



REPORT ON THE WEBINAR

Administrative Data Collection and Analysis on Violence against Women and Domestic Violence



ACTION ON FOSTERING A COMPREHENSIVE
INSTITUTIONAL RESPONSE TO VIOLENCE
AGAINST WOMEN AND DOMESTIC
VIOLENCE IN TURKEY

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Administrative Data Collection and Analysis on Violence against Women and Domestic Violence

Biljana Brankovic
Council of Europe International Consultant

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INTRODUCTION

Webinar on “Administrative Data Collection and Analysis on Violence against Women and Domestic Violence” was organised on 30 November 2020, as part of the joint action “*Fostering a comprehensive institutional response to violence against women and domestic violence in Turkey*”. The action is funded by the European Union and the Council of Europe and implemented by the Council of Europe (within the “*Horizontal Facility for the Western Balkans and Turkey 2019-2022*”), together with the Ministry of Family, Labour and Social Services, Ministry of Justice and Ministry of Interior of Turkey.

The webinar brought together national and international stakeholders to discuss guiding principles and methods of administrative data collection, dissemination of data and evidence-based policy making to effectively prevent and combat violence¹ against women and domestic violence, in light of national and international standards, including the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).

The purpose of this report is to provide an overview of experiences and (potential) promising practices from different **countries in Europe**, as presented at this webinar, which may be inspirational to Turkish authorities in strengthening their efforts to further develop administrative data collection and research on violence against women in Turkey. For the same reasons, relevant sources on data collection, which were mentioned by speakers at the webinar (but without further elaboration, due to time constraints) are explained in more detail, and the list of potentially useful resources (suggestions for further reading, including links) is provided at the end of this report.

A reminder – purpose of data-collection in line with the Istanbul Convention and the requirements of the Article 11

The Istanbul Convention sets a principle that combating violence against women requires evidence-based policy-making (as specified in Article 11). This implies that data-collection models are means that should be used to:

1. Identify gaps in implementation of laws and policies;
2. Guide policy-making: create proposals for improving application of laws, and for revising policies.

Improvement of data collection can be seen as the principle instrument for assessing whether the laws and policies reached an intended impact. In order to follow the “letter” and “spirit” of the Convention, entities responsible for data-collection might be inspired by the vision of the Convention, including the idea that making efforts to collect administrative data and to carry out research (including both prevalence surveys and policy research) should not be “isolated” and carried out in a “vacuum”, but coordinated and inter-connected. Requirements of the Article 11 should be viewed within a wider framework of the Convention and all efforts in this regard should be undertaken taking into account provisions contained in the Article 7 (Comprehensive and co-ordinated policies). It should be thus kept in mind that the Article 11 is placed under Chapter II of the Convention (Integrated policies and data collection), which indicates how drafters of the Convention perceive its relevance.

¹ Article 3(b) of the Istanbul Convention defines “domestic violence” as “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”. According to Article 2 of Law no 6284 on Protection of Family and Prevention of Violence against Women in Turkey, “domestic violence” means “all acts of physical, sexual, psychological and economic violence that occur within the family or domestic unit or between other family members whether or not the perpetrator shares the same residence with the victim of violence”.

Article 11 of the Istanbul Convention requires:

1. To systematically collect statistical data on all forms of violence covered by the Convention, from all relevant administrative sources: the police, prosecution, courts, health-care centres, social services, specialist services, such as shelters, national help-line(s), etc. Administrative data should be comparable across different sectors (for example, police and judiciary) and available to public.
2. To collect information on prevalence² of all forms of violence covered by the Convention (based on population surveys), as well as, to conduct research on the efficiency of measures (laws, policies) taken to implement the Convention (for example, a research on conviction rates).

The drafters of the Convention considered it important to highlight the distinction between population-based surveys and statistical administrative and judicial data as they serve different purposes and answer different questions (Explanatory report, paragraph 79). While the first can shed light on the level of severity and frequency as well as on the socio-economic and cultural factors leading to violence against women and domestic violence, the second can contribute to address capacity issues of government agencies and evaluate the effectiveness of services provided for victims of such violence. Using both types of data collection methods in conjunction can help gain an in-depth picture of the problem. On the other hand, due to a lack of shared definitions and common indicators for evaluating the prevalence and trends of violence against women and domestic violence, data that are available rarely allow for cross-country comparison (ibid.).

Furthermore, drafters of the Convention took a position that research is a key element of evidence-based policy-making and can thus contribute greatly to improving day-to-day, real-world responses to violence against women and domestic violence by the judiciary, support services and law enforcement agencies. For example, research may intend to examine whether specialist service provision meets the needs of victims.

Similarly, analysis of conviction rates is of paramount importance as a key element for analysing the efficiency of judicial response to violence. For this reason, data collection should be integrated and coordinated across the police and justice systems, and it should be possible to “track” cases at all stages of law-enforcement and judicial procedures and to identify the outcome of cases. Analysis of prosecution and conviction rates should allow to determine the factors contributing to gaps in judicial response.

Relevant statistical data may include administrative data compiled by social services, child protection services, the police, health-care, national helplines, service-oriented women’s NGOs, while judicial data typically include data collected by prosecutors and courts (dealing with crimes that are processed within the criminal justice system), which may serve to assess how many perpetrators were criminally charged, and how many of those were convicted (in order to allow for determining the conviction rates), and whether they received appropriate sentences.

² Only population-based surveys (conducted on a representative sample of the population of women) can tell us about prevalence of different form of violence in the population. The term “prevalence” is used to “explain how many, or what proportion (percentage), of the population are affected by a certain phenomenon during a given period of time (usually, lifetime prevalence, or 12-month prevalence). For example, a 10 % prevalence of violence in the past 12 months means that, on average, one in 10 women were victimised once or more often during the 12-month period. Since prevalence counts each victim only once, regardless of whether they have experienced one or more incidents, prevalence of violence does not reflect the intensity of violence or repeat victimisation; it simply measures the number, or proportion, of the population that has experienced violence. When the survey sample is representative of the national (or wider) population, the prevalence measured in the sample can be taken to correspond with the prevalence in the population, within confidence intervals which differ from one survey to another” (More information is provided in: FRA, 2014; See section: Sources: *Suggestions for further reading*)

The Need to Create Comparable Data Categories

The establishment of data-collection models that would enable collection of systematic and comparable data from all relevant administrative sources (mentioned above) is crucial in this regard. Data should be collected at regular intervals. Measures are thus needed to ensure comprehensive and coherent data collection. To this end, it is important to set up **comparable data categories**. Systems of data-collection in different state agencies/entities should go beyond internal recording purposes and data categories in use should be harmonized across the various sectors (in particular, the police, prosecution, and judiciary) in order to properly analyse actions of a wide range of state agencies that are involved in multi-agency response to violence (which is required by the Convention).

In line with the Article 11 of the Istanbul Convention, **all recorded data should be disaggregated by sex, age, type of violence, the relationship of the perpetrator to the victim, geographical location**, as well as other factors deemed relevant.

Disaggregation of Data

Further, in line with the Article 11 of the Istanbul Convention, **all recorded data** should be disaggregated by **sex, age, type of violence, the relationship of the perpetrator to the victim, geographical location**, as well as other factors deemed relevant (such as, disability of the victim; Explanatory report, paragraph 76). The importance of this requirement is often disregarded. Data-collection systems in some countries often fail to provide judicial data broken down by sex of the victim and the perpetrator and their relationship, so for example, intimate partner violence against women remains **“invisible” in crime statistics** – cases of such violence cannot be isolated from inter-generational violence (child abuse, violence against parents, violence among siblings).

In creating and revising laws and policies, State Parties should rely on both sources mentioned above:

1. Analysis of data from administrative sources on reported cases at the national level (which should be, preferably, done at regular intervals), keeping in mind that reported cases represent “the tip of the iceberg”, and
2. Data on prevalence (based on population surveys), as well as results of research aimed at identifying gaps in the implementation of laws/policies.

Applicable Standards on Protection of Personal Data

There is another important requirement of the Article 11: **confidentiality and privacy of data should be ensured**.

As laid out in Article 65, the process of collecting, storing and transforming collected data should comply with standards on data protection as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS. No.108), to ensure confidentiality and respect for the privacy of victims, perpetrators and other persons involved. The standards laid out in Article 65 do not only apply in cases of transnational data exchange, but to **all processes of collecting, storing and transforming of collected data** (Explanatory report, paragraph 80). The latter implies that in statistics available to public, data should not include personal information – it should be ensured that data for public use are anonymised, which means that individuals are not identifiable.

Finally, **data are needed in order to meet obligation of State Parties to report to GREVIO** about implementation of the Convention (Article 11, paragraph 3).

Publications of Council of Europe on Data Collection

Requirements of the Convention in the area of data collection are more comprehensively addressed in the relevant Council of Europe's publication on the Article 11 of the Convention, which also provides examples of "**promising practices**" (Walby, 2016³). With respect to categories in use by different entities that collect data, it is explained that in order to be able to build a comprehensive framework that facilitates cooperation between relevant agencies, data needs to be gathered at each point using all three of the following units of measurement:

- a) number of victims (and percentage of population that are victims);
- b) number of events (crimes or incidents) (and proportionate to the population size)
- c) number of perpetrators (and percentage of population that are perpetrators).

The data collected need to be relevant and co-ordinated. This is best achieved when **the categories in which data is collected are the same as the categories used by the agencies which are working to protect victims and prevent the violence**. The categories used in the measurement framework within which data is collected should correspond to the categories in the conceptual framework within which interventions by public agencies are developed. This means that administrative and survey data should use the same definitions and the same units of measurement. This is not always current practice, since data collection has developed for specific purposes, rather than as part of an integrated system designed to prevent violence against women and domestic violence (ibid.).

Reviews of promising practices in data collection and recommendations for its improvement are provided in different publications of Council of Europe and other organisations, one of which will be mentioned here. The Council of Europe study of administrative data collection on domestic violence (Ruuskanen and Aromaa, 2008⁴) recommended that, at a minimum, the police, the public prosecutors, the courts of first instance (both criminal and civil), the cause-of-death investigators, the health-care services and the social services should collect the following data: distinguish cases of domestic violence from other cases; sex of victim and perpetrator; age of victim and perpetrator; relationship between victim and perpetrator; type of violence. In addition, the police, the public prosecutor and the courts should collect data on the outcome of cases.

As for Turkey, GREVIO recommends to improve collection of gender-disaggregated administrative data by law-enforcement bodies and criminal courts (paragraph 78) and health professionals (paragraph 86), as well as data related to Law No. 6284 (paragraph 81), while ensuring that such data collection conforms with the applicable standards on protection of personal data (paragraph 88).⁵ (Please see full GREVIO recommendations on data collection to Turkey in the Annex 1).

³ Walby, S. (2016). *Ensuring data collection and research on violence against women and domestic violence: Article 11 of the Istanbul Convention (A collection of papers on the on the Council of Europe Convention on preventing and combating violence against women and domestic violence)*. Strasbourg: Council of Europe

⁴ Council of Europe, Ruuskanen E. and Aromaa, K. (2008). *Administrative data collection on domestic violence in Council of Europe member states*. Strasbourg: Council of Europe, Gender Equality and Anti-Trafficking Division, Directorate General of Human Rights and Legal Affairs

EXAMPLES OF PROMISING PRACTICE FROM DIFFERENT COUNTRIES IN EUROPE, PRESENTED AT THE WEBINAR

DATA COLLECTION FOR EFFICIENT POLICIES AND OPERATIONS COUNCIL OF EUROPE STANDARDS AND REFLECTIONS FROM GREVIO REPORTS

Biljana Branković, Council of Europe International Consultant

Biljana Brankovic firstly addressed the purpose of data collection, emphasizing that, in line with the Istanbul Convention, collecting data and conducting research should serve the ultimate goal: evidence-based policy-making.

She further emphasized that **the requirements of Article 11 should be viewed within a wider framework of the Convention.**

Efforts to collect administrative data should be co-ordinated and integrated. In a process of creating data-collection models, we should have in mind the “4 Ps” structure of the Convention: **P**revention, **P**rotection and **P**rosecution plus **I**ntegrated **P**olicies. For example, **P**rotection and support services cannot reach their goal (empowerment of victims) if other “pillars” of the Convention are dysfunctional, especially: **P**rosecution.


Inter-relations between “PILLARS” versus... disconnection

The Istanbul Convention is based on 4 “PILLARS”

For example, **P**rotection and support services cannot reach their goal (empowerment of victims) if other “PILLARS” are dysfunctional, especially: **P**rosecution

Fragmentation versus integration???

- Are measures and policies related to different “Ps” (**P**revention, **P**rotection **P**rosecution) consistent and coordinated?
- For example, do policies in the area of **P**rosecution complement (or contradict?) those in the areas of **P**rotection?



ATTRITION= Proportion of cases that were reported to institutions, but did not result in any legal sanction to the perpetrator

In most countries, main gaps in the implementation exist in the area of **P**rosecution and **P**unishment

Fragmentation Versus Integration

When we collect data, it is crucial to create indicators that would enable to assess whether policies and measures, which have been implemented under each “pillar” of the Convention (**P**revention, **P**rotection, **P**rosecution) are co-ordinated and consistent. Unfortunately, in many countries, inconsistencies in policies across three “Ps” are evident. Based on experience in drafting GREVIO reports, it can be said that

main gaps in implementation of the Convention exist in the area of **Prosecution** and punishment of perpetrators.

This powerful image of a famous three-legged chair – a chair with a broken leg – near the Palace of Nations in Geneva may illustrate this point. For example, in many countries, conviction rates for domestic violence and other forms of violence covered by the Convention are low, and attrition⁵ is high.

Policies across “3 Ps” are too often not harmonized and complementary. Many countries put a strong emphasis on **Prevention** – through media campaigns, they try to encourage women to report cases of violence. But, on the other hand, there are shortcomings in the area of **Protection**: victims too often face obstacles when they approach services (general services do not meet their long-term needs), while protection orders fail to stop violence (or, are rarely granted), while specialist services contribute to empowerment, but their provision is insufficient. Further, gaps in the area of **Prosecution** are numerous; thus, victims are exposed to re-traumatization in justice sector, including improper custody and visitation arrangements and poorly enforced protection orders, while perpetrators are rarely convicted. Low conviction rates send a strong social message: when victims see that their claims are not properly considered in courts, they may lose trust in the system. Why governments encourage women to report, but then, when victims do so, they are faced with poor institutional and judicial response?

Biljana Brankovic further provided examples of promising practice in the area of data-collection, based on GREVIO reports.

Promising Practice:

Strengthening the independent evaluation of country's policies related to the implementation of the Istanbul Convention is recommended, preferably, through establishing a separate body or through assigning this role to another entity, such as a research institute. Thus, it is important to make a distinction between different roles of the national co-ordinating body (bodies), namely, the role of co-ordinating and implementing policies, on one side, and monitoring and evaluating policies, on the other. To ensure an objective evaluation, **it is recommended that separate bodies should be set up for: a) co-ordination and implementation of policies and measures, and b) monitoring and evaluation of these.**

Promising Practice 1: **The independent evaluation of state policies (France)**

GREVIO in many of its reports emphasized that an **independent evaluation of the state policies on violence is instrumental for evidence-based policy-making**. Strengthening the independent evaluation of country's policies related to the implementation of the Istanbul Convention is recommended, preferably, through establishing a separate body or through assigning this role to another entity, such as a research institute. Thus, it is important to make a distinction between different roles of the national co-ordinating body (bodies), namely, the role of co-ordinating and implementing policies, on one side, and monitoring and evaluating policies, on the other. To ensure an objective evaluation, it is recommended that separate bodies should be set up for: a) co-ordination and implementation of policies and measures, and b) monitoring and evaluation of these (See, as an example, GREVIO report on Denmark, 2017, paragraph 39⁶).

⁵ The attrition can be defined as a proportion of cases that were reported to institutions, but did not result in any legal sanction to the perpetrator, i.e. cases that “fall out of the system” without being decided by the court.

⁶ GREVIO (2017). *GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Denmark*. Strasbourg: Secretariat of the monitoring mechanism of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, <https://rm.coe.int/grevio-first-baseline-report-on-denmark/16807688ae>

GREVIO repeatedly emphasized (See GREVIO report on Belgium, 2020⁷), “the value that lies in differentiating between policy making, implementation, monitoring, and evaluation and attributing these functions to separate institutions. A set-up in which close institutional ties exist between those who implement measures and bear political responsibility for them on the one hand and those who are supposed to evaluate the efficacy of those measures on the other, or even one in which the two groups are identical, might not ensure the necessary objectivity to assess and independently evaluate policies and measures taken”.

In its report on France⁸, GREVIO (2019⁹) commended France for:

- **The establishment of a separate, independent body that deals with evaluation of policies**, recognised for its expertise and authority - the High Council for Equality between Women and Men (HCE), composed of members from (both) public administration and voluntary sector (NGOs);
- **Creating a separate body which is responsible solely for co-ordinating the collection, analysis and dissemination of data**: the Inter-ministerial Mission for the Protection of Women against Violence and the Fight against Trafficking in Human Beings: MIPROF (ibid.).

Promising Practice 2: Transparency of data (Spain)

In its report on Spain, GREVIO (2020¹⁰) noted that Government Delegation for Gender-based Violence in Spain ensures collection at the national level data on many topics, including, for example, the number of women killed by their partners/ex-partners, compliance with protection orders, number of calls made to the national helpline, the number of beneficiaries of financial support under Organic Law 1/2004 and much more, through monthly and annual statistical bulletins.

The Government Delegation for Gender-based Violence plays an important role in collecting relevant statistical information and ensuring its swift publication for maximum transparency and the overall recognition of the importance of data for policy making and legislation.

Promising Practice 3: Collecting and analysing data on femicide cases (Spain)

Spanish authorities collect data on women killed by their male partners/husbands or ex-partners in the context of domestic violence; make these data available to public (publish them) regularly, and use them

⁷ GREVIO (2020). GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Belgium. Strasbourg: Secretariat of the monitoring mechanism of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, <https://rm.coe.int/grevio-report-on-belgium/16809f9a2c>

⁸ As explained in the GREVIO report on France (2019), the co-ordinating body appointed by the French authorities in accordance with Article 10 of the Convention is the Department for Women's Rights and Equality between Women and Men (SDFE) of the Directorate General for Social Cohesion (DGCS), acting under the authority of the Secretariat of State for Equality between Women and Men and the Fight against Discrimination. The SDFE is composed of 30 staff members at the central level and 137 staff members at the level of the dedicated decentralised network. According to the state report of France, the annual budget allocated to it for all the activities falling within its mandate under the Programme “Equality between women and men” amounts to 29.9 million euros.

⁹ GREVIO (2019). GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): France. Strasbourg: Secretariat of the monitoring mechanism of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, <https://rm.coe.int/grevio-inf-2019-16/168098c61a>

¹⁰ GREVIO (2020). GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Spain. Strasbourg: Secretariat of the monitoring mechanism of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, <https://rm.coe.int/grevio-s-report-on-spain/1680a08a9f>

to conduct analyses. It was revealed that 872 women were murdered by their partners or ex-partners in Spain between 2003 and 2016, and many of these women were not of Spanish nationality: 30% (Annual Report of the State Observatory of Violence on Women for the year 2016, published in 2019; in: GREVIO report on Spain, 2020).

This practice is rare in Europe; typically, the police record data on all homicides, but the relationship between the killer and the victim is not recorded in police statistics, so it is not possible to extract femicide cases that occurred in the context of intimate partner relationship from all other homicides.

GREVIO recommended to many countries to record cases of violence that resulted in the death of the victim (often, not using the term “femicide”¹¹).

Similarly, the UN Special Rapporteur on Violence against Women Dubravka Šimonović¹² recommended to UN member states to establish **Femicide Watch** – bodies that would collect data on femicide cases and analyse them (SRVAW, 2016¹³).

Promising Practice 4:

Use of data on femicide data for analysis of (possible) systemic gaps in institutional response to violence against women: A practice of Domestic Homicide Review - DHR (United Kingdom)

GREVIO recommended to various countries to use data on femicide to conduct studies/analyses with the aim to:

- 1) Assess possible systemic gaps in the institutional responses to violence and
- 2) To provide proposals on how to combat femicide in the future.

This analysis should include, for example: whether repeated risk assessment was made; whether the victim was under protection order, whether the perpetrator violated such an order; what was the outcome of investigation and prosecution; whether measures of protecting the victim were properly applied; whether pre-trial detention of offender was applied, etc. (see, for example, GREVIO report on Turkey, 2018¹⁴; GREVIO report on Italy, 2020¹⁵; GREVIO report on Malta, 2020¹⁶).

¹¹ In this context, it should be noted that the Convention does not mention the concept “femicide”, but as explained in the Explanatory report, paragraph 188, the term “physical violence” also encompasses violence resulting in the death of the victim.

¹² See her recent statement on femicide on 25 November 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26533&LangID=E>

¹³ United Nations Special Rapporteur on violence against women - SRVAW, Šimonović, D. (2016). *Report to the United Nations General Assembly A/71/398, September 2016*

¹⁴ op.cit.

¹⁵ GREVIO (2020). *GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Italy*. Strasbourg: Secretariat of the monitoring mechanism of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, <https://rm.coe.int/grevio-report-italy-first-baseline-evaluation/168099724e>

¹⁶ GREVIO (2020). *GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Malta*. Strasbourg: Secretariat of the monitoring mechanism of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, <https://rm.coe.int/grevio-inf-2020-17-malta-final-report-web/1680a06bd2>

Promising Practice:

Spanish authorities collect data on women killed by their male partners/husbands or ex-partners in the context of domestic violence; make these data available to public (publish them) regularly, and use them to conduct analyses.

In these recommendations, GREVIO referred to practice of so-called “Domestic Homicide Review” (DHR): in the United Kingdom, various institutions (state agencies) are obliged by the law to review each homicide that appears to have resulted from violence by a person to whom they were related or with whom they were, or had been, in an intimate personal relationship, or a member of the same household as themselves. Outcomes of these reviews serve as input for further analyses that are published regularly (Home Office, 2016¹⁷).

Promising Practice:

GREVIO referred to practice of so-called “**Domestic Homicide Review**” (DHR): in the United Kingdom, various institutions (state agencies) are obliged by the law to review each homicide that appears to have resulted from violence by a person to whom they were related or with whom they were, or had been, in an intimate personal relationship, or a member of the same household as themselves. Outcomes of these reviews serve as input for further analyses that are published regularly.

Promising Practice 5: Data collection systems by law-enforcement (Portugal)

As noted in the GREVIO report on Portugal (2019¹⁸), law-enforcement officers use a standardised form for recording domestic violence, which includes information regarding the age and sex of the victim and of the offender, their relationship (including any form of economic dependency), the presence (if any) of children at the scene of the crime, the use of firearms to commit the crime, any addictive behaviour of the perpetrator, medical treatment of the victim and a part on risk assessment. Thus, **this standardised form goes beyond the minimum requirements of the Article 11 of the Istanbul Convention**. Further, General Secretariat of the Ministry of Home Affairs (SGMAI) produces a **yearly report** on domestic violence, which follows the publication of the Annual Report of Internal Security (RASI).

Every 6 months, law-enforcement data are sent to the national co-ordinating body (CIG).

National annual report on domestic violence (for 2016) reveals: domestic violence is the second most frequently reported crime after theft, represents 8% of all crimes; it has gendered nature (84% of victims were female, and 86% of perpetrators were male); most of cases are committed by current or ex-partners (78%); it has a repetitive nature (in 23% of the cases, previous episodes of domestic violence were recorded) and it has a negative impact on children: domestic violence was witnessed by children in 35% of the cases (GREVIO report on Portugal, 2019¹⁹).

Promising Practice 6: Collecting data on the criminal justice response (Portugal)

In 2006, Portugal (as mentioned) introduced a standardised form for collecting data on domestic violence from law-enforcement agencies (the police and National Guard) and in 2015 further adopted amendments to the Law No. 112/2009, which **introduced an obligation to collate data from law-enforcement**

¹⁷ Home Office (2016) *Domestic Homicide Reviews: Key Findings from Analysis of Domestic Homicide Review*: www.gov.uk/government/uploads/system/uploads/attachment_data/file/575232/HO-Domestic-Homicide-Review-Analysis-161206.pdf

¹⁸ GREVIO (2019). *GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Portugal*. Strasbourg: Secretariat of the monitoring mechanism of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, <https://rm.coe.int/grevio-reprt-on-portugal/168091f16f>

¹⁹ op.cit.

agencies and the judiciary so as to reconstruct the entire criminal proceedings chain, from a moment the victim has filed the complaint/report to law-enforcement to the delivery of the judgment by the court. GREVIO, in many of its reports, recommended to numerous countries to do the same.

Why is this so important? Because only in such a manner we can identify gaps in implementation of the laws/policies and understand underlying factors that contribute to the shortcomings in criminal justice response, for example:

- Do the police dismiss some reports? Do many reports of victims never reach courts?
- Do prosecutors drop too many charges (due to over-reliance on victims' statements)?
- Is cooperation between institutions too weak?
- Do courts primarily impose suspended sentences?
- Is penalizing policy of the courts too mild (do courts typically sentence perpetrators only to 1 year imprisonment instead of using a harsher sentence)?

Using Data to Calculate Conviction Rates (Portugal)

While Portugal has introduced a solid system to record data on reports and convictions related to forms of violence covered by the Convention, analysis of such data reveals discouraging results.

Criminal justice sector (courts of first instance) recorded convictions for domestic violence, rape, as well as crimes that were recently introduced into the Criminal Code of Portugal (forced marriage, stalking, and female genital mutilation). Data are available to public (Website of Justice Statistical Information System).

Data and analysis imply that sexual violence mostly remains invisible to criminal justice: rape and other similar crimes (sexual coercion) are rarely reported and rarely lead to conviction - only 49 convictions for rape, 17 for sexual coercion in 2016.

Data-collections systems enable authorities in Portugal to track cases from reporting to the police until judgment of the court. Data from 2016 reveal extremely low conviction rates for domestic violence: 7% of cases resulted in a conviction. In 2016: out of 27005 reports of domestic violence, only 3646 led to opening of a trial, and (only) 1984 led to conviction at courts of first instance. Factors that contribute to low conviction rates can be possibly reconstructed: out of 4163 investigations, 2796 resulted in provisional suspension of criminal proceedings (which can be requested during the investigation phase by the public prosecutor on his/her own initiative or upon the request of either the offender or the victim). Out of those cases in which conviction is reached - more than 90% of prison sentences were suspended (GREVIO report on Portugal, 2019).

Therefore, **we may use an image of the funnel, to illustrate a criminal justice response to domestic violence** (as implied in data indicated above). It should be highlighted (relying on above-described data) that **only 7% of the total number of cases reported to law-enforcement agencies in Portugal led to the conviction at courts of first instance.** In addition, **when perpetrators are convicted, they almost never go to prison – 90% of prison sentences are suspended.**

We may ask ourselves – what kind of social message is sent by this response of criminal justice? Do perpetrators get the message that they should not repeat the offence? Which message is sent to victims? The image of a funnel illustrates the previous point: **many states organise media campaigns to encourage victims to report cases, but when victims do so, it seems that their reports most often just - fall through the funnel.**

Promising Practice 7: Evidence-based policy-making (Sweden)

Sweden can be mentioned as an example of promising practice in using data and research to assess and improve laws and policies. In its report on Sweden, GREVIO (2019²⁰) commended the Swedish authorities for a strong focus on evidence-based policy-making. GREVIO noted that lots of funds are invested in research – many surveys/analyses have been conducted with the aim to identify shortcomings in responses to violence against women by the police, social services and judiciary, thus, a solid knowledge base on these issues has been created.

The Swedish Government established a **research centre dedicated exclusively to the study of men’s violence against women**: “The National Centre for Knowledge on Men’s Violence against Women” - NKC (funded by the state). NKC carries out both studies commissioned by the government, and own-initiative research and is strongly concentrated on improving the response of professionals who come in contact with victims of violence (ibid.).

Further, in Sweden, all statistical data (not only those related to the Convention) are by law disaggregated by sex.

Promising Practice:

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Repeated GREVIO Recommendations to Different Countries

GREVIO recommendations are country-specific, but some recommendations are repeated from one country to another, for example:

- To collect data on all forms of violence covered by the Convention (often, countries collect only data on domestic violence);
- To ensure disaggregation by: age and sex of both victims and perpetrators as well as their relationship, type of violence and geographical location;
- To introduce a system that allows cases of violence to be properly tracked” across the criminal justice “chain” (the police – prosecution – courts), from reporting to indictment and beyond (i.e. final judgment by the courts), and to identify any shortcomings in the criminal justice system response;
- To record cases of violence that resulted in a death of the victim, and introduce a system of “domestic homicide review” (as discussed above);

²⁰ GREVIO (2019). *GREVIO (Baseline) Evaluation Report: Sweden*. Strasbourg: Secretariat of the monitoring mechanism of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, <https://rm.coe.int/grevio-inf-2018-15-eng-final/168091e686>

- To harmonise data collection between law-enforcement agencies and judiciary, with the aim to allow assessment of conviction and attrition rates, and/or discrepancies between reporting rates and conviction rates. In this context, we should be reminded that in its report on Sweden (2019²¹), for example, GREVIO highlighted that attrition rates in domestic violence and rape cases are generally high across Europe, and efforts must be stepped up to identify their root causes. It should be added that the analysis of this kind can be properly conducted if data collection systems in the police and judiciary allow cases of violence to be “tracked” across the criminal justice system (as mentioned above). Only in such a manner it is possible to identify gaps in implementation of the laws/policies and understand underlying factors that contribute to the shortcomings;
- To collect data on the number of emergency barring orders, and/or protection orders issued at the annual level, as well as the number of violations of such orders and sanctions imposed as a result of violations;
- To use and analyse administrative data for the purpose of evidence-based policy-making;
- To ensure that the process of collecting, storing and transforming collected data complies with standards on personal data protection, as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108), and with recognised best practices requiring respect for working methods of specialist services, and the core requirement that specialist services should safeguard victims’ confidentiality and anonymity. In this context, we might be reminded that standards related to confidentiality, which have been developed by the women’s movement and have been reviewed in relevant Council of Europe publications (Kelly and Dubois, 2008²²). Such standards are based on the principles that unauthorised access to personal data should not be possible; that all participating agencies should follow clearly defined protocols regulating procedures for data sharing; that full anonymity should be granted to persons whose personal data have been registered, including the requirement that such data should not be shared without their informed consent; and that individuals should not be identifiable through data available to the public (See for example, GREVIO report on Italy, 2020²³). In some countries, GREVIO noted with concern that the authorities asked specialist NGO services to provide personal data of victims – victims’ fiscal code, as a condition to get access to funding (GREVIO report on Italy, 2020). For this reason, GREVIO reminded the authorities of standards related to confidentiality.

Going back to the ultimate goal of Article 11, Biljana Brankovic concluded her presentation with vision and dreams, saying that policy makers must have a vision. The Convention offers that vision. It can change lives, it can (potentially) save lives. But, for that vision to be achieved, we need to analyse and follow up the implementation (based on reliable data-collection models) and to use such data/analyses to create and improve laws and policies.

Data are not just boring numbers. Data are the main tool that can allow the states to analyse and follow up the implementation of the Convention. **Evidence-based policy-making is a goal that is hard to reach, but it is worth trying to do so.**

²¹ op.cit.

²² Kelly, L. and Dubois, L. (2008). *Combating violence against women: Minimum standards for support services*. Strasbourg: Council of Europe, [https://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF\(2007\)Study%20rev.en.pdf](https://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF(2007)Study%20rev.en.pdf)

²³ op.cit.

GUIDING PRINCIPLES AND APPROACHES TO DATA COLLECTION IN EUROPE: HARMONISED DEFINITIONS AND INDICATORS FOR INTIMATE PARTNER VIOLENCE

Cristina Fabré, European Institute of Gender Equality (EIGE)

Cristina Fabre explained in her presentation that European Institute for Gender Equality (EIGE) has developed a project aimed at introducing **common indicators for intimate partner violence** across EU Member States, relying on several relevant sources: EU Directive on Victims' Rights²⁴, the Istanbul Convention, General Recommendation 35 of CEDAW Committee, and the report of UN Statistical Commission (which dealt with gender-disaggregated crime statistics).

In its preamble, the EU Directive provides some indications of the data reporting requirements, which must include: at least the number and type of the reported crimes; as far as such data are known and are available, the number, age and gender of the victims.

Some additional characteristics of data required from the justice sector include: the number of cases investigated; the number of persons prosecuted; the number of persons sentenced. The European Commission invited Member States to collect and disseminate "reliable, regularly updated judicial, police and administrative data on victims and perpetrators of all crimes, working in close cooperation with national and the European statistical office (Eurostat)".

In 2012, EIGE started mapping different administrative data sources in EU countries, focusing on the police and justice sector, and developed operational definitions of rape, femicide, and intimate partner violence for statistical purposes. Further, a feasibility study was conducted in all EU Member States, to assess their capacities to collect administrative data. The general goal was to improve comparability of data on intimate partner violence, including gender-based killings of women, in EU Member States.

EIGE has developed a list of **13 indicators** to support Member States in meeting the minimum requirements of the Victims' Rights Directive and the Istanbul Convention.

As explained in its publication (EIGE, 2018²⁵), EIGE has developed a **list of 13 indicators to support Member States in meeting the minimum requirements of the Victims' Rights Directive and the Istanbul Convention and to guide data collection by the police and justice sectors across the EU in the area of intimate partner violence**. The indicators proposed are the result of a step-by-step process towards collecting comparable data. The first step was the development, following an in-depth analysis of all relevant international and national definitions, of a set of definitions for statistical purposes on the most serious crimes against women (rape, femicide and intimate partner violence). Based on these definitions and the data requirement of the Victims Rights' Directive and the Istanbul Convention, EIGE then developed a set of 13 indicators, with the aim to facilitate the harmonised data collection in this area (ibid.). Afterwards EIGE defined metadata for these indicators and tested the feasibility of their population with real data through consultation meeting with relevant national authorities responsible for data collection from all the 28 Member States. In order to facilitate the reporting process and the comparability of the data, in addition to the indicators, EIGE also developed a standardised tool to populate the indicators. The tool gathers additional details on the data collection process by the police and justice sectors, such as the geographic coverage of the data collected, the institution/institutions

²⁴ Note that In accordance with the Victims' Rights Directive, every 3 years the European Commission must report to the European Parliament and to the Council on Member States' compliance with the directive

²⁵ European Institute for Gender Equality – EIGE (2018). *Indicators on intimate partner violence and rape for the police and justice sectors*. Luxembourg: Publications Office of the European Union, https://eige.europa.eu/sites/default/files/documents/20181562_mh0418221enn_pdf.pdf

responsible for data collection, the timeline, the stage at which data is recorded or the counting rules (ibid.).

Another consideration in the development of the indicators was the ICCS (**International Classification of Crime for Statistical Purposes**). The ICCS is increasingly used by international bodies to gather and publish crime statistics. It aims to classify criminal offences based on internationally agreed definitions to improve the **consistency and comparability of crime statistics**²⁶. The ICCS will be particularly helpful to accommodate Member State variance in offences related to intimate partner violence. The majority of Member States do not have an offence directly corresponding to what might constitute 'intimate partner violence'. Consequently, for each type of violence (physical, psychological, sexual and economic), there will be a number of offences considered for inclusion in the statistics. This necessitates a full-scale mapping exercise of the offences in the criminal code of each Member State to identify the common grounds between them (ibid.).

²⁶ For more information about types of data in EU statistics on crime and criminal justice, see: Eurostat (2016). *Crime and criminal justice statistics — Methodological guide for users, updated in May 2017*, <https://ec.europa.eu/eurostat/documents/64346/9069646/Methodological+Guide+2008-2016.pdf>

Table 1. The list of 13 indicators proposed by EIGE (quoted in: EIGE, 2018²⁷)

Indicator	Title	Definition	Competent authority
1	Annual number of women (aged 18 and over) victims of intimate partner violence committed by men (aged 18 and over), as recorded by police	Any act of physical, sexual, psychological or economic violence that occurs between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.	Police
2	Annual number of reported offences related to intimate partner violence against women committed by men (aged 18 and over)	Any act of physical, sexual, psychological or economic violence ²⁸ that occurs between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. The perpetrator should be a man and the victim a woman, and there is or was an intimate relationship between them. Reported crimes refer to the incidents that are recorded by the police forces.	Police
3	Annual number of men (aged 18 and over) perpetrators of intimate partner violence against women (and percentage of male population that are perpetrators)	Perpetrators are considered as persons brought into formal contact with the police and suspected/arrested or cautioned for a criminal offence of intimate partner violence. Depending on the stage of data collection in each Member State, data on perpetrators should be collected either at the time the offence is first reported to the police ('input' statistics); after the offence is first reported, but before a full investigation ('process' statistics); after the offence has been investigated ('output' statistics).	Police
4	Annual number of women (aged 18 and over) victims of physical intimate partner violence committed by men (aged 18 and over), as recorded by police	Any act which causes physical harm to the partner or former partner as a result of unlawful physical force. Physical violence can take the form of, among others, serious and minor assault, deprivation of liberty and manslaughter	Police
5	Annual number of women (aged 18 and over) victims of psychological intimate partner violence committed by men (aged 18 and over), as recorded by police	Any act or behaviour ²⁹ which causes psychological harm to the partner or former partner. Psychological violence can take the form of, among others, coercion, defamation, verbal insult or harassment.	Police
6	Annual number of women (aged 18 and over) victims of sexual intimate partner violence committed by men (aged 18 and over), as recorded by police	Any sexual act ³⁰ performed on the victim without consent. Sexual violence can take the form of rape or sexual assault	Police
7	Annual number of women (aged 18 and over) victims of economic intimate partner violence committed by men (aged 18 and over), as recorded by police	Any act or behaviour ³¹ which causes economic harm to the partner. Economic violence can take the form of, among others, property damage, restricting access to financial resources, education or the labour market, or not complying with economic responsibilities, such as alimony.	Police

²⁷ Op.cit.

²⁸ Type of behaviour or offence(s) to be considered: All the following forms of violence can be included: Physical violence: physical assault, bodily harm, battery, deprivation of liberty, manslaughter; Sexual violence: rape, sexual assault, sexual harassment, marital rape; Psychological violence: coercion, defamation and verbal insult, harassment, humiliation, neglect, isolation, slander, threat, stalking, mental abuse; Economic violence: damage to property, theft of personal property, restriction of individual freedom, financial dependency, refusal to pay alimony, forced labour for domestic services. As long as there is or was an intimate relationship between the perpetrator (man) and the victim (woman) (EIGE, 2018)

²⁹ Type of behaviour or offence(s) to be considered: Coercion; Defamation and verbal insult; Harassment; Humiliation; Neglect; Isolation; Slander; Threat; Stalking; Mental abuse (EIGE, 2018)

³⁰ Type of behaviour or offence(s) to be considered: Rape; Sexual assault; Sexual harassment; Marital rape (EIGE, 2018)

³¹ Type of behaviour or offence(s) to be considered: Damage to property; Theft of personal property; Restriction of individual freedom; Financial dependency; Refusal to pay alimony; Forced labour for domestic services (EIGE, 2018)

Indicator	Title	Definition	Competent authority
8	Annual number of women (aged 18 and over) victims reporting rape committed by men (aged 18 and over), as recorded by police	Sexual penetration, whether vaginal, anal or oral, through the use of object or body parts, without consent, using force, coercion or by taking advantage of the vulnerability of the victim.	Police
9	Women victims of intimate femicide (aged 18 and over) committed by a male intimate partner (aged 18 and over), as a share of the women victims of homicide (aged 18 and over)	The killing of a woman by an intimate partner ³² and death of a woman as a result of a practice that is harmful to women. Intimate partner is understood as former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim.	Police
10	Annual number of protection orders applied for and granted in cases of intimate partner violence against women by type of court	Protective orders in the context of violence against women ³³ are defined as “a legal injunction that requires an offender to refrain from doing certain acts and to stay away from the victim”. Protection orders can be adopted under criminal or civil laws	Justice
11	Annual number of men (aged 18 and over) prosecuted for intimate partner violence against women	Prosecuted persons ³⁴ are “alleged offenders against whom prosecution commenced in the reporting year. Persons may be prosecuted by the public prosecutor or the law enforcement agency responsible for prosecution, at the national level, irrespective of the case-ending decision” (Eurostat–UNODC).	Justice
12	Annual number of men (aged 18 and over) sentenced for intimate partner violence against women	The number of persons sentenced for intimate partner violence against women refers to all (men) perpetrators who have been charged and convicted for any act of intimate partner violence against women by the justice system. Sentenced persons are: “Persons found guilty by any legal body authorised to pronounce a conviction under national criminal law, whether or not the conviction was later upheld” (Eurostat–UNODC).	Justice
13	Annual number of men (aged 18 and over) sentenced for intimate partner violence against women and held in prison or with a sanction involving a form of deprivation of liberty	Persons “held in prison or with a sanction involving a form of deprivation of liberty ³⁵ ” refers to persons held in prisons, penal institutions or correctional institutions after a final decision on their case has been made by a competent authority	Justice

CrCreated using the following source: European Institute for Gender Equality – EIGE (2018). Indicators on intimate partner violence and rape for the police and justice sectors. Luxembourg: Publications Office of the European Union, https://eige.europa.eu/sites/default/files/documents/20181562_mh0418221enn_pdf.pdf

For more information, see also: European Institute for Gender Equality – EIGE (2020). Gender statistics database – Intimate partner violence: Data collection methodology. Luxembourg: Publications Office of the European Union, <https://eige.europa.eu/publications/intimate-partner-violence-data-collection-methodology>

³² Type of behaviour or offence(s) to be considered: Assassination; Homicide; Manslaughter; Murder (EIGE, 2018)

³³ Type of behaviour or offence(s) to be considered: In the context of incidents of intimate partner violence, a protection order represents a fast legal remedy to protect the persons at risk of any form of violence by prohibiting, restraining or prescribing certain behaviour by the perpetrator. The wide range of measures covered by such orders means that they exist under various names, such as restraining order, barring order, eviction order, protection order or injunction. There are different types of protection orders to be considered, including: national protection orders and European protection orders; requested protection orders and granted protection orders; protection orders related to crime justice and civil justice (EIGE, 2018).

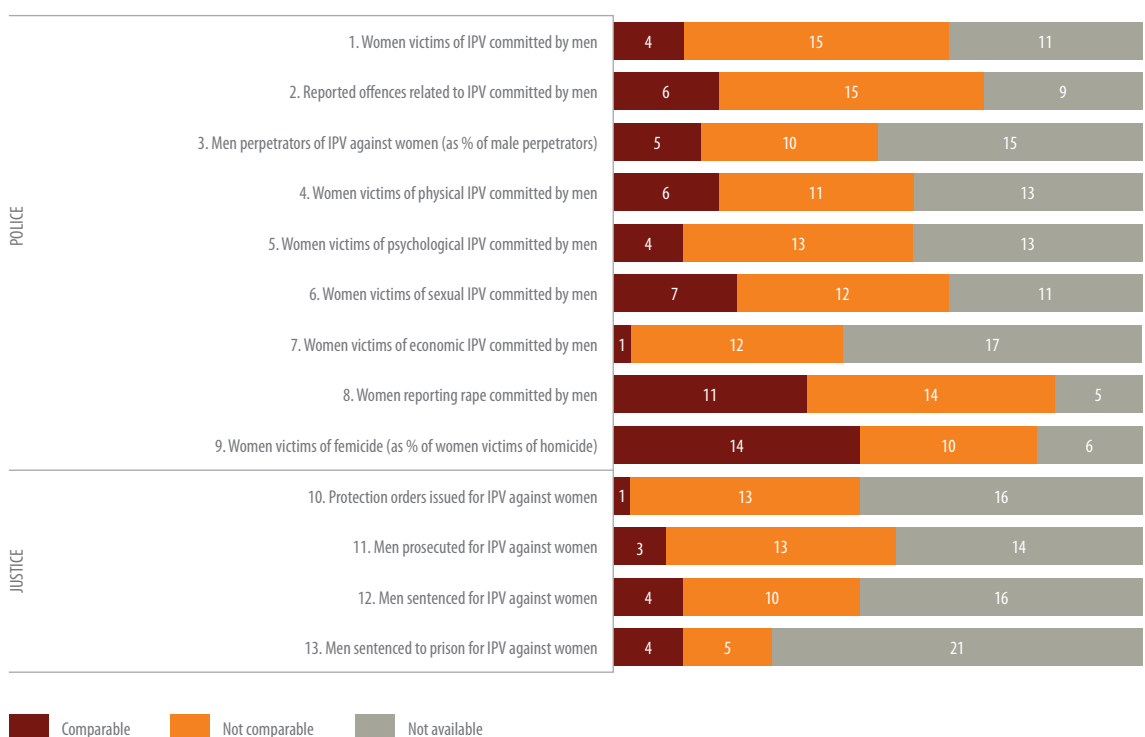
³⁴ Type of behaviour or offence(s) to be considered: The act(s) for which the (male) person aged 18 and over can be prosecuted refer to any form of intimate partner violence, including the following: Physical violence: physical assault, bodily harm, battery, deprivation of liberty, manslaughter; Sexual violence: rape, sexual assault, sexual harassment, marital rape; Psychological violence: coercion, defamation and verbal insult, harassment, humiliation, neglect, isolation, slander, threat, stalking, mental abuse; Economic violence: damage to property, theft of personal property, restriction of individual freedom, financial dependency, refusal to pay alimony, forced labour for domestic services. As long as those acts have been perpetrated against the man’s former or current female partner (EIGE, 2018)

³⁵ Type of behaviour or offence(s) to be considered: The act(s) for which the (male) person aged 18 and over can be sentenced and held can refer to any form of intimate partner violence, including the following: Physical violence: physical assault, bodily harm, battery, deprivation of liberty, manslaughter; Sexual violence: rape, sexual assault, sexual harassment, marital rape; Psychological violence: coercion, defamation and verbal insult, harassment, humiliation, neglect, isolation, slander, threat, stalking, mental abuse; Economic violence: damage to property, theft of personal property, restriction of individual freedom, financial dependency, refusal to pay alimony, forced labour for domestic services. As long as those acts have occurred between former or current spouses or partners (EIGE, 2018)

EIGE assessed the comparability of data the Member States were able to collect (in relation to 13 indicators proposed by EIGE) in the period 2018-2019, and has been currently working on recommendations how to increase comparability of data across the EU.

Guiding principles that underpin collection and analysis of data related to these 13 indicators³⁶ were aligned with the recent report of UN Women (2020³⁷) on the issue of administrative data collection on violence against women. In a process of suggesting the indicators, EIGE tried to respect the following principles: victim-centred approach, accountability, victims’ rights approach, safety and confidentiality of personal data.

Graph 1. Intimate partner violence: Findings of EIGE – availability and comparability of data on 13 indicators (suggested by EIGE) across EU Member States



Source: Cristina Fabre, EIGE, presentation at the webinar

The indicator on which the highest number of Member States were able to produce information was the indicator 9: Women victims of intimate femicide (aged 18 and over) committed by a male intimate partner (aged 18 and over), as a share of the women victims of homicide aged 18 and over (See Picture 1 below). In total, 14 EU Member States provided comparable data on this indicator. Further, 11 states provided comparable data on the indicator 8 (number of women who reported rape committed by men). On the other hand, unfortunately, only one Member State was able to provide comparable data on the indicator 10 (the num-

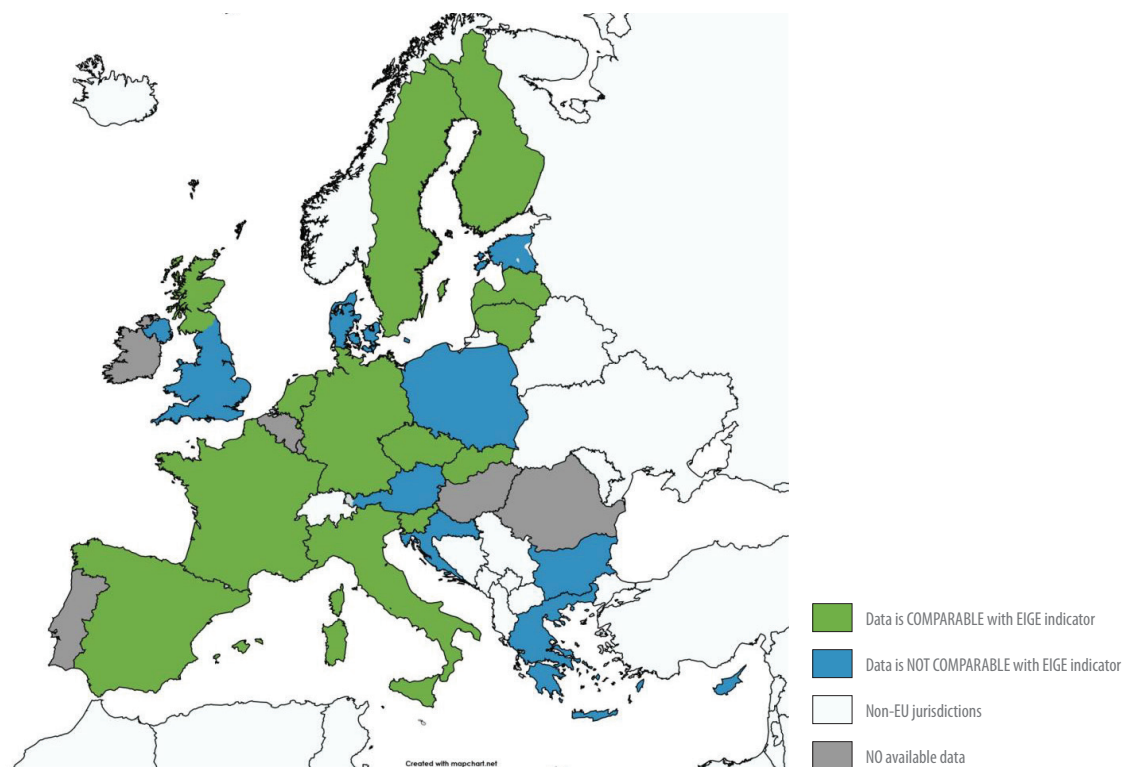
³⁶ EIGE currently provides at its website (See section: Gender statistics database) the information on availability of data on these 13 indicators across the Member States.

³⁷ This report was developed to synthesize evidence, including divergent expert opinions, on the collection and use of administrative data on violence against women. It was used as the technical document for an Expert Group Meeting (EGM) on Administrative Data on Violence against Women convened in September 2019 by UN Women. For more information, see: Kendal, T. (2020). A synthesis of evidence on collection and use of administrative data on violence against women: Background Paper for the Development of Global Guidance. New York: UN Women, <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/synthesis-of-evidence-on-collection-and-use-of-administrative-data-on-vaw-en.pdf?la=en&vs=4056>

ber of protection orders issued due to intimate partner violence against women; See Graph 1), as well as on the indicator 7, which refers to economic intimate partner violence committed by men. The latter indicates, as explained by Cristina Fabre, that economic violence has not yet been recognised as a criminal offence in most EU Member States, and there is a lack of awareness of this form of violence.

It is intriguing that **the lowest amount of comparable data is available in respect to indicators that are supposed to be produced by the justice sector** - See Table 1: indicator 10 (number of protection orders applied for and issued), indicator 11 (number of men prosecuted for intimate partner violence), 12 (number of men sentenced for intimate partner violence) and 13 (number of men sentenced to prison for committing intimate partner violence).

Picture 1. Availability of data on the indicator 9 (Women victims of intimate femicide (aged 18 and over) committed by a male intimate partner (aged 18 and over), as a share of the women victims of homicide aged 18 and over) across EU Member States



Created using the following source: Cristina Fabre, EIGE, presentation at the webinar

Another relevant finding from EIGE's research is the following one: **only 17 EU Member States possess comparable disaggregated data on the relationship between the victim and the perpetrator** (we should be reminded on this point that disaggregation of data by the victim-offender relationship represents one of the main requirements of the Article 11 of the Istanbul Convention). There are inconsistencies across Member States in understanding which categories of relationship should be included (for example, in Czech Republic, only partners who share a residence are included in the category "perpetrator of intimate partner violence"), which indicates that more should be done to achieve a common understanding in this area; for this reason, the comparability of data across EU Members States is limited.

Other challenges include differences in counting units: the main factor that affects the comparability of administrative data is related to counting units used for recording – as no consolidated international standards exist, differences between legal jurisdictions make cross-national comparison challenging: the

police may use charges, investigations, incidents, while courts may use cases, convictions and sentences. Therefore, linking data from different agencies would require the use of the same units of measurement (note that the latter is recommended in other relevant sources noted above; See: Walby, 2016).

With respect to completeness and comparability, EIGE concluded that data are quite incomplete, particularly on the indicators based on data from the justice sector. The main reasons include:

- Jurisdictions not recognising intimate partner violence as a legal offence, but instead - aggregating it as part of domestic violence offences;
- Jurisdictions not systematically recording data on the victims and/or the perpetrator and /or their relationship;
- National data collection systems using different unit of measurement;
- No data disaggregated by the victim-perpetrator relationship or for characteristics of both the victim and the perpetrator.

The data collection on intimate partner violence mostly consists of non-comparable data. Differences across Member States may be the result of different legal definitions, different national data collection and recording practices. Furthermore, EIGE identified the following challenges³⁸:

- The scope of definitions of intimate partner violence
- Limited data on economic violence
- Differences in units of measurement
- Counting rules differ according to reporting requirements
- Stage at which data is recorded
- The scope of definitions of intimate partnership
- Resource constraints
- Lack of integration and coordination between systems
- Gaps in disaggregation of data
- Measured data are limited in scope
- Data are not consistently made available to the public.

For the above-explained reasons, the following recommendations are made by EIGE with the aim to improve availability and comparability of data, i.e. to standardise data-collection systems on intimate partner violence across EU Member States:

1. Promoting the required disaggregation of data in national data collections; Adapt data recording systems to include specific breakdowns essential for identifying intimate partner violence
2. Addressing problems of different counting rules and counting units: standardise the measurement/counting rules and measurement/counting units;
3. Mapping offences relevant to each of the 13 indicators and standardise the definitions of intimate partner violence across the EU, following the common system of the ICCS, for increased data comparability
4. Increasing data availability by simplifying indicators.

³⁸ EIGE's study on Police and justice sector data on intimate partner violence against women in the European Union, 2019, pages 24-26.

HUMAN RIGHTS SAFEGUARDS FOR DATA PROTECTION AND PRIVACY: COUNCIL OF EUROPE'S CONVENTION 108 ON DATA PROTECTION

Peter Kimpian, Secretariat of the Convention 108

In line with the standards of the Istanbul Convention, protection of personal data represents a key issue. In this context, it should be highlighted that GREVIO, in almost all of its recommendations to State Parties, including Turkey, has underlined the importance of personal data protection and referred to standards established by the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108).

The right to privacy is a universal human right, as enshrined in the Universal Declaration on Human Rights, and all states have a positive obligation to protect this right. This position is reflected in the European Convention on Human Rights, which foresees the right to privacy – Article 8 of ECHR³⁹ stipulates that everyone has the right to respect for his private and family life. Extensive jurisprudence exists related to the protection of personal data – European Court of Human Rights has always characterised the right to data protection and privacy as **an enabling right**, which implies that if individuals do not enjoy full right to privacy and protection of their personal data, they are not able to exercise other rights freely, such as freedom of thought, conscience and religion (Article 9 of the ECHR), freedom of expression (Article 10 of ECHR), freedom of assembly and association (Article 11 of the ECHR). More information on case law of the European Court of Human Rights on the right to privacy and personal data protection can be found in relevant publications of Council of Europe and the European Court of Human Rights⁴⁰.

REMEMBER:

That GREVIO, in almost all of its recommendations to State Parties, including Turkey, has underlined the importance of **personal data protection** and referred to standards established by the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108).

The History of the Instrument

Convention 108, which was opened for signature in 1981, can be regarded as **unique, since this is the only international legally-binding instrument on this topic. It has been open to other countries (non-members of Council of Europe - any country in the world with a complying data protection legislation can request invitation to accede to this Convention** (Kwasny, 2018⁴¹). Therefore, some non-European countries also joined. In November 2001, the Additional Protocol was open for signature, requiring the Parties to set up supervisory authorities exercising their functions in complete independence. In order to adapt

³⁹ Article 8 of the ECHR (Right to respect for private and family life) reads as follows,

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

⁴⁰ See, for example: Council of Europe (2019). *Case law of the European Court of Human Rights concerning the protection of personal data*. Strasbourg: Directorate General Human Rights and Rule of Law, <https://rm.coe.int/new-caselaw-06-2020-clean/1680a05796>; Bem, M., European Court of Human Rights (2019). *Overview of the recent ECHR case-law related to data protection*, http://www.ejtn.eu/PageFiles/17861/Overview_of_the_ECHR%20case_law_related_to_data_protection.pdf; European Court of Human Rights (updated in 2020). *Guide on Article 8 of the European Convention on Human Rights – Right to respect of private and family life, home and correspondence*, https://echr.coe.int/Documents/Guide_Art_8_ENG.pdf

⁴¹ For more information on Convention 108 and 108+, also see: Kwasny, S. (2018). *Convention 108 and Convention 108+: Instruments of universal vocation*, Mexico, 7 November 2018, Council of Europe, <https://rm.coe.int/inai-sophie-kwasny-presentation/16808ecc05>

to the new realities of an increasingly connected world, and to strengthen the effective implementation of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, it appeared necessary to modernise this landmark instrument. The Protocol amending the Convention (CETS n°223) adopted on 18 May 2018, which reaffirms the essential principles enshrined in 1981 (i.e. an appropriate protection for individuals and facilitation of free flow of data) and integrates new safeguards, was open for signature on 10 October 2018. The modernisation of Convention 108 pursued two main objectives: to deal with challenges resulting from the use of new information and communication technologies and to strengthen the Convention's effective implementation.

Currently, there are 55 State Parties⁴² to the Convention, including 47 countries - members of Council of Europe, as well as eight other countries outside of Europe⁴³. Consequently, **this Convention can be regarded as influential, as it has reached out to numerous countries in different continents**. Its principles of data protection have been taken up in all regions of the world (Kwasny, 2018).

The process of negotiations regarding the modernisation of the Convention took seven years. The aim was to reinforce the individuals' protection and strengthen the implementation of the Convention in the digital age, as well as to promote it as a universal standard; preserve general, simple, flexible and pragmatic character and ensure coherence and even convergence with other relevant legal frameworks.

Turkey signed the Convention on 28 January 1981 and ratified it on 2 May 2016. Thus, **the Convention entered into force with respect to Turkey on 1 September 2016**.

Modernisation of the Convention

With the modernisation of the 1981 Convention 108, its original principles have been reaffirmed, some have been strengthened and some new safeguards have been laid down: They had to be applied to the new realities of the on-line world while new practices had led to the recognition of new principles in the field. The principles of increased transparency, meaningful accountability, privacy impact assessment, privacy by design, high level data security, strengthened supervisory authorities etc. are now acknowledged as key elements of the protection mechanism and have been integrated in the modernised instrument" (COE, 2018)⁴⁴.

An Overview of the Modernised Convention

► The purpose of the Convention

Preamble defines that the purpose of this Convention is to secure human dignity in a digital age, by stipulating that,

"Considering that it is necessary to secure the human dignity and protection of the human rights and fundamental freedoms of every individual and, given the diversification, intensification and globalisation of data processing and personal data flows, personal autonomy based on a person's right to control of his or her personal data and the processing of such data".

⁴² More information on the modernization of the Convention can be found at Council of Europe Website : <https://www.coe.int/en/web/data-protection/convention108/modernised>

⁴³ These countries are: Argentina, Cabo Verde, Mauritius, Mexico, Morocco, Senegal, Tunisia, and Uruguay. In addition, several countries are observers, including Australia, Brazil, Canada, , Gabon, , Indonesia, Israel, Japan, South Korea, , USA,.

⁴⁴ See: The modernized Convention 108: novelties in a nutshell, <https://rm.coe.int/modernised-conv-overview-of-the-novelties/16808accf8>

Article 1 of the Convention addresses this issue in a broader context, namely, it specifies that its aim is to: “protect every individual, whatever his or her nationality or residence with regard to the processing of their personal data, thereby contributing to respect for his or her human rights and fundamental freedoms and in particular their right to privacy”.

Using this wording, the Convention highlights the fact that the processing of personal data may contribute to the exercise of other fundamental rights and freedoms, which can thus be facilitated by guaranteeing the right to data protection (ibid.).

► Legitimacy of data processing: The principle of proportionality

Article 5 addresses the issue of the **legitimacy of data processing**; it clarifies the application of **the principle of proportionality** to underline that it should apply throughout the entire processing, and in particular in respect of the means and methods used in the processing (ibid.). A new provision is introduced to clearly lay down the legal base of the processing: the consent (which to be valid has to satisfy several criteria) of the data subject or some other legitimate base laid down by law (contract, vital interest of the data subject, legal obligation of the controller, etc.).

In the context of combating violence against women, Article 6 is of particular importance, as it addresses the issue of sensitive data. This aspect was already covered by the Convention 108, but the modernised version makes it even broader. The catalogue of sensitive data has been extended (ibid.) **to include genetic and biometric data when uniquely identifying a person**, as well as data processed for the information they reveal relating to trade-union membership or ethnic origin (those two latter categories are being added to the existing severe regime on the processing of personal data revealing racial origin, political opinions or religious or other beliefs, health or sexual life and personal data relating to offences, criminal proceedings and convictions; ibid.). In other words, if sensitive personal data have been processed, the necessary safeguards complementing those that are already in place for the processing of non-sensitive data must be put in place.

► Data security

Article 7 addresses the issue of data security. The requirement to notify, without delay, any security breaches is introduced. This requirement is limited to cases which may seriously interfere with the rights and fundamental freedoms of data subjects, which should be notified, at least, to the supervisory authorities.

► Transparency

The issue of transparency is covered under Article 8. Controllers will have the obligation to guarantee transparency of the data processing and will to that end have to provide a required set of information, in particular relating to their identity and usual place of residence or establishment, on the legal basis and the purposes of the processing, the data recipients and on the categories of personal data processed. They should furthermore provide any additional information necessary to ensure a fair and transparently processing. The Controller is exempted from providing such information where the processing is expressly prescribed by law or this proves to be impossible or involves disproportionate efforts.

► Rights of data subjects

Rights of data subject are stipulated in the Article 10. Under the modernised Convention 108, data subjects are granted new rights so that they have to have greater control over their data in the digital age. The modernised Convention extends the catalogue of information to be transmitted to data subjects when they exercise their right of access. Furthermore, data subjects have the right to obtain knowledge of

the reasoning underlying the data processing, the results of which are applied to her/him. This new right is particularly important in terms of profiling of individuals. It is to be associated with another novelty, namely the right not to be subject to a decision which affects the data subject which is based solely on an automated processing, without the data subject having her/his views taken into consideration. Data subjects have a right to object at any time to their personal data being processed, unless the controller demonstrates compelling legitimate grounds for the processing which override their interests or rights and fundamental freedoms (ibid.).

Under the modernised Convention 108, data subjects are granted **new rights** so that they have to have greater control over their data in the digital age.

► Obligations of data processing authorities

The modernised Convention imposes broader obligations on those processing data or having data processed on their behalf (ibid.). Accountability becomes an integral part of the protective scheme, with an obligation for the controllers to be able to demonstrate compliance with the data protection rules. Controllers should take all appropriate measures – including when the processing is outsourced – to ensure that the right to data protection is ensured (privacy by design, examination of the likely impact of the intended data processing on the rights and fundamental freedoms of data subjects (“privacy impact assessment” and privacy by default).

► Exceptions and restrictions

They are addressed in the Article 11. The rights laid down in the Convention are not absolute and may be limited when this is prescribed by law, respects the essence of fundamental rights and freedoms and constitutes a necessary measure in a democratic society on the basis of specified and limited grounds. Among those limited grounds are now included “essential objectives of public interest” as well as a reference to the right to freedom of expression (ibid.). The list of provisions of the Convention that can be restricted has been slightly extended and a new paragraph of this Article specifically deals with processing activities for national security and defense purposes, for which further limitations, derogations could be made if they respect the general conditions for exceptions. The requirement that processing activities for national security and defense purposes be subject to an independent and effective review and supervision is clearly laid down. It is important to recall once again that contrary to the previous provisions of Convention 108, Parties to the modernised Convention will no longer be able to exclude from the scope of application of the Convention certain types of processing.

► Transborder flows of personal data

The aim of Article 14 is to facilitate, where applicable, the free flow of information regardless of frontiers, while ensuring an appropriate protection of individuals with regard to the processing of personal data (ibid.). The purpose of the transborder flow regime is to ensure that personal data originally processed within the jurisdiction of a Party always remains protected by appropriate data protection principles.

Data flows between Parties cannot be prohibited or subject to special authorisation as all of them, having subscribed to the common core of data protection provisions set out in the Convention, offer a level of protection considered appropriate. Two exceptions exist: when there is a real and serious risk that such transfer would lead to circumventing the provisions of the Convention and if harmonised rules of protection shared by States belonging to a regional international organisation and governing data flows (see for instance the data protection framework of the European Union) require additional steps to be taken in specific cases. (ibid.). Regarding transborder flows of data to a recipient that is not

subject to the jurisdiction of a Party, an appropriate level of protection in the recipient State or organisation is to be guaranteed. As this cannot be presumed since the recipient is not a Party, the Convention establishes two main means to ensure that the level of data protection is indeed appropriate; either by law, or by ad hoc or approved standardised safeguards that are legally binding and enforceable (notably contractual clauses or binding corporate rules) , as well as duly implemented.

► Supervisory authorities

Building on Article 1 of the additional protocol, the modernised Convention under Article 15 complements the catalogue of the authorities' powers: to intervene when needed, investigate, engage in legal proceedings or bring to the attention of the judicial authorities violations of data protection provisions, as well as to raise awareness, provide information and educate all players involved (data subjects, controllers, processors etc.). It also allows the authorities to take decisions and impose sanctions. Furthermore, it is recalled that the supervisory authorities should be independent in exercising these tasks and powers.

The modernised Convention under Article 15 complements the catalogue of the authorities' powers: to intervene when needed, investigate, engage in legal proceedings or bring to the attention of the judicial authorities violations of data protection provisions, as well as to raise awareness, provide information and educate all players involved (data subjects, controllers, processors etc.).

► Co-operation between the supervisory authorities

The modernised Convention also addresses the issue of co-operation (and mutual assistance) between the supervisory authorities in its Article 17. The supervisory authorities have to co-ordinate their investigations, to conduct joint actions and to provide to each other information and documentation on their law and administrative practices relating to data protection.

The information exchanged between the supervisory authorities will include personal data only where such data are essential for co-operation or where the data subject has given the specific, free and informed consent. Finally the Convention provides a forum for increased co-operation: the supervisory authorities of the Parties have to form a network in order to organise their co-operation and to perform their duties as specified by the Convention.

► Convention Committee

The issue of the Convention Committee is addressed in the Articles 22, 23 and 24. The Convention Committee plays a crucial role in interpreting the Convention, encouraging the exchange of information between the Parties and developing data protection standards. The role and powers of this Committee is strengthened with the Modernised Convention. It no longer is limited to a "consultative" role but also has evaluation and monitoring powers. It will provide an opinion on the level of data protection provided by a state or international organisation before accession to the Convention and periodically afterwards. The committee is also able to assess the compliance of the domestic law of the Party concerned and determine the effectiveness of the measures taken (existence of a supervisory authority, responsibilities, existence of effective legal remedies). It is also able to assess whether the legal norms governing the data transfers provide sufficient guarantee for an appropriate level of data protection.

Current Work of the Committee and Recent Developments

The ongoing work of the Committee includes joint statements by the Chair and the Data Protection Commissioner on:

- The right to data protection in the context of the COVID 19 pandemic (published on 30 March 2020)
- Digital Contact Tracing (published on 28 April 2020)
- Better protecting individuals in the context of international data flows the need for democratic and effective oversight of intelligence services” (published on 7 September).

It is also interesting to mention that Joseph A. Cannataci, the UN Special Rapporteur on the right to privacy invited all UN member states to accede to the Convention. In his Annual report to the UN General Assembly (Cannataci, 2018)⁴⁵, he noted that 25 percent of UN Member States – those within the European region encompassed by the Council of Europe, have agreed to a basic principle in the application of privacy law to state security: by agreeing to Article 9 of Convention 108 they have accepted that measures can only limit the right to privacy where these measures are provided for by law and are necessary and proportionate in a democratic society.

The Practical Guide on the Use of Personal Data in the Police Sector (CoE, 2018)⁴⁶

The principles explained in the guide apply to the processing of personal data for the following police purposes: prevention, investigation and prosecution of criminal offences and the execution of criminal penalties. In the section related to **sensitive data**, it is explained that special categories of data, **such as genetic data, personal data related to offences, criminal proceedings and convictions and related security measures, biometric data uniquely identifying a person, personal data for the information they reveal relating to racial or ethnic origin, political opinions, trade-union membership, religious or other beliefs, health or sexual life can only be processed if prescribed by law and appropriate safeguards have been put in place to tackle the potential risk of discrimination or of adverse legal effect significantly affecting the data subjects.**

Sensitive data comprises of :

- genetic data
- personal data related to offences, criminal proceedings, convictions and security measures
- biometric data uniquely identifying a person
- personal data revealing information on racial or ethnic origin, political opinions, trade-union membership, religious or other beliefs
- personal data on health or sexual life.

Safeguards can be of a technical nature, for instance additional security measures, and of an organisational nature. Safeguards should be adjusted to each data processing operations taking into account their specificities and it is highly recommended to use multiple levels of protection for those categories of data (e.g.: separate main-frames, shorter data retention periods, etc.). It is of paramount importance to prevent unauthorised or unwanted access to those categories of data even with additional security measures.

⁴⁵ UN Special Rapporteur on the right to privacy (2018). *Annual report to the UN General Assembly, prepared by the Special Rapporteur on the right to privacy, Joseph A. Cannataci, submitted in accordance with Human Rights Council resolution 28/16, A/73/45712*, 17 October 2018, https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Documents/A_HRC_37_62_EN.docx

⁴⁶ See: Consultative Committee of the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (2018). *Practical guide on the use of personal data in the police sector. Strasbourg: Directorate General of Human Rights and Rule of Law*, <https://rm.coe.int/t-pd-201-01-practical-guide-on-the-use-of-personal-data-in-the-police-/16807927d5>

A careful balance of interests taking into account the purpose of the investigation, the context and the nature of the data is necessary to determine whether or not, and to which extent, the police could process sensitive data. For instance, it would be advisable to differentiate when biometric data is processed by the police whether it is for identification purposes (where for instance two fingerprints could suffice) or it is for crime investigation purposes (where more fingerprints could be needed).

The use of Data Protection Impact Assessments (DPIA) which in general is to be carried out where a type of processing is likely to result in a high risk to the rights and freedoms of individuals can be recommended also in order to help to ensure that appropriate safeguards are put in place. The data controller should assess and demonstrate whether the purpose of the processing can be achieved in a manner that impacts less on the right to privacy and data protection and if the processing of special categories of data does not represent a risk of discrimination for the data subject.

Moreover, it should be recalled that the collection and processing of sensitive data in the context of profiling is prohibited (Principle 3.11 of Recommendation (2010)133) except if these data are necessary for and proportionate to the lawful and specific purposes of processing and as long as domestic law provides appropriate safeguards. In this context, besides measures detailed above, the use of Privacy-Enhancing Technologies (PETs) and more frequent checks on the lawfulness of the processing can be recommended. This could, for example, translate into measures put in place to counter the assumption that individuals belong to a criminal organisation because of where they live, where a criminal organisation is active or where the individuals have the same ethnic origin. **Example:** Targeting groups or individuals based solely on religious beliefs would not be allowed.

However, in an investigation into a group of individuals engaging in possible terrorist activities that were attached to a particular religious group, it could nevertheless be of importance to process data specific to the followers of this specific religious group (related to worshipping place, religious preachers, customs, teachings, members and structure of the religious community, etc. that was pertinent to the investigation).

▶ DATA COLLECTION FOR EFFECTIVE PROTECTION AND SUPPORT TO VICTIMS: CO-ORDINATED APPROACHES AND AUSTRIAN EXPERIENCE

Rosa Logar, Council of Europe International Consultant

As assessed by Rosa Logar, Austria has made progress in implementing the Istanbul Convention, but a lot still remains to be done in the field of data collection.

I. Data collected by the police

The following types of data are provided by the police in Austria:

- **Police intervention** data: the numbers of victims seeking help are recorded;
- **Police reporting** data: how many acts of violence against women are reported to the justice system;
- **Data on emergency barring orders** by the police show how many victims seeking help receive protection by the police;

More specifically, core data collected by law enforcement bodies in Austria include:

- Number of interventions by the police disaggregated by **“Big Five”** (five factors required by the Convention: sex of the victim and the perpetrator; age of the victim and the perpetrator; the perpetrator-victim relationship; type of violence, recorded based on the Criminal Code, and a geographical location). This includes all interventions, calls to the emergency number as well as victims/persons turning to the police station (all these are included in the number of recorded police interventions)
- **Number of repeated interventions**
- **Number of complaints/reported crimes to the police** disaggregated by five factors mentioned above (Crime statistic, collected by the Ministry of Interior or Statistical Office includes all cases reported to prosecution)
- **Number of emergency barring orders**, issued by the police (all data are disaggregated by five factors mentioned above – “Big five”).
- Based on the above number, the following Indicator is created: **the number of police emergency barring orders issued per 10 000 population in Austria**. Based on this indicator, it is possible to analyse how often these orders have been used in certain regions. It turned out that emergency barring orders are more often issued by the police in the cities, as compared to the rural areas.
- In addition to the number of such orders, data are also collected on the **length of an order**, and the number of **violations of orders**
- **Number and types of sanctions for violations**
- **Repeated orders, and repeated violation of orders** (which can be viewed as a risk factor for serious violence)
- Data on **police arrest** to protect victims
- **Other protective measures by the police** (i.e. electronic alarm systems).

As said before, one of the requirements of the Istanbul Convention is to record **the relationship between the perpetrator and the victim**. It is important to make a distinction between different types of relationship, i.e. to use categories that are distinct and clear (as an example, a category such as “a family member” is not precise enough), without having too many of them. The categories in use are the following:

a) spouse; b) ex-spouse; c) cohabiting partner; d) ex-cohabiting partner; e) boyfriend (who does not live together with the victim); f) ex-boyfriend; g) parent (step)father/mother); k) child (son/daughter); l) other family member or relative; m) friend/ acquaintance; n) stranger.

Domestic Violence Intervention Centre Vienna has established a close collaboration with hospitals, having in mind their important role as “first responders”. In line with respective law in Austria, each hospital must establish so-called **“victims’ support unit”**. These units contributed a great deal to the improvement of health-care response to violent incidents, but unfortunately, not every hospital has established such a unit, and data that are supposed to be collected have not yet been actually collected by all hospitals.

II. Data collected by health-care institutions

Types of data collected by the hospitals in Austria should include:

- Number of women victims of violence who have been identified and assisted as victims of violence against women and domestic violence in hospitals at the annual level, disaggregated by five factors mentioned above
- Type of assistance granted to victims, including:
 - a) forensic documentation of injuries

- b) trauma treatment
- c) medical treatment.
- Number of women referred by hospitals to appropriate specialist women's support services.

III. Data collection in the context of multi-agency co-operation

In Austria, a **strong focus is put on coordinated approach to interventions**. The police officers are **obliged to share data and co-operate closely with**:

- **The local Intervention Centre** - these centres are run by NGOs and fully funded by the government. They exist in each of nine provinces in Austria. In accordance with the law, the police officers are obliged to inform the local Intervention Centre about all cases of domestic violence and stalking, within 24 hours, by fax or e-mail.

The police provide:

- reports on emergency barring orders and reports on violations of orders;
- reports on police charges filed in cases of domestic violence and stalking.
- **The youth welfare office**: in all cases in which minors are involved (as witnesses, victims or perpetrators);
- **The family court**: if the victim applies for a civil court order or if the perpetrator has violated a protection order. The police have to seize the apartment/house keys of the perpetrator when issuing the emergency barring order and have to hand them over to the family court if the victim applies for a protection order.
- **The prosecutor office and the criminal court** are notified by the police if a criminal act has been committed.

More information on legislation related to protection from domestic violence in Austria and its implementation in practice can be found in publications of the Domestic Violence Intervention Centre Vienna (2013⁴⁷).

Furthermore, Austria has adopted the practice of **organising multi-agency case conferences** (MARACs). Since 2020, there is a new law, which requires the police to organise "police security conferences", but this practice has not yet been fully developed.

In its report on Austria, GREVIO identified numerous gaps in the area of data collection by various state agencies. Regarding data collection by law enforcement agencies, GREVIO recommended to Austria (GREVIO, 2017, paragraph 45)⁴⁸ to:

- a. **develop data categories for use by the law enforcement agencies on the type of relationship of the perpetrator to the victim that would allow the nature of their relationship to be more specifically documented;**
- b. **ensure that these and any other data categories in use are harmonised across the various sectors;**

⁴⁷ Domestic Violence Intervention Centre Vienna (2013). *Victims' rights to support and protection from violence: Legislation for the Protection from Violence in Austria*. Vienna: Domestic Violence Intervention Centre Vienna, <https://www.interventionsstelle-wien.at/download/?id=692>

⁴⁸ GREVIO (2017). *GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Austria*. Strasbourg: Secretariat of the monitoring mechanism of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, <https://rm.coe.int/grevio-report-austria-1st-evaluation/1680759619>

- c. **make domestic violence against women and the gendered nature of other forms of violence more visible in the annual law enforcement agencies crime statistics and in the way this data is presented to the public. This would include the visible presentation of information on the number of homicides of women at the hands of men for reasons of their gender (gender-related killing of women);**
- d. **ensure that information on all interventions and measures taken by law enforcement agencies such as emergency barring orders are documented electronically and in a comparable manner such that they can be used for the purpose of evidence-based policy-making rather than mainly for internal recording requirements.**

IV. Data collected by Domestic Violence Intervention Centre Vienna

Domestic Violence Intervention Centre Vienna is the biggest intervention centre in Austria and it serves about 6000 victims of domestic violence and other forms of violence against women annually. The Centre is funded by the government, and in the contract with the government, there are very detailed requirements regarding data-collection. As assessed by Rosa Logar, the database of the Domestic Violence Intervention Centre Vienna meets the requirements of the Article 11 of the Convention, as it provides data disaggregated by five factors mentioned above.

The Centre collects the following data:

1. Client contacts at the Domestic Abuse Intervention Centre Vienna

- 1.1. Total number of clients contacts at the Domestic Abuse Intervention Centre Vienna
- 1.2. Client contacts without notification by police

2. Police interventions aimed at protecting victims

- 2.1. Number and type of police interventions
- 2.2. Multi-year comparison of police interventions (1998-2018)
- 2.3. Police interventions by police district and frequency
- 2.4. Multiple police interventions
- 2.5. Barring orders relating to crime reports and other police measures
- 2.6. Crime reports by offence
- 2.7. Severe offences with possible reasons for arrest

3. Protection by interim injunction

- 3.1. Number of applications for interim injunctions
- 3.2. Type of interim injunction applied for

4. Support for survivors in the context of court assistance

5. Number of participants in the anti-violence programme

6. Data on victims

- 6.1. Gender of victims
- 6.2. Age of victims
- 6.3. Children and young people witnessing violence
- 6.4. Nationality of victims

7. Data on perpetrators

- 7.1. Gender of perpetrators
- 7.2. Age of perpetrators
- 7.3. Nationality of perpetrators

8. Relationship between perpetrator and victim

- 8.1. Types of relationship
- 8.2. Types of relationship by victims' gender.

Analyses of data, based on the above-mentioned list of indicators, are available in annual reports of the Domestic Violence Intervention Centre Vienna (See, for example, *analysis of statistics for the years 2018⁴⁹ and 2017⁵⁰*).

With respect to personal data protection, the work of the Domestic Violence Intervention Centre Vienna is based on the following principles:

- In a process of data collection, personal data of the victims should be protected;
- Data for statistical purposes are anonymised;
- If personal data of victims are shared between institutions, there must be a legal base for the sharing, and it must be ensured that all data protection requirements are taken into account.

Principles of Personal Data Protection Within the Context of Multi-agency Co-operation

In order to improve data collection models, protection of personal data has been often jeopardised, especially in recent years. For the purpose of protecting victims from violence, it is necessary to enable collaboration between state agencies, and to share data in this process of collaboration, while keeping in focus the rights of the victims. Therefore, with respect to personal data protection, the work of the Domestic Violence Intervention Centre Vienna is based on the following principles:

- **In a process of data collection, personal data of the victims should be protected;**
- **Data for statistical purposes are anonymised;**
- **If personal data of victims are shared between institutions, there must be a legal base for the sharing, and it must be ensured that all data protection requirements are taken into account.**

The Domestic Violence Intervention Centre has developed **an effective multi-agency co-operation, while paying a full attention to personal data protection in this process - the following principles are respected:**

- In multi-agency work, **the consent of the victims is required. Agencies cannot share information without the consent of the victim.** In a process of multi-agency co-operation, **a victim-support service of the victim's choice should have a leading role to represent the rights and interests of the victim.**
- **Only information which is relevant for the protection of the victim (risk factors) can be shared, and no other personal data.** During multi-agency case conferences, Domestic Violence Intervention Centre Vienna has noticed that representatives of state agencies occasionally have shared all kinds of "stories" about victims, or information about problems victims have had, such as drug addition, etc. Therefore, the Centre follows the rule that **"sharing data does not imply sharing all data"**.
- **Only in exceptional cases of an immediate danger to life, health or freedom of the victim data can be shared without the consent of the victim.** The latter must be well-founded and well documented and explained to the victim (after safety is restored).

⁴⁹ See: Domestic Violence Intervention Centre Vienna (2018). *Statistics 2017*. Vienna: Domestic Violence Intervention Centre Vienna, <https://www.interventionsstelle-wien.at/download/?id=626>

⁵⁰ Domestic Violence Intervention Centre Vienna (2018). *Statistics 2017*. Vienna: Domestic Violence Intervention Centre Vienna, <https://www.interventionsstelle-wien.at/download/?id=626>

- It is carefully considered which data are recorded in files and for which purpose.
- **Victims must be informed which data about them are recorded** and must have access to all institutional data files concerning them. In Austria, the victim has the right to have access to the files related to her case, thus, she/he can require from the staff of the Centre to show what has been stored in the files. **Sharing the whole data sets between agencies can be problematic and it is not justifiable.** Victims' rights must be at the centre of the multi-agency work.

Leading questions that should be asked in a process of sharing data within the context of multi-agency co-operation are:

- What do we need the data for (what is the purpose)?
- Does the purpose justify the sharing of data and of which data?
- Are the victims' rights and interests represented and considered as the main goal of data sharing?

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▶ DATA AND COORDINATION ON MEN'S VIOLENCE AGAINST WOMEN IN SWEDEN: PROMISING PRACTICE FROM SWEDEN

Anna Collins-Falk, Swedish Gender Equality Agency

The Swedish Gender Equality Agency, established in 2018, works on:

- Policy analysis and follow up of progress against Swedish gender equality policy goals;
- Coordination and support (including through training) on gender mainstreaming to government agencies and organisations;
- Supporting and monitoring the national ten-year strategy to prevent and eliminate men's violence against women, including honour-related violence, trafficking in human beings (including for the purpose of prostitution and sexual exploitation), female genital mutilation, forced/child marriage;
- Providing grants to women's organisations and gender equality projects;
- International exchange and collaboration.

The Swedish government has strong commitment to achieve gender equality through a policy agenda that combats inequality and inhibitive gender roles and structures. It has a long tradition in working towards achieving gender equality and combating violence represents a priority, as reflected in the allocation of resources and funds.

Sweden ratified the Istanbul Convention and has aligned its policies with the requirements of the Convention. Commitment to achieving the goals defined by the Convention has informed the Swedish national response to men's violence against women.

Role of Data Collection in Policy Making

Data collection is perceived as the key to the design and implementation of well-targeted public policies. Within the National Strategy to Prevent and Combat Men's Violence against Women, all forms of violence against women are covered, and it is strongly focused on prevention. The emphasis is on:

- The importance of prevention measures;
- Men's participation and responsibility in the work against violence;
- The need for stronger protection for abused women and children;
- More effective enforcement of the law, and
- Improved knowledge, approaches and methods.

A successful outcome of the work on combating violence requires improved co-ordination among relevant actors in society, and that is why many agencies and bodies have been involved in actions on men's violence against women.

Research on violence against women is often focused on consequences, rather than the causes, so one of the ambitions of the National Strategy and corresponding activities is **to shift the perspective towards prevention of violence**. The role of the Swedish Gender Equality Agency is to spread awareness about the strategy, to improve the co-ordination of its implementation and to contribute to knowledge, methodological development and to support its implementation. The Agency also carried out the first assessment of the implementation.

Within the Swedish policy-making attempts, the legal framework on violence against women plays an important role – strong legal protection against men's violence against women, including sexual offences and domestic violence, is considered crucial. For this reason, the Swedish authorities have constantly amended and improved national laws; one of the aims of these amendments was to **change norms and attitudes**. Therefore, the Swedish authorities have developed numerous innovative legislative solutions, including, for example:

- The Swedish Sex Purchase Act, which is now 20 years old, and which criminalises purchase of sex, but not the selling of sexual services. One of the goals is to make people perceive prostitution as a matter of gender equality and to shift "stigma" of prostitution from those who are selling it to the clients.
- Consent-based sexual offences legislation, including new offences called "negligence regarding rape" and "negligence regarding sexual assault". The new criminal provisions on rape are based on the absence of consent, instead of occurrence of violence, or threat. The authorities hope that these provisions will change norms and the review of the application of these new laws are ongoing.
- The Convention on the Rights of the Child became law in Sweden in 2020.

Within the above-described policy and legal framework, data collection plays a relevant role. Sweden has a long tradition in creating a solid, comprehensive statistics.

- There are **legal requirements regarding statistics** in Sweden: the issues related to official statistics are regulated by the Official Statistics Act (2001) and the Official Statistics Ordinance (2001). In ac-

The legal framework on violence against women plays an important role – strong legal protection against men's violence against women, including sexual offences and domestic violence, is considered crucial. For this reason, the Swedish authorities have constantly amended and improved national laws; one of the aims of these amendments was to change norms and attitudes.

cordance with the law, **there must be official statistics** for general information, investigation and research.

- The statistics must be **objective** and it should be made **available to public**, and must be **disaggregated by sex**.
- According to the government decision, **the official statistics covers 22 subject areas and 112 statistics areas**.
- **The government has appointed 28 government agencies to be responsible for official statistics within these respective areas**.
- Statistics Sweden maintains Statistical Database, including the **Gender Equality Statistics**.

The report published by the Swedish Gender Equality Agency on the implementation of the National Strategy on Preventing and Combating Men’s Violence against Women clearly showed that there are many areas in which there is a need to align indicators or to improve data collection. **There is a commitment to improve the administrative data collection, as well as the surveys, in line with the obligations of Sweden under the Istanbul Convention and GREVIO’s recommendations⁵¹**. Key actors in this process of improvement are: Swedish Gender Equality Agency, the National Board of Health and Welfare, and the Swedish National Council for Crime Prevention.

In its report, GREVIO called for continuation and completion of ongoing interventions. Sweden can be seen as a good example in creating legislation, but in the area of data collection, **GREVIO noted that Sweden needs to improve data categories to describe in more detail the relationship between the victim and the perpetrator, and case management systems should be developed to make it possible to track the case from notification to the police to the level of prosecution**, which Sweden is not able to do at the moment. **GREVIO also highlighted a need to analyse the proportion of cases that did not lead to conviction, and to clarify the causes for this**.

In many of these areas, the work is in progress. Other GREVIO comments are related to how Sweden ensures an intersectional approach and addresses the problems of vulnerable and minority groups. In response to these recommendations, and the previous considerations of the Swedish administrative bodies, **ongoing work, aiming to improve data collection and prevalence surveys, include the following:**

- Harmonising definitions and indicators;
- Improving data on victims and the victim-perpetrator relationship;
- Detection of violence against women cases (expanded collaboration);
- Fatality review is being updated;
- Improving response to system challenges;
- A comprehensive prevalence survey.

⁵¹ GREVIO (2019). *GREVIO (Baseline) Evaluation Report: Sweden*. Strasbourg: Secretariat of the monitoring mechanism of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, <https://rm.coe.int/grevio-inf-2018-15-eng-final/168091e686>

Example of the work on improving data-collection is related to the national code list (crime classification system)

- There is a need for reliable and comparable data **throughout the judicial chain** (while the police and the public prosecutor use the national code list, the courts have their own classification based on the Swedish Criminal Code). **Work is ongoing to change the classification system in order to enable the police, public prosecutors and the courts use the same classifications.**
- For example, in relation to the definition of femicide, intimate partner violence and rape: **coding must allow for the recording of the intimate partner relationship** for key offences of physical, sexual, psychological and economic violence. Steps are undertaken to record the information on the relationship between the victim and the perpetrator for sexual offences, and to improve data on femicide, as well as data on psychological and economic violence, so that Sweden can respond to its commitments in line with the Istanbul Convention.

Which Elements are Necessary in Order to Ensure Reliable Data-collection Models?

Finally, Anna Collins-Falk's point is that we need to see a "bigger picture" when we analyse the issue of data collection. She summarised the important elements relevant for ensuring reliable data-collection models and what have been important elements in the Swedish context:

- **The existence of political will (non-partisan issue) and commitment (including a necessary financial means to carry out this work);**
- **Promotion of an integrated approach to men's violence against women and violence against children;**
- **A basis in human rights and good governance. Aligned with international normative framework, i.e. the Istanbul Convention**
- **Solid, reliable general statistical system and governance. Publicly available data**
- **Data covering all forms of violence against women**
- **Relevant and comprehensive legislation, reviewed over time**
- **Clear policy and national strategy. Long-term commitment, focusing on the end result: to end violence against women**
- **Competence and capacity on VAW-related issues of responsible agencies**
- **Shared responsibility to have an impact, and need for evidence-based policy and data for monitoring**
- **Flexibility and innovation based on emerging issues, and data/system challenges**
- **System approach based on policy goals, strategy and roles in implementation**
- **Collaboration between sectors as well as local government and with NGOs.**

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ANNEX 1

Analysis related to the implementation of the Article 11 of the Istanbul Convention in Turkey, including recommendations, as provided in the baseline evaluation report of GREVIO (2018)⁵²

With respect to the implementation of the Article 11 in Turkey, GREVIO provided the following analysis and the recommendations in its baseline evaluation report on Turkey.

Data Collection and Research (Article 11)

1. Administrative Data Collection

70. Article 11 requires the collection of disaggregated statistical data on cases of all forms of violence covered by the scope of the Istanbul Convention, and that prevalence studies and research be carried out. GREVIO recalls that the obligation to collect comprehensive data in a systematic manner and to carry out research as laid out in Article 11 of the Istanbul Convention is an essential prerequisite for the development of evidence-based and effective policies to prevent and combat all forms of violence against women, including domestic violence. GREVIO also recalls the important role that the national co-ordinating body required under Article 10 of the Istanbul Convention must play in the central co-ordination of the collection of such data, their analysis and dissemination.
71. GREVIO is aware that the requirements of Article 11 are particularly challenging for all parties and commends the initiatives the Turkish authorities are undertaking to improve their practices in this area, notably by relying on internationally recognised best practices. GREVIO welcomes the leading role the GDSW has taken in driving this process since the enactment of Law No. 6284, by centralising data on measures adopted in pursuance of this law. As the central piece of legislation adopted to implement the Istanbul Convention, data collection based on this law has progressed considerably, whereas adjustments to data-collection methods in other sectors, namely law enforcement and the judicial system, are still necessary to produce data complying with the standards of the Istanbul Convention. The concerned institutions have all shown commitment towards undergoing the necessary reform and are working in parallel to achieve greater data interconnectivity and comparability.
72. Pending these reforms, GREVIO regrets that the authorities did not seize the opportunity of the evaluation procedure for communicating available administrative data beyond that pertaining to the application of Law No. 6284⁵³. It understands and respects the authorities' view that releasing official data that might be contradictory is problematic, as much as it is a reflection of the tendency of each institution to collect data according to its own goals and area of responsibility. That being said, GREVIO emphasises that the lack of data has significantly impacted its ability to evaluate Turkey's implementation of the convention. In particular, GREVIO regrets not having received administrative judicial data on investigation, prosecution and sentencing of perpetrators of criminal

⁵² GREVIO (2018). GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Turkey. Strasbourg: Secretariat of the monitoring mechanism of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, <https://rm.coe.int/eng-grevio-report-turquie/16808e5283>

⁵³ See data on emergency barring and protection orders set out in Appendix 1 to the state report.

offences punishable in line with the internal criminal legislation that fall within the scope of the convention. Such data are crucial for producing conviction rates and monitoring the implementation of legislation and developing efficient policies to eliminate forms of violence covered by the scope of the convention.

73. GREVIO voices its strong belief that the authorities would foster more constructive relations with civil society by answering its legitimate expectation to have access to available administrative data.⁵⁴ The authorities should acknowledge that the vacuum created by the lack of official data is a primary cause of the predominance of alternative sources of data which the authorities reject as inaccurate, if not biased⁵⁵. In any event, GREVIO recalls that the interpretation of data is a delicate process and that until the authorities have reached the full capacity to produce standard and high-quality data over a number of years, caution is to be used in drawing out general trends. GREVIO notes in this respect that in many countries, sharp rises in the numbers of cases of violence against women have been recorded without it being possible to determine to what extent they reflect greater awareness and women's increased willingness to report, rather than an actual increase in prevalence.
74. Notwithstanding the foregoing, GREVIO welcomes the indication that the authorities are nearing the point where public disclosure of more data will be possible. With the aim of supporting the authorities' endeavours to this end, GREVIO hereafter submits a number of proposals to guide the future action of a select number of stakeholders.

a. Data collection by law-enforcement bodies and criminal courts

75. In Turkey, law-enforcement agencies are often the first institutions to which victims and their children turn in search for protection.⁵⁶ Law-enforcement bodies collect data using a standard form which has been in use since 2009 and serves at the same time as a tool for risk assessment. The form, which allows the uploading of data into the POL-NET system of the police and the Incidents Information system of the gendarmerie, categorises data in relation to the number of incidents of domestic violence and violence against women, the number of victims, the sex and age of both the victim and the perpetrator and the victim's relationship to the perpetrator, as well as the number and types of emergency barring and protection orders issued. In case of gender-based murders of women, data are furthermore classified by sex, age, residence of the victim and the type of relationship with the offender⁵⁷. A protocol has recently been concluded between the Ministry of Interior and the MoFSP enabling the various agencies operating under the latter to have quicker access to information gathered by law-enforcement bodies, and hence to intervene more swiftly in support of victims.
76. Contrary to the statistics held by law-enforcement agencies that are not available to the public, those generated by the information system of criminal courts (UYAP) are published on the websites of the Ministry of Justice and the Turkish Statistical Institute (TÜİK). One of the greatest limitations

⁵⁴ Civil society organisations claim their denied or limited access to data is in violation of their right to access public information in compliance with the law on the right to be informed.

⁵⁵ See data on gender-based killings published by the press agency BIANET and the Femicide Watch Platform which are mentioned in relation to Article 5

⁵⁶ See the 2014 research on domestic violence (page 168): "Although the proportion of applications to institutions and individuals due to violence is very low, ... among the institutional applications, which are at 11 per cent, women most prevalently apply to the police (7 per cent)".

⁵⁷ The authorities informed GREVIO that law-enforcement units received applications from 142 360 women in 2014, 129 693 women in 2015 and 144 710 women in 2016. The numbers provided regarding emergency barring orders (or "immediate suspension from the communal residence or current location and assignment of the communal residence to those put under protection", according to the terminology of Law No. 6284) given by law-enforcement agencies are 100 513 in 2014, 91 934 in 2015 and 91 844 in 2016.

of UYAP was that, until recently⁵⁸, it contained only data related to the offence as per the relevant legal provision and the perpetrator, with no information on the victim and her relationship to the perpetrator. This made it impossible to isolate data related to violence against women. Moreover, a major drawback in the current set-up is the difficulty in assessing attrition rates, a key indicator for assessing the performance of the institutional response to violence against women. This situation also results from the lack of integration between POL-NET and UYAP, an issue the authorities indicated they were in the process of addressing. The ultimate goal of such an endeavour should be that the data from law-enforcement bodies and the judiciary can be combined to reconstruct the entire chain of criminal proceedings from the moment the complaint is filed to the delivery of the judgment. The challenge in bridging the two systems will consist in harmonising two different categorisation methods: one which allows tagging incidents of violence as “domestic violence” or “violence against a woman” irrespective of the provision of the Criminal Code under which they are recorded (POL-NET), and another where forms of violence against women are strictly recorded on the basis of the offence they are considered to represent (UYAP). Differences in categorisation are also cited by the authorities to explain their difficulty in producing data on gender-based killings of women. A standardisation exercise is under way involving the Ministry of Interior and the Ministry of Justice with the aim of developing a shared definition of this form of murder⁵⁹. These differences in categorisation raise the question as to whether a first necessary step to be taken by law-enforcement agencies and the judiciary would be to harmonise legal definitions of crimes with legal definitions of criminal offences established by the Istanbul Convention.

77. The absence of data from criminal courts also extends to the outcome of judicial processes, meaning that, regrettably, GREVIO was not in a position to verify to what extent the rather severe punishments provided for in the law were applied by courts. In developing their ability to collect data regarding criminal sanctions, it will be of the utmost importance that the authorities closely monitor any reduction of sentences granted on account of motives such as “unjust provocation” or “good conduct of perpetrators”⁶⁰.

78. **GREVIO urges the Turkish authorities to:**

a. make the gendered nature of all forms of violence that are criminalised in line with the Istanbul Convention visible in crime statistics by using compulsory disaggregation by sex and age of a victim, sex and age of a perpetrator, type of violence and geographical location, and collect data on all three of the following: number of victims, number of events (crimes or incidents) and number of perpetrators;

b. develop data categories detailing the type of relationship between perpetrator and victim for all criminally sanctioned forms of violence against women that would enable, for example, cases of intimate-partner violence against women to be isolated from other forms of domestic violence incidents;

c. ensure that these and any other data categories in use, including the type of violence and

⁵⁸ During the evaluation procedure, GREVIO was informed that, as of April 2017, initial steps have been taken to introduce victim-related data to UYAP, following the practices in use within law-enforcement bodies.

⁵⁹ In her report on violence against women, its causes and consequences, the former UN Rapporteur on Violence against Women (R. Manjoo, 2012; A/HRC/20/16) highlighted that different forms (manifestations) of gender-based killings/femicide include killings as a result of intimate-partner violence, sorcery/witchcraft-related killings, honour-related killings, armed conflict-related killings, dowry-related killings, gender identity- and sexual orientation-related killings, and ethnic- and indigenous identity-related killings. The resolution adopted by the UN General Assembly in 2015 (A/RES/70/176) urges states to reduce the risk of gender-related killings of girls and women through early intervention and risk assessment, as well as by exercising due diligence to prevent, investigate, prosecute and punish it. The resolution also encourages states to collect, disaggregate, analyse and report data on this phenomenon and, wherever possible, to involve civil society, academia and victims’ representatives in this process.

⁶⁰ See considerations developed further in this report with respect to Article 42 regarding unacceptable justifications for crimes

location where the offence is committed, are harmonised with legal definitions of criminal offences in the Istanbul Convention and across the various sectors;

d. conduct studies on prosecution and conviction rates for all forms of violence against women covered by the Istanbul Convention and make public the results of such studies;

e. conduct publicly available annual studies on cases of gender-based killings of women, which would serve as input data for analysis aimed at assessing possible systemic gaps in the institutional responses to violence, as recommended elsewhere in this report, notably with respect to the obligation of due diligence;

f. collect and publish data on the number of criminal and other sanctions imposed on the perpetrators of all forms of violence against women, with an indication of the type of sanctions imposed (for example, imprisonment, fine, court-ordered participation in perpetrator programmes, restriction of liberty or deprivation of liberty) and, where appropriate, of their suspended execution, their reduction for any motive and average length of sanctions.

b. Data related to Law No. 6284

79. In areas where they are operational, Şönims, shelters and first-step stations collect data regarding the number of women and children to whom support was given⁶¹. Of particular relevance are the data regarding the number and types of measures taken in pursuance of Law No. 6284, which are collected in a data system shared by the Ministry of Justice and the MoFSP⁶². Thus, the authorities provided GREVIO with exact numbers regarding emergency barring, and restraining and protection orders, whether issued by law-enforcement bodies or ordered by a court; decisions to provide shelter, temporary financial aid, day-care aid or counselling services; decisions regulating custody, alimony and visiting rights; injunctions to attend perpetrator programmes; and preventive imprisonment of domestic violence offenders who violate emergency, restraining or protection orders⁶³.

80. GREVIO welcomes the possession of robust data on emergency, restraining and protection orders, which is crucial to monitoring their implementation and ensuring their enforcement. Data are moreover available on the number of court decisions imposing preventive imprisonment in cases of violation of these orders. GREVIO notes how instrumental such data are to ground any thorough analysis of the system's failure to protect women in cases where women suffer repeated violence or are killed despite being under an emergency, restraining or protection order.⁶⁴ GREVIO regrets not being informed about the number of such cases, a figure which the system in place – as it has been described to GREVIO – should have been able to produce with relative ease.

81. **GREVIO urges the Turkish authorities to ensure data are collected and published regarding the breaches of emergency barring, restraining and protection orders, the number of sanctions imposed as a result of such breaches and the cases where the woman was revictimised or murdered as a consequence. Such steps would allow the Turkish authorities to assess the effectiveness of the system governing the enforcement of emergency barring, restraining and protection**

⁶¹ According to this data, Şönims offered services to a total of 125 581 people including 91 156 women and 27 224 children between 2012 and 2016. Women's shelters and first-step stations provided services to 27 761 people comprising 18 562 women and 9 199 accompanied children in 2015, and 47 568 people comprising 29 612 women and 17 956 accompanied children in 2016. Efforts are ongoing to exchange and merge data on services provided by these institutions, via the Women Module of the Family Information System.

⁶² The 6284 Decision Monitoring System, linking all 81 Provincial Directorates and 73 Şönims.

⁶³ Data pertaining to the years 2014, 2015 and 2016 were provided in Appendix I to the state report.

⁶⁴ The authorities' ongoing efforts to prevent violence-related deaths of women are discussed in relation to Article 5 of the Istanbul Convention (State obligations and due diligence).

orders. GREVIO strongly encourages the Turkish authorities to engage in such an assessment and to identify possible avenues for policy improvement. More detailed suggestions/proposals related to data collection on emergency barring and protection orders are developed further in this report in the section dealing with Articles 52 and 53 of the Istanbul Convention.

c. Data on civil lawsuits and other remedies

82. With the notable exception of data regarding emergency barring, restraining and protection orders, Turkey's report to GREVIO did not contain any of the data requested in its questionnaire⁶⁵. No data are provided regarding compensation from perpetrators and state compensation when the offence committed involved sustained serious bodily injury or impairment of health⁶⁶. Data are equally missing on the number of legal remedies applied, and their outcome, in cases where public officials have failed to comply with their duties.
83. **GREVIO encourages the Turkish authorities to ensure data are collected and published regarding the number of remedies applied for and granted against state authorities; the number of compensation claims from perpetrators and the number of women victims who obtained such compensation; the number of applications for state compensation and the number of women victims who were awarded state compensation.**

d. Data collected by health professionals

84. Health-care professionals in Turkey receive training allowing them to recognise and detect signs of violence⁶⁷ and requiring that they record cases of violence against women by using the 10th revision of the International Statistical Classification of Diseases and Related Health Problems (ICD 10 Codes), developed by the World Health Organization. They are under an obligation to report any recognised or suspected case of violence, and face criminal liability in case of any failure to report it. GREVIO welcomes the authorities' ongoing initiatives to develop an infrastructure for systematic data collection in the health sector, and to improve the capacities of healthcare professionals, including general practitioners and emergency services, to identify and record cases of violence. It also stresses the importance of current efforts to train all personnel in primary health-care, while recognising that such endeavour is both necessary and costly, having in mind the size of the country.
85. According to the statistics held by the Ministry of Health, there were 20 895 such cases in 2015 and 1 094 in 2016. The sharp decrease in the number of recorded cases would require identifying the reasons for this phenomenon. Moreover, GREVIO notes that these data do not appear to comprise statistics on violence affecting girls, such as data kept by Child Protection Centres in cases of sexual assault against minors⁶⁸ or the numbers of sexual assaults involving minors recorded in obstetrics wards in cases of child delivery.
86. **GREVIO strongly encourages the Turkish authorities to systematise data collection regarding cases of violence against women in the health-care sector, including by appropriate training, and to ensure that such data also cover cases of violence against girls. The authorities should moreover assess and if need be, address the reasons behind the decrease in recorded cases of violence.**

⁶⁵ See questions raised under Chapter V, paragraph D, of GREVIO's questionnaire.

⁶⁶ Turkey did not enter a reservation to paragraph 2 of Article 30 regarding state compensation.

⁶⁷ Further considerations regarding training for health-care professionals are developed in relation to Article 15 of the Istanbul Convention (Training of professionals).

⁶⁸ The Child Protection Centre in Malatya visited by GREVIO had registered 144 cases of sexual assault from January to November 2017, roughly two thirds of which involved a child marriage.

e. Centralised data collection

87. Ongoing efforts to harmonise state agencies' practices in data collection are driven by the overarching objective of establishing a single inter-institutional database, based on the use of each individual's personal identification number. While recognising the potential of such an initiative in terms of providing an overall picture and allowing cross-analysis, GREVIO strongly cautions against the risk of widely available personal data being mishandled, unless appropriate safeguards are put in place. In adopting such safeguards, the authorities might wish to draw inspiration from best practices developed internationally based on the principles that unauthorised access to such data would not be possible, that all participating agencies would follow clearly defined protocols regulating procedures for data sharing, that full anonymity would be granted to persons whose personal data were registered, and that individuals would not be identifiable in data available to the public.
88. **GREVIO strongly encourages the Turkish authorities to ensure that the process of collecting, storing and transforming collected data complies with standards on data protection, as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, and with recognised best practices, to ensure confidentiality and respect for the privacy of victims, perpetrators and other persons involved.**

2. Population-based Surveys

89. The authorities have been conducting regular demographic and health surveys every five years since 1963. The last survey was carried out in 2013⁶⁹. Besides providing information on such topics as fertility levels, infant and child mortality, family planning and maternal and child health, the survey addresses a series of factors impacting women's conditions including women's attitudes towards gender roles and their exposure to physical violence and controlling behaviours. Considering the exclusive focus of these surveys on domestic violence, the authorities should envisage expanding their scope to cover other forms of violence such as forced marriages or crimes in the name of "honour". Surveys could furthermore help the authorities in understanding the reasons behind the very low rate of reporting by victims (only 11%, as revealed in the 2014 research on domestic violence).
90. **GREVIO encourages the Turkish authorities to carry out surveys on all forms of violence against women, bearing in mind that surveys should be conducted using methods that allow women to feel safe and free to disclose incidents of violence.**

3. Research

91. In 2008⁷⁰ and in 2014⁷¹, the authorities supported two extensive research projects on domestic violence. These studies were carried out by the Hacettepe University and the Turkish Institute of Population Studies, based on qualitative and quantitative methods. The findings of the 2014 research relate to physical, sexual, economic and psychological violence, as well as stalking. They offer interesting insights into the barriers preventing women from exercising their right to education and participating in the labour market. Although the 2014 study focuses mainly on violence inflicted on women by their present or past husband/fiancée/partner/boyfriend, it also develops prevalence data regarding other forms of violence against women, such as forced marriage, and

⁶⁹ See www.hips.hacettepe.edu.tr/eng/TDHS_2013_main.report.pdf.

⁷⁰ See www.hips.hacettepe.edu.tr/eng/dokumanlar/2008-TDVAW_Main_Report.pdf.

⁷¹ See http://tkaa2014.kadininstatusu.gov.tr/upload/Node/17982/files/TKAA_2014_Main_Report.pdf.

elaborates on the links between early marriages and violence. The research explores men's attitudes towards violence against women, women's coping strategies and their views on available institutional mechanisms of support and protection. The research further examines the implementation of Law No. 6284 and in particular the functioning of the recently established Şönims. It sets out a series of recommendations for policy makers, including proposals for further research. The authorities have taken on board a number of these proposals: three activities under the ongoing National Action Plan on Violence against Women (2016-20) aim at pursuing research on men's perception of violence, fatal cases of violence against women, suspicious suicides of women and killings committed in the name of custom and "honour".

92. GREVIO commends the foregoing initiatives which could be repeated and further developed to cover relatively unexplored themes such as sexual violence, forced marriages⁷² and violence which affects women subject to intersectional discrimination. The women's studies centres, which, according to the state report, are operational in 58 universities across Turkey, could be supported and encouraged by the authorities to contribute their knowledge in these areas, with the aim of providing a solid evidence basis for the formulation of policies for preventing and combating violence which affect all women in Turkey.

93. **GREVIO encourages the Turkish authorities to:**

- a. carry out research on forms of violence against women, including sexual violence and forced marriage and other forms of violence against women not previously covered;**
- b. assess incidence, reporting and conviction rates and analyse their causes;**
- c. continue to evaluate existing policies and legislative measures and to assign research to assess their level of implementation and efficiency, taking into consideration victims' views and levels of satisfaction.**

⁷² GREVIO was informed that the authorities are planning to conduct surveys and collect data on forced marriages within the framework of the Strategy Paper and Action Plan to Combat Forced and Early Marriages (2018-23)

ANNEX 2

Agenda of the Webinar

Webinar on Administrative Data Collection and Analysis on Violence against Women and Domestic Violence, 30 November 2020

As part of the joint action “Fostering a comprehensive institutional response to violence against women and domestic violence in Turkey”⁷³, the European Union and the Council of Europe, together with the Ministry of Family, Labour and Social Services, Ministry of Justice and Ministry of Interior, including police and gendarme, is organising a webinar on administrative data collection and analysis on violence against women and domestic violence.

The webinar brings together national and international stakeholders to discuss guiding principles and methods of administrative data collection, dissemination of data and evidence-based policy making to effectively prevent and combat violence against women and domestic violence, in light of national and international standards, including the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).

Background

Data collection is essential for the design and implementation of well-targeted public policies to prevent and combat violence against women and domestic violence. Effective public policies are hence based on informed decisions and responsive to actual social needs verified through data collection and research.

Harmonised data collection among different sectors and dissemination of data, while protecting personal information, is pivotal for co-ordinated actions. The Istanbul Convention requires, in Article 11, to collect administrative and population-based survey data as well as to conduct research to unfold the causes and effects of violence against women and determine the efficacy of methods to respond to it.

Regular collection of comparable data and sharing it with relevant authorities and the public are the standards to be met under the Istanbul Convention.

In its reports on several countries, GREVIO⁷⁴ has urged to improve data collection systems to make crimes against women more visible to the general public. It also has identified promising practices of countries in this field⁷⁵. As for Turkey, GREVIO recommends to improve collection of gender disaggregated administrative data by law-enforcement bodies and criminal courts (paragraph 78) and health professionals (paragraph 86), as well as data related to Law No. 6284 (paragraph 81), while ensuring that such data collection conforms with the applicable standards on protection of personal data (paragraph 88).

⁷³ The action is funded by the European Union and the Council of Europe and implemented by the Council of Europe as a part of “Horizontal Facility for the Western Balkans and Turkey 2019-2022”.

⁷⁴ Group of Experts on Action against Violence against Women and Domestic Violence responsible for monitoring the implementation of the Istanbul Convention.

⁷⁵ Ensuring Data Collection and Research on Violence Against Women and Domestic Violence: Article 11 of the Istanbul Convention: A collection of papers on the Council of Europe Convention on preventing and combating violence against women and domestic violence” by Sylvia Walby, Council of Europe, 2016.

Objectives of the Webinar

- Contributing to the implementation of the GREVIO's recommendations, the EU acquis and national policies, such as the upcoming Fourth National Action Plan on Violence against Women and Co-ordination Plan for combating violence against women 2020–2021 on administrative data collection and integration;
- Increasing understanding of relevant international standards on data collection and analysis for comprehensive policy making and co-ordinated responses to violence against women;
- Sharing experiences and lessons learnt in this field, including promising practices from other European countries on how to collect data, analyse and report on violence against women and domestic violence and how to integrate data collection systems;
- Understanding and discussing the general framework and practices for administrative data collection in Turkey to address current challenges and propose solutions;
- Encouraging co-ordinated data collection and dissemination among relevant public authorities, while protecting personal data, to achieve greater data interconnectivity and comparability in Turkey.

Format

The webinar is open to public. It will be held online through KUDO videoconference platform. Technical guidance will be provided to all participants for the use of online platform before the meeting. English-Turkish simultaneous interpretation will be provided.

AGENDA, 30 November 2020

- 10.³⁰ - 10.⁴⁰ WELCOME**
Cristian Urse, *Head of Ankara Programme Office, Council of Europe*
- 10.⁴⁰ - 10.⁴⁵ ANSWERING A PRE-PARTICIPATION SURVEY QUESTIONNAIRE**
- 10.⁴⁵ - 11.⁴⁵ PANEL 1: EUROPEAN STANDARDS ON DATA COLLECTION ON VIOLENCE AGAINST WOMEN AND TURKEY'S PREVALENCE STUDIES**
- Data collection for efficient policies and operations – Council of Europe standards and reflections from GREVIO reports**
Biljana Brankovic, *Council of Europe international consultant*
- Guiding principles and approaches to data collection in Europe: Harmonised definitions and indicators for intimate partner violence**
Cristina Fabr , *European Institute of Gender Equality (EIGE)*
- Human rights safeguards for data protection and privacy: Council of Europe's Convention 108 on Data Protection⁷⁶**
Peter Kimpian, *108 Sayılı S zleşme Sekreteryası*
- Research on prevalence of violence against women in Turkey: national surveys and research**
Dr. İlknur Yüksel Kaptanođlu, *Hacettepe University, Institute of Population Studies*
- 11.⁴⁵ - 12.⁰⁰ QUESTIONS AND DEBATE**
- 12.⁰⁰ - 13.³⁰ LAUNCH BREAK**
- 13.³⁰ - 14.³⁰ CHALLENGES AND POTENTIAL SOLUTIONS RELATED TO ADMINISTRATIVE DATA COLLECTION ON VIOLENCE AGAINST WOMEN**
- Data collection on violence against women in health sector**
Ayşe Akın, *Medical doctor in family and children's health*
- Women's Access to Justice and Evaluation of Data on Violence Against Women and Domestic Violence**
G lriz Uygur, *Ankara University, Department of Law*
- How to strengthen data collection practices in judicial sector in Turkey?**
Meral G kkaya, *Ministry of Justice, Head of Department*
- Data collection and analysis by law enforcement for cases of violence against women**
Olca Erkiral Tavas, *Ministry of Interior, Head of Directorate*
- 14.³⁰ - 14.⁴⁵ QUESTIONS AND DEBATE**
- 14.⁴⁵ - 15.⁰⁰ BREAK**

⁷⁶ "Modernised Convention for the Protection of Individuals with Regard to the Processing of Personal Data" ("Convention 108"), adopted in May 2018. For further information: <https://www.coe.int/en/web/data-protection>

15.⁰⁰ - 16.⁰⁰ PANEL 3: INTER-AGENCY APPROACHES IN DATA COLLECTION AND DISSEMINATION**Data collection for effective protection and support to victims: coordinated approaches and Austrian experience**

Rosa Logar, *Council of Europe international consultant*

Data collection and inter-agency co-operation to tackle violence against women in Sweden

Anna Collins-Falk, *Swedish Gender Equality Agency*

New strategies on administrative data collection in the upcoming Fourth National Action Plan: steps forward for a more comprehensive and integrated data

Mustafa Çadır, *Aile, Labour and Social Service, Head of Department*

16.⁰⁰ - 16.³⁰ QUESTIONS AND DEBATE**16.³⁰ - 16.⁴⁰ ANSWERING A POST-PARTICIPATION SURVEY QUESTIONNAIRE****16.⁴⁰ - 17.⁰⁰ CONCLUSIONS**

Biljana Brankovic, *Webinar rapporteur*

MORE INFORMATION

Council of Europe Programme Office in Ankara
Yıldızevler Mah. R.Tagore Cad. Yunus Ensari iş Merkezi
No:10/8 Çankaya Ankara Turkey
E-mail: ankara.office@coe.int

<http://horizontal-facility-eu.coe.int>

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**This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.*

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ENG

The Council of Europe is the continent’s leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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