



The study to identify and map existing data and resources on sexual violence against women in the EU



This report is based on a study carried out by the European Women's Lobby, in particular by the following research team: Colette De Troy, Andrea Matolcsi and Rada Borić. Professor Elizabeth Kelly provided technical expertise. The study was carried out for use by the European Institute for Gender Equality (EIGE). The work on the report was coordinated by Jurgita Pečiūrienė with

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Introduction

Sexual violence against women continues to be one of the most brutal forms of gender-based violence, while at the same time being very much a taboo subject. Victimisation research shows that a great majority of sex crimes remain undisclosed. The European Parliament resolution of 26 November 2009 on the elimination of violence against women¹ and ‘the Council of the European Union’s conclusions of 8 March 2010 on the eradication of violence against women in the European Union’ highlight the lack of regular and comparable data on violence against women in the European Union. In particular, there is an evident lack of available and systematically collected data on sexual violence. Women who have experienced sexual violence still face secondary victimisation in their contacts with the police, prosecutors, judiciary and healthcare institutions because of, among other things, the lack of intervention protocols and training on sexual violence for professionals. It is an EU priority to undertake effective actions to stop sexual violence. Therefore, EIGE undertook the first EU-wide study on sexual violence in order to provide policymakers and experts with reliable information, data and resources which will help them to combat and prevent sexual violence more effectively.

The study was commissioned by EIGE and was carried out by the European Women’s Lobby in

2011. The study focused on the following forms of sexual violence against women – rape, marital rape, sexual abuse/assault, sexual coercion and sexual harassment outside the workplace – and covered resources used by the Member States and Croatia between 2007 and 2010.

As a result, a database on sexual violence has been developed. The database includes reliable and valuable information on sexual violence in the EU and Croatia, such as:

- European and international resources;
- studies focusing on different aspects of violence against women, including rape, sexual assault/abuse/coercion and/or sexual harassment;
- non-governmental organisations and their resources on sexual violence;
- materials for professionals;
- materials for victims of sexual violence;
- awareness-raising campaigns and the actors involved.

This collection of data is made accessible through EIGE’s homepage and through its Resource and Documentation Centre.

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Background of the study

Sexual violence has been recognised as one of the main forms of violence against women, defined by the Beijing Platform for Action (1995) as: ‘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’⁽¹⁾. The recognition and legal definitions of sexual violence have evolved over time. Historically, sexual crime has often been addressed as an issue of morality, public decency and honour, and was viewed as a crime against the family or society, rather than a violation of an individual’s bodily integrity.

There is no universally agreed definition of sexual violence. The United Nations adopts a wide understanding of sexual violence, encompassing rape, sexual assault, sexual harassment, early and forced marriage and female genital mutilation. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence⁽²⁾ describes the conducts that fall within the scope of sexual violence, including acts committed against former or current spouses or partners, as follows:

- ‘engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object;
- engaging in other non-consensual acts of a sexual nature with a person;
- causing another person to engage in non-consensual acts of a sexual nature with a third person’.

The *Feasibility study to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence*⁽³⁾ shows that whilst the concept of force is still the most common element in the legal definition of rape across the 27 Member States⁽⁴⁾, in many jurisdictions this has been extended to encompass contexts in which the use of actual force is not needed to prove a crime has taken place. It should also be noted that according to modern criminal law opposition is not a necessary condition for a sexual act to qualify as rape, but rape is rather defined as an act of a sexual nature without the free consent of a person involved in it. Therefore, in the EU the basic components of the legal definitions of rape – force or lack of consent – vary and there is considerable variation in the acts that can be prosecuted as rape.

The extent to which other forms of non-consensual sexual behaviour besides rape are criminalised is also different across Member States. This includes the use of differing legal terms – ‘sexual assault’, ‘sexual coercion’ and ‘sexual abuse/misuse’ to name just three. As a consequence, it is virtually impossible to make direct comparisons across data sets, since the same concept will have a different definition depending on the jurisdiction. It also means that women have access to different degrees of protection across the EU depending on the range of acts that are deemed in law to be criminal.

(1) UN Women, United Nations Entity for Gender Equality and the Empowerment of Women, ‘Beijing Declaration and Platform for Action’, 1995 (<http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>) (accessed 19 October 2011).

(2) Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, April 2011 (<https://wcd.coe.int/ViewDoc.jsp?id=1772191>).

(3) Hagemann-White, C., Kelly, L. and Römkens, R., *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 Commission, Publications Office of the European Union, Luxembourg, 2010 (http://ec.europa.eu/justice/funding/daphne3/daphne_feasibility_study_2010_en.pdf) (accessed 19 October 2011).

(4) *Ibid.* p. 52.



Methodology

For this study, the data and resources were identified and collected by national experts using a unified questionnaire focusing on the types of sexual violence, the existing data and resources at national and local levels. The experts collected data and information at a national level from NGOs, academic research, prevention campaigns, databases of relevant actors and materials for professionals and victims, as well as criminal statistics on sexual violence against women.

Experts were asked to collect information on: whether official criminal statistics were sex-disaggregated, and if so, what proportion of victims

and defendants/accused were female and male; whether the criminal statistics included information on the relationship between the victim and the defendant/accused (partner/ex-partner, family member, other known person, stranger); and whether they included information on the context of the recorded cases of sexual violence. The database on criminal statistics on sexual violence will be updated and made publicly available by July 2013. For other resources and information, please visit EIGE's website: <http://www.eige.europa.eu/content/study-to-identify-and-map-existing-data-and-resources-on-sexual-violence-against-women-in-the-EU>.



Overview of collected data

Sexual violence in national legislation

The way sexual crimes are defined affects prosecution as well as the existence of data and the possibility to use it, rendering comparisons between Member States difficult. While mapped information shows that rape is criminalised in all Member States, few EU countries recognise other forms of sexual violence, such as sexual abuse, sexual coercion and sexual harassment outside the workplace, as crimes. Moreover, it is not always clear what exactly the crimes cover, as sometimes the terms and categories used are vague (e.g. 'abduction', 'offences against decency', 'crimes against morals', 'sexual abuse of authority/position' or 'powerless/defenceless').

Data collection – official statistics

Reliable data collection is a prerequisite for an understanding and estimation of sexual violence in the EU, and most importantly for evidence-based development of policy and legal measures against gender-based violence.

The study reveals that criminal statistics on sexual violence are often not separated according to the type of sexual violence, making it difficult, if not impossible, to have an overview of various sexual offences committed against women in the EU. For example, marital rape is generally not recorded as a separate statistic by Member States: many EU countries publish statistics under one general category of 'sexual offences', which sometimes encompasses crimes against children as well.

The majority of these data are not disaggregated by sex, which means that it is not possible to discern what proportion of reported cases, prosecutions and convictions of sexual violence were perpetrated against women in those countries. Where the criminal statistics are disaggregated by sex, it is more commonly so for defendants/accused than for victims. Fewer than ten Member States provide sex-disaggregated data on victims of rape or infor-

mation on the relationship between the victim and perpetrator or on the context of violence (e.g. the location where it occurred).

The data on sexual violence are not harmonised at the EU-27 level, and therefore they cannot be easily and effectively compared. Additionally, the main challenge for EU harmonisation of the data is the use of different legal definitions of sexual violence.

Resource materials for professionals

The study mapped over 30 accessible handbooks and training programmes on sexual violence for professionals and over 20 intervention protocols for various professional actors, from all EU Member States. The research showed that there are significant differences between Member States in providing materials for professionals dealing with sexual violence.

Very few countries have sexual violence training included in the initial training curriculum for the future key actors who will be confronted with sexual violence, such as the police, prosecutors, judges, forensic examiners, health practitioners and social workers. Training modules for specialists are somewhat more widespread, but again with huge differences between countries.

Intervention protocols aim to assist the involved actors and service providers in delivering a higher quality of services to victims of sexual violence, giving guidelines on how to intervene in the immediate period after the violent act took place and how to support and question victims in a respectful way at different stages of the process. Seven Member States have developed protocols for the police and Member States have intervention protocols for forensic examiners or health practitioners.



Materials for victims of sexual violence

Women victims of violence frequently do not seek justice due to the lack of available information and support, or because of feelings of shame and fear of not being heard or even being revictimised by the criminal justice system⁽⁵⁾. Therefore, it is important to provide materials informing the victim what to do immediately after the sexual assault, how to deal with myths regarding sexual violence and how to gain access to various services and support. The study mapped over 50 materials designed for victims of sexual violence issued by governmental bodies, including the police or prosecutor's office and civil society organisations. The mapping of data also showed that 17 Member States have developed materials specifically designed for victims of sexual violence.

Awareness-raising campaigns

Campaigns are critical to prevent violence against women, not only by raising awareness of what constitutes violence and its unacceptability, but also to challenge the underlying attitudes and behaviours which support it. The study mapped over 30 awareness-raising campaigns on violence against women and sexual violence. While the majority of Member States have organised awareness-raising campaigns on violence against women with a component on sexual violence, 10 have organised a campaign focused on sexual violence and a few have developed campaigns on specific sexual violence issues, such as dating violence (Denmark), marital rape (France) or date rape drugs (Germany).

Actors involved

One of the objectives of this study was to create a database containing information on actors that are currently working on sexual violence to a significant extent and specifically on rape, sexual assault/abuse, sexual coercion and/or sexual harassment outside the workplace. The study identified and mapped over 100 public and civil society organisations working on sexual violence in general. Although the majority of actors included in the database work primarily on sexual violence, many also work on broader issues such as domestic violence/interpersonal violence/violence against women or violent crime. Some countries, such as the UK and Ireland, have many actors specialising in sexual violence prevention and provision of services for victims, while other Member States have no organisations offering any professional services or programmes in this area. For example, only 14 Member States have one or more NGOs primarily dealing with sexual violence. The types of services such actors provide are mostly focused on counselling and victim support and a few on research and collection of resources.

European and national studies

The study mapped over 100 international and national research studies on sexual violence and found significant differences between Member States. While some have developed studies on sexual violence, others covered broader topics, such as gender-based violence or violence and health.

Most of the studies identified in the area of sexual violence focus on general attitudes while several cover the prevalence of sexual violence and the analysis of criminal proceedings and the judiciary system. Some research studies focus on the evaluation of various programmes and policies or collected qualitative data on women's experience with sexual violence. Additionally, there is very limited research on various target groups affected by sexual violence (women with disabilities, women of different ethnicities, young women, married women, etc.).

(5) Regan, L. and Kelly, L., 'Rape: Still a forgotten issue', Briefing document for the 'Strengthening the linkages – Consolidating the European network project', Child and Woman Abuse Studies Unit, London Metropolitan University, 2003 (<http://www.rcne.com/downloads/RepsPubs/Attritn.pdf>) (accessed 19 October 2011).

Problems and challenges encountered

The main problem is the lack of available and systematically collected data on sexual violence. Moreover, where data on sexual crimes do exist, they are sometimes not disaggregated by offence; for example, in some countries, statistics on sexual violence are combined with violent crimes of a non-sexual nature in broader categories.

Another challenge is related to the fact that in some Member States official data and statistics on sexual violence are not centrally stored and published but instead are scattered among various state actors, making their collection more difficult and the data often not comparable. Moreover, they often refer to different categories: for example, some measure by offence, while others measure by offenders.

Furthermore, the complexity of governmental systems in some EU Member States can have an impact on how sexual offences are defined in legislation, how data collection is organised or what the measures available for protection and prevention are. For instance, due to three different legal systems, there are no general 'UK data': the statistics from Scotland, Northern Ireland, England and Wales are reported separately ⁽⁶⁾.



⁽⁶⁾ http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Crime_trends_in_detail



Conclusions

The study mapped:

- over 30 accessible guidelines, handbooks, training programmes, manuals and other materials for professionals dealing with sexual violence, such as police, prosecutors, judges, forensic examiners, social workers and health practitioners;
- over 50 materials designed for victims of sexual violence, developed by both governmental and civil society bodies;
- over 30 awareness-raising campaigns and NGO reports on gender-based violence and sexual violence;
- over 100 governmental and civil society actors working on sexual violence in the EU and Croatia;
- over 100 international and national research studies and resources on sexual violence;
- available criminal statistics on rape, marital rape, sexual abuse, sexual coercion and sexual harassment outside the workplace in the EU and Croatia.

The main findings of the study:

- There is a lack of available and systematically collected data referring specifically to sexual violence.
- Most often, criminal statistics are not sex-disaggregated, or separated by types of sexual violence, making it impossible to discern the cases of sexual violence committed against women. Moreover, official sources of data generally do not provide information on the relationship or links between aggressors and victims.
- Official criminal statistics on sexual violence are not easily accessible, centrally stored or published in the countries, but rather scattered among various state actors.
- There are significant differences between Member States in providing materials for victims of sexual violence and for professionals dealing with sexual violence. While some Member States have several actors and resources on sexual violence, others are lacking specialised services and materials.
- Overall, few Member States have developed intervention protocols for professionals (police, forensic examiners, etc.) or awareness-raising campaigns specifically on sexual violence, provided training programmes for a variety of professionals or included training on sexual violence in their initial qualification.
- There is a lack of research studies focusing specifically on sexual violence or covering various target groups affected by sexual violence (women with disabilities, women of different ethnicities, young women, married women, etc.).

Recommendations

Based on the existing guidelines and indicators, the recommendations to assess and evaluate the state of existing data and resources on sexual violence against women are as follows:

- Develop official statistics and data collection activities and methodology in consultation with a wide range of stakeholders to ensure that the data are relevant to them and ensure multisectoral, interagency coordination of the development, implementation, monitoring and evaluation of data collection.
- Gather relevant age and sex-disaggregated data regularly.
- Make available up-to-date research in the field of sexual violence against women in order to study its root causes and effects, incidence and conviction rates, as well as to evaluate measures taken to prevent sexual violence and to protect women.
- Ensure that national statistical offices or relevant ministries play an important role in setting standards, providing for consistency of concepts, collecting data at regular intervals and disseminating data widely and regularly.
- Implement population-based surveys on violence against women with specific sexual violence surveys covering childhood and adulthood.
- Promote specific training for a variety of professionals from justice, police, health and social sectors with a focus on treatment of victims and awareness of stereotypes attached to sexual violence (prevention of secondary victimisation) and with the aim of ending impunity for perpetrators. Recognise and apply minimum standards for sexual violence-specific services.
- Ensure that effective and sustainable prevention strategies target different groups of people and are reinforced across a range of settings – from public awareness campaigns to educational programmes in schools, in local communities and in the media.



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