

## MODEL COMPONENTS OF LAWS AND POLICIES ON VIOLENCE AGAINST WOMEN

(Preliminary Proposal)

The Pan American Health Organization (PAHO/WHO) in coordination with the Inter-American Commission of Women (CIMI/OAS), the United Nations Population Fund (UNFPA), UNIFEM, and regional non-governmental organizations (CLADEM, IPAS, ISIS International, the International Parliamentary Group, and the Center for Reproductive Rights) prepared a proposal for model components that should be included in all legislation and public policies which target domestic violence against women in all its manifestations, and other forms of gender-based violence.

Violence against women is a violation of human rights, regardless of the environment in which it occurs. This reality has been acknowledged by the majority of States, resulting in international commitments that create obligations to respect, protect, and guarantee the right of every woman to a life free of violence.

This proposal includes general recommendations on addressing violence against women related to the adoption of public policies, the increase in public investment, and the adaptation of national legislation to reflect international conventions in order to guarantee access to health care, prevention, sanction and rehabilitation services.

The specific recommended measures include, among others:

- a. Consideration of sexual violence in cases of marital rape;
- b. Adoption of measures within health services, the educational system, and on-the-job to prevent, punish, and eradicate violence against women;
- c. Adoption of specific measures for cases of sexual violence;
- d. Strengthening of multi-sectoral networks to guarantee the effectiveness of laws.

### Model components of laws and policies on domestic violence

#### 1. Definitions of violence against women

Establish definitions of violence against women that consider all the manifestations of violence: physical, sexual, psychological, and patrimonial.

**Violence against women is 'any act of gender-based violence that 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'.**

*UN Economic and Social Council, 1992*

#### 2. Establishment of the different relationships between victims and aggressors in domestic violence laws

- Include the broad range of possible relationships between victims and aggressors
- Take into account different existing models of the family and couple relationships.
- Take into account that this violence can occur within or outside the home.

#### 3. Protective measures for women

Preventive measures should be prescribed in accordance with:

- What is narrated by the victim;
- The nature of the violence alleged;
- The minimum tests that can be administered in emergencies: emotional state of the victim, physical injuries, and risk assessment.

#### 4. Specific sanctions for aggressors

- Every person who has committed a violent act against another should be punished by law.
- Seek creative punishment options: preventative and definitive, fines and/or community work.

#### 5. Measures for the protection of goods

The regulation of violence should establish measures aimed at preserving heritage and common property, among them:

- Provisional attributing of housing to women.
- Order for the restitution of expenditure and compensation of damages.
- Temporary prohibition of the translation of dominion.

#### 6. Comprehensive care for victims/survivors

The abused person has right to health, police, justice and education services that are:

- Free
- Provided by trained and sensitized personnel.
- Applied according to standards and protocols.
- Accompanied by a system of registry.
- Inter-sectoral and cross-disciplinary.
- Provided in conjunction with self-care programs for services personnel.

In the health sector:

- Eliminate compulsory denunciation by health workers.
- Expand the possibility for any physician to conduct medical examinations that certify violence.

#### 7. Legal procedures and presentation of evidence

- Evaluation and freedom of evidence are basic aspects.
- It is recommended that the law informs victims of the importance to the process of preserving evidence.
- All methods of evidence-gathering are able to validate what occurred.

#### Recommendations for implementing the proposed components

- a. Laws and policies should include a specific budgetary allocation in order to ensure their adequate implementation.
- b. The design and implementation of laws and policies to address gender-based violence should be carried out through multi-sectoral coordination.
- c. The strengthening of public entities and organizations that work with women is essential for monitoring the implementation of laws and policies.
- d. In order to monitor compliance with laws and policies; and their impact on the population, it is important to establish information systems in each sector that cares for women who are victims of violence.
- e. It is necessary to identify indicators of compliance related to coverage, effectiveness, quality, and access to services, the allocation of resources, and social participation.

**We would like to hear your suggestions on this proposal! If you would like more information about this initiative, please contact:**

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