

Monitoring of Laws and Policies on Domestic Violence

OBJECTIVES

Citizens and institutions have a growing set of tools available to monitor implementation of national and international laws on violence against women and policies to combat it. Monitoring makes it possible to evaluate the contribution of different laws and policies to increasing attention to the problem, improving access to services, enhancing coverage, and distributing resources.

Monitoring also makes it possible to collect and analyze data to detect strengths and weaknesses in the implementation of policies and to make adjustments in their execution. Moreover, it helps determine whether services are adhering to set plans and objectives.

Monitoring laws or policies is a multidimensional process that requires evaluation of factors ranging from legal interpretation to the criteria and procedures governing the expertise of multidisciplinary teams, access of victims to justice and to care programs to which they are referred - and their satisfaction with both - and the interinstitutional coordination guaranteeing due application of the law. That process requires basic tools that include a vast array of priority indicators.

The following sections present an overview of the instruments, opportunities, and obstacles involved in monitoring and a proposal of general and specific indicators that can enhance knowledge on domestic violence as well as improve service delivery, resource allocation, and decision making.

INSTRUMENTS

Several instruments are needed for monitoring, including:

- **An information system** to help determine the magnitude of the problem of violence against women at different levels.
- **Intersectoral mechanisms** that reflect the complicated nature of violence and make it possible to systematize data from all of the sectors involved.

- **Assessment mechanisms** for strategies and interventions and their economic costs, short-term and long-term effects of prevention and care programs, and campaigns focusing on changing attitudes and behavior, among others.

- **Monitoring mechanisms** that make it possible to use the results to develop skills and sustain the performance of the sectors involved in implementing laws and policies.

OPPORTUNITIES AND OBSTACLES

The following circumstances have been identified in some Latin American and Caribbean countries as factors that facilitate monitoring¹:

- Existence of a body responsible for applying laws on violence against women that takes a comprehensive perspective and helps government officials coordinate their specific workloads.
- Existence of institutions equipped to obtain crossed-link information and facilitate inter-sectoral coordination.
- Establishment of networks of nongovernmental organizations and other community organizations as a catalyst for monitoring policies on violence against women.
- Population-level awareness of domestic violence, especially violence committed against women, which promotes filing of complaints and use of services and also helps document and assess the problem.

In contrast, several factors limit monitoring:

- Data collection systems are often cumbersome and expensive, hindering the work and limiting the inclusion of new indicators.
- Each institution tends to incorporate its own vision and mission when preparing indicators and statistics.
- Data collection instruments are not always applied, and, when such instruments are used, the data collected may not be processed.

- There are gaps in the monitoring process; in particular, data on repeat offenders, which would help determine the level of danger posed by these individuals as well as risks faced by their victims, may be lacking.
- An institutional culture persists that limits well-defined objectives of systematic data collection and recording from a gender perspective.

PRIORITY INDICATORS

As basic instruments enhancing planning and invested resources and facilitating decision making, the quantitative and qualitative indicators proposed below can be used to gather knowledge in the area of violence against women. Not all of these indicators can be prepared with the information compiled in each country, but they can serve as basic guidelines for efficient data collection.

General Indicators

The sets of indicators listed in the following tables focus on the magnitude of domestic violence against women, access to and use of services, financing of care, and social participation.²

MAGNITUDE OF DOMESTIC VIOLENCE AGAINST WOMEN			
Indicator	Definition	Source	Levels of disaggregation
Prevalence of physical violence	Number of women who have suffered physical violence on the part of their spouse or companion with respect to total number of women in union, in a given period and geographical region	• Surveys (or modules) to measure violence against women • Demographic and health surveys	• Age groups • Area of residence: urban, rural • Work activity: paid and unpaid • Educational level • Specific population groups (ethnic groups, immigrants, displaced persons) • Pregnancy status • Socioeconomic level • Violence severity level
Prevalence of psychological violence	Number of women who have suffered psychological violence on the part of their spouse or companion with respect to the total number of women in union, in a given period and geographical region	• Surveys (or modules) to measure violence against women • Demographic and health surveys	• Age groups • Area of residence: urban, rural • Work activity: paid and unpaid • Educational level • Specific population groups (ethnic groups, immigrants, displaced persons) • Pregnancy status • Socioeconomic level • Violence severity level
Prevalence of sexual violence	Number of women who have suffered sexual violence on the part of their spouse or companion with respect to the total number of women in union, in a given period and geographical region	• Surveys (or modules) to measure violence against women • Demographic and health surveys	• Age groups • Area of residence: urban, rural • Work activity: paid and unpaid • Educational level • Specific population groups (ethnic groups, immigrants, displaced persons) • Pregnancy status • Socioeconomic level • Violence severity level
Prevalence of patrimonial violence	Number of women who have suffered patrimonial violence on the part of their spouse or companion with respect to the total number of women in union, in a given period and geographical region	• Surveys (or modules) to measure violence against women • Demographic and health surveys	• Age groups • Area of residence: urban, rural • Work activity: paid and unpaid • Educational level • Specific population groups (ethnic groups, immigrants, displaced persons) • Pregnancy status • Socioeconomic level • Violence severity level

Note. Prevalence is an important but difficult indicator to determine. *Violence against Women in Couple's Relationships: Latin America and the Caribbean. A Proposal to Measure Its Magnitude and Evolution* (ECLAC Women and Development Series No. 40, 2002, p. 23) includes a list of surveys measuring violence against women in Latin America and the Caribbean.

ACCESS TO AND USE OF SERVICES <i>Coverage</i>			
Indicator	Definition	Source	Levels of disaggregation
Number of services offering care to women in domestic violence situations	Ratio between number of services for women who have suffered domestic violence and total women in a given geographical region	• Ministry records • National reports on monitoring compliance with international commitments • Institutional annual reports	• Administrators of justice • Police • Health services (primary care) • Nongovernmental organizations
Percentage of municipalities with police units/details for women	Ratio between number of municipalities with police units/details for women and total municipalities in a specific geographical area (national, provincial)	• Ministry records	
Number of medical examiners per area unit	Ratio between number of medical examiners and total women in an area	• Ministry records • Registry of professional associations	

Use of Institutional Services and Noninstitutional Support

Indicator	Definition	Source	Levels of disaggregation
Percentage of women suffering domestic violence who require attention	Ratio between number of women victims of domestic violence who have visited some type of institutional health care service for domestic violence and total number of women who suffer violence, in a given period and geographical area	- Surveys (or modules) to measure violence against women - Demographic and health surveys	- Age groups - Area of residence: urban, rural - Work activity: paid and unpaid - Educational level - Specific population groups (ethnic groups, immigrants, displaced persons) - Pregnancy status - Socioeconomic level
Percentage of women suffering domestic violence who request attention in the health sector	Ratio between number of women victims of domestic violence who have visited a health services center and total number of women who suffer violence, in a given period and geographical area	- Surveys (or modules) to measure violence against women - Demographic and health surveys	- Age groups - Area of residence: urban, rural - Work activity: paid and unpaid - Educational level - Specific population groups (ethnic groups, immigrants, displaced persons) - Pregnancy status - Socioeconomic level
Percentage of women suffering domestic violence who bring a legal action to court	Ratio between number of women victims of domestic violence who have gone to a police station and total number of women who suffer violence, in a given period and geographical area	- Surveys (or modules) to measure violence against women - Demographic and health surveys	- Age groups - Area of residence: urban, rural - Work activity: paid and unpaid - Educational level - Specific population groups (ethnic groups, immigrants, displaced persons) - Pregnancy status - Socioeconomic level
Percentage of women suffering domestic violence who seek noninstitutional support	Ratio between number of women victims of domestic violence who seek the support of their mother, other relatives, or friends and total number of women who suffer violence, in a given period and geographical area	- Surveys (or modules) to measure violence against women - Demographic and health surveys	- Age groups - Area of residence: urban, rural - Work activity: paid and unpaid - Educational level - Specific population groups (ethnic groups, immigrants, displaced persons) - Pregnancy status - Socioeconomic level
Rate of demand for health care services owing to domestic violence	Ratio between number of women seen as a result of domestic violence and total female population	Administrative records	

Quality

Indicator	Definition	Source	Levels of disaggregation
User satisfaction with quality of services	Quality of services as perceived by users	User surveys	
Time required to reach domestic violence care center	Ratio between total time that people spend in transportation to services and total people who access services	- Surveys (or modules) to measure violence against women - Surveys of service quality	Area of residence: urban, rural
Waiting period before receipt of health care services	Ratio between total time that people wait to receive care and total number of people who seek services	Surveys (or modules) to measure violence against women	
Percentage of lawyers who offer free legal counsel to women suffering from domestic violence	Ratio between number of lawyers in a given area who offer free counsel to women victims of domestic violence and total number of lawyers	- Justice system administrative records - Records of professional associations	Note: Each country will define the denominator according to the specificity in its territory
Percentage of establishments able to offer immediate protection to women victims of domestic violence	Ratio between number of establishments that have legal ability to issue measures offering immediate protection to women suffering domestic violence and total number of establishments providing health services to women victims of domestic violence	- Administrative records - Institutional reports	
Percentage of establishments with comprehensive strategies to help women victims of domestic violence gain access to services offered	Ratio between number of establishments that have incorporated strategies to reduce cultural barriers (language, for example) or that have facilitated access for women through offering greater flexibility and total number of establishments providing care for domestic violence	- Annual reports - National monitoring reports on compliance with international agreements	
Percentage of establishments with standardized procedures for victims and assailants	Ratio between number of establishments with standardized procedures for victims and aggressors and total number of establishments providing care for domestic violence	- Annual reports - National monitoring reports on compliance with international agreements	
Percentage of personnel involved in health services for domestic violence who have received training	Ratio between number of people working in domestic violence health centers for who have received training in case identification, crisis intervention, orientation, damage assessment, and risks and total number of people working in the area	- Administrative records - Institutional reports	

FINANCING OF CARE <i>Public Sector</i>			
INDICATOR	DEFINITION	SOURCE	LEVELS OF DISAGGREGATION
Per capita spending on health service programs for women victims of domestic violence	Amount allocated by State in general budget for health service programs targeted toward women victims of domestic violence, divided by total number of women in the country	• General budget of the State	Note: It is important to monitor any differences between allocated and actual budgets
Percentage of public spending on domestic violence	Ratio between amount State spends on care for domestic violence and total expenditures (public, private, and international cooperation) on domestic violence	• Specific studies	

<i>Private Sector</i>			
INDICATOR	DEFINITION	SOURCE	LEVELS OF DISAGGREGATION
Out-of-pocket expenditures in addressing domestic violence	Expenditures of household on care for domestic violence against women	• Surveys (or modules) to measure violence against women	• Not applicable

SOCIAL PARTICIPATION			
INDICATOR	DEFINITION	SOURCE	LEVELS OF DISAGGREGATION
Participation of women in decision making on policies and allocation of resources for attention to domestic violence	Ratio between number of women occupying decision-making positions with capacity to determine policies and allocation of resources for care for domestic violence victims and total number of people in similar positions	• Ministry records • Municipal records	• National, sectoral, and local levels

Specific Indicators

The specific indicators proposed here make it possible to monitor concrete applications of the law by incorporating elements that confirm compliance with each step in the process and measure its legal effectiveness. Monitoring facilitates detection of errors in interpretation of the law, including errors resulting from a lack of human resources and/or materials and from faulty coordination among the responsible institutions. On the basis of Costa Rica's experience in endorsing the "Model for Laws and Policies on Family Violence against Women" (2003), the following indicators are proposed³:

- 1. Protective measures:** Numbers and types of requests for protection, as well as protective measures granted to mothers, children, adolescents, people 60 years of age or older, and disabled people (requests are differentiated by gender of victim and perpetrator or according to the relationship; includes relationships in which there is incestuous sexual abuse and an official complaint has been filed).
- 2. Process duration:** Average time required to determine nature of protective measures and time necessary to apply these measures after they have been ordered by the authorities responsible.
- 3. Medical and psychological examinations:** Number of examinations undertaken by designated institutions.
- 4. Detentions:** Number of individuals detained and reported by police authorities.
- 5. Sanctions involving the police:** Nonfulfillment of the duty of the police to intervene in violent situations.
- 6. Cases involving doubt:** Number of cases in which doubt favors the alleged perpetrator.
- 7. Extension of protective measures:** Number of requests in which protective measures are extended in comparison with those in which they are suspended.
- 8. Monitoring during implementation of measures:** Monitoring of cases during the period in which measures are implemented by legal officials.

9. Mechanisms of coordination: Coordination of institutions in charge of applying the law in data collection and provision of services to victims.

10. Rehabilitation programs: Types of rehabilitation programs in place for perpetrators.

Indicators of Protective Measures

Residence: Number of measures involving leaving the common residence, settling in a different home, and raiding the residence.

Prohibitions against weapons: Number of measures that prohibit the introduction or possession of weapons in the home and seizure of weapons.

Custody: Number of measures of provisional suspension of custody and raising and educating children, of orders to alleged perpetrators to refrain from interfering in the exercise of custody, and orders to suspend the rights of the perpetrator to visit his children and rely on protective custody.

Intimidation: Number of measures that prohibit the alleged perpetrator from disturbing or intimidating members of the family group and that prohibit his access to the residence of the victim and to her workplace.

Food quota: Number of measures focusing on provisional obligation to provide food.

Goods: Number of preventive measures to embargo goods of the alleged perpetrator, take inventory of property and goods, and grant exclusive use of household effects to the victim.

Financial compensation: Number of measures that order the alleged perpetrator to compensate for damages to the victim or to her material property.

Protection or local aid: Number of measures directed to public safety authorities.

Demands attended to by domestic violence courts: Number of demands presented by public and private institutions and by third parties.

Denial of requests: Number of requests rejected for not meeting prerequisites of the case.

REFERENCES

- ¹ Arroyo, Roxana. 2005. *Propuesta de monitoreo de la Ley contra la violencia doméstica en Costa Rica*. San José: Poder Judicial de Costa Rica.
- ² PAHO/WHO. 2004. *Modelo de leyes y políticas sobre violencia intrafamiliar contra las mujeres* (working document). Washington, D.C.
- ³ Further information related to these indicators can be found on PAHO's Web site at www.paho.org/spanish/DPM/GPP/GH/LeyModelo.htm.