

# en breve



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## Domestic Violence IS a Public Affair Strengthening Institutions to Promote Equitable Development and Combat Violence Against Women in Uruguay

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Around the world, at least one out of three women is beaten, coerced into sex, or otherwise abused during their lifetime. Women are most at risk to suffer violence at home and from men they know, usually a family member, intimate partner or spouse. A comprehensive analysis of domestic violence in nine developing countries based on Demographic and Health Surveys shows that more than 40 percent of women reported being victims of spousal or intimate partner abuse. (Kishor & Johnson, 2004) The analysis also demonstrates that domestic violence directly impacts the health and well-being of abused women. An example of this is that infant and mortality rates are higher among women who have been victims of violence than those who have not experienced any form of violence.



The 2005-2010 Country Assistance Strategy (CAS), which outlines the World Bank's priorities for cooperation with the Government of Uruguay (GoU), states that despite being regarded as a socially progressive society Uruguayan "women continue to suffer from discrimination" (World Bank, 2005:32). The main areas of discrimination identified in the CAS are related to women's labor market participation, gender wage gaps, and domestic violence. Although GoU's commitment to address domestic violence is recognized through substantive legal and administrative reforms, the CAS notes that much remains to be done to improve victims' access to the justice system.

### Bank Commitment to Work on Domestic Violence in Uruguay

In 2008, on average every 13 days a woman died in Uruguay as a result of domestic violence. According to the statistics published by the Violence and Crime Observatory, a total of 10,680 cases of domestic violence were reported in Uruguay in 2007 which amounts to 46% of all reports filed on crime against persons. (GoU 2008)

While the numbers of victimization are alarming, the actual numbers may be even higher due to under-reporting. Among the reasons for under-reporting of gender based and domestic violence are:

- Many women are not reporting violent incidents when asked in surveys;
- Health care facilities and police do not have appropriate and consistent systems in place for treating victims or recording this data;
- Women may fear that they will be victimized again if reporting the crime; and,
- Many women do not know their legal rights or where to go to seek help, and even if they do, legal and judicial authorities sometimes do not take appropriate or timely action.

With the objective to promote and facilitate the inclusion of women in economic and legal processes, Uruguay launched the World Bank-financed Project: Strengthening Uruguay's Justice Institutions for Equitable Development in September 2004. Financed by a US\$ 300,000 grant from the Institutional Development Fund, the Project aimed to enhance the institutional capacity for strategic planning and inter-institutional coordination and provided technical assistance throughout the country's five regions for the implementation of the

1. The Institutional Development Fund (IDF) is a World Bank grant instrument designed to finance quick, action-oriented, upstream capacity-building activities that are closely linked to the Bank's policy dialogue and country assistance strategy.

National Plan for the Eradication of Violence Against Women.

The development of a strategic framework and awareness raising activities on the topic of domestic violence was implemented by the Uruguayan National Women's Institute (INAMU). INAMU played an active role in the design and implementation of the multidisciplinary capacity building program that benefitted justice institutions as well as line ministries (e.g. health, education and interior), and civil society organizations.

## Bringing the International Legal Framework to the National Legislation.

*The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* adopted in 1979 (and ratified by Uruguay in 1981) guarantees women equal rights with men in all spheres of life, including education, employment, health care, suffrage, nationality, and marriage. It also includes a specific section on violence. Given its role as one of the few global international instruments governing women's rights, its reach goes beyond political good-will at the moment of signing to the actual commitment of governments to adapt their national legislation to be in accordance with it. Its Advisory Committee periodically reviews countries' progress reports and can receive, consider and enquire governments for complaints from individuals or groups on violations of the rights protected by the Convention.

The 1993 *UN Declaration on the Elimination of Violence Against Women* for the first time provided a definition of violence, and included psychological violence in the definition (see Box 1). In Latin America, the provisions set forth in this Declaration were further reinforced by the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*, also known as the "Convention of Belém do Pará" adopted at the General Assembly of the Organization of American States (OAS) in 1994 and ratified by Uruguay in 1996.

While the legal framework in Uruguay recognizes that all people are equal before the law and prohibits gender discrimination in the work environment, the full integration of the CEDAW principles is still pending. However, since 1995 domestic violence has been incorporated in the penal code and considered a crime. Furthermore, in

### Box 1. From Gender Based Violence to Domestic Violence

Gender Based Violence (GBV), as defined by UNFPA, is "violence involving men and women, in which the female is usually the victim; and which is derived from unequal power relationships between men and women". While GBV also includes violence that disproportionately affects men, such as gang violence, the concept of Violence Against Women (VAW) narrows it down to violence experienced by women.

The United Nations Declaration on the Elimination of Violence Against Women (1993) defines VAW as: "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 deprivations of liberty, whether occurring in public or private life" (Art 1). The Convention of Belém do Pará (1994) adopts a similar definition of VAW, and goes further to include physical, sexual or psychological violence "that occurs within the family or domestic unit or within any other interpersonal relationship" (Art 2).

Other forms of violence against women recognized by the UN Declaration on Violence Against Women include battering, sexual abuse of female children, marital rape, forced pregnancy, forced abortion, and forced sterilization (Art. 2). According to UNIFEM, women are more at risk of experiencing violence in intimate relationships than anywhere else.

2002 the Uruguayan Domestic Violence Law declared activities oriented towards the prevention, early detection, attention and eradication of domestic violence to be of national general interest (GoU 2002)<sup>2</sup>.

These commitments translated into the first *National Plan for the Eradication of Violence Against Women* approved by a presidential decree in 2004. The plan seeks to promote equality, tolerance and respect for diversity, and aims to design and advance specific public policies with the support from the recently created National Advisory Council against Domestic Violence.

In 2004, and in response to the new policies and legislative context, a parliamentary multiparty committee and the Ministry of Foreign Affairs approached the World Bank to request support to comply with international obligations to meet with delayed country reporting under the Belém do Para and the CEDAW Conventions, and to develop a coordinated inter-institutional response to promote equitable access to justice for victims of violence against women, especially domestic violence.

2. Another recent addition to the legal framework for women's rights is the 2007 approved Law 18,104 on equality of opportunities and rights between men and women that establishes the legal basis for gender policies.

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## Strong Demand and Enabling Context Key to Project Success

The recent changes in the national legal framework and the reporting requirements provided an important enabling environment for the Project. Other factors that motivated the request were the delays in submitting country reports to the UN and OAS, the weak inter-institutional coordination among agencies dealing with VAW and unsatisfactory response by the judiciary.

The inclusive broad-based consultation process in the preparation of the Project aimed to ensure ownership and commitment of key stakeholders. It also proved to be crucial for the Project's adequate design, effective implementation and sustainability.

Another enabling factor was the original appointment of the Ministry of Foreign Affairs' Directorate of Human Rights as the Project's executing agency. The Directorate had a clear mandate to coordinate the country's efforts to promote a national strategy to address violence against women and the effective implementation of a plan to prevent, address and enforce national laws and international conventions. When the new administration confirmed its commitment to the Project in 2006, a task force was created to transfer the execution of the Project to the newly created agency responsible for women's issues (INAMU)<sup>3</sup>.

INAMU provided new opportunities to target parliamentarians and other entities through research projects, identification of legal reform needs and diagnostic tools, etc. The synergy of the Project with some of the objectives of the National Plan for Equal Opportunities assisted INAMU in establishing its institutional role as the lead agency for gender mainstreaming and the eradication of violence against women.

The Project results exceeded the initial objectives, including the active involvement of the Supreme Court, as well as municipal and local government agencies in the capacity building activities. The main achievements of the Project are outlined in Table 1.

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## Domestic Violence IS a Public Affair

The fact that women are more at risk of experiencing violence in intimate relationships than anywhere else demonstrates that the notion of a 'safe' home environ-

ment is not always accurate. Domestic violence against girls and women has long been considered a "private" affair, a view that has contributed to serious gaps in public policy-making and the lack of appropriate programs to address it. A focus on domestic violence is important because it challenges public institutions to intervene in the private realm, and act on what tends to be a hidden problem not restricted to a certain age bracket, class, social group, or religious affiliation. It is also important to recognize that domestic violence not only poses a serious threat for women's health and lives, but also imposes significant social and economic costs.

The project *Strengthening Uruguay's Justice Institutions for Equitable Development* promoted an inter-institutional and multidisciplinary approach to the treatment of violence against women and has facilitated increased access to justice for women in Uruguay. This project has served to highlight domestic violence as an important development and human rights issue and to assist key stakeholders in addressing the problem. It is one of several initiatives in Uruguay that has increasingly brought domestic violence out into the public agenda.

Other positive recent developments in Uruguay include:

- The formation of groups like *Mujeres de Negro* ("women in black") that meet regularly in the municipality of Montevideo to publically denounce domestic violence and raise awareness on the matter;
- The inclusion of a class on "gender and domestic violence" in the mandatory curricula in the training of police in Uruguay (starting in 2009), which will train police officers to deal with victims of domestic violence following concrete procedural guidelines; and,
- The creation of the first government administered and financed shelter for victims of domestic violence.

While initiatives that respond to domestic violence and other forms of violence against women are crucial to improve their health and well-being, there is also an urgent need for increased efforts on preventive measures with targeted interventions including both men and women before women become victims. Policies and actions to reduce domestic violence need to provide an integrated framework that includes both prevention and response to the problem.

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3. The Vazquez administration restructured the former Institute for Women and the Family operating within the Ministry of Education and Culture to an institution exclusively dealing with women's affairs and reassigned it under the newly created Ministry of Social Development. The Project and IDF Grant Agreement were restructured in 2006 to reflect the needs of the new administration and GoU's strategic re-establishment of INAMU.

Table 1. Main Results of the Project Strengthening Uruguay's Justice Institutions for Equitable Development

Achievement	Description
Improved dialogue and collaboration among the three branches of government on the National Strategy to deal with domestic violence.	<ul style="list-style-type: none"> <li>• Design and implementation of a national multidisciplinary capacity building program with participants appointed by Ministries of Interior, Health, Education and the Justice Sector;</li> <li>• Diagnosis of the legal framework related to domestic violence;</li> <li>• Development of proposed legal reform agenda for parliamentarians; and,</li> <li>• A country-wide consultation process for the development of the first National Plan on equal opportunities and rights and for the implementation of the National Plan to combat violence.</li> </ul>
Capacity development of the judiciary branch.	<ul style="list-style-type: none"> <li>• Creation of a registry for domestic violence to ensure adequate reporting of violence incidents based on predefined criteria;</li> <li>• Participation of the Supreme Court in the design, development and delivery of the multidisciplinary custom-tailored capacity building program; and,</li> <li>• Support and leadership of the Director of the Judicial Training Center to ensure that judges' attendance at training modules was recognized in their career promotion track.</li> </ul>
Network of professionals dealing with domestic violence.	<ul style="list-style-type: none"> <li>• A series of consultations in all five regions of the country, organized to identify demand for capacity building and to ensure ownership and commitment by civil society;</li> <li>• The promotion of active participation of local government institutions which contributed with resources and logistics; and,</li> <li>• A year-long program of professional exchanges taught by a multidisciplinary group of judges, lawyers, police, social scientists, sociologists and health specialists.</li> </ul>
Reporting under international conventions.	<ul style="list-style-type: none"> <li>• CEDAW Report was developed in close consultation with government, academia and civil society and published for wide dissemination; and,</li> <li>• Report on the Convention of Belém do Pará to present the developments in Uruguay towards the elimination of violence against women.</li> </ul>
Studies and awareness raising materials on legal, social and economic impacts of violence against women.	<ul style="list-style-type: none"> <li>• Analysis of institutions responsible for the gender dimensions of equitable development and gender mainstreaming and of the Uruguayan legal framework on women's rights;</li> <li>• Institutional webpage financed by the Project and maintained by local funds (<a href="http://www.mides.gub.uy/inamu">http://www.mides.gub.uy/inamu</a>); and,</li> <li>• Brochures and other publications to raise awareness and disseminate institutional responses to address Violence Against Women.</li> </ul>

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