

Statistics on domestic violence and gender violence

Methodology

May 2013

Index

Introduction	3
Domestic violence and gender violence	3
Research conceptual framework	4
The Central Register for the Protection of Victims of Domestic and Gender Violence	5
Variables studied	6
Statistical use of the Central Register and information processing	7
Tabulation plan and dissemination of the results	8

Introduction

The study of domestic violence and gender violence constitutes a field of research of huge interest, given the importance and social impact of this social phenomenon and the appropriateness of having available the greatest amount of statistical information, enabling analysis thereof and aiding in the assessment of its magnitude.

These statistics are carried out by the National Statistics Institute (INE) in collaboration with the Ministry of Justice, as a result of the collaboration agreement signed between these two institutions, which allows the INE to access the information on record in the Central Register for the protection of victims of domestic and gender violence, maintained by the Ministry of Justice, in order to be able to use it statistically. Therefore, information of unquestionable interest is made available to researchers and users, which will contribute to the attainment of in-depth knowledge of this phenomenon, which will complement the results on this subject matter that have been provided, from different perspectives, by other institutions and public bodies.

The study of domestic and gender violence can be tackled from different perspectives, and measuring it is conditioned by the methodological characteristics of each research. These statistics, as currently focused, study domestic and gender violence from the perspective of a flow approach, aimed at analysing the cases where interim measures have been ordered and recorded in the Register throughout the year, placing special emphasis on the study of the socio-demographic characteristics of the persons involved in the different domestic and gender violence cases.

Domestic violence and gender violence

Gender Violence is understood to be all physical and psychological acts of violence (including attacks on sexual freedom, threats, coercion or arbitrary deprivation of liberty) carried out against a woman by a man who is or has been her spouse, or who is or has been linked to her by a similar sentimental relationship even if without cohabitation.

Domestic Violence is understood to be all physical or psychological violence carried out by both a man or a woman, on any of the persons listed in article 173 (2) of the Criminal Code (descendents, ancestors, spouses, siblings, etc.), with the exception of cases that are considered gender violence.

To this end, the aforesaid article of the Criminal Code enumerates the persons that may be charged for physical or psychological violence: a person that has been their spouse or who is or has been linked to him/her by a similar sentimental relationship even without cohabitation, descendents, ancestors or siblings by nature, adoption or affinity, of the spouse or partner, minors or disabled persons living there or who fall under the guardianship, tutelage, supervision, foster care or legal custody of the spouse or partner, persons protected by any type of relationship that means that

they are integrated within the family, as well as those persons that due to their special vulnerability fall under the custody or guardianship of public or private centres.

The legal framework concerning domestic and gender violence has been developed during the last few years, with the approval of various laws and regulations that have advanced both in developing and perfecting the classification of criminal behaviour, as well as in determining penalties and protection measures.

To this end we can cite, inter alia, Law 27/2003 of 31 July, regulating protection orders concerning victims of domestic violence, Organic Law 1/2004 of 28 December, on comprehensive protection measures against gender violence, and Royal Decree 355/2004 of 5 March, which regulates the Central Register for the Protection of Victims of Domestic Violence (subsequently modified by Royal Decree 513/2005 of 9 May and by Royal Decree 660/2007 of 25 May). The legislative changes have also implied modifications in both the Criminal Code as well as in the Criminal Procedure Law. In addition, various autonomous communities have implemented different legislative initiatives on this matter within their respective jurisdictions.

On an international level, numerous resolutions and decisions have also been handed down within this area, both concerning the general phenomenon of domestic violence, as well as with regards to violence against women in particular. Specifically, the United Nations, via its Economic and Social Council and the Commission on Human Rights, has handed down various resolutions regarding the elimination of violence against women.

On its part, the European Parliament also passed different resolutions on the matter, concerning zero tolerance of violence against women (1997), concerning the current situation of the fight against violence against women, and future action that needs to be implemented (2006), etc. In addition, in 2004 a European Community Action Programme was approved (2004-2008) to prevent and combat violence against children, young people and women, and to protect victims and groups at risk.

Research conceptual framework

The *Statistics on Domestic Violence and Gender Violence* are compiled from the information on record in the Central Register for the Protection of Victims of Domestic and Gender Violence, which is maintained by the Ministry of Justice. The National Statistics Institute (INE) has made statistical use of this Register pursuant to the Collaboration Agreement subscribed between these two institutions on 3 July 2007.

The purpose of this agreement is to establish the lines of collaboration between the INE and the Ministry of Justice, with the aim of increasing the efficiency in the use of administrative resources and offering better coverage and quality of the statistical information.

As established in Royal Decree 355/2004, the Central Register for the protection of victims of domestic and gender violence records interim measures and protection

orders relating to cases of domestic violence or gender violence, as well as data corresponding to penalties and security measures handed down as final or non-final judgments for crimes or misdemeanours.

From a conceptual point of view the current focus of the statistics (which may be completed in the future with a complementary analysis from other perspectives) is geared towards studying the pre-trial phase of the criminal process (proceedings initiated), in particular cases in which interim measures have been ordered. Consequently, it provides information concerning victims and the accused that are subject to interim measures, and not regarding convicts, sentences or security measures handed down as final judgments. It is important to also bear in mind that the information provided does not consider the total number of complaints filed, but rather only those that have resulted in an entry in the Register as a result of interim measures being ordered.

On the other hand, it is appropriate to specify that the current research focuses on the study of the cases recorded in the Register, throughout the information reference period, as a result of the complaints filed and where the corresponding interim measures have been ordered. It therefore does not provide information on all possible victims at a given time (*stocks*) but rather on victims derived from the cases recorded during the year (*flows*).

On that basis, the purpose of these statistics is to ascertain the number of victims and accused in cases recorded in the Register during the course of the reference year, to examine their main socio-demographic characteristics (gender, age, place of birth, type of relationship) and provide detailed information regarding interim measures ordered and punishable offences imputed.

The basic unit of the statistics is the victim or the accused that are involved in cases of domestic or gender violence in which interim measures have been ordered and which are recorded in the Register.

The reference period is the calendar year, considering herein the date on which the case was recorded in the Register. The data is collected annually.

From a geographical point of view, the statistics cover the whole of national territory.

The Central Register for the Protection of Victims of Domestic and Gender Violence

The Central Register for the Protection of Victims of Domestic and Gender Violence is an information system regarding the penalties and security measures ordered in judgments involving crimes or misdemeanours, and interim measures and protection orders issued in open criminal proceedings.

The purpose of the Register is to facilitate the judiciary, within the criminal section, within civil jurisdiction in family court matters, the courts that deal specifically with violence against women, the Attorney General's Office, judicial police, and the public administrations with responsibility in this area, the necessary information so that

they may exercise their jurisdictional powers and provide the public services aimed at protecting victims.

The Register covers all of national territory and it is managed by the Secretary of State for Justice through the Directorate General for the Modernisation of the Justice Administration.

The position of head of the Register is created, person who is responsible for its control, organisation and management, and who will guarantee, with full legal effects, the authenticity and integrity of the data.

Both the data relative to penalties and security measures ordered in judgments concerning crimes or misdemeanours, as well as interim measures and protection orders issued in open criminal proceedings, must be recorded in the Register. The study of the latter, that is, the information relative to interim measures ordered, is what constitutes the current field of research of the Statistics on Domestic Violence and Gender Violence.

With regards to open criminal proceedings, interim measures and protection orders, the court clerks must provide notification of the data that must be recorded in the Register within the 24 hours following the resolution in which they were ordered.

Variables studied

The analytical variables object of the study, both in domestic violence cases as well as in gender violence cases, are the victims, the accused, the interim measures ordered, and the punishable offences imputed.

In terms of the classification variables of the victims and accused, the following variables are considered: gender (in domestic violence cases), age and place of birth of the victim; gender (in domestic violence cases), age and place of birth of the accused; sentimental relationship existing between the victim and accused in gender violence cases; type of relationship (family, sentimental, etc.) between the victim and the accused in domestic violence cases.

With regards to interim measures ordered and the punishable offences imputed against the accused, the different types of measures (both civil and criminal) and the different types of crimes and misdemeanours imputed, broken down by gender, age and place of birth, are researched.

The definitions of the different variables researched in these statistics are as follows:

Victim: Person who is on record as the victim in a case that is classified as domestic violence or gender violence and which is recorded in the Register throughout the year.

Accused: Person 14 years old or over who is on record as the accused in a case that is classified as domestic violence or gender violence and which is recorded in the Register throughout the year.

Person that is both the accused and victim: Person 14 years old or over that is on record as both the accused and victim in the same case that is classified as domestic violence (dual complaint).

Punishable offence imputed: Crime or misdemeanour that the accused is imputed with by the judge. As is established in Article 10 of the Criminal Code, crimes or misdemeanours are intentional or negligent actions and omissions that are punishable by law.

Interim measures: Legal resolution which, in those cases where criminal proceedings have commenced as a result of crimes or misdemeanours against a life, physical or moral integrity, sexual freedom, freedom or safety, involving domestic violence or gender violence, and where there is an objective situation of risk for the victim, allows the judge to order protection through the adoption of the corresponding civil or criminal interim measures.

Relationship of the victim with the accused in cases of gender violence: It refers to the type of sentimental relationship existing between the accused (man) and victim (woman): spouse, ex-spouse, girlfriend, ex-girlfriend, de-facto partner, ex-de-facto partner or in the process of separating.

Relationship of the victim with the accused in cases of domestic violence: It refers to the type of relationship (sentimental, family or other type of relationship) existing between the accused and the victim (limited to sex as opposed to gender violence).

Statistical use of the Central Register and information processing

The Ministry of Justice, as the entity responsible for the Register, provides the INE annually with the necessary information so that it may compile these statistics, in accordance with the register design provided by the INE. The information set forth in the files provided correspond to the cases (with the proceedings linked to each case), to the interveners (victims and accused), to the relationship existing between the interveners, the punishable offences imputed, and the interim measures ordered.

The Ministry of Justice sends the INE the five files extracted from the Register with the following information:

File of proceedings: identifier of the case, identifier of the proceedings, date that case was initiated, date the proceedings began, type of case, legal body that initiated the proceedings, and location of the legal body.

File of the intervening parties: identifier of the person who appears in the proceedings that have been initiated, county of birth; province of birth, nationality, gender, date of birth and category of the intervening party.

File of relationships: relationship of the victim with the accused

File of punishable offences: crimes or misdemeanours imputed.

File of interim measures: interim measures ordered.

Once the information is received a control process is carried out to ascertain the coverage of the information and its contents are analysed, with the objective of detecting possible errors. In addition, a control of the valid values of the different variables object of the study is carried out.

Once the validity of the file received is verified, the second phase consists of the recoding and transformation of specific variables (the punishable offences are recoded to the level of title and chapter of the Criminal Code; the measures are grouped, the age is transformed into age groups, the country of birth is grouped into continents).

The first proceeding assigned to each case is selected, and the five files forwarded are indexed, which enables for the calculation of the number of persons, relationship between the victim and the accused, punishable offences, and interim measures. All the information of the statistics, both that which refers to the contents of the variables analysed, as well as the classification variables, use the data of the first proceedings as their reference point. As an exception to the foregoing, it is necessary to point out that all the interim measures ordered within the different proceedings of each case have been taken into account for calculation purposes.

The analysis of the files includes a control phase, where possible inconsistencies between the variables are detected. Once the editing is completed, the derived variables are obtained and the first results are tabulated. The last stage before the dissemination of the results consists of analysing the aggregated information and correcting potential errors or inconsistencies that have not been detected in earlier phases.

Tabulation plan and dissemination of the results

These statistics are published annually.

The tabulation plan of the results, so as to publish the information set forth in these statistics, establishes an initial classification level in which the two large thematic blocks that constitute the object of study of this research, *Gender violence* and *Domestic Violence*, are delimited.

Subsequently, and within each one of these two thematic blocks, a second level of classification is carried out, in this case in terms of geographical breakdown, where a distinction is made between tables that provide *National results* and tables that offer *Results by Autonomous Cities and Communities*. The classification by autonomous cities or communities is carried out according to where the case was recorded (legal body where it was initiated).

Finally, within each “thematic block/geographical breakdown” the different tables offering the results are presented, and these are numbered in correlative order.

From the perspective of the design and general structure of the tabulation plan, emphasis was placed on giving both thematic blocks (gender and domestic violence) a similar focus, searching for symmetry (wherever possible), both in their content as well as in how they are ordered and presented in the tables.

With regards to the order of the contents, the decision has been made to initially include in each one of the sections the tables concerning victims, followed by the tables concerning the accused; subsequently, in some blocks we can see the tables concerning relationships and percentage distribution of victims/accused; and finally, information is provided regarding the punishable offences with which the accused are imputed, as well as the interim measures ordered.

With regards to the breakdown of the variables, the decision has been made, as a general rule, to establish two different levels of disaggregation in the main classification variables: A more disaggregated level in those tables in which it was deemed appropriate to offer said detail, and a second more aggregated level of the classification variable in those cases in which the reduced size of the reference population, the geographical breakdown provided (autonomous communities) or the crossing of more than two variables, has deemed it advisable to proceed accordingly.

In view of the foregoing criteria, the results tables are therefore structured in accordance with the following scheme:

TABULATION PLAN

1. GENDER VIOLENCE

1.1 National results

- 1.1.1 Victims according to age and place of birth
- 1.1.2 Victims according to age and type of relationship with the accused
- 1.1.3 Victims according to place of birth and type relationship with the accused
- 1.1.4 Victims according to age group, place of birth and type of relationship with the accused
- 1.1.5 Accused according to age and place of birth
- 1.1.6 Percentage distribution of the pair victim/accused according to their ages
- 1.1.7 Percentage distribution of the pair victim/accused according to their places of birth
- 1.1.8 Punishable offences with which the accused is imputed according to the type of infringement and age group
- 1.1.9 Punishable offences with which the accused is imputed according to the type of infringement and place of birth
- 1.1.10 Interim measures ordered against the accused according to the type of measure and age group
- 1.1.11 Interim measures ordered against the accused according to the type of measure and place of birth

1.2 Results by Autonomous City and Community

- 1.2.1 Victims according to age group
- 1.2.2 Victims according to place of birth
- 1.2.3 Victims according to type of relationship with the accused
- 1.2.4 Accused according to age group
- 1.2.5 Accused according to place of birth

- 1.2.6 Punishable offences with which the accused is imputed according to the type of infringement
- 1.2.7 Interim measures ordered against the accused according to the type of measure

2. DOMESTIC VIOLENCE

2.1 National results

- 2.1.1 Victims according to gender and age
- 2.1.2 Victims according to gender, age group and place of birth
- 2.1.3 Accused according to gender and age
- 2.1.4 Accused according to gender, age group and place of birth
- 2.1.5 Persons that are both the accused and victim according to gender, age group and place of birth
- 2.1.6 Relationship of the victims with the accused according to gender and age group of the victim
- 2.1.7 Relationship of the victims with the accused according to gender and place of birth of the victim
- 2.1.8 Relationship of the victims with the accused according to age group and place of birth of the victim
- 2.1.9 Percentage distribution of the pair victim/accused according to their age
- 2.1.10 Percentage distribution of the pair victim/accused according to their places of birth
- 2.1.11 Punishable offences with which the accused is imputed according to the type of infringement and gender
- 2.1.12 Punishable offences with which the accused is imputed according to the type of infringement and age group
- 2.1.13 Punishable offences with which the accused is imputed according to the type of infringement and place of birth
- 2.1.14 Interim measures ordered against the accused according to the type of measure and gender
- 2.1.15 Interim measures ordered against the accused according to the type of measure and age group
- 2.1.16 Interim measures ordered against the accused according to the type of measure and place of birth

2.2 Results by Autonomous City and Community

- 2.2.1 Victims according to gender and age group
- 2.2.2 Victims according to gender and place of birth
- 2.2.3 Accused according to gender and age group
- 2.2.4 Accused according to gender and place of birth
- 2.2.5 Persons that are both the accused and victim
- 2.2.6 Relationship between victim/accused according to the gender of the victim
- 2.2.7 Punishable offences with which the accused is imputed according to the type of infringement
- 2.2.8 Interim measures ordered against the accused according to the type of measure