

# Compendium of International and National Legal Frameworks on Domestic Violence

Volume V of V — Annexes

FIRST EDITION, JANUARY 2019





# Compendium of International and National Legal Frameworks on Domestic Violence

Volume V of V — Annexes

**FIRST EDITION, JANUARY 2019**

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*The Compendium is a working document intended as a reference tool for anyone interested in the topic of Domestic Violence (development practitioners, lawyers, community leaders, academics, researchers, students, etc.). It does not constitute an exhaustive treatment of the legal framework on Domestic Violence and may be updated from time to time.*

ACKNOWLEDGEMENTS .....	i
FOREWORD .....	iii
INTRODUCTION, DISCLAIMER AND LIMITATIONS .....	iv
VOLUME V .....	1
ANNEXES TO THE COMPENDIUM .....	1

## Volume V of V

This compendium on domestic violence is divided in five volumes. Each volume should be observed as a part of the whole.

## ACKNOWLEDGEMENTS

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## FOREWORD

It is undisputed that domestic violence against women and girls remains one of the most extreme forms of gender inequality, a violation of human rights, and a development issue. Domestic violence against women and girls takes many forms, including physical, sexual, emotional, and economic. As a result, women and girls' lives are endangered with negative consequences not only for them, but also for their households, their communities, and society as a whole. It is an epidemic that leads to girls dropping out of school and affects women's ability to acquire more and better jobs; it increases absenteeism at work and limits mobility that hinder productivity and earnings. Altogether, domestic violence impedes women and girls from thriving, and takes away their voice, agency, rights and opportunities. This in turn affects every country's growth and development.

The international community recognizes that domestic violence is an important development challenge, and strides have been made to support countries in acquiring the tools and resources needed to end it along with other forms of discriminatory practices. Twenty-five years ago, the United Nations Declaration on the Elimination of Violence Against Women first called upon States to adopt legislation which prohibits domestic violence and to provide legal protection to end all forms of violence and harmful practices against women and girls in public and private spheres. More recent efforts have called for stronger action to address the underlying structural causes that increase the risks of domestic violence.

The share of countries with laws on domestic violence increased from 70.9 percent to 75.9 percent thanks to legal reforms in seven countries over the last four years, but more remains to be done, as 49 countries still do not have specific laws against domestic violence. Laws are an important step that countries can and should take towards ending violence against women and girls. We must support and strengthen the tools and means to end domestic violence everywhere.

I am pleased to share the following Compendium of International and National Legal Frameworks on Domestic Violence. In it you will find international and regional instruments that address domestic violence, and national legislations adopted to prevent and prosecute such crimes. This is a practical online legal tool to empower those fighting domestic violence and help shape change for the elimination of domestic violence.

We hope this responds to the needs of all persons and professionals interested in this subject as well as those who work with and support women and girls affected or at risk.

Sandie Okoro  
Senior Vice President and General Counsel  
World Bank Group



## INTRODUCTION, DISCLAIMER AND LIMITATIONS

Domestic Violence (DV) is a universal phenomenon that affects millions of women of all social strata worldwide. It is the most pervasive, common, underrecognized, underestimated and underreported type of violence against women. It reflects discriminatory social norms, stereotypes, impunity and gender inequality. It is all too often considered as a “private, family issue”, widely accepted and minimized although it impairs the full enjoyment of life and fundamental rights and freedoms by victims and survivors who are overwhelmingly women.

Domestic Violence (DV) is a development challenge and has a high economic and social cost, including health and medical costs, death, suicide, depression, lost productivity, lost income, , psychological consequences and trauma, increased stress, reactive violence, reduced ability to study or find and hold a job, judicial and prison costs, economic insecurity and abuse, debt, housing instability, homelessness, *inter alia*<sup>1</sup>. Beyond data and statistics, DV undermines autonomy and represents an enormous loss in terms of wellbeing not only for the women affected but also for the men who share their lives, for their children, their families and their societies.

The Compendium on International and National Legal Frameworks on Domestic Violence (the “Compendium”) provides a survey of the key international and regional instruments as well as national legislation as they relate to domestic violence.

In this Compendium, DV is understood and defined as gender-specific violence, commonly directed against women, occurring in the family and in interpersonal intimate relationships<sup>2</sup>, and can encompass different types of abuse. As such, it includes legislation addressing DV as any type of violence (physical, sexual, psychological/emotional or financial/economic) committed by an intimate partner or family member. A number of countries have adopted legislation on DV against women specifically while others have not defined the gender of the victim or survivor.

The Compendium is a working document intended as a reference tool for anyone interested in the topic of DV – survivors, advocates, development practitioners, lawyers, policy makers, academics, among others. It does not constitute an exhaustive treatment of the legal framework on DV and may be updated from time to time.

The Compendium consists of topical chapters with jump links to source documents, such as United Nations conventions, regional treaties, and national legislations<sup>3</sup>. It is based on information available online, offline or both, and relies on research conducted, verified and

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<sup>1</sup> Some research shows that DV costs USD 460 billion each year in the USA and USD 4.3 trillion internationally.

[https://www.washingtonpost.com/opinions/the-cost-of-domestic-violence-is-astonishing/2018/02/22/f8c9a88a-0cf5-11e8-8b0d-891602206fb7\\_story.html?noredirect=on&utm\\_term=.00059cae58fd](https://www.washingtonpost.com/opinions/the-cost-of-domestic-violence-is-astonishing/2018/02/22/f8c9a88a-0cf5-11e8-8b0d-891602206fb7_story.html?noredirect=on&utm_term=.00059cae58fd);

<sup>2</sup> Based on several United Nations documents, including the United Nations General Assembly, Declaration on the Elimination of Violence against Women, December 20, 1993; United Nations Economic and Social Council 1996; UNHCR 2005; United Nations 2010.

<sup>3</sup> Jump links are in bold colored font and can be accessed by clicking on the link which will take the reader to the source document.

updated as of December 2018<sup>4</sup>. The hyperlinked references are not under the control of the World Bank, nor is the World Bank responsible for the accuracy of the content provided through these references. The content of the Compendium does not necessarily reflect the views of the World Bank, its Board of Executive Directors, or the governments they represent. Furthermore, the World Bank does not guarantee the accuracy of the data included in this work.

The research on country-level DV legislation builds on the *Women Business and the Law*<sup>5</sup> database and includes additional legislation found during the course and time-frame for compiling the research. The Compendium is limited to countries that have adopted specific laws or provisions addressing DV<sup>6</sup> and includes legislation from almost 160 countries; as such, the absence of a country's name may be due to the fact that no DV legislation has yet been enacted or that no information was available online<sup>7</sup>.

Ending all forms of gender-based violence, including domestic violence, is a critical development objective and comprehensive legislation addressing DV is a key first step towards ensuring prevention and protection. It is also a *sine qua non* condition for any effective strategy to address the problem. Nonetheless, many countries worldwide have yet to adopt laws against DV, while many others have adopted legislation that fails to comprehensively offer protection for the different types of survivors and against the different forms of abuse.

We hope the Compendium will contribute to this urgent and important debate.

Isabella Micali Drossos  
Maya Goldstein-Bolocan  
Paula Tavares

World Bank

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<sup>4</sup> Because it was developed primarily based on information publicly available online, the Compendium includes references to more than several hundred URLs and links to available treaties, laws and electronically published documents. All referenced URLs and links were verified and active at the time they were inserted. There is no guarantee as to their future accessibility nor as to the continued accuracy of the information contained therein after the last date on which they were last accessed and verified.

<sup>5</sup> See more at <http://wbl.worldbank.org/en/data/exploretopics/protecting-women-from-violence>

<sup>6</sup> Specific provisions addressing DV may include those in domestic violence laws, criminal codes, or laws on gender-based violence or violence against women more generally, provided they address violence or abuse between spouses, within the family or members of the same household, or in interpersonal relationships, including intimate partner violence.

<sup>7</sup> When legislative information was not available online but was found by the team of authors, these have been attached as annexes to the Compendium.

COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON  
DOMESTIC VIOLENCE

**VOLUME V**

**ANNEXES TO THE COMPENDIUM**

COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON  
DOMESTIC VIOLENCE

**ANNEX I: LEGISLATION FROM COMOROS**

COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON  
DOMESTIC VIOLENCE

ANNEX II: LEGISLATION FROM DOMINICA

COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON  
DOMESTIC VIOLENCE

**ANNEX III: LEGISLATION FROM GAMBIA**

COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON  
DOMESTIC VIOLENCE

**ANNEX IV: LEGISLATION FROM GUINE BISSAU**

COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON  
DOMESTIC VIOLENCE

ANNEX V: LEGISLATION FROM ST. KITTS AND NAVIS



COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON  
DOMESTIC VIOLENCE

ANNEX VI: LEGISLATION FROM SÃO TOME AND PRÍNCIPE



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