

INSTITUTO NACIONAL DE ESTADISTICA



# **Statistics on domestic violence and gender violence**

Methodology

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## 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 precautionary 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. As of 2015 information is also published concerning final judgements handed down in the reference year, which correspond to cases that were registered in the register in that year or in previous years.

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## 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 (descendants, 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, descendants, 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.

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## **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, updated and renewed on 21 November 2017.

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 precautionary 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 precautionary measures have been ordered. Consequently, it provides information concerning victims and the accused that are subject to precautionary measures, and not regarding convicts, sentences or security measures handed down as final judgments, as well as on final judgements handed down, acquitted and convicted persons, and their imputed offences, sentences and measures issued.

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 precautionary measures being ordered.

On the other hand, it is appropriate to specify that the current research focuses on the study, throughout the information reference period, as a result of the complaints filed and where the corresponding precautionary measures have been ordered. It therefore does not provide information on all possible victims and reported, or of persons acquitted or convicted 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 with a protection order or injunction and the number of accused as well as persons acquitted or convicted, 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 precautionary measures ordered and punishable offences imputed, as well as the offences charged, sentences and measures issued.

The basic unit of the statistics is the victim or the accused that are involved in cases of domestic or gender violence in which precautionary measures have been ordered and which are recorded in the Register, as well as the person acquitted or convicted by final judgement.

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.

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## **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 precautionary measures and protection orders issued in open criminal proceedings. It also includes information on final judgements issued.

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 precautionary measures and protection orders issued in open criminal proceedings, must be recorded in the Register, as well as those relating to final judgements. The study of the latter is what constitutes the current field of research of the Statistics on Domestic Violence and Gender Violence.

With regards to open criminal proceedings, precautionary measures and protection orders, the court clerks and those of final judgements, the lawyers in the administration of justice 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.

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### **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 precautionary measures ordered, and the punishable offences imputed.

In terms of the classification variables of the victims and accused, and of the persons acquitted and convicted, the following variables are considered: gender (in domestic violence cases), age and place of birth; 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 precautionary 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. As well as the criminal offences charged, and the sentences and measures imposed on the convicted person.

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

*Victim:* Person with a protection order or injunction, who is on record as the victim in a case classified as domestic violence or gender violence and recorded in the Register throughout the year.

*Accused:* Person aged 14 years old or over who has taken a protection order or injunction and is on record as the accused in a case classified as domestic violence or gender violence and recorded in the Register throughout the year.

*Person that is both the accused and victim:* Person aged 14 years old or over with a protection order or injunction, who 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.

*Precautionary 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 precautionary 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).

*Person convicted / acquitted:* Person aged 18 or over who has been convicted/acquitted by final judgement (once or more) during the reference period for the commission of one or more offences.

*Criminal offence:* Malicious or reckless act or omission punishable by law. It could be a crime or a misdemeanour.

*Sentences and measures imposed:* Penalties imposed by the authorities empowered by the law itself, with the aim of punishing the person who commits an offence.

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## **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), whether initiated or in final judgement, to the parties involved (victims and persons who have been reported with a protective order or precautionary measures or who have been convicted and acquitted, depending on whether they are cases under investigation or judgements, respectively), to the relations between the parties involved, to the criminal offences charged and to the precautionary measures issued, or to the penalties imposed. The files sent do not contain identification data of persons.

For cases under investigation, the Ministry of Justice sends the INE the five files extracted from the Register with the following information:

*Procedure file:* identifiers of the case and of each of the procedures associated with the case, dates of initiation of both, characterisation of the case (domestic violence, gender violence or mixed), judicial body that has initiated the procedure and location (province and municipality) of the case.

*File of parties involved:* identifiers of the procedure and of the persons who appear in the procedure in cases initiated, country of birth, province of birth, country of nationality, sex, date of birth, and categorisation of the parties involved (if reported, victims, or acquitted).

*Relationship file:* identifiers of the procedure and of the persons, relationship of the victim with the reported, and whether or not they live together.

*Criminal offences file:* identifiers of the procedure and of the persons, crimes or charged misdemeanours.

*Precautionary measures file:* contains identifiers of the procedure and of the persons and precautionary measures ordered.

In the case of final judgements, the Ministry of Justice sends the INE the five files extracted from the Register—in a similar way to the cases under investigation—with the following information:

*Procedure file:* identifiers of the case and of each of the procedures associated with the case, dates of initiation of both, characterisation of the case (domestic violence, gender violence or mixed), judicial body that has initiated the procedure and location (province and municipality) of the case.

*File of parties involved:* identifiers of the procedure and of the persons who appear in the procedure in final judgement, country of birth, province of birth, country of nationality, sex, date of birth, date of finality, and categorisation of the parties involved (if convicted, victims, or acquitted).

*Relationship file:* identifiers of the procedure and of the persons, relationship of the victim with the convicted or acquitted person, and whether or not they live together.

*Criminal offences file:* identifiers of the procedure and of the persons, crimes or misdemeanours charged in a final judgement.

*Precautionary measures file:* contains only procedures in final judgement corresponding to the reference year, identifiers of the procedure and of the persons convicted, penalties and measures (of minors, security and others) in final judgement.

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, etc).

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.

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## **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).

At the third level of hierarchy, within each geographical block, the tables relating to cases initiated and final judgements are differentiated.

Finally, within each of these blocks, the different tables from which results are provided are sequentially numbered.

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

## TABULATION PLAN

### GENDER VIOLENCE

#### 1. National results

##### 1.1 Cases initiated

1.1.1 Victims (with protective orders or precautionary measures) by age and place of birth

1.1.2 Victims (with protective orders or precautionary measures) according to age and type of relationship with the reported person

1.1.3 Victims (with protective orders or precautionary measures) according to place of birth and type of relationship with the reported person

1.1.4 Victims (with protective orders or precautionary measures) according to age group, place of birth and type of relationship with the reported person

1.1.5 Persons reported (holding protective orders or precautionary measures) by age and place of birth

1.1.6 Percentage distribution of the pair victim/reported person according to age of both

1.1.7 Percentage distribution of the pair victim/reported person by place of birth of both

1.1.8 Criminal offences charged against the person reported by type of offence and age group

1.1.9 Criminal offences charged against the person reported by type of offence and place of birth

1.1.10 Precautionary measures ordered against the reported person by type of measure and age group

1.1.11 Precautionary measures ordered against the reported person by type of measure and place of birth

##### 1.2 Final judgements

1.2.1 Persons in cases with final judgement according to duration of the case

1.2.2 Persons convicted in cases with final judgement by age and place of birth

1.2.3 Persons acquitted in cases with final judgement by age and place of birth

- 1.2.4 Criminal offences charged against the person convicted in cases with final judgement by type and age group
- 1.2.5 Criminal offences charged against the person convicted in cases with final judgement by type and place of birth
- 1.2.6 Penalties and measures imposed on the person convicted in cases with final judgement by type and age group
- 1.2.7 Penalties and measures imposed on the person convicted in cases with final judgement by type and place of birth

## 2. Results by Autonomous Communities and Cities

### 2.1 Cases initiated

- 2.1.1 Victims (with protective orders or precautionary measures) by age group
- 2.1.2 Victims (with protective orders or precautionary measures) by place of birth
- 2.1.3 Victims (with protective orders or precautionary measures) according to type of relationship with the reported person
- 2.1.4 Persons reported (holding protective orders or precautionary measures) by age group
- 2.1.5 Persons reported (holding protective orders or precautionary measures) by age and place of birth
- 2.1.6 Criminal offences charged against the person reported by type of offence
- 2.1.7 Precautionary measures ordered against the reported person by type of measure

### 2.2 Final judgements

- 2.2.1 Persons convicted in cases with final judgement by age group
- 2.2.2 Persons convicted in cases with final judgement by place of birth
- 2.2.3 Persons acquitted in cases with final judgement by age group
- 2.2.4 Persons acquitted in cases with final judgement by place of birth
- 2.2.5 Criminal offences charged against the person convicted in cases with final judgement by type of offence
- 2.2.6 Penalties and measures imposed on the person convicted in cases with final judgement by type

## **DOMESTIC VIOLENCE**

### 1. National results

#### 1.1 Cases initiated

- 1.1.1 Victims (with protective orders or precautionary measures) by sex and age

- 1.1.2 Victims (with protective orders or precautionary measures) by sex, age group and place of birth
- 1.1.3 Persons reported (holding protective orders or precautionary measures) by sex and age
- 1.1.4 Persons reported (holding protective orders or precautionary measures) by sex, age group and place of birth
- 1.1.5 Persons reported and victims at the same time (holding protective orders or precautionary measures) by sex, age group and place of birth
- 1.1.6 Relationship of victims with the reported persons by sex and age group of the victim
- 1.1.7 Relationship of victims with the reported persons by sex and place of birth of the victim
- 1.1.8 Relationship of victims with the reported persons by age group and place of birth of the victim
- 1.1.9 Percentage distribution of the pair victim/reported person according to age of both
- 1.1.10 Percentage distribution of the pair victim/reported person by place of birth of both
- 1.1.11 Criminal offences charged against the person reported by type of offence and sex
- 1.1.12 Criminal offences charged against the person reported by type of offence and age group
- 1.1.13 Criminal offences charged against the person reported by type of offence and place of birth
- 1.1.14 Precautionary measures ordered against the reported person by type of measure and sex
- 1.1.15 Precautionary measures ordered against the reported person by type of measure and age group
- 1.1.16 Precautionary measures ordered against the reported person by type of measure and place of birth

## 1.2 Final judgements

- 1.2.1 Persons in cases with final judgement according to duration of the case
- 1.2.2 Persons convicted in cases with final judgement by sex and age
- 1.2.3 Persons convicted in cases with final judgement by sex, age group and place of birth
- 1.2.4 Persons acquitted in cases with final judgement by sex, age group and place of birth
- 1.2.5 Criminal offences charged against the person convicted in cases with final judgement by type and sex
- 1.2.6 Criminal offences charged against the person convicted in cases with final judgement by type and age group
- 1.2.7 Criminal offences charged against the person convicted in cases with final judgement by type and place of birth
- 1.2.8 Penalties and measures imposed on the person convicted in cases with final judgement by type and sex

1.2.9 Penalties and measures imposed on the person convicted in cases with final judgement by type and age group

1.2.10 Penalties and measures imposed on the person convicted in cases with final judgement by type and place of birth

## 2. Results by Autonomous Communities and Cities

### 2.1 Cases initiated

2.1.1 Victims (with protective orders or precautionary measures) by sex and age group

2.1.2 Victims (with protective orders or precautionary measures) by sex and place of birth

2.1.3 Persons reported (holding protective orders or precautionary measures) by sex and age group

2.1.4 Persons reported (holding protective orders or precautionary measures) by sex and place of birth

2.1.5 Persons reported and victims at the same time (with protective orders or precautionary measures)

2.1.6 Relationship between the victim and the reported person by sex of the victim

2.1.7 Criminal offences charged against the person reported by type of offence

2.1.8 Precautionary measures ordered against the reported person by type of measure

### 2.2 Final judgements

2.2.1 Persons convicted in cases with final judgement by sex and age group

2.2.2 Persons convicted in cases with final judgement by sex and place of birth

2.2.3 Persons acquitted in cases with final judgement by sex

2.2.4 Criminal offences charged against the person convicted in cases with final judgement by type of offence

2.2.5 Penalties and measures imposed on the person convicted in cases with final judgement by type