

# Making the Law Work



## Budgetary Implications of Domestic Violence Policies in Latin America

### 1. Introduction

International Center for Research on Women

2002

# Why DV & Budgets?

- Increased awareness around DV as a critical development & public health issue around the world
  - Wide consensus on need for effective laws to address & prevent the problem
  - Little attention to financial resource requirements
  - New stakeholders including Ministry of Finance, Planning & private sector
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- New tools are being developed for gender analysis of budgetary allocations (spending & revenue)
  - Gender budget tools are applied to sectoral issues like education health, but not cross sectoral issues like DV

# Why LAC?

- LAC is the first region passing DV legislation
  - Laws have now been around for a few years
  - Key stakeholders involved in passing the laws realize that implementation is lagging
  - A key issue identified--budgetary allocations (Interagency symposium on gender violence, health & rights in the Americas)
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- There is capacity being built on gender budget tools within the region
  - A series of new gender budget exercises

# Policy Responses to DV in LAC

- 1st Generation (1990-95): Approval of international agreements like CEDAW
- 2nd Generation Policies (1995-2000): Effective implementation at national & local levels
  - Development of new laws, regulations, modification of codes & plans of action
  - Creation of standards of prevention & care for government & NGO programs

# Countries

- Chile
- Costa Rica
- Dominican Republic
- Ecuador
- El Salvador
- Mexico
- Peru



# Objectives

- Identify gaps between extent of DV, policies & budget allocations to address it
- Map the policy & budgetary process around DV laws & their implementation

# The Project

- **DV** is the topic of analysis as a cross-sectoral, gender & human rights issue
- Goal is a **toolkit** for analyzing budgetary process on the implementation of policies designed to expand women's opportunities & address their priority needs
- Applicable to other cross-sectoral, gender & rights issues—Reproductive Health, HIV/AIDS

# Phases of the Study

- **Phase 1 (March -- October 2002)**
  - Literature Review & Background Research--draft
  - Questionnaires (NGOs & key government agencies)
  - Framework & Indicators – draft to be tested
  
- **Phase 2 (November 2002 –2004)**
  - Regional consultations on framework & indicators
  - Regional research planning workshop
  - 3 in-depth country pilots applying the framework
  - Final toolkit
  - Dissemination workshop



# Making the Law Work



**Budgetary Implications of Domestic  
Violence Policies in Latin America**

## **2. Background Research**

**International Center for Research on Women**

**2002**

# Methodology

- **Components of the analysis**
- **Sources**
- **Selection Criteria**
- **Questionnaires**

# Components of the Analysis

- Process of law formulation
- Content of law
- Implementation
  - Government
  - NGOs & community groups
  - international cooperation agencies



# Sources

- Documents
- Questionnaires
  - NGOs
  - Women's Ministries
  - Ministries of Health
  - Ministries of Justice Administration
- Phone Interviews



# Selection Criteria



## ■ Countries:

- Sub-regional representation
- Demographic & socioeconomic diversity
- Variations in DV policies
- Involvement of agencies

## ■ Organizations:

- Pre-law advocacy on DV
- Provision of DV programs & services
- Monitoring the implementation of services

# Purpose of the Surveys

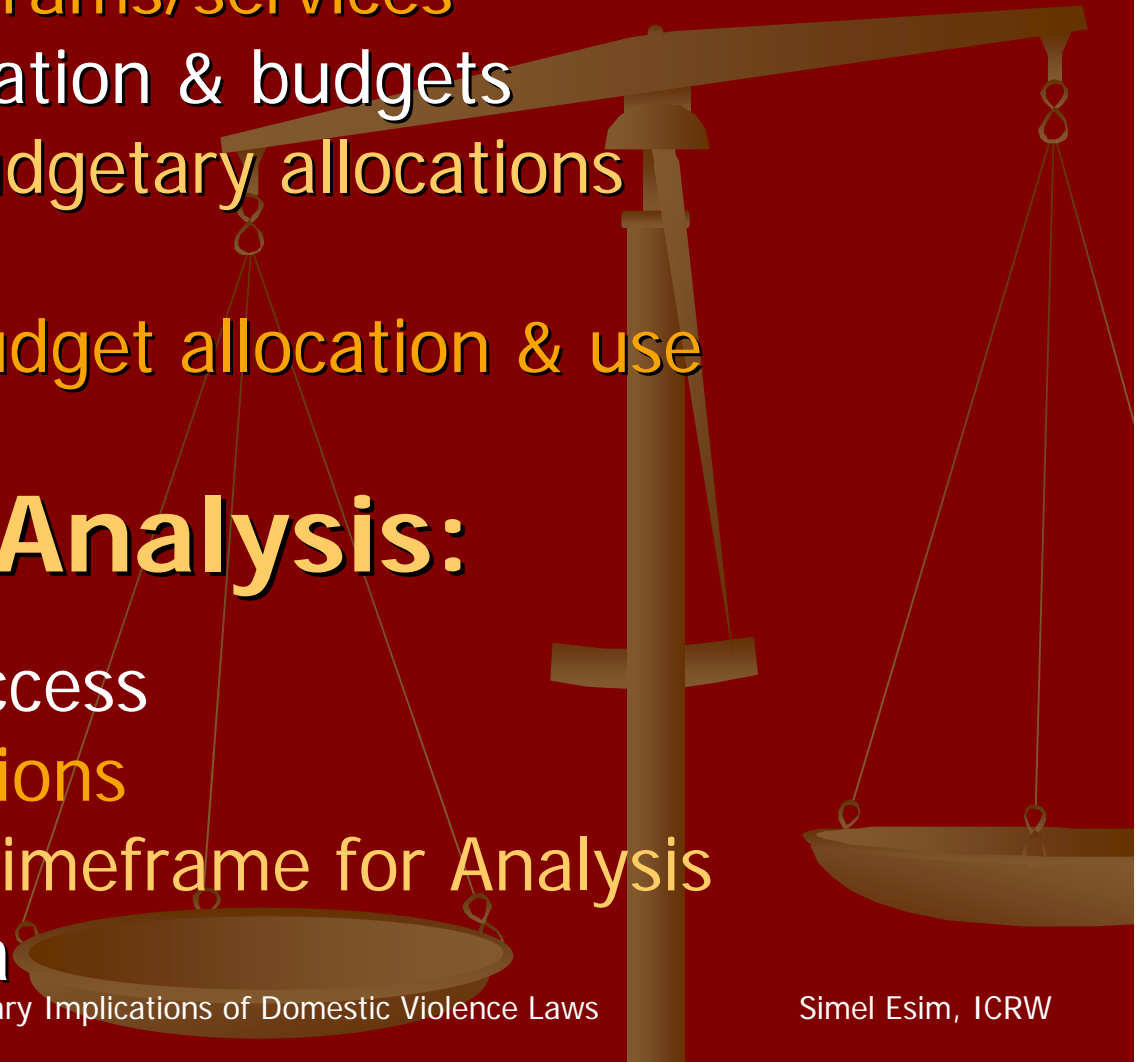
- Understand key stakeholders' implementation concerns
- Assess understanding of budgetary issues & explore gaps in knowledge of budgetary process
- Identify indicators to track budgetary process around DV policies

# Key Issues Analyzed:

- Financing of DV programs & services
- Creation of new programs/services
- Intersectoral coordination & budgets
- Advocacy, M&E of budgetary allocations
- Coverage of services
- Key issues around budget allocation & use

# Challenges to Analysis:

- Data Availability & Access
- Differences in Definitions
- Variances in Unit & Timeframe for Analysis
- Consolidation of Data



# Approval of DV Laws



1993--Peru

1994—Chile

1995—Ecuador

1996--Costa Rica\*, El Salvador & México

1997--Dominican Republic

\* Costa Rica is the only country where National Plan for Attention of Intra-family Violence (PLANOVI) was approved (1994) before the DV law (1996).

**Jurisdiction:** civil, administrative or penal



# Defining DV in the Law



- **Main objective:**

- Primary juridical concern is personal integrity
- Protection from psychological, physical & sexual violence

- **Target population:** Members of the family sharing a residence, implicitly including same sex couples

- **What is missing:**

- No specific focus on women
- No specifications on what is physical, psychological or sexual violence
- No clear statement on 'marital rape' or threats
- Not inclusive of all forms of violence, especially economic violence (e.g. only Costa Rican & Dominican laws include property damage as a type of violence)

# Components of the Law

- **Prevention Activities**
- **Precautionary Measures**
- **Assistance & Care**
- **Training & Research**
- **Conciliation/Mediation**
- **Rehabilitation/Treatment of Aggressors**

# DV laws & Government Spending

- Primary focus on identification of cases, crisis intervention, conciliation & referrals
- Spending on justice administration services  
e.g. Provision of free lawyer in El Salvadorian law
- Some provision of health services & shelters  
e.g. Free medical tests in Peru; Psychological & medical tests in Chile & Costa Rica

# DV Laws & Aggressors

- In all countries the law establishes measures such as a fee for food, replacing damaged property, fines & others
- Only the laws in El Salvador & Costa Rica establish a fixed period of time that the victim has exclusive use of the household goods such as furniture & appliances

# DV Laws & Victims

- If neither the government nor aggressor is paying for the costs of violence to the victim, then the victim is paying for it
- They pay for physical treatment, replacement of damaged furniture & broken appliances, foregone income & other costs

# Plans of action on DV

- Plans of Action are implementation plans building on the components identified in laws
- In addition they:
  - Map out social actors & processes
  - Address interagency coordination
  - Include monitoring & evaluation issues
  - Have a timetable & benchmarks

# Distribution of Budgetary Allocations

- New public budgetary allocations for DV work
- Reallocation of existing program funds & human resources to undertake some DV activities identified by the law
- Outside funds--the major sources of funding continue to be **discretionary funds** from the ministries' budgets & **international donor funds** through grants & loans

# New Programs & Institutions

- The sectors where more programs &/or institutions have been created around DV work are: **police, women's affairs offices & health**
- To a lesser extent **justice administration, education & other intersectoral initiatives**



# Strategies when laws are passed without specific public funding

- ❖ Approach NGOs, universities, community groups for services
- ❖ Apply user fees for some services
- ❖ Use equipment, supplies & goods from other programs & services

# Coordinating Implementation



- For most of the DV laws there is **NO** coordinating agency for overseeing the implementation of DV policies & allocations of financial resources
- Only in Chile there is an **Inter-Ministerial Commission**--without resources to fulfill its commitment, & no NGO participation


# Enabling Factors for Implementation

- Political commitment to the issue
- Existence of Women's Affairs Offices
- Build on local initiatives
- Inclusion of intra-family violence in the national health policy
- Training across sectors
- Technical & financial support from international agencies

# Constraints to Implementation

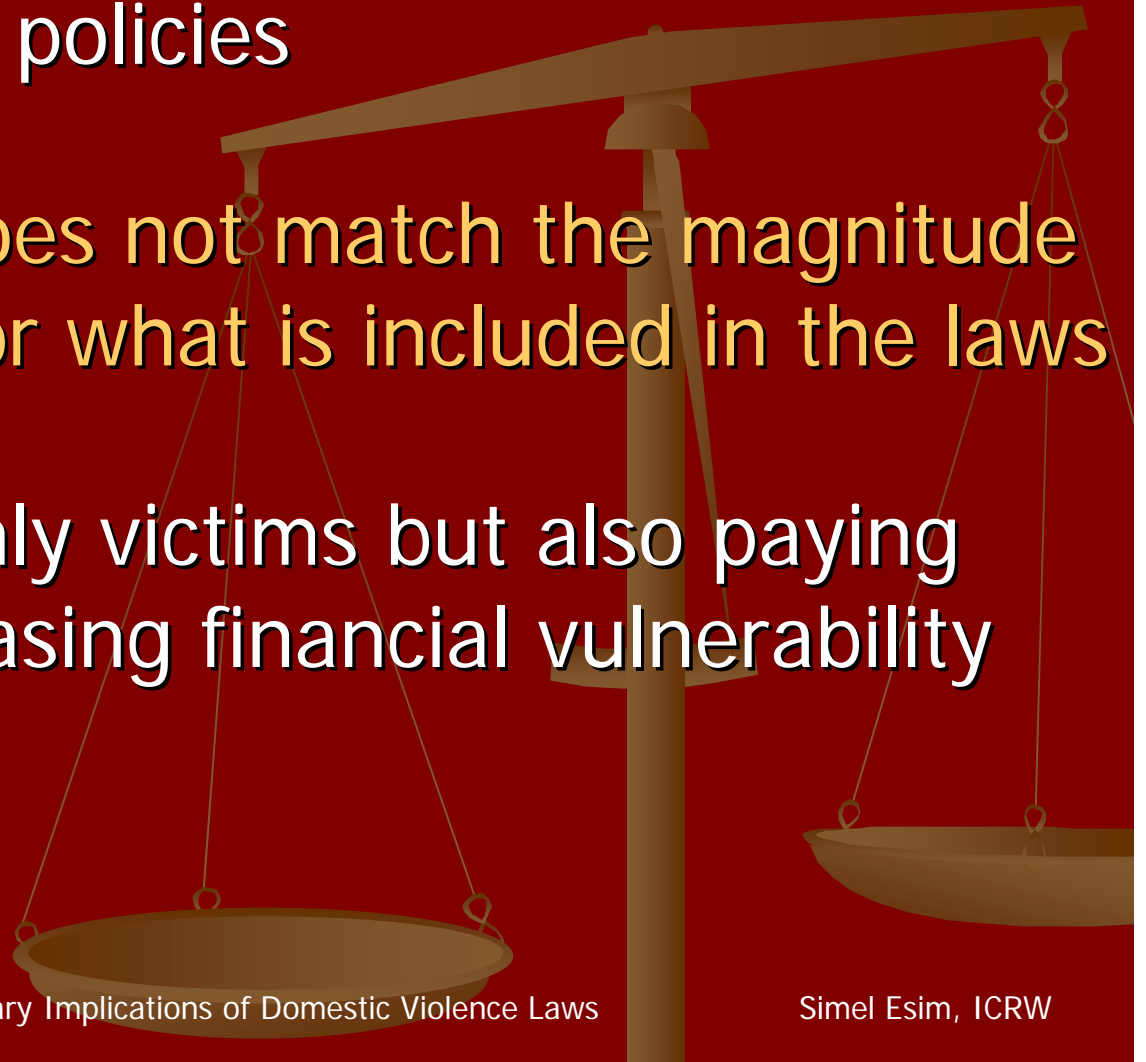
- Slow pace in inclusion of DV programs into sectoral government agencies
- Lack of standard procedure to determine budgets needed for DV programs
- Lack of sensitization of high level authorities
- Lack of a standardized registration system
- Administrative challenges
- Difficulties around planning

# Constraints Specific to NGOs

- International funds go to the government after DV laws
  - Referrals from government without transfer of resources
  - Receiving less funds & exp&ing coverage of services
  - NGOs can hardly provide services & end up limiting activities on advocacy, & M&E of policies on DV
  - Services suffer: lower quality, introduction of user fees
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# Some Conclusions

- Budget is fundamental to ensure adequate implementation of policies
- Public spending does not match the magnitude of the problem, nor what is included in the laws
- Women are not only victims but also paying costs of DV--increasing financial vulnerability



# Making the Law Work



## Budgetary Implications of Domestic Violence Policies in Latin America

### 3. Framework & Indicators

International Center for Research on Women

2002

# Main conclusion from research

- Major sources of funding for DV services continue to be **discretionary funds** from the ministries' budgets & **international donor funds**
- This means budgetary resource allocation is NOT being mainstreamed into ministerial budget line items



# Challenges




- **Building an information & knowledge base** on bottlenecks and strategic entry points in the budgetary process for DV policies
- **Developing a flexible framework with indicators** that can facilitate systematic gathering of information at different stages of the policy and budgetary process
- **Building the tools through country pilots** for a final tool kit accounting for variances across countries

# Policy Environment

- Cuts in public social spending
- Sector reform policies (health, education, judiciary)
- Fiscal decentralization

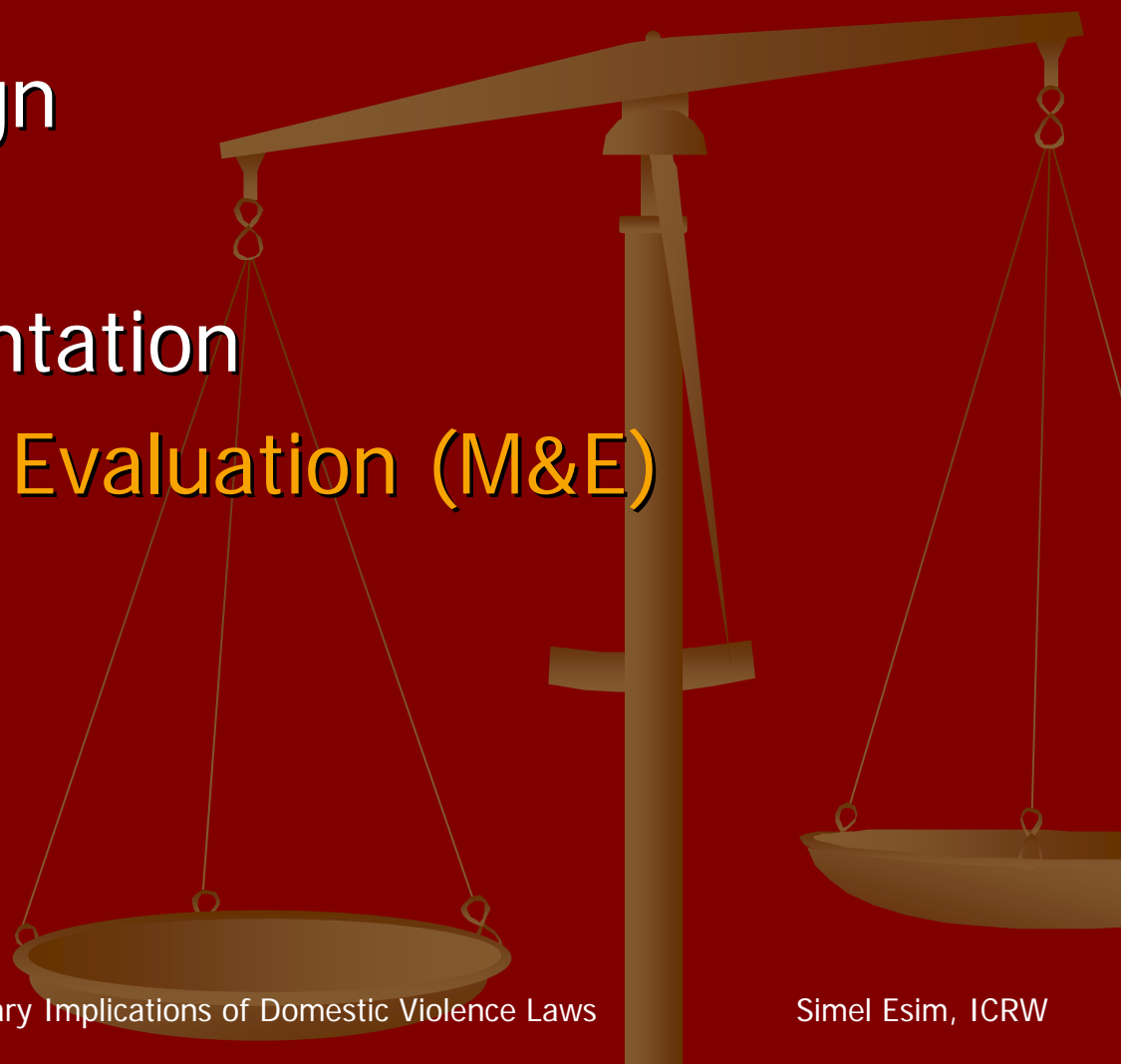


# Possible Budgetary Gaps

- **Budgetary allocations needed** to prevent and eliminate DV
  - **Actual budget proposed** by government
  - **Actual budget approved** by parliament
  - **Actual budget allocated** to implementing agencies
  - **Actual budget spent** on DV services
  - **Actual spending reaching** the DV victims
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# Stages of the Framework

- Pre-policy design
- Policy design
- Policy implementation
- Monitoring and Evaluation (M&E)



# STAGES OF THE FRAMEWORK

Pre-law Design Stage



Policy Design Stage



Monitoring & Evaluation  
Stage



Implementation  
Stage

## Indicators:

- Process indicators
- Output & outcome indicators

# Pre-Policy Design Stage

- Characteristics of the interventions & activities carried out before the laws were passed (scope & coverage)
- Studies on economic costs of DV
- Alliances around DV



# Possible Indicators

- Types and roles of relevant social actors
- DV context
  - Magnitude of DV
  - Existing policies, services & activities
- Mechanisms of DV Services & Activities
  - Funding
  - Models of intervention
  - M&E



# Policy Design



- **Budget formulation** when the budget plan is put together by the executive (Sectoral Ministries, National Accounts, MoF)
- **Enactment of the budget** when the budget plan is debated, altered, & approved by the legislative branch (budgetary subcommittee in parliament)

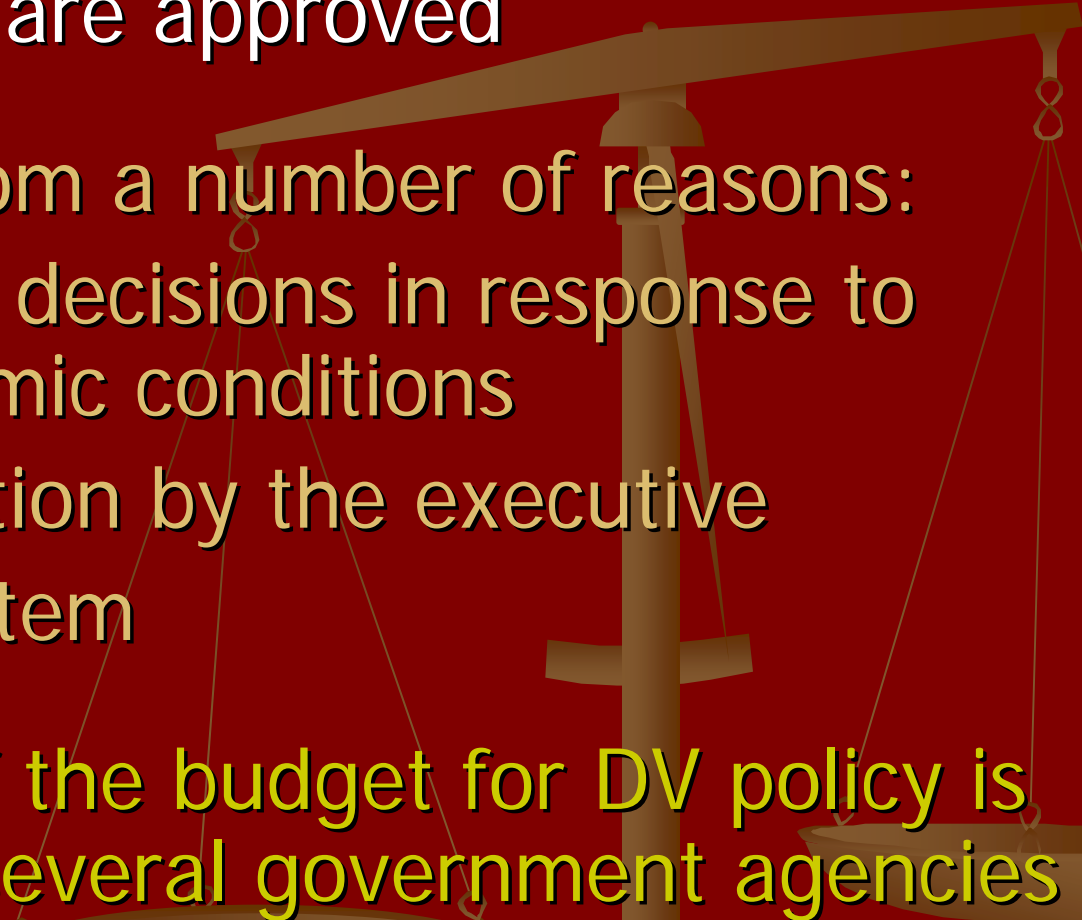


# Possible Indicators



- Role of legislature in policy formulation & budget enactment
- Relations between Executive & Legislature
- Characteristics of Policy
  - Policy Mechanisms
  - Type of policy realm
  - Legal framework used
- Components of the law/plan of action

# Policy Implementation

- Budgets are not always actually allocated and spent even if they are approved
  - Gaps can result from a number of reasons:
    - conscious policy decisions in response to changing economic conditions
    - abuse or corruption by the executive
    - poor budget system
  - Implementation of the budget for DV policy is clearly the job of several government agencies
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# Possible Indicators

- Indicators on services & activities
- Indicators on budget execution
  - Actual Allocations
  - Spending Across Time
  - Sources of Funding
  - Institutional Needs



# Monitoring & Evaluation



## ■ **Monitoring (more macro):**

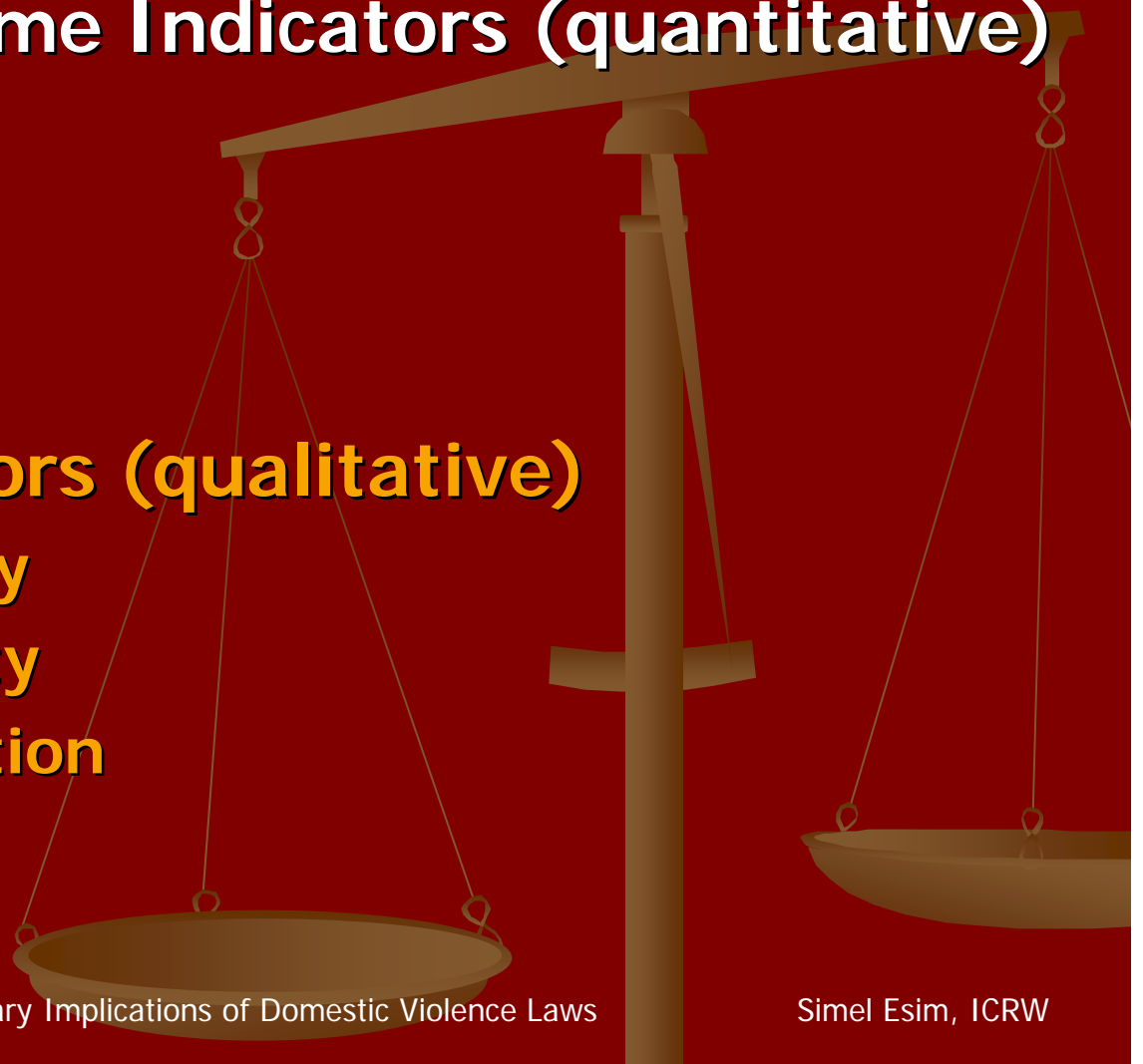
- share of spending on DV
- prevalence of DV
- mortality & morbidity rates associated with DV

## ■ **Program Evaluation (more micro):**

In-depth examination of particular programs

# Possible Indicators

- **Output & Outcome Indicators (quantitative)**
  - Coverage
  - Resources
  - Access
- **Process Indicators (qualitative)**
  - Technical quality
  - Perceived quality
  - Social participation



# Fine-tuning the Indicators

- Consultations with relevant stakeholders, e.g. Parliamentarians for the policy design
- Eliminating indicators that are too costly to measure or not crucial
- Adding indicators that are needed
- Determining who would collect them and how
- Identifying where & how the data gathered would be kept

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## 4. NEXT STEPS

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2002

# Main Goal



- Develop the methodological framework & draft indicators toward a user-friendly toolkit
- For use by NGOs, government agencies & other stakeholders in analyzing public expenditures for the implementation of DV laws



# Objectives of Phase 2

- Monitor implementation of national/local DV legislation
- Provide a basis for gender analysis of budgetary processes involved in DV legislation
- Analyze public expenditures that currently support implementation of DV policies & programs
- Determine gaps between current levels of resources & levels needed for effective implementation of DV laws
- Build capacities of regional agencies working in DV on legislative & budgetary processes
- Provide methodology for follow-on advocacy on legislative & financial commitments of governments

# Components of Phase 2

- Regional Consultations on Framework & Indicators
- Proposed Agency Presentations & Discussions
- Regional Research Planning Workshop
- 3 In-depth Country Pilots Applying the Adapted Framework
- Final Tool Kit
- Dissemination Workshop

# Regional Consultations

- AWID 9<sup>th</sup> Forum, Guadalajara, Mexico, October 4-6, 2002 ✕
- Network of Women Parliamentarians of The Americas, 3<sup>rd</sup> Annual Meeting, Ixtapan De La Sal, Mexico November 24, 2002
- International Budget Project Latin America Regional Meeting, Mexico City, November 25-26, 2002
- UNFPA Latin America Regional Meeting, Mexico City, November 25-29, 2002

# Proposed Agency Presentations

November 2002-January 2003

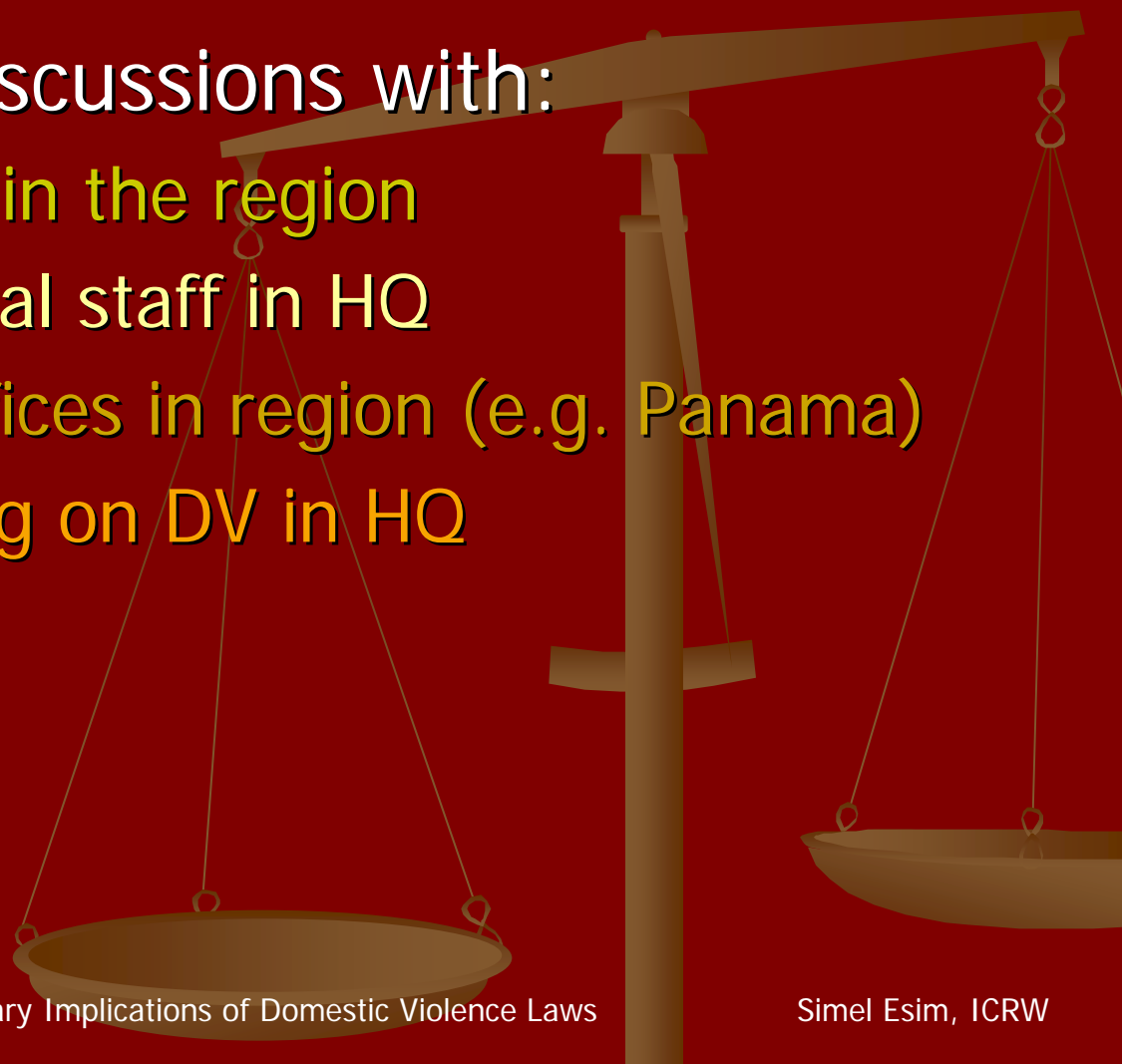
Presentations & Discussions with:

UNIFEM LAC staff in the region

UNFPA LAC regional staff in HQ

UNFPA country offices in region (e.g. Panama)

PAHO staff working on DV in HQ

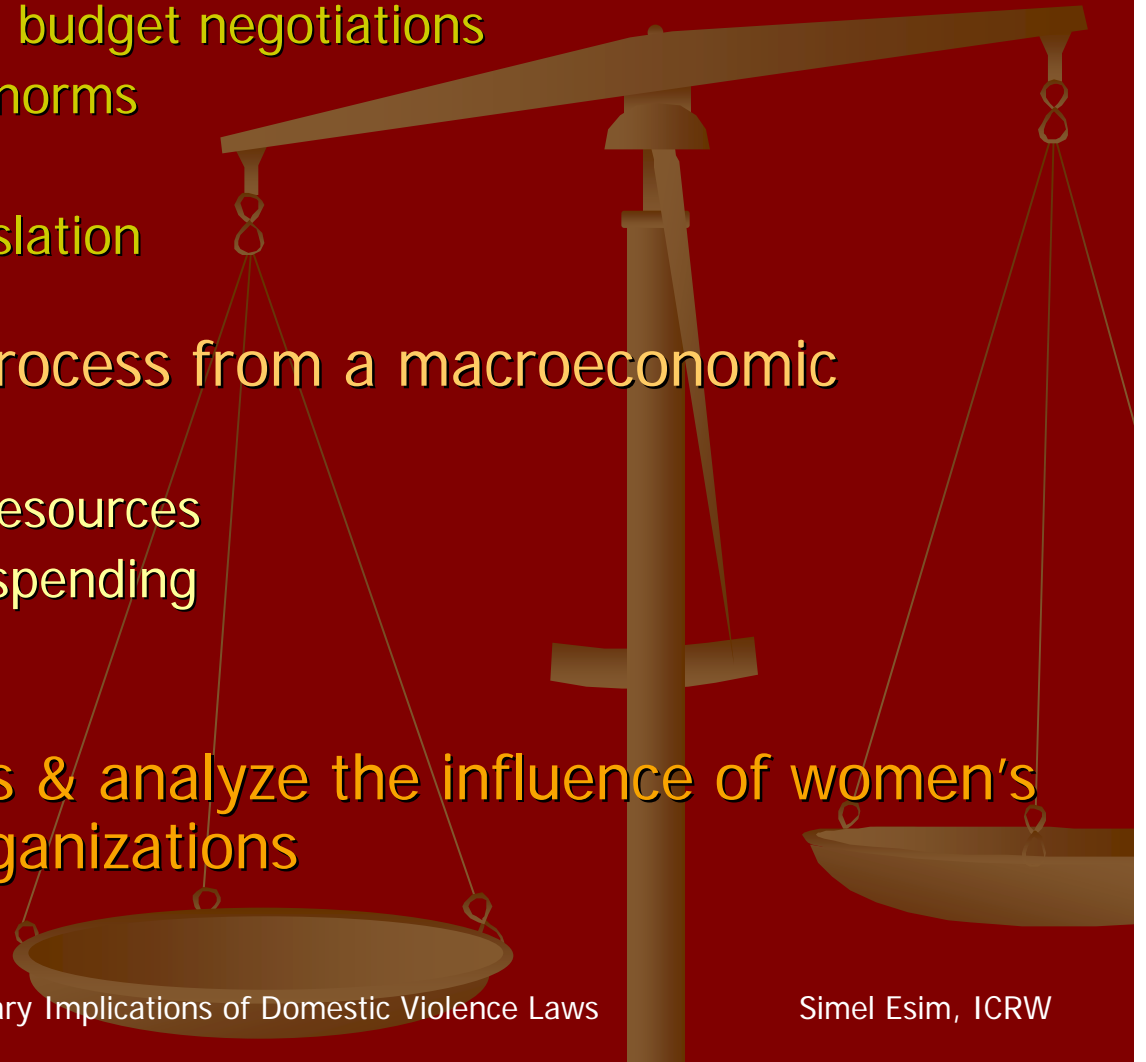


# Regional Planning Workshop

- Review the draft framework & indicators for relevance & application to the region
- Discuss availability of data in order to apply framework & indicators to the region
- Select 3 pilot countries to test the applicability of the framework & indicators & confirm research teams
- Identify tools needed to undertake in-country pilots
- Revise the questionnaires developed in Phase 1
- Develop a timetable & workplan for in-country pilots

# In Country Pilots

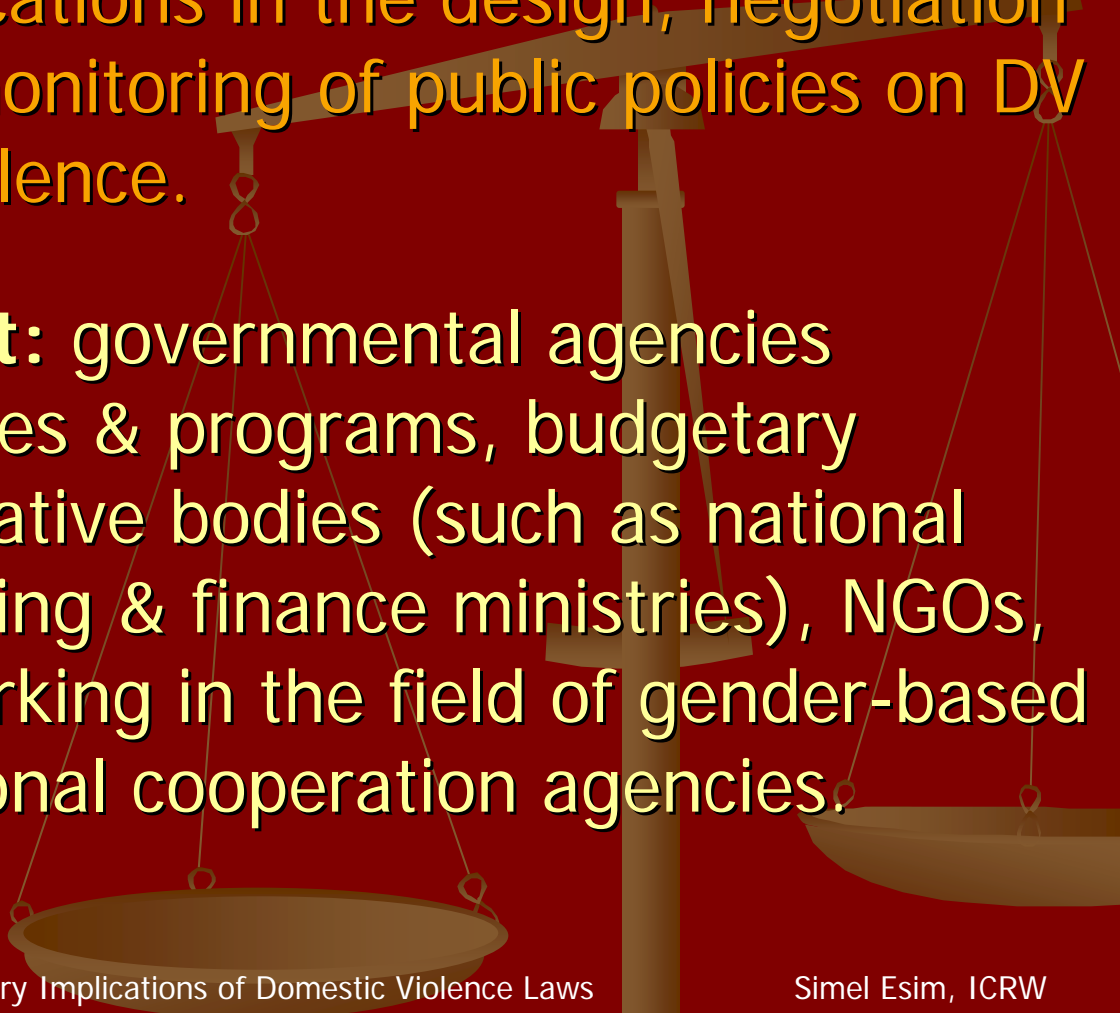
- Analyze the budgetary process from a political & institutional perspective--national and local levels
  - prevailing norms affecting budget negotiations
  - political consequences of norms
  - prevailing political scene
  - options for amending legislation
- Analyze the budgetary process from a macroeconomic perspective
  - sources & uses of public resources
  - general policies of public spending
  - allocation of resources
- Identify key stakeholders & analyze the influence of women's ministries & women's organizations



# Tool Kit

Among other components, tool kit will contain:

- Questionnaires tailored for various stakeholders for preliminary assessment of budgets related to specific laws, their implementation & M&E
- Indicators on how to track allocations & their spending, with explanations on how to do the monitoring
- Guidelines on how to build a database for tracking & monitoring across time



**Purpose of the Tool Kit:** Support the efforts of the key stakeholders working in the field of gender-based violence, with a view to incorporating the analysis of the budgetary implications in the design, negotiation implementation & monitoring of public policies on DV & other forms of violence.

**Users of the Tool Kit:** governmental agencies involved in DV policies & programs, budgetary committees of legislative bodies (such as national parliaments & planning & finance ministries), NGOs, women's groups working in the field of gender-based violence & international cooperation agencies.



# Dissemination Workshop

The two-day workshop agenda shaped by regional partners & consists of presentations & discussions on:

- The overall project its objectives & activities
- Methodology & findings from the three in-country studies
- Conclusions synthesizing the findings from the three country studies
- Application of the framework to the LAC region & other regions
- Introduction of the tool kit

# THANK YOU!



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