

Why do women need special laws to protect them from violence?

26 November 2015, by Dabney P Evans

November 25 marks the United Nations [International Day for the Elimination of Violence against Women](#). In a world where [one in three women](#) will experience physical, emotional or sexual violence at least once in her lifetime, the day is intended to raise awareness about violence against women on a global scale.

According to the [World Health Organization](#), [violence against women](#) – such as [intimate partner violence](#), rape and [emotional abuse](#) – poses a significant public health problem in every country.

The most extreme form of violence against women is [femicide](#) – when a [woman](#) is killed because she is a woman. According to the Small Arms Survey, femicides account for almost 20% of global homicides or about [66,000 women](#) annually.

Unfortunately, because cases of femicide are underreported or misidentified as general homicide, the true prevalence is not known. For instance, in the United States the Federal Bureau of Investigation only reported on [25 cases of gender-based killing in 2013](#), even though over 50% of female homicide victims in the US are killed by an intimate partner or family member.

To date, [119 countries](#) have federal laws addressing the issue of violence against women. These laws are meant to offer women greater legal protection from violence. But for these laws to work, women need to feel that coming forward will not expose them to further violence, and they must trust that their claims will be taken seriously. The purpose of these laws must be understood by the general public.

[Data from Nicaragua](#), which passed such a law in 2012, suggest that women do not believe that the law is protecting them.

What does a femicide law do?

In recent years, laws intended to protect women from violence have been on the rise. Earlier this year, [Afghanistan](#) renewed its commitment to enforce existing laws to protect women from violence.

Brazil took things a step further passing a new [anti-femicide law](#) to underscore existing laws. In fact, [international agencies](#) have been encouraging countries to pass federal legislation on violence against women and, more specifically, femicide.

Even though existing homicide laws provide some protection for women, the rationale for creating femicide laws is that women deserve greater protections in order to account for gender-based vulnerabilities, such as being attacked because they are women. For example, a woman killed in the course of a home invasion is a victim of homicide. A woman killed during a domestic violence incident is more likely a victim of a gender-based killing.

Ideally the laws outline specific penalties for violent crimes motivated by or due to the gender of the victim. These penalties are typically stiffer than those under standing civil statutes for similar crimes.

Femicide laws can also call for police investigations that specifically look at the role of gender in the crime. This can make it easier to count femicides and increases the likelihood that such cases will be prosecuted and adjudicated under violence-against-women statutes.

Nicaragua's Law 779

Nicaragua *Ley 779* (or Law 779) defines and criminalizes various types of violence against women. The law has been nearly two decades in the making, with calls for reform of the penal code dating back to 1996. Law 779 creates a way for victims to seek redress for crimes, and also defines

various forms of violence such as intimate partner violence, [rape](#), femicide and specific sanctions for each act. Nearly [90%](#) of Nicaraguan women have experienced physical, sexual or emotional violence in their lifetime.

In 2013 the law was revised to allow mediation between survivors and perpetrators of domestic violence – a move that sparked [protests](#) from women's groups in Nicaragua.

Following the passage of this federal femicide legislation in 2012, Nicaragua experienced an increase in femicide. The [Network of Women Against Violence](#) reported that 76 cases of femicide occurred in Nicaragua in 2011, while 85 cases were reported in 2012 – the year Law 779 was enacted and the year for which the most recent data are available.

It is unclear whether this increase represents better data collection on femicide or an increase in femicide. Differentiating femicides from non-gender-based homicides is difficult and complicates assessing the effectiveness of anti-femicide laws.

But what is becoming clear is that many women in Nicaragua feel that Law 779 is causing harm.

Why do women feel that Law 779 isn't helping?

I, along with Roger Rochat and Samantha Luffy, both at Emory University, and local partners in Nicaragua, [conducted](#) a study in 2014 exploring women's perceptions of Law 779. [We found](#) that women in Nicaragua believe the law was responsible for the increase in femicide.

Women perceived that the laws designed to protect them were actually causing harm to women in their community. They also felt that men were reasoning that it was "advantageous" to commit femicide, because they would be punished regardless of whether they beat their partners or killed them, even though penalties for femicide are much greater than penalties for domestic violence.

One participant in the study [stated](#):

The opinion of the men now is that they prefer to kill

the woman instead of hitting her because although they will go to jail for hitting her, they will also go to jail for killing her, so they say, 'It is better if I kill her.' That is the opinion of the men now, young and old. I say it is awful how lost the men are because those are their thoughts now – that is better to kill the woman....This began because of Ley 779. The law started it.

Whether or not cases of femicide are increasing in Nicaragua, Law 779 is not effective if women who are subjected to violence fear they'll suffer more violence as a result of coming forward. If that is the end result, then a law that intends to protect women from violence is not doing its job.

Further research

At the moment I am conducting research in Brazil to determine the impact of new laws there and the ways understanding about them trickles down to community level.

Data there also [indicate an increase](#) from 4,022 femicides per 100,000 in 2006, when the first federal violence-against-woman law was passed, up to 4,762 in 2013.

Unfortunately, global data about femicides and the impact of these kinds of laws are hard to come by because data are not routinely collected in a standardized way.

What needs to change for these laws to work?

To start, women need to understand their rights under the law, feel confident that their claims will be taken seriously and crimes will be investigated.

And countries must go further to ensure that laws don't just exist, but that they are adequately enforced. They should communicate the purpose of the law to the agencies tasked with enforcing them – such as national police and justice systems – to ensure that the systematic identification of cases and enforcement actually takes place.

To ensure the usefulness of such laws, UN Women has developed a [model protocol](#) to guide the enforcement of laws on femicide. The guide

includes best practices for the investigation of femicide cases in countries like Nicaragua and Brazil.

The general public must also what these laws are designed to do so that their intentions are not misinterpreted at the community level by both men and women.

That more and more countries are passing femicide legislation is undoubtedly a sign that [awareness](#) of violence against women is on the rise. Making sure that the intent and purpose of these laws is communicated and enforced will go a long way toward ensuring that the International Day for the Elimination of Violence against Women lives up to its intention.

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