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Committee on Equality and Non-Discrimination

Systematic collection of data on violence against women

Report*

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A. Draft resolution¹

1. Violence against women is present at every level of society and no Council of Europe member State is immune to this phenomenon. However, underreporting of violence against women is widespread and the figures given in population surveys do not match police or other official records. It is crucial to step up efforts in awareness-raising campaigns encouraging reporting and rebuilding trust in national authorities to whom victims would report.

2. The Assembly is convinced that violence against women cannot be combatted efficiently without reliable data. Policy-making in violence against women cannot be adequately targeted if there is no precise information about its frequency and manifestations. Comprehensive data on violence against women is composed of crime records for all reported cases, reports by justice, health and social services combined with population surveys, which give an idea of its prevalence. The Assembly stresses the importance of systematic and comprehensive data collection in this field as a pre-condition for efficient and effective action.

3. The Assembly acknowledges the commitment and actions taken by Council of Europe member States to prevent and combat violence against women and domestic violence. The entry into force of the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210, "Istanbul Convention") marks a major step in the global fight against this scourge. This Convention requires its State parties to collect data, support research and conduct population-based surveys on violence against women and calls for the establishment of a coordination body overseeing its implementation (articles 10 and 11).

4. The Assembly also recalls its Resolution 2084 (2015) on "Promoting best practices in tackling violence against women" which called on Council of Europe member States to undertake research and data collection in several fields pertaining to the fight against violence against women, including reporting by professionals, compensation procedures and delivery of residence permits.

5. In the light of these considerations, the Parliamentary Assembly calls on Council of Europe member States:

5.1. with regard to preventing and combating violence against women and domestic violence, to:

5.1.1. sign and/or ratify, if they have not yet done so, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention");

5.1.2. ensure that the development, the implementation and the monitoring of policies and legislations adopted to combat violence against women are based on reliable and accurate data;

5.2. with regard to data collection on violence against women, to:

5.2.1. designate or establish one or more official bodies responsible for the coordination of data collection and for the coordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by the Istanbul Convention;

5.2.2. collect data on all forms of violence covered by the Istanbul Convention;

5.2.3. collect data on the causes of violence against women, on its consequences, on its prevalence and frequency and on the efficiency of policies and legislations;

5.2.4. analyse the causes of underreporting of violence against women;

5.2.5. ensure that data is disaggregated, as a minimum requirement, by sex, age, type of violence as well as the relationship of perpetrator to the victim, geographical location, as well as other factors deemed relevant, having regard to relevant data protection and anti-discrimination legislation;

5.2.6. ensure data collection is part of all national plans aiming at combating violence against women and allocate sufficient funding to this end;

¹ Draft resolution adopted unanimously by the Committee on 27 January 2016.

5.2.7. require from every national police, justice, health or social institution to collect data and set up standardised forms for data collection by the police and the justice, health and social services to allow comparability among similar institutions and encourage electronic data collecting and processing;

5.2.8. provide specific training to all professionals on basic rules of data collection;

5.2.9. conduct population-based surveys on violence against women at regular intervals, with the same set of questions, to allow monitoring and comparison over time;

5.2.10 ensure the public release of statistics on the number of cases of violence against women and other relevant data and accompany it with the organisation of public debates so as to raise awareness among the general public and promote support and prevention services;

5.3. with regard to the protection of victims and of data collected, to;

5.3.1. take measures to effectively protect victims against threats and possible acts of revenge;

5.3.2. encourage reporting and rebuild trust in national authorities by setting up means to avoid secondary victimisation, such as the presence of a specialist of violence against women in police stations, and the organisation of special training for professionals confronted with violence against women;

5.3.3. ensure that data collection on violence against women and data storage comply with requirements on data protection and confidentiality, in particular those of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108);

6. The Parliamentary Assembly also calls on national parliaments to ensure full implementation of the Istanbul Convention and to organise and/or support parliamentary hearings and public debates on the prevalence of violence against women and the need to systematically collect data for targeted policy-making;

7. The Assembly acknowledges the important role of civil society in combating violence against women and calls for coordinated action and stronger cooperation between the public institutions in charge of data collection and the NGOs working with women victims of violence.

B. Explanatory memorandum by Ms Maria Edera Spadoni, Rapporteur

1. Introduction

1. Violence against women is a cross-border phenomenon, common to all member States of the Council of Europe. According to a survey by the European Union Agency for Fundamental Rights (FRA), one in three women in the European Union has experienced physical and/or sexual violence since she was 15 years old, 8% of women have experienced physical and/or sexual violence in the last 12 months before the survey interview and out of all women who have a partner, 22% have experienced physical and/or sexual violence by a partner since the age of 15.² In addition to being a violation of fundamental human rights and an obstacle to achieving equality between women and men, violence against women is a clear manifestation of the unequal power relations between men and women.

2. Data collection is a process of gathering and measuring information on variables of interest, and in this particular case, on all forms of violence against women. Substantial and accurate data constitute reliable evidence of the prevalence of violence against women. Well analysed and presented, it is a concrete and powerful tool that can increase both political will and resources allocated to combating violence against women and to protecting women victims of violence and that improves policy responses to this phenomenon.

3. In order to combat violence against women efficiently, there is a crucial need for all stakeholders to understand the nature and the prevalence of this phenomenon. Violence against women unfortunately remains a silent problem for many victims. In this regard, data collection is not just a technical issue. The existence of available and reliable data is key to leading effective actions and efficient advocacy - it is not an alternative or a complement to relevant policy-making but a prerequisite. However, if there has been a greater advocacy for the development of systematic data collection on violence against women in the past decade, there are still no global solutions or standards applicable to it, neither at European level nor at national level. It is too often that data collection by national institutions is not coordinated and therefore lacks homogeneity, preventing the adoption of targeted measures on violence against women both on national and European plans. The Istanbul Convention has acknowledged these facts and contains binding provisions regarding data collection.

4. To ensure that policies implemented to combat violence against women are based on accurate knowledge, Article 11 of the Istanbul Convention provides that Parties shall *“collect disaggregated relevant statistical data on all forms of violence covered by this Convention”* and *“support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention”*. It also obliges States *“to conduct population-based surveys at regular intervals to assess the prevalence and trends in all forms of violence”* and to ensure that the information collected is available to the public. In addition, State parties are required to designate or establish one or more coordination bodies (article 10 of the Istanbul Convention). However, the decision on how to ensure the co-ordination, analysis and dissemination of data is left to States Parties to the Convention. The Explanatory Report of the Istanbul Convention underlines the importance of regularly collecting representative and comparable data to the devising and implementation of policies to prevent and combat violence against women. It also recommends that *“as a minimum requirement, recorded data on victim and perpetrator should be disaggregated by sex, age, type of violence as well as the relationship of perpetrator to the victim, geographical location, as well as other factors deemed relevant, such as disability”*.

5. In order to have a better understanding of the issue of violence against women in Europe, systematic collection of data on violence against women must become a reality in each and every Council of Europe member State. The current situation is very diverse and there are different recording systems in member States and sometimes with countries having federal administrative structures. As a result, much existing information cannot be compared. In this respect, the Gender Equality Commission (GEC) of the Council of Europe noted that there is an *“overall trend toward building a foundation of police statistics on domestic violence, but it is not yet clear whether the trend is also moving towards comparable data across national borders”*.³ A comprehensive and common approach is needed to efficiently combat and ultimately end violence against women. This common approach has to be undertaken both across national institutions – or

² EU Agency for Fundamental Rights, Violence against women: an EU-wide survey, Results at a glance, 2014, p. 15.

³ Council of Europe Gender Equality Commission, Analytical study of the results of the 4th round of monitoring the implementation of Recommendation Rec(2002)5 on the protection of women against violence in Council of Europe member States, Mars 2014, p. 43.

any organisation, public or private – collecting data in the field of violence against women and across States, in order to allow comparison of the data collected.

6. In preparation for this report, I carried out fact-finding visits to Spain (Madrid) on 6 and 7 May 2015 and to Finland (Helsinki) on 3 and 4 November 2015. I would like to thank the secretariats of the Finnish and Spanish delegations to the Parliamentary Assembly of the Council of Europe for their support in the preparation and conduct of the visits. Interlocutors I met during my fact-finding visits all stressed the usefulness of data on violence against women for their work.

2. The different methods of data collection

7. Different methods of data collection will provide different results and different types of data collection – population-based surveys and administrative data – exist. They are distinguished in Article 11 of the Istanbul Convention. Firstly, administrative data is collected by health care services, social services, law enforcement agencies and NGOs as well as judicial data recorded by judicial authorities, including the public prosecutors. Secondly, population-based surveys imply the collection of data that are statistically representative of the target population so that they can be easily generalised to the larger population. The Explanatory Report notes that *“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”*.

8. Research has shown that *“the highest percentage of administrative data sources (30%) on gender-based violence is collected and kept by the police.”*⁴ However, administrative data must be collected among various institutions and agencies and it should be mandatory for each institution collecting administrative data in member States to ensure that data is disaggregated at least by sex and made available to other institutions. More than merely being a tool for measurement of the prevalence of violence against women in a given context, administrative data allows monitoring the demand for services, the capacity of different sectors to respond to the needs of women and girls victims of violence and the level of services available within a community.

9. However, there are certain challenges to administrative data collection. One in particular has a significant impact: administrative data only counts experiences of women who report or seek help, meaning that only a small portion of actual victims of violence against women, which cannot be generalised, is taken into account. In addition, and due to different terminologies, reporting formats or indicators used by service providers, it is not easy to compare data between national institutions or to make sure that there is no overlapping of recorded incidents – which can happen in the case of a woman seeking help from different institutions. National authorities should therefore set protocols and standards for the collection of data by the police, social and health services and institutions relating to the justice system (such as courts, prisons or prosecution offices). These standards should be based on national guidelines on how to properly register the information so it can be suitable for statistical and analytical purposes. Moreover, standardised formats for data registration should be developed and implemented in all these institutions. Collecting and processing data electronically should be encouraged. It is also important to analyse data collected by assistance services and helplines.

10. In order to have a complete overview of violence against women in a given country, population-based surveys appear to be the most reliable form of data collection as they are less subjected to underreporting. Moreover, official administrative data can be inadequate in relation to some forms of violence. This limitation is due to the definition of violence against women, which can be restricted to only some forms of violence or to violence occurring only in specific settings, and to the legal framework implemented in the country. As an example, in Finland, data collection on violence against women is carried out by the police for offences included in the criminal code. A yearly report on violence against women is published on the police website and is relayed by the press. Information on female genital mutilation and forced marriage are not yet collected since they are not qualified as specific criminal offences. This problem does not show with population-based surveys: their questions can encompass forms of violence that are not criminalised under national legislation and target any group of population of any geographical area.

11. I noted that there are gaps in terms of territorial coverage, populations addressed and types of violence against women. With regard to the population targeted by the surveys, some categories of people

⁴ European Institute for Gender Equality (EIGE), Administrative data sources on gender-based violence in the EU, Current status and potential for the collection of comparable data, p. 4.

are harder to reach. This is particularly the case for victims of female genital mutilations and other traditional and cultural practices, trafficking in women and sexual exploitation or violence against migrants and undocumented workers, refugees or women belonging to minority groups. The question of territorial coverage is also important as regards the assessment of the full extent of violence against women in a country. Moreover, data collection is faced with another difficulty, namely to encompass every type of violence. Indeed, there are some areas that are left out of the scope of data collection, such as abuse during pregnancy, violence against women who were under police protection or violence against women by the police. Therefore, I should like to insist on the need for multiple methods of data collection, tailored to the context in which data will be collected and to the population targeted, allowing for cultural differences and different perceptions to be expressed, and on the importance of consistency to allow comparability between the outcomes of different surveys.

12. During my fact-finding visit to Finland, I received information about the use of crime surveys when collecting data on violence against women. The Institute of Criminology and Legal Policy of the University of Helsinki uses three crime monitoring instruments: the Finnish Homicide Monitor (FHM), the Finnish Crime Victims Survey (FCVS) and the Finnish Self-Report Delinquency Survey. The Finnish homicide monitoring system was put in place in 2002 and collects information on homicides annually. For every homicide, the police have to fill out an electronic form with 80 questions. The answers form the database of the Homicide Monitor. The FCVS consists in a 12-page questionnaire with a specific focus on crime and fear of violence, available in five languages. It is sent by post with an option to participate online, to a random sample of 14,000 persons aged from 15 to 74 years with permanent residence in Finland. This survey is carried out annually and there is an average participation rate of 50%. The Finnish self-report delinquency study is conducted at schools every four years, with a sample of 5,000 persons in the 9th grade (15-16 years old), and a response rate of 80%. These surveys all contain specific questions on violence against women, although they are not dedicated to this thematic. The European Homicide Monitor, developed on the basis of the Finnish, Swedish and Dutch national homicide monitoring systems, has been set up with funding of the European Commission. A similar national system is currently being developed in Denmark, Estonia, Norway and Switzerland. Other surveys such as quality of work life surveys can provide useful information on harassment, inappropriate treatment, physical violence or threat of violence on the workplace.

13. Many surveys are often limited to domestic violence or violence from an intimate partner. This is the reason why it is very important to carry out specific surveys, dedicated to the issue of violence against women, which will encompass all aspects of it. Luxembourg has recently conducted a major study in order to identify the causes and the origins of domestic violence.⁵ It included the analysis of available administrative data from the last ten years and the results of a specific population-based survey. This survey was conducted via anonymous questionnaires - answered by both the victims and the perpetrators – which were available in several languages. Several risk factors associated with the occurrence of domestic violence were identified: demographic, cultural, educational and economic background, physical and mental health, previous exposure to violence as well as family history. On the basis of the results, national recommendations to reinforce the prevention, protection of the victims and support for the perpetrators will be established.

3. The development of indicators in the process of data gathering

14. In its Recommendation Rec(2002)5 on the protection of women against violence, the Committee of Ministers recommended that States “*promote research, data collection and networking at national and international level*”. To reach an efficient and reliable data collection, every aspect of it must be taken into account. Indeed, technical aspects also depend on policies adopted on violence against women and this particularly shows with regard to the development of indicators.

15. “*Indicators summarise complex data into a form that is meaningful for policy makers. They constitute a key link between an evidence base and policy making. [...] The purpose of indicators is that they provide a simple summary of a complex picture, abstracting and presenting in a clear manner the most important features needed to support decision-making*”.⁶ Indicators are therefore means to convert the story of a woman into data that can be compiled, analysed and used by national authorities to develop legislations, policies and mechanisms to help women who have been victims of violence. Moreover, indicators are means

⁵ Luxembourg Institute of Health, “Domestic violence in the Grand Duchy of Luxembourg: study on the causes for a targeted prevention”, January 2015.

⁶ “Towards international standards for data collection and statistics on violence against women”, paper submitted by Sylvia Walby, Lancaster University, at the Conference of European Statisticians of the Economic Commission for Europe, Fourth session, Geneva, 11-13 September 2006.

to measure progresses made by monitoring the policies and legal frameworks already implemented by national authorities.

16. For a comprehensive overview of violence against women, the development and use of common indicators is necessary as comparability of the data can only be achieved if the different institutions gather the same type of information. There is currently a lack of agreed indicators and of model data collection systems. It is necessary to reach an agreement on key indicators that are required to address violence against women. In this regard, the Committee of Ministers recommended that *“research, data collection and networking at national and international level should be developed, in particular in [...] the preparation of statistics sorted by gender, integrated statistics and common indicators in order to better evaluate the scale of violence against women”*.⁷ However, national specificities still need to be taken into account as the factors that might prove relevant for the assessment of the prevalence, the causes and the consequences of violence against women can be different from one country to another.

17. There are existing tools at the international level for the development of indicators. Firstly, the United Nations Office on Drugs and Crime (UNODC) International Classification of Crimes for Statistical Purposes (ICCS) was adopted in 2015. The aim was for the ICCS to be *“applicable for all forms of data on crime that are collected at different stages of the criminal justice process (police, prosecution, conviction, imprisonment) as well as in crime victimization surveys”*. The ICCS was thought to be used, at national level, as *“a model to provide structure and organize statistical data that are often produced according to legal instead of analytical categories”* and at international level, as a tool capable of improving *“the comparability of crime data across countries”* as *“standardised concepts and definitions allow for the systematic collection, analysis, and dissemination of data”*.⁸ Under this classification, a certain number of crimes can be related to violence against women, such as murder and homicide, assault, defamation, rape, harassment or stalking, etc. This classification could be used for administrative data collection as well as for population-based surveys. Secondly, the International Classification of Diseases established by the World Health Organisation (WHO), which is used to monitor the incidence and prevalence of diseases and to classify them, could be used for more specific purposes, in particular with regard to administrative data collected by health services. It also contains references that can be related to gender-based violence, such as sexual assault (including rape), other maltreatment (mental cruelty or physical abuse), sexual abuse and psychological abuse, etc. It also includes the possibility to indicate who the perpetrator was: a spouse or partner, a parent, an acquaintance or a friend, official authorities, unspecified person, etc. These systems of classification could well serve as a basis for the development of common and uniform indicators specifically designed for data collection on violence against women, both at national and international level.

18. It is as well crucial to consider the reasons why violence against women is happening and not only its consequences. Indeed, assessing the extent of violence against women is not enough to fully encompass the problem. There are numerous and various roots of violence against women and it can prove difficult to assess them with common indicators as this must be done in a wider context relating to power, male dominance and inequality. In this regard, indicators play a key role. There is a need to use sociological indicators as data can tell, for example, what difficult experience in childhood can increase the risk of becoming a victim of violence later, but also to look at how violence is perceived in different countries.

19. Coordination is also needed among national institutions. With the aim of establishing comparable indicators, the government of Slovenia, with the participation of all ministries, is developing a national database on indicators, meaning that the data will be comparable among all administrations.⁹ The use of codified questionnaires could also offer a solution at national level. These questionnaires could be used by all services collecting administrative data and ensure that the same wording is always used to refer to the same acts or situations.

20. Another issue with regard to indicators is the negative impact of gender-neutral legislation on data collection. Indeed, in order to identify gender-based violence, information on the sex of both the victim and the perpetrator are needed. This information is not systematically collected in member States, which prevents the measurement of violence against women through administrative data in those States where a

⁷ Recommendation Rec(2002)5 of the Committee of Ministers to member States on the protection of women against violence, adopted by the Committee of Ministers on 30 April 2002.

⁸ UNODC, International classification of crimes for statistical purposes, Principles – Structure – Application, August 2014, Draft, p.5.

⁹ European Institute for Gender Equality (EIGE), Administrative data sources on gender-based violence against women in the European Union, Current status and potential for the collection of comparable data, Report, 2014, p. 64. I also look forward to publication of the results of the EIGE research on Terminology and indicators for data collection on rape, femicide and intimate partner violence in 2016.

gender-neutral legislation has been adopted. During a hearing held in June 2015 by the Committee on Equality and Non-Discrimination, Ms Sylvia Walby, Professor of sociology and UNESCO Chair in Gender Research at Lancaster University, underlined that it was crucial to make sure that data is always disaggregated by sex. She also emphasised the importance of always registering the relationship between the victim and the perpetrator, in order to be able to determine whether it was domestic violence or not and if it constituted intimate partner violence or if the violence was perpetrated by another member of the family. The Gender Equality Commission of the Council of Europe reported that “*most member States systematically record sex of victim and perpetrator for all criminal offences, and 31 confirm that the police systematically record the relationship*”.¹⁰ I can only stress the need to improve disaggregation of data by sex, age and the relationship between the victim and the perpetrator in existing data but also to systematically incorporate it in every new process of data collection.

21. The issue of multiple discrimination should also be taken into account. As explained by Mr Badea (Romania, EPP/CD) in his report on “Equality and non-discrimination in the access to justice”, “*a refugee woman may face racial discrimination but also gender discrimination, on separate occasions (sequential discrimination), at the same time but at several levels (additive discrimination) or by the effect of the interaction of all grounds of discrimination with each other (intersectional discrimination)*”¹¹ In this example, it would be very important to ensure that the acts of violence directed at this woman and registered as acts of racial discrimination are also registered as acts of gender-based violence. States should therefore make sure that all women victims of violence are visible, that none of them are left out of the scope and that their needs as women are taken into account. In this specific context, data can tell which groups of women suffer disproportionately and become the basis for the adoption of targeted policies. As an example, in Finland, it is not allowed to collect data on ethnicity, sexual orientation or a disability, which can lead to a lack of specific information with regard to the prevalence of violence against women in specific groups. Finally, I would like to underline that population-based surveys must include a comprehensive sampling frame that does not exclude marginal and disadvantaged groups of women.

4. Definition of violence against women

22. At the level of the Council of Europe, there are two main definitions of violence against women. The first one was contained in Recommendation Rec(2002)5 of the Committee of Ministers, where violence against women is defined as “*any act of gender-based violence, which results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life*”. It includes violence occurring in the family or domestic unit, within the general community, violence perpetrated or condoned by the state or its officials and the violations of human rights of women in situations of armed conflicts. The second definition is the one provided by Article 3 of the Istanbul Convention, where violence against women “*is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life*”. Under the Istanbul Convention, the acts to be criminalised as amounting to violence against women are physical violence, sexual violence including rape, forced marriage, psychological violence, stalking, female genital mutilation, forced abortion and forced sterilisation, sexual harassment and aiding or abetting and attempt. The definition presented in the Istanbul Convention should be used by all State parties and signatories.

23. There are diverging definitions of violence against women at national level - as States have different definitions of violence against women or domestic violence in their national legislation - and no coordination at international level. For these reasons, there can be no complete comparison between countries. Some countries may indeed focus on domestic violence while other countries will also include violence that is occurring outside of a sentimental relationship. For example, a given State will only consider intimate partner violence as an aggravating feature – which, as such, can only be prosecuted under other crimes – while under the legislation of another State, it is a separate offence criminalised under the scope of domestic violence.¹²

¹⁰ Council of Europe Gender Equality Commission, Analytical study of the results of the 4th round of monitoring the implementation of Recommendation Rec(2002)5 on the protection of women against violence in Council of Europe member States, Mars 2014, page 41.

¹¹ Doc. 13740, p. 12.

¹² European Institute for Gender Equality (EIGE), Administrative data sources on gender-based violence against women in the European Union, Current status and potential for the collection of comparable data, Report, 2014, p. 70.

24. In Spain, the definition of violence against women covers all physical and psychological acts of violence (including attacks on sexual freedom, threats, coercion or arbitrary denying of freedom) carried out against a woman by a man who is or has been her spouse, or who is linked to her by a similar sentimental relationship, even if without cohabitation. It therefore limits the scope of gender-based violence to violence occurring in the context of a sentimental relationship, past or present. The definition does not take into account forms of violence occurring outside of this context, such as forced prostitution, trafficking in women, forced marriage or female genital mutilation. Such a limitation results, on one hand, in many women being left out the scope and, as a consequence, not being offered protection measures or legal aid and, on the other hand, in incomplete and inaccurate data that do not fully show the extent of violence against women in the country. In order to further data harmonisation and comparability, it is necessary that States implement a complete legislative framework, which will comply with the requirements of the Istanbul Convention and encompass all forms of violence against women.

25. Moreover, I would like to stress that indicators are developed on the basis of the definition of violence against women which is currently used at national level, meaning that a limited definition will lead to limited indicators. During my fact-finding visit to Spain, in May 2015, I met with the Sub-Director General for Social Statistics of the National Institute of Statistics who underlined that data is collected only as far as the law allows doing so. Indeed, if the definition of gender-based violence is enlarged, so will be the indicators related to the forms of violence suffered by women. In order to make data collection evolve, national legislations must be updated or adopted in accordance with the Istanbul Convention, and in particular with the definition of violence against women provided therein. The representative of Statistics Finland I met during my fact-finding visit considered that the gaps in the definition of violence against women as the most important challenge when collecting data on violence against women.

5. The impact of underreporting on data collection

26. One of the main challenges of data collection relates to the invisibility of many victims. According to the survey conducted by the FRA, victims reported the most serious incident of partner violence to the police in 14% of cases and the most serious incident of non-partner violence in 13% of cases.¹³ This problem shows in each and every European country: a macro-survey led by the Spanish government in 2011 has shown that only one fourth of women report to the police, meaning that three fourth of women victims of violence are not comprised in official data. In 2012, only 19.2% of victims of fatal gender-based violence had previously reported the situation. Similarly, in France, 217 000 women declared that they had suffered physical and/or sexual violence from their partner or ex-partner during the last year: among them, only 15% reported to the police.¹⁴

27. The Fundamental Rights Agency of the European Union published alarming figures about violence against women in Finland in its EU wide survey: 47% of women had experienced physical and/or sexual violence by a partner and/or a non-partner since the age of 15 (EU average 33%). During the fact-finding visit, Ms Pia Holm, Chief Superintendent at the National Police Board of Finland, stressed that only one third of the calls made to the alarm centre 112 for domestic violence led to complaints to the police. The Finnish police was currently carrying out research to investigate the reasons for the differences between the number of calls and the complaints made to the police.¹⁵

28. The invisibility of victims is caused by the fact that only official data is gathered, that is to say only the data concerning women who have reported the situation they were enduring is collected and analysed in the reports issued by the government. Most of the time, official data is therefore inconsistent with the reality of violence against women in the country. I would like to underline that shortcomings in this regard will lead to inaccurate data, which will most probably lead to the adoption of poor policies, given that the development of new policies on violence against women would be built upon non-reliable evidence. In this context, population-based surveys become even more important as they are means to measure the hidden violence.

29. It is of crucial importance to study the reasons behind underreporting in order to be able to counter their effects and encourage women to report. One of the main deterrents is the fear of retaliation, be it physical, psychological, financial or even legal. According to the FRA survey on violence against women,¹⁶ for about one quarter of the victims, feeling ashamed or embarrassed about the events was the reason for

¹³ EU Agency for Fundamental Rights, Violence against women: an EU-wide survey, Results at a glance, 2014, p. 22.

¹⁴ « Vers l'égalité réelle entre les femmes et les hommes », L'essentiel, Chiffres-clés, Edition 2015, Ministère des affaires sociales, de la santé et des droits des femmes, Direction générale de la cohésion sociale, Service des droits des femmes et de l'égalité, Février 2015.

¹⁵ Results of this research are expected to be released in April 2016.

¹⁶ EU Agency for Fundamental Rights, Violence against women: an EU-wide survey, Results at a glance, 2014, p. 22.

not reporting. As mentioned by the representatives of NGOs I have met in Madrid, shame and guilt are also an important deterrent and women always need psychological support before considering filing a report. I would also like to underline that women who are victims of domestic violence have to report on someone with whom they did or currently have an intimate relation. For this reason, they may try to deal with the situation privately before reporting to the police or turning to a civil organisation for help, hoping that they will be able to change it. In addition, one should not forget that women might fear the economic consequences on the family that reporting may have. Indeed, women are often afraid that they will not be able to financially support their children, or themselves, if they leave their abusive partner. In this respect, economic violence is a form of violence against women, but also appears as a side effect of other forms of violence and a deterrent for reporting.

30. Irregular migrant women will quite often refrain from reporting violence for fear of being returned. In this regard, I would like to stress that the enjoyment of certain basic rights is not conditional upon legal status. The European Commission against Racism and Intolerance (ECRI) has unequivocally recommended that irregular migrants who cooperate in judicial proceedings should not be expelled. Generally speaking, women must trust the system and its representatives and have confidence in their ability to listen to them with all the attention they need before considering filing a report. During my fact-finding visit to Spain, the NGOs representatives I have met underlined that the lack of trust in the authorities was preventing women from reporting. They recalled that many victims were coming to them and not to the police as they felt they would not be sufficiently believed, listened to or protected. This problem is also faced by women with intellectual disabilities, as they are often *“regarded as being less credible or able to make a statement”*.¹⁷

31. Solutions are available to tackle this issue. The most important factor is to implement a mechanism to avoid double victimisation. After discussing this issue with the Spanish Chief of the Monitoring and Control of Family Violence Area of the National Police, I was informed that one of the objectives to be achieved by the police was to ensure the presence of a specialist of gender-based violence in every police station, with the aim of avoiding secondary victimisation and encouraging reporting. Preventing secondary victimisation is currently a major focus of the police, in particular concerning vulnerable groups such as migrants, elderly or persons with disabilities. In this regard, it was recalled that there was a special training on gender-based violence for all professionals dealing with this issue and mentioned that the final aim was to unify all specialists working on violence against women so that the victim would not have to tell her story more than once.

32. Awareness-raising is also crucial. States should make sure that women are aware of the resources that are available for them. In order to better combat the effects of economic violence, States should also ensure that victims of domestic violence have access to free legal aid. Austria has managed to successfully counter these obstacles by adopting a specific law in 2009 - the Second Act for Protection against Violence – that ensures psychosocial and legal assistance in courts for victims of violence during criminal and civil proceedings. Assistance is provided by victims’ protection organisations, intervention centres and violence prevention centres. Psychosocial assistance includes accompanying the victim to the police when making a report, informing them about and preparing them for criminal proceedings, accompanying them to questioning at court and to the trial. Legal court assistance consists in legal representation in criminal proceedings by a lawyer for the protection of the rights of the victim. It should be noted that, during criminal proceedings, the legal assistance is free of charge.

6. The issue of data protection

33. Considering the significance of the collection of data on violence against women, respect for the principles of data protection such as investing in accurate data and ensuring robust anonymity of the data processed is of fundamental importance. Data protection is a necessary guarantee for victims’ safety. As already mentioned with respect to underreporting, fear of retaliation is very much present. Indeed, knowing that their testimony – translated into data through the use of indicators – will be protected and anonymous can clearly be an incentive for women willing to speak out but afraid to do so. This applies to both administrative data and population-based surveys. In this regard, data collection on violence against women must take place in the legal framework set up for general data collection and particularly – because of the sensitivity of this type of data - for data security and confidentiality.

¹⁷ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, “Life situations of and pressures on disabled women in Germany”, short version, February 2012, p.59.

34. Article 65 of the Istanbul Convention provides that *“personal data shall be stored and used pursuant to the obligations undertaken by the Parties under the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108)”* – hereinafter Convention 108.

35. Article 5 of Convention 108 requires that personal data undergoing processing be ‘adequate’ (littera c.) and ‘accurate’ (littera d.). Adequate data means that the data collected and processed should be sufficient and relevant in relation to the purpose of the processing: it is about evaluating what is really needed to achieve this purpose. The accuracy of the data collected is a crucial question for the efficiency of any statistical data processing. As far as statistical indicators are a representation of a collective phenomenon from a bulk data collection of individual cases, data collected must be precise in order to ensure the reliability of the indicators. This data quality requirement therefore contributes to the effectiveness of public policies based on statistical analysis.

36. In particular, and with regard to the security of data after its storage, Article 7 of this Convention provides that *“appropriate security measures shall be taken for the protection of personal data stored in automated data files against accidental or unauthorised destruction or accidental loss as well as against unauthorised access, alteration or dissemination”*. Another safeguard is provided by Article 7 which sets out the principle that *“personal data concerning health or sexual life may not be processed automatically unless domestic law provides appropriate safeguards”*.

37. In that context, the question of anonymity is another important aspect to address. Article 4.8 of the appendix to Recommendation (97)18 of the Committee of Ministers on “the protection of personal data collected and processed for statistical purposes” requests that sensitive data (for instance data concerning health or sexual life) processed for statistical purposes be collected “in a form in which the data subjects are not identifiable”. Article 2 of Convention 108 defines personal data as “any information relating to an identified or identifiable individual” and data will be considered anonymous only as long as it is impossible to re-identify the person or where the re-identification would require unreasonable efforts and means. Where a person is not identifiable, data is said to be anonymous and is not subject to the data protection requirements.

38. Data anonymisation, which is the technical process by which elements of data are stripped out in order to de-identify the person, is thus of particular importance in the context of systematic collection of data on violence against women. The risks of re-identification should be carefully considered as in the age of open data with greater access to a huge variety of data repositories, such risks have increased significantly. As previously underlined, only ‘adequate’ data should be processed and article 4.7 of Recommendation (97)18 underlines that ‘identification data shall only be collected and processed if this is necessary’.

39. I would also like to underline that the European Union has set up a strong framework with regard to data protection, starting with Article 8 of the Charter of Fundamental Rights which provides that *“everyone has the right to the protection of personal data concerning him or her. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the rights of access to data which has been collected concerning him or her, and the right to have it rectified”*. In this context, there are official regulations in place concerning statistics and data collection, and especially Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European Statistics – known as the “Statistical law”, which is the primary framework providing the rules and principles on the functioning of the European Statistical System with the aim to ensure the coherence and comparability of European statistics. It also contains provisions on the protection of, the transmission of and the access to confidential data. These provisions are supplemented by legislative acts¹⁸ on the processing, use and the movement of personal data in order to protect the rights and freedoms of individuals, the principles of confidentiality and privacy of the data collected - both during data collection and in the processing and storage of data – are set out in Principle 5 of the European Statistics Code of Practice,¹⁹ which provides that *“the privacy of data providers (households, enterprises, administrations and other respondents), the confidentiality of the information they provide and its use only for statistical purposes are absolutely guaranteed”*. Moreover, the Code of Practice provides that data privacy

¹⁸ In particular : Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters.

¹⁹ Eurostat, European Statistics Code of Practice for the national and community statistical authorities, adopted by the European Statistical System Committee, 28 September 2011.

must be guaranteed by law and that penalties should be prescribed for any wilful breaches of statistical confidentiality. Finally, staff shall be provided with guidelines and instructions on the protection of data confidentiality, be it in the collection phase or in the dissemination phase.

7. The participation of civil society in the process of data collection

40. Data collected by NGOs offers a visibility on violence against women - in particular regarding forms of violence against women not covered by national laws - which the government does not have through its official data. This particularly shows when one compares between official data and civil society data, as civil society figures sometimes count twice as many victims of gender-based violence than the official figures do. It is therefore essential to consider the issues of both cooperation and coordination of the national government with NGOs. I can only stress the importance of creating synergies between the work undertaken by the national authorities and the work of the NGOs which are in direct contact with the women victims of violence. In general, NGOs should be included in the process of development and implementation of data collection and collaboration should be strengthened, also with regard to the development of policies.

41. During my fact-finding visit to Spain, the Government Delegate on Gender-Based Violence underlined that there was an important work to create synergies with the civil society. Many NGOs and women associations are members of the State Observatory on Gender-Based Violence and participate in meetings aiming to develop new strategies and policies to combat violence against women. Moreover, the annual report of the State Observatory on Gender-Based Violence is sent to these NGOs, which have the possibility to make proposals with regard to the information contained in this report. However, all the representatives of the NGOs I have met in Madrid have expressed their regret that the data they sent each year to the institution in charge of the National Strategy for the Eradication of Violence against Women did not use these data or give them a feedback. They expressed their wish to see all these data compiled and analysed.

42. In my opinion, data, both from official institutions (gathered by the police, health services, courts, etc.) and from NGOs, should be gathered at national level by an institution responsible for data collection and/or analysis of the data collected. As indicated above, under the Istanbul Convention (article 10), State parties are required to designate or establish one or more official bodies responsible for the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by the Convention. These bodies shall co-ordinate the collection of data, analyse and disseminate its results. This would allow the Government to have, on one hand, the official administrative data gathered by national institutions, and, on the other hand, the unofficial data gathered by the NGOs and women's organisations gathered in one place. Having the possibility to analyse and compare between both of these sources would have the potential to give a better overview of the situation within a specific country. In Finland, a coordination body overseeing the implementation of the Istanbul Convention and the collection of data on violence against women shall be set up under the Ministry for Social and Health Affairs by April 2016. There is also not yet a harmonised system of data collection for shelters, which are funded by the State and managed by different NGOs. The national coordination body which will be set up will as well collect data gathered by the shelters via harmonised questionnaires. In addition, the setting up of a national helpline for victims of gender-based violence is foreseen. Once in place, information about the number of calls and the situation of the persons seeking help will help having a better understanding of the scale of violence against women in the country.

43. Coordination among NGOs should also be encouraged by member States. Indeed, the data collected by NGOs is not always comparable among them as they do not use the same indicators when gathering information for their own use. However, along with population-based surveys, these unofficial data are means to unveil the hidden violence. Indeed, many women will not report to the police but will seek help and support from the NGOs. During my fact-finding visit to Madrid, all representatives from NGOs expressed the need of a better coordination among them as regards data collection and underlined that a common method of data collection would make it more efficient. It seems only logical to me that such a common method of data collection should be based on the method used by the government: administrative data from State institutions and data from the NGOs should use common indicators in order to make it possible to compare between these two sources. Although it is not necessarily up to the State to develop such a common method for the use of the NGOs, national authorities could participate in the development of guidelines for data collection by civil society.

8. Conclusions

44. A global approach, at European level, is needed to effectively combat and eventually end violence against women. This is a common problem that has no boundaries and needs a common solution.

45. It should not be forgotten that without appropriate data, there can be no adequate response to violence against women. Efficient policies to combat violence against women cannot be prepared nor implemented without comparable, harmonised and homogenised data.

46. It is therefore of primary concern that States ensure the systematic collection of administrative data and gather information via population-based surveys. They should also agree on the definitions and terminology to be employed in relation to violence against women and adopt definitions covering all forms of violence included in the Istanbul Convention.

47. Comprehensive and systematic data collection on violence against women, with a combination of official reports and population-based surveys, can provide an overview of the prevalence of this phenomenon. Adequate resources should therefore be allocated by member States to this end.

48. The protection of victims should be at the centre of every action to combat violence against women. Following the political commitment of the ratification of the Istanbul Convention, member States of the Council of Europe should step up efforts in reaching out to the whole population and try to provide assistance to all victims of violence, including invisible victims, who do not trust the authorities and do not report.

49. Putting an end to violence against women requires a mobilisation of political will and administrative and financial resources in the long-term. I am convinced that a lasting commitment with concrete actions can contribute to making a difference. Investing in the coordination of actions and the systematic collection of data on violence against women will constitute a step in the right direction.