# Public Policies on Domestic Violence

# **VIOLENCE AGAINST WOMEN: A CHALLENGE TO SOCIETY**

In the past two decades violence against women has been the subject of important international and national debates, laws, and policies. The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará, 1994) established two contexts of physical, sexual, and psychological violence:

- (1) that occurring within the family or domestic unit or within any other interpersonal relationship, including rape, battery, and sexual abuse, and
- (2) that occurring in the community, perpetrated by individuals not connected to the victim by family or emotional ties and including sexual abuse and rape, femicide, forced prostitution, trafficking in persons, sexual harassment, kidnapping, and torture.

Most Latin American and Caribbean countries have drafted laws and national policies aimed at preventing, punishing, and eradicating violence against women, including domestic and family violence.<sup>a</sup> Domestic violence has received special attention. In a significant proportion of Latin American and Caribbean countries, national programs, standards, and protocols; networks of care; and human resources are in place to address this problem. However, countries have experienced difficulties in implementing policies, such as victims encountering serious problems in seeking justice, being offered scarce protection coverage, lacking free legal counsel, and having limited access to specialized services, including psychological, medical, and legal assistance. Furthermore, in some jurisdictions, crimes such as marital rape still have not been classified as such.

As a result of the magnitude of domestic violence and its effects on women's development and health, this is one of the most serious problems that societies face worldwide. National responses through laws and policies are urgently needed.

# **DIMENSIONS OF VIOLENCE**

According to the World Health Organization, although women sometimes commit violence against their male companions and violent acts occur in same-sex couples, an overwhelming proportion of the time violence is inflicted on women, by men. According to the results of 48 baseline population surveys conducted throughout the world, between 10 percent and 69 percent of women report that they have been the object of physical assault by a male partner at some point in their life.¹ Country data from demographic and health surveys show that percentages of women who have been married at some point in their lives and have been victims of physical violence by their spouse or another person are 41.1 percent in Colombia, 27.3 percent in Haiti, 28.7 percent in Nicaragua, and 41.2 percent in Peru.²-5 Between 10.4 percent and 30.3 percent of women reporting violence by their husband or companion indicate they have suffered some type of sexual violence in their couple relationship. Data from the United States show that the rate of violence among adolescent women ranges between 20 percent and 60 percent.6

### IMPACT ON HUMAN DEVELOPMENT AND HEALTH

Extensive studies show that domestic violence is an important risk factor affecting women's health and well-being and the exercise of their human rights. In terms of health, domestic violence increases women's risk of developing a vast range of physical afflictions and psychological problems. According to demographic survey data, percentages of women who have been married at some point in their lives and have had an injury and visited a physician, health center, or institution as a result of physical violence perpetrated by their husband or companion are 27.4 percent in Colombia, 13.3 percent in Nicaragua, and 19.4 percent in Peru. Domestic violence has fatal effects, including suicide and maternal mortality, and is associated with such conditions as chronic pain syndrome, gastrointestinal disorders, and somatization.

<sup>&</sup>lt;sup>a</sup> In some legislation, the terms "domestic violence" and "intrafamily violence" are used synonymously. In this document, "domestic violence" will be used and is assumed to include different types of relationships and places where violence occurs.

Domestic violence can also affect reproductive health and lead to unwanted pregnancies, sexually transmitted diseases (STDs), HIV/AIDS, pregnancy complications, and pelvic inflammatory disease. In a multicenter study on profiles of domestic violence, a positive correlation was found between STDs and family violence as a consequence of the high frequency at which women are forced to have sex, their limited ability to negotiate protected sex and use of a condom, and their limited access to STD and HIV/AIDS counseling and testing. Also, a greater prevalence of STDs was observed among women who had suffered violence in their couple relationships than among those who had not experienced such violence. In the Dominican Republic, the percentages of women who had contracted an STD in the 12 months previous to the survey were 3.7 percent among those who had suffered violence and only 1 percent among those who had not experienced violence. Corresponding figures were 3.1 percent and 1.2 percent in Colombia, 18.4 percent and 10.3 percent in Haiti, and 5.4 percent and 3.7 percent in Peru.8

The effects of domestic violence on women's mental health are broad and include posttraumatic stress, anxiety, phobias, sexual dysfunction, depression, and anxiety among others. Domestic violence is also associated with negative health behaviors such as smoking, drug and alcohol abuse, risky sexual behavior, and compulsive behavior.

Domestic violence has serious effects on women's participation and productivity in the job market. This situation is even more problematic when violence affecting women in the poorer strata of the population is considered, where the need to generate income is vital for the family's subsistence. Domestic violence can also diminish women's self-esteem and their ability to take direct control over their interests.

### FACTORS ASSOCIATED WITH DOMESTIC VIOLENCE

The effectiveness of a policy is measured by its ability to influence risk factors determining domestic violence and to reduce or eliminate the personal and social consequences of such violence. Since they are the primary victims of violence, women's general condition is in itself an important risk factor. Many causes of this problem are associated with individual and social factors. Individual factors that stand out as risks include sex, age, other biological and physiological aspects, socioeconomic level, work situation, educational level, use of alcohol or drugs, and having suffered or witnessed physical abuse in childhood.

Social factors include income inequality, media portrayals of violence, weak institutional controls (especially in the police and judicial systems), and cultural norms. Cultural standards represent one of the most significant factors in violent behavior, inasmuch as violence can be among the standards that determine the behaviors and identities of groups. For example, gender stereotypes may strengthen the idea of a husband's "right" to use violence to control the behavior of his partner.<sup>10</sup>

# **Human Rights and Violence against Women**

Violence against women undermines or invalidates the enjoyment of human rights and basic freedoms. International law and various agreements on human rights define violence against women as a form of discrimination. Basic rights and freedoms include:

- The right to life
- The right not to be submitted to torture, abuse, or cruel, inhuman, or degrading punishments
- The right to protection in conditions of equality in accordance with humanitarian standards in times of international or internal armed conflicts
- The personal right to freedom and safet
- The right to equality before the law
- The right to equality in the family
- The right to the highest level possible of physical and mental health
- The right to just and fair conditions of employment

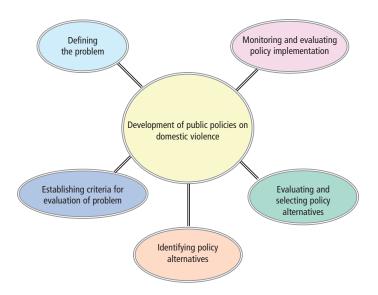
**Source**: General Recommendation No. 19 adopted in 1992 by the Committee for Monitoring the Application of the Convention on the Elimination of All Forms of Discrimination against Women.

### **DEVELOPING POLICIES TO ERADICATE DOMESTIC VIOLENCE**

Domestic violence is a social and political problem that must be addressed through the implementation, monitoring, and evaluation of a coherent set of institutional actions and measures. States should adopt and implement two types of basic measures:

- *laws*: national laws or positions arising from formal provincial or municipal legislative institutions, and
- policies: government plans, ministerial resolutions, sector programs, provincial or municipal projects, and other provisions of local governments.

The process of drafting, implementing, monitoring, and assessing policies on domestic violence, whatever the political-administrative hierarchy, should include the following steps:



### Defining the Problem

The problem of violence against women comprises a number of dimensions, including

- (1) the characteristics and magnitude of domestic violence in a specific country (or any context in question, whatever its scope);
- (2) social, economic, political, and cultural effects;
- (3) social institutions linked to care and prevention of the problem; and
- (4) existing information on the issue and the need for new evidence to analyze the many associated factors.

### Basic Elements to Evaluate in Selecting Policies

In general, in determining the most feasible policies to address domestic violence, it is important to evaluate elements such as gender equality and equity, the presence of discriminatory practices, the effectiveness and efficiency of the organizations and actors involved in the solution, the costs involved, the legal bases sustaining possible initiatives, and the background and institutional conditions necessary for execution of initiatives.

# **Identifying Alternatives**

A combination of possible guideline options or alternatives for policies should be recognized and established that meet the previously mentioned criteria, taking into account various future scenarios and the needs of priority population groups.

### **Evaluating and Selecting Policy Alternatives**

The goal of this process is to estimate the extent to which the alternatives can provide a solution to the problem. Once options identified as possibly being factors in the solution have been established as strategies, policy lines, or programming actions, their possible impact is evaluated. Several methods exist for analyzing policy alternatives; for example, cost-benefit analyses can identify the most efficient solution. Other methods include decision analysis, linear programming, and strategic programming.

# Monitoring and Evaluating Implemented Policies

It is necessary to establish monitoring and evaluation mechanisms to measure the impact of policies and detect unwanted side effects in their implementation.<sup>11</sup>

All of the aforementioned steps are fundamental to ensure that public policies are well drafted and include effective instruments guiding the political and administrative directives incorporated.<sup>12</sup>

### **Priority Areas for Domestic Violence Policies**

Each country should develop policies at the macro, sectoral, community, and individual levels to address the causes and consequences of violence against women. At the macro level, policies aimed at eradicating violence should be drafted, and the various sectoral interventions should include specific measures on gender violence. National laws and policies that affect areas related to equality and gender equity, such as those dealing exclusively with domestic violence, play a significant role in violence prevention at the population level. They aim to bring about changes in behaviors, values, and social and cultural practices in institutions, organizations, and society in general and to slowly but surely create more equal relationships between men and women.

A significant number of public policy initiatives are already incorporated in the efforts being carried out in some Latin America and Caribbean countries, although not always with the coherent articulation that would be desirable in a public policy framework focused on guaranteeing equality and gender equity and overcoming the scourge of domestic violence.

The following table describes policy instruments and laws addressing violence against women.

POLICY INSTRUMENTS AND LAWS ON DOMESTIC VIOLENCE		
Policies linked to equality and gender equity	Policies linked to gender violence	Policies dealing specifically with domestic violence
Macro-level policies aimed at integral development and demo- cratic governance and focused on gender and human rights	Laws and other policies on gender violence with sufficient budg- etary allocations and institutional conditions	Intersectoral comprehensive care: prevention, detection, care, sanctions, rehabilitation, evaluation, monitoring
Social and economic policies, particularly those focusing on health, education, employment, and justice	Programs for prevention of gender violence and promotion of egalitarian relationships between the sexes	Care, prevention, and punishment for the different typologies of violence and relationships between victims and victimizers
Policies aimed at increasing women's participation in governance and decision making	Comprehensive gender violence programs that include detection in specific sectors such as health, education, employment, and community groups	Protective measures for victims and their children; legislation that empowers judges to rule on urgent measures to guarantee the protection and well-being of the affected individuals and their families; measures related, for example, to provisional food obligation and custody of children
Policies designed to promote in the media egalitarian and equi- table relationships between the sexes and peaceful conflict resolution	Prevention and punishment of gender violence in institutional spaces; educational campaigns on gender violence, including domestic violence, and social sentencing of abusers	Measures designed to protect material property; measures guaranteeing that the needs of children and the family group will be met
Institutional mechanisms aimed at achievement of gender equity and equal opportunity	Information systems and treatment protocols for gender violence	Sanctions against and rehabilitation of abusers
Intersectoral coordination in implementing national policies on gender equity	Intersectoral coordination in regard to comprehensive gender violence care programs	Independent and sensitized justice and immediate action to guarantee the integrity of affected people; health services that guarantee the rights and empowerment of the individuals affected

### Measures for Addressing Domestic Violence

The following are necessary measures to take in effectively addressing domestic violence:

- Adopting specific methods of preventing, rehabilitating, and punishing violence within a comprehensive framework that promotes human rights;
- Designing laws that contain protective measures for the individuals affected and sanctions and/or rehabilitation for the abusers;
- · Establishing guarantees for affected women;
- Designing a frame of reference for the supply of effective intersectoral services;
- Promoting strategies that favor change in the sectors working on the problem of domestic violence, in the organizational culture, in the planning process, and in allocation and budgetary execution;
- Encouraging empowerment of women in the design, implementation, evaluation, and monitoring of laws and policies; and
- Promoting opportunities for social participation to ensure that women are part of the decision-making process.

# CONDITIONS NECESSARY TO IMPLEMENT POLICIES ON VIOLENCE

The principal institutional conditions necessary for the development of policies on violence against women are intersectoral coordination, adequate public budgets, and the existence of information systems.

# Intersectoral Coordination: Constructing National Policies

Addressing the challenge of domestic violence requires a multisectoral interdisciplinary and integrated response from the entire public apparatus. Coordination mechanisms need to be established according to a formal and explicit body of rules organizing the participation of the many different intervening institutions, whose actions must be managed and integrated to effectively create a national policy to face the problem. Participants in such an alliance should include the executive branch and agencies responsible for education, health, and other social policies, including policies on equality and woman, as well as safety and enforcement agencies, the congress or national assembly, the judicial branch, institutions offering first aid, public and private shelters, and nongovernmental organizations, especially those targeting

As a means of ensuring that the regulatory foundation functions effectively, it should be expressed in a policy instrument coordinated and negotiated strategically by all of the responsible actors. Such an instrument can originate

from a presidential decree and/or be expressed in more operational terms in a national strategic program to eradicate violence against women, a broad program such as a gender equality plan, or an anti-violence plan within which fighting domestic violence is incorporated as a quideline or strategic objective.

### **Public Budgets**

Governments need to allocate sufficient financial resources to address domestic violence and execute approved budgets. Public investment in preventing and punishing violence against women meets several social objectives:

- 1. It helps bridge quality-of-life gaps between men and women.
- 2. It favors the development of intervention models guaranteeing the needs of different groups of women according to age, place of residence, socioeconomic level, ethnic group, and other categories.
- 3. It allows greater coverage of attention, creates services adapted to the needs of victims, punishes abusers, and can prevent violent acts in the future.
- 4. It promotes better use of resources in areas such as health, education, housing, public safety, and more. It can also serve as a channel to reassign resources to central areas to achieve more egalitarian relationships between men and women.

### Information Systems

Information systems help to monitor compliance with laws and policies and determine their impact on the population. These systems should be practical and coordinated by national bodies in charge of national and sectoral statistics and accounts. They should meet several criteria, as follows:

- 1. Data collection should be part of a comprehensive model of care, and personnel should be trained in treatment of victims to prevent their revictimization.
- 2. Data collection instruments should be simple and contain, as a minimum, information on sex, age, type of violence, relationship with abuser, gender of abuser, and place of residence.
- 3. Data should be collected and analyzed regularly, on a local, regional, and national scale, to monitor the situation and to enhance programming and advocacy at the three levels.
- 4. National reports for use in policy development on violence against women should be published and disseminated regularly.

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