based violence) |
| HU | | X | | | | <ul style="list-style-type: none"> ● Ministry of Interior (all data and statistics) |
| MT | IPV | X | | | | <ul style="list-style-type: none"> ● Ministry for the Family and Social Solidarity/Commission on Domestic Violence (IPV) |
| NL | | X | | | | <ul style="list-style-type: none"> ● Government (police and justice system) |
| AT | | | X | | | <ul style="list-style-type: none"> ● Federal Criminal Police Office ● Intervention Centres |
| PL | | X | X | | | <ul style="list-style-type: none"> ● Ministry of Labour and Social Policy (IPV) ● Ministry of Justice (IPV) ● National Police (crime) |
| PT | IPV | X | | X | | <ul style="list-style-type: none"> ● Commission for Citizenship and Gender Equality (IPV) ● Republic Assembly ● Statistics Portugal |
| HR | X | X | | | | <ul style="list-style-type: none"> ● Office for Gender Equality ● Ministry of Justice ● Ministry of Interior ● Ministry of Social Policy and Youth |

4. National legal frameworks on administrative data collection related to gender-based violence

| | Body implementing national gender-based violence strategy / action plan | Government / relevant ministry | Police / prosecutor office | Statistical office | Data protection agency | Main institutions regulating administrative data collection |
|----|---|--------------------------------|----------------------------|--------------------|------------------------|--|
| RO | IPV | X | X | X | | <ul style="list-style-type: none"> Ministry of Labour, Family, Social services and the Elderly (IPV) Superior Magistrates Council (rape and sexual harassment) General Prosecutor's Office (IPV, sexual assault and rape) Police (sexual assault and rape) National Institute for Statistics (all data) |
| SI | IPV | X | X | X | X | <ul style="list-style-type: none"> Ministry of labour, family, social affairs and equal opportunities (IPV only) Supreme Court/Centre for the informatics General Police Directorate/Applications Development Division Statistical Office Information Commissioner |
| SK | X | X | | X | | <ul style="list-style-type: none"> Ministry of Labour, Social Affairs and Family/Department of Gender Equality and Equal Opportunities Ministry of Justice Ministry of Interior Ministry of Health Statistical Office of the Slovak Republic |
| FI | | | | | | <ul style="list-style-type: none"> There are no specific rules on data collection on gender-based violence, and the guidelines regarding data collection on gender-based violence are not publicly available |
| SE | | X | | X | | <ul style="list-style-type: none"> Parliament/Government of Sweden Statistics Sweden/Council of Official Statistics Board of Health and Welfare (health and social services) Board of Crime Prevention (crime) |
| UK | | X | | | | <ul style="list-style-type: none"> Home Office/Government Equalities Office (crime) |



The situation across Member States in relation to the centralisation of the regulation of administrative data is very diverse. There are only five Member States (EE, CY, HU, AT and UK) for which a unique institution regulating administrative data collection connected to gender-based violence has been identified. In contrast, administrative data collection is very disparate in eight Member States, with five or more bodies responsible for regulating the collection of administrative data (BG, DK, ES, FR, LT, RO and SK). The disparate number of authorities with a role in the process of data collection makes it problematic to agree on common terms and methodologies when it comes to gathering a picture of gender-based violence.

In the case of six Member States (ES, FR, HR, IT, SK and LU) one single government institution has been appointed to have a more central role in data collection on gender-based violence across all systems, as part of a National Action Plan or Strategy on gender-based violence. This is a positive feature in that it means that administrative data collection on gender-based violence is more likely to be coordinated. For example in Italy, the Department of Gender-based Violence, Equal Opportunities plays the role of coordinator for the implementation of the new National Plan against gender-based violence and stalking. In another four Member States (MT, PT, RO and SI) a central institution regulating data collection also exists, although it is solely focused on intimate partner violence (or domestic violence).

The responsibility for regulating data collection on gender-based violence lies with the government ministries in the majority of Member States except for seven Member States (DE, EE, IE, AT, FI, CY and LU). In this sense, the regulation of data collection in the different administrative systems (police, justice, health and social services) will be under the scope of the ministry (or unit within the specific ministry) directly related to a specific area. For example, the Ministry of Health for the health system or the Ministry of Interior for the police agencies. This approach ensures the coordination of administrative data collection within each area, however, it is weaker when it comes to making an overall assessment available.

Other institutions are involved in administrative data collection. The police and/or the public prosecution agencies play also an important role in regulating data collection in their own system in ten Member States (BG, DK, EE, FR, CY, LT, AT, PL, RO and SI), by issuing internal rules on data recording in police and/or prosecution administrative sources. The National Statistical Office plays a central role in

nine Member States (BG, CZ, DK, FR, PT, RO, SE, SI and SK), as they receive information from different administrative data sources. The role of data protection agencies is less widespread across the Member States (only in DK, EL and SI).

All these institutions are central to administrative data collection, bringing added-value from a different perspective. It is therefore important and not surprising to see that they do not operate on their own in the majority of Member States. Instead, the most common set-up is a coordinating body, with or without a mandate for gender-based violence, in conjunction with a more specialised institution.

4.2.2 Regulation related to administrative data collection on gender-based violence

The situation related to the rules on gender-based violence data collection is similar to that of the institutions regulating administrative data collection, with a broad range of rules coming from different administrations being identified instead a specific set of rules from one source. Furthermore, there are rules in place regulating administrative data collection and associated official statistics, however they are not specifically for gender-based violence but administrative data collection and statistics in general.

Since these rules emanate from different institutions, relevant ministries or specific systems — for instance, the police, National Statistical Offices and data protection agencies — they can cover different scopes (local, regional and national) and/or sectors (police, justice, health and social services).

Different institutions, and the associated differences in the regulation of administrative data leads to fragmented approaches which hinder the overall process of assessing the extent and consequences of gender-based violence. Where a body is in place to implement a national gender-based violence strategy or action plan, there is less scope for these fragmented approaches to appear.

National Action Plans (NAPs) or Strategies targeting gender equality in general or specially focused on gender-based violence (or narrowing to intimate partner violence or domestic violence), represent the main feature to regulate, support and empower the collection of administrative data on gender-based violence within Member States, together

with the rules provided by the National Statistics Offices, even though Statistical Office rules in Member States are not specific for gender-based violence but for statistics purposes in general.

Having rules that are specific to gender-based violence data collection is important because it can empower administrative data sources to report to the statistical office, as in the case, for example, of Cyprus or Sweden.

Rules from National Action Plans (NAPs)

Based on the information provided for this report, by 2011 26 Member States had implemented individual National Action Plans with measures intended to combat violence against women. In some cases these National Action Plans are general actions to combat gender equality or social exclusion. In some others, they provide a set of specific actions to prevent and/or fight against gender-based violence, intimate partner violence or sexual violence.

By 2013, based on the data available from the UN database and European Crime Prevention Network, 18 Member States (BE, CZ, DE, EE, IE, EL, FR, HR, IT, CY, MT, PL, PT, SI, SK, FI, SE and UK) had a specific NAP to combat violence against women, and four Member States (BG, LT, LU and HU) had a general national action plan for gender equality, however there is no specific information on whether gender-based violence is included or not. Denmark and the Netherlands had other strategic documents on gender equality that include violence against women; and Latvia and Romania have NAPs which combat specifically one area of violence (intimate partner violence).

Even among the National Action Plans that are more focused on gender-based violence, they do not all have a reference to data collection. In some cases the need is mentioned to increase research, knowledge and/or improve data collection, but specific requirements or minimum standards on data collection to respond to this need have not yet been provided. Two examples in this respect are found below.

In Croatia the general measures contained in its National Policy for Gender Equality 2011–15 prescribe improvements for the management of statistical data and systematic analytical monitoring of all forms of gender-based violence. The Croatian National Policy, however, does not provide for (or provide the establishment of) binding rules

specifically relating to the collection of integrated data on gender-based violence. In Slovenia, the National Action Plan for the Prevention and Elimination of Violence against Women for the years 2009–12 while stipulating among its measures the improvement of data collection and statistical evidence does not specify the requirements.

Furthermore, the general and non-binding character of the National Action Plans imply that administrative bodies are not compelled to register administrative data, and when doing so, they do not have to follow a specific and systematic methodology, not only in the collection process but also in the type of data that should be recorded.

Exceptions can be found in Spain or Ireland, where the National Action Plans explicitly foresee the future establishment of a unified system of data collection amongst the relevant agencies related to gender-based violence, in order to provide comparable and reliable data on gender-based violence among all the government departments and services.

Rules from National Statistical Office

The second main set of rules affecting data collection on gender-based violence in Member States is provided by the National Statistical Offices. All Member States have a National Statistical Office, which collates and compiles official statistics.

According to the information gathered for this study, in 19 Member States (BG, CY, CZ, DE, DK, EL, ES, FI, FR, IE, LU, LV, LT, NL, PL, RO, SK, SE and UK) there are rules regulating the development of official statistics, however these rules are not normally specific to gender-based violence incidents or data, but related to the compilation of statistics in general. No rules are in place in AT, BE, EE, HR, MT, PT and SI, and no information was available for HU and IT.

In 11 of the Member States for which rules are available (CZ, EL, FR, IE, LU, LV, LT, NL, PL, RO, SE) rules are provided for in law, therefore the rigour and quality of data collection guaranteed by law must be also applied to the official statistics produced on gender-based violence. In another four Member States (CY, EE, ES and PL), they comply with the European Statistics Code of Practice — a Code that sets the standard for developing, producing and disseminating European statistics — which assures the quality of the statistics at EU-standards level and will enable comparison.



Two relevant examples in this sense are Sweden and United Kingdom. In Sweden, the Council of Official Statistics, which sets the general quality standards of the official statistics, requires the administrative data sources to focus on the statistics usability, urging the authorities to identify the main users/usages of the data and communicate with them on the details. It leaves it to the respective authorities to identify what data should be labelled as official statistics. The Swedish Decree on Official Statistics requires that all statistics should be gender disaggregated. The United Kingdom's National Office for Statistics has a Code of Practice for Official Statistics, which establishes common statutory standards for all official statistics in the **United Kingdom**. Only those statistics deemed to be compliant with the Code of Practice will be designated as National Statistics.

Apart from the mentioned sources of rules on administrative data collection on gender-based violence, (NAPs and rules on Official Statistics), the regulation can also include sets of rules applying to specific systems or sectors, to specific forms of gender-based violence (intimate partner violence mainly) or to the exchange of information or protection of data.

Rules applying to specific administrative systems

In all Member States there are laws or rules relating to data collection adopted by the government applying to only one administrative system (i.e. health, police, justice or social services) and/or internal guidelines adopted by the administrative data sources to apply specifically to their own administration. In both cases, the focus of the regulation is not normally on gender-based violence but is more general.

Police and justice services are the systems where these sets of rules or guidelines are more broadly implemented. There are, for instance, 15 Member States (AT, BE, BG, CY, CZ, DE, EL, ES, HU, LV, LT, RO, SI, SK and UK) with rules on data collection for police services. In the justice service, specific rules regulating administrative data collection have been identified in 12 Member States (BG, EL, ES, IT, LV, LT, NL, PL, RO, SE, SI and SK).

Rules on data collection for the police and justice can come in different forms, which can affect their implementation. In some cases there is a specific provision in the criminal code or other legislation (AT and HR), sometimes they are

settled through regulations (HR and SI), orders (CZ, EE and LT) or internal guidelines (BE, CY, CZ, DE and ES) — including police circulars (BE and CY), counting rules (CY), internal instructions (CZ and ES) — or codes (BE). It is important for these rules guaranteeing the standardisation and systematic collection of data to be mandatory.

As a reference, some examples where rules on data collection in police or justice system are mandatory follow.

In Lithuania rules are provided in national law. Courts have their own standards for collecting court data according to the articles of the Criminal Code ⁽¹³⁸⁾ and data collection is managed by the National Courts' Administration. And the national standard for recording the administrative crime data is prescribed in the Order of the Minister of the Interior on Regulations of Institutional Register of Criminal Acts and it applies only to the police. In Croatia, a regulation on criminal records exists which prescribes the mandatory method of keeping criminal records and by whom (the Ministry of Justice). A regulation also exists on the implementation of Protection Orders, which prescribes record keeping by the police. In the Netherlands, the rules on registering information included in Protection Orders is laid down in the law on Protection Orders (*Wet tijdelijk huisverbod*) ⁽¹³⁹⁾, which allows victims and the police to request Protection Orders which place offenders of intimate partner violence temporarily outside the home and regulates how such requests are recorded in the municipality registers.

Additionally, in some Member States rules on data collection include regulation on the coordination between the police and justice sector to enable the harmonisation and comparison of data, and analysis and monitoring of trends and policies. In the Netherlands, in 2009 two laws were passed, which introduced a criminal justice system number (a personal number for alleged offenders). Its use is compulsory for all parties involved in the criminal justice system, including the police, courts and the public prosecutor (*Openbaar Ministerie*). A criminal justice database (*strafrechtssketen-databank* [SKDB]) was also set up, including rules on how to process and store the identity data/

⁽¹³⁸⁾ Articles 129, 135–140, 149, 145, 150 of the Criminal Code (Available at: http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=366707)

⁽¹³⁹⁾ Law of October 9, 2008, containing rules seeking to impose a temporary restraining order to individuals whose serious threat of domestic violence goes (Temporary Restraining Order Act)

details in the database. A limitation to the rules applied to the police and justice systems is that they only apply to criminal offences, and therefore exclude data collection on incidents that are not considered a crime under criminal law. This can be cases of sexual harassment or stalking in some Member States.

In the case of **health services**, the trend is the opposite, as there are few Member States that have rules in place on administrative data collection. This can be explained by the fact that recording gender-based violence incidents by practitioners attending victims is not mandatory in most Member States. One exception to this is Germany, where there are guidelines on data collection of intimate partner violence incidents to support the recording of these cases in hospitals. In other countries some specific guidance or protocols have been implemented to follow when attending a victim of a gender-based violence incident (ES, LT, NL and SK), however guidelines for recording the cases are not usually included.

In Spain a Common Protocol for a healthcare response to gender violence is available and some form of coding is done. In Lithuania, doctors in the hospitals, as well as general practitioners, are obliged to follow the 'Order on the Exchange of Information about Injured Persons whose Body Injuries Could be Related to a Crime' ⁽¹⁴⁰⁾, which requires them to inform the police in cases where the body injury appears to be the consequence of crime ⁽¹⁴¹⁾.

In some Member States (EE, LT and UK) rules are implemented to record illnesses, diseases and injuries suffered by hospital patients using the International Classification of Diseases, Tenth Revision (ICD-10), published by the World Health Organisation (WHO). This classification system enables the detection of the number of cases of physical and sexual injuries committed to female victims, and their severity. This coding system is also in place in other Member States (AT, BG, EL, ES, LV, RO and SE), however it is not used systematically.

In the case of *social services*, not many Member States provide specific legislation or rules related to the regulation of data collection. One exception is Bulgaria where the Commission on Protection against Discrimination collects data on the registered claimants for sexual harassment on the basis of legislation that regulates the types of registers that the Commission is obliged to maintain ⁽¹⁴²⁾.

In Member States where some kind of regulation has been implemented, it is possible that it is not equally applied to all administrative data sources from the social services system. For instance, in Latvia, only support services funded by the state have rules to follow, while CSOs providing social services do not have to follow these rules which causes problems for standardisation of methodology and data comparison. In Austria, data collection by intervention centres is not regulated by national law but is provided on a contract basis between the centre and funding ministries.

Specific rules for data collection on intimate partner violence

In some Member States (BE, DE, DK, EE, ES, NL, PL and RO) there are rules in place aimed at intimate partner violence, which are thus applicable for one or more organisations in different sectors registering data on that incident.

The efforts in specifically regulating data collection on intimate partner violence can be connected to the fact that, in many Member States, intimate partner violence is not a separate offence as such. However, it is considered as an aggravating circumstance of a different offence (e.g. threat or bodily injury) or it is prosecuted indirectly through other crimes. In addition, it can be under the offence 'Domestic violence' or 'Violence in the family', where other types of relationships between victim and perpetrator are included. This circumstance makes it difficult to record and produce accurate statistics on intimate partner violence, especially from police or justice sector. However, it is important to remember that the rules for intimate partner violence shows the importance that policy-makers attach to intimate partner violence in particular.

In Denmark there are specific rules in place for intimate partner violence for several institutions: the National Board

⁽¹⁴⁰⁾ Order of the Minister of Health Care, Minister of Interior and Prosecutor General on Exchange of Information about Injured Persons whose Body Injuries Could be Related to a Crime No 55/42/16, 28 January 2002.

⁽¹⁴¹⁾ Source: Communication with the Ministry of Health Care and Institute of Hygiene.

⁽¹⁴²⁾ Article 45, item 3 of the Rules for the Proceedings of the Commission for Protection against Discrimination.



of Social Service, the National Police, the Danish Health and Medicines Authority, Statistics Denmark and the Central Personal Registry. Croatia has extensive legislation in place which includes some recommendations and obligations on data collection on intimate partner violence: pursuant to the Protocol on Conduct in Cases of Domestic Violence all competent authorities covered by the Protocol (police, social welfare centres, health institutions, educational institutions, judicial bodies) are required to keep records on cases of domestic violence and according to the Law on Protection from Domestic Violence, the Ministry of Social Policy and Youth is authorised to collect, process and store statistical data in the area of domestic violence, and all competent authorities and institutions are required to submit data to the Ministry in semi-annual and annual reports. The Netherlands recently introduced an obligatory reporting code on domestic violence (including intimate partner violence), or Meldcode, for professionals in the field of education, judiciary, social services and healthcare and provides these professionals with guidelines to identify domestic violence and child abuse at an early stage and how to assess these cases (i.e. in their decision to report to the police or not). There are other more general guidelines in place prescribing police and prosecution to earmark all cases of domestic violence⁽¹⁴³⁾. Poland has legislation in place, which defines domestic violence and lays out the procedures on collecting data and information on domestic violence in different administrations⁽¹⁴⁴⁾.

Rules related to the exchange of Information and data protection

Some of the rules or regulations in place in Member States require (obligation to report) or allow (clearance to report) the administrative data source to which the rules apply to send the information to another organisation, usually the relevant government body (often a ministry or the National Statistical Office).

However the ability of administrative data sources to pass on this information to other organisations is limited by data protection law requiring confidentiality of the data produced by the administrative data sources. Almost half of

Member States (BG, CY, CZ, DE, EL, ES, NL, PL, PT, RO, SE, SI and UK) have data protection legislation in place. Some of these laws were adopted as a result of the implementation of the EU Directive on Data Protection⁽¹⁴⁵⁾ (BG, CZ, NL, PL and UK). It is important, when regulating and collecting data for statistical purposes, to comply with these specific regulations at Member State level. Normally such rules require administrative data sources to only share aggregates on, for example, the services provided or the incidence of a certain type of violence, but do not allow the sharing of confidential information on the victim, defendant or witness.

4.3 Current actions on administrative data related to gender-based violence

Several developments within the regulatory frameworks underpinning data collection on gender-based violence can be observed at national level.

In some Member States new plans or strategies related to the collection of data on gender-based violence are focused on *improvement of the methodology*. For instance, in Slovenia, two important plans have been implemented to create a comparable methodology to collect data on victims and perpetrators of gender-based violence, in cooperation with several ministries.

Coordination within and between sectors is very important as part of improvements in methodology, therefore plans need to ensure that the coordination among institutions located in the systems linked to gender-based violence is guaranteed when aiming at comparable data. Some Member States have overarching plans involving different administrative organisations in the country. For instance, Social Security Intervention Centres in Austria are combining efforts with other organisations to develop the same categories within and between organisations so that regional data can be used on a national level. In Belgium, the judicial system plans to synchronise different databases of different organisations in the future. Germany is currently working

⁽¹⁴³⁾ Source: Aanwijzing huiselijk geweld en eengerelateerd geweld (2010A010).

⁽¹⁴⁴⁾ Source: The Counteracting Domestic Violence Act as 2005 amended in 2010.

⁽¹⁴⁵⁾ Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

on establishing data processing systems that will facilitate information exchange in the justice sector, between public prosecutors and courts. In Latvia, a centralised register for social statistics purposes is under construction. In the United Kingdom, the Crime Statistics Advisory Committee was set up in 2012 and offers independent advice to organisations in the justice sector on the collection and presentation of crime data.

One important achievement in this sense is the creation of *working groups or committees* in some Member States that are specifically focused on the improvement of data collection on gender-based violence.

In Ireland, for instance, there is a national and cross-sectorial committee set up under the National Office for the Prevention of Domestic, Sexual and Gender-based Violence (COSC), which is working towards the improvement of administrative data collection. COSC is organising bilateral talks with individual participants. After this phase has been finalised, it will evaluate these consultations to reach an agreement on specific tasks, including the collection and disaggregation of sex and age specific data.

In Austria the working group GenderSTAT is coordinated and overseen by the Viennese Intervention Centre against Domestic Violence. Its overall aim is to improve administrative data collection in Austria regarding the topic of gender-based violence.

Another approach to improving data collection from administrative sources is to focus mainly on addressing *regulation, methodology and the quality of data per sector*, this is the case of Malta, Greece and Sweden, where administrative data sources from different sectors are facing developments and improvements addressing several changes.

Less ambitious, but also important, initiatives are directed to *adding new variables* with the aim of collecting additional information from the administrative sources. This is the case in Italy where there is a pilot project to report gender-based violence in first aid/emergency units, including variables to gather this information. From 2013, in France, the police and justice services have been collecting information on additional variables when recording crimes; such as the sex of victims and perpetrators. In Belgium and Poland, revised

guidelines include provisions to break down data on violence by gender in the production of official statistics.

A different approach to improving data collection on gender-based violence is to focus the development of *regulations on a specific form of violence*. This means that a comprehensive regulation covering data collection on for instance, intimate partner violence, is implemented, as is currently happening in Malta.

A third type of action is connected to the *establishment of comparable indicators*. For instance, in the case of Slovenia, they are developing a national database on indicators, and almost all ministries are involved in the implementation, meaning that the developed methodology for registration and the database will most likely be implemented across all administrative systems, resulting in comparable data across these systems.

International developments can also influence changes in administrative data. This is the case, for instance, for the Eurostat Working Group on Crime and Criminal Justice⁽¹⁴⁶⁾ which encourages National Statistical Offices to use international crime classification systems. The coming into force of the Istanbul Convention⁽¹⁴⁷⁾ appears to have triggered improvements in several cases: the Austrian Judicial Criminal Statistics are now being revised to meet the Convention's minimum standards; in Slovakia, future changes are assumed.

Changes in data collection and statistics are also triggered by national legal changes, in terms of new or redefined offences or penalties which then result in collection of additional data on these incidents, mainly impacting police and justice sectors.

When focusing on crimes, in many countries, the National Statistical Office is the driving force behind the changes in regulation to improve *data collection and statistical products on crimes*, which includes incidents on gender-based violence. For instance, in Hungary, the National Statistical Office seeks to incorporate data from outside the criminal justice system in order to get a more representative picture of gender-based

⁽¹⁴⁶⁾ Source: http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/en/crim_esms.htm

⁽¹⁴⁷⁾ Council of Europe (2011), *Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)*, Council of Europe Treaty Series — No 210, Istanbul.



violence incidents beyond those which lead to a conviction. In Bulgaria, the national statistical institute is currently implementing a system to automate the codification of incidents. In Greece, the statistical office regularly carries out user satisfaction surveys and redesigns the statistical product based on that feedback while making sure not to compromise comparability over time. In the Netherlands, where the National Statistical Office now requests more victim data from the police, recent changes in statistics methodology had a negative impact on the data for a short transitional period.

This section has outlined the legal provisions of gender-based violence at national level. It has also provided an overview of the main institutions and regulations in place that are related to gender-based violence data collection from administrative sources as well as current development in the field. The last section aims to focus on the main conclusions from the analysis done in previous sections to end up with recommendations connected to the challenges identified for the collection of administrative data on gender-based violence at EU level.

5. Conclusions and recommendations





5. Conclusions and recommendations

The EU is committed to preventing and combating gender-based violence against women. This commitment needs to be informed by data and supported in evidence on the prevalence and incidence of gender-based violence across the EU in order to develop the right policies and actions to prevent and combat gender-based violence against women and also to monitor their effectiveness. Evidence in the form of comparable data and harmonised and systematic data collection on gender-based violence is crucial but is also a challenge due to the lack of a common understanding of terms and definitions, classification systems and standardised methodologies across the EU-28.

The study, Mapping Administrative Data Sources on Gender-based Violence in the EU-28: Current Status and Potential for Collection of Comparable Data across the European Union, aims to **extend knowledge about the situation and the possibilities of administrative data collection in the EU 28** by identifying and deeply analysing the main sources of administrative data at national level, and the related statistical products. The mapping is focused on five forms of gender-based violence: intimate partner violence, rape, sexual assault, sexual harassment and stalking. The results and main findings of this study are divided into two different publications, the current one, focused on the legal and regulatory framework of data collection on gender-based violence, at international and national level; and a second report that addresses the current status and feasi-

bility of using administrative sources for collecting comparable data on incidents related to gender-based violence.

The central task of the current report is to provide a coherent analysis of the need for, the possibilities of, and the challenges of collecting harmonised and comparable administrative data on gender-based violence across the EU Member States, by focusing on the legal and regulatory framework underpinning administrative data collection on gender-based violence at international and national levels.

It provides an in-depth review of:

- the main definitions used, conceptually and legally, in the area of gender-based violence at international and national levels;
- the international commitments and current actions in relation to gender-based violence data collection;
- the international and national legal framework when it relates specifically to the collection of administrative data sources.

Preventing and combating gender-based violence is a strong EU priority, for which significant commitment exists, both in the EU institutions and at Member State-level. Data collection related to gender-based violence has been recognised as an important topic by the EU and the Council of Europe and, at international level, many attempts have been made to improve data collection on gender-based violence at the EU, European and international levels. Important steps, including the development of a set of indi-

cators to measure gender-based violence (e.g. United Nations, 2009) and the work on an international and European classification of crime (UNODC-Eurostat task force), have been taken. In addition, the EU (and its Member States) is committed to several international agreements, such as the Beijing Platform for Action (Area D: Violence Against Women), and Member States are about to be committed to the Istanbul Convention, and from 2017 must adhere to the Victim Directive requests. However, gathering comparable and harmonised data in a systematic and standardised way across the EU-28 remains a challenge.

Sources of data for measuring gender-based violence come from two main sources. It is possible to extract data from administrative organisations whose activity is linked to gender-based violence (the focus of this report), as these data provide information on *incidents*; or to rely on data collected through dedicated surveys, connected normally with *prevalence* figures. Both methods help to know more and understand better gender-based violence against women, and they provide a number of advantages and shortcomings. In the case of administrative data, the main limitation is that it does not show the real picture of gender-based violence due to the high number of unreported incidents related to gender-based violence against women.

Administrative data on gender-based violence exist within all Member States and are collected from different institutions that deal with victims and/or perpetrators, and are located in one of the following sectors or systems: *police* (e.g. municipal, regional and national police); *justice*, (e.g. courts, prosecution offices, criminal and civil justice, and prisons); *health*, (e.g. medical centres and emergency services); *social services*, including the social services of protection, support and assistance (e.g. victim support centres, shelters, legal and psychological counselling, and helplines) and social welfare institutions (e.g. subsidised housing, employment aid and welfare benefits); and a fifth sector named '*Others*', where Civil Society Organisations (CSO), administrative bodies, (i.e. ministries of labour or gender equality) or independent institutions (i.e. an ombudsperson) that do not fall under any of the previous categories have been placed.

This report brings together the various legal and regulatory frameworks operating in Member States in relation to gender-based violence administrative data collection across all the mentioned systems. It provides valuable information on the various practices in Member States. The aim of this information is to support policy-makers across Europe by providing a map of the current legal and regulatory frame-

works which underpin efforts to collect harmonised and comparable data on gender-based violence from administrative sources across the EU.

At EU level the collection of harmonised and comparable data from administrative agencies connected to gender-based violence enables:

- knowing more about gender-based violence, its extension and nature;
- monitoring, assessing and evaluating the implementation of legislation and policies; the effectiveness of prevention, protection and prosecution measures; the extent of services and the use and demand from victims, their adequacy and quality; and the societal responses to violence against women;
- providing a basis for estimating the administrative cost of violence against women, making it easier for the authorities and institutions to take budgetary and staffing decisions.

5.1 Conclusions

The feasibility of harmonising and collecting comparable administrative data across the EU-28 is directly a product of consistency in legal and regulatory frameworks, both at EU level and in the Member States.

A supranational regulation on gender-based violence data collection from administrative agencies does not yet exist although the Victims' Directive provides a binding act to start this process

Despite the commitment of the EU in combating gender-based violence, and repeated mentions by different EU bodies of the lack of comparable data on gender-based violence across the EU, there is still no regulation that makes the collection of administrative data on the different forms of gender-based violence mandatory and which guides the process and methodology to use to make comparison possible across the EU-28. Currently, the only binding act for data collection on gender-based violence at the EU level is Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.

Its preamble (paragraph 64) reiterates the importance of systematic and adequate statistical data collection, stating that it is an essential component of effective policy-making



in the field of victim rights, including at least the number and type of the reported crimes and, as far as such data are known and are available, the number, age and sex of the victims. It specifies the types of data sources to be used for the statistical data sent to the Commission, namely judicial authorities, law enforcement agencies, healthcare and social welfare services and public and non-governmental victim support or restorative justice services and other organisations working with victims of crime. Moreover, Article 28 of this Directive requires Member States to communicate data on how victims (including victims of gender-based violence) have accessed the rights set out in the Directive, from 2017 and every three years thereafter. The Victims' Directive includes also an EU-wide definition of gender-based violence and violence committed in close relationships.

Substantial differences in legal definitions of forms of gender-based violence prevent measurement in a comparable way across the EU Member States

Member States do not each use the same terms, nor define different forms of gender-based violence in the same way in their national law. These substantial differences in legal categorisation and definition make the compilation of data and statistics based on legal definitions challenging.

Terminology itself is problematic across Member States. Definitions of related terms such as specialised support services, shelters, or concrete behaviours that define, for instance *physical violence*, vary broadly across Member States.

Legal definitions of different forms of gender-based violence vary substantially among Member States. For example, in the case of intimate partner violence, some Member States use the term 'domestic violence', while others refer to it as 'family violence' in their national law. In the case of sexual violence, rape and sexual assault, other terms used can be 'sexual violence', 'sexual offence' or 'sexual abuse'. For stalking, some other legal terms used nationally are 'intrusive behaviour' or 'persistent persecution'. In addition, this research project confirmed that it is possible to distinguish between sexual harassment and stalking.

What is included within legal definitions also matters greatly. For example, in some Member States, intimate partner violence will only encompass physical violence, while in others a broader definition is used which includes economic and physiological violence. Added to that, intimate partner violence can cover current intimate partners but in

some Member States' legal definitions also cover ex-partners, or can refer only to married couples or also extend to intimate partners that are not married.

Without a common understanding of the terms and definitions used for data collection and statistical purposes across the different administrative sectors, the collection of harmonised data on gender-based violence by administrative sources will remain impossible at EU level.

Gender-neutrality in legislation ignores the power relations between women and men that underpin gender-based violence, negatively affecting data collection

Legislation in the majority of Member States, and for most forms of gender-based violence is gender-neutral. The information on the sex of the victim and the perpetrator is a prerequisite to identifying incidents of gender-based violence.

Since it is up to data producers and compilers to make this distinction visible in their data, this information is not systematically collected. This makes it almost impossible to measure gender-based violence in statistics obtained through such administrative data where these follow the prevailing legal definitions in Member States adopting a gender-neutral approach.

Criminalised incidents are more likely to be recorded by administrative data sources

A strong link exists between the criminal and administrative collection of data. Where incidents are criminalised, the registration of the incident is more likely and data collection on gender-based violence occurs in a more systematic way. In contrast, this means that administrative data is therefore more patchy where incidents are not criminalised.

This correlation is very clear in agencies located in police and justice services. Differences in how each Member State prosecutes, under their criminal law, different forms of gender-based violence will impact the process of collecting administrative data.

Given that not all forms of gender-based violence are criminalised in the same way across Member States, this means that there may be serious difficulties in collecting data on the specific incidents or behaviours that define each form of gender-based violence. In several Member States, sub-categories

of gender-based violence incidents covered by this study are listed in the Member State's criminal law (as a separate criminal offence or an aggravating feature), while in other Member States these incidents appear in civil law (often regarding protection orders), or they are prosecuted indirectly through other types of crimes, making them less likely to be recorded. For example, only a few Member States considered intimate partner violence as a separate crime, and in most of them it falls under the scope of domestic violence or family violence. In some Member States intimate partner violence is considered only an aggravating feature; or can only be prosecuted indirectly under other crimes. In the case of sexual violence, two of the forms considered as sexual violence (rape and sexual assault), are criminalised in all EU-28 Member States. Sexual harassment, in turn, is criminalised as such, in less than half of the Member States. And stalking is a separate criminal offence in fourteen Member States but is sometimes named differently.

Regardless of whether forms of gender-based violence are addressed in separate legislation or in one piece of legislation, a comprehensive legal framework must be applicable to each form, including measures for the prevention of violence, protection and support of the victim, and punishment of the perpetrator, as well as measures to ensure the thorough implementation and evaluation of the law (United Nations, 2009⁽¹⁴⁸⁾). This cannot be ensured without comparable data.

Commitment to combating gender-based violence through a National Strategic or Action Plan goes together with better coverage of administrative data on gender-based violence

The legal and regulatory framework within which Member States approach the different types of gender-based violence impacts on the practice of data collection. In those Member States where gender-based violence is poorly covered in national legislation, data collection is more limited in coverage, timeliness, accuracy and quality. Conversely, in Member States and sectors with clear coverage and concern about gender-based violence incidents at national level, administrative organisations are required to collect relevant data on gender-based violence and, where appropriate, to share information.

In total, 18 Member States had specific National Action Plans or strategies to combat violence against women, some of them stressing the need for data collection. However, these provided few general guidelines for a systematic and common methodology across systems and organisations, if any, in the collection of administrative data on gender-based violence for statistical purposes.

Therefore, the absence of a regulatory framework specifically related to gender-based violence administrative data collection in Member States, and the lack of common guidance underpinning data collection on gender-based violence do not sufficiently enable the collection of comparable data on gender-based violence across the different administrative data sources in EU Member States.

Increasing regulations on administrative data collection in gender-based violence at national level is key to achieve greater comparability of administrative data across the EU

In all Member States there are some rules in place regulating administrative data collection and the associated official statistics, often not set in law (but rather captured in national action plans or internal guidelines) and not specifically targeted at data collection on gender-based violence. Specific rules are highly conducive to achieving data that is comparable within a Member State, which in turn increases the feasibility of achieving comparable administrative data across Member States.

The majority of Member States have general policies in place regarding collection of data within the police system, and some of them in the justice system, which would include data collection on gender-based violence. However, these policies often exclude data collection on incidents that are not criminalised, hence are not all-encompassing. Within the health system and social services systems, collection and management of administrative or statistical data on gender-based violence is often carried out at local or sub-national level and national requirements do not exist. In some Member States there are rules in place aimed at data collection only on intimate partner violence across all sectors, thus applicable for all organisations registering data on that incident.

⁽¹⁴⁸⁾ Source: UN Handbook for legislation on violence against women. 2009. Available at: [http://www.un.org/womenwatch/daw/vaw/handbook/Handbook %20for %20legislation %20on %20violence %20against %20women.pdf](http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf)

**The regulation and collection of administrative data is hampered due to the lack of a specific institution or defined inter-sectorial mechanisms in place coordinating the process**

A main institution regulating administrative data collection exists in only a few Member States. In most Member States, instead the responsibility for regulating data collection from administrative sources on gender-based violence lies with the government ministries, and in most cases is focused on specific sectors, with a lack of intersectorial coordination on this specific issue.

In some Member States there are specific bodies or institutions that are focused on coordinating administrative data collection and dissemination, whether at a sectorial level or covering all sectors. These institutions are responsible for the data processing, periodic dissemination, exploitation and inclusion of data in statistical and qualitative studies by professional groups, institutions and administrations. In many countries, the National Statistical Office appears to be the driving force behind changes in improving data collection and statistical products, not specifically for gender-based violence, but in general. It has a central role in regulating data collection for statistics, as they receive information from different administrative data sources, which would enable the coordination, control and supervision of collecting the relevant administrative data from agencies of different systems, if they are thinking of harmonising and collecting comparable data.

The police and/or the public prosecution agencies play an important role in regulating data collection in their own system in ten Member States, by issuing internal rules on data recording in police and/or prosecution administrative sources. However, there is a lack of systematic coordination between systems to guarantee the availability and quality of data collected by the different agencies interacting with victims or perpetrators of gender-based violence. This fact is widespread among different administrative sources, even for instance between police and justice services, which are the sectors most connected. As highlighted by the Council of Europe, without systematic coordination, progress in administrative data collection is difficult (Council of Europe, 2008).

The decentralisation of governments or systems makes it more difficult to collect, coordinate and compile data in a comparable way across different levels

One important difficulty for collecting comparable administrative data on gender-based violence across the EU, is the decentralisation of the government as a whole or some of the sector or systems in some Member States, especially social services and NGOs, which affects the coordination of administrative data collection at a national level.

It results in a high number of administrative organisations with responsibilities for working with victims and perpetrators of gender-based violence. This heterogeneity makes it more difficult to collect and compile data in a comparable way across different levels of government and more difficult to coordinate the collection and compilation of data in a harmonised and comprehensive way across Member States.

Confidentiality rules represent an important obstacle faced by data compilers

Data protection agencies are involved at some level in the regulation of administrative data collection, particularly in the health and social support services, because of the sensitivity of patient and services' user data. This fact make it more difficult and complex to access the data and information from National Statistical Offices and other institutions working on statistics productions. In many cases, dissemination of data to third agencies needs to be mandatory or regulated to enable the exchange of information while guaranteeing the data protection of both victim and perpetrator.

In addition, the safety of the victim is a priority among social and healthcare institutions which also adds difficulties to the access or use of primary or raw data.

5.2 Recommendations

A specific institution or defined intersectoral mechanisms are needed to coordinate data collection in each Member State

The implementation of a specific institution, group or mechanism of coordination will guide and support the production and dissemination of statistics on gender-based violence. The main goal of this coordinating system should be to guarantee the independence of the statistical production, the coordination of data collection among different systems, the agreement on common definitions and standardised and systematic methodologies, as well as ensuring the quality of data.

One development that could serve as a model for other Member States is the setting up of working groups to coordinate improvements in administrative data collection on gender-based violence. This is already implemented in some Member States where different National Working Groups or Committees have been set up to coordinate improvements in the statistical products and to establish harmonised information systems related to gender-based violence service-data

Common terms and definitions for administrative data collection and statistical purposes in relation to gender-based violence need to be agreed among EU Member States

At Member State level, the main coordinating institutions in gender-based violence data collection, for instance, the National Statistical Offices if there is no other administrative body, should agree and use common definitions for statistical purposes, drawing upon but independent of the legal definitions of the different forms of gender-based violence for the purpose of collecting comparable administrative data at European level from different sectors or systems (police, justice, social services and health).

This can be supported by setting-up a task force facilitated by the EIGE in conjunction with Eurostat for the purpose of building a common understanding among EU-28 in the definition of gender-based violence and the forms of gender-based violence for statistical purposes.

The introduction of a standard crime classification system, including crimes related to gender-based violence, for statistical purposes across the EU is needed

Having referenced the work done by the UNECE Task Force that developed the first International Crime Classification Framework for statistical purposes ⁽¹⁴⁹⁾, approved in June 2012; and using Eurostat as the driving force to enable this action and its Working Group on Statistics on Crime and Criminal Justice, the development of a crimes classification system, including crimes related to gender-based violence, focused on statistical purposes is needed.

A useful resource to use as reference is the UN Manual for the Development of a System of Criminal Justice Statistics of the Department of Economic and Social Affairs, Statistics Division of the United Nations which makes a clear distinction between international classifications of crime for statistical purposes, as opposed to legal definitions of crimes.

In addition, as the Istanbul Convention has triggered actions for data collection on gender-based violence in a number of Member States already, which will enter into force on 1 August 2014, it could be used as a starting point, as it includes not only a definition of gender-based violence against women but also the categories of crime related to gender-based violence relevant within the scope of this report:

- Article 34 — Stalking;
- Article 36 — Sexual Violence, including Rape;
- Article 40 — Sexual Harassment;
- Articles 52 and 53 — partly cover domestic violence, including intimate partner violence.

The same definitions as in the Istanbul Convention are used at EU level in Directive 2012/29/EU for intimate partner violence and in Directive 2006/54/EC for sexual harassment. This shows some consistency for these definitions across the EU, and their further implementation and use could substantiate their meaning.

⁽¹⁴⁹⁾ UNODC/UNECE Task Force on Crime Classification to the Conference of European Statisticians, *Principles and Framework for an International Classification Of Crimes for Statistical Purposes*, June 2012. (Available at: http://www.unodc.org/documents/data-and-analysis/statistics/crime/Report_crime_classification_2012.pdf)



Moreover, the distinction between sexual harassment and stalking should be maintained in the categories and definitions of forms of gender-based violence for statistical purposes across the EU 28.

Guidelines regulating administrative data collection on gender-based violence from different sectors and across the EU-28 need to be provided

The EIGE and Eurostat play a key role in the development of these guidelines, and the support of EU institutions and EU Member States for their implementation through a formal mechanism is crucial in this respect. The EIGE, as the Centre of Knowledge in the EU on gender issues, can provide evidence-based information and expertise on gender-based violence data collection. Eurostat, as the institution collecting data and providing statistics at EU level, should support Member States in the implementation of formal processes that guarantee the reliability and quality of data and methodology.

In the social and health services, where it is more difficult to collect information, it is important, to facilitate women to report violence, at the same time as ensuring that their privacy and safety are respected and guaranteed during that process. This includes respecting women's right not to

report a gender-based violence incident. Therefore, guidelines improving administrative data collection on gender-based violence across the EU need to recognise the limits involved in making data collection compulsory (for example by social services) without infringing upon victims' fundamental rights (including the right not to report and to remain anonymous).

One way of dealing with this challenge is to combine data on identified victims with 'presumed' victims. This approach was adopted by the European Commission in its data collection efforts on trafficking in human beings ⁽¹⁵⁰⁾. However, disseminating data on gender-based violence does not mean that privacy policies are being violated. As long as the disseminated data are anonymous, i.e. as long as no personal data on the individual can be extracted, it could comply with most data protection legislation. Therefore, a balanced approach needs to be taken when collecting administrative data from across Europe that respects the privacy of the victim, and the privacy of perpetrator data, but also allows for dissemination of meaningful information

⁽¹⁵⁰⁾ UNODC/UNECE Task Force on Crime Classification to the Conference of European Statisticians, Principles and Framework for an International Classification Of Crimes for Statistical Purposes, June 2012. (Available at: http://www.unodc.org/documents/data-and-analysis/statistics/crime/Report_crime_classification_2012.pdf)

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