

interpreted as the official position of the Institute of Alcohol Studies.

**Provenance and peer review** Commissioned; externally peer reviewed.

*J Epidemiol Community Health* 2010;**64**:473–474.  
doi:10.1136/jech.2008.084855

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# Mapping violence against women laws in the world: an overview of state commitments

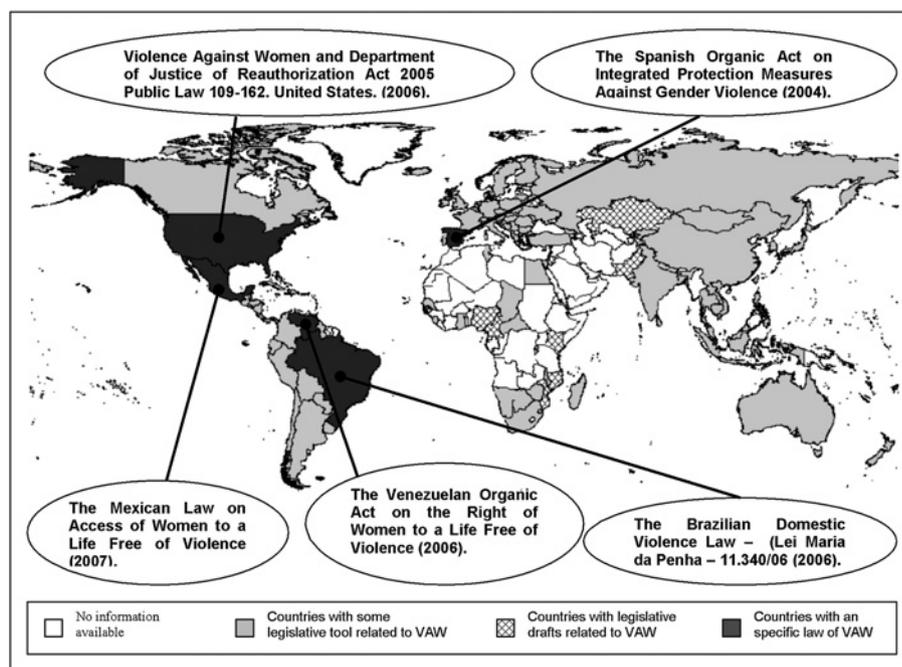
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A life free from violence constitutes a human right that over half of the world’s female population do not enjoy because of the abuse inflicted on them by their intimate partners.<sup>1</sup> Violence against women (VAW) is a social problem that States must address legally to deal with this source of injustice, inequality, and physical and non-physical health problems.<sup>2</sup> The legal framework established by the Convention on the Elimination of All Forms of Discrimination against Women<sup>3</sup> represents a move in this direction, while demands made by the women’s movement have stimulated the development of laws and policies in many countries. This editorial aims to describe the international situation as regards VAW legislation, focusing in particular on violence by intimate partners. It also discussed the minimum standards that such laws should incorporate, as defined by experts from the Council of Europe,<sup>4</sup> WHO,<sup>5</sup> the United Nations Division for the Advancement of Women, and the United Nations Office on Drugs and Crime.<sup>6</sup> We

end with suggestions for future lines of research.

According to information compiled for legal databases,<sup>7–11</sup> 115 countries have adopted or revised legislation on VAW,

enacting different kinds of instruments such as laws, legal codes or legal reforms in their constitutions. Specific VAW laws encompassing the areas of health, education, social services, legal system, police, media and women’s groups within the same document have been drawn up in Spain (2004), The United States of America (2005), Brazil (2006), Venezuela (2006) and Mexico (2007) (figure 1). These laws emphasise the role of the health sector in supplying the evidence necessary for reporting and prosecuting the aggressor, the need to provide integrated cross-sector treatment for survivors, and the design of prevention and education strategies to promote equality and respect for human rights. For example, the



**Figure 1** Map of the legislative tools on violence against women in the world (1984–2008). Sources: International Digest of Health Legislation (IDHL) online database, the Annual Review of Population Law database on law and population, Queen Sofia Center, the Stop Violence against Women website (STOPVAW) and the UN Secretary-General’s database on Violence against Women.

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Spanish law (2004) addresses the need to consolidate the health service sector's potential for early detection of the problem through providing training to health service professionals on the resources available for providing assistance to survivors, once their situation has been confirmed.

Despite the advances that have been made in the design of legal instruments to deal with this problem, such tools still exhibit limitations in terms of their contents and application. For example, the protection of the family and not of the woman is a priority in most of the laws of Latin America. For this reason, the conciliation of the couple is considered in their measures.<sup>12</sup> International organisations have encouraged the drafting of documents that may act as guidelines for the design, application and evaluation of VAW laws and public policies. In 2004, the Pan American Health Organisation, in collaboration with the Inter American Commission of Women and other organisations, defined the key elements of a Model for laws and policies on intra-family violence against women, with the aim of helping decision makers, pressure groups, and governmental and non-governmental organisations.<sup>5</sup> In 2005, the Committee of Ministers of the Council of Europe approved Recommendation No. R (2002)5 of the Committee of Ministers and Explanatory Memorandum, recognised as being the first legal instrument to contain recommendations aimed at Council of Europe Member States.<sup>4</sup> In 2008, the United Nations Organisation issued a model framework for legislation on VAW based on the document "Good practices in legislation on violence against women".<sup>6</sup>

These documents emphasise the need for such laws to focus on human rights, and above all, on gender. While it is generally accepted that those primarily affected by this problem are women, this does not necessarily imply that the laws consider VAW to be the result of gender inequality in society, nor that the legislative strategies proposed are, consequently, informed by this analysis of the origin of the problem. Furthermore, these documents address key issues related to improving the effectiveness of public intervention, such as the provision of free legal advice and represen-

tation, free access to health and social services, and protection for survivors in the form of shelters. They concur on some aspects that may be more controversial, according to the specific context of each individual country, for example, that the measures contemplated by VAW laws should not include mediation between victim and aggressor. Other recommendations highlight the need to design measures that encompass all forms of VAW — physical, sexual, psychological, and financial or economic.<sup>4–6</sup>

This overview of international VAW legislation, taken as the subject of research, represents an opportunity for the study of the political, economic, social and gender equality influences that affect the processes of policy formulation and decision making in Nation States. The pathways leading to the development or not of political instruments for addressing VAW are still unknown. In a first analysis of the situation, it can be seen that 89% of American and European countries have analogous laws or documents concerning VAW, while on the African continent this percentage drops to 31%. It has been shown that reductions in government expenditure and democratic backwardness in terms of gender equality could act as potential determinants of murders by VAW.<sup>13</sup> In this sense, the law making could be influenced by the gender equality in politics, the empowerment of women in public spheres, the capacity for institutional development, the distribution of public funding or the level of economic development of the States.

States have the possibility of creating new laws, in the case in which they do not already have these instruments, or of enacting the pertinent legal reforms to improve existing laws. For this to happen, it would be extremely helpful to know to what extent existing legislation complies with the established minimum standards for developing public policies on VAW as regards gender awareness, providing support to vulnerable groups such as immigrant or disabled women and developing mechanisms for coordinating the different areas of intervention. Public health research could contribute to the development of instruments for public VAW policies based on evidence, the

monitoring of the implementation of their measures and the evaluation of their impact on battered women and society.

**Acknowledgements** The authors would like to acknowledge Carlos Álvarez-Dardet for his comments on an initial draft. We also thank Vicente Clemente for his advice on the design of the figure.

**Competing interests** None.

**Provenance and peer review** Commissioned; externally peer reviewed.

*J Epidemiol Community Health* 2010;**64**:474–475.  
doi:10.1136/jech.2009.090365

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