

Implementation of Legislation: Monitoring and Overseeing Government Action

Session 5

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Why Monitor?



What Can You Monitor?

- Government **activities, protocols, and institutions** set up to implement the law
- **Response of actors:** police, judiciary, prosecutors, medical, social service agencies, leaders, and other actors
- **Public awareness, opinion and use** of violence and the legislation

What Can Monitoring Achieve?

- Legal reform
- Development of protocols or forms
- Targeted trainings for legal actors (police, judges, prosecutors, community leaders)
- Identification of funding needs
- Creation of needed victim services
- Establishing a coordinated community response

Case Example: Bulgaria

- Violation of an order for protection NOT criminalized
- Domestic violence law had no teeth
- Monitored implementation of the legislation
 - Resulted in amendment of the law



How to Monitor

1. Define **goal** and develop **research question**
2. Define **scope and context**
3. Do **background research**
4. Develop **indicators**
5. Decide **how to collect information**



1. Define the Goal



1. **Goal:** Assess implementation of legislation and whether prevent violence, protect victim safety, and promote offender accountability
 1. Specific issue?
 2. Single or multiple laws?
 3. Single or multiple actors?

2. Define the Scope and Context

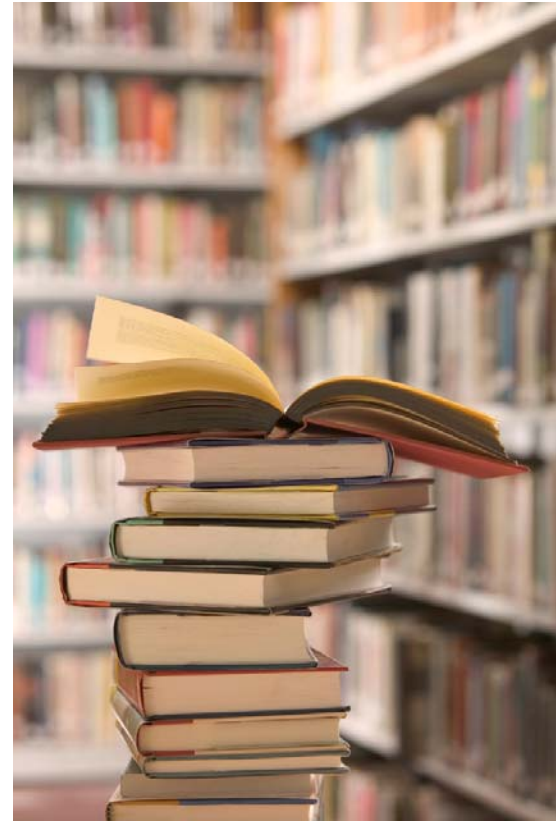
- Need for monitoring
- Time
- Money
- Resources
 - Assess capacity in terms of expertise, infrastructure, technology



General Rule: Better to provide full and well-researched information on a limited issue than try to say something about everything.

3. Do Background Research

- Structure of legal system
- Domestic laws
- National plans
- Court records
- Publications
- Statistics



Background Research: Example

- Laws
 - domestic violence
 - penal
 - penal procedural
 - misdemeanor
 - police authority
 - administrative
- National plans and machinery
- Ministry of Interior policies
- Police protocols and forms
- Police structure and administration



4. Develop Indicators

- Information on a specific issue and enable comparisons over time and different locations
 - E.g. “the number of women (over total number women) who have requested an order for protection under the domestic violence law in 2009 in “X” municipality)
- Valid, reliable, specific, measurable, and time-framed

Special Considerations for Indicators

- Indicators must reflect **human rights principles**
- Indicators must accurately **reflect patterns**:
 - **Scope, incidence and prevalence** of VAW
 - **Consequences** of VAW
 - **Effectiveness of measures** to combat VAW
- **Disaggregate** by sex, race, age, severity, frequency, ethnicity, relationship with perpetrator
- Use same indicators **nationwide**

Example of Indicators: Police Response to Domestic Violence

- ✓ Time for arrival
- ✓ Separation of victim and perpetrator for interview
- ✓ Female officer available if desired
- ✓ Documentation of incident, injuries, presence of children, weapons
- ✓ Risk assessment
- ✓ Predominant aggressor determination
- ✓ Existence of prior record
- ✓ Safety plan for victim
- ✓ Referrals for victim
- ✓ Legal rights and options for victim
- ✓ Interview all potential witnesses
- ✓ Transport for victim to hospital or shelter
- ✓ Probable cause of arrest
- ✓ Poor responses: warnings, reconciliation, victim arrests



5. Decide How to Collect Information

- Statistical data collection (quantitative)
- Focus groups
- Surveys (quantitative and qualitative)
- On-site observations
- Court monitoring
- Media monitoring
- Interviews

Role of Parliaments

What can Parliaments do?

- Create special commission or long-term mechanism
- Sponsor and fund a study
- Gather statistics
- Take legislative action
- Give platform to monitoring reports

Create Special Commission or Long-term Mechanism

- Independent of other governmental bodies
 - If not independent, then should provide for NGO representation or input
- Adequately funded
- Regular review and report back to Parliament

EXAMPLE: Minnesota State Human Trafficking Task Force

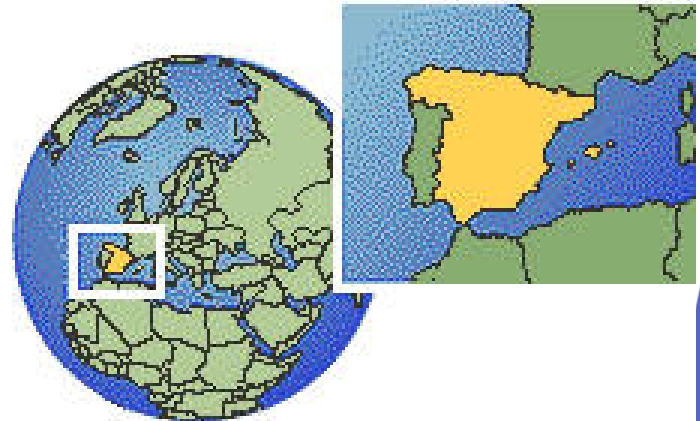
Structure (21 members):

- Chiefs of Police Association
- Bureau of Criminal Apprehension
- Sheriffs' Association
- Peace officers (urban and rural)
- Prosecutors
- Attorney General representatives (state and federal)
- Departments of Health
- Department of Public Safety
- Department of Homeland Security
- Council on Asian-Pacific Minnesotans
- Minnesota Chicano-Latino Affairs Council
- 8 NGO representatives

EXAMPLE: Spain's Organic Act 1/2004: Integrated Protection Measures against Gender Violence

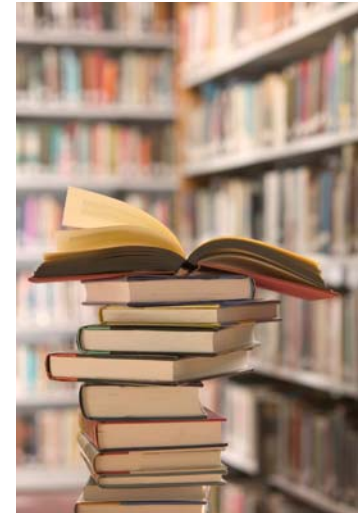
Observatory on Domestic Violence and Gender Violence:

- Analyzes all **sentences and resolutions** on gender violence
- Created an **magistrate expert group** to propose activities for implementation and amendments
- Coordinates **ongoing training** of courts and prosecutors
- Supports **studies and statistics**



Sponsor and Fund a Study

- Define your goal and scope
- Call for proposals from independent bodies
- Require report back to Parliament on findings and recommendations



EXAMPLE: Minnesota State Human Trafficking Task Force

- Monitored state response to sex trafficking victims in the framework of trafficking, criminal, immigration, and American Indian laws, plus services.

Recommendations resulted in:

- Amendments to the law to strengthen prosecution tools

Gather Statistics

- Require a ministry or national statistics office to monitor
- Obtain data at regular intervals
- Disaggregate
- If large-scale surveys not possible, enhance ongoing surveys



Statistics examples

- **Albania:** Ministry on Labour, Social Affairs and Equal Opportunities to maintain statistics data on domestic violence levels
- **Guatemala:** Requires national statistics office to compile data and develop indicators on VAW
- **Italy:** Creates National Observatory on VAW and allocates 3 million Euros for 3 years (Financial Law)



Take Legislative Action

- When passing or amending laws:
 - Include a requirement for monitoring and funding
 - Specific provisions can charge specific bodies with responsibility
 - Specific provisions can describe scope of monitoring
 - Establish mechanisms

Give Platform to Monitoring Reports

- Be an ally
- Heed the monitoring reports and their recommendations
- Sponsor or help draft legal amendments
- Sponsor multi-sectoral roundtables to discuss results and recommendations



Thank you!

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